

County: Cassia.
Stream: Spring Canyon Creek.
Amount: 2 sec. ft.
Use: Irrigation.
Priority: 7-28-08.
District No. : 26

2186

S T A T E O F I D A H O

Water License No. 3866.
Water District No. 26.

WHEREAS, On the 28th day of July, A. D. 1908, John M. Schmidt, of Burley, County of Cassia, State of Idaho, duly made application (No. 5488) to me for a permit to use two (2) cubic feet per second of the waters of Spring Canyon Creek, in Water District No. 26, County of Cassia, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 1st day of August, A. D. 1908, Permit No. 3866 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 1st day of August, A. D. 1911, and for the application to beneficial use of said water on or before the 1st day of August, A. D. 1915, and,

WHEREAS, On the 1st day of July, A. D. 1911, the time for completion of works under said permit was extended to the 1st day of August, A. D. 1912, and,

WHEREAS, On the 1st day of August, A. D. 1912, John M. Schmidt, the holder of said permit duly made proof of the completion of adequate works for the diversion of two (2) cubic feet per second of said waters, as evidenced by my Certificate No. 3866 dated August 24, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two (2) cubic feet per second of said water, with date of priority of July 28, 1908, and,

WHEREAS, On the 6th day of April, A. D. 1911, John M. Schmidt transferred all his right, title and interest in and to said permit to F. A. Webb, J. C. Burgess and Joseph Hoagland, as trustees in trust for the View Water and Development Company, and,

WHEREAS, On the 29th day of January, A. D. 1915, F. A. Webb, J. C. Burgess and Joseph Hoagland, transferred all their right, title and interest in and to said permit to the View Water and Development Company, and,

WHEREAS, On the 8th day of June, A. D. 1915, the time for beneficial use of water under said permit was extended to the 1st day of August, A. D. 1917, and,

WHEREAS, On the 1st day of August, A. D. 1917, View Water and Development Company, the holder of said permit duly made proof of the application to beneficial use of two (2) 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 View Water and Development Company of View, County of Cassia, State of Idaho, the holder and owner of said Permit No. 3866, a perpetual right, dating from July 28, 1908, to the use of two (2) cubic feet per second of the waters of Spring Canyon Creek, in the County of Cassia, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 23, T. 11 S., R. 24 E., B. M., and conducted to and upon NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 11 S., R. 24 E., B. M., for the purpose of irrigation and domestic use, 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 17th day of November, A. D. Nineteen hundred and seventeen.

(SEAL)

J. H. SMITH,
State Engineer.

45-0043

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: John M. Schmidt.

Postoffice address: Burley, Idaho.

County: Cassia State: Idaho.

2. The quantity of water claimed is Two (2) cubic feet per second.

3. Source of water supply: Spring Canyon Creek.

County of Cassia.

4. Location of point of diversion: on SW4 NW4 Sec. 23 Tp. 11 S. R. 24 E. B. M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 160 acres.

(b) In the following legal subdivisions: SW4 Sec. 21 Tp. 11 S. R. 24 E. B. M.

6. Estimated cost of works: Five Hundred dollars (\$500.00)

7. Description of works for diversion:

I. Kind of works: dam and ditch - also improvement and cleaning out creek channel above to the head with paving of same if necessary to increase flow of water.

II. Dimensions of works:

(a) Height of dam eight feet, length of dam at top 40 feet, length of dam at bottom 40 feet. Material used in construction: wood, earth and stone.

(c) Size of headgate: Width 4 feet, height 2 feet.

(d) Conduit ditch, width at bottom 3 feet, width at water line 5 feet, depth of water $1\frac{1}{2}$ feet. Average grade per mile is 75 feet. Length of conduit is One and three fourths miles, and it crosses the following quarter sections: NW4 Sec. 23, NE4 & NW4 Sec. 22, and NE4 Sec. 21, Tp. 11 S. R. 24 E. B. M. to land described in 5 I

(b) 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.

John M. Schmidt,

Applicant.

Remarks: This is a stream not furnishing much water at present but it is thought that the flow can be much increased by improvements in the creek channel above, cleaning out and lining the channel in some way to prevent seepage.

Time asked for in section 8 above is hereby reduced to three years.

Jas. Stephenson, Jr.,
State Engineer.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3866.

Date of first receipt of application 9.00 a.m. July 28, 1908.

Recorded in Book 11 Page 3866 Approved August 1, 1908.

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:

Work to begin on or before September 30, 1908, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 1, 1910.

The whole of said work to be completed on or before August 1, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to August 1, 1915.

Witness my hand this first day of August, 1908.

Jas. Stephenson, Jr.,

State Engineer.

PERMIT NO. 3866

APPLICATION FOR EXTENSION OF TIME.

STATE OF IDAHO,)
County of Cassia) SS:

John M. Schmidt, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 3866.

Under the terms and conditions of said permit, construction work thereunder was required to be completed by August 1st, 1911.

That, he is unable to complete such work within the required time, for the following reasons, to-wit: That these springs have been so interfered with by other parties asserting claim to them that the works already completed have become valueless, and affiant is forced into litigation to protect his right to the springs. He cannot proceed further until this litigation is ended and right of entry settled.

Wherefore, he asks that the State Engineer extend the time for the completion of construction work under said permit, to August 1st, 1913.

And further, deponent saith not.

John M. Schmidt.

Subscribed and Sworn to before me this 27th day of June, 1911.

Jos. Y. Haight,

Notary Public.

My Commission expires April 1, 1915.

Date of receipt at office of State Engineer 9.00 a.m. July 1, 1911.

APPROVAL OF STATE ENGINEER.

I, A. E. Robinson, State Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 3866, to August 1st, 1912.

A. E. Robinson,

State Engineer

1st Notice received, fixing August 1st, 1912, as date, and Albion as place of proof.

Publication Notice mailed the Albion Nugget on June 21st, 1912.

Deposition blanks mailed to George A. Smith, Clerk of Court, June 21st, 1912.

Thaddeus Farrain authorized July 18th, 1912, to make examination of works.

Report received July 30th, 1912.

Depositions, affidavit of publication and fee received August 5th, 1912.

Certificate issued August 24th, 1912.

Permit No. 3866

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that JOHN M. SCHMIDT, of Burley, County of Cassia, and State of Idaho, the holder of Permit No. 3866, issued upon Application No. 5488, bearing date of priority of July 28, 1908, authorizing the diversion of two (2) second feet of the waters of Spring Canyon Creek, 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 two (2) second feet of the waters of Spring Canyon Creek, that the point of diversion of said waters is at a point in the SW4 of NW4, Section 25, Township 11 South, Range 24 East of Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest quarter (SW4) Section 21, Township 11 South, Range 24, East of Boise Meridian.

Witness my hand this 24th day of August, A.D. 1912.

A. E. Robinson,
State Engineer.

License issued for 2 second feet

Page 2186

THIS INDENTURE made and entered into this 6th day of April, 1911, by and between John M. Schmidt of View Cassia County State of Idaho, party of the first part and F.A. Webb, J. C. Burgess and Joseph Hoagland, all of View aforesaid, as Trustees in Trust for the View Water and Development Company, an association of persons residing in said Village of View parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the said parties of the second part agreeing to furnish him a sufficient supply of water for culinary and domestic use, delivered at his ranch home in View Precinct, Cassia County aforesaid, by these presents does bargain, sell and convey to the said parties of the second part and their successors all his right, title and interest in and to all the water of Spring Canyon Creek, in said County situate under and by virtue of State Engineers permit Number 3866 issued said first party August 1st, 1908, and describing said first party's point of diversion on the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 11 S. R. 24 E.B.M., together with all the works heretofore by said first party under said permit constructed for conveying and developing the waters of said creek.

This conveyance is especially based upon the consideration that said second parties shall complete the works to be constructed under said permit, without cost to the said party of the first part, and shall lay the necessary pipe to his ranch aforesaid, and equip said pipe with a tap or cock proper for delivering the water hereinbefore agreed to be delivered at his ranch by the said parties of the second part, the said parties of the first part agreeing to do and perform a reasonable share of the work required in making way for the laying of the same, said share to be determined by the number of persons constituting the membership of said Association, share and share alike, And said first party shall become and remain an equal partner with the members constituting said Association, and entitled to his pro rata share of such additional water as may by said association be developed at the source of said Spring Canyon Creek. Witness my hand

E. Arthur Haight

John M. Schmidt.

Jos. Y. Haight

State of Idaho,)
)SS
County of Cassia)

On this 1st day of August 1912, before me, Geo. A. Smith, a County Recorder, personally appeared John M. Schmidt, personally known to me to be the person whose name is signed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this August 1st, 1912.

(SEAL)

Geo. A. Smith
County Recorder.

Filed for record at the request of A. G. Orchard at 8.20 A.M. August 2nd, 1912.

Geo. A. Smith,
County Recorder.

State of Idaho,)
)SS
 County of Cassia)

I, Ray Gudmunson Recorder of Cassia County, Idaho, do hereby certify that the above is a correct copy of the Deed of transfer made by John M. Schmidt to F. A. Webb et al, Trustees in Trust for the View Water and Development Company and recorded in Book of Deeds #14 at page 389 of the Cassia County Records.

Witness my hand and official seal this 18th day of February, 1915.

Ray Gudmunson

(SEAL)

County Recorder for Cassia County, Idaho.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 A.M. Feb. 23, 1915.

Herbert Wing,

Acting State Engineer.

THIS INDENTURE, Made this 29th day of January, in the year of our Lord one thousand nune hundred and fifteen, between F. A. Webb, J. C. Burgess and Joseph Hoagland all of View, Cassia County, Idaho, as Trustees in Trust for the View Water and Development Company, the parties of the first part, and the View Water and Development Company, a corporation, organized and doing business under and by virtue of the laws of the State of Idaho, of Cassia County, Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, as such Trustees as aforesaid, for and in consideration of the sum of One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents grant, bargain, sell, remise, release, convey and QUITCLAIM unto the said party of the second part, and to its successors and assigns forever, all the foregoing described water right, situated in the County of Cassia, State of Idaho, to-wit:

All of the waters of Spring Canyon Creek in said Cassia County, under and by virtue of State Engineer's Permit Number 3866, issued to John M. Schmidt on the 1st day of August, 1908, with point of diversion on the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Of Section 23, Township 11 South of Range 24 East of the Boise Meridian, together with all works and appurtenances belonging or in anywise appertaining or belonging to said water and water right.

It being the intention of the said parties of the first part hereto to convey to the said party of the second part that certain water right conveyed to the said parties of the first part hereto by John M. Schmidt in his certain deed made and executed on the 6th day of April, 1911, and duly recorded in the office of the County Recorder of the County of Cassia State of Idaho, in Book 14 of Deeds at page 389, which said deed is hereby referred to an by reference is made a part of this indenture for a more accurate and complete description

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto Belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular the above mentioned and described water and water right together with the appurtenances unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of

Geo. A. Smith.

F. A. Webb (SEAL)
J. C. Burgess (SEAL)
Joseph Hoagland (SEAL)

Trustees.

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

On this 29th day of January in the year 1915, before me, Ray Gudmunson, a County Recorder in and for Cassia County, personally appeared F. A. Webb, J. C. Burgess and Joseph Hoagland, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Ray Gudmunson

County Recorder.

(SEAL)

By Geo. A. Smith, Deputy.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 A.M. Feb. 23, 1915.

Herbert Wing,

Acting State Engineer.

WATER RIGHT NUMBER 45-2043

OWNER LAST NAME - SCHMIDT FIRST NAME - JOHN M. ORIG OWNER - 0
OWNER LAST NAME - VIEW WATER & DEVELOPMENT CO. CORP. FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - BURLEY STATE - ID ZIP CODE - 83318
SOURCE - SPRING CANYON CREEK TRIBUTARY OF -
STAGE - LICENSE STATUS - PRIORITY - 07-28-1908 COUNTY - CASSIA TOTAL DIV. RATE - 2.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWNE 23 11S 24E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - TO - USE - IRRIGATION USE DIV. RATE - 2.0000 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 11S RNG 24E SEC 21 TRACT NESW LOT AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 3866
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

APR 11 1985

VERIFIED DDL
4/4/85

- DATA ENTRY -

Record

- | | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u> | <u>Rge.</u> | <u>Gov't
Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|-------------|-------------|----------------------|---------------|
| 6. A. Point of Diversion | <u>SWNE</u> | <u>23</u> | <u>11S</u> | <u>24E</u> | | |
| | | | | | | |
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- [illegible]

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
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: 3866

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

Ch 5-10-79

February 26, 1944

Re: Permit No. 3866

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

Reference is made to office letters addressed you in reply to inquiries made by you relative to the above numbered permit and license, in the name of the View Water & Development Company, said letters being dated January 5, 1944, and January 15, 1944.

On re-checking the matter this morning with Mr. Lester J. Gruwell we find the following:

In the copy of the permit, the proofs of completion of works, and of beneficial use, the point of diversion is consistently described as being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 11 South, Range 24 East, B.M., and the point of diversion of water from a spring is usually considered to be the location of the spring.

However, reference to the map filed with the original application discloses the fact that while the point of diversion is given as above, the location of the spring itself is shown as in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of this section.

Since this seems to be in accord with the understanding of the permit holder, as mentioned in your letter of January 12, 1944, we assume that this clarifies the matter.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

3866

✓
January 15, 1944

Re: Permit No. 3866

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

Reference is made to your letter of January 12th, relative to the location of the spring which is the source of water supply for the View Water & Development Company's License No. 3866.

The original permit, the Certificate of Completion of Works, and the various proofs submitted in connection with this permit, describe the point of diversion as being in the SW¹/₄ NE¹/₄ Section 23, Township 11 South, Range 24 East, B.M.; but further reference to the records in this Department discloses that the license describes the point of diversion as being in the SW¹/₄ NE¹/₄ of the section.

Your letter of January 3, 1944, described the location of the spring as being in the SW¹/₄ SE¹/₄, and your letter of January 12, 1944, states that the organization informs you that the spring is in the NW¹/₄ SE¹/₄.

Since there seems to be considerable question as to exactly where the spring is located, it is the suggestion of this Department that you have its location definitely determined, and then, if it is other than as described in the permit or license, have an affidavit executed in similar form to the blank enclosed, and return to this Department, requesting that a correction be made in the records, so as to show the correct point of diversion.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

3866

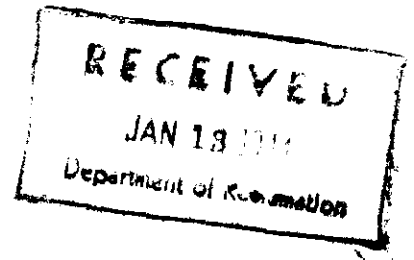
Chief Clerk

A

Encl.

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

January 12, 1944



Department of Reclamation
State of Idaho
Boise, Idaho

Attention: Jeanne L. Anderson
Chief Clerk

Dear Madam:

On the 3d day of January I wrote you regarding springs located in the Southwest Quarter of the Southeast Quarter, Section 23 South, Range 24, E.B.M. You answered that letter on the 5th day of January, 1944, and, in the second paragraph of your letter, stating that the View Water & Development Company had received a license to a spring located in the Southwest Quarter of the Northwest Quarter of Section 23, Township 11 South, Range 24, E.B.M.

That organization tells me that their land is in the Northwest Quarter of the Southeast Quarter of that section, and that the spring is located on the land they own.

Could it be that you gave me the wrong description?

Very truly yours,

A. H. Nielson

AHN:ws

3866

January 5, 1944

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

In reply to your letter of January 3rd, in which you inquire regarding filings on a spring located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 11 South, Range 24 East, B.M., and make special reference to a permit in the name of the View Water & Development Company, of Burley, Idaho.

According to the records in this Department, License No. 3866 in the name of the View Water & Development Company covers two second feet of water from Spring Canyon Creek, with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 11 South, Range 24 East, B.M.

The only permit we find that is in force at the present time on a spring in this section is Permit No. 11125, dated March 9, 1915, to Ben C. Gibson, on a spring in the NW $\frac{1}{4}$ SE $\frac{1}{4}$. In his application Mr. Gibson states, "There is another spring located on this same subdivision, which spring the applicant herein does not claim to own. Such spring is in a Northeast direction from the spring the applicant makes application for, and is owned or claimed by some other parties".

We find no record of a filing on a spring by either D. R. Langlois, L. . . Harris, or Levi Halford.

Permit No. 17373, in the name of D. R. Langlois, is on a well located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township 10 South, Range 23 East, B.M.

Very truly yours,

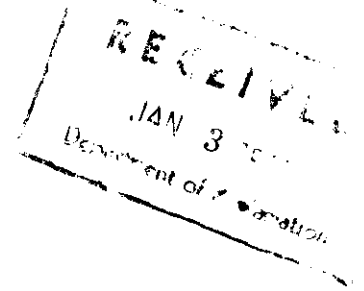
JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

3866

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

January 3, 1944



Mr. James Spofford
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Sir:

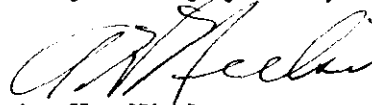
I am informed that the View Water and Development Company of Burley, Cassia County, Idaho, has made proper filings and has received a permit from your Department to appropriate the waters of a certain spring located in the Southwest Quarter of the Southeast Quarter of Section Twenty-three, Township Eleven South, Range Twenty-four, East Boise Meridian, located in Cassia County, Idaho.

Has any other application for appropriation of water been filed by any person for any other spring located in the same forty acres of land?

It may be said application was made in the name of D. R. Langlois, L. E. Harris or Levi Halford.

Please accept my thanks for this information.

Very truly yours,



A. H. Nielson

AHN:ws

3586

May 10, 1935

Re: Permit No. 3866
View Water and Development Co., Inc.

MR. D. R. LANGLOIS
Overland Loan and Land Co.,
Burley, Idaho

Dear Sir:

In reply to your letter of May 6th, we wish to advise you that upon further examination of the records we find that the above permit was issued to John M. Schmidt and it, no doubt, is the one with which you are concerned. Application for this permit was filed by Schmidt on the 28th day of July, 1908, to appropriate 2 cubic feet of water per second from Spring Canyon Creek. He gave the point of diversion as being in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T. 11 S., R. 24 E. The water was to be used for irrigation and domestic purposes upon the SW $\frac{1}{4}$ Sec. 21, T. 11 S., R. 24 E. Schmidt made proof of completion of works and obtained a certificate on the 24th day of August, 1912, for the quantity of water claimed. On April 6, 1911, he conveyed all of his right, title and interest to F. A. Webb, J. C. Burgess and Joe Hoagland, as Trustees for the View Water and Development Co. On the 29th day of January, 1915, the aforesaid persons conveyed the permit to the View Water and Development Co., Inc. Proof of application of water to beneficial use was made and a license was issued on November 17, 1917, for 2 cubic feet of water per second to be diverted in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T. 11 S., R. 24 E. The license sets forth the purposes for which the water was to be used as irrigation and domestic use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, T. 11 S., R. 24 E., B. M.

Trusting that this will suffice for your purposes, we remain

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

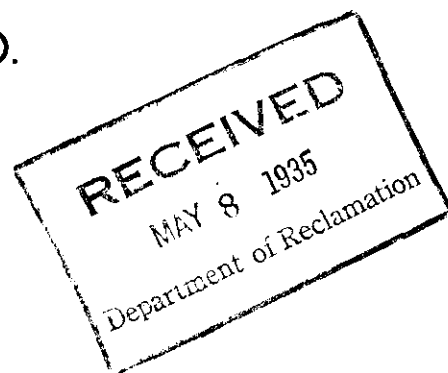
3866

OVERLAND LOAN & LAND CO.

LOANS - INSURANCE - RENTALS

REAL ESTATE

BURLEY, IDAHO



May 6, 1935.

Commissioner of Reclamation,
Boise, Idaho,

Dear Sir:-

Your letter of the 2nd. is at hand. Sorry to put you to so much trouble. Probably I did not make myself clear in my letter of the 26th. Ult.

The filing referred to in my letter was not made for Irrigation purposes, but for household use. The filing was made by a man by the name of Smith, or Smith, or some such name, and was later transferred to the View Water and Development Company. The source of the water is near the center of Section 23, T. 11 S., R. 24 E. B. M., and it is piped from there to the ranches near by.

The reason I am wanting this information is that there is a spring of water just a short distance from their source of water which I have been watering my sheep at for six years. Last fall they piped this spring into their pipe line, and cut me off from water. I did not know of it until I moved my sheep out this spring. They claim this spring comes within their filing and belongs to them.

I am therefore wanting to know just what their filing covers, before taking any action against them.

Thanking you for this information, I am,

Yours truly,

3316

December 11, 1917.

Re: Permit 3866.

Mr. Chas. A. Moffitt,
Burley, 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: WL
R-1304.

MB

3866

REPORT OF ENGINEER

1. State name of applicant and number of permit: View Water Dev. Co. - Permit 3866
 2. State source of water supply: Spring Canyon Creek
 3. Location of point of diversion: SW¹/₄ ^{NE} Sec. 23, T. 11 S., R. 24 E. B. M.
 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: -----
Well 31 ft. deep having a 6 inch casing down 11 ft. and a 4
inch casing the balance. This well is cut off 18 ft. below the
ground surface. A pipe line about two and a quarter miles long
carries the water to the point of use. The first mile is of 6 inch
pipe (500 ft. iron and the balance wood stave). The rest of the
line is 4 inch iron pipe.

 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): -----
This water has been used for domestic purposes by the individuals
forming the View Water Co. for several years. It was formerly
hauled from a point in Sec. 22 but is now taken from the end of the
pipe line near the NE Cor. of the SW¹/₄ Sec. 21, T. 11 S., R. 24 E. B. M.
20 acres in the NE¹/₄ SW¹/₄ Sec. 21 have been irrigated from this
water supply in addition to the above mentioned domestic use.

 8. Submit map on enclosed plat, showing location and details of above description.
- Remarks: It is planned to use all of this water for domestic use
as soon as money is available to finish the pipe lines, to each of
the users' houses.
There is a flow of about 10 inches at this time.

This examination was made on the 23d day of Oct. 1917

(Signed) M. R. Lewis

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 _____

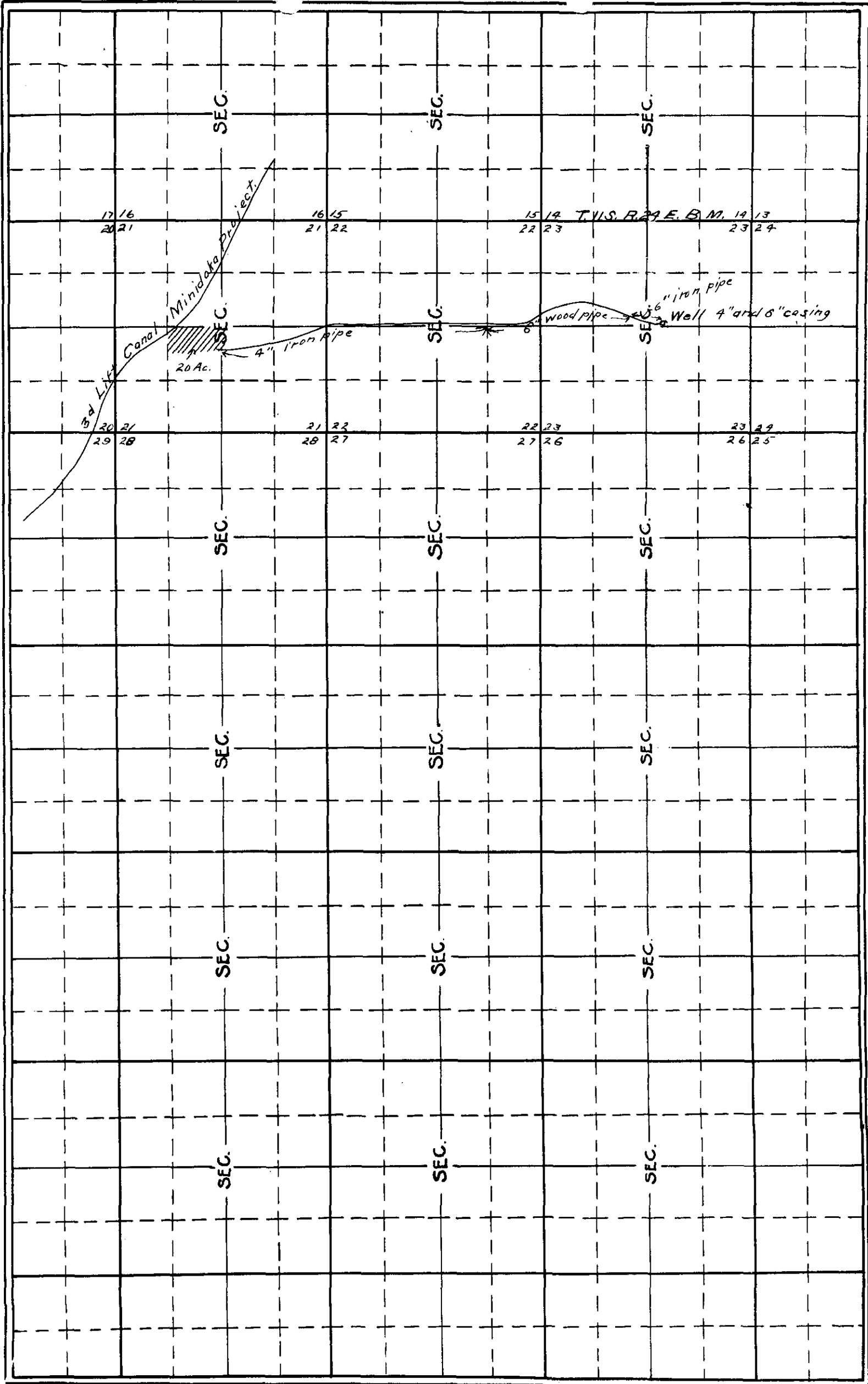
Notary Public.

Dist. No. 26.

J. G. Nordstrom,

View Water Dev. Co., Burley

3866



RECEIVED
NOV 12 1917
OFFICE OF STATE ENGINEER

3866

August 2nd, 1917.

Re Permit 3866.

Mr. Charles A. Moffitt,
Burley, Idaho.

Dear Sir:—

Am in receipt of depositions, affidavit of publication and check for fees, in the sum of \$2.00, for proof of beneficial use of water under above permit. As soon as the report of our engineer can be made, the matter of issuing license will be taken up.

Very truly yours,

J. H. SMITH,

State Engineer.

By_____

Permit No. 3866

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Arthur Empey Jr., 25, residence View Idaho, farmer, P.O. Address
Burley, Idaho, R.F.D. #2

Ques. 2. Are you acquainted with View Water Development Company, the holder of Permit No. 3866? How long have you known him and where does he reside?

Ans. Yes,
Five years, View, Cassia County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 3866, 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. Spring Canyon Creek, diverted on SW 1/4 sec. 23, Tp. 11 S. R. 23
E., B.M. steel and wood pipe line conveys water to point of use;

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

Ans. 1 cubic foot per second

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

Ans. Domestic and irrigation purposes; used for irrigation on the
NE 1/4 SW 1/4 of section 21 Tp 11 S., R. 24 E., B.M.; 10 acres irrigated,
all cultivated land; in farm crops.

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

Ans. There have been 1/2 cubic foot per second used for domestic
purposes on the above described subdivision of sec 21 each
year

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. Sandy loam, 1 cubic inch

3866

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

Ans. None

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. Five years successively, I have seen them use 1 cubic foot
per second each season, on ten acres of said subdivision.

(Sign)

Arthur Emery Jr.

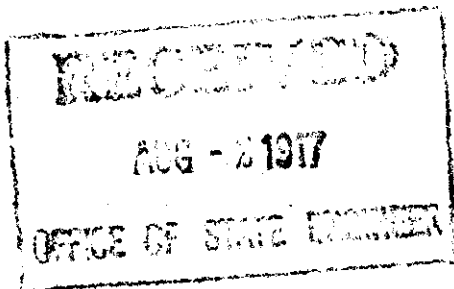
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 18th day of August, A. D. 1917

Chas A. Johnson
Notary Public.

My commission expires November 4, 1919

Notary Public for State of Idaho,
Residing at Burley, Cassia Co., Idaho.

3866



Permit No. 3866

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Warren Doman, age 23, residence Burley, Idaho, R.F.D. #2, occupation
farmer, P.O. Address, R.F.D. #2, Burley, Cassia County, Idaho.

Ques. 2. Are you acquainted with View Water Development Company, the holder of Permit No. 3866? How long have you known him and where does he reside?

Ans. View Idaho, 3 years

Ques. 3. Have you read or heard read said Permit No. 3866, 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. Spring Canyon Creek, diverted on SW¹/₄ NW¹/₄ sec. 23, Tp 11 S., R. 24
E., B.M. pipe line, constructed of wood and metal

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

Ans. One cubic foot per second

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

Ans. Domestic, culinary purposes, and for irrigation; used for irri-
gation on the SW¹/₄ of section 21 T. 11 S., R. 24 E., B.M. on cultivated
land; NE¹/₄ SW¹/₄ of said section 21, 10 acres actually irrigated

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

Ans. There have been $\frac{1}{2}$ cubic foot per second used for domestic
purposes each year, on above described subdivision of section 21.

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. Sandy loam, 1 cubic inch required.

3866

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

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. for past 3 years 1 cubic inch, on ten acres of above described
subdivision

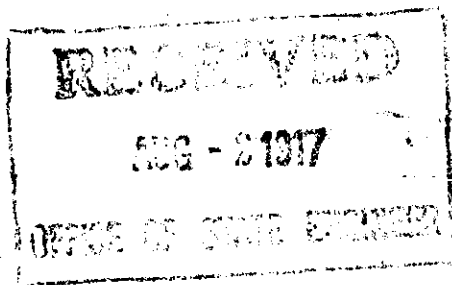
(Sign) Warrin Dorman

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 1st day of August A. D. 19 17

Chas A Johnson
Notary Public.

My commission expires November 4, 1919

3866



PERMIT No. 3866

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

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

Ans. Charles A. Moffett, age 35 years, View Idaho, farmer, P.O. Address
R.F.D. #2, Burley, Idaho.

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

Ans. View Water Development Company, View Idaho, President of the com-
pany, and executive officer, under by-laws.

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

Ans. No. 3866, dated July 28, 1908, approved August 1, 1908.

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

Ans. Spring Canyon Creek, diverted at point near SW corner of the
SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 23 Tp. 11 S., R. 24 E., B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Wood and metal pipe line, capable of conveying 1 second foot of
water to place of use, called View Pipe Line.

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

Ans. Domestic and irrigation purposes; and is used for irrigation
purposes on the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 21 T. 11 S., R. 24 E., B.M., about 10
acres being irrigated on said tract; used for domestic purposes by
all stockholders of company, at point of use.

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. One-half of one cubic foot per second.

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

Ans. Ownership was acquired by purchase from original owner of per-
mit, or members of the company.

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

Ans. For past five years successively one-half of 1 cubic foot per second has been used on above described subdivision for irrigation and domestic purposes, each year, or season.

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

Ans. None.

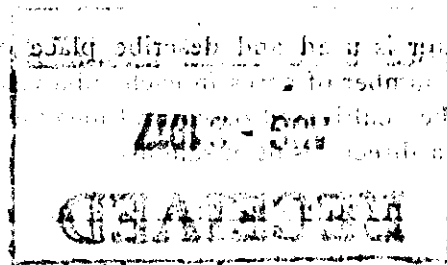
(Sign)

Chas. A. Moffett

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 1st day of August, A. D. 1917.

Chas. A. Johnson
Notary Public for State of Idaho,
Residing at Burley, Cassia Co., Idaho.

My commission expires November 4, 1919



3866

Affidavit of Publication

State of Idaho } ss.
Cassia County }

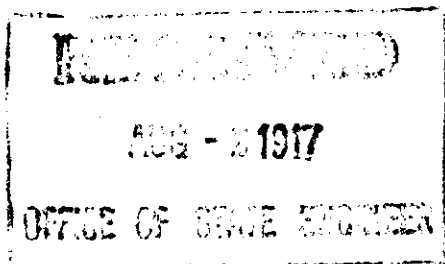
E. L. Merritt being duly sworn, deposes and says that he is publisher editor foreman of The Southern Idaho Advocate, a weekly newspaper of general circulation published at Burley, Cassia county, Idaho; that the publication, a true copy of which is hereto attached and made a part of this affidavit, was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

1st publication,	<u>June 29</u>	<u>1917</u>
2nd publication,	<u>July 6</u>	<u>1917</u>
3rd, publication	<u>July 13</u>	<u>1917</u>
4th publication	<u>July 20</u>	<u>1917</u>
5th publication,		<u>191</u>
6th publication,		<u>191</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 1 day of August
A. D. 1917

Chas A Johnson
NOTARY PUBLIC

My commission expires Nov 4 1919

Affidavit of Publication

Notice for Publication.

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 a.m. on the 1st day of August, 1917, at Burley, County of Cassia, State of Idaho, before Chas. A. Johnson, notary public, proof will be submitted of the application to beneficial use of one-half (½) of one cubic foot per second of the waters of Spring Canyon Creek in accordance with the terms and conditions of Permit No. 3866 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 View Water Development Company, Burley, Idaho.

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

3. The amount applied to beneficial use is one-half of one cubic foot per second.

4. The place where said water is used is south-west quarter [SW¼] of section 21, township 11 S., R. 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 View Pipe Line.

6. The right to take the water from such works is based upon Permit No. 3866.

7. The source of supply from which such water is diverted is springs in Spring Canyon.

8. The date of the priority which said user is prepared to establish is July 28, 1908.

2-5 J. H. SMITH, State Engineer.

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 _____ consecutive issues, as follows:

1st publication,	<u>June</u>	<u>29</u>	191	<u>7</u>
2nd publication,	<u>July</u>	<u>6</u>	191	<u>7</u>
3rd, publication,	<u>July</u>	<u>13</u>	191	<u>7</u>
4th publication,	<u>July</u>	<u>20</u>	191	<u>7</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 1 day of August
A. D. 1917

Chas. A. Johnson
NOTARY PUBLIC

My commission expires Dec 11 1917

(P. O.) *P. Gray, Idaho*

(Date) *June 27, 1917*

State Engineer, Boise.

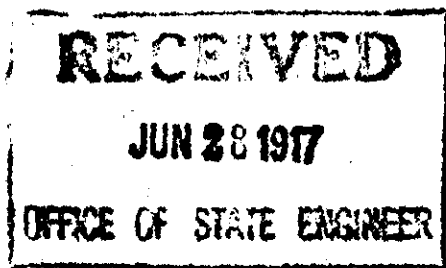
Dear Sir:

I have your letter of *June 26, 17* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *3866* which will be published as you request, beginning with our issue of *June 29, 1917*

Southern Idaho Advocate

*E. L. Minick
mgr*

3866



3866

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

View Water Development Company,
c/o Chas. A. Johnson, Notary Public,
Burley, Idaho.

BOISE, IDAHO, July 21, 1917.

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. 3866

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 August 1 1917, 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, Idaho, before Chas. A. Johnson, 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,

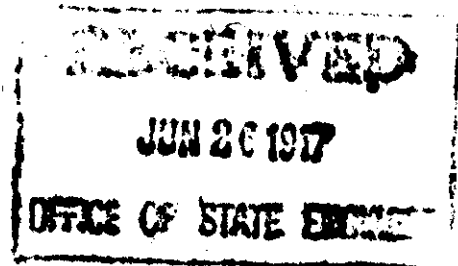
J. H. Smith,

State Engineer.

3866

J. H. SMITH,
STATE ENGINEER
FRED. WILKIE,
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise



June 22, 1917.

Re Permit 3866-

Mr. J. G. Nordstrom,
Burley, Idaho.

Dear Sir:--

In checking the notice of final proof under above permit I note that the description of the land does not agree with the permit. The land given in the permit is the SW $\frac{1}{4}$ of Sec.21, T. 11 S., R. 24 E., B.M. If you desire to use the water on the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said section, it will be necessary to file an application for amendment of the permit upon the enclosed form, accompanied by maps in duplicate.

Upon receipt of your reply the notice will be mailed to the Southern Idaho Democrat, of Burley.

Very truly yours,

J. H. SMITH,

State Engineer.

By *A. Brown*

AA-2MF

Please correct the notice to conform to the permit. Our mistake was a clerical error. Correct description of land is SW $\frac{1}{4}$ sec.21 T.11 S., R.24 E.B.M. We would be very glad indeed to have notice reach newspaper by Wednesday.

Yours very truly,

J.G.Nordstrom.

June 25-1917

3866

June 22, 1917.

Re Permit 3866-

Mr. J. G. Nordstrom,
Burley, Idaho.

Dear Sir:--

In checking the notice of final proof under above permit I note that the description of the land does not agree with the permit. The land given in the permit is the SW $\frac{1}{4}$ of Sec. 21, T. 11 S., R. 24 E., B.M. If you desire to use the water on the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said section, it will be necessary to file an application for amendment of the permit upon the enclosed form, accompanied by maps in duplicate.

Upon receipt of your reply the notice will be mailed to the Southern Idaho Democrat, of Burley.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

AA-2MF

3866

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 1st day of August, 1917,
 at Burley in the _____ County of Cassia, State of Idaho,
 before Chas. A. Johnson, Notary Public, proof will be submitted
 of the application to beneficial use of one-half ($\frac{1}{2}$) of one cubic foot per second of the
 waters of Spring Canyon Creek, in accordance with the terms and conditions of
 Permit No. 3866 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 _____
View Water Development Company
2. The use to which said water has been applied is Domestic, culinary and irrigation
purposes
3. The amount applied to beneficial use is one-half of one cubic foot per second.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands
 irrigated) NE $\frac{1}{4}$ Sec. 21 T. 11 S., R. 24 E., B. M. *not in Permit*
SW $\frac{1}{4}$ Sec 21 - 14S - 24E

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
View Pipe Line
6. The right to take the water from such works is based upon Permit No. 3866
7. The source of supply from which such water is diverted is Springs in Spring canyon

8. The date of the priority which said user is prepared to establish is July 28 - 1908,
June 20th, 1917

State Engineer.

3866

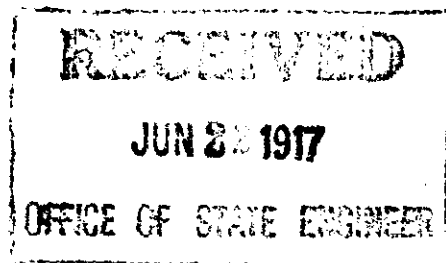
-26-

Parks - PW⁴-2-118-24E -
amend from 2 direct

PW NW - 23-118-24E

RECEIVED
JAN 10 1977
FEDERAL BUREAU OF INVESTIGATION

C. A. JOHNSON
ATTORNEY AT LAW



BURLEY, IDAHO.

6/21

1917

If Commission please have
Publication made in Burley
Bulletin —

Please get notice to Newspaper not
later than next Wednesday —

3866

J G Nordstrom
R 2

May 9th, 1917.

Re Permit 3866.

Mr. B. A. Lowe,
Attorney at law,
Burley, Idaho.

Dear Sir:—

Replying to yours of the 7th inst., would say that, inasmuch as six years have been granted for beneficial use of water under above per mit, no additional extension could be granted. I would say, however, that proof of beneficial use of water may be made at a later date than specified in the permit but the date of priority will be brought down accordingly. Thus, if proof is made one year late, the date of priority will be brought down one year from the date of the receipt of the application in this office, and so on.

The applications for extension are herewith returned to you.

Very truly yours,

J. H. KIMM,

State Engineer.

2511

By _____

S. T. LOWE
ATTORNEY AND COUNSELLOR AT LAW
BURLEY, IDAHO

May 7, 1918.

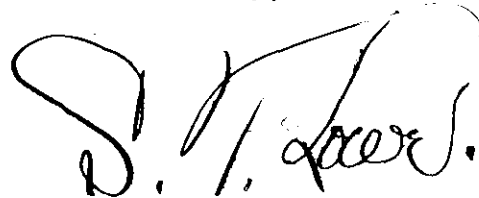
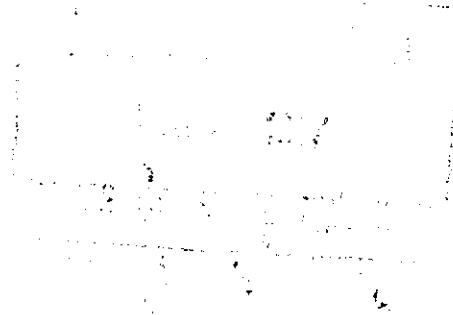
State Engineer,
Boise, Idaho.

Dear Sir:

Enclosed herewith please find application for extension of time to make proof of beneficial use of water under permit No. 3866; which I trust you will see fit to approve and grant the time herein requested.

STL/BS

Yours truly,

A handwritten signature in cursive script, appearing to read "S. T. Lowe".

3866

Full by...

June 16, 1915.

Permit 3866.

J. G. Nordstrom,
Secy, View Water Devel. Co.,
Burley, Idaho.

Dear Sir:

Your application for extension of
time has been approved and one copy is here-
with returned to you.

Yours very truly,

J. H. SMITH,

State Engineer

By.

3866

June 3, 1915.

Permit 3866

J. G. Nordstrom, Sec'y
View Water Dev. Co.,
RD#2, Burley.

Sir:

Application for extension of time for beneficial
use of water under above permit should be made in
duplicate upon the enclosed forms.

Very truly yours,

J. H. SMITH.

State Engineer.

2F3

By _____

3866

OFFICE OF STATE ENGINEER

Permit No. 3866

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO,
County of Cassia } ss.

J. G. Nordstrom, Secretary, of View Water Development Co., Ltd.,
State of Idaho, being first duly sworn upon his oath deposes and says:

Secretary of the View Water Development Company, Limited, the
THAT he is the owner and holder of Permit to appropriate the Public Waters of the State of
Idaho, No. 3866.

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was
required to be made by August 1, 1915.

the View Water Development Company, Limited,
THAT he has heretofore put to beneficial use 0.07 second feet of water and
has irrigated acres, which has been used for domestic purposes.

the View Water Development Company, Limited,
THAT, for the following reasons, he is unable to put to beneficial use within the required time,
the remainder of the water appropriated under his permit, to-wit: That the cost of completing
the development work, to-wit; drilling of wells, has exceeded the estimated
cost, and the company has been financially unable to drill all the wells
necessary to develop and thereby procure all the water that could be
procured; that the company has laid about one mile of wood pipe for
carrying the water developed, the outlay thereby incurred has greatly
exceeded the estimated cost; that if the time be extended, additional wells
can be drilled and the flow increased; that claimants excavations have
been and required much additional work and expense.

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of bene-
ficial use under said permit to August 1, 1917.

And further, deponent saith not.

Subscribed and sworn to before me this fifth day of June, 1915.

Residing at Burley, Idaho. Notary Public.

My commission expires November 15, 1917.

Date of receipt at office of State Engineer June 7, 1915.

J. H. Smith,

APPROVAL OF STATE ENGINEER.

I, ~~Richard~~, State Engineer of the State of Idaho, hereby extend the time for the making of
proof of beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. 3866,
to August 1, 1917.

Witness my hand this 8th day of June, 1915.

J. H. Smith
State Engineer.

3866

View - Idaho
5-27-'75

State Engineer
Boise Idaho

Dear Sir:

Please send us by return mail
application blanks for an extension of
time on our filings on our water in
Spring Canyon. Permit no. 3866. Recorded in
Book 11 Page 3866

Yours Truly

J. G. Nordstrom Sec.

View Water Development Co

Barley 23. 24. 25.

273

View Idaho

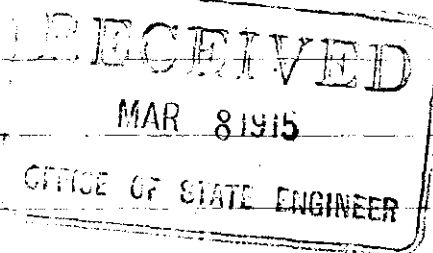
3/6/1915

State Engineer
Boise Idaho

Enclosed find check for \$1⁵⁰ as per your
statement, for filing deeds for View Water &
Development Co. Thanking you for same, same

Yours Truly
J. G. Henderson Sec.

Pay 2866



3866

March 2, 1915.

Permit 3866.

J. S. Nordstrom, Sec'y
View Water & Development Co.,
View, Idaho.

Sir:

Am herewith returning you the deeds of the
above numbered permit. Please to remit \$1.50
recording fees.

Very truly yours,

Herbert Wing,

Acting State Engineer.

2D

By _____

3866

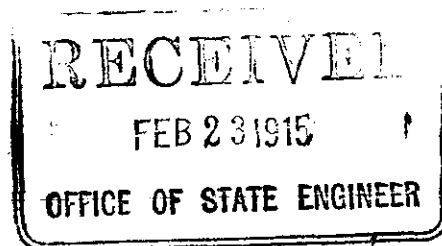
View Cassia Co, Idaho
2/19/1915

Herbert Wing
Acting State Engineer
Boise Idaho

I hereby enclose copy of Deed of John M. Schmidt with regard View Water Development Co as per your request. Kindly return these deeds to us, after you have made record of same

The blanks you sent us, for making final proof will be filled out and mailed to you in the near future

I am Yours Truly
J. G. Nordstrom
S. E.



3866

February 16, 1915.

Permit 3866.

F. G. Nordstrom, Sec'y
View Water & Development Co.,
Burley, R. D. #2, Idaho.

Sir:

Replying to your letter of the 8th inst., in which you enclosed assignment of above permit to the View Water & Development Co., would say that the deed from John M. Schmitt, or a copy of same, should be sent to this office for record, before the deed to the company can be recorded, as the chain of title would, otherwise, be broken. The deed will be held pending receipt of your reply.

The enclosed blank notices should be filled out and returned to us, with the deed referred to above, setting the date for making proof far enough ahead to allow for thirty days publication of the notice.

Very truly yours,

Herbert Wing,

Acting State Engineer.

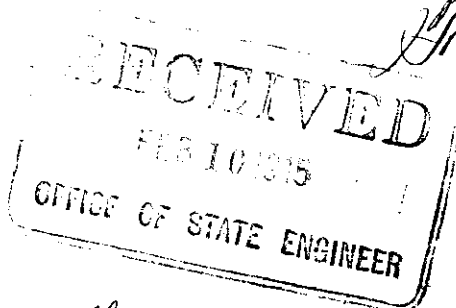
3NU

By _____

3866

371W

View Cassia Co. Idaho
Feb. 8, 1915



State Engineer
Boise Idaho

Dear Sir,

Enclosed you will find copy of transfer made by H. A. Webb, J. C. Burgess, and J. D. Hoagland to The View Water and Development Co. as per your instruction to Mr. A. G. Orchard former Secretary of the above mentioned Co.

Mr. Orchard has informed the Directors of this Co. that through his correspondence with you, you informed him that this transfer was, or is, all that is necessary to do, to make final proof on "his water" or Springs mentioned in transfer.

We have invested over Two Thousand Dollars in these Springs, by drilling wells, digging trench, laying pipe, etc. and are anxious to know our standing in regard to what more we have to do "If anything" before

3866

making final proof.

Will say that we have not completed our pipe line as means would not permit the Stockholders have used the water for domestic purpose by hauling it from end of pipe line and some of the Stockholders have used it on there places for culinary and domestic purposes, also for irrigation, the same being conveyed to their farms in a ditch from end of pipe line.

We very much desire to know our standing in regard this matter, so we can make final proof at an early date. Trust you will take this up at your earliest convenience, and let us know

I Am Yours Truly
J. G. Nordstrom
Pres.

Burley
R. D. #2
Idaho

December 28, 1914

Permit 3866.

Mr. John M. Schmitt,
R.F.D.No.2, Burley, Idaho.

Sir:

Replying to your letter of the 20th would say that, under the circumstances, I would advise you to make a new filing and obtain a new permit for the water in question. Even though our records do not show an assignment to have been made by you, your letter now on file makes such a statement. Am enclosing herewith application blank.

Very truly yours,

Herbert King,

Acting State Engineer.

F1

By _____

3866

BURLEY, IDAHO, December 20th 1914

State Engineer.,
Boise, Idaho

Dear Sir:-

I am the holder of Permit 3866 for the appropriation of certain waters in Spring Canyon Creek, Cassia County, the time for proof of beneficial use of which is August 1 next.

I hold your certificate approving my completion of works. Sometime in April 1911, I assigned this water right to an association for the consideration that they construct a pipe, line and supply me with water at my home for domestic use. They have never complied with this agreement, and they have done nothing in the way of using this water beneficially, but I have been using it for the purposes named in the original permit, and desire to go ahead and make my final proof. Is there anything in your records that will prevent my so doing this. I do not see how they can prevent me from proving up now in my own name when they have wholly failed in their consideration. I have since learned that I should have gotten permission from your office to transfer this right anyhow. Kindly advise me of my rights and greatly oblige

Yours very truly,

John M. Schmidt.

R. F. D. 2 Burley.

Idaho

3866

December 17, 1914.

Permit 3866.

Mr. Alvin Orchard,
Sec. View Water Dev. Co.,
Burley, Idaho.

Sir:

Your letter addressed to Mr. W.L. Gifford, Secretary of State, has been referred to this department for answer. In reply would say that the above numbered permit now stands in the name of John M. Schmidt. The deed to the Company should be sent to this office for record and the Company can then make final proof as the holder of said permit.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

3866

3866

Alvin Orchard

W. L. Gifford

Berly Adokho 10-19-14

Berly Adokho

Dear Sir, in regards to the final
proof to be made on the waters
of Spring Canyon creek has is
been filed so that the View
Water Development makes the
proof or else Mr John Schmidt
Mr Schmidt gave a deed to said
Company for the water and I
understood that the Co makes the
proof would you kindly look it
up and let me know for the
benefit of the Co

Yours truly

View Water Development Co

By Alvin Orchard

see

DEC 9 6 1914

3866

stated in name of John Schmidt
deed should be recorded

3866

September 13, 1912.

Permit 3866

Hohn M. Schmidt,
Burley, Idaho.

Sir:-

Am inclosing you herewith certificate of completion of works issued under above permit.

Very truly yours,

State Engineer.

CCW

By...

3866

(Copy)
1-5-12

August 5, 1912.

Permit 3866

John M. Schmidt,
R. F. D. No. 2,
Burley, Idaho.

Sir:-

Am in receipt of depositions, affidavit
of publication and fee for proof of completion
of works under above permit. Am inclosing you
herewith receipt. The proof is now complete and
is satisfactory. The certificate will be issued
just as soon as we can get to it.

Very truly yours,

State Engineer.

R4865

By...

3866

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. John M. Schmidt, 53 years of age, Rancher by occupation and P.O. Address Burley, Idaho R.F.D. No. 2

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. I am acting for my self.

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

Ans. Number of permit 3863, Date of permit July 28th 1908 and Authorized to divert 2 cubic feet per second of water.

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. For irrigation and Domestic purposes, 160 acres embracing SW 1/4 of Sec. 21 Tp 11 S. Range 24 E. B.M.

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. Yes the water was turned into the ditch for diversion on the 22nd day of January 1912. to the amount of 30 inches or 3/5 Cubic feet

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. The works for diversion are fully completed, and in the place of constructing a ditch, a pipe line had been installed to convey water

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. The pipe line has been installed for a distance of 4050 feet and ditch is constructed from there to place of use, as called for in said permit.

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

Ans. The pipe line runs 4050 feet constructed of 6 inch pipe, and the remainder of the distance to point of use, a ditch has been constructed with the following dimensions, 2 feet in bottom 4 feet wide at the top and 1 1/2 foot deep

(Sign here.)

John M. Schmidt

RECEIVED

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..... Albion, Cassia..... OFFICE OF STATE, CLERK OF DIST. COURT

Cassia.

State of Idaho, on this

1st

day of

August, A. D. 1912.

3866

My Commission expires.....

Geo. A. Smith

Notary Public

Clerk of Dist. Court

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 3866

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Alvin G. Orchard, 34 years of age, Farmer by occupation, and Post office address, Burley, Idaho R.F.D NO. 2

Ques. 2. Are you acquainted with John M. Schmidt, the holder of Permit No. 3866, authorizing the diversion of 2 second-feet of the waters of Spring Canyon Creek, at Spring Canyon for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. I have known Mr Schmidt 3 years, and he resides at View, Idaho.

Ques. 3. Have you read or heard read said Permit No. 3866, and are you familiar with its terms and conditions?

Ans. Yes sir.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. I am acquainted with the land to be irrigated, it is of a clay nature dry and arid in character, covered with sage brush, or was, and I estimate an inch to the acre for its profitable cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes sir.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. From the point of diversion and for a distance of 4050 feet a six inch pipe has been laid, and from the pipe to the place of use a ditch had been constructed of the following dimensions, 2 feet wide at the bottom, 4 feet wide at the top, and 1 1/2 feet deep. I estimate the capacity at at least 2 cubic feet per second.

(Sign here.)

Alvin G. Orchard

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 Albion, County

of Cassia, State of Idaho, on this 1st day of August, A. D. 1912.

3866

Geo. A. Smith
Clerk Dist Court

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 3886

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Joseph D. Hoagland, 32 years of age, resides at View Idaho, occupation Farmer, P.O. Address Burley, Idaho R. F. D 2

Ques. 2. Are you acquainted with John M. Schmidt, the holder of Permit No. 3886, authorizing the diversion of 2 second-feet of the waters of Spring Canyon Creek, at Spring Canyon, for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. I have known Mr Schmidt 8 years, and he resides at View, Idaho.

Ques. 3. Have you read or heard read said Permit No. 3886, and are you familiar with its terms and conditions?

Ans. Yes sir.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. I am acquainted with said land, it is of a clay nature, dry and arid in character, and was covered with sage brush., and I estimate that it will take one inch to the acre for profitable irrigation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes sir.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. From the spring or point of diversion and for a distance 4050 feet a pipe line has been laid of a six inch pipe, and from the pipe to the point of use a ditch of the following dimensions has been constructed, 2 feet wide at the bottom, 4 feet wide at the top and 1 1/2 feet deep, and I estimate that the pipe and ditch will carry at least 2 second feet per second of water.

(Sign here.)

Joseph D. Hoagland

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 Albion.

of Cassia, State of Idaho, on this 1st day of July, A. D. 1912.

3886

Geo. A. Smith
Clerk Dist. Court

Affidavit of Publication

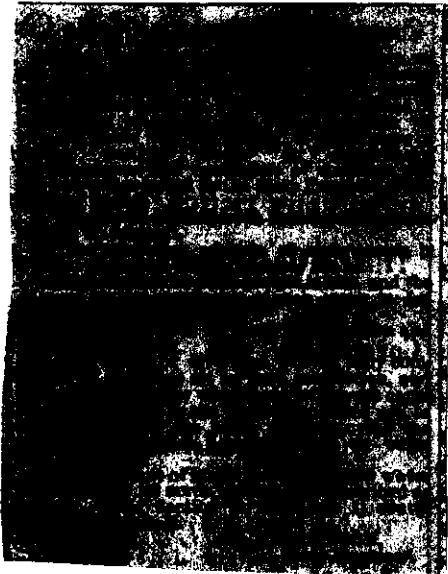
STATE OF IDAHO, }
COUNTY OF CASSIA. } ss

I, S. D. PARKE, do solemnly swear that I am
the publisher of BURLEY BULLETIN, a weekly newspaper of general circula-
tion, published once each week at BURLEY IDAHO; that the notice at-
tached hereto and which is a part of this affidavit and a part of the proof of publication thereof,
was published in said newspaper for 5 consecutive weeks, the first publication having been
made on the 28th day of June, 1912, and the last publication having
been made on the 26th day of July, 1912; that the said notice was pub-
lished in the regular and entire issue of every number of the paper during the period and time of
publication, and that the notice was published in the newspaper and not in a supplement.

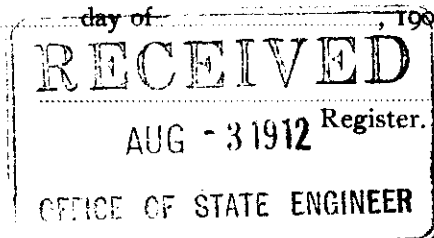
Subscribed and sworn to before me this 27th day of July, 1912

*My Commission
Expires May 20th 1915.*

S. D. Parke
W. E. Abraham
Notary Public.



I, the undersigned, Register of the United
States Land Office at Hailey, Idaho, do here-
by certify that a notice, a printed copy of
which is hereunto annexed, was by me posted
in a conspicuous place in my office for a per-
iod of thirty days, I having posted said notice
on the _____ day of _____, 190



Affidavit of Publication

STATE OF IDAHO,)
COUNTY OF CASSIA.) SS

I, S. D. PARKE, do solemnly swear that I am the publisher of BURLEY BULLETIN, a weekly newspaper of general circulation, published once each week at BURLEY IDAHO; that the notice attached hereto and which is a part of this affidavit and a part of the proof of publication thereof, was published in said newspaper for 5 consecutive weeks, the first publication having been made on the 28th day of June, 1912, and the last publication having been made on the 26th day of July, 1912; that the said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 27th day of July, 1912

My Commission Expires May 20th 1915.

W. E. Abraham
Notary Public.

Notice for Publication

Notice is hereby given that at 2 o'clock p. m. on the 1st day of August, 1912, at Albion, County of Cassia, State of Idaho, before Geo. A. Smith, Clerk of District court, proof will be submitted of completion of works for the diversion of two (2) cubic feet per second of the waters of Spring Canyon creek, 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 holding said permit is John M. Schmidt.

2. The postoffice address of such person is Burley, County of Cassia, State of Idaho.

3. The number of such permit is 2936, and the date set for the completion of such work is August 1, 1912.

4. Said water is to be used for irrigation and domestic purposes.

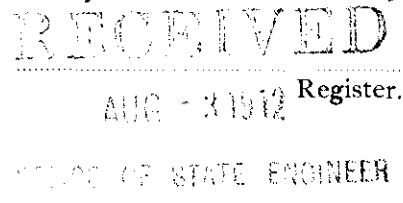
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is two (2) cubic foot per second.

6. The amount of lands for which said water is available is 160 acres, particularly described as follows: SW $\frac{1}{4}$ Section 21, Township 11 south, Range 24 east, B. M.

A. E. ROBINSON,
State Engineer.

I, the undersigned, Register of the United States Land Office at Hailey, Idaho, do hereby certify that a notice, a printed copy of which is hereunto annexed, was by me posted in a conspicuous place in my office for a period of thirty days, I having posted said notice

on the _____ day of _____, 190



3896

State Engineer
Boise Idaho

Boise Idaho

July 19 - 1912

RECEIVED

JUL 22 1912

OFFICE OF STATE ENGINEER

Sir - I received your communication
of July 18th requesting that I make examination
and report for permit # 3866. Will say I can do
this either on July 21st or 28th

Respectfully yours.

J. L. Ferris

REPORT OF ENGINEER.

1. State name of applicant and number of permit: *John M. Schmitt. Permit # 3866*
2. State source of water supply: *Spring. Colton. Creek*
3. Location of point of diversion: *Point of Diversion. & saved as shown on plat because of piping water direct from drive wells at spring. On NW 1/4 SE 1/4 Sec 23 T. 113 R. 24 E. B. M.*
4. State whether or not the works of diversion are fully completed and in accordance with the terms of permit: *Work are fully completed*
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: *2 feet*
 - (b) Width at water line: *If full will be 4 feet*
 - (c) Depth of water: *Six inches*
 - (d) Grade per mile: *is one hundred feet*
 - (e) Capacity of ditch: *Three* second feet.
6. State whether or not water has been turned into works of diversion, and if so, to what extent: *Water is in ditch and is the full amount developed being about 30 inches*
7. Give exact location of lands to be irrigated. ~~Give exact number of acres under cultivation in each forty acre tract:~~ *S.W. 1/4 Sec. 21. T. 113 R. 24 E. B. M.*
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.

Remarks: *This point of diversion changed as shown in order to pipe water direct from wells drive at spring, in order to save water. They have 4050 feet of 6 inch wood pipe laid & covered and water running in same. The balance of the way is open ditch to be piped later.*

I had L. Ferrin RECEIVED

JUL 30 1912

OFFICE OF STATE ENGINEER

STATE OF IDAHO,

County of *Cassia* } ss.

Thad L. Ferrin

, 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 *30th* day of *July* 191*2*.

My Commission Expires *Oct 25-1915*

3866

Charles A. Johnson
Notary Public.

3885

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

T 115R24E.B.M.

SEC.

21
SEC.

22
SEC.

23
SEC.

24
SEC.

SEC.

RECEIVED
JUL 30 1912
OFFICE OF STATE ENGINEER



ditch

6" wood pipe

original
X Point diversion

X Point diversion

Office of the State Engineer

Burley, Idaho,

1912

July 18

Permit 3866

Thaddeus Farrain,
Burley, Idaho.

DEAR SIR:

.....**John M. Schmidt**....., residing at**Burley**.....
County of, State of**Idaho**....., has requested that
you make examination required under Permit No.**3866**..... Will you
therefore, arrange with the holder of said Permit to make such examination as will
enable you to answer the questions on the enclosed blank? Also, make a sketch on
the enclosed blank plat showing source of supply, point of diversion, route of ditch
and place of use. You should, also, arrange with the holder of said Permit for the
payment of your fee for your services, and such proper expenses as you will incur in
making this examination and report.

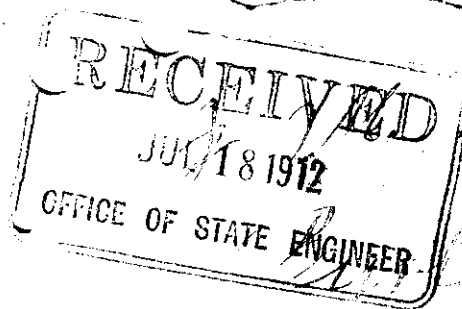
Please advise me promptly of receipt of this communication, and whether or not
you will be able to make the examination and report as required.

Very truly yours,

A. E. ROBINSON,

State Engineer.

3866



Schmidt

Wm. J. Schell

7. 15. 1912

A. E. Robinson.

State Engineer

Boise Idaho

Dear sir

I will instruct you have
Engineer Thaddeus Farrain
of Burley Idaho to make
Examination of works ⁱⁿ spring
according to my permit no.

3866

John M. Schmidt

(Place) Burl. Idaho
(Date) June 22, 1912

State Engineer, Boise.

Dear Sir:

- I have your letter of June 21 enclosing Notice
of Completion of Works under Permit No. 3866 which will be publish-
ed as you request, beginning with our issue of June 28, 1912

S. W. Parke sub.
Burly Bulletin

3866

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

John M. Schmitt,
c/o Geo. A. Smith,
Clerk of Dist. Court,
Albion, Idaho.

Boise, Idaho, June 21, 1912

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No. 3866.

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 August 1, 1912, 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 Albion, before Geo. A. Smith, Clerk of Dist. Court.
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.

3866

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE.

(Date) June 21, 1912

(P. O.) Burley, Idaho

To the State Engineer,
Boise, Idaho.

Dear Sir:-

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

Bulletin, of Burley, published in the
county in which the works are situated.

John W. Schmidt

(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

3866

NOTICE OF PUBLICATION

Notice is hereby given that at 2 P. M., on the 1st day of August,
 1912, at Albion County of Cassia State of Idaho,
 before Geo. A. Smith, Clerk of Dist. Court, proof will be submitted of the completion of works
 for the diversion of two (2) cubic feet per second of the waters of
Spring Canyon Creek, 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

John M. Schmidt

2. The postoffice address of such person or the place of business of such corporation is

Burley County of Cassia State of Idaho.

3. The number of such permit is 3866, and the date set for the completion of such work is

August 1, 1912.

4. Said water to be used for irrigation and domestic 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 ac-
 cordance with the plans accompanying the application for such permit, is two (2) cubic feet
 per second.

6. The amount of lands for which said water is available is 160 acres,
 particularly described as follows: SW4 Sec. 21, Tp. 11 S., R. 34 EBM

A. E. Robinson,

3866

State Engineer.

May 31, 1912.

Permit 3866

Jos. Y. Haight,
Albion, Idaho.

Sir:-

In reply to your letter of the 28th inst. would say that the deed from John M. Schmidt to the View Water Development Co. was not sent back by Mr. Lee after correction and is, therefore, not of record in this office.

Very truly yours,

State Engineer.

By...

3866

was not a gain etc

Office of
GEORGE A. SMITH
Auditor and Recorder, and Clerk of the District
Court, Cassia County
©
ALBION, IDAHO

May 28th 1912.

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

RECEIVED
MAY 29 1912
STATE ENGINEER

Dear Sir:-

I write to inquire if a Deed from one John M. Schmidt to the View Water Development Company of this County conveying his right and title to the waters of a certain spring located in Spring Canyon or the waters of Skring Canyon Creek, as set out in your permit No. 3866 in favor of the said John M. Schmidt. This deed was sent to your office by Joseph C. Burgess, along about the first of March this year, for record in your office, and it was returned to Mr Burgess as per your letter of the 5th of March for correction as to the Number of the permit, it appears that the Number of the permit in said deed was 5488 and it was returned to have the number changed to 3866, this Deed was given to Mr T. Bailey Lee the County Attorney here to make the necessary correction and forward to your office, Mr Lee is now away and the company are anxious to learn whether said deed has been sent to your office and duly placed on record, kindly let me know in the matter at your earliest convenience and oblige.

Yours truly.

Joseph Haight

3866

J. C. Burgess Merc. Co.

DEALERS IN

General Merchandise, Groceries, Hardware, Ladies Furnishings Fine Footwear

TINWARE, NOTIONS, ETC.

View, Idaho, Jan 27 1912

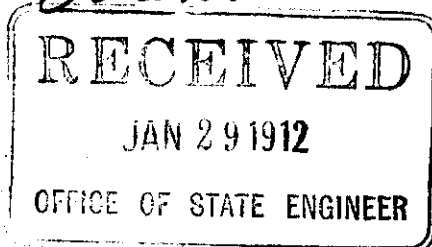
A. E. Robinson State Engineer

Dear Sir In Behalf of
 The View Water & Development Co I enclose
 herewith a quit claim Deed for your approval
 together with a letter from D G Martin also
 The Permit no 5488. That you may understand
 our Proceedings. We have changed or Deem it
 Best to Pipe the Water Down to the Town or Farm
 Residences. We Recently obtained a Flowing well
 at the head of Spring & The Well near will
 Drive another about 50 feet from the one now
 flowing. have Done considerable work at the
 Spring & feel that we are Doing Right Provided
 the Change in work from the original Plan will
 meet your approval. Please Return Deed & the other
 Papers & if you are not Fully Paid let us know
 & will Forward Check for Full Payment
 yours Truly J. C. Burgess Secretary
 Burley Idaho

3866

R F D 2

P 3866



Boise, Idaho, March 5, 1912.

Permit No. 3866.

J. C. Burgess,
R. P. D. No. 2,
Burley, Idaho.

Sir:--

We return you herewith the deed filed with us sometime ago with reference to permit of John M. Schmidt. The number in the deed is incorrect as the number of the permit issued to John M. Schmidt is 3866 and not 5488. The deed should be reformed as to this number. We will then be pleased to place it of record here.

The change as asked for in the matter of pipe line will not injure the validity of your permit in my opinion. I return deed, check for \$1.25, letter from Mr. D. C. Martin and approved extension.

Very truly yours,

State Engineer.

By _____

Enclosures.

W/G.

3866

3866

July 18, 1911

Permit 5488-Schmidt

F. Bailey Lee,
Albion, Idaho

Sir:-

- I am returning you herewith your application for extension of time under above permit, the same having been duly approved and recorded.

Very truly yours,

State Engineer.

Apert

By...

3866

Boise, Idaho, July 12, 1911.

3866
Permit 5488.

T. Bailey Lee, Lawyer,
Albion, Idaho.

Sir:--

Replying to yours of the 29th ult.
and being application for extension under
the above permit beg to advise that permit
holder will be given until August 1, 1912.
to complete his work and make proof thereof.

Very truly yours,

State Engineer.

By _____

W/G.

3866

OFFICE OF
T. BAILEY LEE
PROSECUTING ATTORNEY, CASSIA COUNTY
ALBION, IDAHO

June 29th 1911

Mr. A. E. Robinson.,

State Engineer,

Boise, Idaho

In re Permit
No. 5488

My Dear Sir:-

I am enclosing you affidavit
of John M. Schmidt, praying extension of time for
completion of works.

These are the springs concerning which I
wrote you some time ago. Schmidt has done a lot
of good work here, but has been so troubled by
outsiders that he cannot possible comply with
his permit during the time originally allowed.

Last year an outfit planked down a placer location
on the ground containing the springs and have in-
terfered consistently with Schmidts attempts at
development. They now forbid him even to enter the
lands, and we shall have to fight the thing out in
the District Court. His plans, if carried out, will
greatly increase the natural flow, and will furnish
enough water to supply the little settlement of View
several miles below with drinking water, after giving
him the amount he originally desired. This extension
will protect him until we can get the trouble with the

3866

OFFICE OF
T. BAILEY LEE
PROSECUTING ATTORNEY, CASSIA COUNTY
ALBION, IDAHO

outside claimants settled, and an amended permit passed upon.

Very truly yours,

A handwritten signature in dark ink, appearing to read "T. Bailey Lee", with a stylized flourish at the end.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

D. G. MARTIN
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

John M. Schmidt,
Burley, Idaho.
Dear Sir:

Boise, Idaho, May 1st, 1911.

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. **3866**.

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof MUST be on or before **August 1, 1911**.

Upon receipt of this blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a Notary Public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you 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,

A. E. Robinson,
~~D. G. MARTIN~~

State Engineer.

Boise, Idaho, April 26, 1911.

3866
Permit 5498.

T. Bailey Lee,
Albion, Idaho.

Sir:--

Replying to yours of the 6th inst. beg to advise that after considerable delay on the part of the printer, we are now able to send you a blank which will probably cover the above case. This is in connection with paragraph 3254 of the Revised Codes. The blank should be filled out and signed by the permit holder and if there are other details involved which the blank does not cover a separate statement should be made as to those details. Duplicate maps should be prepared to cover the amendment, such maps to conform with the instructions as to maps give in the rules and regulations relative to Application for Permit to appropriate the Public Waters, copies of which is herewith enclosed.

As to the extension of time for completion of works, it will be necessary to file an affidavit for such extension. I enclose herewith blank affidavit.

Very truly yours,

3866

State Engineer.

By _____

Enc. AB-EB-RR.

W/G.

Boise, Idaho, April 8, 1911.

3866
Permit No. 5488.

T. Bailey Lee, Lawyer,
Albion, Idaho.

Sir:--

Replying to yours of the 6th inst. would say that this department is at the present time devising a set of rules and regulations which will probably cover the question arising in your case. ~~They will be~~ week or ten days before we can give you definite instructions with reference to this matter but will do so at the earliest possible moment.

Very truly yours,

State Engineer.

3866

By _____

W/G.

OFFICE OF
T. BAILEY LEE
PROSECUTING ATTORNEY CASSIA COUNTY
ALBION, IDAHO

P5488
3866

April 6th 1911

D.G.Martin, Esq.,
State Engineer,
Boise, Idaho

Dear Dan:-

John M. Schmidt who holds water permit No. 5488 issued August 1st 1908, has about gone broke down here, and has not sufficient funds to complete his works.

The people at View, some miles below him, have formed an association, and have offered to go ahead and develop the waters filed on, give him an equal share of the water obtained delivered at his ranch, and stand all expenses, if he will deed them the remainder of the water.

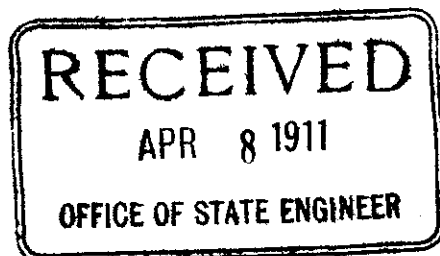
To do this will necessitate a change in the nature of the work set out in Schmidt's permit, as they want to go further up and dig into the hill, and pipe the water from thence. They want the water for domestic and irrigation purposes also. Now can Schmidt assign his permit to these people, or must he proceed under Section 3264 providing for the transfer of water? ~~not~~ The work that these people want to do will, as I say, change the nature of the works heretofore contemplated, and they should have an extension of time, if possible. I know the outfit and they are reliable and mean business.

Can you give me a tip?

Yours,

T. Bailey Lee

3866



Mod

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, August 10, 1908.

Permit 3866.

John M. Schmidt,
Burley, 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.

3866

Application No. 5488.

Permit 5866.

John H. Schmidt.

2 sec. ft. Spring Canyon Creek.

Cassia county.

Approved August 1, 1908.

Geo. Stephenson

State Engineer.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC. 21

SEC. 22

SEC. 23

SEC. 24

SEC.

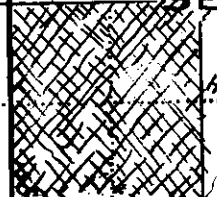
SEC.

SEC. 28

SEC. 27

SEC. 26

SEC. 25



Proposed Ditch

Point of diversion

Stings

Township 11 S - Range 24 E. B. M.

