

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a.m. on the 5th day of September, 1918, at Bruneau, County of Owyhee, State of Idaho, before D. A. Utter, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of Mary's Creek, in accordance with the terms and conditions of Permit No. 9520 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 John Peters, Tindall, Idaho.

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

3. The amount applied to beneficial use, one cubic foot.

4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated): About 35 acres situated in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28 and the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 27, T. 13 S., R. 5 E., B.M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use, Peters' Ditch No. 2.

6. The right to take water from such works is based upon Permit No. 9520.

7. The date of the priority which said user is prepared to establish is July 21, 1913.

FRED A. WILKIE,
State Engineer.

OFFICE OF STATE ENGINEER

Affidavit of Publication

STATE OF IDAHO }
County of Owyhee } ss

Charles Pascoe

being duly sworn, deposes and says that he is the

Publisher of OWYHEE NUGGET, a weekly newspaper published at Bruneau, Idaho; that the said newspaper is in general circulation in Owyhee County; that a copy of the above notice, as per clipping attached, was published in the regular

and entire issue of said newspaper for 4 consecutive weeks, beginning with the issue of

August 8th, 1918, and ending with the issue of August 29th 1918

Charles Pascoe

Subscribed and sworn to before me this 10th day of February 1919

Notary Public

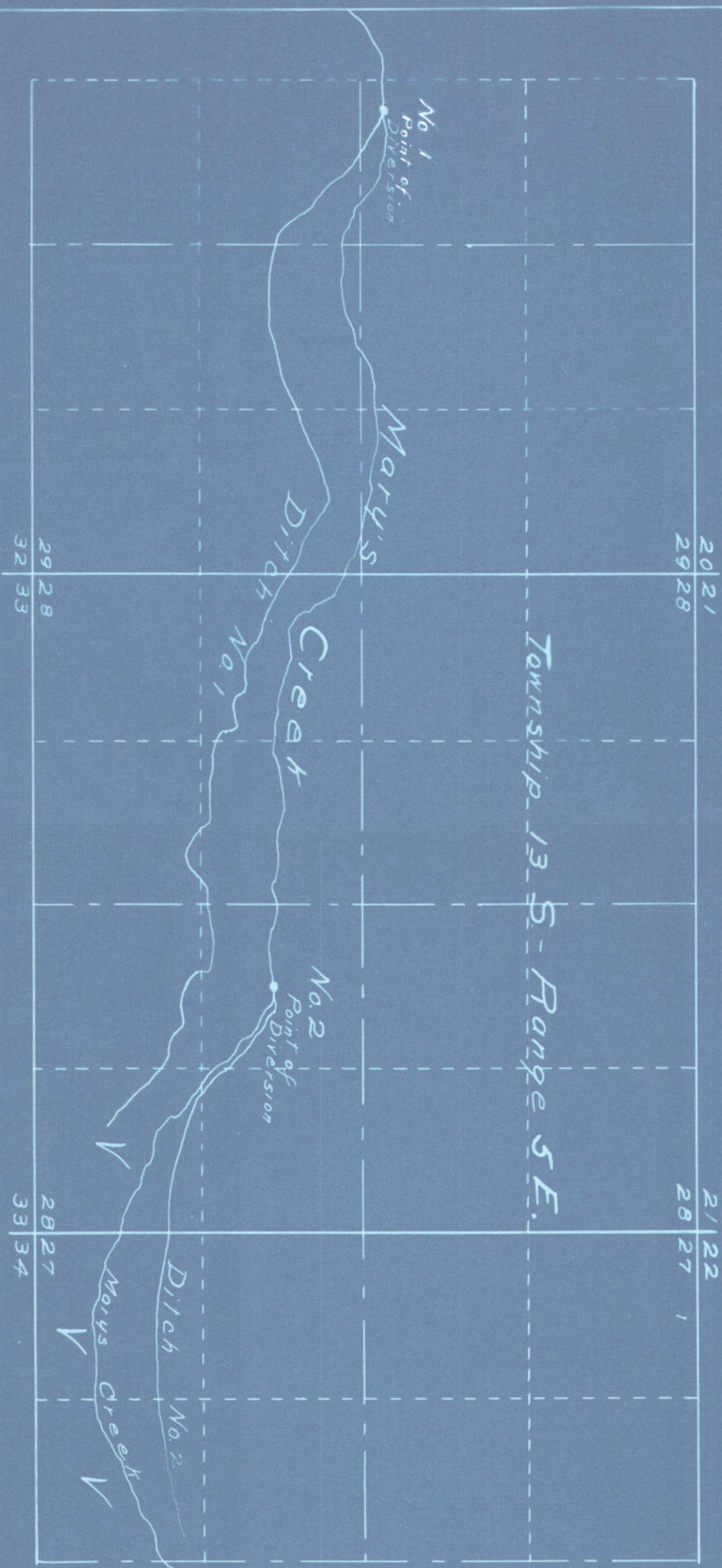
9520

Applicant

John Peters

Owyhee County Idaho

Scale 1000 ft = 1 inch



State of Idaho
License and Certificate of Water Right

Water License No. 9520
Water District No. 57C

Amount 0.6 sec. ft.
Priority 7-21-1913

THIS IS TO CERTIFY that John Peters of Tindall, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 21, 1913; that Permit No. 9520 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.4 second feet, was issued thereunder on August 29, 1916, showing that said works were completed on the 5th day of July, 1916; and that on the 5th day of September, 1918,

John Peters of Tindall, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Mary's Creek, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 9520 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 2447, on the 6th day of March, 1919;

The right hereby confirmed dates from July 21, 1913;

The Point of Diversion is located in the NW 1/4 of SE 1/4, Sec. 28, Tp. 13 S., R. 5 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 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S	5 E	28	SE 1/4 SE 1/4	40	12
		27	SW 1/4 SW 1/4	40	12
			SE 1/4 SW 1/4	40	6

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 6th day of March, 1919.

(SEAL)

FRED A. WILKIE
State Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. 7903Amount 2 sec. ft.Water District No. 48Priority 12-31-1911

THIS IS TO CERTIFY that Ida May Gray
of Rogerson, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 20, 1911; that Permit No. 7903
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.4
second feet, was issued thereunder on December 8, 1913, showing that said works
were completed on the 13th day of November, 1913; and that on the 15th
day of January, 1916,

John Gray
John Gray

of Buhl, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of Antelope Creek,
a tributary of Salmon River, for the purpose of irrigation and domestic use,
under Use Permit No. 7903 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 2448, on the 6th
day of March, 1919;

The right hereby confirmed dates from December 31, 1911;

The Point of Diversion is located
in the SE 1/4 of NW 1/4, Sec. 11, Tp. 14 S., 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 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S	14 E	12	NW 1/4 NE 1/4	40	20
			SW 1/4 NE 1/4	40	30
			SE 1/4 NW 1/4	40	30
			NE 1/4 NW 1/4	40	20

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 6th
day of March, 1919.

(SEAL)

FRED A. WILKIE,

State Engineer.

No. 14292.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: John Peters,

Postoffice address: Tindall

County: Owyhee

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 2 2/5

cubic feet per second.

3. Source of water supply: Marys Creek

4. Location of point of diversion: No. 1- SE 1/4 of NW 1/4 of Sec. 29)

No. 2- NW 1/4 of SE 1/4 of Sec. 28) T. 13 S., R. 5 E.

County of Owyhee

5. To be used for: Irrigation.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 120

acres.

(b) In the following legal subdivisions: SE 1/4 of SE 1/4 of Sec. 28, and S 1/2 of SW 1/4 of Sec. 27, T. 13 S., R. 5 E.

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

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

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

(d) If so, name stream and locate point of

6. Estimated cost of works: \$400.00

7. Description of works for diversion:

I. Kind of works: Ditches.

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

acre feet.

[c] Size of headgate, width

feet,

Height

feet.

(d) Conduit

Ditch No. 1-2

width at bottom

2

feet,

width at water line 3:5

feet, depth of water 0:8

feet; diameter of pipe

inches; average grade per mile is 5:3

feet.

Length of conduit is No. 1-2

miles,

and it crosses the following quarter sections: No. 1- NW 1/4 SW 1/4 and SE 1/4 of Sec. 29, -
SW 1/4 and SE 1/4 of Sec. 28, T. 13 S., R. 5 E.B.M. No. 2- SE 1/4 of Sec. 28 and
SW 1/4 of Sec. 27, T. 13 S., R. 5 E.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 2
additional years.BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public
waters of the State of Idaho as herein set forth.

John Peters

Applicant.

By

Bird & Milner,

Agent.

Date of first receipt at office of State Engineer 9.00 A.M. July 21, 1913

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 9520

Recorded in Book 31 Page 9520

Approved August 20th, 1913.

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

Bond in the sum of to be filed on or before

Work to begin on or before October 19th, 1913, 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 February 20th, 1915.

The whole of said work to be completed on or before August 20th, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before August 20th, 1918.

Witness my hand this 20th day of August, 1913.

F. P. KING, State Engineer.

Remarks:

Proof of completion of works made July 5, 1916.

Certificate of completion of works issued August 28, 1916.

Permit No. 9520.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that John Peters, of Tindall, County of Owyhee, and State of Idaho, the holder of Permit No. 9520, issued upon Application No. 14292, bearing date of priority of July 21, 1913, authorizing the diversion of 2.4 second feet of the waters of Marys Creek, County of Owyhee, 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 to the place of intended use 2.4 second feet of the waters of Marys Creek; that the points of diversion of said waters are as follows: No. 1 in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 29; No. 2 in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 28, T. 13 S., R. 5 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Portions of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 28 and S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 27, T. 13 S., R. 5 E., B. M.

Witness my hand this 29th day of August, A. D. 1916.

J. H. Smith,

License issued for 2.4 second feet

State Engineer of the State of Idaho.

Page 2447

March 12, 1919.

Re Permit No. 9520-John Peters.

Mr. Chas. Pascoe,
Bruneau, Idaho.

Dear Sir:

Enclose herewith Water License
No. 9520.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

9520

Affidavit of Publication

STATE OF IDAHO)
County of Owyhee) ss

Charles Pascoe

being duly sworn, deposes and says that he is the
Publisher of OWYHEE NUGGET, a
weekly newspaper published at Bruneau, Idaho;
that the said newspaper is in general circulation in
Owyhee County, that a copy of the above notice, as
per clipping attached, was published in the regular
and entire issue of said newspaper for 4
consecutive weeks, beginning with the issue of
August 8th, 1918, and ending
with the issue of **August 29th**, 1918.

Charles Pascoe

Subscribed and sworn to before me this 10th
day of **February**, 1919.

Notary Public

9520

OFFICE OF STATE ENGINEER

February 8, 1919.

Re Permit 9520. John Peters.

Mr. Chas. Pascoe,
Bruneau, Idaho.

Dear Sir:--

Am in receipt of your letter of the 7th inst. enclosing depositions in the matter of proof of use of water under the above permit. These have been checked and are satisfactory. The date of the permit is not a material omission. Upon receipt of the affidavit of publication from your office, the license will be issued.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

9520

CHARLES PASCOE

U. S. COMMISSIONER

BRUNEAU, IDAHO

Feb. 7, 1919

RECEIVED

FEB 8 1919

OFFICE OF STATE ENGINEER

**Fred A. Wilkie, State Engineer
Boise, Idaho.**

Gentlemen: In obedience to your letter of instructions, I have sent for and John Peters, who with witnesses appeared here yesterday, having been without mail at his remote residence until this time, he tells me.

As to that phase of Question 3, asking the date of his permit, the old gentleman, having failed to bring with him the data, and which would impose not only a hardship but much expense to return to his home in the interior for that purpose, asked that I send it in with this explanation to the engineer; that if it was vital to the acceptance of his proof, he would make such answer as was necessary after he got back home upon demand. Peters is an aged man and lives at a great distance from Bruneau. I hope it will be all right.

Very truly,

Charles Pascoe

9520

PERMIT NO. _____

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

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

Ans. John Peters, 65 years, Farmer, Tindall, 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. 9520 Priority July 21, 1913

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

Ans. Mary's Creek, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T.13 S., R.5 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. Ditch of earth and rock; one cubic foot; Peters Ditch No. 2

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; the S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28,Township 13 S., Range 5 East, B.M., all of it, and it is all cultivated land. Results are that holder has an assured living.

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

Ans. None

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

Ans. One cubic foot

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

Ans. I am the original person

9520

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

Ans. Every season for irrigation and every inch of it

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

Ans. None

(Sign) John Peters

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 Bruneau County of

Owyhee State of Idaho, on this 6th day of February

A. D. 1919.

Charles Packer

U.S. Commissioner

9520

RECEIVED

FEB 8 1919

OFFICE OF STATE ENGINEER

Permit No.-----

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. A. M. Harris, 52 years, stockman, Bruneau, Idaho

Ques. 2. Are you acquainted with John Peters, the

holder of Permit No. 9520? How long have you known him and where does he reside?

Ans. 35 years; in Tindall, Idaho

Ques. 3. Have you read or heard read said Permit No. 9520, 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. Mary's Creek; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T.13 S., R5 E., B.M.

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. One second foot; have seen that much carried

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 irrigating the S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, Township 13 S., Range 5 East, about all of the land.

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. A gravelly loam and all the water the ditch carries is required for its proper cultivation

RECEIVED
FEB 8 1919
OFFICE OF STATE ENGINEER

9520

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. Every year and all his land irrigated

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 _____, County of _____, State of Idaho,
on this _____ day of _____, A. D. 1919
Charles P. ...
U.S. Commissioner
My commission expires _____

(Sign) *A. M. ...*

Permit No. _____

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Oscar L. Tate, 36, Bruneau, Farmer, Bruneau, Idaho

Ques. 2. Are you acquainted with John Peters the

holder of Permit No. 9520? How long have you known him and where does he reside?

Ans. Yes, 14 years. Tindall, Idaho

Ques. 3. Have you read or heard read said Permit No. 9520, 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. Mary's Creek; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T.13 S., R.5 E., B.M. Ditch

made of earth and rock

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. One second foot; have seen that much conveyed

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

Ans. Irrigation, of the S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, ###
Township 13 S., Range 5 East, about all of it and it is cultivated land

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. Gravel and loam, and requires all the water filed for its
proper cultivation

9520

RECEIVED
FEB 8 1919
OFFICE OF STATE ENGINEER

9520

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. Annually all the land and all the water--three forties

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 _____
Bruneau _____, County of _____, State of Idaho,
on this 6th _____ day of February _____ A. D. 1919
U.S. Commissioner
My commission expires _____

(Sign) _____

December 18, 1918.

Re Permit No. 9520-John Peters.

Mr. Charles Mascoe,
Bruneau, Idaho.

Dear Sir:--

Replying to yours of the 16th inst. relative to proof under the above permit, would say that I am enclosing herewith deposition blanks to be filled out before you as soon as Mr. Peters can appear with his witnesses. Mr. Utter was in error in advising the holder that the report was all that was required as this is always in addition to the depositions of the holder and witnesses. However, the holder will lose no rights by reason of the mistake.

Very truly yours,

FRED A. WILKINSON,

State Engineer.

By _____

DBU

9520

THE OWYHEE NUGGET

CHARLES PASCOE, EDITOR AND OWN

BRUNEAU, IDAHO

Dec. 16, 1918

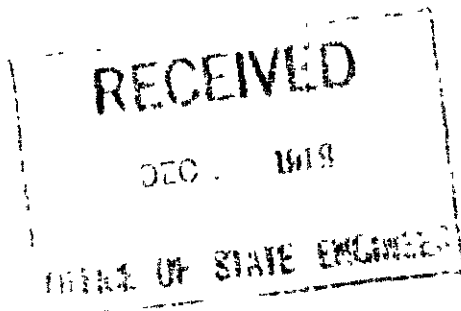
The State Engineer
Boise, Idaho.

Dear Sir: John Peters of Tindall, whose final proof upon application of Water to beneficial use was advertised to be heard before D.A. Utter at this place September 5th last, was here yesterday and asked me to learn of you what he should or could do in the matter, seeing that Utter left the country before the date of the hearing; also that Utter told him on a visit to his place at Tindall that he had been appointed by the state engineer to inspect his work at Tindall, which he had done, and that no further steps would be necessary--that he would see that his title was made all right. As the old man has heard nothing further in the matter, he asked me if I would get in touch with your office and learn what steps could be taken to make the record clean.

Please advise me what can be done in order that a certificate may issue to Peters from your office, addressing your reply to the undersigned.

Very respectfully,

Charles Pascoe



9520

(Place)... *Br new Idaho*

(Date) ... *Aug. 7-'18*

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of ... *Aug 5-18* enclosing Notice of Proof of
~~completion of work and beneficial~~ Use of Water under Permit No. *9520* which
will be published as you request, beginning with our issue of ... *Aug. 8-'18*

9520

Charles Pearson - Ed Huggat

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO,
August 17, 1918.

John Peters,
c/o L. A. Utter,
Bruneau, 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. ~~9520~~ **9520.**

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 ~~Sept. 3, 1918,~~ **Sept. 3, 1918,** 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 ~~Bruneau, before D. A. Utter, N.P.~~ **Bruneau, before D. A. Utter, N.P.**

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,

FRED A. WILKIE,
State Engineer.

9520

Bruneau, Idaho, July 29, 1918.

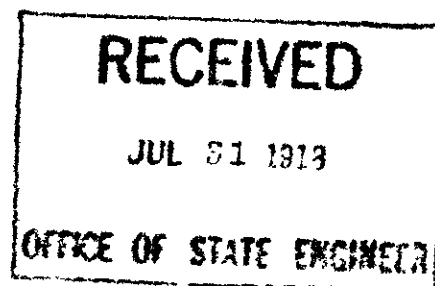
Hon. Fred Wilkie,
State Engineer,
Boise, Idaho.
Dear sir:-

I have the honor to submit my Report on the beneficial use of water under Permit No. 9520 granted to John Peters of Tindall, Idaho, and map showing a sketch of the premissis.

Thanking you for the favor and hoping that I have complied with the requirements of your office, I am,

Respectfully yours.

D A Etter



9520

Ditch on south side of creek abandoned.

REPORT OF ENGINEER

This proof is for Use of water

In Water District No. _____

1. State name of applicant and number of permit: John Peters, Permit No. 9520
2. State source of water supply: Marys Creek
3. Location of point of diversion: NW 1/4 of Sec. 28 T. 13 S. R. 5 E. BM.
4. Describe works as they exist, giving dimensions and capacities of same: A ditch about one mile long, one foot on bottom with a carrying capacity of one foot in depth, excavated to a grade of about .012 and easily capable of carrying one second foot of water safely.
This ditch is taken from the main channel of Marys Creek and the headworks is located in Sec. 28 on land owned by Mr. Tindall. the ditch and headworks appear to have been well made when first completed but are now obstructed in several places by dams.
5. State whether or not water has been turned into works of diversion: the water has been turned in and used for two 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):
SE 1/4 of Sec. 28 12 acres located as shown on map, SW 1/4 of Sec. 27 12 acres as shown on map, SE 1/4 of Sec. 27 6 acres as shown on map.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? None but permit holder.
9. Give names and amount of each right: None except John Peters who should have permit for 3/5 of one second foot.
10. What large stream would the water here appropriated finally reach? Snake River
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
Marys Creek and Bruneau River

Remarks: From evidence I would believe that, the time of the completion of the works Mr. Tindall was willing that Peters construct his ditch but later objected and has obstructed same to some extent. Creep, Timothy and

This examination was made on the 28th day of July 1918

(Signed) _____

J. A. Utter

Examiner.

9520

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

STATE OF IDAHO,

County of Owyhee

ss.

D. A. Utter, 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 29th day of July 1918

My commission expires 21st 1st 1919

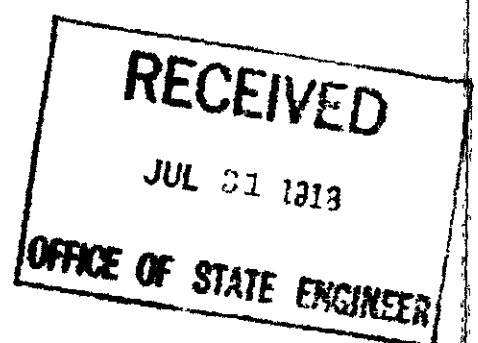
W. E. Reynolds
Notary Public

Residing at Bonanza Id a

9520

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.



9520

9520

July 25, 1918.

Re Permit 9520.- John Peters.

Mr. D. A. Utter,
Brunson, Idaho.

Dear Sir:—

As it will be impossible for us to send a man from this office to make the examination for proof of use of water under the above permit, I hereby authorize you to do this work and enclose report and map forms. You will arrange with the holder for your fees for services and no additional fees will be charged at this office when proof is submitted.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

RMF

9520

July 12, 1918.

Re Permit 9520.

Mr. John Peters,
Tindall, Idaho.

Dear Sir:-- Am in receipt of notices of final proof
under above permit. Notice will be sent to the Owyhee
Nugget for the required four weeks publication prior
to September 5th and deposition blanks will be mailed
to Mr. D. A. Utter, at Brumann.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

9520

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

June 30th 1918

(P. O.)

Spindale

TO THE STATE ENGINEER,

Boise, Idaho.

DEAR SIR:

You are hereby authorized to have the attached notice published at my expense in the
Boyer's Nugget of *Bremner*, published in the
county in which the works are situated.

John Peter

(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.

9520

RECEIVED

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 5th day of September, 1918,
 at Bureau, County of Croyle, State of Idaho,
 before H. A. Utter, ~~Justice~~, proof will be submitted
 of the application to beneficial use of One cubic ~~foot~~ per second of the
 waters of Marys Creek, in accordance with the terms and conditions of
 Permit No. 9520 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 _____

John Peter Tindall Iduber

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

3. The amount applied to beneficial use is One cubic foot

4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) About 35 acres situated in the

SE 1/4 of SE 4 Sec 28 and South 2 of
SW 4 of Sec 27 T 13 S 5 E 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 Peter Bitch No 2

6. The right to take water from such works is based upon Permit No. 9520

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

8. The date of the priority which said user is prepared to establish is June 1st

~~1915~~ July 1st 1918

Fred A. Wilkie,

9520

State Engineer.

57-C

State of Idaho
ENGINEERING DEPARTMENT
BOISE

May 14, 1918

John Peters
Tindell
Idaho

DEAR SIR:

I enclose herewith blank notice of Proof of Application of Water to Beneficial Use under your Permit No. **9520**-----, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

FRED A. FILKIE

State Engineer.

9520

September 7, 1916.

Re Permit 9520.

John Peters,
Tindall, Idaho.

Sir:--

Enclosing herewith certificate of completion of
works, with receipt for fee.

Very truly yours,

J. H. SMITH,

State Engineer.

CCW-R8482

By _____

9520

Permit No. _____

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Canyon

ss.

John Peters, 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 9520 and that his postoffice address is Tindall State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Marys Creek

Third: That the point of diversion of said water is about center of NW 1/4 Sec 28 713 SW 5 E

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

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

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

1. Kind of works: Two Ditches each about 2 ft wide

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

II. Dimensions of work: No dam or unequal required.

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit _____ width at bottom _____ feet, width at water line _____ feet, depth of water _____ feet; diameter of pipe _____ inches; average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use Two and one half second feet of water.

Eighth: That water appropriated under said permit is available for Sixty acres of land described as follows: Portions of S 1/2 SW 1/4 Sec 27 and S 1/2 SE 1/4 Sec 28 713 SW 5 E 370

Ninth: Remarks: That The land irrigated is a narrow bottom along Marys Creek one mile and on both sides of said creek.

John Peters
(Sign here.)

Subscribed and sworn to before me this 5th day of July 1916.

My commission expires _____

9520

Notary Public.

ack

July 17, 1916.

Re Permit 9520.

John Peters,
Tindall, Idaho.

Sir--

Am just in receipt of affidavit for proof of completion of works, with fee of \$5.00. The same is herewith returned to you for completion as to paragraphs 7th and 8th. The money order accompanies the affidavit.

Very truly yours,

J. H. SMITH,

State Engineer.

Ah-M045

By _____

9520

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

May 10 1916

Jno. Peter,

Idaho

Boise, Idaho,

Dear Sir

Under the terms of your Permit No -9520-----, you are required to complete your diversion works on or before----- I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5 00, a Certificate of Completion will be issued to you.

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

Yours truly,

J. M. SMITH

State Engineer

9520

Form No. 151

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON,
STATE ENGINEER

Permit No. 9520. ~~Peters.~~

Bird & Milner

Mountain Home, Idaho.

Dear Sir:

BOISE, IDAHO, Aug. 20, 1913.

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.

~~A. E. Robinson~~

A. E. ROBINSON,

State Engineer.

9520

