

No. 5064

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

1. Name of applicant: Harvey W. Higley.

Postoffice address: Soda Springs

County: Bannock State: Idaho

per second.

2. The quantity of water claimed is #1 - 2 cu.ft.
#2 - 2 "

3. Source of water supply: Bailey Creek

County of Bear Lake

4. Location of point of diversion: #1, near center of SW4 Sec.5. Tp.10 S. R.42 E.
#2, East part of NW4 SW4 Sec.5. Tp.10 S. R. 42 E.

5. To be used for:

I. Irrigation and domestic use:

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

(b) In the following legal subdivisions: NW4 & W2 SW4 Sec.5. Tp. 10 S., R.42 E.

6. Estimated cost of works: 100.00

7. Description of works for diversion:

I. Kind of works: 2 Dams and 2 ditches.

II. Dimensions of works:

(a) Height of dam #1 - 2) feet, length of dam at top #1 - 15) feet, length of
#2 - 2) dam at bottom #1 - 10) feet. Material used in construction: "1 - poles,
brush dirt & rocks. #2 - poles, plank, etc.

(c) Size of headgate: Width #2-two feet, height #2 - two feet.

(d) Conduit Ditches. Width at bottom #1 - 10) feet, width at water line
#1 - 14) feet, depth of water #1 - 1 1/2) feet. Average grade per mile is#2 - 8) feet. Length of conduit is #1 - one
#2 - 8) feet. Length of conduit is #2 - three fourths miles and it crosses
the following quarter sections: W2 Sec.5. T.10 S., R.42 E. to land described
in 5 I (b) above, which is the point of intended use.8. Time required for the completion of the construction of such work One year.
9. Time required for the complete application of the water to the proposed use is two

additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate
the public waters of the State of Idaho as herein set forth.
Harvey W. Higley
applicant

The number of this permit is 3570.

APPROVAL OF STATE ENGINEER.

Date of first receipt of application 9.00 a.m. April 7, 1908.

Returned to applicant for correction April 7, 1908.

Corrected application received April 9, 1908.

Recorded in Book 10 Page 3570. Approved April 11, 1908.

This is to certify that I have examined the within application for a permit to

appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before June 10, 1908, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 11, 1908.

The whole of said work to be completed on or before April 11, 1909.

The time for proof of beneficial use of water appropriated in accordance herewith.

to extend to April 11, 1911.

Witness my hand this eleventh day of April, 1908.

Jas. Stephenson, Jr.

State Engineer.

Blank notice for proof of completion mailed applicant January 6, 1909.

Notice received February 23, 1909, fixing April 10, 1909, as date and Soda Springs as

place of proof.

Notice for publication mailed Montpelier Examiner February 23, 1909.

Deposition blanks mailed applicant: February 23, 1909

C.R. Wilson authorized February 23, 1909, to make examination of works.

Affidavit of Publication, depositions, fees and report received April 12, 1909

Certificate issued April 21, 1909

Permit No. 3570.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that HARVEY W. HIGLEY, of Soda Springs, County of Blaine, and State of Idaho, the holder of Permit No. 3570, issued upon Application No. 5064, bearing date of priority of April 7, 1908, authorizing the diversion of 4 second feet of the waters of Bailey Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4 second feet of the waters of Bailey Creek, that the point of Diversion of said waters is at two points: Near center of south west quarter of section 5, township 10 south, range 42 east of the Boise meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northwest quarter and north half of southwest quarter of section 5, township 10 south, range 42 east of the Boise meridian.

Witness my hand this 21st day of April, A.D. 1909.

Jas. Stephenson, Jr.
State Engineer.

License issued for 3 second feet

02. 691



Township 10 South Range 42 E.B.M.

P 2570

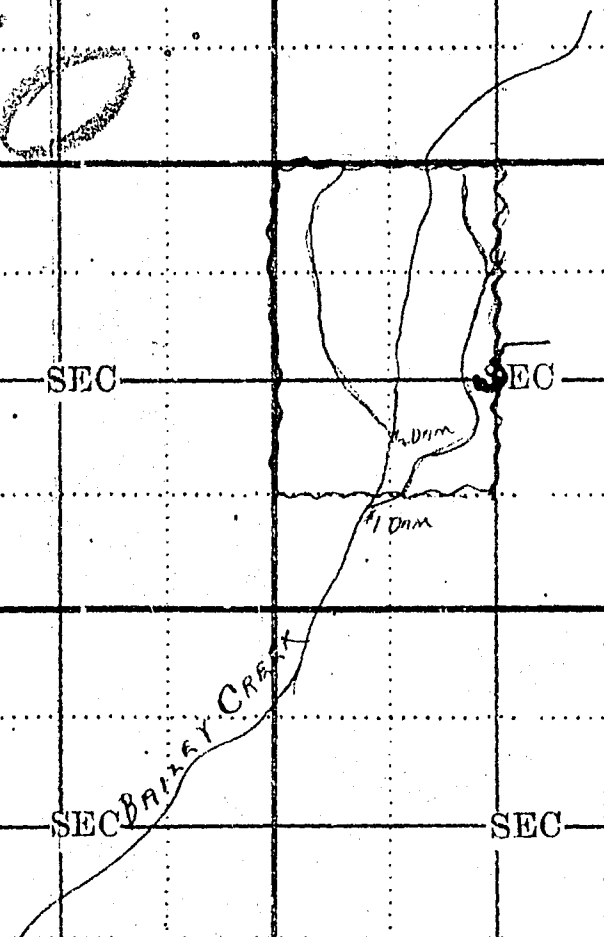
SEC SEC SEC SEC SEC

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Application 5064
PERMIT NO. 3570
Harvey W. Higley
4 sec. ft. Bailey Creek
Bear Lake Co.
Approved April 11, 1908

Geo. H. Hephernan
State Engineer.



3570

Scale: 2 inches = 1 mile. Draw Plan in Ink.

Printed and for sale by The Tribune Co., Ltd., Rockville, Idaho.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, April 14, 1908.

Permit 3570.

^{ve}
Harry W. Higley,
Soda Springs, Idaho.

Dear Sir:

I enclose herewith above numbered permit. Be sure to note limitations and conditions of same as given under approval of State Engineer on the third page.

JAS. STEPHENSON, Jr.,

State Engineer.

3570

State of Idaho
ENGINEERING DEPARTMENT
BOISE.

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS

Proof of Completion of Works.

Boise, Idaho,

January 6, 1909.

Harvey W. Higley,
Soda Springs, Idaho.

Dear Sir:

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

3570.

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before . . . Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

One of the requirements of the law is that an examination of the works constructed shall be made under the authority of the State Engineer. In order to make the expenses as light as possible you are requested to furnish the name of a competent engineer, or surveyor, who can do this work for you at a reasonable cost. Upon receipt of name of such engineer or surveyor I will authorize him to make the examination and send me a report on or before the date set for the proof.

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

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

3570

Soda Springs
Idaho

July 9th 1909

Gas Stephenson J. Eng^r
State Engineer
Boise

Re. Permit No. 3570.

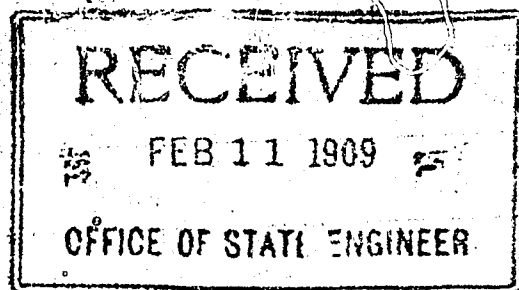
Dear Sir

I herewith enclose Notice of Proof of Completion
of Work's duly filled in & give the name of Mr. C.
B. Wilson to do the necessary Surveying.

I remain

Yours Truly

Harry W. Higley



3570

February 19, 1909.

Re permit 3570.

Harvey W. Highley,
Soda Springs, Idaho.

Sir:—

In looking over the inclosed notice of proof I find that the description of the land and the amount of water do not agree with permit. Your permit calls for 4 second feet of water to irrigate 200 acres in NW4 and N2 SW4 Sec. 5, Tp. 10 S., R. 42 E. S. 11. I inclose herewith another blank which please fill out according to permit.

Very truly yours,

State Engineer.

By....

B

3570

Soda Springs.

Idaho.

July 22nd 1909.

Geo. Stephenson, Esq.

State Engineer

Boise.

Dear Sir:

Your letter of 19th inst. just received.

I beg to say the cause for the mistake
in my application to make proof, was I had
mislaid the Permit & relied on my memory.

I herewith enclose corrected notice & hope
you will accept explanation.

Yours truly

Harvey W. Higley

RECEIVED

FEB 23 1909

OFFICE OF STATE ENGINEER

3570

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.)

Soda Springs

(Date)

Feb 9 1909

TO THE STATE ENGINEER OF THE STATE OF IDAHO, BOISE, IDAHO:

DEAR SIR: Notice is hereby given that at 10 A. M. on the 10 day of April 1909 at Soda Springs County of Blaine State of Idaho before H. Drewery (Justice of the Peace) proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of the waters of Bailey 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

Harvey W. Higley

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

Soda Springs

County of

Blaine

State of Idaho.

3. The number of such permit is

3570

and the date set for the completion of such work is

April 11 1909

4. Said water to be used for

Irrigation & Domestic

purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the

amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is

Four

cubic feet per second.

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

200

acres,

particularly described as follows:

NW 1/4, and N 1/2 SW 1/4 Sec 5, T 10 S R

42 E. B. M.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Engineer.

I desire

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

Montpelier

Examiner

of

Montpelier

published in the county in which said

works are situated; the expense of which publication will be borne by

me.

(Signature)

Harvey W. Higley

3570

Boise, Idaho,

° February 23, 1909

Mr. C. E. Wilson

Soda Springs, Idaho

DEAR SIR:

The holder of Permit No. 3570, Harvey W. Bigley, residing at Soda Springs, Idaho, which permit authorizes the diversion of 4 second-feet of the waters of Bailey creek at _____, desire to make proof of the completion of works of diversion, and beneficial use of water, on _____.

Will you therefore please arrange with the holder of said permit for an examination of the works of diversion, ascertain whether or not they comply fully with the terms of said permit, and render me a report on the condition of such works before the date fixed for said proof of completion, in accordance with the provisions of Sections 4 and 5 of House Bill No. 146, passed by the Seventh Session of the Legislature, approved March 11, 1903.

Your report should be of sufficient detail to enable me to figure out the amount of water the works are capable of diverting and conveying to the place of use; giving also the description of the location of the point of diversion, and, in case of irrigation, the legal description of the land to be irrigated. Give exact number of acres under cultivation in each forty acre tract.

Will you also make a map on the enclosed plat, giving all the essential features of the works, such as point of diversion, route of ditch, place of use, etc.

You should also arrange with the holder of said permit for the payment of your fee for this service and such proper expenses as you will incur in making this examination and report.

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

Yours truly,

JAS. STEPHENSON, JR.,

State Engineer.

3570

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

INSTRUCTIONS.

Proof of Completion of Works.

Boise, Idaho,

February 23, 1909.

Harvey W. Higley,

Soda Springs, Idaho
Dear Sir:

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

3570.

Depositions of Permit Holder,

Depositions of Two Witnesses.

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

1. On the date set for the proof of completion of works, the enclosed deposition forms (two for permit holder and two each for two witnesses) should be filled out and sworn to, at

2. ~~Soda Springs, Idaho, under H. D. Brown, Jr.~~ 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 name of such engineer or surveyor I will authorize him to do the work. The examination should be made on or before the date set for the proof.

3. 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.

3570

NOTICE OF PUBLICATION

Notice is hereby given that at 10 A. M., on the 10th day of April,
1909, at Soda Springs County of Bannock State of Idaho,
 before H. Drewery, Justice of Peace, proof will be submitted of the completion of works for the
 diversion of 4 cubic feet per second of the waters of Bailey 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 Harvey H. Higley
2. The postoffice address of such person or the place of business of such corporation is
Soda Springs County of Bannock State of Idaho.
3. The number of such permit is 3570, and the date set for the completion of such work is
April 11, 1909
4. Said water to be used for irrigation and domestic purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water
 which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the
 application for such permit, is 4 cubic feet per second.
6. The amount of lands for which said water is available is 200 acres,
 particularly described as follows: N74 and N2 SW4 Sec. 5, Tp. 10 S., R. 42 E. B.M.

Jas. Stephenson, Jr.

State Engineer.

3570

(Place)

(Date)

Montpelier, Idaho
March 9/09

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of Feb 23 enclosing Notice of
Completion of Works under Permit No. 3570 which will be published
as you request, beginning with our issue of March 1/09

Examiner Pub Co

3570

Soda Springs:

I dals.

25 Feb 1909.

Mr. Stephenson Jr. Esq.
State Engineer
Boise

Sir,

I beg to acknowledge receipt of your letter
23rd inst, re, Permit No. 3570. Harry W. Higley.
In reply, will make the examination report as
requested.

Yours Truly
Chas. B. Wilson

3570

2 Encl

Soda Springs.
Idaho.
April 9th 1909.

Jas Stephenson Jr. Esq.
State Engineer.
Boise.

— re Permit No. 3540 —

— Harry W. Higley —

Dear Sir.

I herewith enclose Report re 'Completion of
Works', with Maps, remains.

Yours Truly.

Chas. B. Wilson.

RECEIVED

APR 10 1909

OFFICE OF STATE ENGINEER

557.0

Report of Engineer

1. State name of applicant and number of permit: *Harvey W. Higley No 3546*
2. State source of water supply: *Bailey Creek Bear Lake Co Idaho*
3. Location of points of diversion: *#1 Ditch 150 ft SW 1/4 Sec 5, T. 10 S. R. 42 E. B. 10.*
#2 Ditch 320 ft N 1/2 SW 1/4 Sec 5, T. 10 S. R. 42 E. B. 10.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Yes See Remarks*

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: *#1 Ditch 2 ft #2 Ditch 2 ft*
- (b) Width at water line: *#1 Ditch 3 ft #2 Ditch 3 ft*
- (c) Depth of water: *Too much to show to turn water into either ditch*
- (d) Grade per mile: *#1 Ditch 12 ft #2 Ditch 12 ft*

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Yes, Too much to show to turn water into either ditch at time of examination.
#1 Ditch, stream has evidently been widened at end of ditch. #2 Ditch stream has evidently been widened at end of ditch.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract: *NW 1/4 and N 1/2 SW 1/4 Sec 5, T. 10 S. R. 42 E. B. 10*

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: *Permit requires #1 Ditch to be 10 ft wide @ bottom, 14 ft @ waterline. See Answer to 5 (a) and (b).*
#2 Ditch to be 4 ft wide @ bottom, 8 ft @ waterline. See Answer to 5 (a) and (b).

Charles B. Wilson

STATE OF IDAHO,

County of *Bannock* } ss.

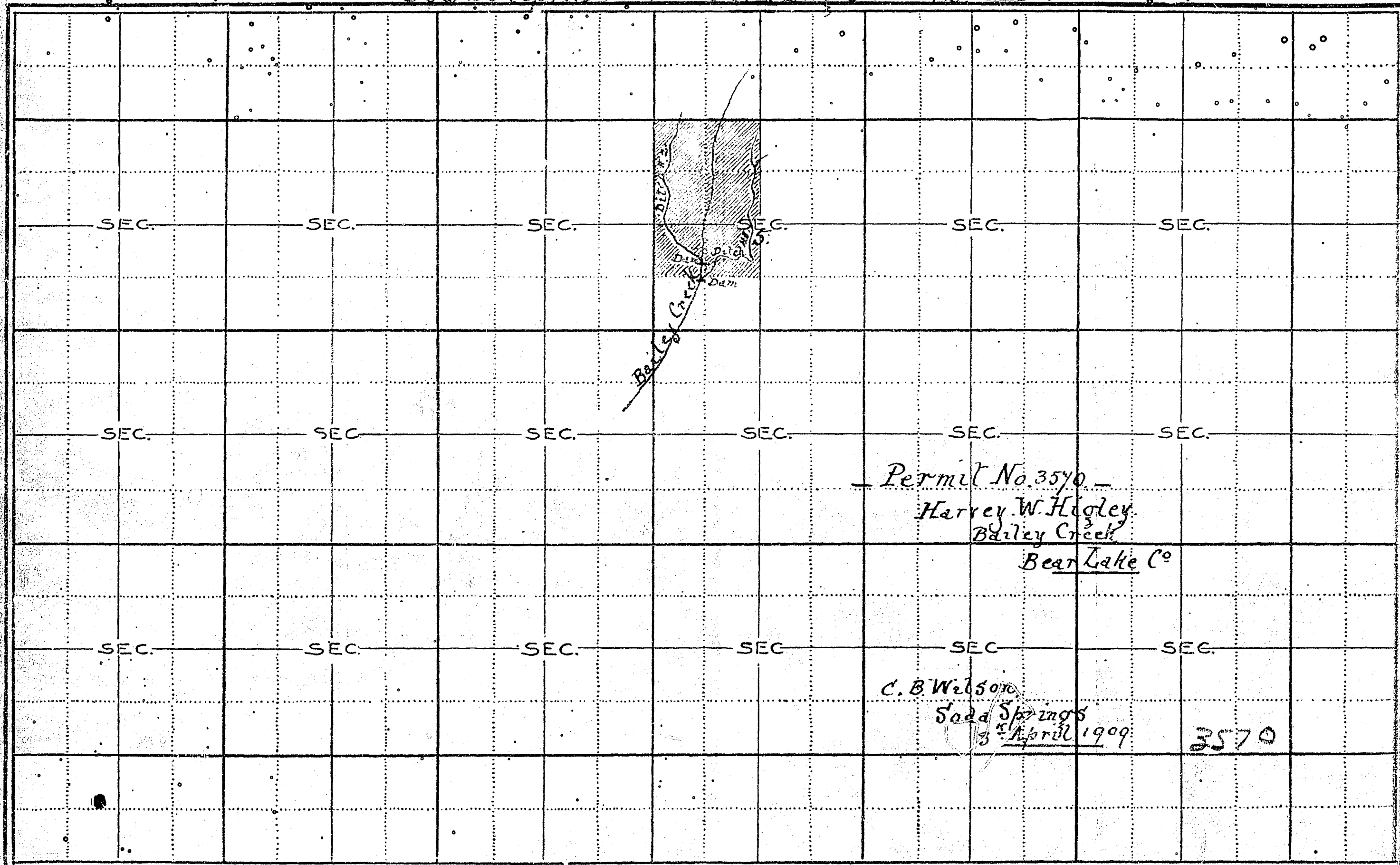
Charles B. Wilson, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this *9* day of *April* 190*9*

My Commission Expires *Feb. 20, 1910*

Herbert H. Hensley
Notary Public.

3570



April 10/09
Soda app^s Idd

Hon. J. Stephenson ^{Jur}
Enclosed is proof of Completion of
Harvey Higley —
works — ~~Enclosed~~ enclosed —

\$500 P.O. # ~~1000~~ ^{not yet}
Affidavit of advertisement
received from Montpelier,
as soon as received.

RECEIVED
APR 12 1909
OFFICE OF STATE ENGINEER

Yours Truly
H. Drewery
Justice of the Peace
3570

PERMIT NO. 3570

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. *Harvey W. Higley 41 Bailey Creek Rancher Soda Springs Idaho.*

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

Ans. _____

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

Ans. *No 3570 11 April 1908 4 Cubic feet per second Bailey Creek Bear Lake Co Idaho
No 1 Ditch 150 ft S W from SE Corner NW 1/4 SW 1/4 Sec 5 No 2 Ditch 320 ft N from SE Corner NW 1/4 SW 1/4 Sec 5 T10 S R 42 E*

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. *Irrigation & Domestic 200 Acres Sage Brush & Foothill Land.*

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

Ans. *Yes 1st June 1908 4 Cubic feet per second*

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

Ans. *Yes See Question 4*

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. *Clerical error in Permit: Ditch No 1. width at bottom and at water line.
Ditch No 2. width at bottom and at water line.*

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

Ans. *Ditch No 1 Height of Dam 2 ft Length at top 16 ft Length at bottom 10 ft Material Palisade Brush Ditch Rocks
Ditch width at bottom 2 ft at water line 3 ft 2 ft grade per mile 12 ft Length the mile Ditch No 2 Height of Dam 2 ft Length top 8 ft
Length at bottom 4 ft Material Palisade Headgate width 2 ft height 2 ft Ditch width at bottom 2 ft at water line 3 ft 2 ft grade
per mile 12 ft Length 3/4 of a mile 400.00* (Sign here.) *Harvey W. Higley*

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 _____ State of Idaho, on this _____ day of _____

A. D. 1908

Justice of the Peace

3570

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

PERMIT NO. 3570

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Ulrich Jerber 26 Bailey Creek Ranch Soda Springs Idaho

Ques. 2: Are you acquainted with Harvey W. Higley, the holder of Permit No. 3570, authorizing the diversion of 1/4 second-feet of the waters of Bailey Creek Bear Lake County, at Bailey Creek for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. Yes 5 Years Bailey Creek Bear Lake County Idaho

Ques. 3. Have you read or heard read said Permit No. 3570, and are you familiar with its terms and conditions?

Ans. Yes

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. Yes NW 1/4 & N 1/2 SW 1/4 Sec 5, T 10 S R 42 E B M Sage Brush & Sarris Berry One inch to the acre

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

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

Ans. Ditch No. 1 Height of Dam 2 ft Length at top 16 ft at bottom 10 ft Material Pole Brush Dirt & Rocks Ditch initial at bottom 2 ft at water line 3 ft at grade point 12 ft Length one mile Ditch No. 2 Height of Dam 2 ft Length at top 8 ft Length at bottom 4 ft Material Pole Plank & Head gate width 2 ft height 2 ft Ditch under bottom 2 ft at water line 3 ft at grade point 12 ft Length 3/4 of a mile.

(Sign here.)

Ulrich Jerber

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 Soda Springs, County of Bannock, State of Idaho on this 10th day of April, A. D. 1909.

H. D. Dwyer
Justice of the Peace

3570

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

PERMIT NO. 3570

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Christian Winterson 31. Bailey Creek Rancher, Soda Springs, Idaho

Ques. 2. Are you acquainted with Harvey W. Higley, the holder of Permit No. 3570, authorizing the diversion of 4 second-feet of the waters of Bailey Creek Bear Lake County, at for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. Yes 2 1/2 Years Bailey Creek Bear Lake County Idaho

Ques. 3. Have you read or heard read said Permit No. 3570, and are you familiar with its terms and conditions?

Ans. Yes

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. Yes N 1/4 & N 1/2 SW 1/4 Sec 5 T 10 S R 42 E B. M. Sage Brush
& Other Brush. No such to the acre

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

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

Ans. Ditch 1st. Head of Dam 2 ft. Length at Top 16 ft. at Bottom 14 ft. Material Pine Brush Ditch Road 18.
Ditch width at Bottom 2 ft. at water line 3 ft. at grade 12 ft. Length one mile. Ditch 2. Head of Dam 2 ft.
Length at Top 5 ft. Length at Bottom 4 ft. Material Pine Plank 10. Headgate width 2 ft. length 42 ft. Ditch width
at Bottom 2 ft. at water line 3 ft. at grade 12 ft. Length 3/4 of a mile.

(Sign here.)

Christian Winterson

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 Soda Springs, County of Bannock, State of Idaho, on this 10th day of April A. D. 1909

H. Drury
Justice of the Peace

3570

Affidavit of Publication.

State of Idaho, } ss.
County of Bear Lake,

NOTICE OF PUBLICATION.

Notice is hereby given that at 10 a. m., on the 10th day of April, 1909, at Soda Springs, County of Bannock, State of Idaho, before H. Drewery, Justice of Peace, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of the waters of Bailey creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person holding said permit is Harry W. Hiley.

2. The postoffice address of such person is Soda Springs, County of Bannock, State of Idaho.

3. The number of such permit is 3570 and the date set for the completion of such work is April 11, 1909.

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

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 4 cubic feet per second.

6. The amount of lands for which said water is available is 200 acres, particularly described as follows: NW 1/4 and N2 SW 1/4 Sec. 5, Tp. 10 S. R. 42 E. B. M.

3-5-41

JAS. STEPHENSON, Jr.
State Engineer.

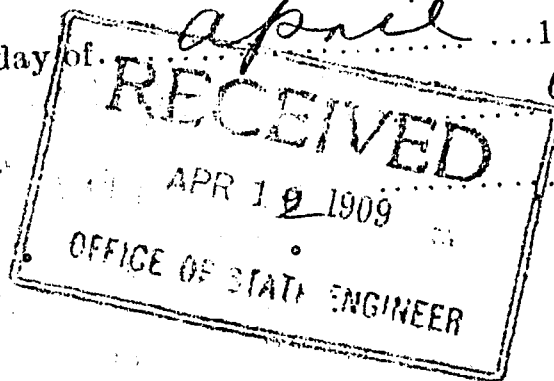
C. E. Wright
~~Chas. E. Wright~~ being first duly sworn, deposes and says that he is the publisher of the MONTPELIER EXAMINER; that said MONTPELIER EXAMINER is a weekly newspaper published at Montpelier, Bear Lake County, Idaho, of general circulation in said county and state.

That the attached notice was published in said MONTPELIER EXAMINER, and not in a supplement, for ... 4 ... successive weeks, the first publication was on the ... 5th ... day of March 1909.

C. E. Wright

Subscribed and sworn to before me this ... 10 ...

day of April 1909



Chas. E. Wright
Notary Public

3570

April 24, 1909.

Permit 3570.

Harvey W. Higley,
Soda Springs, Idaho.

Sir:—

Inclosing you herewith certificate of completion of works issued
under above permit, also receipt for fee.

Very truly yours,

State Engineer.

CCV-R1771

By...

THEO TURNER,
PRESIDENT.
CARL A. VALENTINE,
VICE-PRESIDENT.
EZRA J. MERRILL,
SECY & MANAGER.

Bannock Abstract Deposit & Trust Company

DIRECTORS:
THEO TURNER,
CARL A. VALENTINE,
EZRA J. MERRILL,
JAMES W. GARR,
WM. H. JACKSON, JR.

Boise, Idaho.

September 13, 1910.

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

Dear Sir:

We hand you herewith our check for \$1.50
and request that you kindly send us a certified
copy of permit No. 3750 issued to Harvey W. Hig-
ley, and oblige,

Very truly yours,

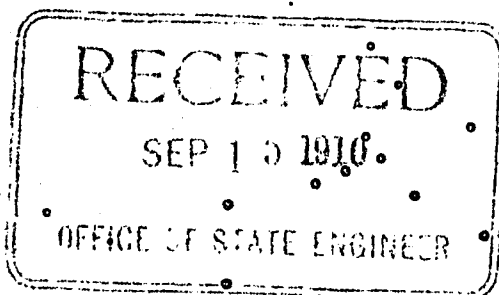
Bannock Abstract, Deposit & Trust Company

By

Ezra J. Merrill

Manager.

H.



35.70

Boise, Idaho, September 16, 1910

Permit No. 3570

Bannock A.D. & T. Co.,
Pocatello, Idaho

Sirs:--

Inclosed herewith find Certified Copy of
Permit No. 3570 issued to Harvey W. Higley.

Very truly yours,

State Engineer

By _____

Enc. CC. R2977

3570

THEO. TURNER,
PRESIDENT.
CARL A. VALENTINE,
VICE-PRESIDENT.
EZRA J. MERRILL,
SECY. & MANAGER.

Bannock Abstract, Deposit & Trust Company

Paratella, Idaho.

DIRECTORS:
THEO. TURNER,
CARL A. VALENTINE,
EZRA J. MERRILL,
JAMES W. CARR,
WM. H. JACKSON, JR.

July 2, 1910.

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

Dear Sir:

Harvey W. Higley, holder of permit No. 35070
desires now to make proof of application of water
to beneficial use. You will please enclose us
proper blanks. He desires this proof to be set
before L. C. Eastman, Notary Public, Soda Springs,
Idaho.

Very truly yours,

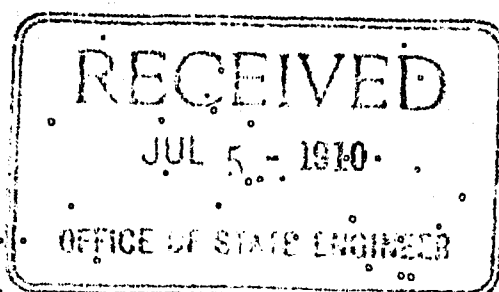
Bannock Abstract, Deposit & Trust Company

BY

Ezra J. Merrill

Manager.

M/H.



3570

July 5, 1910.

Permit 3570-H W. Hingley.

Barnook A. D. & T. Co.,
Pocatello, Idaho.

Gentlemen:-

An inclosing you herewith blank notice for proof of beneficial use of water under above permit, as per your request the 2nd inst.

Very truly yours,

F121

State Engineer.

By . . .

570

THEO TURNER,
PRESIDENT.
CARLA VALENTINE,
VICE-PRESIDENT.
EZRA J. MERRILL,
SECY & MANAGER

Bannock Abstract Deposit & Trust Company

DIRECTORS:
THEO TURNER,
CARLA VALENTINE,
EZRA J. MERRILL,
JAMES W. CARR,
WM. H. JACKSON, JR.

Paratella, Idaho

July 7, 1910.

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

Dear Sir:

Herewith notice of proof of application
to water to beneficial use of Harvey W. Higley.

Very truly yours,

Bannock Abstract, Deposit & Trust Company

By

Ezra J. Merrill

Manager.

M/h.

RECEIVED

JUL 9. 1910

OFFICE OF STATE ENGINEER

70

PERMIT NO.

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.)

Pocatello Idaho

(Date)

July 7, 1910

TO THE STATE ENGINEER OF THE STATE OF IDAHO, BOISE, IDAHO:

DEAR SIR: Notice is hereby given that at 10 A.M. on the 7 day of September 1910, at Soda Springs County of Bannock State of Idaho, before L.C. Eastman proof will be submitted of the application to beneficial use of 4 cubic feet per second of the waters of Bailey Creek in accordance with the terms and conditions of Permit No. 3570 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are

Harvey W. Higley, Soda Springs, Idaho

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

Irrigation and domestic purposes

3. The amount applied to beneficial use is

4 cuft per second

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

NW 4 and NW 2 Sec 5 Tp 10 S R 42 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

no

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

3570

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

Bailey Creek

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

RECEIVED

JUL 9 1910

OFFICE OF STATE ENGINEER

I desire that the above notice be published, according to law, in the Soda Springs Chieftan of Soda Springs published in the county in which said water is to be used; the expense of which publication will be borne by me

(Sign)

Harvey W. Higley

M.

3570

Boise, Idaho, July 23, 1910

Permit No. 3570

J.O. Webster,
Idaho Falls, Idaho .

Sir:--

Harvey W. Higley, Idaho Springs, Idaho,
the holder of Permit No. 3570, desires to
make proof of beneficial use of 4 second
feet of Bailey Creek on September 7, 1910.

Very truly yours,

State Engineer

By _____

Enc B.

3570

State of Idaho

ENGINEERING DEPARTMENT

BOISE

JAMES STEPHENSON, JR.
ENGINEER

INSTRUCTIONS.

Harvey W. Higley,
c/o L.C. Eastman,
Soda Springs, Idaho

Proof of Beneficial Use.

Boise, Idaho, July 23, 1910

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your permit No. 3750

Deposition of Permit Holder,

Depositions of Two Witnesses.

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

1. On September 7, 1910 the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Soda Springs, Idaho

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

Yours truly, D.G. Martin

JAMES STEPHENSON, JR.,

State Engineer.

3570

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that on the 7th day of September,
1908, at Soda Springs, County of Bannock, State of
Idaho, proof will be submitted of the application to beneficial use of 4
cubic feet per second of the waters of Bailey Creek
in accordance with the terms and conditions of Permit No. 3570, heretofore issued by the State
Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
Harvey W. Higley, Soda Springs, Idaho
2. The use to which said water has been applied is
irrigation and domestic purposes
3. The amount applied to beneficial use is 4 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) NW 1/4 and NE 1/4 Sec. 5, T. 10 S. R. 42 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 unnamed
6. The right to take the water from such works is based upon Permit No. 3570
7. The source of supply from which such water is diverted is Bailey Creek
8. The date of the priority which said user is prepared to establish is
April 7, 1908

D. G. Martin

State Engineer

3570

(Place)

Soda Springs, Idaho

(Date)

July 25, 1910

JUL 25 1910

OFFICE OF STATE ENGINEER

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of *July 23* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *3570* which will be published as you request, beginning with our issue of *July 28th, 1910*

The Soda Springs Chieftain *W. H. Hildreth* *3570*
Publisher

RECEIVED

AUG 18 1910

OFFICE OF STATE ENGINEER

Report of Engineer

1. State name of applicant and number of permit: Harvey J. Higley, Permit #3570

2. State source of water supply: Bailey Creek

3. Location of point of diversion: #1 near center SW 1/4 Sec. 5, T. 10 S. R. 42 E.,

#2 East part of NW 1/4 SW 1/4 Sec. 5, T. 10 S. R. 42 E.

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

5. Describe works as they exist, giving dimensions of same as follows:

(a) Width of conduit at bottom: 2 feet

(b) Width at water line: 3

(c) Depth of water: 1

(d) Grade per mile: 20

Both ditches

6. State whether or not water has been turned into works of diversion and if so, to what extent:

about 3 second feet is now being used
now has been used earlier in season

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: NW 1/4 NW 1/4 SW 1/4 SEC 5 Tp 10 S. R. 42 E. Cultivated
 30 acres NW 1/4 SW 1/4 30 a. in SE 1/4 NW 1/4 35 a. in NE 1/4 of NW 1/4
 10 a. in NW 1/4 SW 1/4 25 a. in SW 1/4 NW 1/4 and 20 a. in
 NW 1/4 NW 1/4 Sec. 5 Tp. 10 S. R. 42 E. B.M.

STATE OF IDAHO,

County of _____

ss.

J. O. Webster
 Water Commissioner
 1st Dist.

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

Subscribed and sworn to before me this _____ day of _____ 190 _____

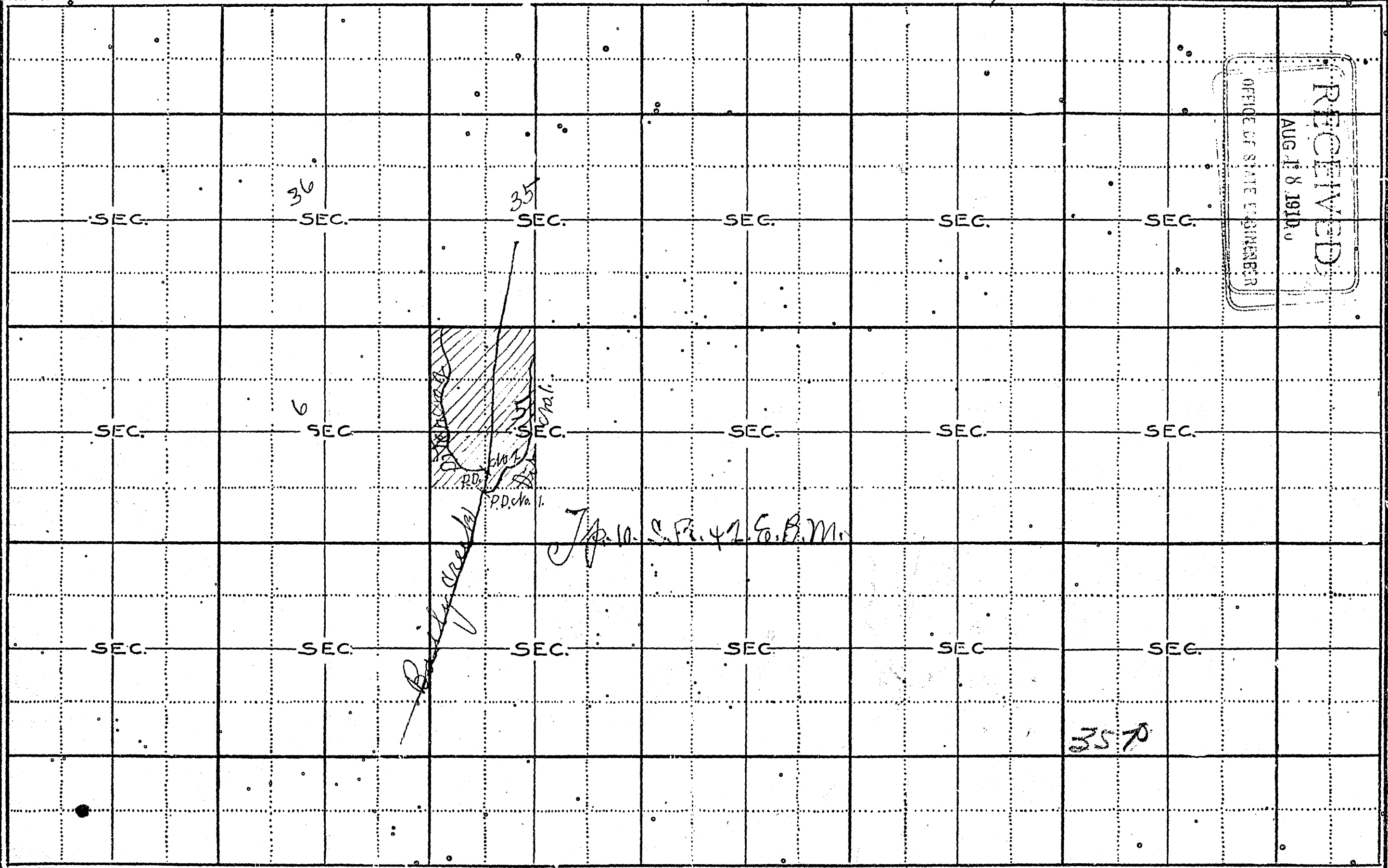
My Commission Expires _____

Notary Public.

3570

7410 9 13 496

RECEIVED
AUG 18 1910
OFFICE OF STATE ENGINEER



The State Engineer

RECEIVED

SEP - 9 1910

OFFICE OF STATE ENGINEER

Soda Springs Idaho

Sept the 7th 1910

Dear Sir I am on Soda Springs

to make proof of the beneficial use on my matter
and I went to Mr. Eastman and he sent me to
H. Dremery and he said that he had not been
notified and he looked ~~at~~ over my papers and said
I would have to have my permit, and I did not have
them for I left ~~it~~ it at the Barock abstract Co
to insert it on the record and I left it with them
and they have not sent it to me yet it was left with
my land proofs and have no doubt gone on to
Washington. so please advise me in the regards to it
this is all that I know of

Oblige Harvey W. Higley

P.S. my permit number is 3750

yours Truly H. W. H.

3570

Sept. 9th, 1910.

Mr. Harvey W. Higley,
Soda Springs, Idaho.

Sir:-

Yours of the 7th inst., relative to making proof of beneficial use at hand and noted. Answering same will say that this proof was advertised to be made before Mr. L. C. Eastman, Notary Public, and he is the only person who is authorized to accept said proof. I note what you say with regard to your permit being out of your control. If you cannot get your permit back from the Bannock Abstract Company so as to use same in making your proof we will probably have to send you a certified copy of the permit which will cost you \$1.50. If you decide that you need this copy, please notify us and we will send same as soon as possible. We will have to insist that the proof be made before Mr. Eastman, otherwise you would have to re-advertise. Also as the date of proof has gone by, it will probably be necessary for you to furnish an affidavit setting forth the reasons why the proof was not submitted on the date as advertised and also setting forth that the beneficial application of the water had been made prior to date of said proof.

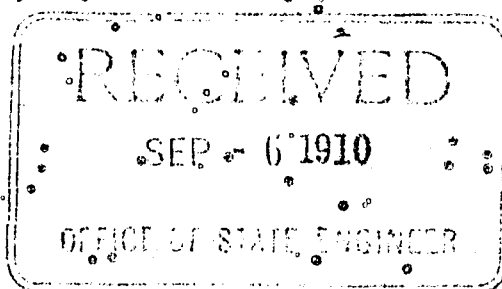
Yours truly,

M/V

State Engineer.

3570

THOS. L. GLENN
ATTORNEY-AT-LAW



*Hold for filing
Sept 10*

MONTPELIER, IDAHO, Sept, 3rd 1910

D.G. Martin Esq,

State Engineer,

Boise, Idaho.

Dear Sir:-

I herewith hand you protest on the part of Rinehart and others in the matter of the application of Harvey W. Higley, to make proof of application of waters of Bailey Creek, to beneficial use etc, which please file and refer to party representing the state on the hearing of said application.

The notice provides that the hearing shall be had on the 7th Inst and I will be present to offer proof that no work in regard to storing, conducting, or applying the water upon the lands in question, has been done; I am informed that the only attempt to comply with the law, is that Higley cut notches in the banks of a main ditch used by himself and others and wasted the water upon his lands, that is to say he turned the water through these little cuts in the main ditch onto the sage-brush on his desert entry, thus using water that belonged to others in common with him, and protestants feel that to grant him a permit under the circumstances is or will prove an injury to them.

In due season a suit will be brought asking for the rights of all parties be determined, so that each will be protected as to quantity and priority of right.

With best wishes, I am

Yours truly

Thos. L. Glenn

3570

PROTEST AGAINST GRANTING PERMIT FOR, AND AGAINST THE APPROPRIATION OF
WATERS OF BAILEY CREEK.

.....
In the matter of the application of

Harvey W. Higley to appropriate and make final proof
as to waters of Bailey Creek.

) P R O T E S T.
)

To Hon D.G. Martin State Engineer of the State of Idaho.

We E.L. Deus, T.J. Hopkins, Henry F. Reinhart and William Body, your
protestants do hereby protest against the application of Harvey W. Higley to
make final proof as to the application of beneficial use by him, of four (4)
Cubic feet per second, of the waters of Bailey Creek in the County of Bann-
ock and State of Idaho in accordance with the terms and conditions of Permit
No 3570, heretofore issued by the State Engineer of the State, of Idaho, or
otherwise or at all, and also protest against the appropriation of said or
any waters of said Creek, by the said Harvey W. Higley, and for cause of pro-
test, we do hereby protest, declare, and say as follows, to wit:-

F I R S T .

That E.L. Deus, one of the protestants herein is the owner of, in posses-
sion of, and entitled to the possession of, the following described real estate
to wit: The N.W 1/4 of the N E 1/4 of Section 32, and the S W 1/4 of ~~Section~~
~~the~~ S E 1/4 of Section 29, in Township 9, also all of the S E 1/4 of the S W
1/4 of Section 29, Township 9, S R 42 E B M, in the county of Bannock and
State of Idaho, containing One hundred and Twenty (120) acres of land, less
one hundred (100) Square Rods of land belonging to School District No 21.

That for the purpose of irrigating said land, the said E.L. Deus by himself
and his predecessors in interest appropriated of the waters of Bailey Creek
One hundred and twenty (120) Miners inches or two and two fifths (2-2/5) Cubic
feet per second, which appropriation was made by diverting the waters of said
creek through two ditches, one ditch being One and three fourths (1-3/4) feet
wide by One (1) foot deep, and one half (1/2) mile in length, the said ditch
having been constructed in the year 1884; the second ditch is two and one half
(2-1/2) feet wide by one (1) foot deep, and one half (1/2) mile in length, which
ditch was constructed and the waters of said Creek appropriated in the year

1884, and about the year 1895, the point of diversion was changed, and the said E. M. Beus and his predecessors in interest have continuously used the waters of said Creek from the respective dates of appropriation until the present time.

S E C O N D

That Thomas J. Hopkins is the owner of, in possession of and entitled to the possession of the following described real estate as follows, to wit:

The N.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$, and the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of section 31, and the N.E. $\frac{1}{2}$ of the S.W. of section 32, in township 9, South of Range 42 E, B, M, in the county of Bannock and state of Idaho, containing 160 acres.

That your protestant and his predecessors in interest, for the purpose of irrigating said lands, in 1887 appropriated of the waters of Bailey Creek 150 inches or three ^{cubic feet per} second of water; that such appropriation was made by the construction of a ditch 2 $\frac{1}{2}$ feet wide by 1- $\frac{1}{2}$ feet deep and one and one fourth miles in length; that a change of the point of diversion of waters from said creek was made in the year 1902, and the said waters have been used continuously for beneficial use ever since said year 1887, down to the present.

T H I R D

That Henry F. Rinehart is the owner of, in possession of and entitled to the possession of the following described real estate to wit: the N.E. $\frac{1}{4}$ of section 32, in township 9 South of Range 42 E B M, in the county of Bannock and state of Idaho, containing 160 acres.

That in the year 1887, for the purpose of irrigating said lands, your protestant appropriated 150 inches or 3 Cubic feet per second of the Waters of Bailey Creek; that such appropriation was made by the construction of a ditch 3 feet wide and 2 feet deep and extending from the point of intake, to and onto the lands aforesaid; that he also appropriated all of the waters of what is familiarly known as the "Rinehart Springs" consisting of about $\frac{5}{12}$ of a Cubic foot per second from 1 spring and about 1- $\frac{1}{4}$ Cubic foot per second from a second spring, all of which water was appropriated for irrigation and the supplying of a Fish Pond, upon the lands of your protestant, and the same has been continuously for said purposes on said lands since the said year 1887.

3570

F O U R T H

That William Boddy is the owner of, and in possession of, and entitled to the possession of the following described real estate to wit: the S 1/2 of the SE 1/4 of section 32 in Township 9 South of Range 42 E.B.M. in the county of Bannock and state of Idaho, and containing 80 acres.

That in the year 1896, your protestant's predecessors and grantors, for the purpose of irrigating said lands 160 inches of the waters of Bailey Creek, (that is to say 3-1/5 cubic feet per second of said waters of Bailey Creek) in the county of Bannock and state of Idaho; that such appropriation was made by the construction of a ditch 3-3/4 feet wide by 1 foot deep and extending from the intake at said creek to and onto said lands; that said waters have been continuously used for beneficial purposes, by this protestant and his predecessors from said date down to the present time.

F I F T H

That your protestants are informed and believe and upon such information and belief allege, that the applicant, the said Harvey W. Higley, has failed to construct, dig, build or make such necessary improvement for storing, diverting, conducting, or conveying to his lands any part of the ~~improvements~~ waters, as required by law and the terms of his permit and application, pending before your Honor;

That your protestants have been informed and believe ~~that~~ and upon such information and belief allege, that all of the waters of Bailey Creek in the county of Bannock and state of Idaho, have been fully appropriated and that there are no waters in said creek subject to appropriation therefrom, and that to grant farther rights of appropriation therefrom will lead to complications and injury to these, Your protestants.

Wherefore your protestants pray your Honor to reject the application of the said Harvey W. Higley, and his proofs when offered, and that his permit be cancelled and held for naught.

Thomas L. Oliver
Attorney for Protestants, Residence
Montpelier, Idaho.

State of Idaho

County of Bear Lake)

2570

Thomas L. Glenn# ,having been first duly sworn, deposes and says:

I am attorney for each of the protestants named in the foregoing protest, I have read the same and know the contents thereof and the same is true of my own knowledge except as to matters therein stated to be on information and belief, and as to those matters I believe it to be true; I make this verification because the protestants whom I represent are absent from, this, Bear Lake, county, wherein I, their said attorney, reside.

Thomas L. Glenn

Subscribed and sworn to before me this 3rd day of September A.D. 1910.

Chas E. Harris

Notary Public

Ruehark Et al
Protestants

vs { Protest

Harvey W. Wigley
Cyprian

3570

D. L. Oliver
att'y for
Protestants

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

MARTIN
STATE ENGINEER

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SEP 7 6 1910

OFFICE OF STATE ENGINEER

September 20, 1910.

Permit 3750-H.W.Higley

Mr. L. C. Eastman,
Soda Springs, Idaho.

Sir:-

Will you kindly inform me as to whether or not proof under above permit was made before you September 7th. A letter inclosing deposition blanks for the holder and two witnesses was mailed you July 23rd but as yet the depositions have not been filed. As there is a protest pending against this proof, I would like very much to know whether or not same was made as advertised in order that some decision may be made.

Thanking you for an early reply, I remain

Very truly yours,

D. L. Martin

State Engineer.

3570

By *L. C. Eastman*

Sept 23rd
Those papers were delivered to Higley immediately on receipt thereof, and I told him to get them filled out at once. I did not see him again until the day before the receipt of this letter when he returned with the papers and witnesses for my signature. He also gave the papers to you by this time.

Permit No. 3570

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. Harvey W. Higley, age 42, Baily Creek, occupation Farmer,
Soda Springs, Idaho.

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

Ans.

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

Ans. # 3570 Date April 11th 1908, April 7th 1908 9 A.M.

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

Ans. Baily Creek, #1 Near center of S.W. 1/4 of Sec 5, T 10 S.R.
42 E. #2, East part of the N.W. 4 and S.W. 4. Sec 5. T
10 S.R. 42 E.

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 Dams and Two Ditches, Two cubic feet per second, each ditch,
unnamed.

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 and domestic purposes, ~~XXXXXXXXXXXXXXXXXXXX~~

S.W. 4 of the N.W. 4, 15 acres, N.W. 4 of the N.W. 4, 20 acres, N.E. 4 of
the N.W. 4, 25 acres, S.E. 4 of the N.W. 4, 40 acres. N.W. 4 of the S.W.
4, 15 acres, N.E. 4 of the S.W. 4, 35 acres, all in Sec 5, T. 10 S.R.
42, E.

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

Ans.

RECEIVED

SEP 23 1910

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

Ans. 3 cubic feet.

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.

3570

Permit No. _____

**Proof of Application of Water to
Beneficial Use**

DEPOSITION OF HOLDER

Amount of Water _____ second feet

Source _____

County _____

Purpose _____

Place of use _____

Date of Priority _____

Received and filed _____

STATE OF IDAHO, PRINCE & BROS., Boise
7818

day of September A. D. 1910

County of Blaine, State of Idaho, on this 21st

testimony was subscribed and sworn to before me, at my office in Boise, Idaho
its signing, that I believe him to be the person he represents himself to be, and that said
I hereby certify that the foregoing testimony was read to the above subscriber before

(Sign) Henry W. Haggerty

Ans. no other water has ever been applied to this land,

and rights claimed thereunder.

diverted under the above mentioned permit have been diverted and applied to beneficial use
upon the lands herein described. Give full particulars regarding such other appropriations

Ques. 11: State when, how, in what amount, and to what extent waters other than those

the present year 1910, 150 acres have been irrigated.
and during the year 1909, 150 acres was irrigated, and also during
during June, July and August 1908 about 75 acres was irrigated
Ans. under above mentioned permit has been used.
Ques. 10. State when, how, in what amount and to what extent the water diverted

Permit No. 3570

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Ulrich Gerber, age 27, Baily Creek, Rancher,
Soda Springs, Idaho.Ques. 2. Are you acquainted with Harvey W. Hingley the
holder of Permit No. 3570? How long have you known him and where does he reside?

Ans. 6 years, Baily Creek,

Ques. 3. Have you read or heard read said Permit No. 3570, and are you familiar
with its provisions and conditions?

Ans. Yes, Yes,

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Baily Creek, 1/2 mile south of center of S.W. 1/4 of sec 5, T. 10 N.R.

42 N. ditch 1/2 mile south of the N.W. 1/4 NE 1/4 and S.W. 1/4, Sec 5 T. 10
S.R. 42 N.Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use, and how much water have you seen being so conveyed.Ans. 1 ditch 4 second feet, 2 ditch 4 second feet,
3 cubic feetQues. 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 sub-
division.)

Ans. Irrigation purposes and domestic use,

S.W. 1/4 of the N.W. 1/4, 15 acres, N.W. 1/4 of the N.W. 1/4, 20 acres, N.E. 1/4 of
the S.W. 1/4, 25 acres, S.E. 1/4 of the N.W. 1/4, 40 acres; N.W. 1/4 of the S.W. 1/4
15 acres, N.E. 1/4 of the S.W. 1/4, 35 acres, all in Sec. 5, T. 10 N.R. 42 N.Ques. 7. If for power or other purposes than irrigation, state how water has been ap-
plied and to what extent.

Ans.

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SEP 28 1930

OFFICE OF STATE ENGINEER

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.

3570

Permit No. _____

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed _____

STAN-YORK CO., PRINTERS & BINDERS, BOISE.
7817

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

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. During the years 1908 and 1909 about 75 acres was irrigated
and during this year
through the irrigation season of each year.
(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 _____, State of Idaho, on this _____ day of _____ A. D. 1910

Notary Public

Permit No. 3570

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. J.L. Sharp, age 25, Bancroft, Farmer,
Bancroft, Idaho.

Ques. 2. Are you acquainted with Harvey W. Higley the
holder of Permit No. 3570? How long have you known him and where does he reside?

Ans. 24 Years, Baily Creek,

Ques. 3. Have you read or heard read said Permit No. 3570, and are you familiar
with its provisions and conditions?

Ans. Yes, Yes,

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Baily Creek, ditch #1 Near center of S.W., 4 of Sec 5, T. 10 S.R.

42 E. ditch #2 East part of the N.W. 4 ~~XXXX~~ and S.W. 4, Sec 5 T. 10
S.R. 42 E.

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

Ans. #1 ditch 4 second feet, #2 ditch 4 second feet,
3 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 sub-
division.)

Ans. Irrigation purposes and domestic use,

S.W. 4 of the N.W. 4, 15 acres, N.W. 4 of the N.W. 4, 20 acres, N.E. 4 of
the N.W. 4, 25 acres, S.E. 4 of the N.W. 4, 40 acres, N.W. 4 of the S.W. 4
15 acres, N.E. 4 of the S.W. 4, 35 acres, all in Sec. 5, T. 10 S.R. 42. E

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

Ans.

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SEP 23 1910

OFFICE OF STATE ENGINEER

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. generally the land is gravelly, 3 Cubic feet.

3570

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so,

in what way and to what extent?

Ans. No.

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

Ans. during the year 1908, about 75 acres was irrigated

during the year 1909 about 150 acres, and during this year

150 acres, through the irrigation season of each year.

(Sign)

J. L. Sharp

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 *Boise*

County of *Blaine*, State of Idaho, on this *21st*

day of *September* A. D. 19*10*

J. L. Eastman

Notary Public

Permit No. _____

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed _____

SWAN-YOUNG CO., PRINTERS & BINDERS, BOISE
71817

3570

STATE OF IDAHO,

SS

County of Bannock.

Harvey W. Higley, being first duly sworn, deposes and says that he is the same Harvey W. Higley of Baily Creek, Bannock County, State of Idaho. That on the 21st Day of Sep. 1910, he made proof of beneficial use of the waters of Baily Creek, as per proof hereunto attached, that the reason he did not make proof of the beneficial use of the water on the 7th Day of Sep. 1910 as should have been done, was because he had previously made use of the permit # 2570 to enable him to make proof on a desert land entry and was not aware of the fact that he should be in the possession of said permit when making the proof of beneficial use, and that he did not know this untill he appeared with the necessary witnesses on the 7th day of Sep. 1910 for the purpose of making proof, but that on the 21st day of Sep. 1910 he received a certified copy of permit # 2570 and immediately proceeded to make the necessary proof of beneficial use of said waters.

Harvey W. Higley

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SEP 23 1910

Subscribed and sworn to before me this 21st Day of
Sep. 1910

OFFICE OF STATE ENGINEER

L. Drowery

Justice of the Peace.

3570

AFFIDAVIT OF PUBLICATION.

STATE OF IDAHO, }
COUNTY OF BANNOCK. } SS

I, W. H. HILDRETH, being first duly sworn, deposes and says that he is the publisher of THE SODA SPRINGS CHIEFTAIN, a newspaper published every week in Soda Springs, County of Bannock, State of Idaho; that the annexed advertisement was published once each week for Four successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 28th day of July, 1910, and the date of the last publication was on the 18th day of

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that on the 7th day of September, 1910, at Soda Springs, County of Bannock, State of Idaho, proof will be submitted of the application to beneficial use of 4 cubic feet per second of the waters of Bailey Creek in accordance with the terms and conditions of permit No. 3350 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are HARVEY W. HIGLEY, Soda Springs, Idaho.

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

3. The amount applied to beneficial use is 4 cubic feet per second.

4. The place where said water is used is 1/2 for irrigation, give full and accurate description of the lands irrigated) NW 1/4 and NE 1/4 Sec. 1, T. 19 S., R. 42, E. B. M.

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

6. The right to take the water from such works is based upon Permit No. 3350.

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

8. The date of the priority which said user is prepared to establish is April 7, 1903.

D. G. MARTIN, State Engineer.

Filed July 29; last Aug. 18.

RECEIVED

SEP 23 1910

Subscribed and sworn to before me this 18th day of

OFFICE OF STATE ENGINEER

1910

L. C. Estlin
Notary Public.

My Commission Expires Dec 29, 1910

3570

September 28, 1910.

Permit 3750

Harvey W. Higley,
Soda Springs, Idaho.

Sir:-

Proof under above permit was referred to me upon my return home from a trip out of the city. In looking over the papers I find that a protest has been filed by certain parties against issuing license under this proof but from the facts contained in the protest and from the proof submitted, I see no reason for refusing the license and same will, therefore, be issued and forwarded to you just as soon as we can get to it. Am inclosing herewith receipt for fees.

Of course, if these parties hold water rights prior to your application for permit, their rights must be satisfied first. This is a matter which should be taken up with the water commissioner, Mr. J. O. Webster, in case of trouble over the water.

Very truly yours,

State Engineer.

R3613

By...

370

September 28, 1910.

Re protest - Permit 3750

Thomas L. Glean, Attorney
for E. H. Beus, T. J. Hopkins,
Henry F. Reinhart, & Wm. Body,
Montpelier, Idaho.

Sir:-

In the matter of protest of the above named parties against issuing license under above permit would say that, from the facts submitted and the protest and from proof submitted, I do not feel justified in refusing to issue the license. I do not find the names of any of the protestants on record in this office as the owners of water rights. If they hold water location notices they should be filed here. At any rate, even though these parties have older rights, the issuing of the license under this permit would in no way interfere with said rights as their priority would date ahead of the pending right and would, of course, be satisfied first. The division of the water and the priority of the rights for same is a matter that should be taken up with the water commissioner, Mr. E. O. Webster, at Idaho Falls, R.D. #5. In view of the facts in the case the license under above permit will necessarily issue in due time.

Very truly yours,

State Engineer.

By...

3570

Boise, Idaho, October 22, 1910

Permit No. 3570

Harvey W. Higley
Soda Springs, Idaho

Sir:--

Inclosed herewith find Water License
issued under above Permit.

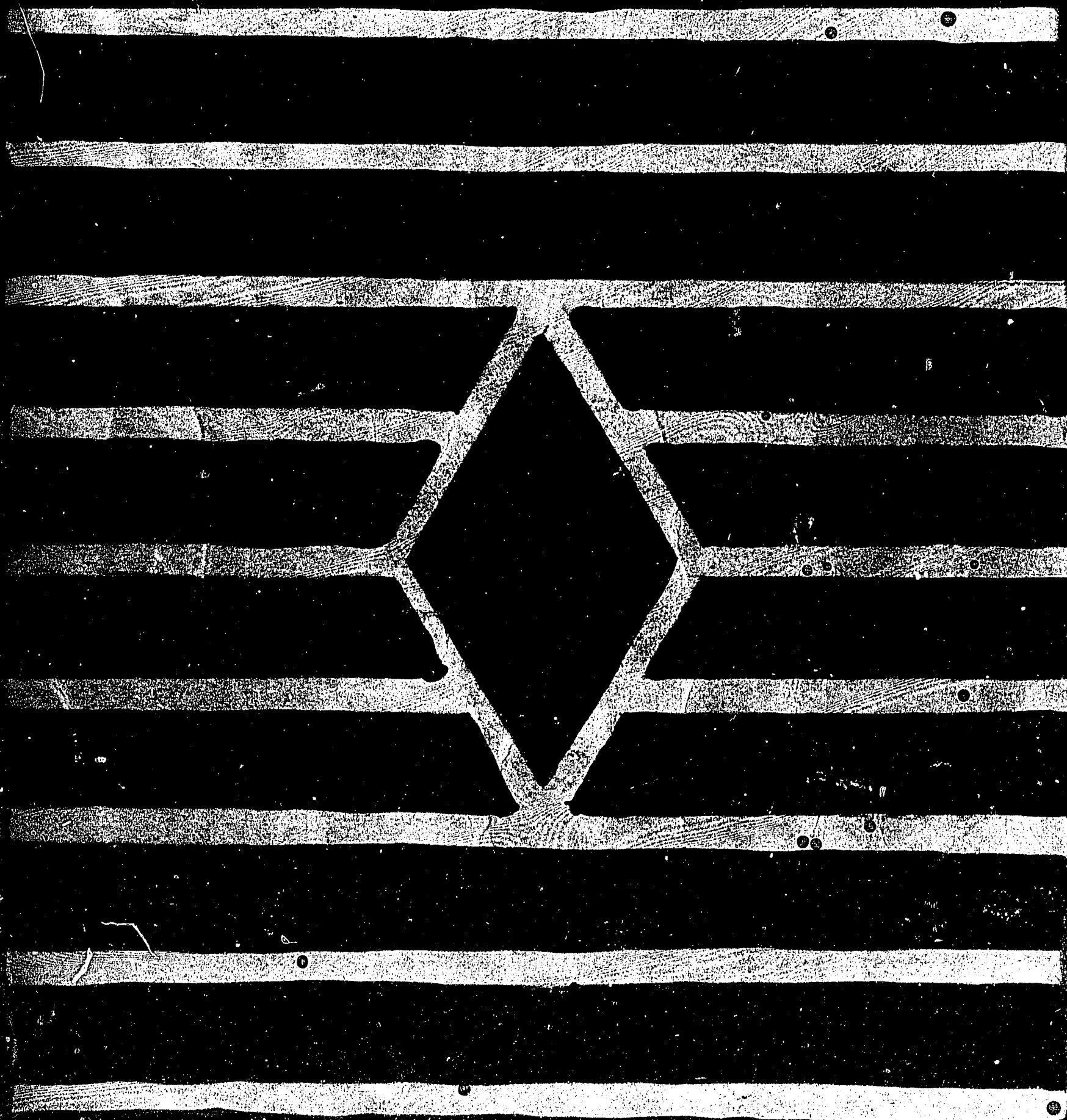
Very truly yours,

State Engineer

By _____

Enc W1

3570



 Bear Lake County,
 3 cu.ft. per sec.
 Bailey Creek
 Irrigation and domestic
 Priority, April 7, 1908.

S T A T E O F I D A H O
 WATER LICENSE No. 3570

WHEREAS, On the 7th day of April A.D. 1908 HARVEY W. HIGLEY of Soda Springs, County of Bannock, State of Idaho, duly made application (No. 5064) to me for a permit to use four (4) cubic feet per second of the waters of BAILEY CREEK, County of Bear Lake, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 11th day of April, A.D. 1908, Permit No. 3570 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 11th day of April, A.D. 1909 and for the application to beneficial use of said water on or before the 11th day of April A.D. 1911, and,

WHEREAS, On the 10th day of April A. D. 1909, HARVEY W. HIGLEY the holder of said permit duly made proof of the completion of adequate works for the diversion of four (4) cubic feet per second of said waters, as evidenced by my Certificate No. 3570 dated April 21, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use four (4) cubic feet per second of said waters, with date of priority of April 7, 1908 and,

WHEREAS, On the 21st day of September, A.D. 1910, HARVEY W. HIGLEY the holder of said permit duly made proof of the application to beneficial use of three (3) cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to HARVEY W. HIGLEY, of Soda Springs, County of Bannock, State of Idaho the holder and owner of said Permit No. 3570 a perpetual right, dating from April 7, 1908 to the use of three (3) cubic feet per second of the waters of BAILEY CREEK, in the County of Bear Lake, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted as follows: Diversion #1, near center of SW4 Section 5; Diversion #2, in eastern part of NW4 SW4 Section 5, Township 10 South, Range 42 East of Boise Meridian, and conducted to and upon 30 acres in NE4 SW4; 30 acres in SW4 NW4; 35 acres in NE4 NW4; 10 acres in NW4 SW4; 25 acres in SW4 NW4; and 20 acres in NW4 NW4 Section 5, Township 10 South, Range 42 East Boise Meridian for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this sixth day of October A. D. Nineteen hundred and ten.

D. G. Martin

State Engineer

(SEAL)

Recorded Oct 6, 1910

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