

Name of Applicant

Chas. H. ...

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OFFICE OF STATE ENGINEER

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OFFICE OF STATE ENGINEER

Hand of ...
14 M.R. 1 W. B. m

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\$10.

9278

Name of Applicant

CH. Fears

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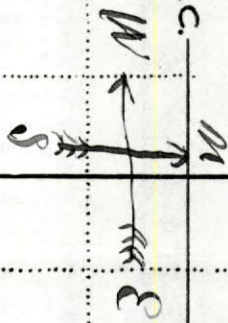
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CH. Fears
Point of View
Small River

RECEIVED
MAR 3 1915
OFFICE OF STATE ENGINEER

9278

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MAR 10 1915

OFFICE OF STATE ENGINEER

AFFIDAVIT OF PUBLICATION

I, Fred Mullin foreman

of THE COUNCIL LEADER, a newspaper published weekly at Council, Adams County, Idaho, do solemnly swear that a copy of the notice, as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated February 5, 1915 and ending with the issue dated February 26, 1915.

Fred Mullin

Subscribed and sworn to before me this 8th day of March 1915.

L. L. Burchard
Notary Public

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 1st day of March, 1915, at Indian Valley, county of Adams, state of Idaho, before Archie Bailey, justice peace, proof will be submitted of the application to beneficial use of one-tenth of one cubic foot per second of the waters of unnamed spring in accordance with the terms and conditions of Permit No. 9278, 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 E. H. Fears. Indian Valley, Idaho.

2. The use to which said water has been applied is household use and watering of stock.

3. The amount applied to beneficial use is 1-30 of 1 second foot.

4. The place where said water is used is on the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 14 N., R. 1 W., B. M.

5. The right to take the water from such works is based upon Permit No. 9278.

6. The source of supply from which such water is diverted is unnamed spring.

Herbert Wing,
Acting State Engineer.

9278

J. H. P. J. W.

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Franklin
E. H. H. H.
James H. H. H.

County: Adams.
 Stream: Unnamed spring
 Amount: $1/30$ of 1 cu. ft. per sec.
 Use: Household and watering stock.
 Priority: April 19, 1913.

STATE OF IDAHO

Water License No. 9278

WHEREAS, On the 19th day of April, A. D. 1913,

Ethel H. Fears

of Indian Valley, County of Adams, State of Idaho, duly made application (No. 13993) to me for a permit to use one-tenth ($1/10$) of one cubic foot per second of the waters of an unnamed spring,

County of Adams, State of Idaho, for domestic purposes, and,

WHEREAS, On the 10th day of May, A. D. 1913, Permit No. 9278 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 10th day of February, A. D. 1914, and for the application to beneficial use of said water on or before the 10th day of March, A. D. 1915, and,

WHEREAS, On the 7th day of February, A. D. 1914,

Ethel H. Fears

the holder of said permit, duly made proof of the completion of adequate works for the diversion of $1/30$ of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 9278 dated February 14, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use $1/30$ of 1 cubic foot per second of said water, with date of priority of April 19, 1913, and

WHEREAS, On the 1st day of March, A. D. 1915,

Ethel H. Fears

the holder of said permit, duly made proof of the application to beneficial use of $1/30$ of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Ethel H. Fears

of Indian Valley, County of Adams, State of Idaho, the holder and owner of said Permit No. 9278, a perpetual right, dating from April 19, 1913, to the use of $1/30$ of 1 cubic foot per second of the waters of an unnamed spring,

in the County of Adams and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $1/4$ of NW $1/4$ of Sec. 16, T. 14 N., R. 1 W.B.M.

and conducted to ~~an~~ the SE $1/4$ of NE $1/4$ of Sec. 17, T. 14 N., R. 1 W.B.M.,

for the purpose of household use and watering stock, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 4th day of August, A. D. nineteen hundred and fifteen.

J. H. Smith.

(Seal)

State Engineer:

67-2081

No. 13993.

APPLICATION FOR PERMIT
To appropriate the Public Waters of the State of Idaho

1. Name of applicant: Ethel H. Fears,
Postoffice address: Indian Valley County: Adams 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 One-tenth of one cubic feet per second.
3. Source of water supply: unnamed spring
4. Location of point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 14 N., R. 1 W. B. M.
County of Adams.
5. To be used for: Domestic purposes on SE4 SE4 Sec. 17, T. 14 N. R. 1 W.
I. Irrigation and domestic use: (a) Amount of land to be irrigated: acres.
(b) In the following legal subdivisions:
II. Mining, milling, power, manufacturing, transportation or other purposes:
[a] At what point:
[b] Amount of power to be generated: H. P. under ft. head
[c] Is water to be returned to any stream? (d) If so, name stream and locate point of return:
6. Estimated cost of works: \$100.00
7. Description of works for diversion:
I. Kind of works: small reservoir & pipe. The reservoir to be ten feet wide, ten feet long and six feet deep, to be built of either wood or concrete.
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: wood or concrete.
[b] Capacity of reservoir 600 cubic ~~acres~~ feet. [c] Size of headgate, width feet,
Height feet. (d) Conduit pipe width at bottom feet,
width at water line feet, depth of water feet; diameter of pipe
one inches; average grade per mile is about $\frac{20\%}{\text{foot}}$ Length of conduit is 4500 feet ~~miles~~
and it crosses the following quarter sections: SW4 16, SE4 17, T. 14 N. R. 1 W.
8. The time required for the completion of the construction of such work is 9 months ~~years~~
9. Time required for the complete application of the water to the proposed use is One additional ~~years~~ month.

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.

E. H. Fears,
Applicant.
Agent.

By

Date of first receipt at office of State Engineer : 9.00 a.m. April 19, 1913.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 9278

Recorded in Book 30 Page 9278 Approved May 10, 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 July 9, 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 September 25, 1913.

The whole of said work to be completed on or before February 10, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 10, 1915.

Witness my hand this 10th day of May, 1913.

F. P. King,

State Engineer.

Remarks:

The spring from which the water is to be taken is on unused school land; that is the land is leased for grazing purposes but the lessees consent to my using this water.

Proof of completion of works made February 7, 1914.

Certificate of completion of works issued February 14, 1914.

PERMIT NO. 9278

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Ethel H. Fears, of Indian Valley, County of Adams and State of Idaho, the holder of Permit No. 9278, issued upon Application No. 13993, bearing date of priority of April 19, 1913, authorizing the diversion of 1/10 of 1 second foot of the waters of an unnamed spring, County of Adams, State of Idaho, for 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 1/30 of 1 second foot of the waters of an unnamed spring; that the point of diversion of said waters is at a point in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 16, T. 14 N., R. 1 W.B.M., and that the place of use of said water is on the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 17, T. 14 N., R. 1 W.B.M., for household use and watering stock.

Witness my hand this 14th day of February, A. D. 1914.

F. P. KING,

State Engineer of the State of Idaho.

License issued for 1/30 second fee

Page 1854

Recorded by
Checked by

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STATE OF IDAHO,)
)ss:
 County of Adams.)

E. H. Fears, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 9278.

That he intends to change the point of diversion as described in said decree or permit to the following described point: Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, Twp. 14 N., Range 1 West B.M.

That such change will be made for the following reasons to-wit:

Mistake made in application for permit. Error occurred in original filing.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

E. H. Fears.

Subscribed and sworn to before me this First day of March, 1915.

A. E. Bailey,

Justice of the Peace.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 A.M. Mar. 3, 1915.

Herbert Wing,

Acting State Engineer.

APPLICATION FOR AMENDMENT
 TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
 OF THE STATE OF IDAHO, NO. 9278.

Comes now E. H. Fears, and represents to the State Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 9278, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Twp. 14 N., Range 1 West B.M. Point of use is SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 17, Twp. 14 N., Range 1 West B. M.,

That an additional amount of water is not asked for and that the rights of others will not be adversely affected by such change.

Signed at Indian Valley, this First day of March, 1915.

E. H. Fears.

Date of receipt at Office of State Engineer March 11, 1915.

I, J. J. Smith, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the public waters of the State of Idaho, No. 9278. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

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

J. H. Smith,

State Engineer.

WATER RIGHT NUMBER 67-2081

OWNER LAST NAME - FEARS FIRST NAME - ETHEL H. ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - INDIAN VALLEY STATE - ID ZIP CODE -
SOURCE - SPRING TRIBUTARY OF -
STAGE - LICENSE STATUS - PRIORITY - 04-19-1913 COUNTY - ADAMS TOTAL DIV. RATE - .0300 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWNW 16 14N 01W LOT REDIV - 272.0 288.0 21.0 2.0 0.0 0.0 0.0 0.0 0.0 0.0 2.4
FROM - TO - USE - DOMESTIC USE DIV. RATE - .0300 CFS USE DIV. VOLUME - .00 AFA
FROM - TO - USE - STOCKWATER USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
USE - DOMESTIC PLACE OF USE - TWN 14N RNG 01W SEC 17 TRACT SENE LOT AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE = PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 9278
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

9/78

IDENT. NO. 67-2081

ID A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

August 6, 1915.

Permit 9278.

Mr. E . H. Fears,
Indian Valley, Idaho.

Sir:--

Am enclosing herewith water license, with
receipt for fees.

Very truly yours,

J. H. SMITH,

State Engineer.

L-R7522

By _____

9278

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5⁰⁰

Indian Valley Ida.

July 27 - 1915

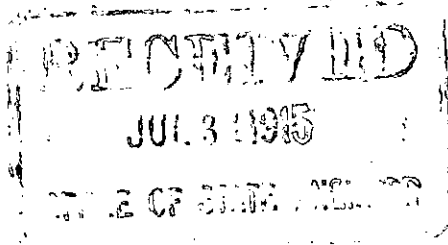
Office of State Engineer
Boise Ida.

Dear Sir - inclosed please
find five dollars (\$5.00) to pay
for license on permit no 9278.

Would have remitted
sooner but did not have it
as I have been very hard
up, trusting this will be
satisfactory to you I am yours
very Respt.

E. H. Hears

Indian Valley



9278

March 13, 1915.

Permit 9278.

Mr. E. H. Fears,
Indian Valley, Idaho.

Sir:

Your application for amendment of above permit has been approved and has been recorded in this office, together with the affidavit of change of point of diversion. Upon receipt of fees amounting to \$5.00 the license will be issued.

Very truly yours,

J. H. SMITH,

State Engineer.

AA-MPD-M

By _____

9278

REPORT OF ENGINEER

1. State name of applicant and number of permit: *E. A. Hears* Permit # *9278*
2. State source of water supply: *Unnamed Spring*
3. Location of point of diversion: *SW 1/4 NW 1/4 Sec. 16, T. 14 N., R. 1 W., B.M.*
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
Yes
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: *Wooden Tank 12 X 12 and 4 ft*
 - (b) Width at water line: *high with 1 in pipe line*
 - (c) Depth of water: *to house and Barn where*
 - (d) Grade per mile: *it is used for household use*
 - (e) Capacity of ditch: *and watering stock.* second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

STATE OF IDAHO,

County of *Adams*

ss.

W. E. Henke

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

1st

day of

*March*191*6*

My Commission Expires

*P. E. Buehner**Public Notary*

9278

Name of Applicant

C. H. Hears

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OFFICE OF STATE ENGINEER

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J. H. P. M. R. 1 W. B. m.
For Small River

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Name of Applicant.

CH Fears

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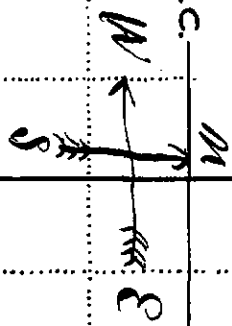
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CH Fears
Route 1 of 11
Small River

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OFFICE OF STATE ENGINEER

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RECEIVED

MAR 10 1915

OFFICE OF STATE ENGINEER

AFFIDAVIT OF PUBLICATION

Fred Mullin foreman

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 1st day of March, 1915, at Indian Valley, county of Adams, state of Idaho, before Archie Bailey, justice peace, proof will be submitted of the application to beneficial use of one-tenth of one cubic foot per second of the waters of unnamed spring in accordance with the terms and conditions of Permit No. 9278, 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 E. H. Fears, Indian Valley, Idaho.

2. The use to which said water has been applied is household use and watering of stock.

3. The amount applied to beneficial use is 1-30 of 1 second foot.

4. The place where said water is used is on the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 14 N., R. 1 W., B. M.

5. The right to take the water from such works is based upon Permit No. 9278.

6. The source of supply from which such water is diverted is unnamed spring.

Herbert Wing,
Acting State Engineer.

of THE COUNCIL LEADER, a newspaper published

weekly at Council, Adams County, Idaho, do

solemnly swear that a copy of the notice, as per

clipping hereto attached, was published in the

regular and entire issue of said newspaper, and

not in any supplement thereof, for Four con-

secutive weeks, commencing with the issue dated

February 5, 1915 and ending with the

issue dated February 26, 1915.

Fred Mullin

Subscribed and sworn to before me this 8th day of March 1915.

L. P. Burchard
Notary Public

9278

March 3, 1915.

Permit 9278.

Mr. E. H. Peare,
Indian Valley, Idaho.

Sir:

We are today in receipt of depositions for proof of use of water under above permit, together with check for fees in the sum of \$2.00; also, affidavit for change of point of diversion and application for amendment, with duplicate maps, and the report of W. E. Henke. In checking these papers I find it necessary to return several for completion and correction.

The report of Mr. Henke should be more complete, giving the size and capacity of the pipe, or other works, stating for what purpose the water is used.

The application for amendment is returned for your signature.

Where the water is used for other than irrigation purposes, the fee for proof of beneficial use is \$5.00, the same is for the first proof, in this case. I am, therefore, returning the check for \$2.00.

You should also obtain from the publisher of the Council Leader an affidavit of publication.

Very truly yours,

Herbert Wing,

Acting State Engineer.

Enc.

By _____

9278

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. *E. H. Pease Indian Valley Farmer Indian Valley*

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. _____

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

Ans. *109278. Apr 19. 1913. - Mch 10. 1910.*

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

Ans. *Unnamed spring SW 1/4 of NE 1/4 Sec 16 Twp 14 N Range 1 West 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. *Small Reservoir and pipe line
one fourth of an acre foot per second. More or less
Drip Line.*

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. *Hay, feed use and stock SE 1/4 NE 1/4 Sec 17 Twp 14 N Range 1 West B.M.*

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

Ans. *Hay, feed use and stock*

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

Ans. *Quantity named in Permit*

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 about eighteen months. Have fed us and stock
to extent of have fed us & stock

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 other

(Sign)

B. H. Hears

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 *Indian Valley* ~~Idaho~~, County of *Adams*, State of Idaho, on this *Thirtieth* day of *March*

A. D. 1912

A. E. Bailey

Justice of the Peace.

Error on original Filling

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. *Wm. Burdick Indian Valley Indian Valley*
*Farmer*Ques. 2. Are you acquainted with *E. H. Kane*, the holder of Permit No. *9278*? How long have you known him and where does he reside?Ans. *Two years. Residence Indian Valley*Ques. 3. Have you read or heard read said Permit No. *9278*, 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. *Unnamed spring. Point of diversion S 1/4 NW 1/4*
Sec 16 Twp 14 North Range 1 West B.M.
Small Reservoir and pipe

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 Tenth of one Cent. Foot For 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. *House Hold and Domestic use*

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

Ans.

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

Ans.

9278

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. At different times for 2 years.
To extent of household and domestic for stock

(Sign) W. H. Burdick

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 Indian Valley, County of Adams, State of Idaho, on this 21st day of March A. D. 1915.

W. E. Bailey
Justice of the Peace
Notary Public.

My Commission Expires

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. *Olyda Howard. Residence Indian Valley**70 Indian Valley Farmer + Stock Raiser*Ques. 2. Are you acquainted with *E H Fears*, theholder of Permit No. *9278*? How long have you known him and where does he reside?Ans. *For 2 years. Indian Valley*Ques. 3. Have you read or heard read said Permit No. *9278*, 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. *Unmanned Spring. Point of diversion SW 1/4 NW 1/4 Sec 16 Twp 14 N Range 1 West Bm. Small reservoir and pipe.*

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 foot, one cubic foot 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. *Household and Domestic use.*

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

Ans.

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

Ans.

9278

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MAR 3 1930
OFFICE OF THE
SOLICITOR GENERAL

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.

At different times for about 8 months.

To extent of household use and domestic for stock

(Sign)

Blyde E Steward

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 *Indian Valley*, County of *Adams*

State of Idaho, on this *First* day of *March* A. D. 19*15*

A E Bailey

Justice of the Peace

My Commission Expires

9278

Sitting Idaho } (Affidavit)
 Council Adams }

E. H. Tiers Being first duly sworn
 upon his oath deposes and says.

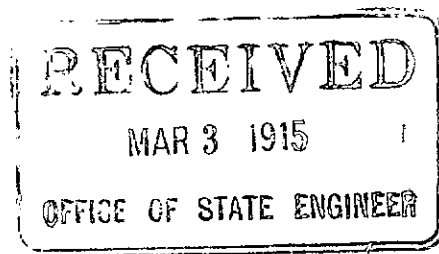
That he has caused to be advertised. Water for
 Irrigation use under Permit 9278 in favor of
 Council Trade. a new paper published at
 Council Idaho. as required by law.

E. H. Tiers

Subscribed & sworn to before me this 1st day of
 May 1915.

W. E. Bailey
 Justice of the Peace.

9278



February 24, 1915.

Permit 9278.

E. H. Fears,
Indian Valley, Idaho.

Sir:

Replying to your letter of the 28th would say that you should correct your point of diversion under the above permit by filing affidavit and the land to be irrigated by filing application for amendment, upon the enclosed forms. Duplicate maps should accompany same. In making your proof you should give the correct description in each instance and should state that an error occurred in the original filing. I am herewith returning the permit and map, with the certificate of completion of works, as no change can be made on these. The affidavits filed will correct the error and the license will show in the corrected point of diversion and lands.

Very truly yours,

Herbert Wing,

Acting State Engineer.

F13-2AA-2MF

By _____

9278

The Cash Drug Store

E. H. FEARS, PROP.

Indian Valley

GILFORD, IDAHO.

Feb. 22

1915

RECEIVED

FEB 24 1915

OFFICE OF STATE ENGINEER

State Engineer

Boise Idaho

Dear sir - , in looking over the plot or map and also the description as made out by Mr Devaney I find that he has made a mistake in the location of the spring and point of use. This is permit no. 9278 so am inclosing papers to be corrected as I am to make final proof next Monday so will have no time to loose.

The correction is as follows.

Point of diversion : S.W. $\frac{1}{4}$. N.W. $\frac{1}{4}$. Sec. 16. T. 14 N. R. 1 W., B.M.

Point of Use: S.E. $\frac{1}{4}$. N.E. $\frac{1}{4}$. Sec. 17. T. 14 N. R. 1 W., B.M.

Crosses the following sections. N.W. $\frac{1}{4}$ Sec. 16: N.E. $\frac{1}{4}$ Sec. 17:
T. 14 N. R. 1 W..

Am marking on my map where the spring and works are located am very sorry this has occurred but hope it can be remedied all O.K.

E. H. Fears

9278

Please Advise at once in regard to the final proof.

February 4, 1915.

Permit 9278.

Walter E. Henke,
Indian Valley, Idaho.

Sir:

Mr. E. H. Fears, the holder of the above permit, has requested me to authorize you to make the examination and report for his final proof on one-tenth of a second foot of the waters of an unnamed spring, to irrigated the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 17, T. 14 N., R. 1 W. B. M. Arrangements for your fees should be made with Mr. Fears. I am, therefore, enclosing blanks for report and map.

Very truly yours,

Herbert Wing,

Acting State Engineer.

RMF

By _____

9278

Herbert Wing

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS

PROOF OF BENEFICIAL USE

E. H. Fears,
c/o Archie Bailey,
Indian Valley, Idaho.

BOISE, IDAHO, **Feb. 3, 1915.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **9278.**

DEPOSITION OF PERMIT HOLDER,

DEPOSITIONS OF TWO WITNESSES.

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

1. On ~~March 1st~~, 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 **Indian Valley, before Archie Bailey, J.F.**

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

Yours truly,

Herbert Wing, ^{F. P. KING,}
~~XXXXXXXX~~
Acting ^{State Engineer.}

9278

(P. O.)

(Date)

Council, Idaho
Jan. 28, 1915.

State Engineer, Boise.

Dear Sir:

I have your letter of Jan. 25, '15 enclosing Notice of Proof of Beneficial Use of Water under Permit No. 9278 which will be published as you request, beginning with our issue of Feb. 5, 1915.

Council Publishing Co.
By J. M. Durrell
Business Manager.

9278

W. E. Henke
January 13, 1915.

Permit 9278

Mr. E. H. Fears,
Indian Valley, Idaho.

Sir:

Am just in receipt of your final proof notices for water under the above permit. Notice for publication will be sent to the Council Leader and deposition blanks will be mailed to A. Bailey, Justice of Peace at Indian Valley. Mr. W.E.Henke will be duly authorized to make the examination and report.

Very truly yours,

Herbert Wing,

Acting State Engineer.

9278

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

Jan 11 - 1915

(P. O.)

Indian Valley Idaho

To the State Engineer,

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
The Leader of *Council Ida*, published in the
county in which the works are situated.

E. H. Heard

RECEIVED

JAN 13 1915

(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.

*I have got Walter E. Henke of
Indian Valley to act as engineer of
this business as per your request.*

E. H. Heard

9278

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 1 day of March, 1915,
 at Indian Valley, County of Adams, State of Idaho,
 before Archie Bailey Justice Peace, proof will be submitted
 of the application to beneficial use of one tenth of one cubic foot per second of the waters of
unnamed spring, in accordance with the terms and conditions of Permit No. 9278
 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 is
O. H. Heard Indian Valley Idaho
2. The use to which said water has been applied is Household use and watering
of stock
3. The amount applied to beneficial use is 1/30 of 1 second foot.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
on the S.E. 1/4 of S.E. 1/4, Sec. 17, T. 14 N., R. 1 W. G. M.

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

6. The right to take the water from such works is based upon Permit No. 9278
6. The source of supply from which such water is diverted is Unnamed Spring
8. The date of the priority which said user is prepared to establish is March 10 1915
April 19 - 1913

Herbert Wing,

~~XXXXXX~~
~~XXXX~~
 Acting State Engineer.

February 21, 1914.

Permit 9278

Ethel H. Fears,
Indian Valley, Idaho.

Sir:

Am enclosing you herewith certificate of completion
of works and receipt for fee for proof of completion
under above permit.

Very truly yours,

F. P. KING,

State Engineer.

CCW-R6237

By _____

9278

REAL ESTATE
LOANS
LIFE INSURANCE
FIRE INSURANCE

OFFICE OF
DEVANEY & CARTER
ATTORNEYS AT LAW

H. J. DEVANEY
U. S. COMMISSIONER
D. L. CARTER

CAMBRIDGE, IDAHO

Feb. 9th. 1914.

F. P. King, State Engineer,
Boise, Idaho.

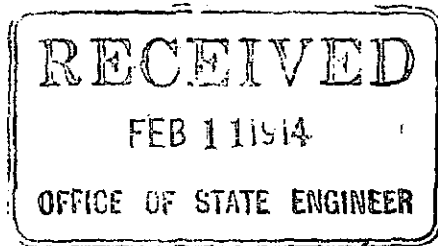
Dear Sir:

We herewith enclose affidavit of E. H. Fears showing proof of completion of works under Permit No. 9278 and check in the sum of \$5.00 in payment of the fees due your office.

HJD/EN

very truly yours,

Devaney & Carter



9278

Permit No. 9278

OFFICE OF STATE ENGINEER

Proof of Completion of Works

Affidavit of Holder

STATE OF IDAHO,

County of Adams

ss.

Ethel H. Fears, 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. 9278 and that his postoffice address is Indian Valley State of Idaho.

Second: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 10, 1914.

Third: That the use for which said water is intended is domestic purposes.

Fourth: 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: reservoir

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

II. Dimensions of work: 12 feet square

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

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir 576 cubic feet.

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

(d) Conduit pipe - One inch in diameter reservoir and tapers to one half width at bottom ✓ feet, width at water

(State whether ditch, flume or pipe)

inch in diameter; the pipe is a little over 700 feet line ✓ feet, depth of water ✓ feet, diameter of pipe ✓ inches;

average grade per mile is over 700 feet feet. Length of conduit is over 700 feet miles.

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

1/30 of one second feet of water. (about 15 gallons per minute.)

Sixth: That water appropriated under said permit is available for across of land

described as follows: household and and domestic purposes;

for use in house and for watering stock.

Seventh. Remarks: That

Ethel H. Fears
Sign here.

Subscribed and sworn to before me this 7th day of February, 1914.

My commission expires June 9, 1914.

N. J. Ramsey
Notary Public.

January 28, 1914.

Permit 9278

E. H. Fears,
Indian Valley, Idaho.

Sir:

Replying to your letter of the 26th inst. would say that both proof of completion of works and beneficial use of water may be made on the same date, if you so desire. The notice for proof of beneficial use, however, will have to be published for a period of thirty days prior to the date of making proof. The enclosed blanks should be filled out and returned to us in time for the notice to be sent to the paper for the required publication. The proof can be made at any place most convenient to yourself and two witnesses and before any office authorized to administer oaths within the State of Idaho. The notice is required to be published in some paper printed in the county in which the land is located. After the notice has been received at this office, the necessary deposition blanks will be mailed to the notary public, or other officer, before whom proof is to be made. If you will give us the name of some competent person to make examination and report on the use of the water, the necessary report and map forms will be sent to him. The same party cannot act as engineer and witness too.

Very truly yours,

F. P. KING,

State Engineer.

3MU S. The change in the construction of the works will not affect your proof,

9278

The Cash Drug Store

E. H. FEARS, PROP.

Indian Valley
GILFORD, IDAHO, Jan. 26 1914

State Engineer
Boise Idaho

RECEIVED

JAN 28 1914

OFFICE OF STATE ENGINEER

Dear sir-, in reply to your favor of Nov. 11th 1913 will say that the diversion works on permit 9278 are completed and will send in affidavit in few days but first would like to know if it would be possible to make final proof at same time and be done with the matter for good.

The work has been done some time and the water in use, in fact since the last of Aug. and in that case though I might make final proof at this time please advise me at your earliest opportunity.

Now I had to change the dimensions of reservoir slightly but the capacity is the same practically.

9278

The permit calls for tank to be 10 ft. x 10 ft. by 6 ft high. and I put one in 12 ft x 12 ft. by 4 ft high. the reason for this change is that in digging out springs



The Cash Drug Store

E. H. FEARS, PROP.

GIFFORD, IDAHO, _____ 191__

here in these hills one sometimes loses
the flow if he goes very deep and I did
not want to take any chance of doing that
now will this make any difference in my
proofs?^s

Hoping for an early reply I beg to
remain very Respt yours

E. H. Fears
Indian Valley
Idaho

Nov - Mar - 1915
and 3 NW

State of Idaho

ENGINEERING DEPARTMENT

BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Ethel H. Fears,
Indian Valley, Ida.
Dear Sir:

Boise, Idaho, Nov. 11, 1913.

Under the terms of your permit No. ~~9273~~ ⁹²⁷⁸, you are required to complete your diversion works on or before ~~Feb. 10, 1914~~. 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,

F. P. KING,

State Engineer

9278

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON,
STATE ENGINEER

Permit No. 9278. Ethel H. Fears
Devaney & Carter.
Cambridge, Idaho.

BOISE, IDAHO. May 10, 1913.

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.

~~A. E. ROBINSON~~

F.P.KING,

State Engineer.

9278

Name of Applicant

John M. J. Mc

SEC.

SEC.

SEC.

Mc

SEC.

SEC.

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SEC.

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SEC.

SEC.

For the purpose

E. J. Mc

Small record