

T.
19
N.

32

R-8E.

33

TO YELLOW
PINE

T.
18
N.

Unnamed Creek



TO LANDMARK

9

Milling

$Q = 0.10$ cfs. or 5 inches

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO

County of Valley

) ss.
)

Glen B. Youngblood, being first duly sworn, deposes and

says: That he is the Editor of the CASCADE NEWS, a weekly newspaper published at Cascade, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for four consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

March 22, 1963, and ended April 12, 1963

Notary Public

Subscribed and sworn to before me, a Notary Public in and for

the County of Valley, and the State of Idaho, this April 12, 1963

day of April, 1963

John A. Carter, Notary Public.

My commission expires Nov. 24, 1965

RECEIVED
APR 18 1963

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10:00 a.m., on the 15 day of April, 1963, at Boise, County of Ada, State of Idaho, before Elaine Reed, Notary Public, at 5th floor, Idaho Bldg., proof will be submitted of the completion of works for the diversion of 1.0 cubic feet per second of the waters of an unnamed creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30430, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Don and Ernest Oberbiller, P. O. Box 827, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 1.0 cubic feet per second.

3. The use to which said water has been applied is Ore Milling purposes, and the amount applied to beneficial use is 1.0 cubic feet per second.

4. The point of diversion of said water is SE 1/4 NW 1/4 Sec. 4, Twp. 18 N., Rge. 8 E.B.M.

5. The place where said water is used is SE 1/4 NW 1/4 Sec. 4, Twp. 18 N., Rge. 8 E.B.M.

6. The date of priority which said user is prepared to establish is March 26, 1962.

Geo. N. Carter
State Reclamation Engineer

30430

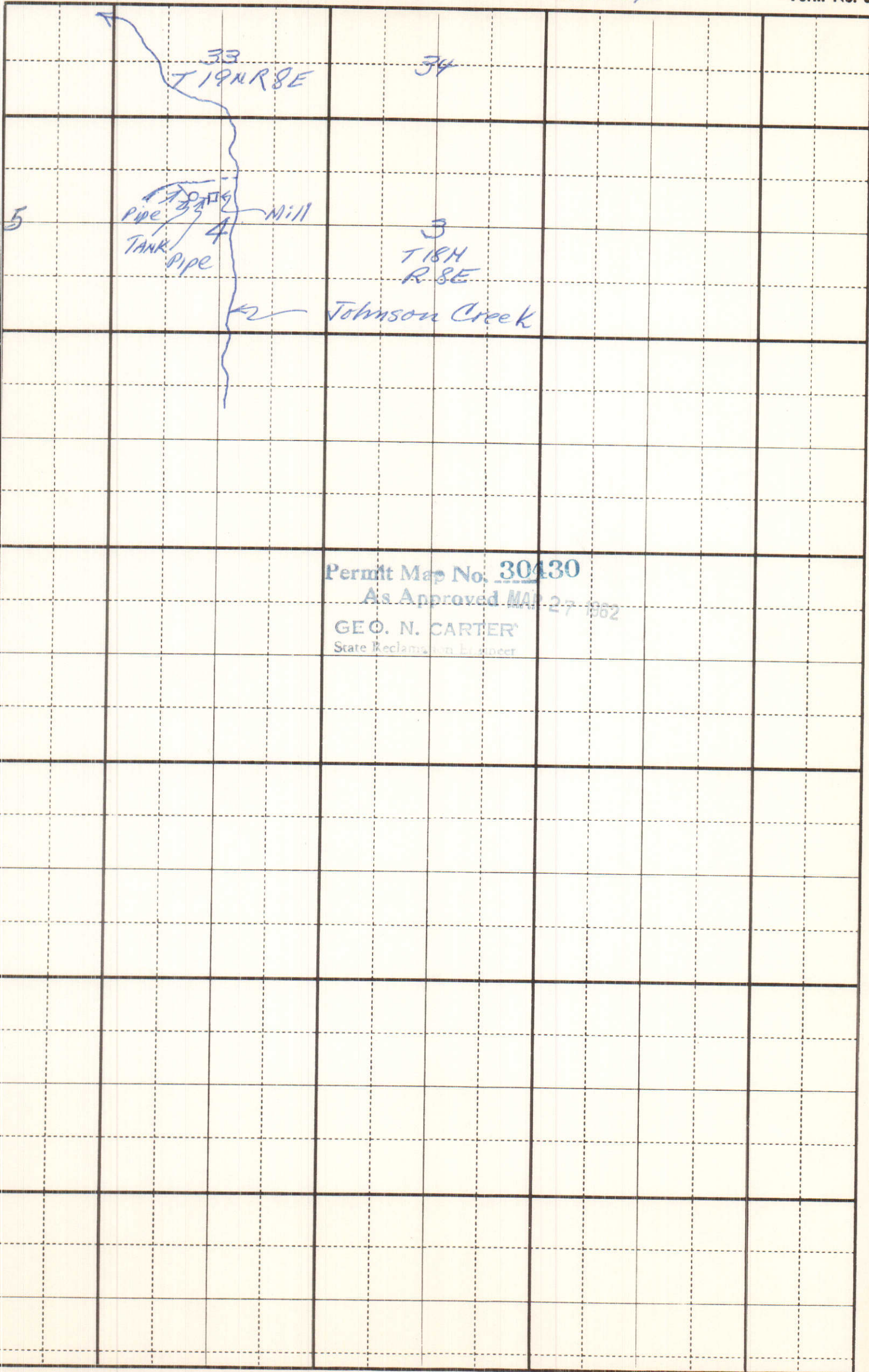
NAME OF APPLICANT

Don

Johnson Creek Valley County
Ernest OBERD. LIG

T. 18N, R. 8E

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

30430

+ 3036 ✓

State of Idaho
License and Certificate of Water Right

Water License No. 30430 Amount 0.10 c.f.s.
Water District No. Priority March 26, 1962

THIS IS TO CERTIFY that DON & ERNEST OBERBILLIG
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 26, 1962; that Permit No. 30430
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.0 second feet, was issued thereunder on January 30, 1963, showing that said works
were completed on the 29th day of January, 1963; and that on the 15th
day of April, 1963,

DON & ERNEST OBERBILLIG
of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Unnamed
Creek, a tributary of Johnson Creek, for the purpose of Ore milling
, under Use Permit No. 30430 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8036, on the 26 day of October, 1964;
The right hereby confirmed dates from March 26, 1962;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 4, Tp. 18 N, R. 8 E., B. M. Valley County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
18 N	8 E	4	SE 1/4 NW 1/4	Milling	

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 Reclamation Engineer, affixed at Boise, Idaho, this
26th day of October, 1964.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 26845

Amount .34 c.f.s.

Water District No.

Priority April 3, 1957

THIS IS TO CERTIFY that EMIL BRAUMILLER
of Sagle, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 3, 1957; that Permit No. 26845
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.36 second feet, was issued thereunder on April 6, 1962, showing that said works
were completed on the 4th day of April, 1962; and that on the 9th
day of May, 1964,

EMIL BRAUMILLER
of Sagle, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Cocolalla
Creek, a tributary of Pend Oreille River, for the purpose of irrigation
, under Use Permit No. 26845 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8035, on the 23 day of October, 1964;
The right hereby confirmed dates from April 3, 1957;

The Point of Diversion is located
in the SE 1/4 SE 1/4, Sec. 26, Tp. 56 N, R. 3 W, B. M. Bonner County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed .34 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
56 N	3 W	26	SE 1/4 SE 1/4	35	19

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 Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of October, 1964.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

Don Oberbillig
Box 827
Boise, Idaho

77-2144

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 38498
PERMIT No. 30430
DISTRICT No.

1. Name of Applicant: Don & Ernest Oberbillig

Postoffice address: Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: (1) One cubic feet per second.

3. Source of water supply: Un-named Creek which is a tributary of Johnson Creek Valley County

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
of section 4 , T. 18 N , R. 8 E. , B. M., County of Valley

5. Water is to be used for Ore Milling

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

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section ~~18~~ 4 , T. 18 N , R. 8 E. , B.M.

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

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 8,000

8. Kind of works: Pipeline from Creek to 25,000 gal. tank

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

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

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe 3" inches; length of conduit 450 ft. ~~xxxx~~
Average grade per mile feet.

12. The time required for the completion of such work is 1 yr. years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

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

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

s/ Ernest Oberbillig Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. March 26, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 30430

Recorded in Book 107 Page 30430 Approved March 27, 1962

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 May 27, 1962 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 27, 1962

The whole of said work to be completed on or before March 27, 1963

Beneficial use of water appropriated in accordance herewith, to be made on or before March 27, 1964

WITNESS My hand this 27th day of March, 1962

s/ CARL E. TAPPAN
Assistant State Reclamation Engineer.

IN TESTIMONY WHEREOF, We,.....ROBERT E. SMYLLIE....., Governor of the State of Idaho,
and ARNOLD WILLIAMS....., Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 27th

day of March, 19 62.
Countersigned:

STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS Secretary of State. By s/ ROBERT E. SMYLYE Governor.

REMARKS: The installation of pipe line & tank are now complete & the water is now being used for ore milling.

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Permit No. 30430 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that DON & ERNEST OBERBILLIG of Boise, County of Ada, and State of Idaho, the holder of Permit No. 30430, issued upon Application No. 38498, bearing date of priority of March 26, 1962, authorizing the diversion of 1.0 second feet of waters of Unnamed Creek, County of Valley, State of Idaho, for ore milling 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 1.0 second feet of the waters of Unnamed Creek, tributary of Johnson Creek; that the point of diversion of said waters SE1/4NW1/4, Sec. 4, Twp. 18 N., R. 8 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Ore milling in SE1/4NW1/4, Sec. 4, T. 18 N., R. 8 E., B. M. Witness my hand this 30th day of January, A. D. 1963. s/ RALPH W. THOMAS Deputy State Reclamation Engineer Proof of Completion of Works Made: January 29, 1963																

LICENSE ISSUED FOR 0.10 SEC. FT.
 LICENSE PAGE NO. 9036

WRD417

WATER RIGHTS PROOF READING REPORT

01/22/85

PAGE 1

WATER RIGHT NUMBER 77-2144

OWNER LAST NAME - OBERBILLIG
OWNER LAST NAME - OBERBILLIG

FIRST NAME - DON
FIRST NAME - ERNEST

ORIG OWNER -
ORIG OWNER -

VERIFIED LGS

ADDRESS LINE 1 -
ADDRESS LINE 3 -

ADDRESS LINE 2 -
CITY - BOISE

STATE - ID ZIP CODE -

SOURCE - UNNAMED STREAM

TRIBUTARY OF - JOHNSON CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 03-26-1962 COUNTY - VALLEY

TOTAL DIV. RATE - .1000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENW 04 18N 08E LOT REDIV -

272.0 92.0 172.0 48.0 27.0 2.0 0.0 0.0 0.0 0.0 0.2

FROM - TO -

USE - INDUSTRIAL

USE DIV. RATE -

.1000 CFS

USE DIV. VOLUME -

.00 AFA

USE - INDUSTRIAL

PLACE OF USE - TWN 19N RNG 08E SEC 04 TRACT SENW LOT AC

DECREE NAME -

DATE -

TOTAL ACRES 0

REMARKS -

NON IRRIG USE - I/ORE MILLING.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 30430

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED LGS

IDENT. NO. 77-2144

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 36430 1 77-2144
Old No. New No.

Record

1. Original Owner: Dan & Ernest Oberbiller

Present Owner: _____

2. Address:

3. City: Boise State: ID Zip: _____4. A. Source of Water: CreekB. Tributary of: Johnson Creek5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 3-26-1962D. County: 85E. Total Diversion Rate: .1

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SE NW</u>	<u>4</u>	<u>18 N</u>	<u>8 E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for I purposes. Amount .1
(cfs or ~~AC-FT~~/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

CHA 9-27-79

8. Use Code: I

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

I/ are milling,

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 30430

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

July 1, 1971

Re: License No. 77-2068 - Fred Badley
" " 77-2144 - Don and Ernest Oberbillig

Earl Erdman
MacGregor Bldg.
Grangeville, Idaho

Dear Mr. Erdman:

Pursuant to our telephone conversation, we have researched our files and find only two water licenses recorded with the Department that would pertain to any of the names or streams in which you were inquiring about. We are enclosing copies of the two licenses for your consideration.

If you should have any further questions in reference to this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb

Enc: Copies

77 2144

Send letter

MacGregor Building
Grangeville, Idaho

Earl Erdman

NE Baker Gulch

Trib. White Bird Ck

- Heckman

- Fullerton

→ NE NE 19 T 23 N R 1 E

Make
Madkey Ck trib Salmon River

Over billing -

Tice -

77 2144 Sec 32 T24 N 8 E

Possibly WR also on Salmon River

77-2068 Badley - Sec 6 T23 N 8 E

Mill Creek trib SF Salmon River

Possibly of SF Salmon River

NE NE 19 28N 1E
N7. Baker Gulch.

Heckman ^{Cane} 29649 R900 Cane
Fullerton

24N 8E 32

mackey Cr. - 4209 Cane
Salmon River to -

Oberb. 11.1 ✓ 27270-30430-30431 ^{2mm}
32012-32225-12858
✓ 18497-23170-10993
7544

Tice

23N 8E 5856
m. l. Cr. - 5386 77 2144

S. 7 S. l. mon -
3rd/62 - 77-7011 18509 5880 54.6

October 26, 1964

Re: Permit No. 30430

Mr. Ernest Oberbillig
Box 827
Boise, Idaho

Dear Mr. Oberbillig:

Enclosed is the License and Certificate
of Water Right issued on the above numbered permit.

Also enclosed is departmental receipt No.
32504, in the amount of \$5.00 covering the fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

30430

400 - June 20-62

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

October 7, 1964

Re: Permit No. 30430

Ernest Oberbillig
Box 827
Boise, Idaho

Dear Mr. Oberbillig:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 30430 shows the tank & pipe line are ~~is~~ capable of conveying 5 miner's inches, or 0.10 c.f.s. of water for milling purposes. ~~more.~~

Upon receipt of the statutory fees of \$ 5.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of March 26, 1962 to the use of 0.10 second feet of surface water with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4 T. 18N., R. 8 E., B.M. from unnamed ~~stream~~ unnamed stream for milling purposes in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 18 N., R. 8 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

30430

21

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 30430

REPORT ON PROOF OF Beneficial Use

Donest & Ernest Oberbillig, Box 827, Boise, Idaho

T.
19
N.

32

R-8E

33

TO YELLOW
PINE

Unnamed Creek

PD

Trail

TO LANDMARK

9

T.
18
N.

Milling

$Q = 0.10 \text{ cfs. or } 5 \text{ inches}$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 30430

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Don & Ernest Oberbillig

2. Source of water supply: Un-named stream

3. Location of point of diversion: Is in the SE 1/4 of Section 4

T. 18 N. R. 8 E. B.M. County of Valley

4. Describe works as they exist, giving dimensions and capacities of same: 3'x6' Rock and dirt Catch basin with 150' x 2" B.I.P. 3/4" Galvanized screen and end of pipe to a 16' high x 15' diameter steel tank. 3" x 400' steel pipe to mill, - bedmill and Classifier, and flotation cells. Pressure in Mill from storage Reservoir = 46#

5. Water is used for: Ore Milling

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

PLACE OF USE: SE 1/4 Sec. 4., Twp. 18 N., Rge. 8 E.B.M.

(This is an Antimony and Cinnabar milling operation)

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

8. What large stream would the water here appropriated finally reach? Johnson Cr. & E. Fork Salmon River

Remarks: Mr. Bud Leatherman Foreman along

Mill. now running 2 hr. shifts now because of reduced mining operations.

Mr. Leatherman says it takes one tank per 8 hr. shift = 22,584 gallons x 3 = 67,752 gallon used per 24 hr. day = 1.8 cfs.

This is rated as a 50 Ton Mill.

Temp. 41°F.

(Send Correspondence to Ernest Oberbillig)

This examination was made on the 2nd day of October, 1964

(Signed)

Loyd Johnson

Examiner

30430

30430

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 6 1964

Department of Reclamation

Don & Ernest Oberbillig
Box 827
Boise, Idaho 342 1854
Permit No. 30430

Examination for Beneficial Use

County Valley

Quantity: 1.0 c.f.s. Sec. 4 T18N R.8 E8M

Source: Unnamed creek

P.D.: SE. NW, Sec. 4, T. 18N, - R. 8 E8M.

Use: Ore milling

Filed: March 26, 1962

Due: March 27, 1964

Extension: —

Protest: —

Completion of Works: 1-30-63

Other Rights: none stated

UD
Per

50 hrs Rating

Water is used in ball mill
and flotation cells.

1M April 1962

April 25, 1963

Re: Permit No.

30430

Don Oberbillig
Box 827
Boise, Idaho

Dear Mr. Oberbillig:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Cascade News, all submitted in proof of ~~completeness of records~~ and beneficial use on Permit No. 30430.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Dale Clammons
517 Idaho Bldg
Boise, Idaho

30430

DALE CLEMONS
C. STANLEY SKILES
ROBERT W. GREEN
ALFRED C. HAGAN

CLEMONS, SKILES & GREEN
COUNSELLORS AND ATTORNEYS AT LAW
517 IDAHO BUILDING
BOISE, IDAHO

TELEPHONE
344-7811

April 19, 1963

Department of Reclamation

Department of Reclamation
State of Idaho
107 State House
Boise, Idaho

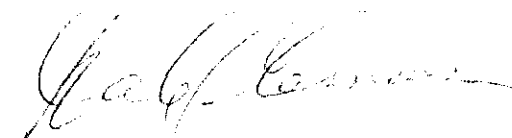
Attention: Ralph W. Thomas, Deputy
Re: Permit No. 30430

Gentlemen:

We are sorry for the mix-up with reference to the above-captioned matter. Elaine Reed is a notary public and employee in the office of the undersigned, 517 Idaho Building, Boise, Idaho. The depositions were made out in the presence of and before Elaine Reed, a notary public. However, through inadvertence the undersigned, also a notary public and present at the same time, executed the same as a notary.

It if will be of any help, Elaine Reed can make further affidavit of the signing of the same by the applicants, which was done in her presence.

Yours truly,



Dale Clemons

DC:er

30430
B/K
et

April 18, 1963

Re: Permit No. 30430

Don & Ernest Oberbillig
P. O. Box 827
Boise, Idaho

Dear Sirs:

We received the depositions of holder and two witnesses of your use of water under the noted permit.

The legal notice shows you were to make the depositions before Elaine Reed, Notary Public, however they are signed by Dale Clemons.

We must have an affidavit by Elaine Reed, that her office was open April 15, 1963, and that no protests were received in regard to your pfoofs and also show why she did not sign the depositions as Notary Public.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. 100-1-1000

30430

APR 18 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 30430

Proof of Application of Water to Beneficial Use
Completion of Works

Deposition of Holder

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

Ans. Don & Ernest Oberbillig. P. O. Box 827, Boise, Idaho. Mining & Milling

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

Ans. Does not apply.

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

Ans. Permit # 30430. ~~March 21, 1962~~ 3-27-62

3-26-62

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

Ans. From ~~creek~~ diverted 1/8 to 1/4 mile above mill. ~~There~~
in SE NW, Sec. 4, T. 18N. - R. 8E.

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. From creek through pipe to 16'x16' tank. 1 cu. ft. per second.

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. Mining & Milling in SE NW, Sec. 4, T. 18N. - R. 8E BM.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. Does not apply

30430

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

Ans. Use in mining and Milling

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

Ans. 1 Cu. Ft. per second

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

Ans.

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

Ans. For the past 6 or 7 years this water has been used at the approximate rate of 1 cu. ft. per second for mining and milling purposes.

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. Does not apply

(Sign)

Don Oberhelzig

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

Burien

County of

Adair

State of Idaho, on this

15th

day of

April

A. D. 1963

My commission expires

Mar. 6, 1964

Notary Public
for Idaho

30430

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

Proof of Application of Water to Beneficial Use
_____ and Completion of Works
Deposition of Witness

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

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

Ans. Donald F. Homan, 36 yrs. of age, 2301 N. 19th Street, Boise, Idaho
Policeman

Ques. 2. Are you acquainted with Don & Ernest Oberbillig, the
holders of Permit No. 30430? How long have you known him and where does
he reside?

Ans. Yes, 6 or 8 years .

They reside in Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 30430, 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. From creek diverted 1/8 to 1/4 mile above mill. There is a 16' x 16'
circular metal tank where water is diverted from the creek and then carried by pipe
to the mill. where ?

Ques. 5. How many second feet of water do you estimate said works will safely
conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1 cu. ft. per second

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. Mining and milling purposes where ?

30430

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

Ans. Water has been applied for mining and milling purposes

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. Not applicable

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. For the past 6 or 7 years water has been used at the approximate rate of 1 cu. ft. per second for mining and milling purposes.

(Signed)

Donald F. Roman

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 Boise, County of Ada, State of Idaho, on this 15th day of April, A. D. 1963.

Dale Clemens

Notary Public.

My commission expires Mar 6, 1964 for Idaho, residing at Boise, Idaho.

30430

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. _____

Proof of Application of Water to Beneficial Use
_____and Completion of Works
Deposition of Witness

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

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

Ans. Floyd A. Finney, 27 years of age, residing at 2204 W. Bannock St.,
Boise, Idaho. Policeman

Ques. 2. Are you acquainted with Don & Ernest Oberbillig, the holder of Permit No. 30430? How long have you known him and where does he reside?

Ans. I am acquainted with Ernest Oberbillig and have been for approximately
4 years

Ques. 3. Have you read or heard read said Permit No. 30430, 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. From creek diverted 1/8 to 1/4 mile above mill. There is a 16' x 16'
circular metal tank where water is diverted from the creek and then carried by pipe
to the mill. where?

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1 cu. ft. per second

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. Mining and milling purposes

where?

30430

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

Ans. Water has been applied for mining and milling purposes

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. Not applicable

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. For the past ~~4~~³ years water has been used at the approximate rate of 1 cu. ft. per second for mining and milling purposes.

(Signed)

Floyd A. Finney

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 Boise, County of Ada, State of Idaho, on this 15th day of April, A. D. 19 63.

Dele C. Cramer

Notary Public.

My commission expires Mar. 6, 1964 for Idaho, residing at Boise, Idaho.

30430

PUBLISHER'S AFFIDAVIT
STATE OF IDAHO
County of Valley)
) ss.

Glen B. Youngblood, being first duly sworn, deposes and says: That he is the Editor of the CASCADENEWS, a weekly newspaper published at Cascade, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for four consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began March 22, 1962, and ended April 12, 1962.

Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this April 12, 1962.

day of April, 1962.
J. J. Youngblood, Notary Public.
My commission expires Nov. 24, 1965.



30430

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 30430
Don & Ernest Oberbillig

Date: March 13, 1963

Cascade News,
Cascade, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **April 15, 1963** the date set for proof; the expense of the publication is to be paid by the applicant

Don & Ernest Oberbillig of **Box 827, Boise, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

GEO. N. CARTER
GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

30430

March 13, 1963

Re: Permit No. 30430

Don & Ernest Oberbillig,
P. O. Box 827,
Boise, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 30430. The proofs are to be made at 10:00 clock A.M., on the 15th day of April, 1963, before Elaine Reed, 5th Floor, Idaho Building, Boise, Idaho, Notary Public.

As of this date we have mailed the Notice to the Cascade News Cascade, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

30430

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10:00 A. M., on the 15 day of April
1963, at Boise, County of Ada, State of Idaho, before
Elaine Reed, Notary Public, at (address) 5th floor, Idaho Bldg.,
proof will be submitted of the completion of works for the diversion of
1.0 cubic feet per second of the waters of an un-named creek,
and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 30430, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Don & Ernst Oberbillig, P. O. Box 827, Boise, Idaho

2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
1.0 cubic feet per second.

3. The use to which said water has been applied is Ore Milling
purposes, and the amount applied to beneficial use is 1.0 cubic
feet per second.

4. The point of diversion of said water is SE 1/4 Sec. 4., Twp. 18 N., Rge. 8 E.B.M.

5. The place where said water is used is SE 1/4 Sec. 4., Twp. 18 N., Rge. 8 E.B.M.

Total _____ acres

6. The date of priority which said user is prepared to establish is March 26, 1962

GEO. N. CARTER
State Reclamation Engineer

30430

Form No. 11
2M - 10/60

RECEIVED
MAR 13 1963

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 13, 1963

(P. O.) Box 827, Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Cascade News of Cascade, Idaho published in

the county in which the works are situated.

Valley Co.

Ernest Oberbillerig

(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.

30430

January 30, 1963

Re: Permit No. 30430
Don and Ernest Oberbillig

Mr. Ernest Oberbillig
P. O. Box 827
Boise, Idaho

Dear Mr. Oberbillig:

We enclose the Certificate of Completion of Works on the above numbered permit, also, departmental receipt 31424, in the amount of \$5.00

We note on your proof of completion of works that beneficial use has been made, so enclose Form 10, in duplicate, and Form 11 for making proof of beneficial use. Instruction sheet is also enclosed.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
receipt
Form 10-11-instructions

30430

Permit No. 30430STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

JAN 30 1963

Department of Reclamation

STATE OF IDAHO

County of Ada

ss.

Ernest Oberbillig, 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. 30430, and that his postoffice address is Box 827, Boise, Idaho
State of Idaho.

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

Un-named creek which is a Tributary of Johnson Creek, Valley CountyThird: That the point of diversion of said water is in the S E 1/4 of N W 1/4 of
Section 4, T 18N, R 8E.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 27, 19 63.Fifth: That the use for which said water is intended is Ore Milling

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

I. Kind of Works: Pipeline from creek to 25,000 gallon storage tank.

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(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 _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe 3 inches, average grade per mile is _____ feet. Length of conduit is 0.10 miles.

Seventh: That said works are capable of conducting to the place of intended use _____

One second feet of water.

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: _____

Ninth: Remarks:—That Works was completed by Sept. 1, 1962 and beneficial
use made of the water by on that date.Subscribed and sworn to before me this 27th day of January, 19 63

(SIGN HERE)

NOTARY PUBLIC

My commission expires 1-22-66

30430

RT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

Jan. 2, 1963

Re: Permit No. 30430

Don & Ernest Oberbillig
P. O. Box 827
Boise, Idaho

Dear Sirs:

Under the terms of your Permit No. 30430 you are required to complete your diversion works on or before March 27, 1963. I enclose 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.

Very truly yours,

Geo. N. Carter

State Reclamation Engineer

Enc. Form 6

30430

April 9, 1962

Re: Permit Nos. 30430 & 30431
Don & Ernest Oberbillig

Mr. Don Oberbillig,
Box 827,
Boise, Idaho.

Dear Mr. Oberbillig:

We enclose Permit Nos. 30430 and 30431 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipts Nos. 30999 and 31000, which were issued covering payment in the amount of \$5.00 each for the filing fee of the above mentioned permits.

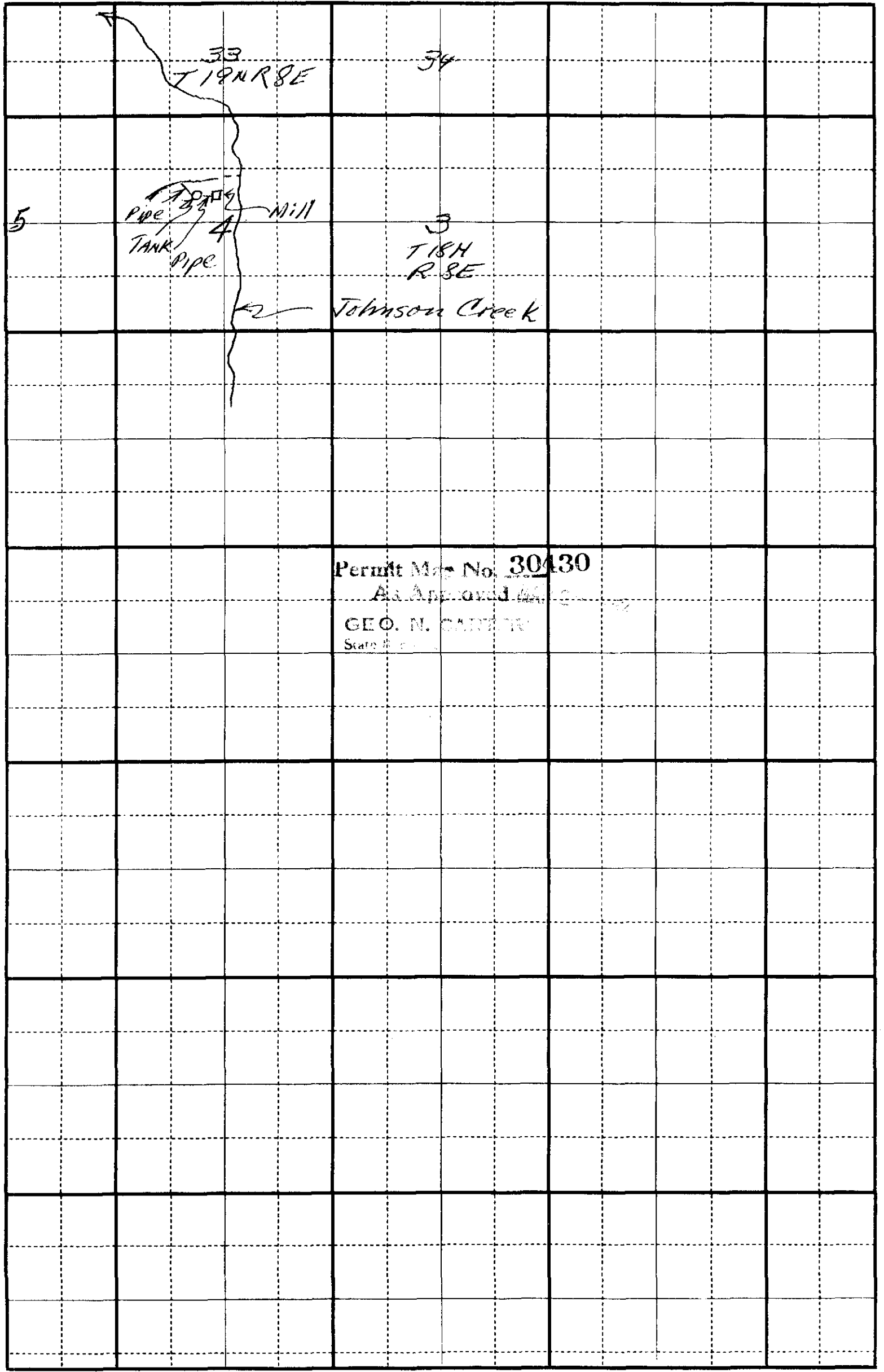
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

30430



**NOTICE OF PROOF OF
COMPLETION OF WORKS and
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE is hereby given that at 10:00 a.m., on the 15 day of April 1963, at Boise, County of Ada, State of Idaho, before Elaine Reed, Notary Public, at 5th floor, Idaho Bldg., proof will be submitted of the completion of works for the diversion of 1.0 cubic feet per second of the waters of an un-named creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30430, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Don and Ernest Oberbillig, P. O. Box 827, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 1.0 cubic feet per second.

3. The use to which said water has been applied is Ore Milling purposes, and the amount applied to beneficial use is 1.0 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4., Twp. 18N., Rge. 8 E.B.M.

5. The place where said water is used is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4., Twp. 18 N., Rge. 8 E.B.M.

6. The date of priority which said user is prepared to establish is March 26, 1962.

State Reclamation Engineer

Geo. N. Carter