





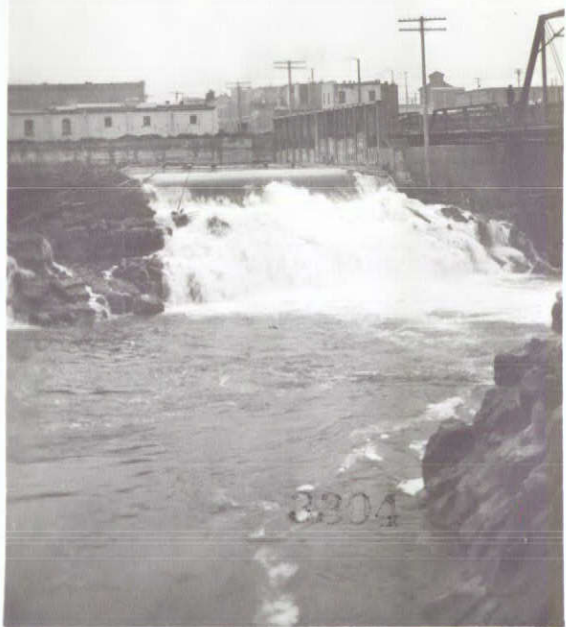




















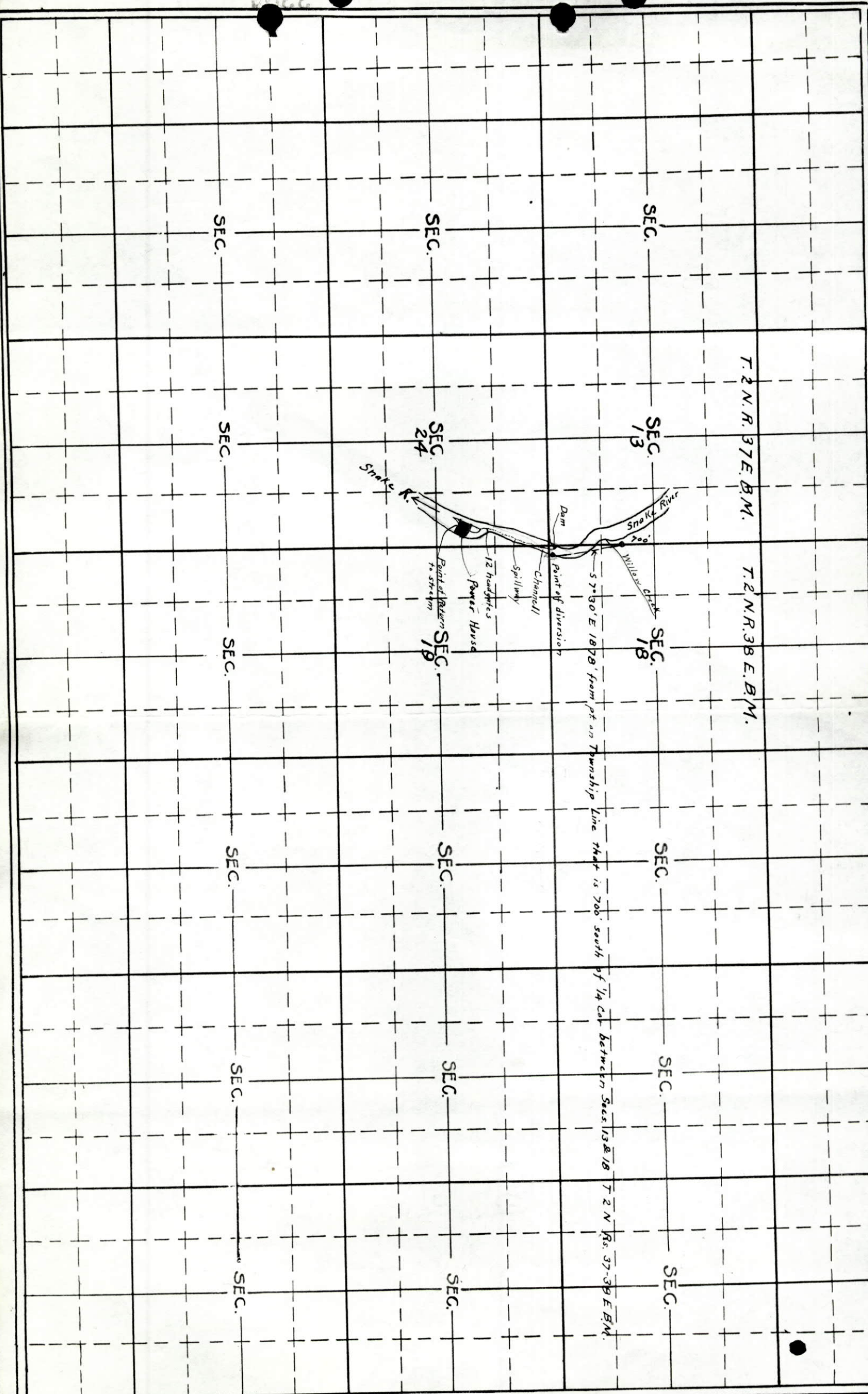








3304



STATE OF IDAHO, }
BONNEVILLE COUNTY } ss.

I, W. S. SNYDER, do solemnly swear that I am the business manager of the firm of Dennis & Snyder, publishers and printers of the IDAHO FALLS TIMES, a newspaper of general circulation, published once each week at Idaho Falls, Bonneville County, Idaho; that said newspaper has been so published for more than one year previous to the first publication of the attached notice: that the notice attached hereto, and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper four consecutive weeks; that the first publication was made on the 2d day of November, 1916; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper and not in a supplement.

Last publication November 23 1916

Subscribed and sworn to before me this 23d day of November 1916.

W. S. Snyder
O. W. Malin Notary Public.

NOTICE FOR PUBLICATION.
Notice of Proof of Application of Water to Beneficial Use.
Notice is hereby given that at 2 p.m. on the third day of December, 1916, at Idaho Falls, County of Bonneville, State of Idaho, before Otto E. McCutcheon, Notary Public, proof will be submitted of the application to beneficial use of six hundred (600) cubic feet per second of the waters of Snake River, in accordance with the terms and conditions of Permit No. 3304, 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 City of Idaho Falls.
2. The use to which said water has been applied is power purposes.
3. The amount applied to beneficial use is six hundred (600) cubic feet per second.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) City of Idaho Falls.
5. The right to take the water from such works is based upon Permit No. 3304.
6. The source of supply from which such water is diverted is Snake river.
7. The date of the priority which said user is prepared to establish is December 3rd, 1907.
J. H. SMITH, State Engineer.
Pub Times—Nov 29 16 23

County: Bonneville.
 Stream: Snake River.
 Amount: 600 sec. ft.
 Use: Power.
 Priority: 12-3-07.
 District No. 36 E.

STATE OF IDAHO

Water License No. 3304.
 Water District No. 36 E.

WHEREAS, On the 3d day of December, A. D. 1907, Thomas E. Lee,

of Idaho Falls, County of Bonneville, State of Idaho, duly made application (No. 4629) to me for a permit to use 3000 cubic feet per second of the waters of Snake River in Water District No. 36-E, County of Bonneville, State of Idaho, for power purposes, and,

WHEREAS, On the 14th day of December, A. D. 1907, Permit No. 3304 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 14th day of December, A. D. 1912, and for the application to beneficial use of said water on or before the 14th day of December, A. D. 1916, and,

WHEREAS, On the 18th day of March, A. D. 1910, George E. Lee, Executor of the Estate of Thomas E. Lee, deceased, assigned all his right, title and interest in and to said permit to the City of Idaho Falls, and,

WHEREAS, On the 14th day of December, A. D. 1912, City of Idaho Falls,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of three thousand (3000) cubic feet per second of said waters, as evidenced by my Certificate No. 3304 dated September 6, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3000 cubic feet per second of said water, with date of priority of December 3, 1907, and

WHEREAS, On the 4th day of December, A. D. 1916, City of Idaho Falls,

the holder of said permit, duly made proof of the application to beneficial use of 600 cubic feet 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 City of Idaho Falls,

of Idaho Falls, County of Bonneville, State of Idaho, the holder and owner of said Permit No. 3304, a perpetual right, dating from December 3, 1907 to the use of 600 cubic feet per second of the waters of Snake River,

in the County of Bonneville and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted as follows: beginning at a point 700 ft. S. of the $\frac{1}{4}$ Sec. Cor between Secs. 13 - 18, Twp. line 2 N., Ranges 37, 38, E. B. M., thence S. 7° 30' E. 1878' to point of diversion, (city plat)

and conducted to ~~and upon~~ power house, located in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 24, T. 2 N., R. 37 E., B. M.,

for the purpose of generating power, 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 of 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 11th day of February, A. D. nineteen hundred and eighteen.

J. H. Smith,

State Engineer.

(Seal)

OC-2019

No. 4629.

01-2014

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Thomas W. Lee.

Postoffice address: Idaho Falls.

County: Bingham State: Idaho.

II. The financial resources of the applicant are:

(a) Cash on hand:	}	Real and Personal
(b) Treasury Stock:		property valued at about
(c) Bonds to be issued:		two hundred thousand
(d) Other resources:		dollars.

2. The quantity of water claimed is three thousand cubic feet per second.

3. Source of water supply: Snake River.

County of Bingham.

4. Location of point of diversion: Beginning at a point 700 feet South of the $\frac{1}{4}$ Section Corner between Sections 13 and 18 on the Township line 2 N. Range 37 and 38 E. B. M. thence South 7° 30' E. east 1878 feet to point of diversion.

5. To be used for:

II. Mining, power, manufacturing or transportation purposes:

(a) To be used for: Power purposes.

(b) Amount of power to be generated: about 10,000 horse power.

(c) At what point: Beginning at a point 700 feet south of $\frac{1}{4}$ Section corner between Sections 13 and 18 2 N. Range 37 and 38 E. B. M. thence South 7° 30' East 2350 to point of return.

(d) Is water to be returned to any stream: yes.

(e) If so name stream and locate point of return: at power house above described to Snake River.

6. Estimated cost of works: One hundred twenty five thousand dollars (\$125,000).

7. Description of works for diversion:

I. Kind of works: Dam and open race way.

II. Dimensions of works:

(a) Height of dam 10-15 feet, length of dam at top 600 feet, length of dam at bottom 600 feet. Material used in construction: Wood, stone, earth and concrete.

(c) Size of headgate: Width open.

(d) Conduit Rock ditch, width at bottom 80 feet, width at water line 120 feet, depth of water 12 feet. Length of conduit is $\frac{1}{2}$ mile, and it crosses the following quarter sections: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 19- 2 N. R. 38: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 18 2 N. R. 38 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 24-2 N. R. 37: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 24-2 N-R. 37 E.

B. M. to point described in 5 II (c) above which is the point of intended use.

8. Time required for the completion of the construction of such work is five years.

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

Thomas W. Lee.

Applicant.

Remarks: The elevation of the top of the dam will be an assumed elevation of 124 feet; the initial point being the bottom of ^{the} dry channel of Snake River below the Oregon Short Line Ry. bridge and which is also low water mark, this mark is an assumed elevation of 100 feet above the datum line.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3304.

Date of first receipt of application 9.00 a.m. December 3, 1907.

Returned to application for correction December 3, 1907.

Corrected application received December 12, 1907.

Recorded in Book 10 Page 3304 Approved December 14, 1907.

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 grant the same, subject to the following limitations and conditions:

Good and sufficient bond to be filed in the sum of \$6,000.00 on or before February 12, 1908.

One-fifth of the work above specified to be completed on or before June 14, 1910.

The whole of said work to be completed on or before December 14, 1912.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to December 14, 1916.

Witness my hand this fourteenth day of December 1907.

Jas. Stephenson, Jr.,

State Engineer.

ASSIGNMENT OF PERMIT.

KNOW ALL MEN BY THESE PRESENTS: That I, George F. Lee, as executor of the Estate of Thomas W. Lee, deceased, and under and by virtue of an order issued out of the Probate Court of Fremont County, Idaho, directing the assignment of Permit No. 3304, to appropriate the Public Waters of the State of Idaho, issued to Thomas W. Lee, deceased, on the 14th day of December, 1907, and recorded in Book 10, on page 3304, of Permits, in the office of the State Engineer of the State of Idaho, in consideration of the sum of One Dollar, receipt whereof is hereby acknowledged, do by these presents, sell, assign, transfer and set over unto the City of Idaho Falls, any and all right, title and interest of the Estate of the said Thomas W. Lee, deceased, in and to said above described Permit.

Dated this 18th day of March, 1910.

Geo. F. Lee,

Executor.

Received and filed for record in the office of the State Engineer at Boise Idaho, at 9. am. June 4, 1910.
D. G. Martin, State Engineer.

Notice for proof of completion of works received fixing December 14, 1912, as date and Idaho Falls, as place of proof.

Notice for publication mailed the Idaho Register November 4, 1912.

Deposition blanks mailed the Notary Public At Idaho Falls November 12, 1912.

Report of J.E. VanGundy, examining engineer, received December 16, 1912.

Depositions received December 18, 1912.

Fees received August 18, 1913.

Certificate of Completion of works: issued September 6, 1913.

PERMIT NO. 3304.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that the City of Idaho Falls, County of Bingham, and State of Idaho, the holder of Permit No. 3304, issued upon Application No. 4629, bearing date of priority of December 3, 1907, authorizing the diversion of 3000 second feet of the waters of Snake River; County of Bingham, State of Idaho, for Power 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 3000 second feet of the waters of Snake River; that the point of diversion of said waters is as follows: Beginning at a point 700 feet S. of $\frac{1}{4}$ Sec. Cor. between Sections 13 & 18, on Township line, 2 N., R. 37 & 38 E. B. M., thence S. 7° 30' E. 1878 feet to point of diversion, and that the place of use of said water is at power house located 700 feet S. of $\frac{1}{4}$ Sec. cor. between Secs. 13 & 18, T. 2 N. R. 37 E. B. M.

Witness my hand this 6th day of September, A.D. 1913.

F.B. King,

State Engineer of the State of Idaho.

License issued for 600 second feet

P. 2232

UPPER PLANT located 3 miles north of Idaho Falls with diversions in Sec. 25, T. 3 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination Permit License/Decree
01-02047	Permitted 12-19-1927 Licensed 2-11-1939		10-28-1927	500 ¹	No No
01-04003	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	5-03-1930	580	No
01-02049	Permitted 5-15-1936 Licensed 3-14-1939		1-14-1936	1,080 ¹	No No
01-07013	Permitted 3-05-1979 Field exam 3-17-1988		11-09-1977	2,600	For diversion to beneficial uses ²
01-07023	Permitted 3-16-1979 Field exam 3-17-1988		2-15-1979	1,240	For diversion to beneficial uses ²
Subtotal of non-subordinated water rights Total (using permitted quantities)				2,160 cfs 6,000 cfs	

The footnotes are numbered consecutively for the group of four powerplants operated by the city of Idaho Falls.
Revised on June 12, 1997.

¹ See City of Idaho Falls vs Carlson, 9-03-80, File 01-B-4; the Stipulation makes no change in license 01-02047, but it reduces the subsequent licensed right 01-02049 from 1,500 cfs to 1,080 cfs.

² Idaho Code 42-203B(6) allows for subordination to upstream "depletory uses." Water Appropriation Rules, July 1, 1993, Rule 10.16 (010.16) defines a subordinated water right to be subject to depletion "for a purpose other than hydropower generation" (which appears to include recharge and non-hydropower storage). This type of language, which may clarify the status of recharge and non-hydropower storage, likely will be used at license time. A recent example is the condition placed on water license 01-07051 at Idaho Fall's Gem State Project which was licensed on 11-2-92 with the condition of subordination to future rights "other than hydropower." Idaho Code 42-4201A which states subsequent recharge rights are to be secondary to prior rights would have no bearing since the prior water right noted in this text would be a limited right in itself.

CITY PLANT located in the city of Idaho Falls with diversions in Sec. 24, T. 2 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination Permit License/Decree
01-00197	Rexburg Decree	12-16-1910, 01-B, p. 59	11-18-1898	(75) ³	No
01-00040	Rexburg Decree	12-16-1910, 01-B, p. 10	4-20-1900	140 ⁴	No
01-00041	Rexburg Decree	12-16-1910, 01-B, p. 11	10-22-1904	48 ⁴	No
01-02014	Permitted 12-14-1907 Licensed 2-11-1918				
			12-03-1907	485 ⁵	No
01-00360	Idaho Falls Decree	9-03-1980, 01-B-4, p. 2	2-05-1915	388	No
01-00361	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	7-18-1919	394	No
01-04002	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	10-05-1923	485	No
01-07015	Permitted 3-05-1979 Field exam 3-17-1988		11-09-1977	2,600	For diversion to beneficial uses ²
01-07024	Permitted 3-16-1979 Field exam 3-17-1988		2-15-1979	1,460	For diversion to beneficial uses ²
Subtotal of non-subordinated water rights Total (using permitted quantities)				1,940 cfs 6,000 cfs	

³ This Rexburg Decree water right in the name of G. G. Wright has not had an adjudication claim filed on it. This water right was not mentioned in the City of Idaho Falls vs Carlson Decree, 9-03-80, File 01-B-4, Findings of Fact and Conclusions of Law or the Stipulation. No transfer of ownership information or confirmation of this place of use is available. Evidently this power plant was dismantled; however, its exact location is unknown. Quantity not used in the totals.

⁴ Also see City of Idaho Falls vs Carlson, 9-03-80, File 01-B-4, Findings of Fact and Conclusions of Law, p. 4.

⁵ See City of Idaho Falls vs Carlson, 9-03-80, File 01-B-4; the Stipulation reduces the licensed right from 600 cfs to 485 cfs.

LOWER PLANT located 1/2 mile south of Idaho Falls with diversions in Sec. 25, T. 2 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination Permit License/Decree
01-00281	Woodville Decree ⁶	6-29-1929, 01-K, p. 26	12-29-1905	1,500 ⁴	No
01-00282	Woodville Decree ^{6,7}	6-29-1929, 01-K, P. 26	9-07-1915	(100)	No
01-04001	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	10-05-1940	1,240	No
01-07014	Permitted 3-05-1979 Field exam 3-17-1988		11-09-1977	(5,100) ⁸ 4,800 ⁹	For diversion to beneficial uses ²
01-07025	Permitted 3-16-1979 Field exam 3-17-1988		2-15-1979	(900) ⁸ (860) ¹⁰ 0 ⁹	For diversion to beneficial uses ²
Subtotal of non-subordinated water rights Total (using permitted quantities) Total (using turbine capacity) Total				2,740 cfs (8,740 cfs) ⁸ (8,700 cfs) ¹⁰ 7,540 cfs	

⁶ Listed in the name of Utah Power and Light Co.

⁷ This water right was issued for the Shelley power plant located 1 1/2 miles downstream from the Lower Plant in Sec. 34, T. 2 N., R. 37 E., B.M. The water right for this site now removed could not be transferred to the City's Lower Plant because an expansion of a water right is not allowed.

⁸ Permitted amount. See water right file 01-07013 for most related data.

⁹ Total of new flow, 4,800 cfs recommended for new license. Add 1,500 cfs + 1,240 cfs for old plant.

¹⁰ Maximum amount needed. City of Idaho Falls "preliminarily determined turbine flow capacities to be" 8,700 cfs. See letter of October 4, 1994, to their private attorney, Kent Foster, located in water right file 01-07025.

GEM STATE PROJECT located 4 miles south of Idaho Falls with diversions in Sec. 15, T. 1 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination Permit License/Decree
01-00283	Woodville Decree ⁶	6-29-1929, 01-K, p. 26	11-14-1924	(1,500) ¹¹	No
01-07051	Permitted 12-18-1985 Licensed 11-2-1992 ⁶		4-09-1980	3,000	Yes Yes ¹²
01-07018	Permitted 7-21-1982 Licensed 11-02-1992		3-17-1978	5,000	Yes Yes ¹²
Subtotal of non-subordinated water rights				none	
Total (using permitted and turbine capacity quantities)				8,000 cfs ¹³	

¹¹ The Decree refers to a water permit number that never was developed into a license.

¹² This water right was licensed on 11-2-92 with the condition that it is subordinate to future rights "other than hydropower."

¹³ October 14, 1992, Memorandum to File 01-07051 indicates the turbine capacity found during the field examination is 8,000 cfs.

AUG 29 2 00 PM '80

Kent W. Foster of
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83401
Telephone: 523-0620

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

CITY OF IDAHO FALLS,	)	
a municipal corporation,	)	Case No. 27583
	)	
Plaintiff,	)	STIPULATION
	)	
vs.	)	
	)	
RONALD D. CARLSON,	)	
Watermaster, Water District	)	
No. 1, State of Idaho,	)	
	)	
Defendant.	)	

The plaintiff herein, City of Idaho Falls, a municipal corporation, by and through Kent W. Foster, a member of the law firm of Holden, Kidwell, Hahn & Crapo, its attorneys of record, and the defendant, Ronald D. Carlson, Watermaster, Water District No. 1., State of Idaho, by and through Josephine P. Beeman, Deputy Attorney General for the State of Idaho, his attorney of record, hereby stipulate and agree as follows:

I

That upon application of the plaintiff through its attorneys of record, the Court may hear this matter without further notice.

II

That each of the allegations of plaintiff's Complaint on file herein are true and correct, and that the prayer for relief of said Complaint should be granted.

III

That if the licensed water rights described in the attached documents are included in a future adjudication, the rates of diversion will be corrected as follows:

<u>License No.</u>	<u>Rate of Diversion</u>	
	<u>License Shows:</u>	<u>Should be:</u>
01-2014	600 cfs	485 cfs
01-2047	500 cfs	500 cfs (no change)
01-2049	1500 cfs	1080 cfs

IV

That on examination into this matter, the Court may enter its findings of fact and conclusions of law in the form attached hereto.

V

That upon the entry of its findings of fact and conclusions of law herein, the Court may enter its Decree in the form attached hereto.

DATED this 29th day of August, 1980.

HOLDEN, KIDWELL, HAHN & CRAPO
Attorneys for the Plaintiff,
City of Idaho Falls,

By: *Keith W. Foster*
Keith W. Foster
A Member of the Firm

DAVID H. LEROY
Attorney General, State of Idaho

By: *Josephine P. Beeman 25 August 1980*
Josephine P. Beeman
Deputy Attorney General
Department of Water Resources
Attorney for Ronald D. Carlson,
Watermaster, Water District No. 1
State of Idaho

STATE OF IDAHO)
County of Bonneville) ss

I hereby certify that this Instrument is a full, true, and correct copy of the original thereof, on file in my office.

Dated *Sept 17, 1980*

RONALD LONGMORE
Clerk of the District Court and
Ex-Officio Recorder

By: *Ruth Howard*
Deputy

BOISE, IDAHO

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3½ x 3½ 3¼ x 4¼ 3¼ x 5½	20c	4c
4 x 5	20c	5c
4¼ x 6½	25c	7½c
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Packs 2¼ x 3¼ to 5 x 7	25c	Printing Postals 5c
5 x 7	35c	

No Postage charged on Film and Prints sent from our Finishing Department.

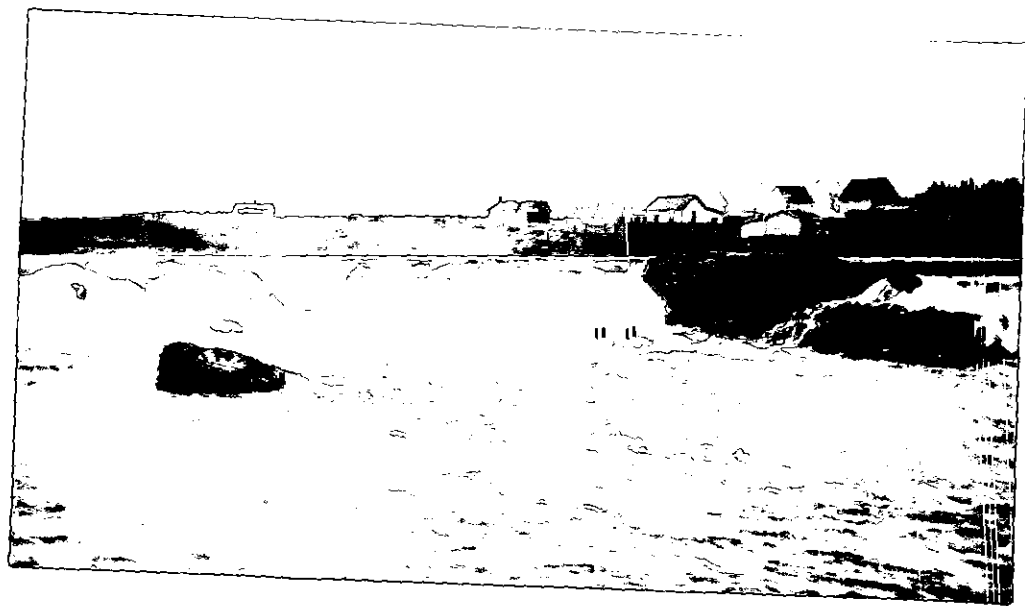


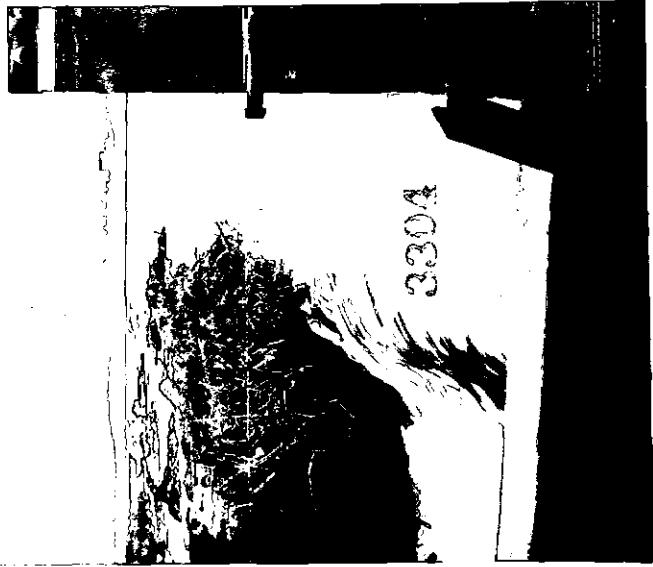


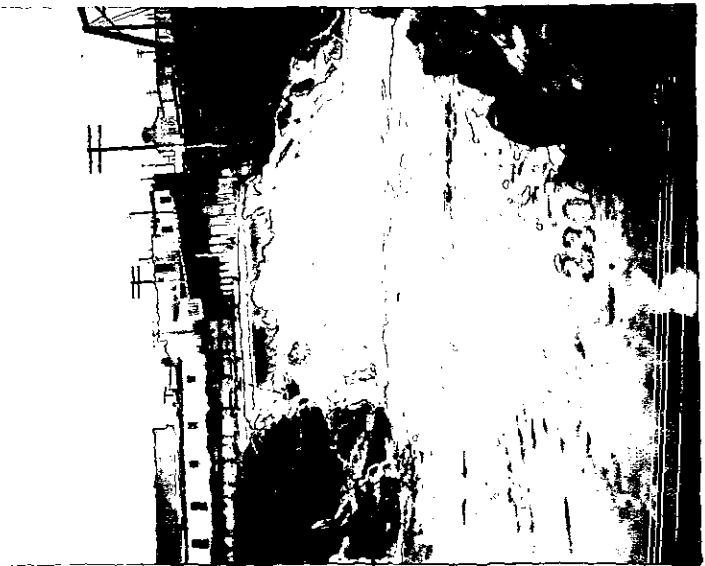














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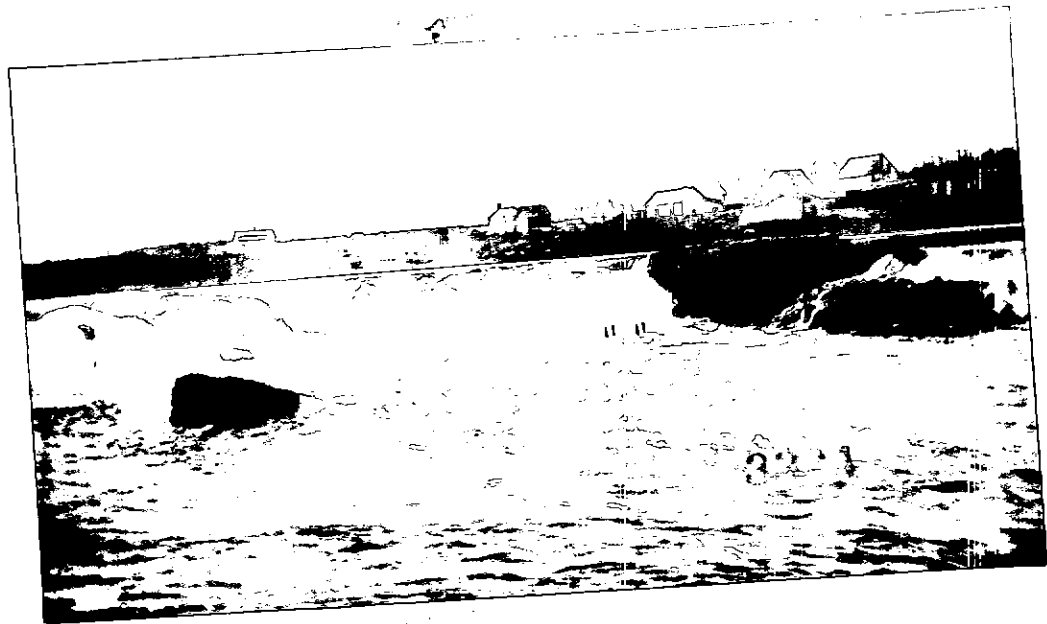












January 6th, 1923.

In re: Permit 3304

Mr. J. H. Wilson.

City Engineer.

Idaho Falls, Idaho.

Dear Sir:

With the aid of the information contained in your letter of January 4th, we have been able to locate the power filing to which you have referred in previous letters.

You are advised that this filing now stands in the name of the City of Idaho Falls, the assignment having been made by the Lee Estate to the City. It was due only to the manner in which this filing was indexed that we were unable to locate it before.

With reference to making an additional proof of beneficial use, so far I have not been able to devise any plan by which this could be properly and legally done in excess of the amount of water actually beneficially applied or in other words, the maximum amount of water which has to date been utilized by the plant.

However, we are open to suggestions along this

Mr. J. H. Wilson -- 2

line and any idea you may have as to the propriety of
issuing a license in excess of the 600 second feet, will
be given consideration.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By

Assistant

GNC/S

J. H. WILSON
CITY ENGINEER
IDAHO FALLS, IDAHO

Jan 4th 1923

State Department of Reclamation,
Boise, Idaho.

Dear Sir:

Attention Mr. G.N. Carter.

I am in receipt of your letter under date of
Jan. 2nd relative to the Idaho Falls power permit.

Do not understand why this permit does not stand in
the name of Idaho Falls as it is my understanding that
the transfer had been made from the original filing;
also proof of beneficial use has been made on part of
the water in the name of this City.

However, the number of the permit is 3304 and the
original filing was probably made in the name of
Geo. Chapin of this city.

Kindly inform me if the transfer of this permit has
been made to the City of Idaho Falls and if it will be
possible to show proof of beneficial use of water, greater
than the theoretical amount required to develop the H.P.
as shown on the switch board, providing the installed
equipment, including channel leading to plant, complete
units and tail race, is much larger than the maximum
power demand at the present time.

During July, 1921 I had some correspondence with
your office relative to the above permit.

Yours very truly,

J. H. Wilson
City Eng.

3304

3304
Let. of G. W. 3000 ft. 9-6-13
Proof of Ben. due 12-14-16
Lic. for 6000 sq. ft.
68829 Proof of G. W. due 12-3-15
for 3000 sq. ft. Not made

July 15, 1921.

Re: Permit 3304.

Mr. J. H. Wilson,
City Engineer,
Idaho Falls, Idaho.

Dear Sir:

Replying to yours of the 13th will state that proof of beneficial use under the above numbered permit was due December 14, 1916. Proof was offered on December 4, 1916 and license issued for 600 second feet. Additional proof covering any or all of the remaining amount claimed under the permit, which original amount is 3000 second feet, may be made at any time, but the priority date for such license as would be issued would be brought down a period of time equal to that which the proof is late, that is, a period of time equal to the time between December 14, 1916 and the time proof is made.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

MB

Chief Clerk.

3304

J. H. WILSON
CITY ENGINEER
IDAHO FALLS, IDAHO

July 13th, 1921

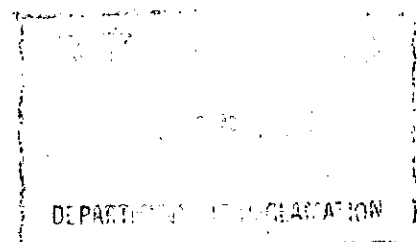
State Department of Reclamation,
Boise, Idaho.

Gentlemen:

Kindly inform me as to the date that the City of Idaho Falls, Idaho, must show proof of application to beneficial use of balance of water under permit No. 3304.

Yours truly,

J. H. Wilson,
City Engineer.



3304

February 13, 1918.

Re: Permit No. 3304.

Mr. Geo. B. Riches,
Idaho Falls, Idaho.

Dear Sir:

Enclosing herewith Water License issued
under above permit, with receipt for fee.

Very truly yours,

J. H. SMITH,

State Engineer.

By

Enc: ML
R-1562

LB

3304

Cy - 661

CITY OF IDAHO FALLS

OFFICE OF
GEO. B. RICHES
CITY CLERK

IDAHO FALLS, IDAHO,

Jan. 12, 1918.

J. H. Smith, State Engineer,
Boise, Idaho.

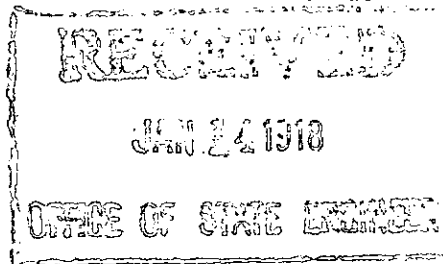
Dear Sir:-

Yours of the 3rd inst. received, and in compliance with your request I am inclosing herewith my check for \$5, together with blank receipt covering the same. You will kindly sign the inclosed receipt and return the same to me, together with license.

Yours very truly,

Geo. B. Riches
City Clerk

GBR/BEK



3304

January 3rd, 1918.

Re Permit 3304.

City Clerk,
Idaho Falls, Idaho.

Dear Sir:--

The report of our engineer for proof of use of water under the above permit, held by the City of Idaho Falls, is now on file and is satisfactory. Upon receipt of statutory fee of \$5.00, the license will be issued.

Very truly yours,

J. H. SMITH,

State Engineer.

By_____

3304

REPORT OF ENGINEER

1. State name of applicant and number of permit: City of Idaho Falls- Permit 3304

2. State source of water supply: Snake River

3. Location of point of diversion: Beginning at a point 700 ft. S. of the 1/4

Sec. cor. between Secs. 13 & 18, on Twp. line 2 N., Rs. 37-38 E.,
thence S. 7° 30' E. 1878 ft. to pt of diversion.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____

5. Describe works as they exist, giving dimensions and capacities of same: _____

Dam in main channel of Snake River about 250' long of concrete & Rock about 15' high.
Concrete spillway about 1600' long and of varying heights built on lava reef on left
side of river and this spillway acts as the right wall or bank of the channel to
the power house. 12 headgates 6' wide x 8' high - set in concrete across channel, and about
400' above power house. Capacity of channel is more than 600 second feet.
Installation of Power House & machinery is such that at low water period a head
or fall of 17 1/2' is available at the turbines in the Power House which is the
place of use under this permit.

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

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): For Power Purposes.

Place of use is in Power House in SE 1/4 NE 1/4 Sec 24, T. 2 N. R. 37 E. where it is used
to turn turbines for the development of Electrical Power, after which the water is
returned to Snake River.

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

Remarks: There are no diversions from Snake River between the points of diversion
and of return - except the municipal and domestic supply for the City of Idaho Falls,
which is pumped directly out of the fore bay above the power house which is
the point of use under this permit.

This examination was made on the 22nd day of October 1917.

(Signed) Samuel E. Vance, Jr.
 Examiner.

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

STATE OF IDAHO

County of _____

} ss.

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

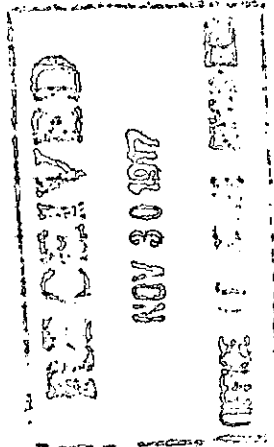
Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

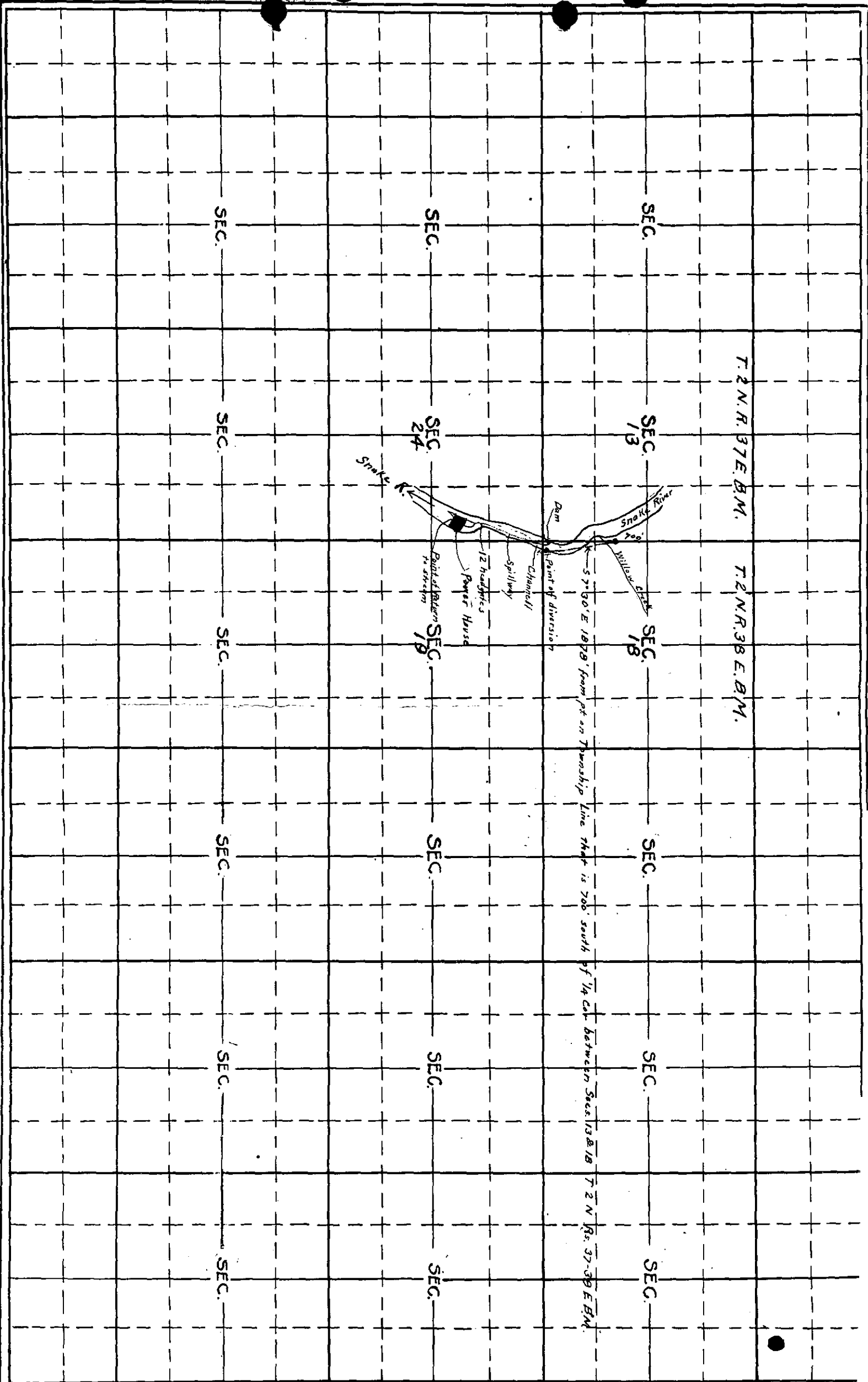
Notary Public.

DIST. NO. 36-E

City of Idaho Falls



3304



December 8th, 1916.

Re Permit 3304.

Mr. George B. Riches,
City Clerk,
Idaho Falls, Idaho.

Dear Sir:--

We are in receipt of a letter from Mr. O. E. McCutcheon, enclosing affidavit of publication and depositions in the matter of final proof under above permit. No action will be taken in regard to the proof until the required examination is made by our engineer, at which time you will be further notified as to fees required.

This examination will probably not be made for a couple of months, at least.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

3304

OTTO E. McCUTCHEON
COUNSELLOR
SUITE 207-209 SALISBURY-EARL BLDG.
IDAHO FALLS IDAHO

WESTERN UNION CODE
CABLE ADDRESS: OTTOCUTCH

December 4th, 1916.

Hon. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

I am enclosing herewith notice for publication, proof of publication with printed copy attached, deposition of holder of permit and depositions of two witnesses in the matter of proof of application of water to beneficial use under permit No. 3304 owned by the City of Idaho Falls, Idaho. Please send statement for fees due the state and your office to George B. Riches, City Clerk and the same will be allowed and paid.

Very truly yours,

Otto E. McCutcheon

DEC 4 1916
DAVID E. RICHES

3304

PROOF OF PUBLICATION.

STATE OF IDAHO.

BONNEVILLE COUNTY

ss.

I, W. S. SNYDER, do solemnly swear that I am the business manager of the firm of Dennis & Snyder, publishers and printers of the IDAHO FALLS TIMES, a newspaper of general circulation, published once each week at Idaho Falls, Bonneville County, Idaho; that said newspaper has been so published for more than one year previous to the first publication of the attached notice: that the notice attached hereto, and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper four consecutive weeks; that the first publication was made on the 2d day of November, 1916; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper and not in a supplement.

Last publication

November 23 1916

Subscribed and sworn to before me this

23d day of

November 1916.

O. W. Malmgren Notary Public.

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 2 p.m. on the third day of December, 1916, at Idaho Falls, County of Bonneville, State of Idaho, before Otto E. McCutcheon, Notary Public, proof will be submitted of the application to beneficial use of six hundred (600) cubic feet per second of the waters of Snake River, in accordance with the terms and conditions of Permit No. 3304, 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 City of Idaho Falls.
2. The use to which said water has been applied is power purposes.
3. The amount applied to beneficial use is six hundred (600) cubic feet per second.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) City of Idaho Falls.
5. The right to take the water from such works is based upon Permit No. 3304.
6. The source of supply from which such water is diverted is Snake river.
7. The date of the priority which said user is prepared to establish is December 3rd, 1907.

J. H. SMITH, State Engineer.
Pub Times—Nov 29 16 23

Permit No. 3304

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. F. B. Briggs, 49 yrs, residence Hoko Falls, Idaho, which is my post office address, occupation City Electrician.

Ques. 2. Are you acquainted with City of Hoko Falls, the holder of Permit No. 3304? How long have you known him and where does he reside?

Ans. Know of the permit and the works of the city referring to the diversion.

Ques. 3. Have you read or heard read said Permit No. 3304, 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. Snake River at point 700 ft. S. of $\frac{1}{4}$ Sec. corner between Secs 13 & 18 on Tp. line 2 N. R. 37 E. Bm, thence South 730' E 1878 ft to point of diversion, basin bed of river, spillways and four house equipped with turbines and electric generators.

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. 600 sec. feet. I have seen 600 sec. feet so 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. To develop electric power by driving turbines; used for lighting, heat and power within the city of Hoko Falls, Idaho, the plant and system completely being owned by the city. The water is used at power house which is situated 700 ft. South of $\frac{1}{4}$ Sec. corner between Secs 13 & 18 Tp. 2 N. R. 37 E. Bm. thence 170', culvert 1700', spillway 1600', power house 40' x 75' 2 stories, ^{8250, 000} ft.

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

Ans. applied to 3 turbines, 1 of 500 H.P. Cap. or 725 H.P., 2 of 400 ^{H.P.} each. Electricity generated and used for pumping water for distribution in the city. The water distributed is claimed under a completed appropriation other than that claimed under permit # 3304. extent of use 600 sec. ft.

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. Water diverted under Permit 3304 not used for irrigation.

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 personal interest

Ques. 10. State when, how, in what amount and to what extent you have witnessed the applica-

tion to beneficial use of water diverted under said permit.

Ans. There has been no water diverted in 1909, but there has been diversion since

Oct. 1915, has been diverted into the canal, for irrigation and drainage.

The water here, to amount of at least 600 ac. per

(Sign)

[Signature]

I hereby certify that the foregoing testimony was read to the above subscriber before its signing,

that I believe him to be the person he represents himself to be, and that said testimony was sub-

scribed and sworn to before me in *Shoshone* County of *Bannock*

State of Idaho, on this *14th* day of *Dec.* A. D. 19 *16*

William C. Johnson

Notary Public. *Residing at Hole Lake, Idaho.*

My commission expires *July 10 1919*

3304

Permit No. 3304

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. J. B. E. Barron, age 35, residence 1 P.O. address Hoko Falls, occupation Chief operator in charge of Electric generating plant for City of Hoko Falls.

Ques. 2. Are you acquainted with City of Hoko, the holder of Permit No. 3304? How long have you known him and where does he reside?

Ans. Yes. Have resided here since Sept. 1907.

Ques. 3. Have you read or heard read said Permit No. 3304, 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. Kusko River at point in city limits adjacent to power house of city where I am employed and particularly described in deposition of witnesses Briggs, Adams, spellings, headgates, power house, turbine wheels, pumps driven by electric motors, electric generators complete.

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. 600 sec. feet.

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

Ans. To drive turbines which turn electric generators at the power house a short distance south of Broadway Bridge in an old channel of Kusko River, now used as a forebay.

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

Ans. 600 sec feet continuously since the month of June 1912.

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. No claim under this permit for irrigation purposes.

3304

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. Has been employed continuously at the power house
since June 1912 and at least 600 res. feet has been used
at all time since said date.

(Sign) J. B. Bauman

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 Bonneville Falls, County of Bonneville

State of Idaho, on this 4th day of December A. D. 1916

Otto E. Clutcher

Residing at Bonneville Falls, Ida. Notary Public.

My commission expires Feb 10 1919

PERMIT NO. 3304

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. J. H. Wilson, 33, Idaho Falls, Idaho, Civil Engineer

Idaho Falls, Idaho. I am the duly elected, qualified and acting City Engineer of the City of Idaho Falls, the holder of said permit #3304.

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. City of Idaho Falls, Idaho, City Engineer. Directed by the Mayor and Council to act for the city at this hearing.

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

Ans. No. 3304, Date Dec. 3rd 1907.

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

Ans. Source of supply, Snake River; that the point of diversion is

as follows: Beginning at a point 700ft. S. of 1/4 Sec. Cor. between Secs. 13 & 18 on T. line, 2N., R. 37EBM., thence S. 7° 30' E. 1878ft. to point of diversion.

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. Works of diversion consists of 250ft. concrete and rock dam,

1600ft. spillway and a 50 ft. channel cut in old dry bed of

Snake River. Capacity 600 sec. ft.

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. Water is used to develop power, and place of use is at power

house located 700ft. south of 1/4 Sec. Cor. between Secs. 15 & 18,

T. 2 N. R. 37 E. B. M.

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

Ans. For power, applied to 3 turbines of 500KW and 2 of 400 KW.

Power used for lighting, heating, pumping, etc. 851 HP. generated.

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

600 sec. ft. City will make further proof under permit #9492.

Ans. Provision has been made by the building of a power house of sufficient capacity to install more power units for use as the needs of the city increase to use 3000 sec. ft.

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. By assignment from the original holder dated March 18th, 1910.

received and filed at the office of the State Engineer of Idaho June 4th, 1910.

3304

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

Ans. Since May 1912 have diverted 600 sec. feet, continuously by means of dams, conduits, headgates, draft tubes, turbine wheels driving electrical generators. As the needs of the city increase it is our purpose to install sufficient units to utilize the whole 3000 sec. feet described in said permit No. 3304, and preparation for such use has been made by the building of a large power house in which other power units will later be installed.

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. The city claims a reserved right for irrigation and domestic purposes but not under this permit. The city also claims a right under permit No. ~~9492~~ 9492. Also claim reserved right for 7000 inches for four & 1/2 miles proposed taking from April 20 + 400 and for 2000 inches taking from Oct. 22 / 1904, as decreed Dec. 16th 1910 in the City District Court. Witness makes this deposition on behalf of said municipality on account of his familiarity with the works and operations described herein.

(Sign)

J. H. Wilson

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 *Hohok Falls*, County of

Bonneville, State of Idaho, on this *4th* day of *Dec.*

A. D. 19*16*

*My Commission Expires
Feb 10 1917*

Otto E. W. Cutchman

*Notary Public Residing
at Hohok Falls Mo.*

OTTO E. McCUTCHEON
COUNSELLOR
SUITE 207-209 SALISBURY-EARL BLDG.
IDAHO FALLS IDAHO

WESTERN UNION CODE
CABLE ADDRESS: OTTOCUTCH

November 21st, 1916.

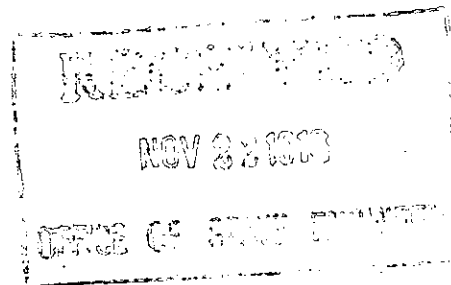
Hon. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

Referring to proof of application of water to beneficial use under Permit No. 3304 the hearing is set for December third which falls on Sunday. I have notified the parties to appear on Monday the fourth of December. O K

Very truly yours,

Otto E. McCutcheon



3304

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

Geo. B. Riches, City Clerk, PROOF OF BENEFICIAL USE
c/o Otto E. McCutcheon,
Idaho Falls, Idaho.

BOISE, IDAHO, November 14, 1916.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **3304.**

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 ~~December 3rd~~, 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 **Idaho Falls, before Otto E. McCutcheon, N.P.**

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

Yours truly,

J. H. Smith,

State Engineer.

3304

(P. O.)

Idaho Falls, Idaho

(Date)

Oct 30 - 16

State Engineer, Boise.

Dear Sir:

I have your letter of *9/28-16* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *3304* which will be published as you request, beginning with our issue of *Nov 2 - 1916*

The Times
Oct 30 - 1916

Dec 3

3304

October 28, 1916.

Re Permit 3304.

Geo. B. Riches, City Clerk,
Idaho Falls, Idaho.

Sir:--

Notice for final proof under above permit has today been mailed to the Idaho Falls Times for the required publication prior to December 3rd, the date for making proof. Deposition blanks will later be mailed to Mr. O.H. McCutcheon, the notary public before whom proof is to be made.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 2:00 P a. m. on the third day of December, 1916,
 at Idaho Falls, County of Bonneville, State of Idaho,
 before Otto E. McCutcheon, Notary Public, proof will be submitted
 of the application to beneficial use of six hundred (600)
thousand cubic feet per second of the waters of
Snake River, in accordance with the terms and conditions of Permit No. 3304
 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 City of Idaho Falls
Idaho Falls, Idaho
2. The use to which said water has been applied is power
3. The amount applied to beneficial use is Six hundred cubic feet per second
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
Idaho Falls, Idaho
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
City of Idaho Falls Mission Works.
6. The right to take the water from such works is based upon Permit No. 3304
7. The source of supply from which such water is diverted is Snake River
8. The date of the priority which said user is prepared to establish is December 3rd, 1907

State Engineer.

3304

06-E OK
CITY OF IDAHO FALLS

GEO. W. EDGINGTON, MAYOR
GEO. B. RICHES, CLERK
EDNA WARNOCK, TREASURER

IDAHO FALLS, IDAHO.

October 24, 1916.

J. H. Smith, State Engineer,
Boise, Idaho.

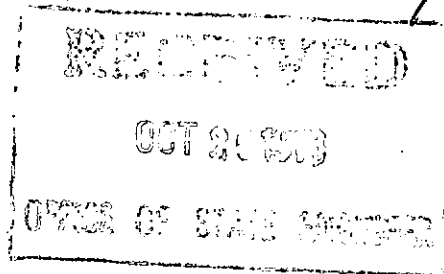
Dear Sir:

I am herewith inclosing blank notice of proof
of application of water to beneficial use with all blanks
therein properly filled out as per your notice of recent date.

Yours very truly,

Geo B Riches
City Clerk.

GBR/K



3304

October 20, 1916.

Re Permit 3304-City of Idaho Falls.

Geo. B. Jones, City Clerk,
Idaho Falls, Idaho.

Dear Sir:--

Replying to your letter of the 16th would say that, if the city has made use of the water appropriated under the above permit, certified copy of which is enclosed, the blank notices sent you should be filled out and returned to this office in time for same to be published four full weeks prior to the date of making proof.

The fee for certified copy is \$1.50.

Very truly yours,

J. H. SMITH,

State Engineer.

CC

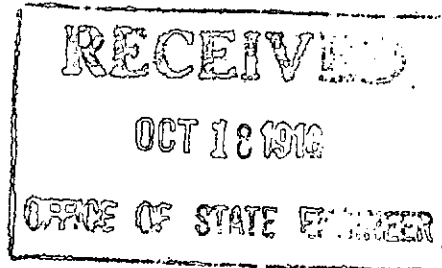
By _____

CITY OF IDAHO FALLS

GEO. W. EDGINGTON, MAYOR
GEO. B. RICHES, CLERK
EDNA WARNOCK, TREASURER

IDAHO FALLS, IDAHO.

October 16, 1916.



Hon. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

I am in receipt of your notice to submit proof of completion of works in relation to permit Number 3304, and in reply thereto, I wish to advise that I am not able to find a copy of said permit in this office, as the records have been stirred up considerably since the issuance of this permit, and I fear the same has been lost.

I will, therefore, ask that you furnish me with a certified copy of this permit, together with your verified claim therefor. I would appreciate any advice that you would be able to give in connection with this matter.

Thanking you for your prompt attention, I am

Yours very truly,

City Clerk.

GBR/K

3304

State of Idaho
ENGINEERING DEPARTMENT

BOISE

City of Idaho Falls,
The City Clerk,
Idaho Falls, Idaho.

Sept. 15, 1916.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 5304, 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,

J. H. SMITH,

State Engineer

3304

Boise, Idaho, September 17, 1913.

Permit No. 3304.

W. P. Dawe, City Clerk,
Idaho Falls, Idaho.

Dear Sir:

I herewith enclose Certificate
of Completion of work issued under above
Permit.

Yours truly,

F. P. KING,

State Engineer,

By _____

3304

December 18, 1912.

Permit 3304

W. P. Dawe,
City Clerk,
Idaho Falls, Idaho.

Sir:-

I am today in receipt the depositions for proof of completion of works under above permit. Upon receipt of the affidavit of publication and fees amounting to \$900.00 the certificate of completion of works will be issued.

Very truly yours,

State Engineer.

By...

3304

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. W. P. Dawe, 29 years, Idaho Falls, Idaho. City Clerk
Idaho Falls, Idaho.

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

Ans. City of Idaho Falls, Idaho Falls, Idaho. City Clerk

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

Ans. #3304 3000 second feet, Snake River, Near
Corner of Sec. 19 Township 3 N. R. B. M. 37 East.

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

Ans. Power Purposes

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

Ans. Turned in June 1st, 1913 full extent

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

Ans. Yes

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

Ans. ---

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Consist of Concrete and Crib Dam, Concrete Spillway, Twelve
Wooden Head Gates.

(Sign here.)

W. P. Dawe
City Clerk

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 Idaho Falls, County of

Bonneville, State of Idaho, on this 14th day of December, A. D. 1913.

My Commission expires

Feb 15 1915

REC

Otto W. Cuthbert

Notary Public.

STATE OF IDAHO ENGINEER

3304

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

City of Idaho Falls,

c/o Otto E. McCutcheon,
Idaho Falls, Idaho

Boise, Idaho, Nov. 12, 1912

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No. 3304.

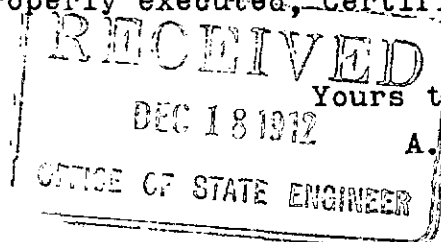
Deposition of Permit Holder,

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 December 14th, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Idaho Falls, before Otto E. McCutcheon, N.P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00, where amount claimed does not exceed 10 second feet. Where more than 10 second feet is claimed, the fee required is 30 cents per second foot. When these have been received, together with report of the examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.



Yours truly,

A. E. ROBINSON,

State Engineer.

3304

REPORT OF ENGINEER.

1. State name of applicant and number of permit: *City of Idaho Falls #3304*
2. State source of water supply: *Quake River*
3. Location of point of diversion: *From 1/2 Cor. Hw. Secs 13 & 18, T2N, R37 & R38 E. B.M. South 700' thence S7°-30'E-1878'*
4. State whether or not the works of diversion are fully completed and in accordance with the terms of permit: *Yes*
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: *100 to 300 feet*
 - (b) Width at water line: *100 to 300 feet*
 - (c) Depth of water: *3.4 to 70 feet (in lowbay)*
 - (d) Grade per mile: *Not ascertainable*
 - (e) Capacity of ditch: *2000 to 3000* second feet.
6. State whether or not water has been turned into works of diversion, and if so, to what extent: *Yes. Possibly 1000 second feet.*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract: *Water used to generate power*
8. Submit map on enclosed plat, showing source of supply, point of diversion, route of ditch or ditches and cross-hatch lands to be irrigated. *See Map #1 - Private Projects #149.*

Remarks: *Capacity of ditch as given above was computed from level notes etc. taken on the ground. Impossible to measure water going into or leaving power house. Diversion dam will divert 3000 second feet when water runs to a depth of 1 1/2 feet over weir wall.*

STATE OF IDAHO, }
County of..... } ss.

RECEIVED

DEC 16 1912

OFFICE OF STATE ENGINEER

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

Subscribed and sworn to before me this.....day of191....

My Commission Expires.....

Notary Public.

3304

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

City of Idaho Falls,

c/o Otto E. McCutcheon,
Idaho Falls, Idaho

Boise, Idaho, Nov. 12, 1912

Dear Sir:

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Yours truly,

A. E. ROBINSON,

State Engineer.

3304

(P. O.)

(Date)

St. Louis, Mo.

RECEIVED

NOV - 9 1912

OFFICE OF STATE ENGINEER

State Engineer, Boise.

Dear Sir:

I have your letter of *Nov. 4th* enclosing Notice of Proof
of Completion of Works under Permit No. *3304* which will be published
as you request, beginning with our issue of *November - 8-12*

W. B. Freeman

3304

REGISTER PRINTING AND PUBLISHING COMPANY

PUBLISHERS OF

THE IDAHO REGISTER

ESTABLISHED 1880

IDAHO FALLS, IDAHO

Nov. 7-1912

Mr. A.E. Robinson-State Engineer

Boise- Idaho

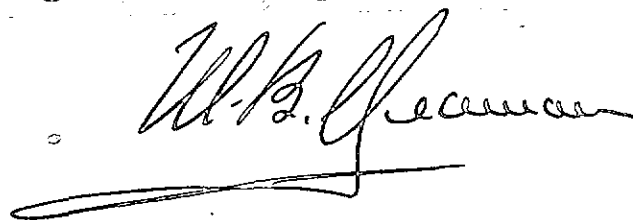
Dear Sir-

Please accept our acknowledgement of and thanks
for the order of publication in the case of proof of com-
pletion of works under permit-3304-

Yours Very Truly.

Register Printing and Pub. Co.

MBY-AE



RECEIVED

NOV - 9 1912

OFFICE OF STATE ENGINEER

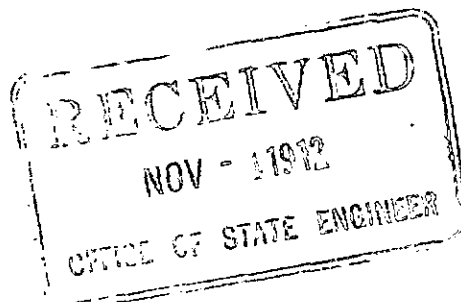
3304

Send out

FRANK BEACH
CIVIL ENGINEER
IDAHO FALLS
IDAHO.

Nov. 2 1912.

A.E. Robinson,
State Engineer,
Boise, Idaho.



Dear Sir:

I wish to inquire relative to the publication in our local paper, the Idaho Register, of notice of final proof on the permit given the City (Mr Lee) for the use of 3000 second feet of the waters of Snake River for power purposes. I understand this has been handed you by our Councilman Mr B.W.Clark and you are authorized to publish it in the Idaho Register.

The Register People infer me that they have not received the notice for publication.

Thanking you for the courtesy of your attention

I am Yours very truly

City Engineer,

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE.

OCT 10 1912

(Date) _____

(P. O.) *Robt Full Idaho*

To the State Engineer,
Boise, Idaho.

Dear Sir:-

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

Robt Register of *Robt Full Idaho* published in the

county in which the works are situated.

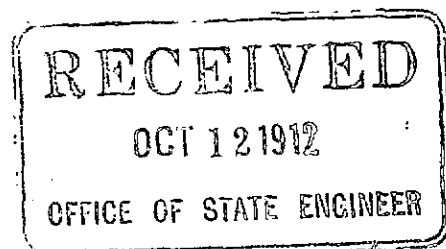
Edward Leurey
Mayor

(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

3304



NOTICE OF PUBLICATION

Notice is hereby given that at 2 P. M., on the 14th day Dec.
1912 at Idaho Falls, County of Bonneville State of Idaho,
 before Otto E. McCutcheon proof will be submitted of the completion of works for the
 diversion of 3000 cubic feet per second of the waters of Snake River
 in accordance with the terms and conditions of a certain permit
 heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is City of Idaho Falls

2. The postoffice address of such person or the place of business of such corporation is Idaho Falls
County of Bonneville State of Idaho. ~~on or before~~

3. The number of such permit is 3304, and the date set for the completion of such work is Dec. 14 1912

4. Said water to be used for Power purposes purposes.

5. 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 conducting to the place of intended use, in accordance with the plans accompanying the
 application for such permit, is 3000 cubic feet per second.

6. The amount of lands for which said water is available is _____ acres,
~~XX~~ ~~XX~~
 particularly described as follows: ~~XXXXXXXXXXXX~~ The place of use of said water is as follows:

~~Beginning at a point 700 ft. south of 1/4 Sec. cor. between Secs.~~
~~13 - 18, T.2 N.R. 37-38 E.B.M. thence S. 70° 30' E. 2350' to point~~
~~of return.~~

A. E. Robinson
 State Engineer.

October 8, 1912.

Permit 3304

W. P. Daw, City Clerk,
Idaho Falls, Idaho.

Sir:-

Per your wire received today, I am inclosing
you herewith blank notices for proof of completion
of works under above permit.

In regard to the examination would say that an
engineer from this office will make the examination.

Very truly yours,

State Engineer.

3B

By...

Br.

3304

DAY LETTER**THE WESTERN UNION TELEGRAPH COMPANY**

INCORPORATED

25,000 OFFICES IN AMERICA**CABLE SERVICE TO ALL THE WORLD**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following Day Letter. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Day Letters, sent at reduced rates, beyond a sum equal to ten times the amount paid for transmission; nor in any case beyond the sum of Fifty Dollars, at which, unless otherwise stated below, this message has been valued by the sender thereof, nor in any case where the claim is not presented in writing within sixty days after the letter is filed with the Company for transmission.

This is an UNREPEATED DAY LETTER, and is delivered by request of the sender, under the conditions named above.

THEO. N. VAIL, PRESIDENT

BELVIDERE BROOKS, GENERAL MANAGER

RECEIVED AT

96SX. D. 35 D.L. 2 EXTRA

78

IDAHO FALLS, IDAHO OCT. 8TH 1912

STATE ENGINEER,

BOISE, IDAHO.

PLEASE SEND US NEW APPLICATION BLANKS FOR PROVING UP ON ONE

PERMIT 3304 LAST ONES YOU SENT CAN WE BESIGNATE OUR OWN

CITY ENGINEER AS ONE TO MAKE EXAMINATION FOR PROOF.

W. P. DAW

CITY CLERK

208 PM

3304

June 6, 1910.

Permit 3304

J. E. Good, Lawyer,
Idaho Falls, Idaho.

Sir:-

I am returning you herewith transfer of above permit, same having been duly recorded in this office. Please to remit fifty cents recording fee.

Very truly yours,

State Engineer.

Tr.

By...

3304

Boise, Idaho, December 11, 1909.

Re Permit No. 3304.
T. W. Lee.

Mr. T. C. Bowman,
Idaho Falls, Ida.

Sir:-

Per yours of the 7th inst I am enclosing herewith
a certified copy of Mr. Lee's permit. All the cost
of transferring this permit from the estate to the
City of Idaho Falls will consist of the charge for
recording the instrument of transfer.

Very truly yours,

State Engineer,

By _____.

3304

The Dry Farming Congress

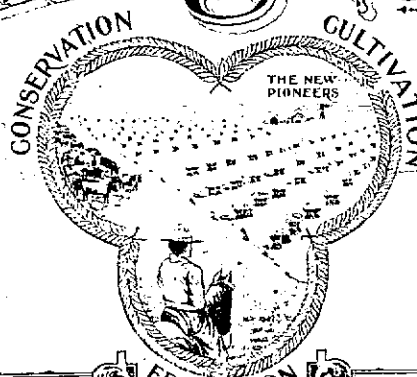
PRESIDENT, EDWIN L. NORRIS
GOVERNOR OF MONTANA
HELENA, MONT.

CHAIRMAN EXECUTIVE COMMITTEE
F. C. BOWMAN
IDAHO FALLS, IDAHO

CHAIRMAN BOARD OF CONTROL
FOURTH DRY FARMING CONGRESS
P. B. MOSS, BILLINGS, MONT.

FOURTH ANNUAL SESSION
BILLINGS, MONTANA
OCTOBER 26TH, 27TH, 28TH, 1909

SECOND INTERNATIONAL
DRY FARMING EXPOSITION
BILLINGS, MONTANA, DURING
THE FOURTH CONGRESS



OFFICE OF
FRANK C. BOWMAN
CHAIRMAN OF EXECUTIVE COMMITTEE
IDAHO FALLS, IDAHO

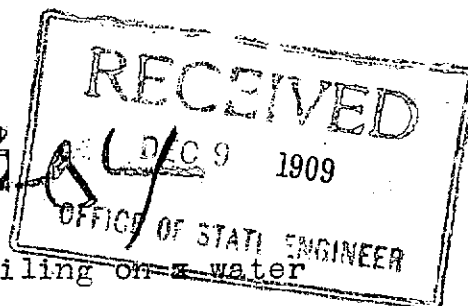
THE CONGRESS HAS BUT ONE OBJECT—THE FURTHER DEVELOPMENT OF AGRICULTURE
THROUGHOUT THE WORLD BY THE UTILIZATION OF SCIENTIFIC AND SENSI-
BLE METHODS OF CONSERVATION AND CULTIVATION, WHERE
IRRIGATION IS IMPRACTICAL OR IMPOSSIBLE.

Dec. 7, 1909.

James Stephenson Jr, State Engineer,
Boise, Idaho.

Dear Sir:-

P 3304



Some two years ago T.W. Lee made filing on ~~a~~ water at Idaho Falls for Power purposes, as you know Mr. Lee died last April and owing to his death neither he or his Estate will be able to carry out the provisions of his contract with the State of Idaho.

The City of Idaho Falls now comes in and asks the Estate for a transfer of Mr. Lees filing agreeing to take up immediately and complete his contract with the State, I presume that in a transfer of this kind there will be no additional charges for Cubic second feet.

I do not find the permit among his papers and therefore cannot give you the number and will kindly ask that you furnish me a copy of the permit for purpose of transfer, and any other suggestions you may have to offer in the matter will be appreciated. With kind personal regards, I am.

Very truly yours,

F. C. Bowman

3304

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D. T. Hoskins, Cashier San Miguel National Bank, Las Vegas, New Mexico

Prof. W. H. Olin, Denver, Colorado

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John T. Burns, 407 Temple Court, Denver, Colorado

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Sen. James H. McColl, Member Parliament, Melbourne, Australia.

Dr. William Macdonald, editor Agricultural Journal, Pretoria, Transvaal,
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Senor Don Romulo Escobar, Ingeniero Agronomo, president School of Agriculture, Ciudad Juarez, Mexico.

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 Lyman J. Briggs, Department of Agriculture, Washington, D. C.
 J. H. Shepperd, Dean Agricultural College, North Dakota.
 Samuel H. Lea, State Engineer, Pierre, South Dakota.
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 Anders L. Moridt, Guymon, Oklahoma.
 G. A. Martin, The Herald, El Paso, Tex.

Prof. J. D. Tinsley, Agricultural College, New Mexico.
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Alfred Atkinson, Agricultural College, Bozeman, Montana.
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George J. McCabe, Palmerlee, Arizona.
R. W. Thatcher, Agricultural College, Pullman, Washington.
Karl W. Kertel, Agricultural College, Corvallis, Oreg.
Arthur E. Briggs, president California State Board of Trade, San Francisco.
Richard A. Riede, Ely, Nevada.

THE MONTANA BOARD OF CONTROL OF THE FOURTH ANNUAL SESSION

Billings, Montana, October 26, 27, 28, 1900

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I. D. O'Donnell, Treasurer
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H. W. Rowley
George F. Bennighoff
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Christian Yegen
W. A. Selvidge
E. B. Camp

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W. X. Sudduth .
W. R. Westbrook .
W. W. Clark .
Harry F. Scott .
A. V. McComb .
W. W. Andrus .
Hon. Paris Gibson .
Peter A. Berglund .
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Norman Holden .
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 . Laurel
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T. E. Hammond
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G. B. Haynes, C. M. & St. P. Ry.
J. A. Griffiths, U. P. Ry.

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Sidney, Dawson County
Lewistown, Fergus County
Bozeman
Norris
Laurel
Missoula
Glasgow
Billings
Butte
Anaconda
Moore
Phillipsburg
Marysville
Phillipsburg
Helena
Tweed
n Ry. Chicago, Ill.
Stanford
Roundup
Hobson
Livingston
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G. W. Burt
S. B. Bobbs
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Chas. Danford
S. W. Kelsey
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H. H. Swearingen, Gen. Agt., C. B. & Q.
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E. C. Leonard
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Lee Hillard
Thos. C. Hand
J. T. Smith
J. J. Jewell
J. W. Wade, State Engineer
Arthur W. Ide
C. W. Cook
Louis Newman

Malta
Mildred
Belgrade
Kalispell
Broadview
Red Lodge
Fromberg
Terry
Manhattan
Miles City
Ismay
Ekalaka
Baker
Failor
Calabazas
Brandenburg
Powderville
Kalispell
Wibaux
Billings
Forsyth
Glen diver
Comoc
Kendall
Kalispell
Livingston
Hobson
Helena
Helena
White Sulphur Springs
Havre

BILLINGS, MONTANA

Is a division point on three trans-continental railway lines, the Northern Pacific Railway, The Burlington-Northern Pacific, via northeastern Wyoming, and the Burlington-Great Northern, via central Wyoming. Besides the main lines, there are three branch roads operated from this point.

Billings is the center of a large tract of non-irrigated wheat lands. These farms consist of government homesteads, and deeded sections which sell from \$10.00 to \$15.00 per acre.

The temperature in summer sometimes reaches 100 degrees, but the nights are always cool. Chinook winds prevail during the greater part of the winter, interspersed with occasional cold snaps. Zero weather seldom occurs. The rain months are September, October, April, May and June, with a light snowfall in season. Annual precipitation in the wheat farm district is about 16 inches.

The city contains about 16,000 inhabitants, and is a thriving commercial and jobbing center. Agriculture is carried on extensively in this vicinity on both non-irrigated and irrigated lands. The soil is very fertile and adapted to orcharding, cereals, root crops and small fruits.

This section offers the farmer the **only easy money** such an individual ever makes—that is, the **rise in value** of the land.

Write the Billings Chamber of Commerce for any desired information.

Boise, Idaho, February 10, 1908.

Permit 3304.

B. J. Briggs,
Idaho Falls, Idaho.

Sir:--

Bond in the above received today in approvable form.

Very truly yours,

State Engineer.

By__

W/G.

3304

Boise, Idaho, February 10, 1908.

Permit 3304.

Wm. L. McConnell,
Idaho Falls, Idaho.

Sir:--

Bond in the above received today in approvable form.

Very truly yours,

State Engineer.

By —

W/G.

3304

BOND NO.

The Title Guaranty



& Surety Company

HOME OFFICE: SCRANTON, PENNA.

Know all Men by these Presents:

That ~~Thomas Wilber Lee~~ Thomas Wilber Lee

(hereinafter called the principal), and **THE TITLE GUARANTY & SURETY COMPANY**, a corporation created and existing under the laws of the Commonwealth of Pennsylvania, and whose principal office is located in the City of Scranton, Commonwealth of Pennsylvania, (hereinafter called the Surety), are held and firmly bound unto ~~-----~~ The State of Idaho ~~-----~~

(hereinafter called the obligee), in the full and just sum of ~~Six Thousand~~
~~(\$6000.00)~~ Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, the said Principal bind ~~himself~~
heirs, executors and administrators, and the said Surety binds itself, its successors and assigns jointly and severally, firmly by these presents, signed, sealed and delivered this 8
day of February A. D., 1908.

Whereas, said Principal has entered into a certain written contract with the Obligee.

Which contract is known as Application for Permit to appropriate the public waters of the State of Idaho, No. 4629, and having the State Engineer's Approval as Permit No. 3304, approved December 14 1907, under and by virtue of which Permit the said Thomas Wilber Lee principal, proposes to erect, construct and complete works for diversion of waters as shown and set out in Application No. 4629, Permit No. 3304 and the condition of this bond is that he shall faithfully carry to completion the works of diversion as specified in said Permit, copy of which, together with copy of Application No. 4629, is attached hereto and made a part hereof.

3304

Now, Therefore, The condition of the foregoing obligation is such that if the said Principal shall well and truly indemnify and save harmless the said Oblige from any pecuniary loss resulting from the breach of any of the terms, covenants and conditions of the said contract on the part of the said Principal to be performed, then this obligation shall be void; otherwise to remain in full force and effect in law; **PROVIDED,** however, that this bond is issued subject to the following conditions and provisions:

First—That no liability shall attach to the Surety hereunder unless, in the event of any default on the part of the Principal in the performance of any of the terms, covenants or conditions of the said contract, the Oblige shall promptly and immediately upon knowledge thereof, and in any event not later than thirty days after the occurrence of such default, deliver to the Surety at its office in the City of Scranton, Penna., written notice thereof with a statement of the principal facts showing such default and the date thereof; nor unless the said Oblige shall deliver written notice to the Surety at its office aforesaid before making to the Principal the final payment provided for under the contract herein referred to.

Second—That in case of such default on the part of the Principal, the Surety shall have the right, if he so desire, to assume and complete or procure the completion of said contract; and in case of such default, the Surety shall be subrogated and entitled to all the rights and properties of the Principal arising out of the said contract and otherwise, including all securities and indemnities therefore received by the Oblige, and all deferred payments, retained percentages and credits, due to the Principal at the time of such default, or to become due thereafter by the terms and dates of the contract. **Third**—That in no event shall the Surety be liable for a greater sum than the penalty of this bond, or subject to any suit, action or other proceeding thereon that is instituted later than six months from the date of completion of said contract.

Fourth—That in no event shall the Surety be liable for any damage resulting from, or for the construction or repair of any work damaged or destroyed by, an act of God, or the public enemies, or mobs, or riots, or civil commotion, or by employees leaving the work being done under said contract, on account of so-called "strikes" or labor difficulties.

In Testimony Whereof, the said Principal ha hereunto set his hand and seal, and the said surety has caused these presents to be sealed with its corporate seal, duly attested by the signature of its Attorney-in-Fact the day and year first written.

Signed, sealed and delivered in the presence of

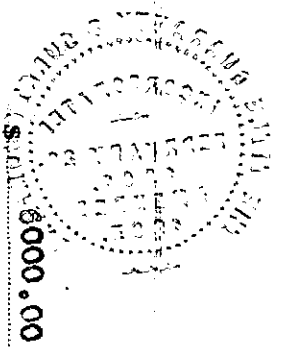
B. J. Briggs Thomas Wilbur Lee [SEAL]
[SEAL]
[SEAL]

THE TITLE GUARANTY & SURETY COMPANY.

By J. N. Mobley
Its Attorney-in-fact.



APPROVED
DATE Feb 11 1908
Jas. Stephenson, Jr.
State Engineer.



The Title Guaranty &
Surety Company

Contract Bond

No. 4724

ON BEHALF OF

THOMAS WILBUR LEE
TO

State of Idaho

Date Jan. 21, 1908

Expires 19

Received and filed for record in the office of
the State Engineer at Boise, Id. Co., at 9
AM February 10 1908
J. E. Stephenson, Jr.
STATE ENGINEER.

3304

Feb'y. 8th. 1908.

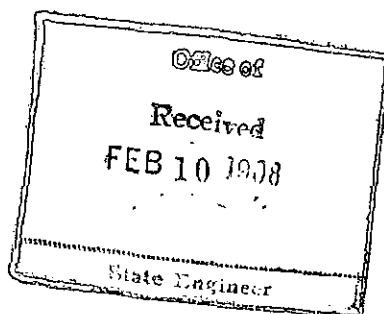
Mr. James Stephenson,
Boise, Idaho.

Dear Sir:-

I enclose you herewith fidelity bond and letter of B.J. Briggs, Kindly have the blanks filled in giving the number of the permit, as well as prepare a copy of the application, and attach to the bond. This is of vital importance, as the date for filing expires February 12th. and Mr. Lee under no circumstances wished any mishap in this filing. Your expense for making copy of the application will be returned by sending bill to either Mr. Briggs, Mr. Lee or myself. Kindly acknowledge receipt of the bond.

Yours very truly,

Wm L. McConnell



P3324

B. J. BRIGGS
LAWYER

Idaho Falls, Idaho, Feb. 8, 1908.

James Stevenson, Jr.

State Engineer.

Boise, Idaho.

Dear Sir:-

Enclosed please find bond of Thomas W. Lee covering the provisions of Permit No. 3304 and your requirements therein made.

Will you kindly attach a copy of the permit and the application to the bond and send your bill to me for the copy. Also, kindly fill in any blanks that require it according to the facts as appear of record.

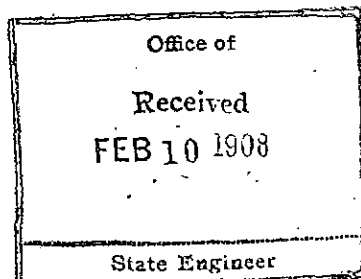
If the bond is not found satisfactory in every particular kindly advise me

Yours Truly,

Dict. BJBHF

Encl.

B. J. Briggs



P3304

3304

Boise, Idaho, Jan. 4, 1908.

Permit 3304. Thos. W. Lee.

Wm. L. McConnell,
Idaho Falls, Idaho.

Sir:--

Replying to yours of the 2nd inst. in the above would say that the permit in question was mailed to you on the 31st ult. You have no doubt received it by this time.

Very truly yours,

State Engineer.

By _____

W/G.

3304

Jan. 2d. 1908.

Mr. Jas. Stephenson, Jr.,

Boise, Idaho.

Dear Sir:-

Relative to the permit recently issued to Thomas W. Lee of this city, and of which I have some time since received a copy. Your letter at the time of mailing me the copy stated that as soon as you had the permit recorded you would send the same. It has been quite a while since I have received the copy, and the original permit has not as yet reached Mr. Lee. Will you kindly send the original permit, as well as the copy of the plans now in your possession, with your approval endorsed on the same at your earliest possible convenience?

Yours very truly,

Wm L. McConnell

3304

3304

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, Dec. 31, 1907.

Permit 3304. Thomas W. Lee.

Wm. L. McConnell,
Idaho Falls, Idaho.

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.

JAS. STEPHENSON, Jr.,

State Engineer.

3304

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

NOTE

Permit 3304.

That in order to keep this permit in force a bond in the sum of \$6,000.00 must be filed in the office of the State Engineer on or before February 12, 1908. conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

JAS. STEPHENSON, Jr.,

State Engineer.

3304