

State of Idaho
License and Certificate of Water Right

Water License No. 9283
Water District No. 26

Amount 0.1 sec. ft.
Priority 4-28-13

THIS IS TO CERTIFY that **Frank W. Schneider**
of **Burley, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **April 22**, 1913; that Permit No. 9283
was issued under said application; that Certificate of Completion of works, with a carrying capacity of **3.5**
second feet, was issued thereunder on **May 21**, 1915, showing that said works
were completed on the 10th day of **May**, 1915; and that on the 16th
day of **May**, 1916,

Mrs. Hattie Austin, for and on behalf of the heirs of **Frank W. Schneider**, deceased,
of **Burley**, State of **Idaho**, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of **Rocky or Slide Canyon**,
a tributary of _____, for the purpose of **domestic use**,
under Use Permit No. **9283** of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume **5** of Licenses, at page **2470**, on the **24th**
day of **September**, 1919;

The right hereby confirmed dates from **April 28**, 1913;

The Point of Diversion is located at the **N.E. Cor. of Sec. 19, T. 12 S., R. 24 E., B.M.**,
in the **NE ¼ NE ¼, Sec. 19**, Tp. **12 S.**, R. **24 E.**, B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed **0.1** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	24 E	6	Lot 3 - For Domestic use.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this **24th**
day of **September**, 1919.

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

(Seal)

45 2128

No. 14003.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Frank W. Schneider,

Postoffice address: Burley, R. F. D. #2

County: Cassia

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 $3\frac{1}{2}$

cubic feet per second.

3. Source of water supply: Rocky, or Slide Canyon

4. Location of point of diversion: At NE corner section 19 T. 12 S. R. 24 E. B. M.

County of Cassia, State of Idaho.

5. To be used for: Domestic and Irrigation purposes.

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

188.69

acres.

(b) In the following legal subdivisions: Lots 3, 4, 5, 6 & 7 Sec. 6 T. 12 S. R. 24 E. B. M.

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

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

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

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

6. Estimated cost of works: \$250.00

7. Description of works for diversion:

I. Kind of works: ditch

II. Dimensions of works:

[a] Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction:

[b] Capacity of reservoir

acre feet.

[c] Size of headgate, width

feet,

Height

feet.

(d) Conduit

ditch

width at bottom

two

feet,

width at water line

three

feet, depth of water

two

feet, diameter of pipe

inches; average grade per mile is 300

feet.

Length of conduit is two

miles,

and it crosses the following quarter sections:

The SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ Sec. 18;SW $\frac{1}{4}$ and NW $\frac{1}{4}$

Sec. 7, T. 12 S. R. 24 E. B. M.

Sec. 18; SW $\frac{1}{4}$ and NW $\frac{1}{4}$

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

years.

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

Frank W. Schneider,

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. April 22, 1913.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 9283

Recorded in Book 30 Page 9283 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 May 10, 1914.

The whole of said work to be completed on or before May 10, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before May 10, 1916.

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

F. P. King,
State Engineer.

Remarks:

Proof of completion of works made May 10th, 1915.

Certificate of completion issued May 21st, 1915.

Permit No. 9283

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Mrs. Hattie Austin, for and on behalf of the heirs of Frank W. Schneider, deceased, of Burley, County of Cassia, and State of Idaho, the holder of Permit No. 9283, issued upon Application No. 14003, bearing date of priority of April 22, 1913, authorizing the diversion of $3\frac{1}{2}$ second feet of the waters of Rocky or Slide Canyon, County of Cassia, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use $3\frac{1}{2}$ second feet of the waters of Rocky or Slide Canyon; that the point of diversion of said waters is at the N.E. Cor. of Sec. 19, T. 12 S., R. 24 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 3, 4, 5, 6 & 7, Sec. 6, T. 12 S., R. 24 E.B.M., containing 188.69 acres.

Witness my hand this 21st day of May, A.D. 1915.

J. H. SMITH,

State Engineer of the State of Idaho.

Licence No. 0.1 second feet

Page 2470

Licence No. 0.1 second feet

Recorded by
Checked by

4/3
4/3

WATER RIGHT NUMBER 45-2125

OWNER LAST NAME - SCHNEIDER FIRST NAME - FRANK W. ORIG OWNER - 0
OWNER LAST NAME - SCHNEIDER FIRST NAME - EST. OF FRANK W. ORIG OWNER -
ADDRESS LINE 1 - C/O HATTIE AUSTIN ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - BURLEY STATE - ID ZIP CODE - 83318
SOURCE - BIG ROCKY CREEK TRIBUTARY OF - SINKS
STAGE - LICENSE STATUS - PRIORITY - 04-28-1913 COUNTY - CASSIA TOTAL CIV. RATE - .1000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NENE 19 12S 24E LOT RELIV - 272.0 430.0 0.4 0.0 0.0 0.0 0.0 0.0 0.0 3.6
FROM - TO - USE - DOMESTIC USE DIV. RATE - .1000 CFS USE DIV. VOLUME - .00 AFA
USE - DOMESTIC PLACE OF USE - TWN 12S RNG 24E SEC 06 TRACT LCT 02 AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS - LIC. IDENTIFIES SOURCE AS ROCKY OR SLIDE CANYON.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLC NO. - 9283
PROOF MADE - FLD EXAM - CONC. OF APPROVAL -
DIVERSION MEANS -

100 000000

3/79

IDENT. NO. 45-2128

I D 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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 9283 145-2128
 Old No. New No.

Record

1. Original Owner: Frank W. Schneider

Present Owner: Frank W. Schneider Est.

2. Address: % Hattie Austin

3. City: Berkey State: ID Zip: _____

4. A. Source of Water: Rocky Canyon

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

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

C. Priority Date: 4-28-1913

D. County: 31

E. Total Diversion Rate: .1

F. Total Diversion Volume: _____

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

H. Water District: _____

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NE NE</u>	<u>19</u>	<u>12S</u>	<u>24E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from _____ to _____ for <u>0</u> purposes.	Amount <u>.1</u> (cfs or AC-FT/yr)
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____

8. Use Code: *D*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Source otherwise known as Sudi Canyon*
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 9283

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

SLD 5.10.79

March 20, 1933

RE: PERMIT NO. 9283

MR. A. H. NIELSON
Attorney at Law
Burley, Idaho

Dear Sir:

We have your letter of March 15, in which you request information as to the number of permits that have been issued to appropriate the waters of Rocky or Slide Canyon, and to whom they were issued.

Mr. Frank Schneider filed application for permit on April 22, 1913, to appropriate 3.5 second feet of the waters of this stream. Under date of May 10, 1915, Mrs. Hattie Austen, acting for and in behalf of the heirs of Frank Schneider, Deceased, made proof of Completion of Works. Mrs. Austen on May 16, 1916, acting in the same capacity, offered proof of application of water to Beneficial Use. A license was issued September 24, 1919, for 0.01 of one cubic foot per second. It bears date of priority as of April 28, 1913. This is the only permit which has ever been applied for to appropriate the waters of this stream.

You say that the county records of Cassia County show that a portion of this water was appropriated for the SE $\frac{1}{4}$ of Section 31, T. 11 S., R. 24 E. B. M., in May, 1902. As you know, the permit law was not passed until 1903. Therefore this appropriation would have been made under what was known as the Location Notice. The County Recorder was supposed to file a copy of each notice in the State Engineer's office. However, we find that occasionally, as in this instance, the copy was not filed in this department.

If we can be of any further assistance to you in this matter please feel free to call upon us at any time for additional information.

Very truly yours,

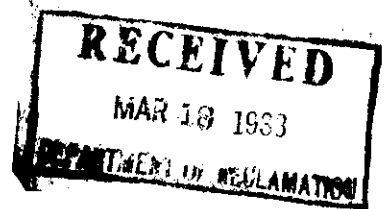
R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:MC

9283

WOLFE AND NIELSON
ATTORNEYS-AT-LAW
.....
BURLEY, IDAHO



E. M. WOLFE
A. H. NIELSON

March 15, 1933

State Engineer
State of Idaho
Boise, Idaho

Dear Sir:

A controversy has arisen here and I am trying to find who has the title to all the waters of Rocky or Slide Canyon, which is located in Cassia County.

From the records in our county, it appears that a portion of this water was appropriated for the SE $\frac{1}{4}$ of Sec. 31, Twp. 11 South, Rge. 24 E.B.M. in May, 1882.

This property was acquired by Frank Schnider and on May 10, 1913, Mr. Schnider obtained a permit from your department to appropriate 3 $\frac{1}{2}$ cubic feet per second of time of the flush waters of Rocky or Slike Canyon.

A decree settled the above water in our County, giving these rights to Schnider. Since that time, the water has been used by H. R. Matthews and the property has passed through several hands and is owned by a Chapman. The property is now described as Lots 3, 4, 5, 6, and 7 of Section 6, Township 12 South, Range 24 E.B.M.

Would you please inform me if any permits other than the ones set out above have been allowed by you or if any applications have been made to appropriate the waters of the above described creek.

Thanking you for this information, I am,

Very truly,


A. H. Nielson

AHN:hw

October 9, 1919.

In re: Permit 9283.

Mrs. Hattie Austin,

View, Idaho.

Madam:

Herewith find license issued under the above numbered
permit.

Yours very truly,

W. G. Swendsen,
Commissioner of Reclamation,

By

Chief Clerk.

L/B.
Enc.

9283

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 261. State name of applicant and number of permit: Mrs. Hattie Austin-Permit 92832. State source of water supply: Rocky, or Slide, Canyon3. Location of point of diversion: N.E. Cor. of Sec. 19, T. 12 S., R. 24 E., B.M.

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

Ditch - 1 ft bottom, 6 in deep Capacity 5 sec ft5. State whether or not water has been turned into works of diversion: Yes

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

Lots 3, 4, 5, 6 & 7, Sec. 6, T. 12 S., R. 24 E., B.M.

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

8. How many parties conduct water in this system? No other parties

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? none

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

noneRemarks: This water is insufficient to reach any other stream. Their ground is all cleared but haven't watered it.This examination was made on the 21 day of Sept 1919

(Signed)

R. G. Pierce

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 _____ 19____

My commission expires _____

Notary Public

9283

DIST. 26

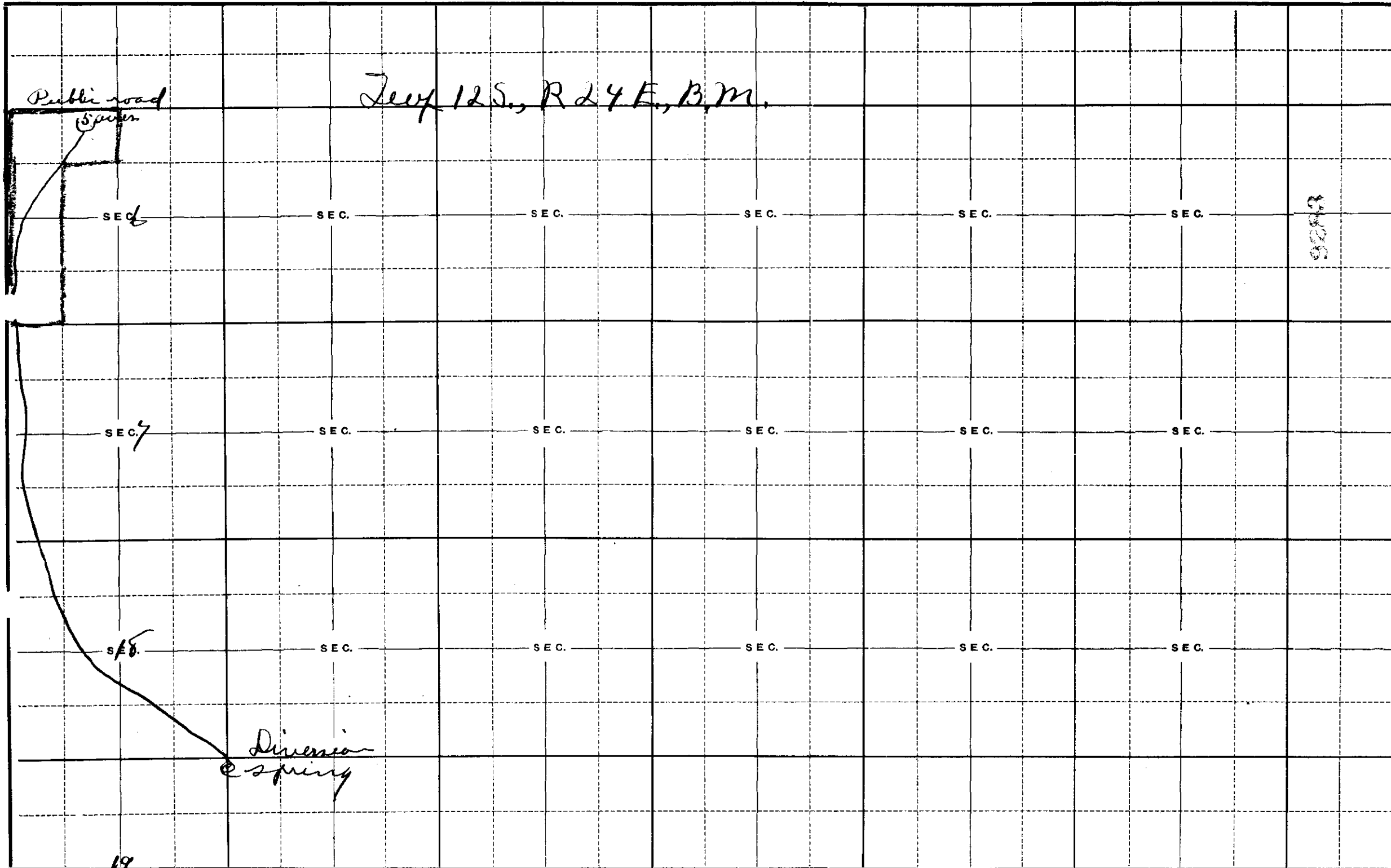
Mrs. Hattie Austin,
Heirs of F.W. Schneider
Burley *H. H. H.*
Permit 9283

Instructions To Examiners

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

SEP 22 1911

NAME OF APPLICANT *Mrs. Patricia Christina Perma* '92283



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

May 19, 1916.

Re Permit 9283. - Mrs. Hattie Austin, et al.

Mr. J. A. Jones,
Burley, Idaho.

Sir:--

Am just in receipt of your letter, enclosing depositions, affidavit of publication and fees, in the sum of \$10.00, for proof of beneficial use of water under above permit. As soon as the examination can be made by our engineer, the matter of issuing the license will be taken up.

Very truly yours,

J. H. SMITH,

State Engineer.

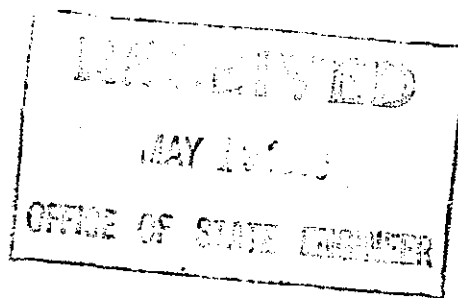
By _____

9283

20/5/16

J. C. ROGERS
ATTORNEY AT LAW

BURLEY, IDAHO, May 18th, 1918.



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

Dear Sir:

Herewith enclosed find Depositions of Mrs. Hattie Austin, George E. Ferrin and Clarence Ferrin, and affidavit of Publication of Notice of Final Proof of beneficial use, in the matter of the final proof of application to beneficial use of the waters of Rocky or Slide Canyon under Permit No 9283 owned by Mrs. Hattie Austin et.al.

Also find enclosed \$10.00, your fees in this matter.

Yours truly,

9283

Notice for Publication

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 16th day of May, 1916, at Burley, County of Cassia, State of Idaho, before J. L. Jones, Notary Public, proof will be submitted of the application to beneficial use of three and one-half (3.5) cubic feet per second of the waters of Rocky or Slide Canyon, in accordance with the terms and conditions of permit No. 9283 heretofore issued by the State Engineer of the State of Idaho.

1. The names and postoffice address of the persons holding said permit are Mrs. Hattie Austin, late Mrs. Hattie Schneider, Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider, and Lulu Schneider, as the heirs at law of Frank W. Schneider, deceased.

2. The use to which said water has been applied is irrigation and for stock and domestic purposes.

3. The amount applied to beneficial use is Three and one-half (3.5) cubic feet per second.

4. The place where said water is used is on lots three, four, five, six, and seven, in section 6, township 12, south range 24 E. B. M.

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

6. The right to take the water from such works is based upon Permit No. 9283

7. The source of supply from which such water is diverted is Rocky or Slide Canyon.

8. The date of the priority which said user is prepared to establish is April 27, 1913.

J. H. SMITH,
State Engineer.

Affidavit of Publication

State of Idaho } ss.
Cassia County }

E. L. Merritt being duly sworn, deposes and says that he is publisher editor foreman of The Southern Idaho Advocate, a weekly newspaper of general circulation published at Burley, Cassia county, Idaho; that the publication, a true copy of which is hereto attached and made a part of this affidavit, was published in The Southern Idaho Advocate for 4 consecutive issues, as follows:

1st publication,	<u>April 21</u>	191 <u>6</u>
2nd publication,	<u>April 28</u>	191 <u>6</u>
3rd, publication	<u>May 5</u>	191 <u>6</u>
4th publication	<u>May 12</u>	191 <u>6</u>
5th publication,		191
6th publication,		191

and that the said notice was published in the regular issue of said paper and not in any supplement thereof.

E. L. Merritt
EDITOR FOREMAN PUBLISHER

Subscribed and sworn to before me, this 16th day of May
A. D. 1916

[Signature]
NOTARY PUBLIC
Notary Public for the State of Idaho
Residing at Burley, Idaho.
My commission expires May 6, 1920

Notice for Publication

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2. The use to which said water has been applied is irrigation and for stock and domestic purposes.

3. The amount applied to beneficial use is Three and one-half (3.5) cubic feet per second.

4. The place where said water is used is on lots three, four, five, six, and seven, in section 6, township 12, south range 24 E. B. M.

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8. The date of the priority which said user is prepared to establish is April 27, 1913.

J. H. SMITH,
State Engineer.

Affidavit of Publication

State of Idaho } ss.
Cassia County }

E. L. Merritt being duly sworn, deposes and says that he is publisher editor foreman of The Southern Idaho Advocate, a weekly newspaper of general circulation published at Burley, Cassia county, Idaho; that the publication, a true copy of which is hereto attached and made a part of this affidavit, was published in The Southern Idaho Advocate for 4 consecutive issues, as follows:

1st publication,	<u>April 21</u>	191 <u>6</u>
2nd publication,	<u>April 28</u>	191 <u>6</u>
3rd, publication	<u>May 5</u>	191 <u>6</u>
4th publication	<u>May 12</u>	191 <u>6</u>
5th publication,		191 <u> </u>
6th publication,		191 <u> </u>

and that the said notice was published in the regular issue of said paper and not in any supplement thereof.

E. L. Merritt
EDITOR FOREMAN PUBLISHER

Subscribed and sworn to before me, this 16th day of May
A. D. 1916

Notary Public
My commission expires May 1917

PERMIT NO. 9283

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. Mrs. Hattie Austin, 35 years of age, residence, View, Cassia County, Idaho, Post-office address, Burley, Idaho, R.F.D.#2, occupation Farming.

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. Number of Permit is 9283, date of Permit May 10th, 1913, date of priority proposed to be established April 27th, 1913.

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

Ans. Source of Water supply is Rocky, or Slide Canyon, the point of diversion is at the mouth of the springs in said Canyon.

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. The works of diversion are one ditch or lateral two and one half miles long, three feet wide on bottom, and two and one half feet deep and is known as Austin-Schneider ditch.

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 has been used for irrigation and for stock and domestic purposes, the land irrigated with said water is Lots Three, Four, Five, Six, and Seven in Section Six, Township Twelve South of Range Twenty-four East of the Boise Meridian, each and all and the whole of each and all of said subdivisions have been irrigated with said water, except about ten acres in said Lot Seven. Said land is cultivated land, and the nature of improvements made as result of said use is that the whole of said tract of land has been placed in cultivation.

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

Ans. _____

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

Ans. The minimum amount of water required for the above use is one miners inch to the acre.

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. Ownership of said Permit was acquired by present owners and holders by decent, as heirs at law of Frank W. Schneider, deceased.

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

Ans. Water diverted under said permit has been used continuously in the irrigation of the above described land since the 10th day of May, 1913, during the irrigating seasons of each of said years, in the amount of 175 inches, and has irrigated the whole of the above described tract of land with the exception of about ten acres in Lot Seven

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. _____

(Sign) *Walter Austin*

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 _____ Burley _____, County of

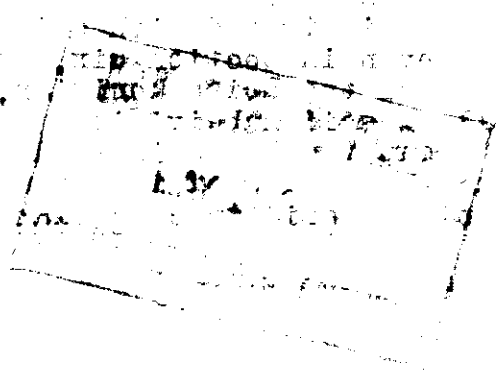
Cassia _____, State of Idaho, on this 16th day of May

A. D. 1916.

My commission expires January
Second, 1917.

J. L. Jones
Notary Public, for the State
of Idaho, Residing at Burley, Idaho

9223



Permit No. 9283

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Clarence Ferrin, age 25 years, residence Burley, Idaho, Post-office address, Burley, Idaho, occupation farming.
Hattie Austin, Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider and Lula Schneider,

Ques. 2. Are you acquainted with ^{them} ~~him~~ ^{they} the holder of Permit No. 9283? How long have you known ~~him~~ ^{them} and where does ~~he~~ ^{they} reside?

Ans. Yes, I have known them since 1912, and they reside at View, Cassia County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9283, and are you familiar with its provisions and conditions?

Ans. Have not read it but am familiar with its provisions and conditions.

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. Rocky, or Slide Canyon, place of diversion is at mouth of the springs in said canyon, works of conversion is one ditch about two and one half miles long and two and one half feet deep and three feet wide at bottom.

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. Will conduct about three and one half cubic feet per second of time, have seen about 160 inches 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. Water is used for irrigating lots Three, Four, Five, Six and Seven in Section Six, Township Twelve South of Range Twenty-four east of the Boise Meridian, the whole of each of said subdivisions have been irrigated, except about ~~for~~ Ten acres in Lot Seven, the improvements that have been made as a result of said use is that the whole of said tract of land has been placed in cultivation, and a residence and barns and corrals have been built.

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. Character of land is arid, and would require about three and one cubic feet per second to profitably cultivate the same.

9283

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. Have no interest in the works nor land, whatsoever.

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. During the years 1913, 1914, 1915 and 1916, I have seen the said water beneficially used in the irrigation of about 70 acres of said tract of land.

(Sign)

Clarence Ferris

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 Burley County of Cassia

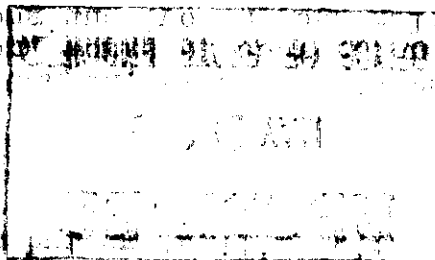
State of Idaho, on this 16th day of May A. D. 1916.

My commission expires
January 2nd, 1917.

J. L. Jones

Notary Public.

My Commission Expires



Permit No. 9283

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

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

Ans. George E. Ferrin, age 51 years, residence Burley, Cassia County,

Idaho, P.O. Address, Burley, Idaho, occupation Coal dealer.

Mrs. Hattie Austin, Leslie Schneider, Dallas Schneider, Nellie

Ques. 2. Are you acquainted with Schneider, Bertha Schneider, Otto Schneider / and Lula Schneider, the holder of Permit No. 9283? How long have you known him and where does he reside?

Ans. I have known them about four years, they reside at View, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9283, and are you familiar with its provisions and conditions?

Ans. No.

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. Rocky, or Slide Canyon, place of diversion at mouth of springs in said Canyon, works of diversion is one ditch about two miles long and two feet deep and two and one half feet wide at the bottom.

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

Ans. About three and one half cubic feet per second of time, I have seen about one hundred and fifty or sixty inches being so conducted.

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. Water has been used for irrigating Lots 3, 4, 5, 6, and 7 in Section Six, Township Twelve South of Range Twenty-four East of the Boise Meridian. Land is cultivated land, Improvements which have been made as a direct result of said use is that said tract of land has practically all been put into cultivation and profitable crops raised.

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. Land is arid in character and would require about Three Cubic feet per second of time for the profitable cultivation thereof.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no intrest whatsoever in the works, water or land above mentioned.

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. Saw water being beneficially used on said land during the years 1914, 1915, and 1916, for the irrigation of said land,

(Sign)

George E. Furin

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 Burley, County of Cassia,

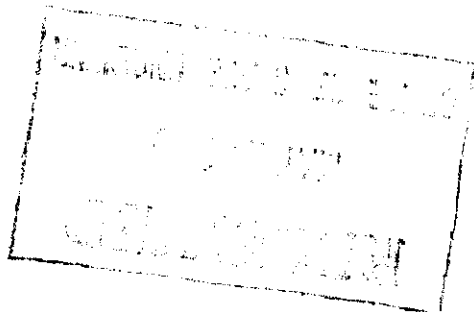
State of Idaho, on this 11th day of May A. D. 1916.

J. L. Jones
Notary Public.

My Commission Expires January 2nd, 1917.

Residence, Burley, Idaho

9283



STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Mrs. Hattie Austin,
c/o J. L. Jones,
Notary Public,
Burley, Idaho.

BOISE, IDAHO, May 2, 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. 9283.

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 May 15th, 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 **Burley, before J.L.Jones, 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.

9283

May 16

April 17, 1916.

Re Permit 9283.

Mrs. Hattie Austin,
Burley, Idaho.

Madam:--

In reply to your inquiry relative to notice of proof would say that the notice was mailed to the Southern Idaho Advocate on April 7th. We are in receipt of notice from the publisher saying the first publication will appear in the issue of April 21st.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

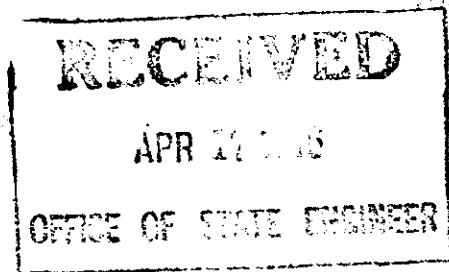
9285

9283

Kind Sir;- Find enclosed a copy of
Notice for Publication, of Proof on Water.
Which we sent to you some time
previous to this; but which we
have so far, not seen published.
Did you receive the application.
Please let us know at once.

Respectfully,

Mrs. Hattie Austin



9283

(Place).....*Lin. City Idaho*.....
(Date).....*April 15, 1916*.....

State Engineer, Boise.

Dear Sir:

I have your letter of *April 7, 1916* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *9283* which will be published as you request, beginning with our issue of *April 21, 1916*

J. R. Brinton, mgr.
Southern Idaho Advocate
Lin. City Idaho

9283

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10:00'clock on the Sixteenth day of May, 1916,
 at Burley, County of Cassia, State of Idaho,
 before J. I. Jones, a Notary Public, proof will be submitted
 of the application to beneficial use of Three and one half cubic feet per second of the waters of
Rocky, or Slide Canyon, in accordance with the terms and conditions of Permit No. 9283
 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 Mrs. Hattie Austin,
late Mrs Hattie Schneider, Leslie Schneider, Dallas Schneider, Nellie
Schneider, Bertha Schneider, Otto Schneider and Lula Schneider, as the
heirs at law of Frank V. Schneider, deceased.

2. The use to which said water has been applied is Irrigation, and for stock and domestic
purposes.

3. The amount applied to beneficial use is Three and one half cubic feet per second of
time.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
on Lots Three, Four, Five, Six and Seven, in Section Six, Township
Twelve, South of Range Twenty-four East of the Boise Meridian.

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

6. The right to take the water from such works is based upon Permit No. 9283.

7. The source of supply from which such water is diverted is Rocky, or Slide Canyon.

8. The date of the priority which said user is prepared to establish is April 27 - 1913
May 10th, 1913.

26 -

State Engineer.

9283

Mrs. Hattie Austin

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Frank W. Schnieder,
R.D. #2,
Burley, Idaho.

February 1st, 1916.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. ~~9283~~-----, 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

9283

State Engineer

May 29, 1915.

Permit 9283.

Mrs. Hattie Austin,
Burley, Idaho.

Madam:

Am enclosing herewith certificate of completion
of works issued under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

CCW

By _____

9283

May 12, 1915.

Permit 9283.

Mrs. Hattie Austin,
Burley, Idaho.

Madam:

We are in receipt of your letter enclosing affidavit and fee for proof of completion of works under above permit. The certificate will be issued to you, for and on behalf of the heirs of F. W. Schneider, deceased.

I am enclosing herewith blank notices for final proof under the permit. These should be filled out and returned to this office in time for the notice of proof to be advertised four weeks prior to the date of making proof.

Very truly yours,

J. H. SMITH,

State Engineer.

3NU-R7718

By _____

9283

Rogers & JonesATTORNEYS-AT-LAW
BURLEY, - IDAHO

May 10th. 1915.

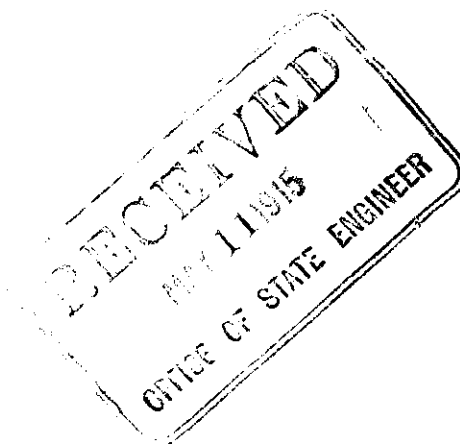
J. H. Smith, Esq.,
Boise, Idaho.

Dear sir:-,

Herewith enclosed please find proof of completion of works for the appropriation of water under Permit No 9283, to be filed in your office.

Please send me the necessary blanks for making proof of the application of water to beneficial use under said permit, and the necessary information regarding said proof, and oblige,

Yours truly,

Mrs. Hattie Austin

9283

Permit No. 9283

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

} ss.

Mrs. Hattie Austin, being first duly sworn upon his oath deposes and says:

First: That she is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 9283 and that his postoffice address is Burley, Cassia County, State of Idaho.

Second: That under the terms and conditions of said permit, construction thereunder was required to be completed by the 10th day of May, 1915.

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

Fourth: That on the date above mentioned, the works constructed under said permit were ~~incomplete~~ fully completed and consisted of the following:

I. Kind of works: Building a ditch two and one half feet at the water
(Reservoir, dam, ditch, flume, pipe or otherwise.)

line, two feet at bottom, and about two miles long

II. Dimensions of work:

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

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

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit ditch width at bottom two feet, width at water
(State whether ditch, flume or pipe)

line 2 1/2 feet, depth of water one feet; diameter of pipe _____ inches;

average grade per mile is 100 feet. Length of conduit is two miles.

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

Sixth: That water appropriated under said permit is available for 188 and six tenths acres of land described as follows: Lots 3, 4, 5, 6, and 7, Sec. 6, Twp. 12, S. R. 24 E. B. M.

Seventh. Remarks: That said Permit No 9283 was issued by the State Engineer to one F. W. Schneider, who afterwards died, leaving as his heirs at law Mrs. Hattie Schneider, now Mrs Hattie Austin, and certain minor children who thereby became the owner thereof.

Mrs. Hattie Austin
(Sign here)

Subscribed and sworn to before me this 10th day of May, 1915.

My commission expires Jan 2nd, 1917.

J. L. Jones

Notary Public.

9283

OFF

For

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Frank W. Schnider,
R. D. 2 - Burley, Idaho.

BOISE, IDAHO,

March 10, 1915.

DEAR SIR:

9283

Under the terms of your permit No., you are required to complete your diversion works on or before **May 10, 1915** I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,
J. H. Smith ~~XXXXXX~~
F. P. KING,

State Engineer.

9283

Boise, Idaho, March 7, 1914.

Permit 9283.

Mrs. G. W. Schneider,
R. F. D. #2,
Burley, Idaho.

Madam:--

Replying to your letter of the 2nd inst., would say that two proofs are required to be made under every permit. The first is for completion of the works and the second is for beneficial use of the water. Under the terms of the above permit, the first proof is required to be made on or before May 10, 1915, and the second, one year later, or May 10, 1916. Upon the second proof the license is issued for the amount of water that has been actually used, allowing one inch to the acre for the land actually cultivated and irrigated. You will not need witnesses in making the first proof as the amount of water claimed does not exceed 6.4 second feet. The affidavit of the holder, form for which will be furnished, and fee of \$5.00 is all that will be required for proof of completion of works. Your final proof, however, is required to be advertised four weeks prior to the date of making proof. Blank notices for this proof will be sent upon request. When these blanks have been filled out and required to use, the notice is sent direct to the paper for publication and deposition blanks will be sent to the officer before whom you are to make proof. You will require the depositions of two witnesses in making this proof. The proof can be made at any place most convenient to yourself and witnesses and before any office authorized to administer oaths within this State.

The only way to get the priority of 20 year standing on the old right would be for you to

take the matter into court and get an adjudication,
after which a water master can be appointed to
properly divide the water.

The question as to right of way for 30
years as mentioned in ~~the~~ letter is of a strictly
legal nature and should be submitted to an attorney.
I know of no way under our law whereby the renting
or leasing of water can be considered as legal.

Very truly yours,

State Engineer.

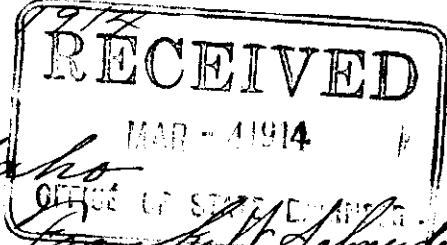
9283

9283

J 9283

Burley, Idaho, P.R. No. 2

Mar. 2, 1914



State Engineer,

Boise, Idaho

Kind Sir;- My husband ~~Frank M. Schneider~~ last May filed on the water of Rocky or Slide Canyon. And since making the filing he has died; and I do not understand how I'm to proceed with the filing; and will you please give me full instructions as to how and to what I am to do. When and how often, do I have to make proof of that work? Do I have to have any witnesses? When I make ^a proof and if so how many do I have to have? And who do I have to go before to make my proof?

Please give me full instructions as to what I will have to do in order to to comply with the application.

This water has been developed and appropriated by irrigation, to and old ranch joining ours for over twenty

years and we bought it of the party, and hold a deed to it, but it had not been put on record. Now is there any way for getting such water rights on record other wise than filing on them?

And this water had run in this parties ditch the 20 yrs. now can he force me to make a new ditch in order to get the water? And if we use the same ditch, who would I have to go to in order to have the water properly divided; and a water master appointed to see that the water is kept properly distributed?

Can any one rent or lease their water when they are not using it, and yet attain their water right.

Will you please ans. my questions at once or by return mail. As I'm very anxious for a reply.

Respectfully,

(Mrs.) T. H. Schneider.

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON,
STATE ENGINEER

Permit 9283,
Frank. W. Schneider,
Burley R.F.D. # 2, 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.

9283

Name of Applicant Frank W. Schmidt

Township 27 S R. 24 E BM

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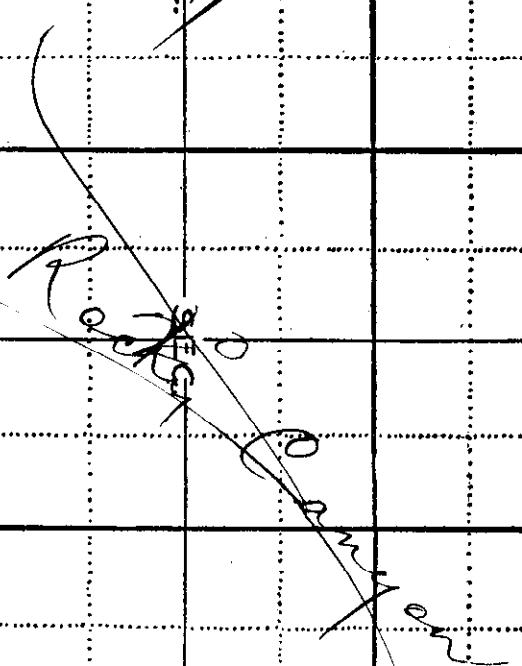
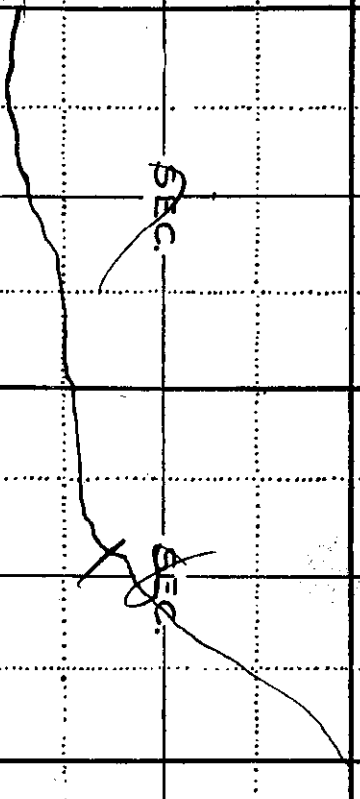
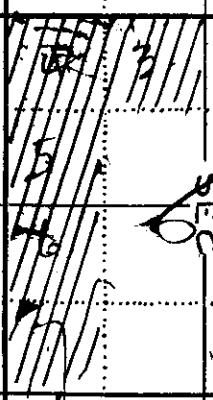
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9283