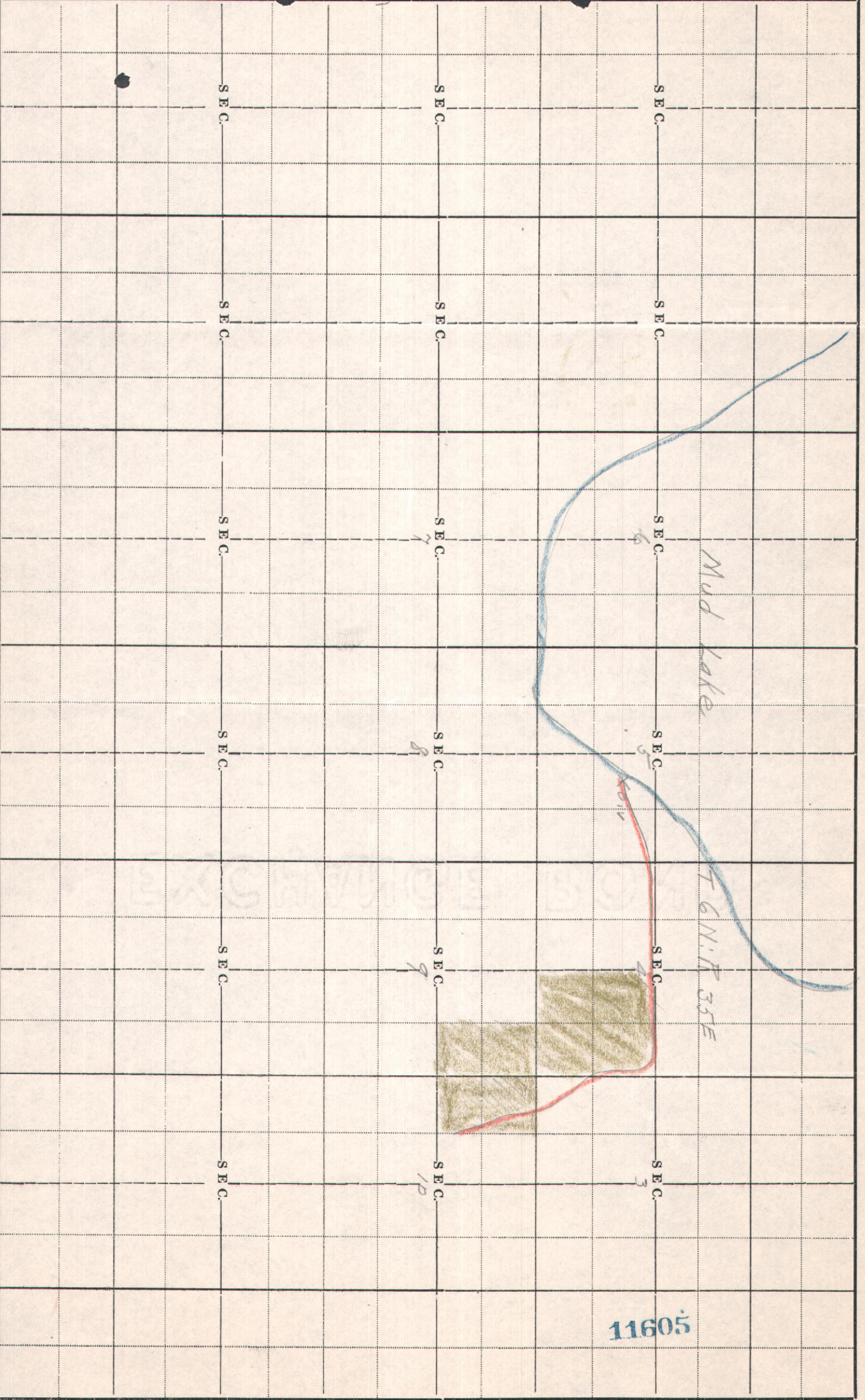


NAME OF APPLICANT Mari Wiley # 11605





NAME OF APPLICANT

Marie Wiley

Tract 6. North Range 35. East 13. 2u.

deeper.

cultivated and irrigated and has raised crops

planted, and ditched but not irrigated

SEC 17

SEC 18

SEC 19

SEC 20

SEC 21

SEC 22

SEC 6

SEC 7

SEC 8

SEC 9

SEC 10

SEC 11

11605



State of Idaho  
License and Certificate of Water Right

Water License No. 11605Amount 6.4 sec. ft.Water District No. 65Priority Sept. 2, 1915.

THIS IS TO CERTIFY that MARIE WILEY  
of Hamer, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated September 2, 19 15; that Permit No. 11605  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4  
second feet, was issued thereunder on November 3, 19 19, showing that said works  
were completed on the 28th day of June, 19 18; and that on the 24th  
day of December, 19 19,

MARIE WILEY,

of Hamer, State of Idaho, made proof to the satisfaction of the  
~~Commissioner of Reclamation~~ State Engineer of Idaho, of a right to the use of the waters of Mud Lake,  
a tributary of -----, for the purpose of irrigation use,  
under Use Permit No. 11605 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~~  
~~Commissioner of Reclamation~~ Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2611, on the 8th  
day of September, 19 20;

The right hereby confirmed dates from September 2, 19 15;

The Point of Diversion is located  
in the NW 1/4 SE 1/4, Sec. 5, Tp. 6 N., R. 35 E., B. M. County of Jefferson.

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 6.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N	35 E	4	SE 1/4 SE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
		9	NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
		10	NW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40
			NE 1/4 NW 1/4	40	40

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~~ State Engineer of Idaho, this 8th  
day of September, 19 20.

W. G. SWENDSEN,

Commissioner of Reclamation ~~State Engineer~~

(SEAL)

By S. T. BAER,  
Deputy.

31-2101

State of Idaho  
License and Certificate of Water Right

Water License No. 8751  
Water District No. 65

Amount 2.4 sec. ft.  
Priority Sept. 21, 1912.

THIS IS TO CERTIFY that CLARENCE O. MAGILL  
of Hamer, Idaho,, made application for a permit to appropriate the  
public waters of the State of Idaho, dated September 21, 19 12; that Permit No. 8751  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4  
second feet, was issued thereunder on September 25, 19 16, showing that said works  
were completed on the 15th day of September, 19 16; and that on the 13th  
day of October, 19 19,

CLARENCE O. MAGILL  
of Hamer, State of Idaho, made proof to the satisfaction of the  
Commissioner of Reclamation  
State Engineer of Idaho, of a right to the use of the waters of Camas Creek,  
a tributary of Kud Lake, for the purpose of irrigation & domestic use,  
under Use Permit No. 8751 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  
Commissioner of Reclamation  
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2610, on the 8th  
day of September, 19 20;

The right hereby confirmed dates from September 21, 19 12;

The Point of Diversion is located in Lot 4 of  
in the 1/4 1/4, Sec. 3, Tp. 6 N., R. 35 E., B. M.  
County of Jefferson.

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 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N	35 E	3	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40

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  
State Engineer, affixed at Boise, Idaho, this 8th  
day of September, 19 20.

W. G. SWENDSEN  
Commissioner of Reclamation State Engineer  
By S. T. BAER,  
Deputy.

(SEAL)

No. 16849

# APPLICATION FOR PERMIT 31-2184

## TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

1. Name of applicant: Marie Wiley,

Postoffice address: Hamer

County: Jefferson 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 6.4 cubic feet per second.

3. Source of water supply: Mud Lake

4. Location of point of diversion: NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 5, Township 6 North, Range 35 East, B. M.

County of Jefferson

5. To be used for: irrigation purposes

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 320 acres.

- (b) In the following legal subdivisions: SE $\frac{1}{4}$  Sec. 4, E $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 9, W $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 10, Township 6 North, Range 35 East B. M.

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: \$2100.00

7. Description of works for diversion:

I. Kind of works: ditch

II. Dimensions of works:

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

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit ditch width at bottom 16 feet,

width at water line 20 feet, depth of water 4 feet; diameter of pipe

inches; average grade per mile is 4 feet. Length of conduit is 1 $\frac{1}{2}$  miles,  
and it crosses the following quarter sections: SE $\frac{1}{4}$  Sec. 5, SW $\frac{1}{4}$ , SE $\frac{1}{4}$  Sec. 4, SW $\frac{1}{4}$   
Sec. 3, Township 6 North, Range 35 East B. M.

8. The time required for the completion of the construction of such work is 3 years.

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

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

Marie Wiley,

Applicant.

By Lorenzo R. Thomas, Agent.

Date of first receipt at office of State Engineer 9.00. a.m. September 2, 1915.

Returned to applicant for correction

Corrected application received

### APPROVAL OF STATE ENGINEER

The number of this permit is 11605

Recorded in Book 39 Page 11605 Approved September 11, 1915.

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 November 10, 1915 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 March 11, 1917.

The whole of said work to be completed on or before September 11, 1918.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 11, 1919.

Witness my hand this 11th day of September, 1915.

J. H. Smith,  
State Engineer.

#### Remarks:

The boundaries of Mud Lake extend to and cover a part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 6 North, Range 35 E. B. M. the point of diversion as shown in this case. The W $\frac{1}{2}$  SE $\frac{1}{4}$  of said Sec. 5 is a part of the homestead entry of Sarah Binnard. The point of diversion, however, is in the Lake and does not interfere with the holdings of the said entrywoman, but if it should, we have her permission to take the water as shown on the maps. This point of diversion, however, was established before the Binnard Homestead entry was made. Applicant will simply use a large old ditch now constructed for the purpose of conveying her water to the land to be irrigated.

Reinstated under terms of H. B. 53, L. 1917.

Works completed: June 28th, 1918.

Certificate issued: Nov. 3, 1919.

Permit No. 11605

### CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Marie Wiley of Hamer, County of Jefferson, and State of Idaho, the holder of Permit No. 11605, issued upon Application No. 16849, bearing date of priority of September 2, 1915, authorizing the diversion of 6.4 second feet of the waters of Mud Lake, County of Jefferson, 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 Mud Lake; that the point of diversion of said waters is in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 5, T. 6 N., R. 35 E. B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ , Sec. 4; E $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 9; W $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 10, T. 6 N., R. 35 E. B. M.

Witness my hand this 3d day of November, A. D. 1919.

W. G. Swendsen.  
Commissioner of Reclamation  
By: S. T. Baer. RFL.  
Deputy

License issued for 6.4 second feet  
Page 2611

September 10, 1920

Bash L. Bennett  
Rigby, Idaho

Re Permit No. 11605 -  
Marie Wiley

Dear Sir:

I am enclosing herewith license issued under  
the above numbered permit, together with receipt for fees.

Very truly yours,

W. G. SWENSON

Commissioner of Reclamation

By \_\_\_\_\_

W. L.  
R.5557

11605

OFFICE OF THE ASSESSOR  
JEFFERSON COUNTY

RIGBY, IDAHO

July 19th.

1920.

Hon .W.G.Swendson,  
Boise, Idaho.

Dear sir;

I am enclosing you herewith my check for \$16.00  
same being for license of Marie Wiley, of Hamer, Idaho, for  
license for beneficial use of the waters of Mud Lake.

Will you kindly mail me the license for this when issued?

Thanking you for your attention to these matters, I am

Respectfully,

*Bash L Bennett*

11805



July 14, 1920.

Re: Permit 11605 - Marie Wiley.

Mr. Bash L. Bennett,  
Attorney, Rigby,  
Idaho.

Dear Sir:

Upon receipt of fees amounting to \$16.00, \$2.00 for  
each 40-acre tract under cultivation, license under the above  
numbered permit will be issued.

Yours very truly,

W. G. Swendsen,  
Commissioner of Reclamation,

By: \_\_\_\_\_

CMB:MW

11605

# REPORT OF ENGINEER

This proof is for Beneficial Use

In Water District No. 65

1. State name of applicant and number of permit: Marie Wiley - Permit 11605
2. State source of water supply: Mud Lake
3. Location of point of diversion: NW<sup>1</sup>SE<sup>1</sup> Sec.5, T. 6 N., R. 35 E., B.M.
4. Describe works as they exist, giving dimensions and capacities of same:
 

Concrete H.G. 8' B. 6' D. with 36" iron pipe.

Ditch 12' B. 3' D.

12" Cent. pump. 15 H.P. Elec. Motor. 7' Lift.
5. State whether or not water has been turned into works of diversion: Yes.
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): SE<sup>1</sup> Sec. 4; E<sup>1</sup>NE<sup>1</sup> Sec.9; W<sup>1</sup>NW<sup>1</sup> Sec.10, T. 6 N., R. 35 E., B.M.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? One.
9. Give names and amount of each right Marie Wiley.
10. What large stream would the water here appropriated finally reach? Mud Lake.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks: 80 A. grain, 80 A. pasture.

This examination was made on the 28 day of Apr. 19 20.

(Signed) L. R. Annett.  
L. R. Annett.

Examiner.

**11605**



Marie Wiley  
Hamer, Ida.  
Permit 11605

5-6435E

Instructions to Examiners

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

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

STATE OF IDAHO,

ss.

County of \_\_\_\_\_

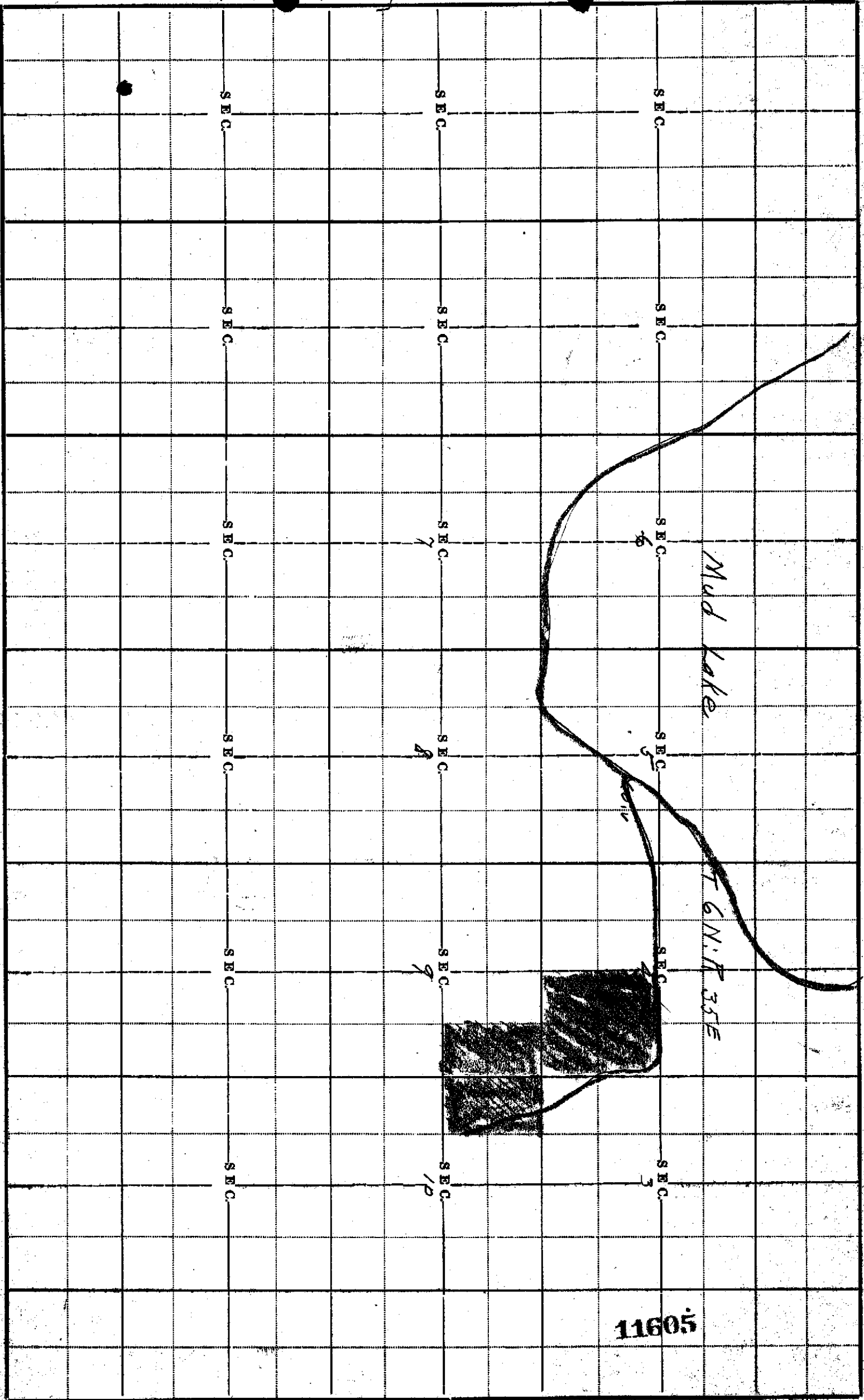
\_\_\_\_\_, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My commission expires \_\_\_\_\_

Notary Public. \_\_\_\_\_

NAME OF APPLICANT *Mori Wiley - # 11605*



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



December 27, 1919.

Re: Permit 11605 - Marie Wiley.

Eash L. Bennett,  
Attorney,  
Bigby, Idaho.

Dear Sir:

We are to-day in receipt of yours of the 24th instant, enclosing depositions and affidavit of publication for proof of beneficial use of water under the above numbered permit. These will be placed on file here pending the examination by an engineer from this office, at which time you will be further notified as to fees required before issuing license.

Yours very truly,

W. G. SWENDSEN,

Commissioner of  
Reclamation,

By

B/B.

11605

BASH L. BENNETT

RIGBY, IDAHO

December 24th.  
1919.

RECEIVED

DEC 27 1919

DEPARTMENT OF RECLAMATION

Hon. W.G. Swendsen  
Boise, Idaho.

Dear sir;

I enclose you herewith deposition in the matter of  
proof of application of water to beneficial use in permit #11605 Marie Wiley  
also proof of publication of same.

Will you kindly acknowledge receipt of these and when  
this matter is ready for issuing water license kindly advise me the amount  
to remit for same.

Thanking you for your attention to these matters, and wishing  
you a Merry Christmas, I am,

Respectfully,

*Bash L. Bennett*

11605



# Affidavit of Publication

STATE OF IDAHO, County of Jefferson, ss.—

I, R. I. Jones, do solemnly swear that I am the manager of THE RIGBY STAR, a weekly newspaper of general circulation, published once each week at Rigby, Jefferson County, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication was published in said newspaper four consecutive weeks; first publication having been made on the 27th day of November, 1919; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper and not in a supplement. Subscribed and sworn to before me this 23rd

R. I. Jones

day of December, A. D., 1919

Bash L. Bennett

Notary Public, residing at Rigby, Idaho

Publication Fee \$ 8.00

## NOTICE FOR PUBLICATION. Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 A. M. on the 24th day of December, 1919, at Rigby, county of Jefferson, State of Idaho, before Bash L. Bennett, a Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Mud Lake in accordance with the terms and conditions of Permit No. 11605 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 Marie Wiley, Hamer, Idaho.

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

3. The amount applied to beneficial use is 6.4 cubic feet per second.

4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SE 1-4; section 4; E 1-2 N E 1-4; Section 9; and W 1-2 NW 1-4, Section 10, all in township 6 North Range 35 East Boise Meridian.

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

6. The right to take water from such works is based upon permit No. 11605.

7. The source of supply from which said water is diverted is Mud Lake.

8. The date of the priority which said user is prepared to establish is June 5th, 1917.

W. G. SWENDSEN,  
Commissioner of Reclamation.  
(November 27-Dec. 18.)

*My Commission  
Expires Nov. 9<sup>th</sup> 1922*

11605

PERMIT No. 11605**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. Marie Wiley, aged 48, housewife, Mud Lake, Hamer, 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. no.

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

Ans. 11605, September 11th, 1915. June 5th, 1917.

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

Ans. N Mud Lake, NW $\frac{1}{4}$ SE $\frac{1}{4}$ : section 5, Twp. 6 North Range 35 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. Canal 16 ft at bottom 4 ft deep, and 20 ft, at water line.  
Has a centrifugal pump and electric motor, and will pump about 500 or  
600 miners inches of water, name of canal is the Wiley Ditch. Canal will  
carry over 3000 miners inches or 60 second feet.

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. For irrigation purposes. Have irrigated the SE $\frac{1}{4}$ : <sup>sec. 4</sup> ~~section 4~~ and the  
section 9.  
ENE $\frac{1}{4}$ : same section, a small portion of the NW $\frac{1}{4}$  sec. 10 has been irri  
Land is all fenced and plowed. Irrigated possibly 80 acres without first  
cultivation.

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

Ans. No.

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

Ans. 6.4 second feet.

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

Ans. I am the identical person who made this application.

11605

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

Ans. June 5th, 1917 I used about 500 miners inches on the SE 1/4 sec. 4  
and irrigated possibly 80 acres that year, and have increased the irrigated  
acreage each year, untill now I have irrigated about 240 acres.

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

Ans. Just as above stated.

(Sign) Marie Wiley

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 Rigby, County of Jefferson State of Idaho, on this 24th day of December

A. D. 19 19

Barth L. Bennett  
Notary Public.  
Residing at Rigby, Idaho.

My commission expires Nov. 9th, 1922.

41605





Permit No. **11605**

## Proof of Application of Water to Beneficial Use

## DEPOSITION OF WITNESS

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

Ans. **George Cuthbert, aged 48, Deputy Sheriff, Rigby, Idaho.**Ques. 2. Are you acquainted with **Marie Wiley**, the holder of Permit No. **11605**? How long have you known him and where does he reside?Ans. **Yes over 4 years, at Mud Lake, Hamer, Idaho.**Ques. 3. Have you read or heard read said Permit No. **11605**, and are you familiar with its provisions and conditions?Ans. **Yes.**

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

Ans. **Mud Lake. NW $\frac{1}{4}$ SE $\frac{1}{4}$ : sec. 5 Twp 6 North Range 35 E.B.M. Main canal is about 16ft at bottom 20 ft. at water line and over 4 ft. in depth.**

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 60 second feet or 3,000 miners inches.**

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.

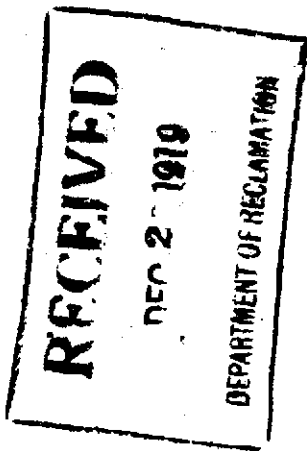
Ans. **Irrigation purposes. SE $\frac{1}{4}$ :E $\frac{1}{2}$ NE $\frac{1}{4}$ : section 9 were all irrigated and a small part of NWNW $\frac{1}{4}$ : section 10, land was cultivated except about 80 acres was irrigated before cultivation. Land has been cropped three years, and as a result alfalfa hay has been raised. Land is all fenced.**

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

Ans. **No.**

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. **Land is sandy soil, is mostly level, there is some sand ridges across it in places that will require leveling before irrigation can take place. Land requires one inch per acre continuous flow.****11605**



11605

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. In June say about the first of June, 1917, saw over 500 inches applied, and about 240 acres of the land has been irrigated. This is all of the SE 1/4 and the NW 1/4; section 369 and some in section 10. Some of this land has been irrigated each year since June 1917.

(Sign) *George W. Witham*

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 Rigby, County of Jefferson, State of Idaho, on this 24th day of December A. D. 1919

*Paul A. Leonard*  
Notary Public.

My commission expires Nov. 9th, 1922.

Permit No. 11605

## Proof of Application of Water to Beneficial Use

## DEPOSITION OF WITNESS

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

Ans. C.W. Dunkin, aged 35, farmer, Hamer, Idaho.

Ques. 2. Are you acquainted with Marie Wiley, the holder of Permit No. 11605? How long have you known him and where does he reside?

Ans. Over 4 years I have known Marie Wiley, she resides at Hamer, Idaho which is near Mud Lake.

Ques. 3. Have you read or heard read said Permit No. 11605, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Mud Lake. NW $\frac{1}{4}$ SE $\frac{1}{4}$ : sec. 5 Twp. 6 North Range 35 E.B.M.

Has a ditch about 16 ft at bottom 20 ft. at water line and is over 4 feet in depth.

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. Would carry about 3,000 miners inches. Have seen the ditch full of water and carrying about that amount of water.

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 purposes.

SE $\frac{1}{4}$ : E $\frac{1}{2}$ NE $\frac{1}{4}$ : section 9, were all irrigated, and a small part of the NWNW $\frac{1}{4}$  sec. 10. Land was cultivated except about 80 acres natural meadow. Land has been cropped 3 years as a result, and alfalfa hay raised. Land is all fenced.

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

Ans. no just for irrigation.

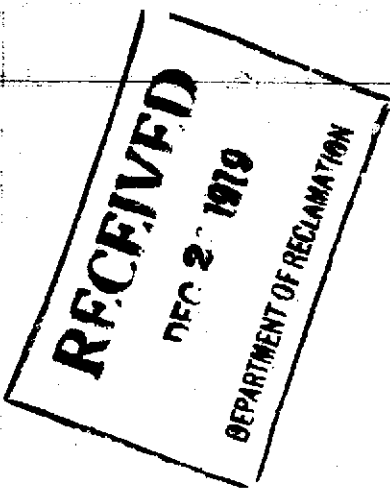
Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is a sandy loam soil and requires about an inch per acre. Land is nearly level some sand ridges across the land not susceptible of irrigation except by leveling.

11605

Dist: 65





11605

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. Have saw water applied in or about June 5th, 1917 irrigated about 240 acres this was sec. 2 and the E. 1/2 section 9. This land has been irrigated every year since used over 500 miners inches. at each irrigation.

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 Rigby, County of Jefferson, State of Idaho, on this 24th day of December A. D. 1919

*Robert A. Bennett*  
Notary Public, residing at Rigby, Idaho.

My commission expires Nov. 9th, 1922.

**State of Idaho**  
**ENGINEERING DEPARTMENT**  
**BOISE**

**INSTRUCTIONS**

**PROOF OF BENEFICIAL USE**

BOISE, IDAHO, **December 8, 1919.**

**Marie Wiley,**  
**c/o Bash L. Bennett,**  
**Rigby, Idaho.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 11605

DEPOSITION OF PERMIT HOLDER,  
DEPOSITIONS OF TWO WITNESSES.

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

1. On December 24, 1919, 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 Rigby, Idaho, before Bash L. Bennett

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. Swendsen,

~~State Engineer.~~  
**Commissioner of Reclamation.**

**11605**

(P. O.)

11-24-19

(Date)

Regley Star

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of #60 Nov 22, 1919 enclosing notice of proof under  
Permit No. 11605 which will be published as you request, beginning with our issue of Nov  
27th, 19

Regley Star  
H. B. Jones

11605

November 22, 1919.

Re Permit 11605-Marie Wiley.

Bash L. Bennett, Attorney,  
Rigby, Idaho.

Dear Sir:--

Relative to proof under above permit would say that I have set December 24th as date for making proof, at Rigby, and notice has today been mailed to the Rigby Star.

Deposition blanks will be mailed to you later.

Very truly yours,

W. G. SWENSON,

Commissioner of Reclamation.

By \_\_\_\_\_

11605



November 20, 1919.

In re: Permit 11605.

Marie Wiley,  
Hawer, Idaho.

Dear Madam:

Find enclosed, herewith Certificate of Completion  
of Works, under the above numbered permit, together with  
receipt covering fees submitted.

Yours very truly,

W. G. SWENSON,

Commissioner of Reclamation,

By

11605

BASH L. BENNETT

RIGBY, IDAHO

November 15th.  
1919.

Commissioner of Reclamation.

Boise, Idaho.

Dear sir;

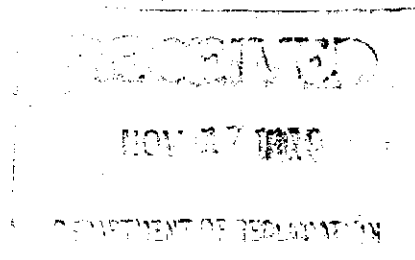
I enclose you herewith Notice For Publication under permit #11605, Marie Wiley, and would request that this be published in the Rigby Star at Rigby, Idaho.

Thanking you for your attention to this matter, I am,

Very truly yours,

*Bash L. Bennett*

11605



## NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER  
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 24 day of December, 19 19,  
at Rigby 10 A, County of December, State of Idaho,  
before Rigby Jefferson, proof will be submitted  
of the application to beneficial use of Bash L. Bennett, a Notary Public, cubic feet per second of the  
waters of 6.4 in accordance with the terms and conditions of  
Permit No. Mud Lake 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 11605

2. Marie Wiley, Hamer, Idaho.  
The use to which said water has been applied is

Irrigation purposes.  
3. The amount applied to beneficial use is

4. The place where said water is used (if for irrigation, give full and accurate description of the  
lands irrigated) 6.4

SE 1/4: section 4, E 1/2 NE 1/4: Section 9, and W 1/2 NW 1/4: section 10,  
all in township 6 North Range 35 East Boise Meridian.

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

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

7. The source of supply from which such water is diverted is 11605

Mud Lake

8. The date of the priority which said user is prepared to establish is

June 5th, 1917.

W. G. Swendsen,  
Commissioner of Reclamation  
State Engineer.

65  
11605

November 18, 1919.

In re: Permit 11605.

Rash L. Bennett,  
Rigby, Idaho.

Dear Sir:

Pursuant to your request of the 11th, I am enclosing  
herewith blanks to be used in giving notice of intention to  
submit proof under the above numbered permit, Marie Wiley,  
holder. These blanks should be submitted to this department  
in duplicate.

Yours very truly,

W. G. SWENDSEN,

Commissioner of  
Reclamation,

By

Chief Clerk.

L/S.  
Enc.

11605



BASH L. BENNETT

RIGBY, IDAHO

November 11th.

1919.

Hon. W.G. Swendsen,  
Boise, Idaho.

Dear sir;

Regarding your letter to Marie Wiley of the  
4th. inst, regarding beneficial use of water under permit # 11605,  
beg to advise you that this holder desires to go ahead and make  
proof of ~~beneficial~~ use. Kindly mail to me the necessary blanks,  
and we will proceed with the matter as you suggest.

Very truly yours,

*Bash L. Bennett*

11605

OFFICE OF THE DEPARTMENT OF RECLAMATION  
OF THE STATE OF IDAHO.

In the Matter of the Re-instatement  
of Permit No. 11605, under the  
Provisions of H. B. 53, Session Laws  
1917. } **D E C I S I O N and O R D E R.**

Permit No. 11605 lapsed on the 11th day of September,  
1918, by the failure of the holder to make proof of completion of  
the works of diversion, required by law, and as set forth in the permit  
itself.

Notice that such proof was due was regularly given the holder by  
this office on the 26 day of June, 1918.

On the 4th day of October, 1919, notice to  
show cause why said permit should not be cancelled under the terms of  
H. B. 53, Session Laws, 1917, was duly served on the holder in accord-  
ance with law.

Whereupon, the holder made appearance within the required time  
and submitted affidavits showing that the said works were completed  
within the required time, to-wit: on the 28th day of June 1918

And, after examination of said affidavits and proofs, the  
Commissioner of Reclamation is satisfied that the holder of the said  
Permit No. 11605 has proceeded in good faith, and has completed works  
of diversion and made use of water therein for beneficial purposes.

Whereupon, without further proceedings or hearing in the matter it  
is ordered that said Permit No. 11605, be, and the same is, hereby  
re-instated and that a certificate of completion of works thereunder  
be issued immediately.

Dated Nov. 3, 1919

W. G. Swendsen

Commissioner of Reclamation.

By:  Deputy.

11605

November 4, 1919.

In re: Permit 11605.

Mario Wiley,  
Hamer, Idaho.

Sir:

This will acknowledge receipt, at this department, of an affidavit praying for an extension of time in which to make proof of beneficial use of water appropriated under the above numbered permit.

The records indicate that proof of beneficial use was due September 11, 1917, and, under our statutes, an application for the extension of the time in which to submit proof of beneficial use should be submitted to us within 30 days after the date set out in the permit for the submission of such proof.

Up until a short time ago your permit stood as lapsed on our record and has just been reinstated and a certificate of completion of the works issued.

There is no way, under the statute, where we can allow your application for extension of time. I would suggest to you that you submit proof of beneficial use on the water that you have used, and thus save as early a date of priority as possible. After you have put to beneficial use the remainder of the water claimed, then you would be allowed to submit another proof taking a later date of priority.

Yours very truly,

W. G. SWENDSEN,

Commissioner of  
Reclamation,

By

Chief Clerk.

11605

L/B.

BASH L. BENNETT  
Attorney at Law  
RIGBY, IDAHO

November 1st.

1919.

Hon. W.G. Swendsen

Boise, Idaho.

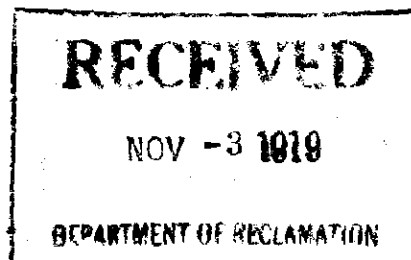
Dear sir;

I enclose you herewith corroborated affidavit of Marie Wiley for extension of time in which to show application of water for beneficial use. Thanking you for your consideration of this matter, I am,

Respectfully,

*Bash L. Bennett*

11605



APPLICATION FOR EXTENSION OF TIME IN WHICH TO SUBMIT  
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

State of Idaho.  
County of Jefferson. ss.

Marie, Wiley, being first duly sworn deposes and says; that she is the owner and holder of permit #11605 heretofore issued her by the State of Idaho, and by the terms of said permit this affiant was to submit proof of water to beneficial use September 12th, 1919, but that affiant did not do so, that through the error and mistake of affiant, the terms of said permit was overlooked, but that affiant did have complete at that time the works of diversion, and that affiant had irrigated from 75 to 100 acres of said lands, and had nearly the entire 320 acres cleared and ditched ready for plowing and planting and that affiant has expended the sum of \$2500.00 in completion of works and ditches, and that if given two years additional time affiant can comply with all the requirements and have all the irrigable portion of this lands under irrigation and cultivation.

WHEREFORE affiant asks that she be given 2 years additional time from September 12th, 1919.  
Subscribed and sworn to before me  
this 1st day of November, 1919.

Bash R. Bennett

Notary Public, residing at Rigby, Idaho

Marie Wiley

Hamer, Idaho.

we, E.L. Wiley, of Hamer, Idaho, and W. Gibson, of Roberts, Idaho, each being first duly sworn deposes and says; that they have read the foregoing affidavit, that they are well acquainted with the above named affiant and the lands described in said permit #11605, and that they know the above statements to be true of their own knowledge.

Rec'd Nov. 3-1919

E.L. Wiley

W. Gibson

Subscribed and sworn to before me this the 1st day of November, 1919.

Bash R. Bennett

Notary Public, residing at Rigby, Idaho

BASH L. BENNETT  
Attorney at Law  
RIGBY, IDAHO

November 1st.

1919.

Hon. W.G. Swendsen

Boise, Idaho.

11605

Dear sir;

I enclose you herewith recording fee <sup>\$5.00</sup> permit # 11605

Marie Wiley, same being completions of works, as per your letter of Oct. 30th.

I thank you for your consideration in this matter, and beg to  
remain,

Respectfully, *Bash L. Bennett*



October 30, 1919.

In re: Permit 11605.

Bash L. Bennett,  
Rigby, Idaho.

Dear Sir:

The above numbered permit will be reinstated and certificate of completion of works issued upon receipt of the statutory fee in the sum of \$5.

The permit stands on our records in the name of Marie Wiley.

Yours very truly,

W. G. SWENDSEN,

Commissioner of  
Reclamation,

By

Chief Clerk.

L/B.

11605

—OFFICE OF—

**Assessor Jefferson County, Idaho**

~~~~~  
Rigby, Idaho

October 27th

1919

W. G. Swenson.

Boise, Idaho.

Dear Sir:

We enclose herewith map of works of Marie Wiley  
permit number 11605, in connection these canals and ditches  
are of the same dimentions named in said permit.

Trusting this meets with your approval, I am

Very respectfully yours ,

*Bash L Bennett*  
x**11605**

NAME OF APPLICANT

Marie Wiley

Tract 6. North Ranges 35. East T. 2u.

SEC 6

SEC 5

SEC 4

SEC 3

SEC 2

SEC 1

SEC 7

SEC 8

SEC 9

SEC 10

SEC 11

SEC 12

SEC

SEC

SEC

SEC

SEC

SEC

deeper

Ballasted and improved and has raised edges

plowed and ditched but not irrigated

11605

October 25, 1919.

In re: Permit 11605.

Nash L. Bennett,

Bigby, Idaho.

Dear Sir:

I desire to apologize for not enclosing with our letter of October 21, the blank map form mentioned therein, and I am enclosing the form herewith.

Yours very truly,

W. O. SWEDSEN,

Commissioner of Reclamation,

By

Chief Clerk.

L/B.

Enc.

11605



D. W. DAVIS, GOVERNOR

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
W. G. SWENDSEN, COMMISSIONER  
BOISE

BUREAU OF WATER RESOURCES  
WATER APPROPRIATIONS  
CAREY ACT DEVELOPMENT

October 21, 1919.

11605  
In re: Permit ~~24605~~

Bash L. Bennett,  
Rigby, Idaho.

Dear Sir:

This will acknowledge receipt, at this department, of depositions under the terms of House Bill 53, Laws of 1917, under the above numbered permit, Marie Wiley, holder.

Kindly have permit holder submit to this department additional evidence by way of a map drawn on the enclosed form, showing the course of the completed ditch and of the completed laterals on her land and, if any, the reclaimed portions of her land.

Yours very truly,

W. G. SWENDSEN,  
Commissioner of  
Reclamation

By

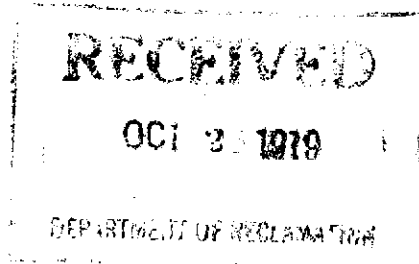
Chief Clerk.

L/B.

You failed to enclose the maps, kindly mail to me the maps you mention herein, and I shall be glad to comply with your requests.

Respectfully

Bash L. Bennett



11605

October 21, 1919.

In re: Permit <sup>11605</sup> ~~21605~~.

Bash L. Bennett,  
Rigby, Idaho.

Dear Sir:

This will acknowledge receipt, at this department, of depositions under the terms of House Bill 53, Laws of 1917, under the above numbered permit, Marie Wiley, holder.

Kindly have permit holder submit to this department additional evidence by way of a map drawn on the enclosed form, showing the course of the completed ditch and of the completed laterals on her land and, if any, the reclaimed portions of her land.

Yours very truly,

W. G. SWENDSEN,  
Commissioner of  
Reclamation.

11605

By

Chief Clerk.

L/B.



—OFFICE OF—

## Assessor Jefferson County, Idaho

Rigby, Idaho

October 17th.  
1919.

Hon. W.G. Swendsen

Boise, Idaho.

Dear sir;

I enclose you herewith depositions relating to proof of completion of works under Permit #11605 of Marie Wiley, and trust same will meet your approval. Will you kindly advise me when this permit is re-instated or of your disposition of this matter?

Thanking you in advance for this information, I am,

Respectfully,

*Bash L. Bennett*

11605

*Permit to  
May 3 9*

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 11605

# Proof of Completion of Works

## DEPOSITION OF WITNESS

Under Terms of H. B. 53, Laws 1917.

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

Ans. M.C. Turman aged 34, Hamer, Idaho, farmer Hamer, Idaho

Ques. 2. Are you acquainted with Marie Wiley, the

holder of Permit No. 11605, authorizing the diversion of 6.4 second-feet of the waters of

Mud Lake, at SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; sec. 10-6-35

for irrigation purposes? How long have you known him, and where does he reside?

Ans. About 5 years, at Hamer, Idaho

Ques. 3. Have you read or heard read said Permit No. 11605, and are you familiar with its terms and conditions?

Ans. Yes sir;

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes sir, sandy loam soil, nearly level, some sand ridges,  
will require at least one miners inch per acre. Land is SE $\frac{1}{4}$ ; sec. 4  
E $\frac{1}{2}$ NE $\frac{1}{4}$ ; sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ ; sec. 10 T. 6N. Range 35 East B.M.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Yes sir. On June 28th, 1918.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Ditch 16 ft, at bottom 20 ft. at water line, had a 12 or 14 inch  
centrifugal pump and electric motor, would throw about 500 miners  
inches I should judge.

(Sign here) M.C. Turman

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 Hamer, County

of Jefferson, State of Idaho, on this Seventeenth day of October

A. D. 1919

My commission expires Nov 9<sup>th</sup> 1922

**11605**

Basil L. Bennett  
Notary Public,  
residing at Rigby, Idaho

PERMIT No. 11605

## Proof of Completion of Works

### DEPOSITION OF WITNESS

*Under Terms of H. B. 53, Laws 1917.*

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

Ans. W. Gibson, aged 49, Roberts, Idaho. merchant, Roberts, Idaho.

Ques. 2. Are you acquainted with Marie Wiley, the holder of Permit No. 11605, authorizing the diversion of 6.4 second-feet of the waters of Mud Lake, at or near Hamer, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. Known her for over 5 years, at Mud Lake near Hamer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11605, and are you familiar with its terms and conditions?

Ans. Yes sir.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes, the land is sandy loam soil, and has some large sand ridges upon it, mostly level except for sand ridges. Will require at least one miners inch per acre. 320 acres of land as follows, SE $\frac{1}{4}$ ; sec. 4, E $\frac{1}{2}$ NE $\frac{1}{4}$ ; sec. 9 W $\frac{1}{2}$ NW $\frac{1}{4}$ ; section 10. T. 6 North Range 35 East B. N.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Yes sir; Were completed June 28th, 1918, I know this because that was the date the electric power was turned on at Mud Lake.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Ditch 16 ft. at bottom, 20 ft. at water line and had about 14 inch centrifugal pump and electric motor, this would pump about 500 miners inches - I should judge.

(Sign here) W. Gibson

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 Hamer, County of Jefferson, State of Idaho, on this Seventeenth day of October A. D. 1919.

My commission expires Nov. 9, 1922

Barth R. Bannard  
Notary Public, residing at Rigby, Idaho

11605

PERMIT No. 11605

# Proof of Completion of Works

## DEPOSITION OF HOLDER

Under Terms of H. B. 53, Laws 1917.

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

Ans. Marie Wiley aged 46 Hamer, Idaho. housewife, Hamer, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Acting on behalf of an individual.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. #11605, September 15th, 1915, 6.4 second feet, Mud Lake.  
NW 1/4 SE 1/4: section 5, Twp. 6 North Range 35 East B.M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you have reclaimed or intend to reclaim.

Ans. For irrigation and domestic purposes. For 320 acres as follows  
SE 1/4: sec. 4; E 1/2 NE 1/4: sec. 9, W 1/2 NW 1/4: Sec. 10, in T. 6 North Range 35 East B.M.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent. at

Ans. Yes on June 28th, 1918, used about 10 second feet.

Ques. 6. State whether or not the works of diversion are fully completed, if so on what date, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes, were fully completed on June 28th, 1918.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. They comply with the terms of the permit.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on Sept 11th, 1918, and give cost of same.

Ans. Ditch or canal 16ft at bottom and 20 ft. at water line, a pump  
and electric motor, that pumps 500 miners inches, continuous.  
The cost was over \$3500.00 ditch will carry about 20 second feet.

(Sign here.)

Marie Wiley

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 Hamer, County of

Jefferson

State of Idaho, on this

Seventeenth

day of

October

A. D. 1919

My Commission expires Nov. 9th, 1922.

Residing at Rigby, Idaho.

Notary Public.

11605

October 13, 1919.

In re: Permit 11605.

Bash L. Bennett,  
Rigby, Idaho.

Dear Sir:

This will acknowledge receipt of appearance under the terms of House Bill 53, Laws of 1917, under the above numbered permit, and I am enclosing, herewith, blank deposition forms together with instructions for use in making a showing towards reinstatement.

Yours very truly,

W. G. Swendsen,  
Commissioner of Reclamation,

By

Chief Clerk.

L/B.  
Enc.

11605

To W. G. Swendsen,  
Commissioner of Reclamation,  
Boise, Idaho,  
Sir:--

Receipt of notice that Permit No. 11605 is held  
for cancellation under H. B. 53, Session Laws of 1917, is  
acknowledged. I hereby enter an appearance and will offer  
proof to show that the works required thereunder were fully  
completed on the date proof of completion of works was due.

Marie Wiley  
By Barth R. Kinner  
Attorney or Agent

Dated at Boise, Idaho  
this 17<sup>th</sup> day of October  
1919.

11605



October 9, 1919.

In re: Permit 11605.

Bash L. Bennett,  
Rigby, Idaho.

Dear Sir:

This will acknowledge receipt, at this department, of the affidavit of Marie Wiley, relative to the above numbered permit.

If permit holder has completed her works by September 11, 1918, she will be permitted to make a showing under the terms of House Bill 55, Laws of 1917, and if such showing be deemed sufficient permit may be reinstated within the discretion of the head of this department.

I am enclosing herewith a blank to be used in making appearance under the terms of said act, and upon receipt of this blank deposition blanks will be forwarded for use in making the showing.

An application for an extension of time for beneficial use will not be entertained because of the fact that proof of beneficial use under the permit was due September 11, 1919, and under our statutes an application for extension of that time must reach this office within 30 days of the date set out for the proof of beneficial use. However, if the above numbered permit is reinstated the permit holder will be allowed to submit proof of beneficial use but her date of priority will be brought down to length of time which is the difference between the date proof should have been submitted and the date proof is submitted.

I am returning to you, herewith, a notice of allowance of permit holder's desert entry, the same being of no use to this office.

Yours very truly,

W. G. Swendsen,  
Commissioner of Reclamation,

By

Chief Clerk.

11605

L/B.  
Enc.

## Assessor Jefferson County, Idaho

Rigby, Idaho

October 7th,  
1919.

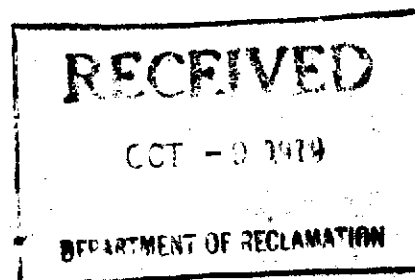
Department of Reclamation.

Boise, Idaho.

Gentlemen;

I enclose you herewith your notice of intention to cancel water permit #11605, and the affidavit of Marie Wiley, the owner of said permit as regards the reason for the failure to submit proof etc, as provided in said permit, also the notice of the allowance of her desert land entry, which notice I would respectfully ask that you kindly return when you make your decision in this matter. In case you allow the entry or permit to be reinstated, will you mail to me a blank upon which she can submit her affidavit of completion of works. I wish to state that I have visited these works and know the statements made in her affidavit are true and that the approximate cost so far has been about \$3,000.00. Will you address all correspondence to me in regards to this matter and oblige,

Respectfully,

*Gash L. Bennett*

11605

DEPARTMENT OF RECLAMATION.

Application for re-instatement of water permit #11605.

State of Idaho.

ss.

County of Jefferson.

Marie Wiley, being first duly sworn deposes and says; that she is the owner and holder of permit # 11605 heretofore issued by the State Engineer of the State of Idaho, and that Proof of Completion of the Works under said permit was to be submitted on or before September 11th, 1918 and upon which proof of application to beneficial use was to be submitted on or before Sept 11th, 1919, and affiant having been notified that said permit was to be cancelled, unless this affiant makes a proper showing regarding said permit, affiant desires to state as follows; That all of said works of diversion are fully complete and that two agricultural crops have been raised upon 75 acres of this land, and that all of said lands have been cleared and all is fenced and that all will be irrigated during the year, 1920, and that 50 additional acres are now prepared for planting in 1920, and affiant states that the reason for the failure to submit said proof as provided in said permit #11605 was that the land embraced in said permit was the desert land entry of affiant and that said desert land entry was not formally allowed until in February 1919, and that affiant become confused in the water permit and the desert land filing, and supposed that on account of the desert land filing not being allowed until this year, that it would be unnecessary to secure any other extension of time on said water permit. Affiant therefore respectfully asks that the said permit #11605 may be re-instated, and that affiant may be allowed to submit an affidavit showing completion of said works, and that affiant may be allowed time in which to submit affidavits asking for extension of time of one year in which to make proof of application of water to beneficial use.

Marie Wiley

Subscribed and sworn to before me this the 7th day of October, 1919.

**11605**

*Rec'd 9 Oct. 1919*

Wash L. Bennett  
Notary Public, res. "no R" v. T.

m 9 /

**Office of the State Engineer**  
BOISE, IDAHO

October 4th,

1918.

Re: Permit No. **11605**To **Marie Wiley,**  
**Hamer, Idaho.****11605**

It appearing to the State Engineer that the terms and conditions of Permit No. \_\_\_\_\_, to Appropriate the Public Waters of the State of Idaho, have not been complied with as to proof of completion of work by September 11, 1918.

you are hereby notified, in compliance with H. B. 53, approved February 28, 1917, that said Permit No. **11605** is hereby held for cancellation.

You are hereby required to show cause before the State Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. **11605** claims the use of **6.4** cubic feet per second of the waters of **Mad Lake**, with point of diversion located **N 1/4 SE 1/4 Sec. 5; Twp. 6 N.; R. 35 East, B. M.**, and was approved **September 11th,** 19**15.**

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this **Fourth** day of **October**, 19**19.**

W. G. STENDESEN.

State Engineer.

**11605**

**Office of the State Engineer**  
BOISE, IDAHO

October 4th, 1919.

Re: Permit No. 11605

To Marie Wiley,  
Hamer, Idaho.

It appearing to the State Engineer that the terms and conditions of Permit No. 11605,  
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to  
proof of completion of work by September 11, 1918.

you are hereby notified, in compliance with H. B. 53, approved February 28, 1917, that said Permit  
No. 11605 is hereby held for cancellation.

You are hereby required to show cause before the State Engineer on or before forty days from  
date of this notice why said Permit should not be cancelled.

Said Permit No. 11605 claims the use of 6.4 cubic feet per second of the  
waters of Mud Lake, with point of diversion located  
NW 1/4 SE 1/4, Sec. 5; Twp. 6 N.; R. 35 East, B. M., and  
was approved September 11th, 1915.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho,  
this Fourth day of October, 19 19.

W. G. SWENDSEN.

State Engineer.

11605

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Thos. J. Kelly

(Signature or name of addressee.)

M. M. Querry

(Signature of addressee's agent.)

Date of Delivery,

191

Form

11605

**Post Office Department**

**OFFICIAL BUSINESS**

**REGISTERED ARTICLE**

No. 5277

**INSURED PARCEL**

No. \_\_\_\_\_

**RECEIVED**

OCT -7 1918

DEPARTMENT OF RECLAMATION

COMMISSIONER OF RECLAMATION

PENALTY FOR PRIVATE USE  
TO AVOID PAYMENT OF  
POSTAGE, \$800.

POSTMARK OF DELIVERING  
OFFICE

6

1918

IDAHO

Return to \_\_\_\_\_

(NAME OF SENDER)

Street and Number, }  
or Post Office Box, }

**BOISE,**

**11605**

**IDAHO.**



RECEIPT FOR REGISTERED ARTICLE NO.

5277, 191

COMMISSIONER OF RECLAMATION class postage paid.

From

Addressed to

Mr. and Mrs. J. C. Wicks  
J. C. Wicks

Return receipt desired

Delivery restricted

05-0889

To addressee in person  
To addressee or order

11505  
Postmaster, per



**State of Idaho**  
**ENGINEERING DEPARTMENT**  
**BOISE**

**INSTRUCTIONS**  
**PROOF OF COMPLETION OF WORKS**

**Marie Wiley,**  
**Hamer,**  
**Idaho.**  
Dear Sir:—

Boise, Idaho,

JUN 26 1918

Under the terms of your Permit No. \_\_\_\_\_, you are required to complete your diversion works on or before \_\_\_\_\_ **11605** I enclose herewith blank affidavit to be filled out, sworn to by you before ~~Sept. 11, 1918~~ **Sept. 11, 1918** a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

J. H. SMITH,

*State Engineer.*

FRED A. WILKIE

~~XXXXXXXXXX~~

**11605**

**11605**

State of Idaho  
ENGINEERING DEPARTMENT  
BOISE

Permit #11605-Wiley.

Boise, Idaho.

Thomas & Andersen,  
Blackfoot, Idaho.

Sept. 13, 1915.

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

11605

Maria Wiley

2p. 6 n. R 35 E Bm

~~SEC.~~  
1.

|      |       |
|------|-------|
| Main | Ditch |
|------|-------|

SEC.  
1

SE 6.

11605

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

THOMAS & ANDERSEN  
ATTORNEYS AND COUNSELLORS AT LAW  
TELEPHONE 175 P. O. BOX 336  
BLACKFOOT, IDAHO

OK let  
1/60

September  
1st  
1915

Hon. State Engineer,  
Boise,  
Idaho.

C

Dear Sir:

16849

We hand you herewith the application for permit of Marie Wiley, appropriating 6.4 cubic feet of the waters of Mud Lake together with out check for \$1.60 in payment of your fees.

We will appreciate the allowance and return of this permit at the earliest possible moment because the same should now be on file in connection with a certain desert land application in the United States Land Office at Blackfoot.

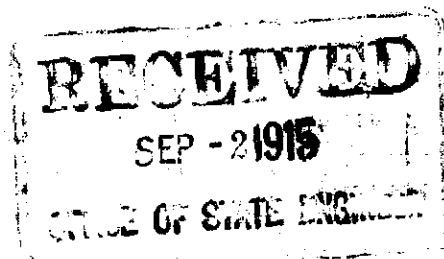
After this application is properly listed in its turn and takes the proper number, if it could then be given special attention for a quick return, we certainly would appreciate the favor very much.

Yours very respectfully,

THOMAS & ANDERSEN,

By *L.R. Thomas*

LRT-JC  
Encl.-2



11605