

No. 5532.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: George E. Stephens.

Postoffice address: Bennington.

County: Bear Lake State: Idaho.

2. The quantity of water claimed is 2/5 cubic foot per second.

3. Source of water supply: Small Spring

County of Bear Lake

4. Location of point of diversion: 95 rd W & 4 rd S. from N.E. cor. sec. 3 Tp. 12 S.R. 44 E.R. 14.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 20 acres.

(b) In the following legal subdivisions: lot 2, sec. 3, Tp. 12 S.R. 44 E.R. 14.

6. Estimated cost of works: \$75.00

7. Description of works for diversion:

I. Kind of works: Ditches.

2a. Dimensions of works:

(a) Conduits (2), width at bottom each 2 foot. width at water line 2 1/2 feet. depth of water 1 foot. Average grade per mile is 15 feet. Length of conduits both 75 fms., and it crosses the following quarter sections: Rises & is diverted on land where used described in 5.1 (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is 60 days from approval.

9. Time required for the complete application of the water to the proposed use is no additional time.

10. I KNOW. That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

George E. Stephens,

Applicant.

By Wendell Austin, Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4563.

Date of first receipt of application: 9.00 a.m. April 21, 1909

Recorded in Book 13. Page 4563. Approved April 21, 1909.

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 20, 1909, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-third of the work above specified to be completed on or before July 21, 1909.

The whole of said work to be completed on or before October 21, 1909.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to October 21, 1909.

Witness my hand this twenty-first day of April, 1909.

Jas. Stephenson, Jr.

State Engineer.

Blank notice for proof of completion and beneficial use mailed applicant

May 7, 1909

Notice received fixing June 30, 1909, as date and Montpelier, Idaho as date of proof.

Publication notice mailed the Montpelier Examiner May 22, 1909.

Deposition blanks mailed applicant May 22, 1909

J.O. Webster notified to make proof May 22, 1909

His report received June 26, 1909

Depositions for both proofs and fees for proof of completion received July 3, 1909.

Fees for proof of beneficial use received July 13, 1909

Affidavit of publication received August 5, 1909

Certificate of Completion and License issued August 5, 1909.

Permit No. 4563

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that GEORGE E. STEPHENS, of Bennington, County of Bear Lake, and State of Idaho, the holder of Permit No. 4563, issued upon Application No. 6532, bearing date of priority of April 21, 1909, authorizing the diversion of .4 of 1 second foot of the waters of a spring, 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 .4 of 1 second foot of the waters of spring, that the point of Diversion of said waters is at a point in the Northwest quarter of the Northeast quarter (NW4 NE4) section 3, township 12 south, range 44 east of Boise, Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lot 2, section 3, township 12 south, range 44 east of Boise meridian.

Witness my hand this 5th day of August A .D. 1909.

Jas. Stephenson, Jr.

State Engineer.

License issued for second feet

7/11
Page 102

Shanghai

Shanghai

P4563

Township 12 S. Range 4 E.

Spring
70 ft

SEC.

6

SEC.

5

SEC.

4

SEC.

3

SEC.

2

SEC.

1

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Application No. 6532

Permit No. 1563

George E. Stephens

.4 of 1 second foot

Small Spring

Bear Lake County

Approved April 21, 1909

Geo. Stephens
State Engineer.

SEC.

SEC.

SEC.

SEC.

4563

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

Boise, Idaho, May 8, 1909

Permit No. 4563
DeMeade Austin, Attorney,
Montpelier, 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.

4563

OFFICE OF
DE MEADE AUSTIN
LAWYER

Montpelier, Idaho, May 6th 1909.

James Stephenson Jr.

State Engineer,

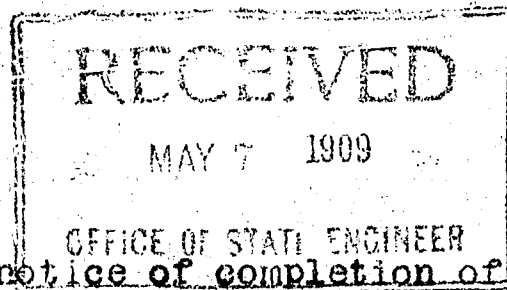
Boise City, Idaho.

Dear Sir:

Please have joint notice of completion of works
and application of water to beneficial use, in re Geo.E.
Stephens published in the Examiner, Montpelier; the proof may
be taken before me as Notary Public.

Very respectfully,

De Meade Austin
4563



4563

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho,
May 7, 1909.

De Heade Austin, Lawyer,
Montpelier, Idaho.

Permit 4563, C.E. Stephens.

Dear Sir:

I enclose herewith blank Notice of Proof of Completion of Works
under your permit No. 4563 and blank Notice of Proof of Beneficial
Application of Water under same permit, which notice should be filled
out and returned to me at least 60 days before the date upon which it is
desired to submit proof, which proof should be on or before
b Oct. 21, 1909.

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

4563

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.) Bemington Idaho
(Date) May 10th 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 30th day of June, 1909 at Montpelier County of Bear Idaho State of Idaho, before Chas. E. Harris, M.P. proof will be submitted of the completion of works for the diversion of 2 1/5 cubic feet per second of the waters of a small spring in Bear Lake County 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 George E. Stephens
2. The postoffice address of such such person or the place of business of such corporation is Bemington County of Bear Lake State of Idaho.
3. The number of such permit is 4563 and the date set for the completion of such work is Oct 21st 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 2 1/5 cubic feet per second.
6. The amount of lands for which said water is available is 20 acres, particularly described as follows: Lot 2, Sec. 3, T412S, R44E, N3M

(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 Examiner of Montpelier, Ida published in the county in which said works are situated; the expense of which publication will be borne by

(Signature)

George E. Stephens

4563

PERMIT NO.

Notice of Proof of Application o 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.)

(Date)

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

DEAR SIR: Notice is hereby given that at M. on the day of

190, at Montpelier County of Bear Lake State of Idaho,

before Chase E. Harris, N.P. proof will be submitted of the application to bene-

ficial use of 2/5 cubic feet per second of the waters of a Small

Spring in accordance with the terms and conditions of Permit No.

4563 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

George E. Stephens, Bennington, Idaho

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

irrigation

3. The amount applied to beneficial use is

2/5 cu. ft. per sec.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) in Lot 2, Sec. 3, T. 12 N., R. 44 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 - (just small ditch, no name)

6. The right to take the water from such works is based upon Permit No. 4563

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

A Small Spring near Bennington, Bear Lake, Idaho

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

Apr. 21/1909,

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

(Sign)

George E. Stephens

4563

Boise, Idaho, May 22, 1909.

J. C. Webster, Water Commissioner

R.F.D. #5, Idaho Falls, Idaho

DEAR SIR:

The holder of Permit No. 4563, Geo. E. Stephens, residing at Bennington, Idaho, which permit authorizes the diversion of .4 of 1 second-feet of the waters of a small Spring in Bear Lake county at _____, desire to make proof of the completion of works of diversion, and beneficial use of water, on June 30, 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.

4563

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

INSTRUCTIONS.

Proof of Completion of Works.

and
Proof of Beneficial Use of Water.
Boise, Idaho,

May 22, 1909.

George E. Stephens,

Bennington, Idaho

Dear Sir:

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

4563.

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 ~~June 30, 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 Geo. E. Harris.~~ 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.

J. O. Webster, Water Commissioner of
Div. No. 1, of Idaho Falls, has been
notified to make examination of works.

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

4563

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 day of at 10 A.M.
County of ^{30th} ~~June~~, 1909, ^{Montpelier} ~~State of Idaho~~, before
proof will be submitted of the completion of works for the diversion of
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. heretofore issued
by the State Engineer of the State of Idaho. 4563

1. The name and postoffice address of the person holding said permit is

are George E. Stephens, Bennington, 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.

3.⁰⁰ The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is .4 of 1 per second.

~~XXXXXXXXXX~~ cubic foot per second.

4. The place where said water is used is

R. A. E. E.

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

April 21, 1909.

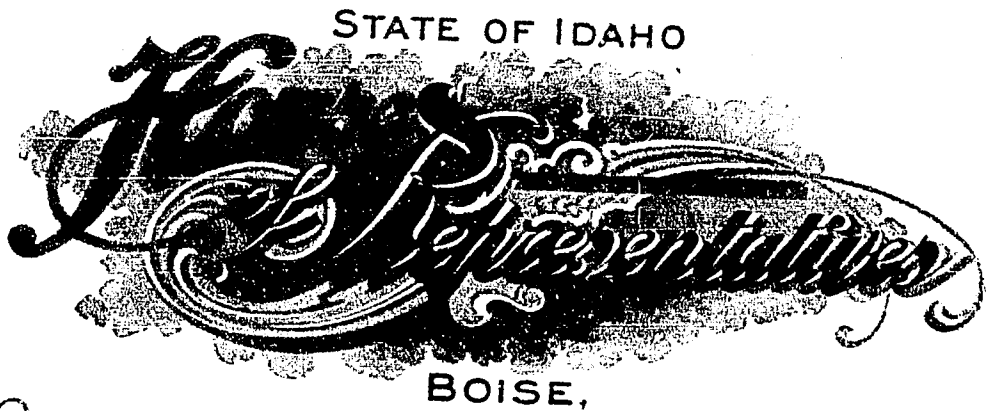
JAS. STEPHENSON, Jr.,

State Engineer.

4562



JAMES O. WEBSTER, REPRESENTATIVE, FREMONT COUNTY
GRANT, IDAHO

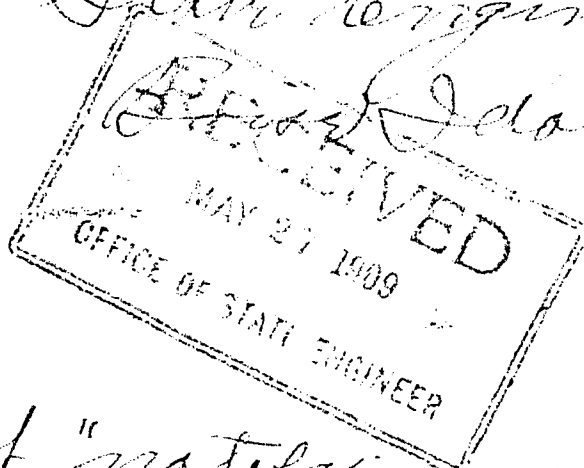


STATE OF IDAHO

BOISE,

Idaho Falls R. I. 5 May 24/09.

James Stephenson Jr. State Engineer



Dear Sir

Your letter of 22 inst "notifying me that Geo. E. Stephens of Bennington Idaho, holder of permit # 4562. desires to make proof of completion of works of diversion" has been noted.

I will attend to the matter and report to you as soon as possible

Yours Truly J. O. Webster

Water Comm.
Boise

4562

OFFICE OF
DE MEADE AUSTIN
LAWYER

Montpelier, Idaho, 6 / 1 / 09.

James Stephenson, Jr. Esq.,
State Engineer,
Boise, Idaho.

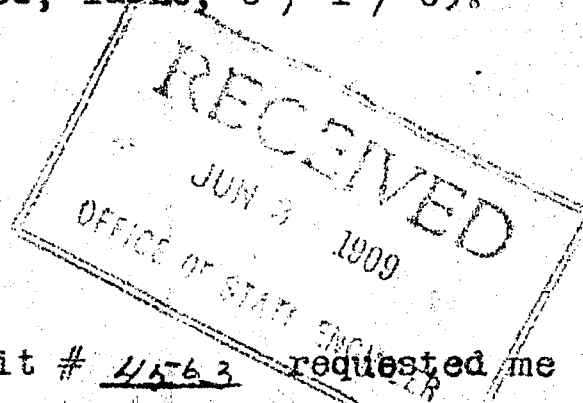
Dear Sir:-

George E. Stephens who holds permit # 4563 requested me to send in the name of Robert A. Birch, of this city, as engineer to examine his water works, for the purpose of his proof which is set down for the 30th inst.

Respectfully,

D. Meade Austin

4563



June 3, 1909.

Permit 4563, Geo. E. Stephens.

De Meade Austin, ~~Lawyer~~,
Montpelier, Idaho.

Sir:-

In reply to your letter of the 1st inst., relative to appointing examining engineer under above permit, would say that the Water Commissioners of the different divisions are now appointed to make all examinations and Mr. J. O. Webster, of Idaho Falls, has been notified in the present instance.

Trusting this will be satisfactory, I am

Very truly yours,

State Engineer.

By...

F. S.

Would say in this regard that no fees are attached to these examinations.

4563

Report of Engineer

1. State name of applicant and number of permit: *Geo. E. Stephens permit 4563*
2. State source of water supply: *Small Spring*
3. Location of point of diversion: *95 rods N. and 4 rods S. from N.E. cor. Sec. 3 Tp. 12. S. R. 44 E. B.M.*
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: *1 foot*
 - (b) Width at water line: *1 1/2 foot*
 - (c) Depth of water: *1/4 foot*
 - (d) Grade per mile: *15 feet*
6. State whether or not water has been turned into works of diversion and if so, to what extent: *The water has been turned through all the ditches.*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *5 acres in S.E. cor. of S.W. 4 of N.E. 4 of Sec. 3. 10 acres along south side of N.E. 4 of N.E. 4 of Sec. 3. 5 acres through center of N.W. 4 of N.E. 4 of Sec. 3 all in Tp. 12. S. R. 44 E. B.M.*
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: *There is no crops upon the land. Water has been turned through the ditches and out upon the land. Said land is being used for pasture. Some little plowing has been done.*

J. O. Webster Water Corer.
1st Dist.

STATE OF IDAHO,

County of *Bannock* } ss.

J. O. Webster, 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 *24* day of *June* 190*9*.

My Commission Expires

*July 30, 1912.**Ezra J. Merrill*

Notary Public.

4563

RECEIVED
JUN 26 1909
OFFICE OF STATE ENGINEER

SEC.

SEC.

SEC.

SEC.

SEC.

7 12 S. B. 44. S. B. M.

Spring
ditch
ditch

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

4

3

2

1

SEC.

SEC.

SEC.

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SEC.

SEC.

4563

PERMIT NO.

4563

RECEIVED

JUL 2 1909

OFFICE OF STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. George E. Stephens, 45 years, Bennington Idaho
Farmer, Bennington 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. 4563, 21st day of April, 1909. $\frac{7}{8}$ cubic foot
per second, spring 95 rods W of 4 Rds S. of NE cor. Sec 3, Tp 12 R 4 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, 20 acres, in Lot 2, Sec 3, Tp 12 R 4 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 turned in 10th day of June, 1909. Full
amount of $\frac{7}{8}$ -second ft.

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. 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. They comply with permit.

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

Ans. 2 conduits - 2 feet wide - 1 foot deep - about
75 rods long - will carry $\frac{7}{8}$ -second foot of
water. Cost of works \$75.00

(Sign here.)

George E. Stephens

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 30th day of

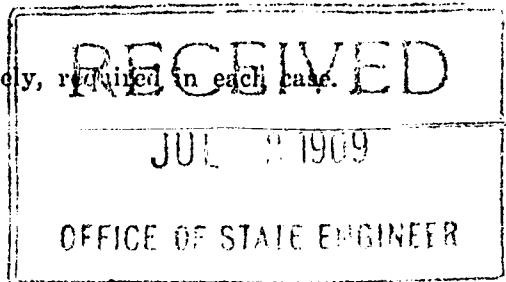
June A. D. 1909

Chas E. Harris
Notary Public

4563

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

PERMIT No. 4563



Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Charles C. Stephens, 62 years, Remington
Idaho, Farmer, Remington Idaho

Ques. 2. Are you acquainted with George C. Stephens, the
holder of Permit No. 4563, authorizing the diversion of 4 1/2 second-feet of the waters of
Birch Spring, at Remington Idaho
for irrigation purposes? How long have you known him, and where does he reside?

Ans. 45 years Remington Idaho

Ques. 3. Have you read or heard read said Permit No. 4563, 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 - land is dark loam, farm land.
It will need at least 20 miners inches
to irrigate - profitably and sufficiently

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 - yes -

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

Ans. Consists of two ditches about 75 rods
in length, 7 ft wide and one foot deep.
Will carry at least 20 miners inches
of water.

(Sign here.) Charles Stephens

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 Blaine, State of Idaho, on this 30th day of
June A. D. 1909

Charles H. Harris
Notary Public
4563

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

PERMIT No.

4563

RECEIVED

JUL 2 1909

OFFICE OF STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Silas Wright, 47, Bennington Idaho
Farmer, Bennington Idaho

Ques. 2. Are you acquainted with George E. Stephens, the

holder of Permit No. 4563, authorizing the diversion of 4/10 second-feet of the waters of
Birch Spring, at Bennington Idaho
for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes - 25 years. at Bennington Idaho

Ques. 3. Have you read or heard read said Permit No. 4563, 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. - land dark loam soil - should say
it would require about 4/10 second foot
to irrigate.

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 - yes -

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

Ans. Two ditches, about 75 rods long - about
2 feet wide and one foot deep. They will
carry about 20 minims inches of water -
or about 10 inches each at least

(Sign here.)

Silas Wright

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 30th day of

June A. D. 1909

Charles E. Harris
Notary Public

4563

Permit No. 4563

Proof of Application of Water to Beneficial Use. 1909

RECEIVED

OFFICE OF STATE ENGINEER

DEPOSITION OF HOLDER.

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

Ans.

George E Stephens, 45 years, Bennington Idaho
Farmer - same

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

Ans.

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

Ans.

4563, 21st day of April, 1909. Same date

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

Ans.

Birch Springs, 9 1/2 rds west and 4 Rds south
of NE Corner of sec 3 Tps 12, RR 44E.

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.

Ditches (2) 75 rods long each, 1 x 2 ft in
size, capable of carrying 20 inches or 3/4-
second ft water, no name

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 & on 20 acres of land in
lot 2 sec 3 Tps 12 RR 44E.

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.

Twenty 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.

4563

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

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, State of Idaho, on this 20th day of June 1909 A. D.

(Sign.) Gray & Johnson
Gray & Johnson
Notary Public

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. none for this land.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above
mentioned permit has been used.
Ans. irrigating since June 10th 1909, full
amount of 400 ft of cubic feet
allowed under permit

PERMIT NO. 4563

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS

RECEIVED

JUL 11 1909

OFFICE OF STATE ENGINEER

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

Answer. Silas Wright 47- Bennington, Farmer
Bennington IdahoQues. 2. Are you acquainted with George E. Stephens
the holder of Permit No. 4563? How long have you known him, and where does he reside?

Ans. Yes 25 years Bennington Idaho

Ques. 3. Have you read or heard read said Permit No. 4563 and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Birch Spring near Bennington, 95 rods
west & 4 rods south of NE corner Sec 3 T4
12 SR X4 E, two ditches about 75 rods
long 1 x 2 ft

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

Ans. about 20 minus inches

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. 20 acres in lot 2
Sec 3 T4 12 SR X4 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. Black or dark loam, needs 20 inches at least

4563

Permit No.

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed

State of Idaho, on this

day of

A. D. 1909

County of

Montpelier

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

30th June
John E. Williams
Notary Public

to beneficial use of the water diverted under said permit.

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

Ans.

None

and to what extent?

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

Ans. By being Agent for the land in the
while being irrigated, have water
2 miles of river. Have river facilities
all of land under irrigation from the
Irrigo. by the water (Sign) Idaho canal
mentioned herein

PERMIT NO.

4563

Proof of Application of Water to Beneficial Use.

RECEIVED

JUL 1909

DEPOSITION OF WITNESS:

OFFICE OF STATE ENGINEER

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

Answer.

Charles Stephens, 62, Bennington,
Idaho FarmerQues. 2. Are you acquainted with George E Stephens
the holder of Permit No 4563? How long have you known him, and where does he reside?Ans. all his life I have known him.Ques. 3. Have you read or heard read said Permit No 4563, and are you familiar with its provisions and conditions?

Ans.

yes

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

Ans. Birch spring at Bennington, Ida. 95 rods west & 4 rods south of NE corner of Sec 3 T12 R14 E. Works consist of two ditches about 75 rods long 1 ft deep & 2 feet wide

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

Ans. about 20 minus inches or 4/10 second ft

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 & 20 acres in lot 2 Sec 3 T12 R14 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. dark loam soil about inch to acre

4563

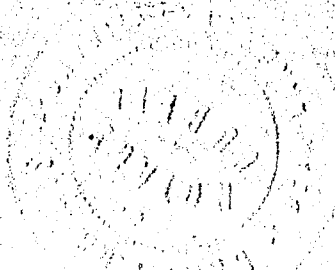
4563

Permit No.

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed



State of Idaho, on this

day of

A. D. 1909

and sworn to before me, at my office in _____
County of _____

that I believe him to be the person he represents himself to be, and that said testimony was subscribed

I hereby certify that the foregoing testimony was read to the above subscriber before its signing.

(Sign) : _____
Charles Stephens

to beneficial use of the water diverted under said permit.
Ans. About 10 ft June 1909, by being on said frequency
River about 2 1/2 miles away, about 20 miles to
practically all the 20 acres mentioned
for irrigation

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

Ans. _____

and to what extent?

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

July 3, 1909.

Permit 4563.

Geo. E. Stephens,
Bennington, Idaho.

Sir:-

I am today in receipt of depositions in proof of completion of works and beneficial use of water under above permit, also, fee of \$5.00. You will note that the receipt is issued for proof of completion of works. There still remains the fees for proof of beneficial use of water, amounting to \$6.00, or \$2.00 for each forty acre tract or fraction to which water has been beneficially applied. As soon as this is received, together with the affidavit of publication, the matter of issuing certificate and license will be taken up.

Very truly yours,

State Engineer.

R1935

Ry..

4562

Bennington, Idaho.
July 12, 1909.

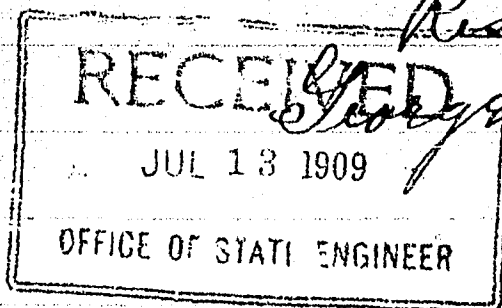
Mr. Jas. Stephenson, Jr.
Boise, Idaho.

Dear Sir:- You will find
enclosed the fees for
proof of beneficial
use of water for the
East two forties of
permit 4563.

The Amt. \$4.00.

Respectfully,

George E. Stephens.



4563

July 13, 1909.

Permit 4563.

George E. Stephens,
Bemington, Idaho.

Sir:-

Am today in receipt of your letter of the 12th inst., inclosing fees for beneficial use of water under above permit. Inclosed find receipt. As soon as the affidavit of publication is received the matter of issuing certificate and license will be taken up.

Very truly yours,

State Engineer.

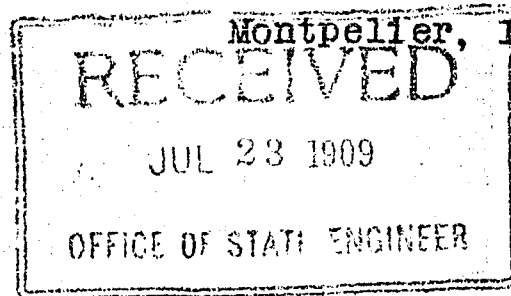
R1965

By...

4563

OFFICE OF
DE MEADE AUSTIN
LAWYER

James Stephenson, Jr.,
State Engineer,
Boise, Idaho.



Dear Sir:-

Kindly hurry on certificate of water favor George E. Stephens as I require the same in connection with his land final proof. Send also certified copy of said certificate.

Mail both to me together with your bill for copy.

Respectfully,

D Meade Austin

1563

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

July 23, 1909.

Permit 4563.
Geo.E.Stephens.

De Meade Austin, Lawyer,
Montpelier, Idaho.

Sir:-

In reply to your letter of the 21st inst., relative to certificate and license under above permit, would say that same are being held, pending receipt of affidavit of publication. I wrote Mr Stephens in regard to this on the 13th inst. but as yet have received no reply. As soon as this affidavit is received the matter of issuing certificate and license will be taken up.

Very truly yours,

Jas. Stephenson, Jr.

State Engineer.

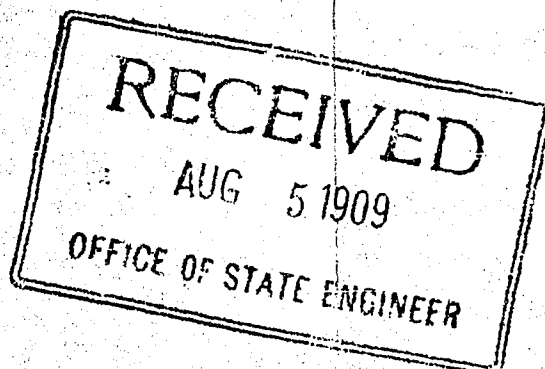
By *CB*

Aug. 3rd, 1909.

Find herewith affidavit of publication, kindly rush certificates, as I need them to complete Mr. Stephens' and proof.

Respectfully,

D. Meade Austin



4563

Affidavit of Publication

STATE OF IDAHO, }
County of Bear Lake } ss

Clyde Hanson
being first duly sworn, deposes and
says that he is *Manager*
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 supple-
ment, for *4* successive weeks,
commencing with the issue dated
May 28 1909
and ending with the issue dated

June 26 1909

Clyde Hanson

Subscribed and sworn to before me this *3rd* day of

August 1909

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

Notice is hereby given that at 10 a. m., on the
30th day of June, 1909, at Montpelier, County
of Bear Lake, State of Idaho, before Chas. E.
Harris, Notary Public, proof will be submitted
of the completion of works for the diversion of
4 of one cubic foot per second of the waters of
a small spring, and for the application to bene-
ficial use of said water in accordance with the
terms and conditions of Permit No. 463 here-
tofore issued by the State Engineer of the State
of Idaho.

1. The name and post office address of the
person holding said permit are George E.
Stephens, Bennington, Idaho.

2. Said works of diversion will be fully com-
pleted on the day 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 of one
cubic foot per second.

3. The use to which said water has been ap-
plied is irrigation and domestic purpose, and
the amount applied to beneficial use is 4 of
one cubic foot per second.

4. The place where said water is used is Lot

12, Sec. 5, Range 41 E. B. M.
and one by Mr. James Jensen, and there is

RECEIVED

AUG 5 1909

OFFICE OF STATE ENGINEER

4563

August 6, 1909.

Permit 4563
Geo. E. Stephens.

De Meade Austin, Lawyer,
Montpelier, Idaho.

Sir:-

I am inclosing you herewith certificate of completion of works
and license issued under above permit.

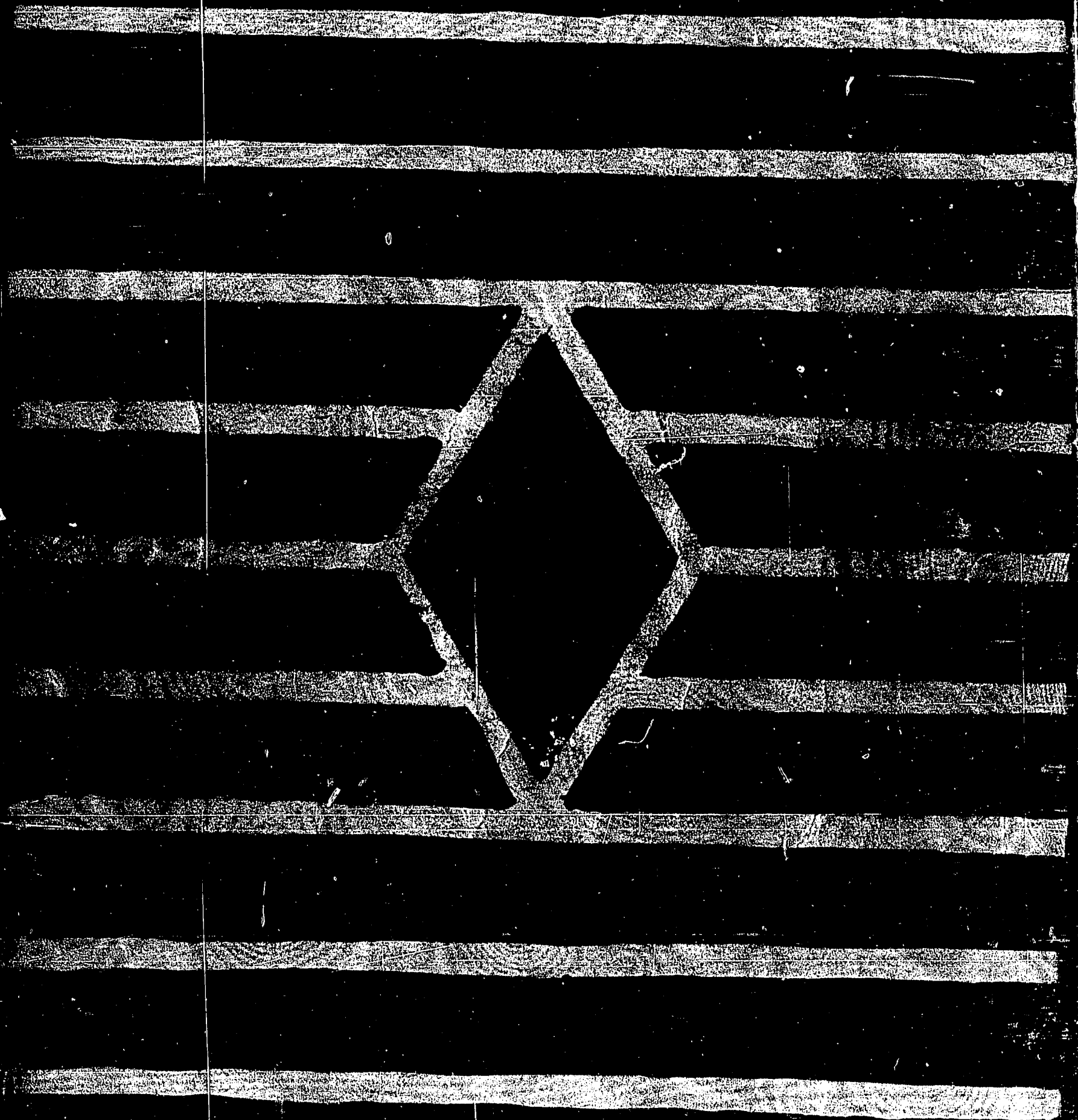
Very truly yours,

State Engineer.

C&L

By...

4563



 Bear Lake County *
 Spring *
 .4 of 1 second foot *
 Irrigation *
 Priority 4-21-1909 *

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

Water License No. 4563

WHEREAS, On the 21st day of April A.D.1909, GEORGE E. STEPHENS, of Bennington, County of Bear Lake, State of Idaho, duly made application (No. 4563) to me for a permit to use .4 of 1 second foot of the waters of a spring, County of Bear Lake, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 21st day of April, A.D.1909, Permit No. 4563, 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 21st day of October A.D.1909, and for the application to beneficial use of said water on or before the 21st day of October A.D.1909, and

WHEREAS, On the 30th day of June A.D.1909, GEORGE E. STEPHENS, the holder of said permit duly made proof of the completion of adequate works for the diversion of .4 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 4563, dated August 5, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .4 of 1 cubic foot per second of the waters of a spring, with date of priority of April 21, 1909, and

WHEREAS, On the 30th day of June, A.D.1909, GEORGE E. STEPHENS, the holder of said permit duly made proof of the application to beneficial use of .4 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 GEORGE E. STEPHENS, of Bennington, County of Bear Lake, State of Idaho, the holder and owner of said Permit No 4563 a perpetual right, dating from April 21, 1909, to the use of four tenths of one cubic foot per second of the waters of a spring, 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 the northwest quarter of the northeast quarter (NW4 NE4) Section 3, Township 12 South, Range 44 East of Boise meridian, and conducted to and upon (5 acres in southwest quarter of northeast quarter (SW4 NE4) 10 acres in northeast quarter of northeast quarter (NE4 NE4) and 5 acres in the northwest quarter of northeast quarter (NW4 NE4) Section 3, township 12 south ,range 44 east of 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 5th day of August,
 A.D. Nineteen hundred and nine.

(SEAL)

Recorded August 5, 1909

Jas. Stephenson, Jr.

State Engineer.

