

No. 5444.

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

1. Name of applicant: John Wuthrich.

Postoffice address: Montpelier.

County: Bear Lake State: Idaho.

2. The quantity of water claimed is 1/10 of one cubic foot per second.

3. Source of water supply: Seven small springs in Sections 5 and 6 Tp. 14 S. R. 46 East 5.M.

County of Bear Lake, State of Idaho.

4. Location of point of diversion: NW4 NW4 Sec. 5, Tp. 14 S. R. 46 E. B. M.

5. To be used for:

I. Irrigation and domestic use: Yes.

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

(b) In the following legal subdivisions: SW4 NE4 Sec. 5, Tp. 14 S. R. 46 E. B.M.

6. Estimated cost of works: 75.00/100

7. Description of works for diversion:

I. Kind of works: Ditch from Upper Spring 3/4 of a mile and small Reservoir.

II. Dimensions of works:

(a) Height of dam 6 feet, length of dam at top 100 feet, length of dam at bottom 50 feet. Material used in construction: Earth.

(b) Capacity of reservoir: about 10 acre-feet.

(c) Size of headgate: Width 4 X 6 inches.

(d) Conduit..., width at bottom 12 inches, width at water line 18 inches, depth of water 6 inches. Length of conduit is 3/4 of a mile, and it crosses the following quarter sections: NW4 Sec. 5, NE4 NE4 Sec. 6, Tp. 14 S. R. 46 E. B. M. to land described in 5 I (b) above which is the point of intended use.

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

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

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

John Wuthrich,

Applicant.

By.....Walter Hoge....Agent.

Remarks: There are four small springs on NE4 NE4 Sec. 6, and two small springs on SW4 NE4 of Sec. 6, Tp. 14 S. R. 46 E. B. M. All of the springs combined will not measure 1/50 cubic foot of water but by cleaning them out and reservoiring he expects to be able to obtain sufficient water to irrigate 10 acres of land in the NE Corner of SW4 of NE4 of Sec. 6 Tp. 14 S. R. 46 E. B. M.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3873.

Date of first receipt of application 9.00 a.m. July 15, 1908.

Returned to applicant for correction July 15, 1908.

Corrected application received July 30, 1908.

Recorded in Book 11 Page 3873m Approved August 1, 1908.

This is to certify that I have examined the within application for a permit to appropriate the Public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

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

One-fifth of the work above specified to be completed on or before November 1, 1908.

The whole of said work to be completed on or before February 1, 1909.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to February 1, 1909.

Witness my hand this first day of August, 1908.

Jas. Stephenson, Jr.,

State Engineer.

Blank notice for proof of completion mailed applicant, also notice for beneficial use December 14, 1908.

Notices received December 19, 1908, fixing February 1, 1909 as date and Montpelier as place of proof.

Notice for publication mailed Montpelier Examiner, December 28, 1908.

Deposition blanks mailed Applicant December 28, 1908.

E.V. Bucher, authorized December 28, 1908, to make examination of works.

His report received January 4, 1909.

Depositions, affidavit of publication and fees received February 3, 1909.

Certificate of completion and water license issued March 25, 1909.

Permit No. 3873.

CERTIFICATE OF COMPLETION OF WORKS.

To all Whom it May Concern:

This is to certify that JOHN WUTHRICH, of Montpelier, County of Bear Lake, and State of Idaho, the holder of Permit No. 3873, issued upon Application No. 5444, bearing date of priority of July 15, 1908, authorizing the diversion of .1 of 1 second foot of the waters of Springs, County of Bear Lake, 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. .1 of 1 second foot of the waters of springs, that the point of Diversion of said waters is at a point in the northwest quarter of northwest quarter of section 5, township 14 north, range 46 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: Southwest quarter of northeast quarter, section 6, township 14 south, range 46 east of the Boise meridian.

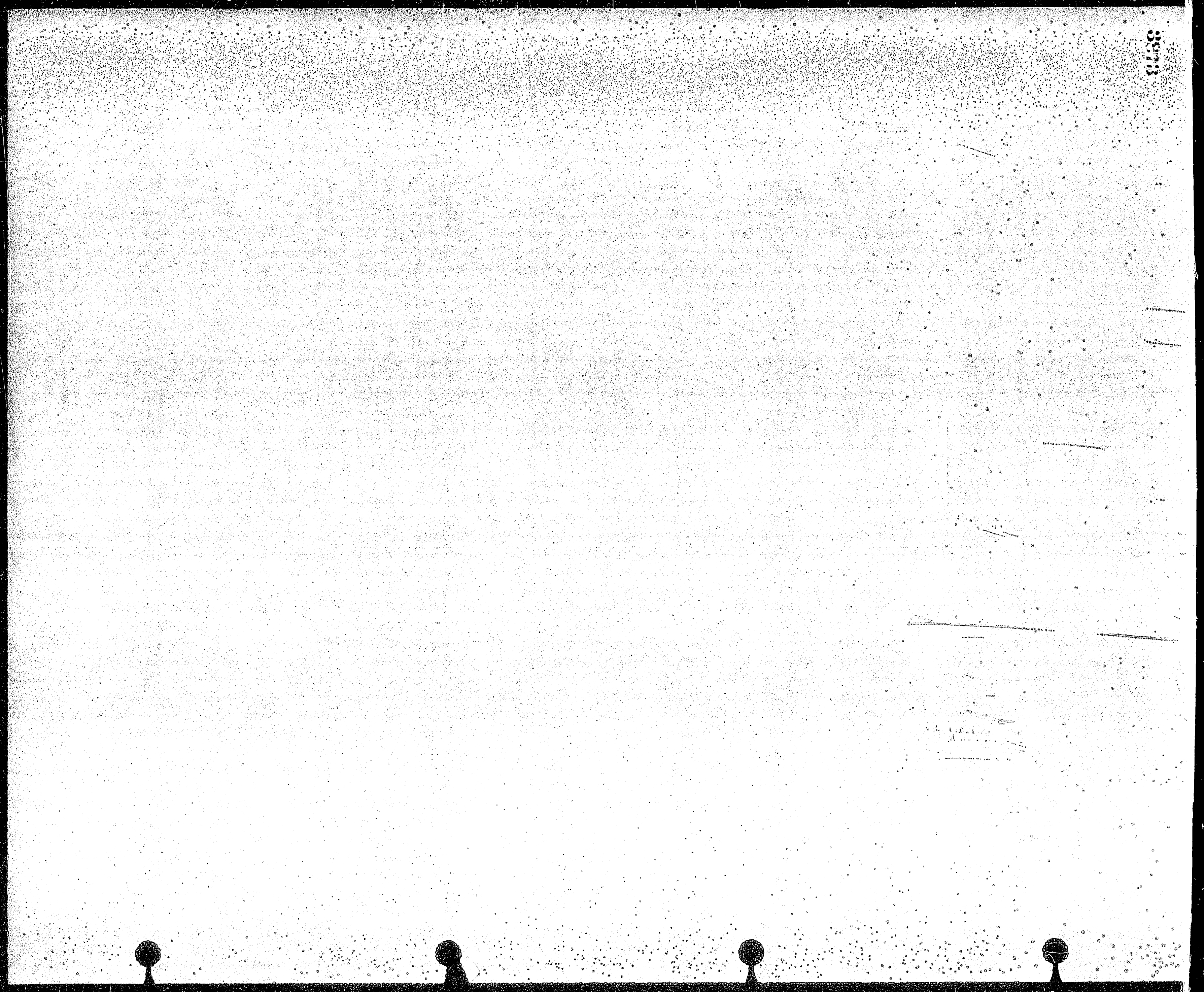
Witness my hand this 23rd day of March, A.D. 1909.

Jas. Stephenson, Jr.

State Engineer.

License issued for ^{1/10} ~~second~~ second feet

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Township 14 S. R. 14 E. Sect R. M.

Land to be irrigated

SEC. 6

SEC. 5

SEC. 4

SEC. 3

SEC. 2

SEC. 1

SEC. 7

SEC. 8

SEC. 9

SEC. 10

SEC. 11

SEC.

SEC.

SEC.

SEC.

SEC.

State Engineer.

Application No 6444.
Permit No. 3873.
John Withrich
1 1/10 sec. 11. Springs.
Bear Lake County,
Approved August 1, 1908.

John Withrich

3873

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, August 10, 1908.

Permit 3873. John Wuthrich

Walter Hoge,
Paris, 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.

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State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, May 1, 1909

John Wuthrich,
Montpelier, Idaho

Dear Sir:

I enclose herewith blank Notice of Proof of Application of Water to Beneficial Use under your permit No. 3873. which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

JAS. STEPHENSON, Jr.,
State Engineer.

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Montpelier Idaho

11/14/08

Mr Jas Stephenson Jr
State Engineer
Blackfoot

Dear Sir -

The undersigned in
regards to his application for
Permit to use water as filed
in your office

Permit No 3873 Recorded
in Book 11 Page 3873 approved
August 1/1908 Wishes to state
that he has done all work
necessary and wishes you
would notify County Surveyor
Bucher of this City to
that effect so that the
necessary arrangements

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are made for Publication
before final time expires
Feb 1/09 hoping you
will give this your early
attention I am Yours Truly
John Withers

Box

Montpelier Idaho

December 14, 1908.

Re permit 3873.

John Wuthrich,
Montpelier, Idaho.

Sir:

Am enclosing you herewith blank notice for proof of completion and beneficial use of water. As soon as these blanks are returned to this office, properly filled out, I shall be pleased to authorize Mr. Bucher to make the examination.

Very truly yours,

State Engineer.

F103-121

By....

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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.) Montpelier, Idaho

(Date) December 17, 1908

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

DEAR SIR: Notice is hereby given that at 2 P.M. on the first day of February 1909 at Montpelier County of Bear Lake State of Idaho, before Charles Harris, Notary Public proof will be submitted of the completion of works for the diversion of one tenth cubic feet per second of the waters of several small springs in sec 5 and 1 Tp 14 S R 46 E B.M. 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 W. Thrich
2. The postoffice address of such such person or the place of business of such corporation is Montpelier County of Bear Lake State of Idaho.
3. The number of such permit is 3873, and the date set for the completion of such work is first of February 1909
4. Said water 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 one tenth cubic feet per second.
6. The amount of lands for which said water is available is ten acres, particularly described as follows: S. W. 1/4 NE 1/4 Sec 6 Tp 14 S R 46 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.

Edward W. Bucher

Engineer.

I desire that the above notice be published, according to law, in the Montpelier Examiner of Montpelier, Idaho published in the county in which said works are situated; the expense of which publication will be borne by John W. Thrich

(Signature)

John W. Thrich

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Permit No. 3373

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.) Montpelier, Idaho

(Date) December 17 - 1908

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

DEAR SIR: Notice is hereby given that at 2 P. M. on the 1st day of February 1909, at Montpelier County of Bear Lake State of Idaho, before Charles Harris, Notary Public, proof will be submitted of the application to beneficial use of $1/10$ cubic feet per second of the waters of several small springs in Sec 5 and 6 T. 2 R. 46 E. in accordance with the terms and conditions of Permit No. 3373 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 John Mithrunk Montpelier Bear Lake County, Idaho
2. The use to which said water has been applied is Irrigation
3. The amount applied to beneficial use is one tenth of one second foot
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) S. W. 1/4 N. E. 1/4 Sec 6 T. 2 R. 46 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
6. The right to take the water from such works is based upon Permit No. 3373
7. The source of supply from which such water is diverted is small springs
8. The date of the priority which said user is prepared to establish is July 15 - 1908

I desire that the above notice be published, according to law, in the Montpelier Examiner of Montpelier, Idaho, published in the county in which said water is to be used; the expense of which publication will be borne by me.

(Sign)

John Mithrunk

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State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS.

Proof of Completion of Works
and
Proof of Beneficial Use of Water.

Boise, Idaho, December 28, 1908.

John Wathrich
Montpelier, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works and proof of application of water to beneficial use under your permit No. ^{3873.}

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 February 1, 1909, 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

Montpelier, Idaho, before Charles Harris.

2. 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 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 for completion of work 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, Certificate of Completion of Works and License will issue.

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

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Boise, Idaho, December 28, 1908

Edward V. Bucher

Montpelier, Idaho

DEAR SIR:

The holder of Permit No. 3873, John Wathrich, residing at Montpelier, Idaho, which permit authorizes the diversion of 1 of 1 second-feet of the waters of Springs at, desire to make proof of the completion of works of diversion, and beneficial use of water, on February 1, 1909.

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.

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State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Notice of Proof of Completion of Works
and
Application of Water to Beneficial Use.

Notice is hereby given that at
on the 1st day of November, 1909, at 2 P. M.
County of Bear Lake, State of Idaho, before Charles Harris,
proof will be submitted of the completion of works for the diversion of
.1 of 1 cubic feet per second of the waters of
and of the application to beneficial use of said water in accordance
with the terms and conditions of Permit No. 3873 heretofore issued
by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said
permit is ~~xx~~ are John Wuthrich, Montpelier, 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
cubic feet per second. .1 of 1

3. The use to which said water has been applied is irrigation
and domestic purposes, and the amount applied to beneficial use is
per second. .1 of 1
~~xxxxxxxxxx~~ cubic foot per second.

4. The place where said water is used is

SW4 NE4 Sec. 6, Tp. 14, S.,

R. 46 E.B.M.

5. The date of priority which said user is prepared to estab-
lish is July 15, 1908.

JAS. STEPHENSON, Jr.,

State Engineer.

3873

(Place)

Montpelier

(Date)

Dec 30/08

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of Dec 28 enclosing Notice of
Completion of Works and Notice of Application of Water to Beneficial
Use under Permit No. 3873 which will be published as you request,
beginning with our issue of Jan. 1, 1909

L. G. Bradley, 3873
Mgr.

Report of Engineer

1. State name of applicant and number of permit: *John W. Little N° 3873*
2. State source of water supply: *General small springs in Sec. 5 and 6*
3. Location of point of diversion: *NE corner SW 1/4 of NE 1/4 Sec 6 T.P. 14 S, R. 46 E B.M. springs get lost in lower part of claim.*
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Dam and two ditches are complete and in use.*

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

- (a) Width of conduit at bottom: *1 1/2 feet*
- (b) Width at water line: *2 feet*
- (c) Depth of water: *4-5 inches*
- (d) Grade per mile: *1/4 feet*

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

Reservoir was half filled and water was flowing in ditch No 1. Ditch No 2 is used for irrigating a garden spot.

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

About 15-17 acres of meadow in SW 1/4 NE 1/4 Sec 6 T.P. 14 S, R. 46 E B.M. that can possibly be irrigated and is actually applied.

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: *The reservoir dam has a height of 6 feet for a length of 20 feet. Top of dam 5 feet, outside slope 2.5/1 inside slope 1/1. Length of dam 120 feet.*

Amount of water when reservoir is filled: 2,5000 cub. feet.

Edward V. Buehler, surveyor.

JAN 1 1909

STATE OF IDAHO,

County of

Beauregard

ss.

Edward V. Buehler, 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 *31st* day of *Dec* 190*8*.

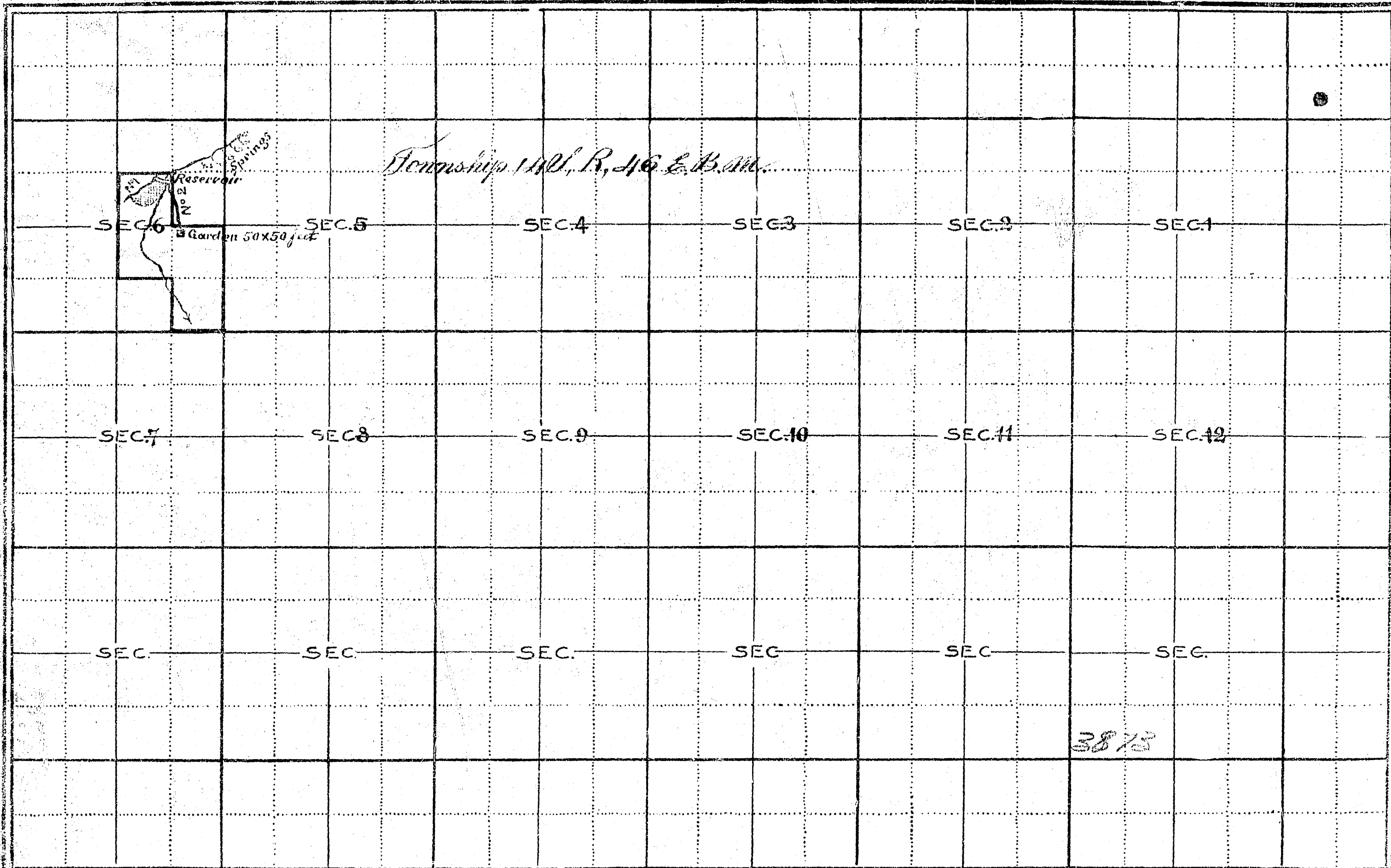
My Commission Expires

March 14, 1912

Charles Harris

Notary Public.

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PERMIT NO. 3873

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. John Wuthrich, 55 years, Montpelier Idaho
farmer, Montpelier 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. no

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

Ans. 3873, aug 1st, 1908, $\frac{1}{10}$ th of one cubic foot per second
owning N. W $\frac{1}{4}$ N W $\frac{1}{4}$ Sec 5 of 14 SR 46 E. - Springs in Secs 5 & 6 of 14 SR 46 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 - 15 acres SW $\frac{1}{4}$ N E $\frac{1}{4}$ Sec 6 of 14
SR 46 E.

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, all of the $\frac{1}{10}$ th second foot

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

Ans. yes.

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

Ans. —

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

Ans. ditch from springs to Reservoir, and ditches
from reservoir to ~~land~~ land above described
ditches - 1 foot deep - 18 foot wide - cost \$75.00

(Sign here.) - John Wuthrich

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 Montpelier, County

of Bear Lake, State of Idaho, on this 1st day of
February A. D. 1909Charles Harris
Notary Public

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

PERMIT NO. 3873

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Jesse A. Perkins - 41 years, Montpelier
Idaho, farmer - Montpelier IdahoQues. 2. Are you acquainted with John Weather, the
holder of Permit No. 3873, authorizing the diversion of 1/10th of 1 cubic foot
second-feet of the waters of
springs in Secs 5 & 6, at Mud Creek
for irrigation purposes? How long have you known him, and where does he reside?Ans. 20 years, Montpelier IdahoQues. 3. Have you read or heard read said Permit No. 3873, and are you familiar with its
terms and conditions?Ans. Yes, 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 - The 15 acres to be irrigated has gradual
slope, black loam. It will take all the water
mentioned here to irrigate the land reasonablyQues. 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. YesQues. 6. Describe the works of diversion as they now exist, and give your estimate of their ca-
pacity.Ans. ditches from springs to a reservoir
and ditch from Reservoir to land. They
will handle about 1/10th of a cubic foot
per second of water - \$80.00

(Sign here.)

Jesse A. PerkinsI 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 Montpelier, County
of Blaine, State of Idaho, on this 1st day of
February A. D. 190 9Charles H. Harris
Notary Public

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

PERMIT No. 3873

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Arnold Gumborn, 46 - altor-
farmer, Montpelier IdahoQues. 2. Are you acquainted with John Wentrick, the
holder of Permit No. 3873, authorizing the diversion of 1/10 cubic foot per
second-feet of the waters of
springs in Sec 6 & 5 - Tps 14-46E, at underground
for irrigation purposes? How long have you known him, and where does he reside?Ans. 25 years - Montpelier IdahoQues. 3. Have you read or heard read said Permit No. 3873, and are you familiar with its
terms and conditions?Ans. yesQues. 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 - 10 or 15 acres of black loam
soil. I estimate there is about water
enough to irrigate about 12 acres of the land.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 ca-
pacity.Ans. Ditches from springs in secs. 5 & 6
above described to Reservoir, and from Reservoir
to land in ditch. Ditches are all small
ones, probably carrying about 1/10th second foot(Sign here.) Arnold GumbornI 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 Montpelier, County
of Blaine, State of Idaho, on this 1st day of
February A. D. 1904Chas. Harris
Notary Public

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Permit No. 3873

Proof of Application of Water to Beneficial Use.

DEPOSITION OF HOLDER.

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

Ans.

John Wetherick 54, Montpelier
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.

3873 - ~~July 30~~, Aug 1st, 1908

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

Ans.

Mud springs, NW 1/4 NW 1/4 Sec 5-tp 14 & R 46 E
see plat enclosed

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.

Several springs tapped by small ditches
1/2 second foot about

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, 15 acres in NW 1/4 NE 1/4 Sec
6, T14 N R 46 E

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

Ans.

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

Ans.

15 inches

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.

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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

comp.

day of

A. D. 190

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 Mountain View, County of Carson,
State of Idaho, on this 1st day of July 1909.

(Sign) John W. Smith

Ans. none

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

Ans. All of it for 10 years past on the
land herein described

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

3873

Permit No.

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed

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. *By going over it frequently when
the irrigating season was on*

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 *Montpelier*, County of *Franklin*,
Idaho, A. D. 190*9* day of *July*
Charles M. Morris
Notary Public

PERMIT NO. 3873.

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS:

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

Answer.

Jesse A Perkins, 41, Montpelier Idaho
Farmer, Montpelier, Idaho.

Ques. 2.

Are you acquainted with John Wenthricke
the holder of Permit No 3873? How long have you known him, and where does he reside?

Ans.

20 years Montpelier Idaho

Ques. 3.

Have you read or heard read said Permit No 3873, 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 conveying water from point of diversion to place of use.

Ans.

Mud Creek Springs, NW 1/4 NE 1/4 sec 6 to
14 RR 46 E, ditches, Reservoir small.

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.

The ditches will carry the small amount that
the springs afford

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.

Irrigation, about 15 acres in
SW 1/4 NE 1/4 sec 6 to 14 RR 46 E

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.

Light loam, - 15 inches will irrigate 15
acres

3873

Permit No.

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed

sup

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 Montpelier, County of Washington,
State of Idaho, on this 1st day of February, A. D. 1909
Chas. Edwards
Notary Public

to beneficial use of the water diverted under said permit.
Ans. By observation having lived adjacent
to the land for 12 years, and
burn over the lands during irrigation
season, and helped put up the crop.
(Sign) Jas A. Berline

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

Ans. no
and to what extent?

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

Affidavit of Publication.

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

Notice of Completion of Works and Application of Water for Beneficial Use.

Notice is hereby given that at 2 p. m. on the 1st day of February, 1909, at Montpelier, county of Bear Lake, State of Idaho, before Chas. E. Harris, proof will be submitted of the completion of works for the diversion of 1 of 1 cubic feet per second of the waters of Springs and of the application to beneficial use of said water in accordance with the terms and condition of Permit No. 3873 heretofore issued by the State Engineer of the State of Idaho.

1. The name and post office address of the person holding said permit are John Wuthrich, Montpelier, 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 1 of 1 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes and the amount applied to beneficial use is 1 of 1 cubic foot per second.

4. The place where said water is used is the SW 1/4 NE 1/4 Sec. 8, Tp. 14 S., Range 40 E. B. M.

5. The date of priority which said user is prepared to establish is July 15, 1908.

Jan 14 JAS. STEPHENSON, JR.,
State Engineer

C. Albright
Chas. E. Harris, being first
duly sworn, deposes and says
that he is the ^{Assistant Manager} 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 1st day of Jan. 1909.

C. Albright

Subscribed and sworn to before me this 1st

day of February 1909

Chas. Harris
Notary Public

3873

February 3, 1909.

Permit 3873.

John Nutrich,
Montpelier, Idaho.

Sir:

Am just in receipt of affidavit of publication, fees and depositions in proof of completion under above permit. As both proofs were to have been made at this time, the blanks for beneficial use of water should have been filled out and sent in with the above. Am inclosing herewith another set of blanks for proof of beneficial use in case the first set has been misplaced. These blanks should be filled out and returned to this office as soon as possible. They can be dated as of February 1st, the date on which proof was made. The report of Edward V. Bucher is now on file and as soon as the depositions in proof of beneficial use are received, if everything is satisfactory, certificate and license will issue.

Enclosed find receipt for fees.

Very truly yours,

State Engineer.

Inc.

By...

3873

Boise, Idaho, March 31, 1909.

Certificate No. 3873
Water License No. 3873

John Wuthrich
Montpeiler, Idaho

Sir:--

Inclosed herewith find Certificate of
Completion of works, also Water License No.
3873. Also Map.

Very truly yours,

State Engineer,

By _____

Enc. W.L. C. M.

3873

Bank of Montpelier

MONTPELIER, IDAHO.

March. 11th. 1911.

State Engineer,

Boise, Idaho.

Dear Sir:-

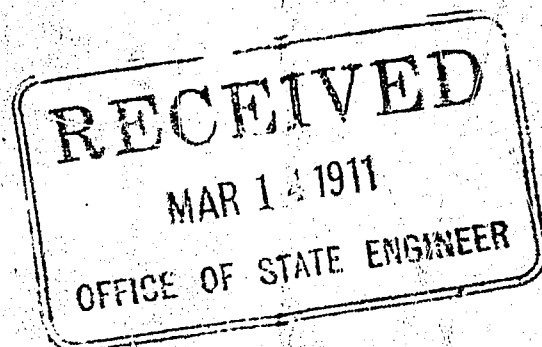
I have before me No. 3873 Permit. To appropriate water from Mud Creek Springs. Bear Lake Co. Idaho.

Mr. Jas. Stephenson, Jr. signed this ~~Permit~~ ~~1908~~ August 1st. 1908. but as the time to prove up was Feb. 1st. 1909. and the parties claim they have proved up it seemed to me that their should be a certificate.

Will you kindly advise me the present standing of this permit and oblige,

Very Respy,

G.C. Gray



3873

March 14, 1911

Permit 3073

Mr. G. C. Gray,
Montpelier, Idaho

Sir:-

In reply to your letter of the 11th inst. would say that the certificate of completion of works and water license issued under above permit were mailed to John Wuthrich, at Montpelier, on March 31, 1909. As they were not returned to this office I cannot understand why the owner did not receive them. If certified copies are desired they will be furnished at a cost of \$2.50.

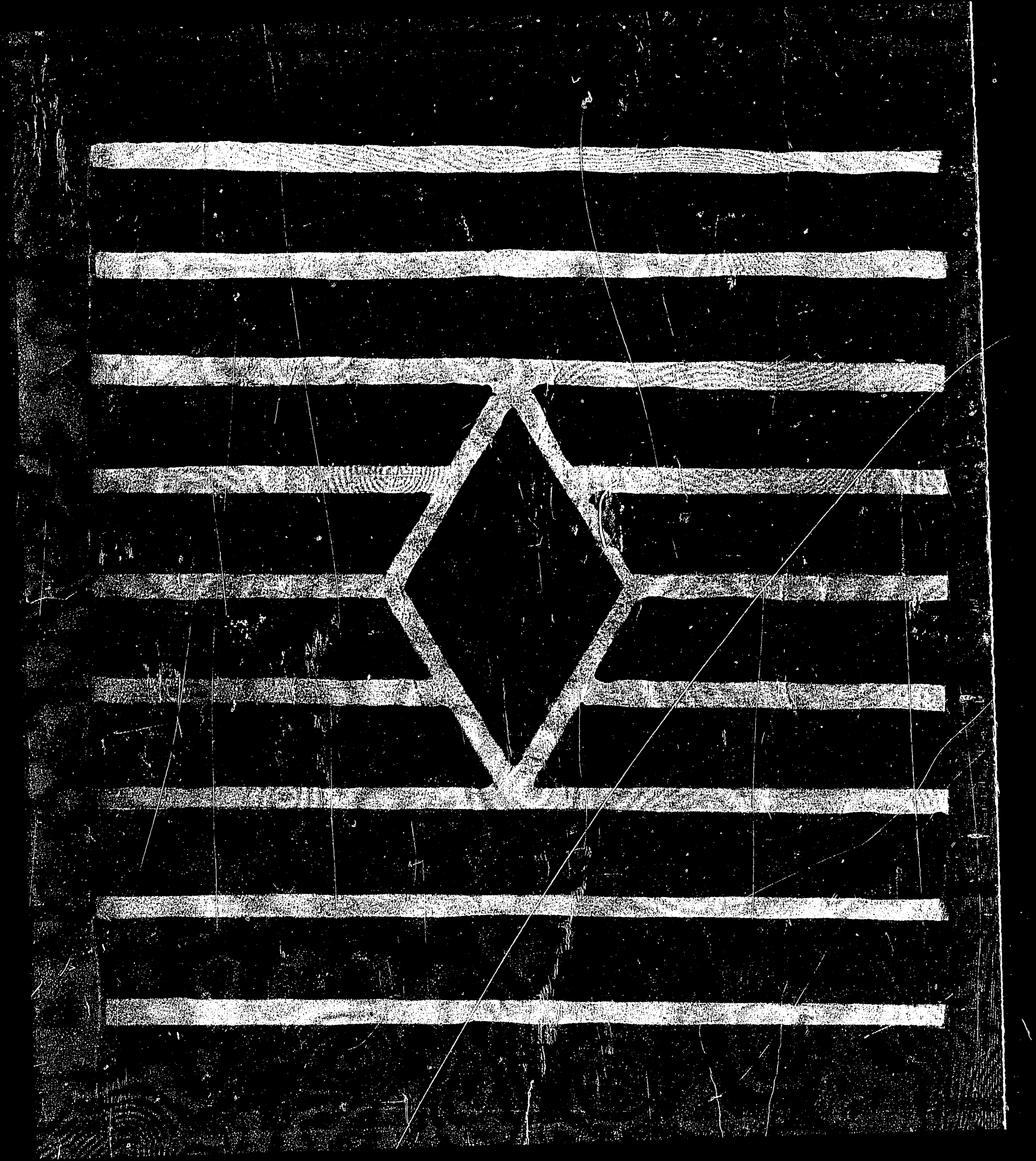
Very truly yours,

A. E. Robinson,

State Engineer.

By.....

387



 Bear Lake County *
 Springs *
 .1 of 1 second foot *
 Irrigation and domestic *
 Priority 7-15-1908 *

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

Water License No. 3873

--0--

WHEREAS, On the 15th day of July, A.D.1908, JOHN WUTHRICH, of Montpelier, County of Bear Lake, and State of Idaho, duly made application (No. 5444) to me for a permit to use .1 of 1 cubic foot per second of the waters of Springs, County of Bear Lake, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 1st day of August, A.D.1908, Permit No. 3873 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 1st day of February A.D.1909, and for the application to beneficial use of said water on or before the 1st day of February, A.D.1909, and

WHEREAS, On the 1st day of February A.D.1909, the holder of said permit duly made proof of the completion of adequate works for the diversion of .1 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 3873, dated March 23, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .1 of 1 cubic foot per second of water, with date of priority of July 15, 1908, and

WHEREAS, On the 1st day of February A.D.1909, proof was duly made of the application to beneficial use of .1 of 1 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 WUTHRICH, of Montpelier, Idaho, the holder and owner of said Permit No. 3873, a perpetual right, dating from July 15, 1908, to the use of .1 of 1 cubic foot per second of the waters of springs, 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 at a point in northwest quarter of northwest quarter, section 5, township 14 south, range 46 east of Boise meridian, and conducted to and upon about 15 acres in south west quarter of northeast quarter of section 6, township 14 south, range 46 east of the 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 23rd day of March,
 A.D. Nineteen Hundred and nine.

(SEAL)

Recorded March 23, 1909

Jas. Stephenson, Jr.

State Engineer.

11 2028

