

No. 2260

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho.

1. Name of applicant - JOHN P. PASSEY

Postoffice address: P. O. - Paris

County of Bear Lake.

2. The quantity of water claimed is $2\frac{1}{5}$ cubic feet per second.

3. Source of water supply - Four Springs or boggs North West from Paris.

County of Bear Lake, State of Idaho.

4. Location of point of diversion - Two Springs or boggs near the center of the NE4 of SE4 Sec. 4 and the other two are near the center of the NW4 SW4 Sec. 3 in Tp. 14 S. of R. 43 E. B. M.

5. To be Used for:

I. Irrigation and domestic use: irrigation purposes.

(a) Number of acres to be irrigated about twenty acres.

(b) In the following legal subdivisions - the NE4 of SW4 Sec. 3, Tp. 14 S., R. 43 E. B. M.

14 S., R. 43 E. B. M.

6. Estimated cost of works.....

7. Description of Works for Diversion:

I. Kinds of works - Two small dams not over two feet high.

II. Dimensions of Works:

(a) Height of dams 2 feet, length of dam at top about 10 feet, length of dam at bottom about 7 feet, material used in construction - earth and stone.

(b) Capacity of reservoir - No reservoir - acre-feet.

(d) Ditch (flume or pipe) width at bottom 2 feet, width at water line $2\frac{1}{2}$ feet, depth of water 8 inches. Average grade per mile is 4 feet.

Length of ditch is 80 rods, and it crosses the following quarter

sections - NE4 of SW4 Sec. 3, Tp. 14 S. of R. 43 E. B. M., to the NW4 of the SE4 same Tp. & R. The point of intended use is on the NE4 of SW4 Sec. 3, Tp. 14 S., R. 43 E. B. M.

8. Time required for the completion of the construction of such work is - works completed.

9. Time required for the complete application of the water to the proposed use in additional years.

Remarks:

As stated above there are four springs or boggs which flow into what is known as "Sleights Canyon Creek". The water from same has been used by the applicant on the land described in this application for a number of years. His right to the use of this water has been undisputed. As indicated in the plat there are two small ditches which convey the water from Sleights Canyon Creek to the land which is irrigated; one running in a north easterly direction and another in a south easterly direction.

The amount of water claimed from each diversion is $1\frac{1}{5}$ cubic foot per second of time, or $2\frac{1}{5}$ cubic foot per second of time from the two diversions.

Approval of State Engineer.

The number of this permit is 1647.

Date of first receipt of application 9 a. m. October 21, 1905.

Returned to applicant for correction October 21, 1905.

Corrected application received October 28, 1905.

Recorded in Book 5, page 1647 Approved November 2, 1905.

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 January 1, 1905, 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 2, 1906.

The whole of said work to be completed on or before May 2, 1906.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to May 2, 1907.

Witness my hand this 2nd day of November, 1905.

Jas. Stephenson, Jr.

State Engineer.

Blank Notice of Proof of Completion of Works mailed applicant February 1, 1906.

Blank Notice of Proof of Application of Water to Beneficial Use mailed James E. Hart, Paris, Idaho, March 10, 1906.

Notice of Proof of Completion of Works and Notice of Proof of Application of water to beneficial use received March 15, 1906, fixing Paris, Idaho, as the place and May 2nd, 1906 as the date of proof.

Notice for publication mailed Paris Rest, Paris, Idaho, March 22, 1906, and deposition blanks mailed permit holder same date.

Report of Edward V. Bucher, affidavit of publication of notice, fee of \$5.00 for proof of Completion of Works, fee of \$2.00 for proof of application of water to beneficial use, and depositions of permit holder and two witnesses received May 5, 1906.

Report of Mr. Bucher returned May 5th for some additional information.

Corrected report received May 31, 1906.

Depositions and report show that works have been completed of a capacity to divert and convey to the place of intended use the amount of water for which application was made and that water has been beneficially applied to 10 acres of land.

Certificate of completion of works issued May 31, 1906.

License issued May 31, 1906 and recorded June 1, 1906.

Permit No. 1647

C E R T I F I C A T E O F C O M P L E T I O N O F W O R K S

To All Whom It May Concern:

This is to certify that JOHN P. PASSEY of Paris, County of Bear Lake, and State of Idaho, the holder of Permit No. 1647, issued upon Application No. 2260, bearing date of priority of October 21, 1905, authorizing the diversion of two-fifths of one second-foot of the waters of four springs, County of Bear Lake, State of Idaho, two of the springs being located near center of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 4, and two near center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 3, Tp. 14 S., R. 43 E. B. M., 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-fifths of one second-foot of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast Quarter (NE $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$) of Section Three (3), Township Fourteen (14) South, Range Forty-three (43) East of Boise Meridian,

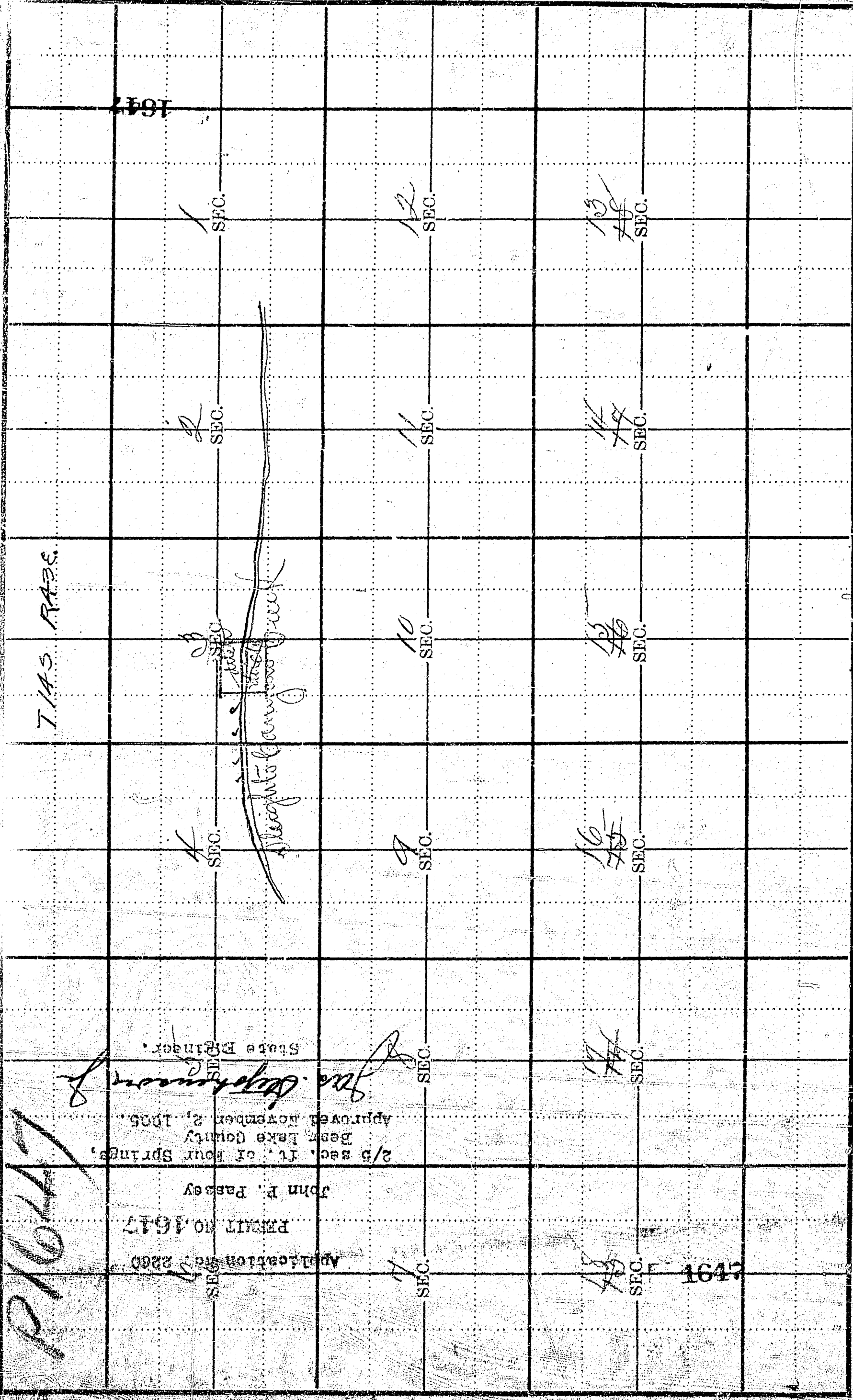
Witness my hand this thirty-first day of May, A. D. 1906.

Jan. Stephenson, Jr.

State Engineer of the State of Idaho.

License issued ²/₂₅₈ second feet

11-057



Boise, Idaho, November 8, 1905.

Mr. John E. Hart,

Paris, Idaho.

Dear Sir:-

I enclose herewith Permit No. 1647 in favor of John
P. Cassey, of Paris.

Yours truly,

State Engineer.

1647

INSTRUCTIONS.

PROOF OF COMPLETION OF WORKS.

DEAR SIR:

Boise, Idaho, February 1, 1906.

I enclose herewith the following forms to be used in connection with Proof of Completion of Works under your Permit No. 1647

NOTICE OF PROOF OF COMPLETION OF WORKS.

~~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. Fill out the Notice of Proof of Completion of Works and mail to the State Engineer's office at least sixty days before the date upon which you wish to submit proof, which proof must be on or before May 2, 1906 Upon receipt of this form, notice for publication will be sent to the paper direct from this office.

2. On _____, the date set for the 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 _____, before someone authorized to administer oaths. (The proof may be at a place most convenient to permit holder and witnesses.)

3. To complete the proof, it is also necessary that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you. Upon receipt of such a name I will authorize him to do the work. The examination should be made on or before the date set for the proof.

4. When the depositions have been taken, they should be mailed to this office, together with affidavit of publication of notice and fee of \$_____. When these have been received, together with report of examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

JAS. STEPHENSON, JR.,

State Engineer.

1647

OFFICE OF

JAMES E. HART

CLERK OF THE DISTRICT COURT AND EX-OFFICIO

AUDITOR AND RECORDER

BLAKE LAKE COUNTY.

PARIS, IDAHO.

1647

Paris, Idaho,

Hon. Jas. Stephenson Jr.

March 8th, 1906.

Boise City, Idaho.

Dear Sir : In reply to your favor of the 5th. inst. will say that Mr. Passey has had his land under cultivation for some time and according to what you say he can submit both proofs on May 2nd. 1907.

Kindly send the necessary blanks and very much oblige,

Yours very truly,

James E. Hart

1647

May 2 - 07

Boise, Idaho, March 10, 1906.

Permit No. 1647.

Mr. James E. Hart,
Paris, Idaho.

Dear sir:-

I am in receipt of your letter of March 8th in reference to proofs under the above permit. Mr. Passey cannot submit both proofs on May 2, 1907. Proof of completion of works must be submitted on or before May 2, 1906, but if he is ready he can submit both proofs on May 2, 1906. I enclose herewith blank notice of proof of application of water to beneficial use. This, together with notice of proof of completion of works should be returned to me right away, in order to give time for the proper publication before May 2, 1906.

Yours truly,

state Engineer.

1647

OFFICE OF
JAMES E. HART
CLERK OF THE DISTRICT COURT AND EX-OFFICIO
AUDITOR AND RECORDER
BEAR LAKE COUNTY.
PARIS, IDAHO.

Paris, Idaho

Hon. Joseph Stephanson Jr.

March 13th. 1906

Boise City, Idaho.

Dear Sir : I send you herein two notices of John P. Passay which
~~may~~ or may not be filled out correctly . Providing the proof of application
of water and completion of works is made on the 2nd. of May you will not
have received the notices "60 days before the proof is made" and it
was impossible to send them at that time under the circumstances .

Yours very truly,

James E. Hart
1647

Notice of Proof of Completion of Works.

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Paris, Idaho
(Date) Feb. 24th 1906

To the State Engineer of the State of Idaho, Boise, Idaho.

Dear Sir:

Notice is hereby given that at 2 P. M. on the 21st day of May 1906, at Paris County of Bear Lake State of Idaho, before James E. Hart proof will be submitted of the completion of works for the diversion of 2 1/2 cubic feet per second of the waters of "Blight's 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 T. Sawyer

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

Paris, County of Bear Lake, State of Idaho.

3. The number of such permit is 1647, and the date set for the completion of such work is May 2, 1906

4. Said water is to be used for irrigation 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 2 1/2 cubic feet per second.

6. The amount of lands for which said water is available is 20 acres

more or less acres, particularly described as follows:

The N.E. 1/4 of S.W. 1/4 Sec. 3 T. 14 N. R. 4 E. B. M.

(In case of all 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 above notice are true.

Engineer.

_____ desire that the above notice be published, according to law, in the _____ of _____, published in the county in which said works are situated; the expense of which publication will be borne by _____

(Signature) _____

1647

PERMIT No. 1647

Notice of Proof of Application of Water to Beneficial Use.

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.)

Paris, Idaho

(Date)

March 13th 1906

To the State Engineer of the State of Idaho, Boise, Idaho:

Dear Sir—Notice is hereby given that at 2 P. M. on the 2 day of May 1906, at Paris County of Bear Lake State of Idaho, before James E. Hart proof will be submitted of the application to beneficial use of 2 1/5 cubic feet per second of the waters of "Hight's Canyon Creek" in accordance with the terms and conditions of Permit No. 1647 heretofore issued by the State Engineer of the State of Idaho.

1. The name and post-office address of the person or corporation holding said permit are

John P. Passy, Paris, Bear Lake County, Idaho

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

the N.E. 1/4 & S.W. 1/4 Sec. 3 T.P. 14 N. R. 43 E. P.M.

3. The amount applied to beneficial use is

2 1/5 cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

The N.E. 1/4 & S.W. 1/4 Sec. 3 in T.P. 14 N. R. 43 E. P.M.

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

Passy's Ditch taking from "Hight's Canyon Creek"

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

1647

7. The source of supply from which such water is diverted is

Four Springs or bogs which empty into "Hight's Canyon Creek"

8. The date of the priority which said user is prepared to establish is

about 28 years
on the 25th of March 1906. Oct 21, 1905

I desire that the above notice be published, according to law, in the

Paris Post
of Paris, published in the county in which said water is to be used:

the expense of which publication will be borne by me.

(Sign)

John P. Passy

1647

Boise, Idaho, March 22, 1906.

Permit No. 1647.

Mr. John P. Passey,

Paris, Bear Lake County, Idaho.

Dear sir:-

I am today sending the notice for publication to the Paris Post, Paris, Idaho, in the matter of proof of completion of works and proof of application of water to beneficial use under your permit No. 1647.

I am sending the deposition blanks to Mr. James E. Hart, before whom you are to submit proof on May 2, 1906. Kindly appear at his office on that date with your two witnesses.

Yours truly,

1647

State Engineer.

Boise, Idaho, March 22, 1906.

Permit No. 1647

Messrs Paris Post,

Paris, Idaho.

Gentlemen:-

I enclose herewith notice for publication in the matter of proof of completion of works and proof of application of water to beneficial use, which publish once a week for four consecutive weeks in your paper.

The expense of this publication will be paid by Mr. John Passey, Paris, Idaho, to whom please furnish proof of publication on or before May 2, 1906.

Kindly send me a copy of the first issue in which this notice appears, that I may compare it with my records.

Yours truly,

1647

State Engineer.

Notice of Proof of Completion of Works
and
Notice of Proof of Application of water to Beneficial Use

Notice is hereby given that at 2 p. m. on the 2nd day of May, 1906, at Paris, County of Bear Lake, State of Idaho, before James E. Hart, proof will be submitted of the completion of works for the diversion of $2/5$ cubic feet per second of the waters of Sleights Canyon Creek, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 1647 heretofore issued by the state engineer of the state of Idaho.

1. The name and postoffice address of the person holding said permit is John P. Passey, Paris, Bear Lake County, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is $2/5$ cubic feet per second.
3. The use to which said water has been applied is irrigation, and the amount applied to beneficial use is $2/5$ cubic feet per second.
4. The place where said water is used is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ sec. 3, Tp. 14 S., R. 43 E. B. M.
5. The right to take the water from such works is based upon Permit No. 1647.
6. The source of supply from which such water is diverted is Sleights Canyon Creek.
7. The date of the priority which said user is prepared to establish is October 21, 1905.

Jas. Stephenson, Jr.

State Engineer

INSTRUCTIONS.

Mr. John PROOF OF COMPLETION OF WORKS.

Boise, Idaho, March 22, 1908.

DEAR SIR:

I enclose herewith the following forms to be used in connection with Proof of Completion of Works under your Permit No. 1647

~~NOTICE OF PROOF OF COMPLETION OF WORKS.~~

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. Fill out the Notice of Proof of Completion of Works and mail to the State Engineer's office at least sixty days before the date upon which you wish to submit proof, which proof must be on or before _____ Upon receipt of this form, notice for publication will be sent to the paper direct from this office.

2. On May 2, 1906, the date set for the 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 Paris before James E. Belmont someone authorized to administer oaths. (The proof may be at a place most convenient to permit holder and witnesses.)

3. To complete the proof, it is also necessary that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you. Upon receipt of such a name I will authorize him to do the work. The examination should be made on or before the date set for the proof.

4. 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 When these have been received, together with report of examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

JAS. STEPHENSON, JR.,

State Engineer.

P. S.

Also enclose depositions for proof of application of water to beneficial use. The fee due the state for this proof is \$2.00

1647

Paris Bear Lake to Idaho April 16 1906

To Hon J. Stevenson Jr.

State Engineer

Dear Sir I hope you will
pardon me for trespassing on
your valuable time once more.
I see a notice in the Paris Post
notifying J. D. Pusey to appear
before Jas C. Hart May 2 and
make proof that he has complied
with the law in the attempt
to divert water in Sleight's
Kanyon on to his land.

You will no doubt remember
when the application was made
that I wrote you making ob-
-jection to the same and asking
your advice as to the course
I should pursue to stop his
work, You advised me to

No 2

See a lawyer and get a
deceit from the Court, Now
I have not been able to get a
deceit as yet, What I wish to
know now is whether the law
requires me to make objection
to Mr Passey's claim to the rents
before Mr Hart at the time
he wishes to make his prom-
ise before, Or do I forfeit nothing
by not saying anything to Mr Hart
Or is it a clear Judicial Law
the "Passey" having no advantage
because of him having a promise
from you, Can Mr Passey go on
another man's land and make
the improvements without the con-
-sent of the owner, If you will answer
this you will greatly oblige Yours
Respectfully Thomas Slough

Boise, Idaho, April 18, 1906.

Permit No. 1647

Mr. Thomas Sleight,

Paris, Bear Lake County, Idaho.

Dear Sir:-

Referring to your letter of 16th inst. You may prepare your protest and mail same to me on or before the date set for the proof, and it will be considered before the Certificate of Completion of Works is issued.

As previously explained to you, this is a matter of the proper distribution of the water, rather than a question as to whether or not Certificate of Completion of Works shall be issued.

However, your protest will be considered on its merits.

Yours truly,

1647

State Engineer.

OFFICE OF
JAMES E. HART
CLERK OF DISTRICT COURT AND EX-OFFICIO
DEPUTY ATTORNEY AND RECORDER
BEAR LAKE COUNTY.
PARIS, IDAHO.

Paris, Idaho.

April 30th. 1906.

Mr' James Stephenson

Boise City. Idaho.

Dear Sir :

In the matter of final proof of application of water to beneficial use and proof of completion of works , would like to ascertain from you the amount of fees which will be required from Mr. John Passey who makes said proof before me on the 2nd. of May.

Kindly inform me too what would be a suitable fee for me to charge him for all the work connected with this matter .

Awaiting an early reply and thanking you in advance I am,

Yours very truly,

1647

James E. Hart

Paris B L to Idaho April 30 1906

To Hon State Engineer Idaho

Dear Sir as per notice in Paris
'Post' requiring J T Passey to sub-
stantiate his claim to water in
Sleight's Canyon on May 2 before
J C Hart & Thomas Sleight pray
your Honor to refuse his plea
that he makes for it. On the
ground that I am the rightful
owner of said water, having used
it continuously for forty one years
to irrigate land at the mouth
of Sleight's Canyon and the first
one to use it for any purpose
used did use the entire stream.
Said water allways runs into
my ditch except when diverted
otherwise,

Yours Respectfully

Thomas Sleight

Recd May 2 - 06

The undersigned do affirm
that we have lived in Bear Lake
Valley since the year 1864 and do
know that Thomas Slight did
cultivate land at the mouth
of Slight's Canyon and did
dig a ditch to carry water in
that Canyon to said land and
that he has cultivated the same
land and used water from
the same source from 1864 to
1906 continuously

Joseph W. Keibauer

H. G. Duffin

Subscribed and sworn
to before me this 30th
day of April 1906.

David C. King

Notary Public

1647

Boise, Idaho, May 1, 1906.

Permit No. 1647

James E. Hart, Esq.,
Clerk of the District Court,
Paris, Idaho.

Dear Sir:-

Referring to your letter of April 30th. There will be due the state \$5.00 for proof of completion of works and \$2.00 for proof of application of water to beneficial use under permit No. 1647, John Passey.

It would be difficult for me to tell what you should charge Mr. Passey for your work. In addition to the above fees Mr. Passey will be required to pay for advertising the proof and for an examination of the works by a surveyor. The intention of the law was that the fees paid were for the purpose of making the examination, but as the law is now the fees cannot be applied to that purpose. Taking this into consideration, the relative value of the water right, and the financial condition of the applicant, you will be able to make a satisfactory charge.

The law requires that an examination be made by a competent surveyor, and I requested Mr. Passey to give me the name of one that could do the work with a reasonable expense to him, but have not heard from him. He is jeopardizing his right by not attending to the matter, as the examination should have been made on or before May 2, 1906.

Yours truly,

1647

State Engineer

PERMIT NO. 1647

Proof of Completion of Works.

DEPOSITION OF HOLDER.

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

Answer. John P. Passey, 55, Paris, Bear Lake County, Idaho. same.

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 myself

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

Ans. NO 2260. November 2nd. 1905. 2/5 second feet.
N. E. 1/4 S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. B. M.

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 purposes. Twenty acres ~~more or less~~

N. E. 1/4 S. W. 1/4 Sec. 3 in Tp. 14 S. R. 43 E. B. M.

Two small dams and two ditches are near center of N. E. 1/4 S. W. 1/4 Sec. 3 and the other two are near center of N. E. 1/4 S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 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. It has been turned into the two ditches mentioned elsewhere.

About the middle of April. All of the water or 2/5 second 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. They are fully completed and comply in all respects with the terms of the permit.

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. They do.

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

Ans. small dam and headgate. In fact there are two small dams not more than two feet high. Two ditches are about two feet wide on bottom and about 2. 1/2 feet at top. Each holding about 1/5 cubic foot

About fifty dollars

(Sign here.)

John P. Passey

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 Paris, County of Bear Lake, State of Idaho, on this 2nd. day of

May

A. D. 1906.

1647

*James E. Hoast
Clerk Dist. Court*

Permit No. 16447

To appropriate 2 1/2 second

feet of water from stream

Shimada's creek

Shimada's Creek, County, Idaho

by J. L. Smith

Proof of Completion of Works

DEPOSITION OF HOLDER

Received and filed May 15

1906

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

PERMIT NO. _____

Proof of Completion of Works.

DEPOSITION OF WITNESS.

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

Answer. John G. Parker, age 48, Paris, Farmer, Paris, Idaho.

Ques. 2.—Are you acquainted with John P. Passey, the holder of Permit No. 1647, authorizing the diversion of $2/5$ second-feet of the waters of four springs or bogs, at or near Paris, Idaho, for irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known him for 28 years. Paris, Idaho.

Ques. 3.—Have you read or heard read said Permit No. 1647, and are you familiar with its terms and conditions?

Ans. I have. I am.

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. N. E. $1/4$ of S. W. $1/4$ Sec. 3 in Tp. 14 S. R. 43 E. B. M. Rich black loam. About $2/5$ cubic feet.

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. They are fully completed. Yes Sir.

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

Ans. Two small dams with head gates. Two small ditches. One running in a North Easterly and the other in a ~~North Easterly~~ southeasterly direction. Each of them is two feet ~~wide~~ wide on bottom $2\frac{1}{2}$ feet wide on top and about one foot deep.

(Sign here.)

John G. Parker

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 Paris, County of Bear Lake, State of Idaho, on this 2nd. day of May 1906, A. D., 1906.

*James E. Hart
Notary Public - Idaho*

Permit No. 1647

To appropriate 2 1/2 second

feet of water from 4 Springs

on boggs mead

Carls

Near Lake County, Idaho.

by John P. Passley

Proof of Completion of Works

Deposition of Witness

Received and filed May 5, 1902

PERMIT NO. 1647

Proof of Completion of Works.

DEPOSITION OF WITNESS.

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

Answer. ~~Henry~~ Henry Athay, age 48, Paris, Idaho.

Ques. 2.—Are you acquainted with John P. Pascey, the holder of Permit No. 1647, authorizing the diversion of $2/5$ second-feet of the waters of four springs or bogs, at or near Paris, Idaho, for irrigation purposes? How long have you known him, and where does he reside?

Ans. Have known him 35 years at least, Paris, Idaho.

Ques. 3.—Have you read or heard read said Permit No. 1647, and are you familiar with its terms and conditions?

Ans. I have. I am.

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. N. E. $1/4$ of S. E. $1/4$ Sec. 3 in Tp. 14 S. R. 43 E. B. M.
 . Rich black loam. About ~~###~~ $2/5$ second feet

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. Small dam with head gate. Two small ditches. One running in a North Easterly and the other in a southeasterly direction.
 Each ditch is $2\frac{1}{2}$ feet wide on the ~~###~~ top two feet on the bottom and about twelve inches in depth. Each ditch will hold $1/5$ second foot.

(Sign here.)

Henry Athay

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 Paris, County of Bear Lake, State of Idaho, on this 2nd, day of May, A. D., ~~1905~~ 1906.

*James E. Hart
 Clerk Dist. Court.*

Permit No. 1647

To appropriate 2 1/2 second

feet of water from Grand Spring
or bog

Near Lake County, Idaho.

by John D. P. P. P.

Proof of Completion of Works

Deposition of Witness

Received and filed May 3, 1906

Permit No. 1647

Proof of Application of Water to Beneficial Use.

Deposition of Holder.

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

Ans. John P. Passey, 55, Paris Idaho, same.

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. Am acting for myself.

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

Ans. NO 2260 . November 2nd. 1905 . Have used the water uninterruptedly~~Ques. 4. State~~ for 28 years source of water supply and give exact location of point of diversion.Ans. The source is from four springs or bogs North West from Paris County of Bear Lake and State of Idaho. Near the center of the N. E. 1/4 of S. E. 1/4 Sec. 4 and two springs are near the center of the N. W. 1/4 S. W. 1/4 Sec. 3 in Tp. 14 S. R. 43 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. Two small dams and headgates which are about two feet highTwo ditches about two feet wide on bottom and 2 1/2 feet at top and about one foot deep. Each ditch holds about 1/5 second cubic foot,
Passey ditches

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.)

Ans. Irrigation purposes . To water about twenty acres in the N. E.1/4 of S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. B. M. Have watered all of the twenty acres

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

Ans. Used only for irrigation purposes .

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

Ans. Not less than 1/5 second cubic foot.

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. I am the identical person.

1647

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

Ans. Have used the water every summer for 28 years uninterruptedly and have used all the water from the four springs or bogs mentioned elsewhere in this proof of application. Have had no occasion for irrigation this season, but the water has been running in the ditches mentioned and everything is in readiness to turn the water on the vegetation as soon as it is ready to water.

(Sign.) John P. Passey

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 ~~Paris~~, Paris, County of Bear Lake State of Idaho, on this 2nd day of May A. D. 1906.

James E. Hart
Clerk Dist. Court

Permit No. 1744	Proof of Application of Water to Beneficial Use.	DEPOSITION OF HOLDER.	Amount of water 2 1/2 second feet	Source 4 Springs or bogs	County Bear Lake	Purpose Irrigation	Place of use N.E. 1/4 of Sec. 17, T. 12 N., R. 10 E., S. 10	Date of priority Dec. 1, 1877	Received and filed May 3, 1906
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The deposition of two witnesses, on this form, taken separately, required in each case.

PERMIT NO. _____

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS.

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

Ans. John G. Parker. age 48 . paris, Idaho. The same .

Ques. 2. Are you acquainted with John P. Passey

the holder of Permit No. 1647 ? How long have you known him, and where does he reside?

Ans. I am. Have known him for 28 years. He resides at Paris, Idaho.

Ques. 3. Have you read or heard read said Permit No. 1647, and you are familiar with its provisions and conditions?

Ans. I have . I am.

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. Four springs or bogs North West from Paris , Idaho. Two are near the center of the N. E. 1/4 of S. E. 1/4 Sec. 4 and the other two are near the center of N. W. 1/4 S. W. 1/4 Sec. 3 in Tp. 14 S. R. 43 E. B. M. Two small dams and head gates and two ditches leading from points of diversion to land irrigated . Ditches are two feet wide on bottom , two and half on top and about 12 inches deep .

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. Each ditch will convey 1/5 second cubic foot ; the two 2/5 cubic feet. The latter amount viz 2/5 cubic feet .

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. For irrigation purposes . Twenty acres in the N. E. 1/4 S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. B. M.

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. The land is a very rich black loam . The said 2/5 cubic feet will, in my judgment be sufficient

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 none whatever .

1647

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

tion to beneficial use of the water diverted under said permit.
Ans. To my knowledge he has used the water every summer for the
last twenty years. Since this permit I have seen water running in
the ditches heretofore mentioned. Have seen him use all the water that
can be obtained from the four springs mentioned. Since the issuance
of the permit there has been no occasion for irrigation but every-
thing is in readiness to apply the water this season as heretofore
stated.

(Sign) John Barker

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 _____ Parts, _____ County of Bear Lake
State of Idaho, on this _____ day of May 1906, A. D. 1906

James E. Clark
Notary Public, Idaho

Permit No. 1647
Proof of Application of Water
to Beneficial Use.
DEPOSITION OF WITNESS.

Received and filed May 5, 06

1647

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

PERMIT NO. _____

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS.

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

Ans. Henry Athay, 48, Paris, Idaho, farmer. Paris, Idaho.Ques. 2. Are you acquainted with John P. Passeythe holder of Permit No. 1647? How long have you known him, and where does he reside?Ans. I am. Have known him for 35 years. Paris, Idaho.Ques. 3. Have you read or heard read said Permit No. 1647, and you are familiar with its provisions and conditions? Yes.Ans. I have. I am.

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. four springs or bogs North West from Paris, Bear Lake County Idaho. Near the center of the N. E. 1/4 of S. E. 1/4 Sec. 4 and the other two are near the center of the N. W. 1/4 S. W. 1/4 Sec. 3. in Tp. 14 S. of R. 43 E. E. M. Small dam in creek and ditch leading from point of diversion to land irrigated. There are two ditches which are quite small. 2 ft. wide at bottom 2 1/2 ft. at top and 12 in. deep.

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. 2/5 cubic feet per second of time. About 2/5 cubic feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. For irrigation purposes. About twenty acres more or less in the N. E. 1/4 of S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. E. M.

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. The land is a very rich black loam. The said 2/5 cubic feet will in my judgment be sufficient

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 none whatever.

1647

1647

Permit No. 1647

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed May 3, 1906

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

Ans. Every summer for at least twenty years last past, for watering
garden stuff he being a market gardener, have seen all the water used
that can be obtained from the above mentioned springs.

He has everything in readiness and in fact the water has been running
in the ditches for some time but he has had nothing ready to irrigate
this season and consequently has not actually used the water this far
this season.

(Sign) _____

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 _____, County of Bear Lake
State of Idaho, on this _____ day of _____ 2nd day of _____ day of May 1906, A. D. 1906.

James G. Scott
Notary Public

OFFICE OF
JAMES E. HART
CLERK OF THE DISTRICT COURT AND EX-OFFICIO
AUDITOR AND RECORDER
BEAR LAKE COUNTY.
PARIS, IDAHO.

Paris, Idaho,

Hon. James Stephenson Jr.

May 3rd. 1906.

Boise City, Idaho.

Dear Sir : I send you herein papers pertaining to the John P. Passey
Proof of completion of works and also Proof of application of water to
Beneficial use. I also send you affidavit of Mr. Bucher who is our
County Surveyor. I urged Mr. Passey to get him to do the work of ex-
amination on yesterday but as stated in the affidavit it was impossible
for him to do it on that day as he was surveying for other parties .

I hope however that this will be satisfactory .
This, Mr. Stephenson, is the first proof of the kind I have had and it
may be defective in some respects but I trust it will "pass muster".

I send you herein my personal check for the amount of your
fees as per your recent letter .

Thanking you for past courtesies and with kind regards I am,
Yours etc.

James E. Hart

1647

AFFIDAVIT OF PUBLICATION.

STATE OF IDAHO,
COUNTY OF BEAR LAKE.

ss.

NOTICE OF PROOF OF COMPLETION OF WORKS AND

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that, at 2 p. m. on the 2nd day of May, 1906, at Paris, County of Bear Lake, State of Idaho, before James E. Hart, proof will be submitted of the completion of works for the diversion of 2.5 cubic feet per second of the waters of Sleights Canyon Creek, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 1647 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said permit is John P. Passey, Paris, Bear Lake Co. Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.5 cubic feet per second.

3. The use to which said water has been applied is irrigation, and the amount applied to beneficial use is two-fifths (2.5) cubic feet per second.

4. The place where said water used is N Et of SW 1/4 Sec. 3, T 1 p. 14, S. R. 43 E. B. M.

5. The right to take the water from such works is based upon Permit No. 1647.

6. The source of supply from which such water is diverted is Sleight's Canyon Creek.

7. The date of the priority which said user is prepared to establish is October 21, 1905.

JAS. STEPHENSON, Jr.,
State Engineer

Jacob A. Wahlen, being first duly sworn deposes and says that he is the publisher of the Paris Post; that said Paris Post is a weekly newspaper published at Paris, Bear Lake County, Idaho, of general circulation in said county and state.

That the attached notice was published in the said Paris Post, and not in a supplement, for 5... successive weeks, the first publication was on the 2nd day

of March, 1906
Jacob A. Wahlen, Mgr.

to before me this 2... day of

1906
James E. Hart
Clerk Dist. Court

Reid May 5, 1906
J. 1647

AFFIDAVIT OF PUBLICATION.

STATE OF IDAHO,
COUNTY OF BEAR LAKE.

} ss.

NOTICE OF PEOPLE OF BEAR LAKE

April is giving us sunshine, the
dew, rain, wind, and Monday street
of reflecting therein.
ated, we anticipate excellent seasons
When finished and paid for, and dedi-
Well laid and has an elegant design.
Lake Stake. It is built of lovely rock
best ward meeting house in the Bear
sore that Laketown will have the
sire to boast, competent judges as-
excellent work along. With no de-
disposition is manifest to help the
\$1,300.00 due the masons. A splendid
nearly or fully finish meeting the
people Monday, gathered enough to
the committee which visited our
though means are naturally scarce,
properly done on our chapel walls.
building the work being well and
sellers inspected and accepted the
derday Bishop Robinson and Coun-
last all of the coming season. Yes
has Mason labor willing for them to
and Montpelier homes. Montpelier

Jacob A. Wahlen, being
first duly sworn deposes and
says that he is the publisher
of the Paris Post; that said
Paris Post is a weekly news-
paper published at Paris,
Bear Lake County, Idaho,
of general circulation in said
county and state.

That the attached notice
was published in the said
Paris Post, and not in a
supplement, for 5... suc-
cessive weeks, the first pub-
lication was on the 29th day

of March, 1906

Jacob A. Wahlen, Mgr.

Subscribed and sworn to before me this 2... day of

May, 1906

James E. Hart
Clerk Dist Court

Recd. May 6, 1906
J. 1647

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
STATE ENGINEER.

Boise, Idaho, May 5, 1906.

Permit No. 1647.

Mr. James E. Hart,
Clerk of District Court,
Paris, Idaho.

Dear sir:-

I enclose herewith receipt for \$7.00 in the matter of proof of completion of works and proof of application of water to beneficial use under permit No. 1647, John P. Passey.

I also return the report of Mr. Bucher, as it does not contain quite all the information desired. The report should give the description of the land to be irrigated and the description of the land actually irrigated. I would like also to have the report accompanied by a map showing the location of the springs, all ditches, and the land to be irrigated, and color in the land actually reclaimed by the use of the water in question.

I have received a protest from Mr. Thomas Sleight, alleging that he has used all the waters of Sleight's Canyon Creek for the past 41 years. His protest is supported by the affidavits of two other parties, Joseph W. Neilaur and H. Duffin. I hardly think the nature of the protest is such that it can be entertained, but if you know anything about these parties and the condition of affairs I would consider it a favor to be informed.

Yours truly,

Jas. Stephenson Jr.
State Engineer

1647

State of Idaho)

County of Bear Lake

Edward V. Bucher being first duly sworn deposes and says he is the County Surveyor of Bear Lake County State of Idaho.

Affiant alleges further that on the Second day of May 1906 Mr. John P. Passey of Paris, Idaho applied to him as said surveyor to make an examination of the works constructed by said John P. Passey

Affiant further alleges that he was absolutely unable to do and perform the labor for the said Passey as ~~#####~~ aforesaid on account of other pressing work he had to do on that day and therefore he made an examination of said works on this 3rd, day of May 1906,

Affiant alleges that the source of the water supply is from four small springs or bogs which are fed from seepage waters ; *Two* ~~Two~~ of said springs are near the center of the N. E. 1/4 of the S. E. 1/4 of Sec. 4 and the other two are near the center of the N. W. 1/4 of the S. W. 1/4 Sec. 3. in Tp. 14 S. R. 43 E. B. M.

I found further that there were two small dams with head gates and two ditches one running in a northeasterly and the other in a southeasterly direction. Each of them is two feet wide on the bottom, two and a half feet wide on the top and about twelve or 14 inches deep.

Each ditch will hold at least 1/5 second foot.

~~##~~ Affiant alleges further that his examination of said works convinced him that everything was in readiness to use the waters of said springs or bogs as soon as it becomes necessary to irrigate the lands.

In witness whereof affiant has hereunto set his hand at Paris, Idaho this 3rd. day of May A. D. 1906.

Edward V. Bucher
County Surveyor.

Subscribed and sworn to before me this
3rd. day of May A. D. 1906.

James C. West
Clerk Dist. Court.

1647

State of Idaho)

County of Bear Lake)

SS

Supplemental affidavit of Edward V. Bucher.

Edward V. Bucher being duly sworn deposes and says that he is the identical person who made affidavit which is attached hereto and that this is to be and serve as a supplemental affidavit thereto,

Affiant alleges further that the place where John P. Passer who holds P ermit NO 1647, applies water is the N. E. 1/4 of the S. W. 1/4 Section 3 in Township 14n S. R. 43 E. B. M.

Affiant further alleges that only that portion of the above described tract which is indicated by blue lines on the map hereto attached has been actually reclaimed by the use of the water in question. Part of said land is on the North side of Sleight's Canyon Creek and the other on the South side of said creek and extends to the East line of the N. E. 1/4 of the S. W. 1/4 of Sec. 3 in Tp. 14 S. R. 43 E. B. M. *There is about ten acres actually reclaimed*

In witness whereof affiant has hereunto set his hand and seal at Paris, Idaho this 23rd. day of May A. D. 1906.

Edward V. Bucher

Subscribed and sworn to before me
this 23rd. day of May A. D. 1906.

Surveyor

James E. Hart

Clerk District Court.

1647

Station 72

1641
to the land rec. covered

to

2
SEC.

3
SEC.

4
SEC.

5
SEC.

6
SEC.

7
SEC.

8
SEC.

9
SEC.

10
SEC.

11
SEC.

12
SEC.

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SEC.

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SEC.

15
SEC.

16
SEC.

17
SEC.

18
SEC.

Elevation on beach

another small at used

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

1642

Office Of
JAMES E. HART
Clerk of the District Court and Ex-
Officio Auditor and Recorder
Bear Lake County.
PARIS, IDAHO.

Paris, Idaho,

May 14th. 1906.

Hon. James Stephenson

Boise City. Idaho.

Dear Sir: I wish you would kindly send me the papers, all of them, pertaining to the Permit NO 1647 of John P. Passey, including the maps etc.

To avoid considerable time and trouble in furnishing the information you desire further in this matter, I make this request of you in the hope that you will be able to comply therewith.

With reference to the statement of Mr. Thomas Sleight, corroborated by the testimony of Weibaur and Duffin will have something to say when other papers are forwarded to you.

Awaiting an early reply I am,

Yours very truly,

James E. Hart

1647

Boise, Idaho, May 15, 1906

Permit No. 1647

Mr. Jas. E. Hart,

Clerk of the Court, Paris, Idaho.

Dear sir:-

As per your request of 14th inst. I enclose herewith the papers pertaining to permit No. 1647 of John P. Passey. The map is the one filed with the original application for permit.

Kindly carefully preserve these papers and return to me. I do not know that there is any particular need of going into this matter very deeply, and, according to my understanding, if Mr. Passey has completed works in accordance with the permit I must issue a Certificate to that effect, and if he can show that he has obtained and used water to beneficial apply to the land I must issue license to the extent of the beneficial application of the water. It seems to me to be more a matter of the proper distribution of the water. If Mr. Slight has an old right, to have that right respected we must know what it is, and to know what it is, it must be taken into the court and established as to date of priority and amount. When that is done Mr. Slight is then entitled to the water to the extent of the decree, and if there is any left Mr. Passey is entitled to it if he is next in priority.

Yours truly,

1647

State Engineer.

Office of
JAMES E. HART
Clerk of the District Court and Ex-
Officio Auditor and Recorder
Bear Lake County,
PARIS, IDAHO.

Paris, Idaho,

Hon. Joseph Stephenson Jr.

May 30th. 1906.

Boise City, Idaho.

Dear Sir :

I send you herein all papers pertaining to Permit NO 1647 ,
John P. P_assey of Paris, Idaho.

I also send the letter to me of May 5th. and believe you will find
that I have complied with the suggestions you make .
When in Boise a few days since I called at your office and although I
found you absent met your very amiable assistant who treated me very
courteously : sorry however I was not able to meet you.

I hope Mr. Stephenson that everything will now be acceptable and
with kind regards and thanking you for courtesies extended, I am,

Yours very truly,

James E. Hart

1647

Boise, Idaho, June 4, 1906.

Permit No. 1647

Hon. James E. Hart,
Clerk of the District Court,
Paris, Idaho.

Dear sir:-

I enclose herewith Certificate of Completion of Works and License issued to Mr. John P. Passey. You will notice the Certificate of Completion of Works is issued for works of a capacity to carry $2/5$ of one cubic foot per second, while the License is issued for $1/5$ of a cubic foot only. This will entitle Mr. Passey to make another proof in the future, provided he can secure more water, and obtain an additional License for the other $1/5$ of a cubic foot.

Yours truly,

1647

State Engineer.

STATE OF IDAHO

WATER LICENSE NO. 1647

WHEREAS, On the 21 day of October, A. D. 1905,

of John P. Pacey
Paris, County of Bear Lake, and State of Idaho,
duly made application (No. 2260) to me for a permit to use 2/5
cubic feet per second of the waters of 4 Springs
County of Bear Lake, State of Idaho, for irrigation and domestic
purposes; and,

WHEREAS, On the 2 day of November, A. D. 1905,
Permit No. 1647 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 2 day
of May, A. D. 1906 and for the application to beneficial use of said
water on or before the 2 day of May, A. D. 1907,
and,

WHEREAS, On the 2 day of May, A. D. 1906
the holder of said permit duly made proof of the completion of adequate works for the diversion of
2/5 cubic feet per second of said waters, as evidenced by my Certificate
No 1647, dated May 31, 1906, confirming the completion of works
of sufficient capacity for diverting and conveying to the place of intended use 2/5
cubic feet per second of water, with date of priority of October 21, 1905 and,

WHEREAS, On the 2 day of May, A. D. 1906
proof was duly made of the application to beneficial use of 2/5 cubic feet
per second of said water; 1647

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho,

I hereby grant and confirm to

of *John P. Procey*
Puma Bear Lake Co, the holder and owner of said Permit No *1647*
a perpetual right, dating from *Oct 21, 1905*, to the use of *1/5*
cubic feet per second of the waters of *4 springs*

in the County of *Bear Lake* and State of Idaho, or so much thereof as may be nec-

essary for the purposes hereinbelow mentioned, to be diverted at *2 springs near center of NW 1/4*
S 8 4 Sec 4 and 2 springs near center of NW 1/4 SW 1/4 Sec 3 Tpo 14 S R 43 E B 7 N
438 B 7 N

and conducted to and upon *th. NW 1/4 SW 1/4 Sec 3 Tpo 14 S R 43 E B 7 N*

for the purpose of *Irrigation and domestic*

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 *31* day of

May, A. D. Ninteen Hun-

dred and *30X*

State Engineer.

STATE OF IDAHO

Water License No. *1647*

To *John P. Procey*

Puma Bear Lake

Source of Supply

4 springs
Bear Lake Co.

Amount *1/5* Sec. Feet.

Point of Diversion *from springs*
near Sec 3 and 4 Tpo 14 S R 43 E

Place of Use *NW 1/4 SW 1/4*
Sec 3 Tpo 14 S R 43 E

Purpose *Irrigation and domestic*
domestic

Date of Priority *Oct 21, 1905*

Recorded *1647* of Page

Permit No. 1647

Certificate of Completion of Works.

To All Whom It May Concern:

This is to certify that

John P. Pacey

of *Paris*, County of *Bear Lake*, and State of

Idaho

, the holder of Permit No. 1647, issued upon Application

No. 2260, bearing date of priority of *Oct 21, 1905*, authorizing the diversion of

2/5

second-feet of the waters of *Four springs*

County of *Bear Lake*, State of Idaho, *at 2 Springs near center of NE 1/4 Sec 4*

Sec 4 and 2 Springs near center of the NW 1/4 SW 1/4 Sec 3 Twp 14S

R 43 E B 7m, 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 *2/5*

second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as fol-

lows, to-wit: *NE 1/4 SW 1/4 Sec 3 Twp 14S R 43 E B 7m*

1647

Witness my hand this

31

day of

May

A. D. 190*6*

State Engineer of the State of Idaho.

PERMIT NO. 1647

Certificate of Completion
of Works.

Dated May 31 1905

Stream 4 ditches

County Green Lake

Amount 25.00

Date of priority May 21, 1905

Recorded in Book 5

of Permits page 1647

Boise, Idaho, June 4, 1906.

Permit No. 1647.

Mr. Thomas Sleight,
Paris, Idaho.

Dear sir:-

Your protest to the issuance of Certificate of Completion of Works and License to Mr. J. P. Passey was received in due time, but does not seem to be of such a nature as to prevent Mr. Passey from completing his proof.

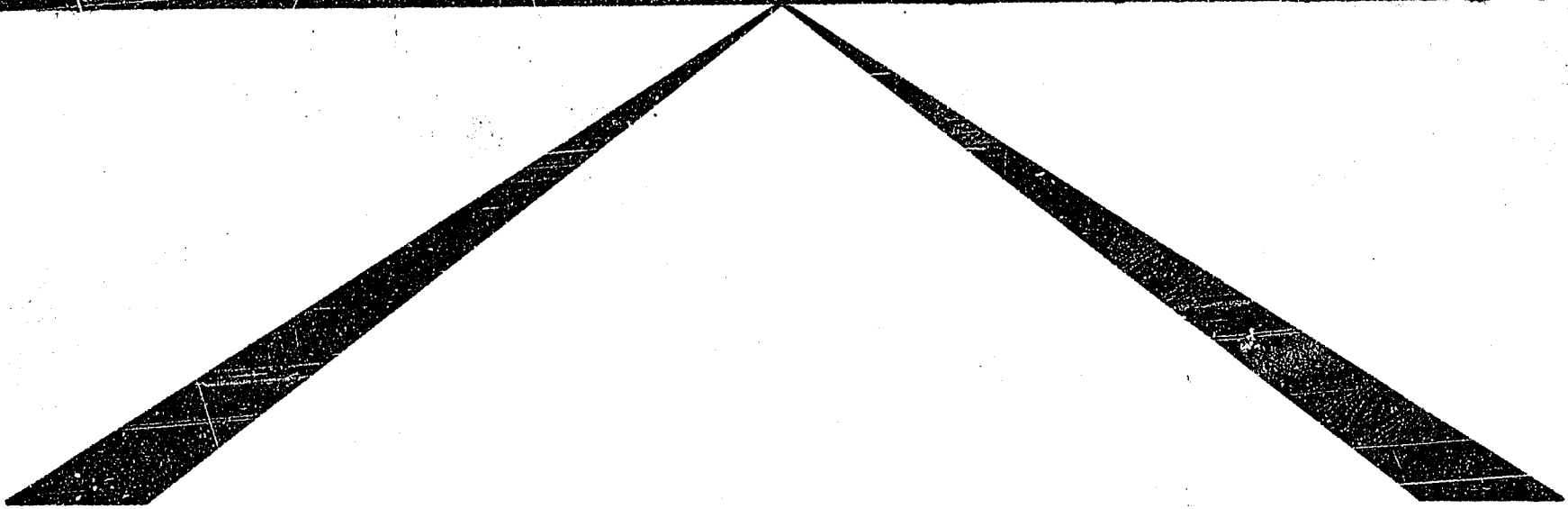
If you have an old right it will be necessary to take the matter into the District Court and have the date and amount of the right established by a decree. This must be done before I have any means of knowing what your right is.

Yours truly,

1647

2581

State Engineer.



CORRECTION



The preceding document has been rephotographed to assure legibility and its image appears immediatley hereafter .



South to North

T14S R43E

Application No. 2260

PERMIT NO. 16417

John P. Passey

2/5 sec. 10. of four Springs,
Boo Lake County
Approved November 2, 1905.

Geo. Stephenson Jr.
State Engineer.

SEC.

SEC.

SEC.

SEC.

16417

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

16417

West

East

Boise, Idaho, November 8, 1905.

Mr. Jan. E. Hart,
Paris, Idaho.

Dear Sir:-

I enclose herewith Permit No. 1647 in favor of John
P. Bussey, of Paris.

Yours truly,

1647

State Engineer.

INSTRUCTIONS.

PROOF OF COMPLETION OF WORKS.

DEAR SIR:

Boise, Idaho, February 1, 1906.

I enclose herewith the following forms to be used in connection with Proof of Completion of Works under your Permit No. 3647

NOTICE OF PROOF OF COMPLETION OF WORKS.

~~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. Fill out the Notice of Proof of Completion of Works and mail to the State Engineer's office at least sixty days before the date upon which you wish to submit proof, which proof must be on or before May 2, 1906 Upon receipt of this form, notice for publication will be sent to the paper direct from this office.

2. On ~~-----~~, the date set for the 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 ~~-----~~, before someone authorized to administer oaths. (The proof may be at a place most convenient to permit holder and witnesses.)

3. To complete the proof, it is also necessary that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you. Upon receipt of such a name I will authorize him to do the work. The examination should be made on or before the date set for the proof.

4. When the depositions have been taken, they should be mailed to this office, together with affidavit of publication of notice and fee of \$----- When these have been received, together with report of examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

JAS. STEPHENSON, JR.,

State Engineer.
1647

OFFICE OF
JAMES E. HART
CLERK OF THE DISTRICT COURT AND EX-OFFICIO
AUDITOR AND RECORDER
BEAVER LAKE COUNTY,
PARIS, IDAHO.

1647

Paris, Idaho,

Hon. Jas. Stephenson Jr.

March 8th. 1906.

Boise City, Idaho.

Dear Sir : In reply to your favor of the 5th. inst. will say that Mr. Passey has had his land under cultivation for some time and according to what you say he can submit both proofs on May 2nd. 1907.

Kindly send the necessary blanks and very much oblige,

Yours very truly,

James E. Hart

1647

may 2-1907
11-2-07

Boise, Idaho, March 10, 1906.

Permit No. 1647.

Mr. James E. Hart,
Paris, Idaho.

Dear sir:-

I am in receipt of your letter of March 8th in reference to proofs under the above permit. Mr. Passey cannot submit both proofs on May 2, 1907. Proof of completion of works must be submitted on or before May 2, 1906, but if he is ready he can submit both proofs on May 2, 1906. I enclose herewith blank notice of proof of application of water to beneficial use. This, together with notice of proof of completion of works should be returned to me right away, in order to give time for the proper publication before May 2, 1906.

Yours truly,

state Engineer.

1647

OFFICE OF
JAMES E. HART
CLERK OF THE DISTRICT COURT AND EX-OFFICIO
AUDITOR AND RECORDER
BEAR LAKE COUNTY,
PARIS, IDAHO.

Paris, Idaho

March 13th. 1906

Hon. Joseph Stephenson Jr.

Boise City, Idaho.

Dear Sir : I send you herein two notices of John P. Passey which may or may not be filled out correctly . Providing the proof of application of water and completion of works is made on the 2nd. of May you will not have received the notices "60 days before the proof is made" and it was impossible to send them at that time under the circumstances .

Yours very truly,

James E. Hart
1647

Notice of Proof of Completion of Works.

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Paris, Idaho
(Date) Feb. 24th 1906

To the State Engineer of the State of Idaho, Boise, Idaho.

Dear Sir:

Notice is hereby given that at 2 P. M. on the 2nd day of May 1906, at Paris County of Bear Lake State of Idaho, before James E. Hart proof will be submitted of the completion of works for the diversion of 2 1/2 cubic feet per second of the waters of "Slaughter 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 James S. Sasser
2. The postoffice address of such person or the place of business of such corporation is Paris, County of Bear Lake, State of Idaho.
3. The number of such permit is 1547, and the date set for the completion of such work is May 2, 1906
4. Said water is to be used for irrigation 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 2 1/2 cubic feet per second.

6. The amount of lands for which said water is available is 20 acres more or less acres, particularly described as follows:
The N.E. 1/4 of S. 1/4 Sec. 3 T. 14 N. R. 23 E. B. 1 M.

(In case of all 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 above notice are true.

Engineer.

desire that the above notice be published, according to law, in the _____
of _____, published in the county
in which said works are situated; the expense of which publication will be borne by _____

(Signature) _____

1647

No.

Notice of Proof of Completion of Works.

Received *March 15/1906*

Date of proof

Place

Notice sent to

for publication on

PERMIT No. 1647

Notice of Proof of Application of Water to Beneficial Use.

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.)

Paris, Idaho

(Date)

March 13th 1906

To the State Engineer of the State of Idaho, Boise, Idaho:

Dear Sir—Notice is hereby given that at 2 P. M. on the 21 day of May 1906, at Paris County of Bear Lake State of Idaho, before James E. Hart proof will be submitted of the application to beneficial use of $\frac{2}{5}$ cubic feet per second of the waters of "Mighty Canyon Creek" in accordance with the terms and conditions of Permit No. 1647 heretofore issued by the State Engineer of the State of Idaho.

1. The name and post-office address of the person or corporation holding said permit are

John P. Passer, Paris, Bear Lake County, Idaho

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

The N.E. 1/4 & S.W. 1/4 Sec. 3 T.P. 14 N. R. 43 E. B.M.

3. The amount applied to beneficial use is

$\frac{2}{5}$ cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

The N.E. 1/4 & S.W. 1/4 Sec. 3 in T.P. 14 N. R. 43 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

Passer's Ditch taken from "Mighty Canyon Creek"

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

1647

7. The source of supply from which such water is diverted is

Four springs or bogs which empty into "Mighty Canyon Creek"

8. The date of the priority which said user is prepared to establish is

about 28 years
on the 25th of March 1906. Oct 21, 1905

I desire that the above notice be published, according to law, in the

Paris Post

of

Paris

, published in the county in which said water is to be used:

the expense of which publication will be borne by me.

(Sign)

John P. Passer

1647

No. _____

**Notice of Proof of Application
of Water.**

Received *March 15, 1905*

Date of Proof _____

Place _____

Notice sent to _____

for Publication on _____

Boise, Idaho, March 22, 1906.

Permit No. 1647.

Mr. John P. Passey,

Paris, Bear Lake County, Idaho.

Dear sir:-

I am today sending the notice for publication to the Paris Post, Paris, Idaho, in the matter of proof of completion of works and proof of application of water to beneficial use under your permit No. 1647.

I am sending the deposition blanks to Mr. James E. Hart, before whom you are to submit proof on May 2, 1906. Kindly appear at his office on that date with your two witnesses.

Yours truly,

1647

state Engineer.

Boise, Idaho, March 22, 1906.

Permit No. 1647

Messrs Paris Post,

Paris, Idaho.

Gentlemen:-

I enclose herewith notice for publication in the matter of proof of completion of works and proof of application of water to beneficial use, which publish once a week for four consecutive weeks in your paper.

The expense of this publication will be paid by Mr. John Passey, Paris, Idaho, to whom please furnish proof of publication on or before May 2, 1906.

Kindly send me a copy of the first issue in which this notice appears, that I may compare it with my records.

Yours truly,

1647

State Engineer.

Notice of Proof of Completion of Works
and
Notice of Proof of Application of water to Beneficial Use

Notice is hereby given that at 2 p. m. on the 2nd day of May, 1906, at Paris, County of Bear Lake, State of Idaho, before James E. Hart, proof will be submitted of the completion of works for the diversion of $2/5$ cubic feet per second of the waters of Sleights Canyon Creek, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 1647 heretofore issued by the state engineer of the state of Idaho.

1. The name and postoffice address of the person holding said permit is John P. Passey, Paris, Bear Lake County, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is $2/5$ cubic feet per second.
3. The use to which said water has been applied is irrigation, and the amount applied to beneficial use is $2/5$ cubic feet per second.
4. The place where said water is used is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 3, Tp. 14 S., R. 43 E. B. M.
5. The right to take the water from such works is based upon Permit No. 1647.
6. The source of supply from which such water is diverted is Sleights Canyon Creek.
7. The date of the priority which said user is prepared to establish is October 21, 1905.

Jas. Stephenson, Jr.

State Engineer

INSTRUCTIONS.

Mr. John ~~PROOF~~ OF COMPLETION OF WORKS.

Boise, Idaho, March 22, 1906.

DEAR SIR:

I enclose herewith the following forms to be used in connection with Proof of Completion of Works under your Permit No. 1647

~~NOTICE OF PROOF OF COMPLETION OF WORKS.~~

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. Fill out the ~~Notice of Proof of Completion of Works~~ and mail to the State Engineer's office at least sixty days before the date upon which you wish to submit proof, which proof must be on or before ----- Upon receipt of this form, notice for publication will be sent to the paper direct from this office.

2. On May 2, 1906, the date set for the 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 Paris before James E. Bennett someone authorized to administer oaths. (The proof may be at a place most convenient to permit holder and witnesses.)

3. To complete the proof, it is also necessary that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you. Upon receipt of such a name I will authorize him to do the work. The examination should be made on or before the date set for the proof.

4. 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. When these have been received, together with report of examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

JAS. STEPHENSON, JR.,

State Engineer.

P. S.

Also enclose depositions for proof of application of water to beneficial use. The fee due the state for this proof is \$2.00.

1647

Boise, Idaho, April 18, 1906.

Permit No. 1647

Mr. Thomas Sleight,

Paris, Bear Lake County, Idaho.

Dear sir:-

Referring to your letter of 16th inst. You may prepare your protest and mail same to me on or before the date set for the proof, and it will be considered before the Certificate of Completion of Works is issued.

As previously explained to you, this is a matter of the proper distribution of the water, rather than a question as to whether or not Certificate of Completion of Work shall be issued.

However, your protest will be considered on its merits.

Yours truly,

1647

State Engineer

1647

Paris Near Lake Loosdrecht April 10 1866
To Hon^{ble} J. Stenerson Jr.

State Engineer

Dear Sir I hope you will
pardon me for trespassing on
your valuable time and space.
I see a notice in the Paris Post
notifying J. H. Riving to appear
before J. C. Ellet May 2 and
make proof that he has complied
with the law in the attempt
to divert water in Sleights
Bingen on the Rive d'Am.
You will no doubt remember
when the application was made
that I made your making a
- petition to the same and asking
your advice as to the course
I should pursue to stop his
work. You advised me to

No. 2

See a lawyer and get a
deed from the P Court, Now
I have not been able to get a
deed as yet. What I wish to
know now is whether the law
requires me to make objections
to Mr Passey's claim to the water
before Mr Court at the time
he wishes to make his proof
or before, Or do I forfeit nothing
by not saying anything to Mr Court.
Or is it a clear judicial case
the "Passey" having no advantage
because of him having a promise
from you, Can Mr Passey go on to
another man's land and make
the improvements without the con-
sent of the owner, If you will answer
this you will greatly oblige yours

Respectfully Thomas Plough

OFFICE OF
JAMES E. HART

CLERK OF THE DISTRICT COURT AND EX-OFFICIO

EDITOR AND RECORDER

BEAR LAKE COUNTY.

PARIS, IDAHO.

Paris, Idaho.

April 30th. 1906.

Mr' James Stephenson

Boise City. Idaho.

Dear Sir :

In the matter of final proof of application of water to beneficial use and proof of completion of works , would like to ascertain from you the amount of fees which will be required from Mr. John Passey who makes said proof before me on the 2nd. of May.

Kindly inform me too what would be a suitable fee for me to charge him for all the work connected with this matter .

Awaiting an early reply and thanking you in advance I am,

Yours very truly,

1647

James E. Hart

Paris B L to Idaho April 30 1906

To Hon State Engineer Idaho

Dear Sir as per notice in Paris
'Post' requiring J T Passey to sub-
stantiate his claim to water in
Sleight's Canyon on May 2 before
J C Hart & Thomas Sleight pray
your Honor to refuse his plea
that he makes for it. On the
ground that I am the rightful
owner of said water, having used
it continuously for forty one years
to irrigate land at the mouth
of Sleight's Canyon and the first
one to use it for any purpose
and did use the entire stream.
Said water allways runs into
my ditch except when diverted
otherwise.

Yours Respectfully

Thomas Sleight

Recd May 2 - 06
Ch.

We the undersigned do affirm
that we have lived in Bear Lake
Valley since the year 1864 and do
know that Thomas Slight did
cultivate land at the mouth
of Slight's Canyon and did
dig a ditch to carry water in
that Canyon to said land and
that he has cultivated the same
land and used water from
the same source from 1864 to
1906 continuously

Joseph W. Kibaver

H. G. Beck

Subscribed and sworn
to before me this 30th
day of April 1906.

David C. Kibaver
Probate Judge,

Boise, Idaho, May 1, 1906.

Permit No. 1647

James E. Hart, Esq.,
Clerk of the District Court,
Paris, Idaho.

Dear sir:-

Referring to your letter of April 30th. There will be due the state \$5.00 for proof of completion of works and \$2.00 for proof of application of water to beneficial use under permit No. 1647, John Passey.

It would be difficult for me to tell what you should charge Mr. Passey for your work. In addition to the above fees Mr. Passey will be required to pay for advertising the proof and for an examination of the works by a surveyor. The intention of the law was that the fees paid were for the purpose of making the examination, but as the law is now the fees cannot be applied to that purpose. Taking this into consideration, the relative value of the water right, and the financial condition of the applicant, you will be able to make a satisfactory charge.

The law requires that an examination be made by a competent surveyor, and I requested Mr. Passey to give me the name of one that could do the work with a reasonable expense to him, but have not heard from him. He is jeopardizing his right by not attending to the matter, as the examination should have been made on or before May 2, 1906.

Yours truly,

1647

State Engineer

PERMIT NO 1647

Proof of Completion of Works.

DEPOSITION OF HOLDER.

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

Answer. John P. Passey, 55, Paris, Bear Lake County, Idaho. same.

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 myself

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

Ans. NO 2260 . November 2nd. 1905 . 2/5 second feet.
N. E. 1/4 S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. B. M.

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 purposes . Twenty acres ~~more or less~~

N. E. 1/4 S. W. 1/4 Sec. 3 in Tp. 14 S. R. 43 E. B. M.

From a spring or bog two are near center of N.E. 1/4 S.W. 1/4 Sec 3 and the other two are near center of N.W. 1/4 S.W. 1/4 Sec. 3 Tp. 14 S. R. 43 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. It has been turned into the two ditches mentioned elsewhere .

About the middle of April . All of the water or 2/5 second 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. They are fully completed and comply in all respects with the terms of the permit.

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. They do.

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

Ans. small dam and headgate. In fact there are two small dams not more than two feet high . Two ditches are about two feet wide on bottom and about 2. 1/2 feet at top . Each holding about 1/5 cubic foot

About fifty dollars

(Sign here.)

John P. Passey

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 Paris, County of Bear Lake, State of Idaho, on this 2nd. day of

May

A. D. 1906.

1647

James E. Hart
Robert R. Hart

2

12

second

6

6

Block.

County, Idaho:

Paikar,

Collection of Works

OF HOLDER

1

1

•••••

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

PERMIT NO. 1647

Proof of Completion of Works.

DEPOSITION OF WITNESS.

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

Answer. ~~####~~ Henry Athay, age 48, Paris, Paris, Idaho.

Ques. 2.—Are you acquainted with John P. Passey, the holder of Permit No. 1647, authorizing the diversion of $2/5$ second-feet of the waters of four springs or bogs, at or near Paris, Idaho, for irrigation purposes? How long have you known him, and where does he reside?

Ans. Have known him 35 years at least. Paris, Idaho.

Ques. 3.—Have you read or heard read said Permit No. 1647, and are you familiar with its terms and conditions?

Ans. I have. I am.

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. N. E. $1/4$ of S. W. $1/4$ Sec. 3 in Tp. 14 S. R. 43 E. B. M.
 . Rich black loam. About ~~####~~ $2/5$ second feet

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?

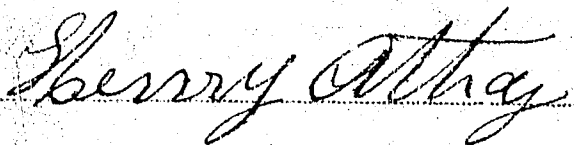
Ans. Yes sir.

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

Ans. Small dam with head gate. Two small ditches. One running in a North Easterly and the other in a southeasterly direction.

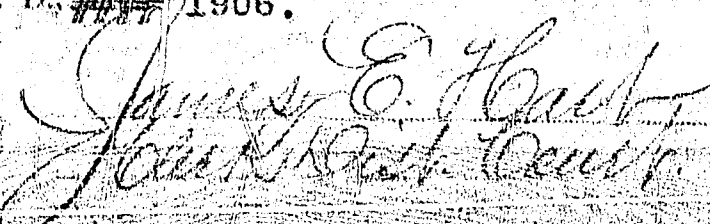
Each ditch is $2\frac{1}{2}$ feet wide on the ~~####~~ top two feet on the bottom and about twelve inches in depth. Each ditch will hold $1/5$ second foot.

(Sign here.)



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 Paris,

of Bear Lake, State of Idaho, on this 2nd, day of May, A. D. ~~1904~~ 1906.



Permit No. 1647

To appropriate

2/3

second

feet of water from

as well as from

John L. Smith County, Idaho.

by

John L. Smith

Proof of Completion of Works

Deposition of Witness

Received and filed

May 5, 1906

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

PERMIT NO. _____

Proof of Completion of Works.

DEPOSITION OF WITNESS.

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

Answer. John G. Parker, age 48. Paris, Farmer, Paris, Idaho.

Ques. 2.—Are you acquainted with John P. Passey, the

holder of Permit No. 1647, authorizing the diversion of $2/5$ second-feet of the waters of four springs or bogs, at or near Paris, Idaho.

for irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known him for 28 years. Paris, Idaho.

Ques. 3.—Have you read or heard read said Permit No. 1647, and are you familiar with its terms and conditions?

Ans. I have. I am.

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. N. E. $1/4$ of S. W. $1/4$ Sec. 3 in Tp. 14 S. R. 43 E. B. M. Rich black loam. About $2/5$ cubic feet.

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. They are fully completed. Yes Sir.

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

Ans. Two small dams with head gates. Two small ditches. One running in a North Easterly and the other in a ~~North Easterly~~ southeasterly direction. Each of them is two feet ~~wide~~ wide on bottom $2.1/2$ feet wide on top and about one foot deep.

(Sign here.)

John G. Parker

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 Paris,

County of Bear Lake, State of Idaho, on this 2nd, 1647 of May 1906, A. D.

*James H. Hart
Recorder*

Permit No. 1647

To appropriate 2/3 second

feet of water from

4 blocks water

in the

Shoshone Co. County, Idaho.

by John J. Cadden

Proof of Completion of Works

Deposition of Witness

Received and filed May 5, 1907

Permit No. 1647

Proof of Application of Water to Beneficial Use.

Deposition of Holder.

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

Ans. John P. Passey, 55, Paris Idaho, same.

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. Am acting for myself.

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

Ans. NO 2260, November 2nd, 1905. Have used the water uninterruptedly

for 28 years Source of water supply and give exact location of point of diversion.

Ans. The source is from four springs or bogs North West from Paris County of Bear Lake and State of Idaho. Near the center of the N. E. 1/4 of S. E. 1/4 Sec. 4 and two springs are near the center of the N. W. 1/4 S. W. 1/4 Sec. 3 in Tp. 14 S. R. 43 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. Two small dams and headgates which are about two feet high

Two ditches about two feet wide on bottom and 2 1/2 feet at top and about one foot deep. Each ditch holds about 1/5 second cubic foot,
Passey's ditches

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.)

Ans. Irrigation purposes. To water about twenty acres in the N. E.

1/4 of S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. B. M. Have watered all of the twenty acres

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

Ans. Used only for irrigation purposes.

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

Ans. Not less than 1/5 second cubic foot.

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. I am the identical person.

Proof of Application of Water to

Beneficial Use.

REVISION OF

Amount of water

second feet

Source

County

Purpose

Place of use

Date of priority

Received and filed May 5 1906

1647

[illegible]

The above information is for the use of the
 County of Kern and is not to be used for
 any other purpose. It is the property of
 the County of Kern and is not to be
 distributed outside the County of Kern.

The small house was located about one mile from the road and was built by the Indians. It was made of mud and had a thatched roof. The house was used as a dwelling place for the Indians who lived there before the arrival of the Spaniards.

James O. East
Black Mt. Court

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 ###, Paris, County of Bear Lake, State of Idaho, on this 2 day of MAY, 1906.

Ans. Have used the water every summer for 28 years uninterruptedly and have used all the water from the four springs or bogs mentioned elsewhere in this proof of application. Have had no occasion for irrigation this season, but the water has been turning in the ditches mentioned and everything is in readiness to turn the water on the vegetation as soon as it is ready to water.

(Sign.) John D. Dancy

Proof only for irrigation purposes.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above-men-

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

PERMIT NO. _____

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS.

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

Ans. Henry Athay, 48, Paris, Idaho, farmer. Paris, Idaho.Ques. 2. Are you acquainted with John P. Passeythe holder of Permit No. 1647? How long have you known him, and where does he reside?Ans. I am. Have known him for 35 years. Paris, Idaho.Ques. 3. Have you read or heard read said Permit No. 1647, and you are familiar with its provisions and conditions? ~~Yes. I am.~~Ans. I have. I am.

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. four springs or bogs North West from Paris, Bear Lake County Idaho. Near the center of the N. E. 1/4 of S. E. 1/4 Sec. 4 and the other two are near the center of the N. W. 1/4 S. W. 1/4 Sec. 3. in Tp. 14 S. of R. 43 E. B. M. Small dam in creek and ditch leading from point of diversion to land irrigated. There are two ditches which are quite small. 2 ft. wide at bottom 2 1/2 at top and 12 in deep.

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. 2 1/5 cubic feet per second of time. About 2 1/5 cubic feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. For irrigation purposes. About twenty acres more or less in the N. E. 1/4 of S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. B. M.

Ques. 7. If for power or other purpose 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. The land is a very rich black loam. The said 2 1/5 cubic feet will in my judgment be sufficient.

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 none whatever.

1647

1647

NOTICE TO THE PUBLIC, BEING A NOTICE OF THE PROCEEDINGS OF THE BOARD OF WATER CONTROL, IN THE MATTER OF THE APPLICATION FOR A PERMIT TO DIVERT WATER FROM THE BEAR RIVER, IN THE COUNTY OF BEAR, STATE OF IDAHO.

BEAR RIVER

1906

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Board of Water Control, at Boise, Idaho, this 1st day of May, 1906.

1906

1906

Received and filed May 5, 1906

Permit No. 1647
Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

I, the undersigned, being a duly qualified and sworn juror, do hereby depose and say that the foregoing testimony was read to the above subscriber before its signing, and that said subscriber has acknowledged the same to be true and correct, and that said subscriber was subscribed to the same at the time and place above stated.

Subscribed and sworn to before me, at my office in the County of Bear, State of Idaho, this 1st day of May, 1906.

Notary Public for the State of Idaho.

James E. Hunt
Notary Public for the State of Idaho

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and that said subscriber has acknowledged the same to be true and correct, and that said subscriber was subscribed to the same at the time and place above stated.

(Sign) Henry H. H.

Ans. Every summer for at least twenty years last past, for watering garden stuff he gets a water pump, have been all the water used that can be obtained from the above mentioned spring. He has everything in readiness and in fact the water has been running in the ditches for some time but he has had nothing ready to irrigate this season and consequently has not actually used the water this far this season.

tion to beneficial use of the water diverted under said permit.

Ans. Every summer for at least twenty years last past, for watering garden stuff he gets a water pump, have been all the water used that can be obtained from the above mentioned spring. He has everything in readiness and in fact the water has been running in the ditches for some time but he has had nothing ready to irrigate this season and consequently has not actually used the water this far this season.

tion to beneficial use of the water diverted under said permit.

Ans. Every summer for at least twenty years last past, for watering garden stuff he gets a water pump, have been all the water used that can be obtained from the above mentioned spring. He has everything in readiness and in fact the water has been running in the ditches for some time but he has had nothing ready to irrigate this season and consequently has not actually used the water this far this season.

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

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

PERMIT NO. _____

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS.

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

Ans. John G. Parker. age ## 48 . Paris, Idaho. The same .

Ques. 2. Are you acquainted with John P. Passey

the holder of Permit No. 1647 ? How long have you known him, and where does he reside?

Ans. I am. Have known him for 28 years. He resides at Paris, Idaho.

Ques. 3. Have you read or heard read said Permit No. 1647, and you are familiar with its provisions and conditions?

Ans. I have. I am.

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. Four springs or bogs North West from Paris, Idaho. Two are near the center of the N. E. 1/4 of S. E. 1/4 Sec. 4 and the other two are near the center of N. W. 1/4 S. W. 1/4 Sec. 3. in Tp. 14 S. R. 43 E. B. M. Two small dams and head gates and two ditches leading from points of diversion to land irrigated. Ditches are two feet wide on bottom, two and half on top and about 12 inches deep.

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. Each ditch will convey 1/5 second cubic foot; the two 3/5 cubic feet. The latter amount viz 2/5 cubic feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. For irrigation purposes. Twenty acres in the N. E. 1/4 S. W. 1/4 Sec. 3 Tp. 14 S. R. 43 E. B. M.

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. The land is a very rich black loam. The said 3/5 cubic feet will, in my judgment be sufficient.

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 none whatever.

1647

1647

Permit No. 1647
Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed May 3, 1906

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

Ans. To my knowledge he has used the water every summer for the last twenty years. Since this permit I have seen water running in the ditches heretofore mentioned. Have seen him use all the water that can be obtained from the four springs mentioned. Since the issuance of the permit there has been no occasion for irrigation but every thing is in readiness to apply the water this season as heretofore stated.

(Sign)

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 Paris, County of Bear Lake, State of Idaho, on this 2nd day of May 1906, A. D. 1906.

James C. Stewart
John K. K. K. K.

OFFICE OF
JAMES E. HART
CLERK OF THE DISTRICT COURT AND Ex-Officio
AUDITOR AND RECORDER
BEAR LAKE COUNTY.
PARIS, IDAHO.

Paris, Idaho,

May 3rd. 1906.

Hon. James Stephenson Jr.

Boise City, Idaho.

Dear Sir : I send you herein papers pertaining to the John P. Passey Proof of completion of works and also Proof of application of water to Beneficial use. I also send you affidavit of Mr. Bucher who is our County Surveyor. I urged Mr. Passey to get him to do the work of examination on yesterday but as stated in the affidavit it was impossible for him to do it on that day as he was surveying for other parties .

I hope however that this will be satisfactory . This, Mr. Stephenson, is the first proof of the kind I have had and it may be defective in some respects but I trust it will "pass muster".

I send you herein my personal check for the amount of your fees as per your recent letter .

Thanking you for past courtesies and with kind regards I am,

Yours etc.

James E. Hart

1647

AFFIDAVIT OF PUBLICATION.

STATE OF IDAHO,
COUNTY OF BEAR LAKE.

} ss.

Jacob A. Wahlen, being first duly sworn deposes and says that he is the publisher of the Paris Post; that said Paris Post is a weekly newspaper published at Paris, Bear Lake County, Idaho, of general circulation in said county and state.

That the attached notice was published in the said Paris Post, and not in a supplement, for 5 successive weeks, the first publication was on the 29th day

of March, 1906
Jacob A. Wahlen, Mgr.

to before me this 2nd day of

1906
James E. Hart
Clerk Dist. Court

Paris May 6-1906
J. S. 1647

NOTICE OF PROOF OF COMPLETION OF WORKS AND

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that, at 2 p. m. on the 2nd day of May, 1906, at Paris, County of Bear Lake, State of Idaho, before James E. Hart, proof will be submitted of the completion of works for the diversion of 2.5 cubic feet per second of the waters of Sleights Canyon Creek, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 1647 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said permit is John P. Passey, Paris, Bear Lake Co. Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.5 cubic feet per second.
3. The use to which said water has been applied is irrigation, and the amount applied to beneficial use is two-fifths (2-5) cubic feet per second.
4. The place where said water used is NE 1/4 of SW 1/4 Sec. 3, T. 14, S. R. 43 E. B. M.
5. The right to take the water from such works is based upon Permit No. 1647.
6. The source of supply from which such water is diverted is Sleight's Canyon Creek.
7. The date of the priority which said user is prepared to establish is October 21, 1905.

JAS. STEPHENSON, Jr.,
State Engineer

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
STATE ENGINEER.

Boise, Idaho, May 5, 1906.

Permit No. 1647.

Mr. James E. Hart,
Clerk of District Court,
Paris, Idaho.

Dear sir:-

I enclose herewith receipt for \$7.00 in the matter of proof of completion of works and proof of application of water to beneficial use under permit No. 1647, John P. Passey.

I also return the report of Mr. Bucher, as it does not contain quite all the information desired. The report should give the description of the land to be irrigated and the description of the land actually irrigated. I would like also to have the report accompanied by a map showing the location of the springs, all ditches, and the land to be irrigated, and color in the land actually reclaimed by the use of the water in question.

I have received a protest from Mr. Thomas Sleight, alleging that he has used all the waters of Sleight's Canyon Creek for the past 41 years. His protest is supported by the affidavits of two other parties, Joseph W. Neibaur and H. Duffin. I hardly think the nature of the protest is such that it can be entertained, but if you know anything about these parties and the condition of affairs I would consider it a favor to be informed.

Yours truly,

Jas. Stephenson Jr.
State Engineer

1647

State of Idaho
County of Bear Lake

Edward V. Bucher being first duly sworn deposes
and says he is the County Surveyor of Bear Lake County State of Idaho.

Affiant alleges further that on the Second day of May 1906 Mr. John P. Passey of Paris, Idaho applied to him as said surveyor to make an examination of the works constructed by said John P. Passey

Affiant further alleges that he was absolutely unable to do and perform the labor for the said Passey as ~~for the~~ aforesaid on account of other pressing work he had to do on that day and therefore he made an examination of said works on this 3rd, day of May 1906.

Affiant alleges that the source of the water supply is from four small springs or bogs which are fed from seepage waters :

Two of said springs are near the center of the N. E. 1/4 of the S. E. 1/4 of Sec. 4 and the other two are near the center of the N. W. 1/4 of the S. W. 1/4 Sec. 3. in Tp. 14 S. R. 43 E. B. M.

I found further that there were two small dams with head gates and two ditches one running in a northeasterly and the other in a southeasterly direction. Each of them is two feet wide on the bottom, two and a half feet wide on the top and about twelve or 14 inches deep.

Each ditch will hold at least 1/5 second foot.

Affiant alleges further that his examination of said works convinced him that everything was in readiness to use the waters of said springs or bogs as soon as it becomes necessary to irrigate the lands.

In witness whereof affiant has hereunto set his hand at Paris,
Idaho this 3rd. day of May A. D. 1906.

County Surveyor.

Subscribed and sworn to before me this
3rd. day of May A. D. 1906.

clerk Nat. Court.

1943

State of Idaho)
County of Bear Lake)

SS

Supplemental affidavit of Edward V. Bucher.

Edward V. Bucher being duly sworn deposes and says that he is the identical person who made affidavit which is attached hereto and that this is to be and serve as a supplemental affidavit thereto,

Affiant alleges further that the place where John P. Passey who holds P ermit NO 1647, applies water is the N. E. 1/4 of the S. W. 1/4 Section 3 in Township 14n S. R. 43 E. B. M.

Affiant further alleges that only that portion of the above described tract which is indicated by blue lines on the map hereto attached has been actually reclaimed by the use of the water in question. Part of said land is on the North side of Sleight's Canyon Creek and the other on the South side of said creek and extends to the East line of the N. E. 1/4 of the S. W. 1/4 of Sec. 3 in Tp. 14 S. R. 43 E. B. M. *There is about ten acres actually reclaimed*

In witness whereof affiant has hereunto set his hand and seal at Paris, Idaho this 23rd. day of May A. D. 1906.

Subscribed and sworn to before me
this 23rd. day of May A. D. 1906.

Surveyor

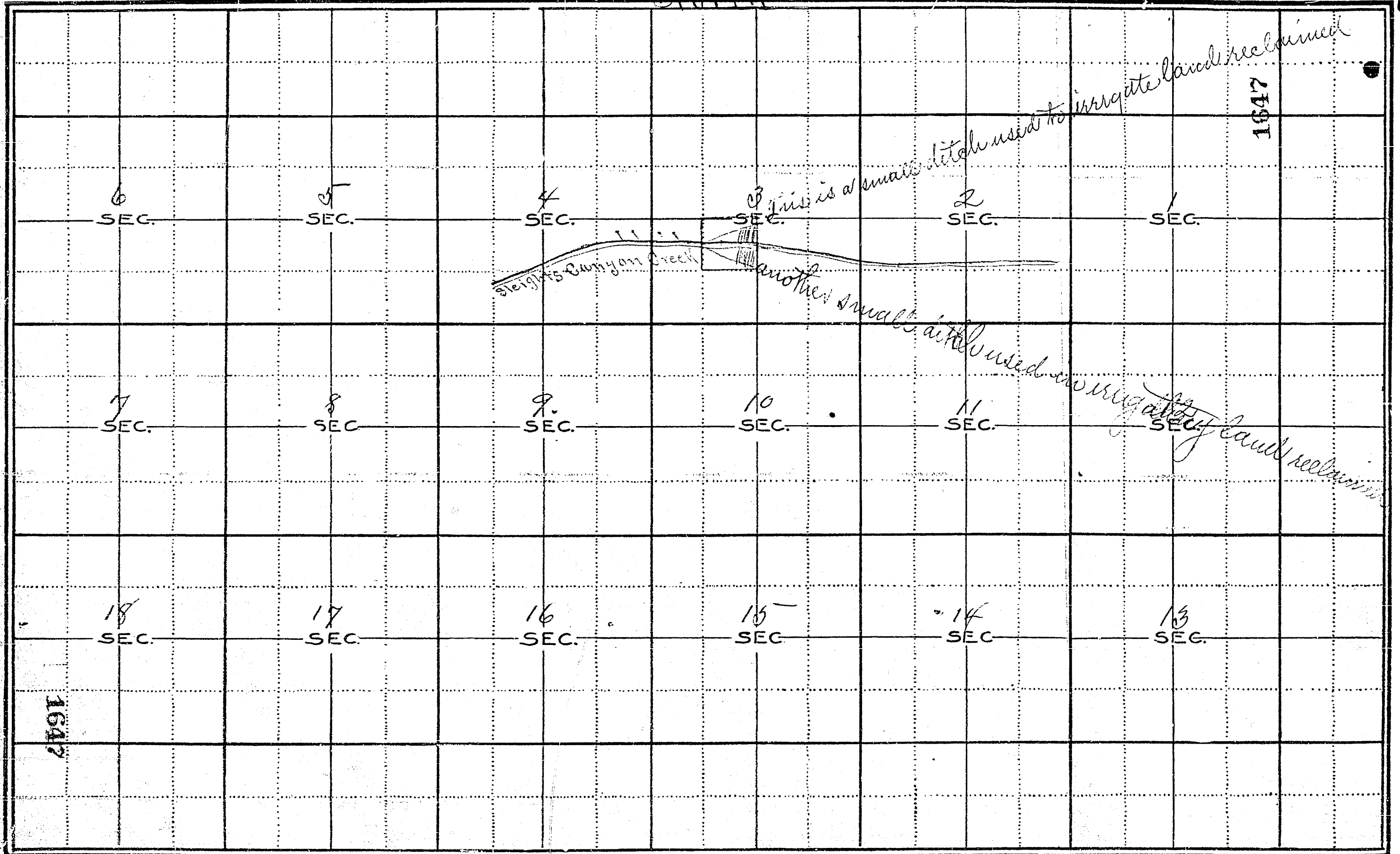
Edward V. Bucher
James E. Hart
Clerk District Court.

1647

North

SCALE: 2 INCHES = 1 MILE. DRAW PLAIN INK.

Printed and for sale by Blaisdell Printing Company, Boise, Idaho



Office of
JAMES E. HART
Clerk of the District Court and Ex-
Officio Auditor and Recorder
Bear Lake County,
PARIS, IDAHO.

Paris, Idaho,

May 14th. 1906..

Hon. James Stephenson

Boise City. Idaho.

De ar Sir: I wish you would kindly send me the papers, all of them, pertaining to the Permit NO 1647 of John P. Passey, including the maps etc.

To avoid considerable time and trouble in furnishing the information you desire further in this matter, I make this request of you in the hope that you will be able to comply therewith.

With reference to the statement of Mr. Thomas Sleight, corroborated by the testimony of Neibaur and Duffin will have something to say when other papers are forwarded to you.

Awaiting an early reply I am,

Yours very truly,

James E. Hart

1647

Boise, Idaho, May 15, 1906

Permit No. 1647

Mr. Jas. E. Hart,

Clerk of the Court, Paris, Idaho.

Dear sir:-

As per your request of 14th inst. I enclose herewith the papers pertaining to permit No. 1647 of John P. Passey. The map is the one filed with the original application for permit.

Kindly carefully preserve these papers and return to me. I do not know that there is any particular need of going into this matter very deeply, as, according to my understanding, if Mr. Passey has completed works in accordance with the permit I must issue a Certificate to that effect, and if he can show that he has obtained and used water to beneficial apply to the land I must issue License to the extent of the beneficial application of the water. It seems to me to be more a matter of the proper distribution of the water. If Mr. Gleight has an old right, to have that right respected we must know what it is, and to know what it is, it must be taken into the court and established as to date of priority and amount. When that is done Mr. Gleight is then entitled to the water to the extent of the decree, and if there is any left Mr Passey is entitled to it if he is next in priority.

Yours truly,

1647

State Engineer.

OFFICE OF
JAMES E. HART
Clerk of the District Court and Ex-
Officio Auditor and Recorder
Bear Lake County,
PARIS, IDAHO.

Paris, Idaho,

Hon. Joseph Stephenson Jr.

May 30th. 1906.

Boise City, Idaho.

Dear Sir :

I send you herein all papers pertaining to Permit NO 1647 ,
John P. Passey of Paris, Idaho.

I also send the letter to me of May 5th. and believe you will find
that I have complied with the suggestions you make .
When in Boise a few days since I called at your office and although I
found you absent met your very amiable assistant who treated me very
courteously : sorry however I was not able to meet you.

I hope Mr. Stephenson that everything will now be acceptable and
with kind regards and thanking you for courtesies extended, I am,

Yours very truly,

James E. Hart

1647

Boise, Idaho, June 4, 1906.

Permit No. 1647

Hon. James E. Hart,
Clerk of the District Court,
Paris, Idaho.

Dear sir:-

I enclose herewith Certificate of Completion of Works and License issued to Mr. John P. Passey. You will notice the Certificate of Completion of Works is issued for works of a capacity to carry $2/5$ of one cubic foot per second, while the License is issued for $1/5$ of a cubic foot only. This will entitle Mr. Passey to make another proof in the future, provided he can secure more water, and obtain an additional License for the other $1/5$ of a cubic foot.

Yours truly,

1647

State Engineer.

STATE OF IDAHO

WATER LICENSE NO. 1647

WHEREAS, On the 21 day of October, A. D. 1905,

of Paris, County of Bear Lake, and State of Idaho,
duly made application (No. 2260) to me for a permit to use 2/5
cubic feet per second of the waters of 4 Springs
County of Bear Lake, State of Idaho, for irrigation and domestic
purposes; and,

WHEREAS, On the 2 day of November, A. D. 1905,
Permit No. 1647 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 2 day
of May, A. D. 1906 and for the application to beneficial use of said
water on or before the 2 day of May, A. D. 1907
and,

WHEREAS, On the 2 day of May, A. D. 1906
the holder of said permit duly made proof of the completion of adequate works for the diversion of
2/5 cubic feet per second of said waters, as evidenced by my Certificate
No 1647, dated May 31, 1906, confirming the completion of works
of sufficient capacity for diverting and conveying to the place of intended use 2/5
cubic feet per second of water, with date of priority of October 21, 1905 and,

WHEREAS, On the 2 day of May, A. D. 1906
proof was duly made of the application to beneficial use of 2/5 cubic feet
per second of said water;

1647

STATE OF IDAHO

Water License No. 1647

To *John P. O'Boyle*

Idaho

Source of Supply

Idaho County

Amount *1/5* Sec. Feet.

Point of Diversion *from springs*

Sec 4 & 5 Twp 14S R 4E

Place of Use *Sub 4 & 5 NW 4*

Sec 3 & 4 Twp 14S R 4E

Purpose *Domestic and*

domestic

Date of Priority *Oct 21, 1905*

Recorded

Book of Page

State Engineer.

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 31 day of May, A. D. Nineteen Hun- dred and 5.

for the purpose of

Original and authentic

in the County of *Bear Lake* and State of Idaho, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at 2 springs near center of NW 4 Sec 4 Twp 14S R 4E and conducted to and upon the NW 4 & 5 NW 4 Sec 3 Twp 14S R 4E & NW 4 Sec 4 Twp 14S R 4E

Now, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to *John P. O'Boyle* the holder and owner of said Permit No. 1647 a perpetual right, dating from *Oct 21, 1905*, to the use of *1/5* cubic feet per second of the waters of *4 springs*

Permit No. 1647

Certificate of Completion of Works.

To All Whom It May Concern:

This is to certify that

John P. Passy

of Paris, County of Bear Lake, and State of Idaho, the holder of Permit No. 1647, issued upon Application

No. 2260, bearing date of priority of Oct 21, 1905, authorizing the diversion of $\frac{2}{5}$ second-feet of the waters of Four Springs

County of Bear Lake, State of Idaho, at 2 Springs near center of NE 4 of Sec 4 and 2 Springs near center of the NW 4 SW 4 Sec 3 T₁₄S R₄₃E B₇M, 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 $\frac{2}{5}$

second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE 4 of SW 4 Sec 3 T₁₄S R₄₃E B₇M

1647

Witness my hand this 31 day of May A. D. 1906

State Engineer of the State of Idaho.

Permit No. 1647

Certificate of Completion of Works.

To All Whom It May Concern:

This is to certify that

John P. Pacey

of Paris, County of Bear Lake, and State of

Idaho

the holder of Permit No. 1647, issued upon Application

No. 2260, bearing date of priority of Oct 21, 1905, authorizing the diversion of

 $\frac{2}{5}$

second-feet of the waters of Four springs

County of Bear Lake, State of Idaho, at 2 Springs near center of NE 4 of SW 4

Sec 4 and 2 Springs near center of the NW 4 SW 4 Sec 3 Twp 14S R 43 E R 2W

of R 43 E R 2W, 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 $\frac{2}{5}$

second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as fol-

lows, to-wit: NE 4 of SW 4 Sec 3 Twp 14S R 43 E R 2W

1647

Witness my hand this 31 day of May A. D. 1905

State Engineer of the State of Idaho.

Boise, Idaho, June 4, 1906.

Permit No. 1647.

Mr. Thomas Sleight,
Paris, Idaho.

Dear sir:-

Your protest to the issuance of Certificate of Completion of Works and License to Mr. J. P. Passey was received in due time, but does not seem to be of such a nature as to prevent Mr. Passey from completing his proof.

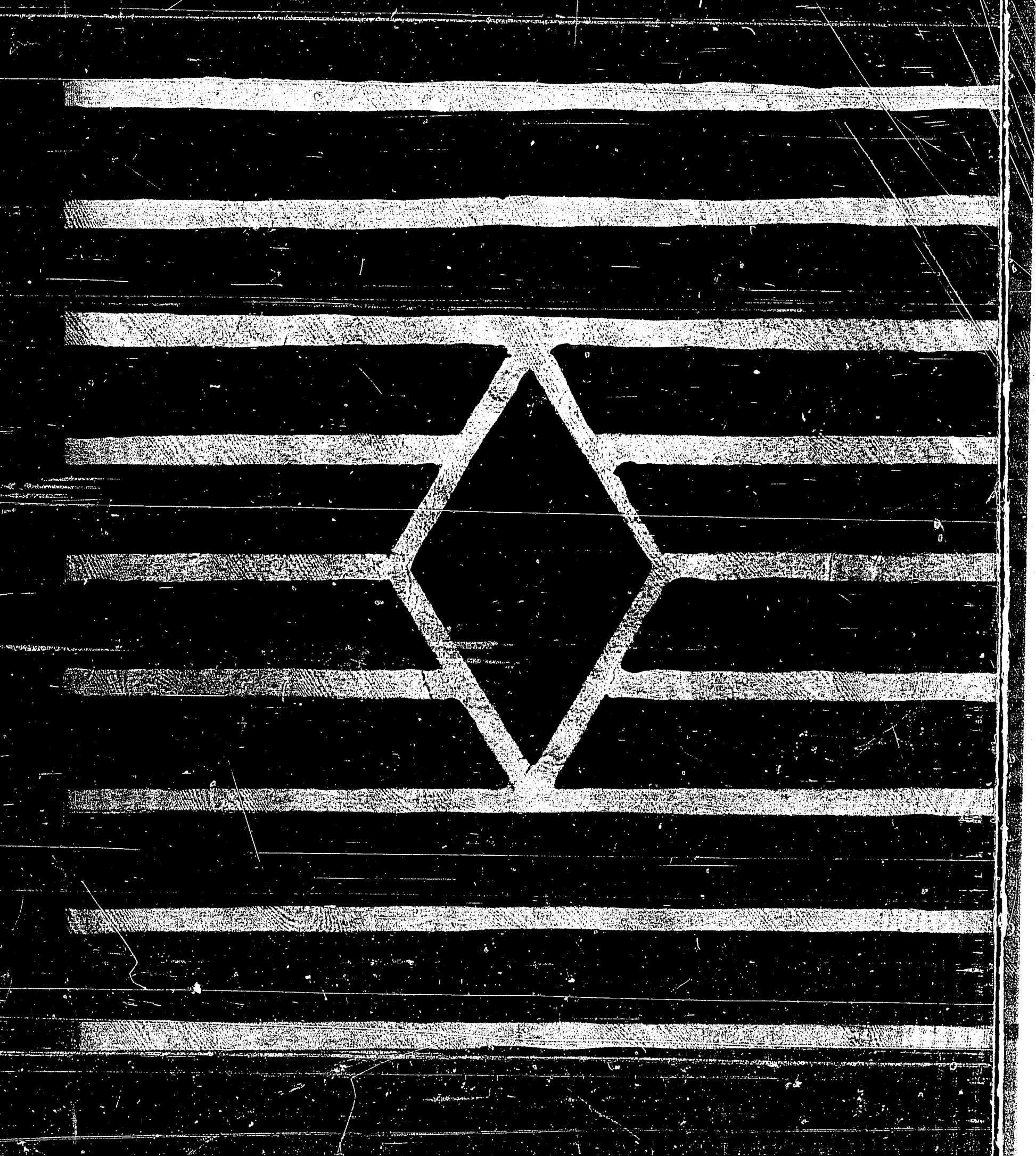
If you have an old right it will be necessary to take the matter into the District Court and have the date and amount of the right established by a decree. This must be done before I have any means of knowing what your right is.

Yours truly,

1647

2081

state engineer.



* Bear Lake County *
* Four Springs NE 1/4 of SW 1/4 *
* of Sec. 2, T. 14 N. of SW 1/4 of *
* Sec. 3, T. 14 S., R. 43 E. *
* 1/5 sec. ft. *
* Irrigation *
* Priority 10-21-05. *

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

Water License No. 1647 -

WITNESAS, On the 21st day of October, A. D. 1905, John P. Passey, of Paris, County of Bear Lake, and State of Idaho, duly made application (No. 2260) to me for a permit to use two-fifths of one cubic foot per second of the waters of four springs, County of Bear Lake, State of Idaho, for irrigation and domestic purposes; and,

WITNESAS, On the second day of November, A. D. 1905, Permit No. 1647 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 second day of May, A. D. 1906, and for the application to beneficial use of said water on or before the second day of May, A. D. 1907; and,

WITNESAS, On the second day of May, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of two-fifths of one cubic foot per second of said waters, as evidenced by my Certificate No. 1647 dated May 31, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two-fifths of one cubic foot per second of water, with date of priority of October 21, 1905, and,

WITNESAS, On the second day of May, A. D. 1906, proof was duly made of the application to beneficial use of one-fifth of one cubic foot per second of said water;

NOW, THEREFORE, by virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN P. PASSEY of Paris, Bear Lake Co., Idaho, the holder and owner of said Permit No. 1647 a perpetual right, dating from October 21, 1905, to the use of one-fifth of one cubic foot per second of the waters of four springs, in the County of Bear Lake, and State of Idaho, or so much thereof as may be necessary for the purposes herein below mentioned, to be diverted at two springs near center of NW 1/4 of Sec. 4 and two springs near center of NW 1/4 of SW 1/4 of Sec. 3, in Tp. 14 S. of R. 43 E. S. 3, and conducted to and upon the (NE 1/4 of SW 1/4 of Sec. 3, Tp. 14 S., R. 43 E. S. 3), for the purpose of irrigation and domestic, 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 thirty-first day of May, A. D. Nineteen Hundred and six.

(Seal)

Jas. Stephenson, Jr.

State Engineer.

Bear Lake County
Four Springs NE $\frac{1}{4}$ of SE $\frac{1}{4}$
of sec. 2, & NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Sec. 3, T. 14 S., R. 43 E.
1/5 sec. ft.
Irrigation
Priority 10-21-05.

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

- Water License No. 1647 -

WHEREAS, On the 21st day of October, A. D. 1905, John P. Passey, of Paris, County of Bear Lake, and state of Idaho, duly made application (No. 2260) to me for a permit to use two-fifths of one cubic foot per second of the waters of four springs, County of Bear Lake, state of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the second day of November, A. D. 1905, Permit No. 1647 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 second day of May, A. D. 1906, and for the application to beneficial use of said water on or before the second day of May, A. D. 1907; and,

WHEREAS, On the second day of May, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of two-fifths of one cubic foot per second of said waters, as evidenced by my Certificate No. 1647 dated May 31, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two-fifths of one cubic foot per second of water, with date of priority of October 21, 1905, and,

WHEREAS, On the second day of May, A. D. 1906, proof was duly made of the application to beneficial use of one-fifth of one cubic foot per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the state of Idaho, I hereby grant and confirm to JOHN P. PASSEY of Paris, Bear Lake Co., Idaho, the holder and owner of said Permit No. 1647 a perpetual right, dating from October 21, 1905, to the use of one-fifth of one cubic foot per second of the waters of four springs, in the County of Bear Lake, and state of Idaho, or so much thereof as may be necessary for the purposes herein below mentioned, to be diverted at two springs near center of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 4, and two springs near center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 3, in Tp. 14 S. of R. 43 E. B. M., and conducted to and upon the (NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 3, Tp. 14 S., R. 43 E. B. M., for the purpose of irrigation and domestic, 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 thirty-first day of May, A. D. Nineteen Hundred and six.

Jas. Stephenson, Jr.

(Seal)

State Engineer.

