

No. 7889.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Peter Lund,

Postoffice address: Soda Springs,

County: Bannock, State, Idaho.

2. The quantity of water claimed is 1-3/5 cubic feet per second.

3. Source of water supply: Horsely Creek.

County of Bannock.

4. Location of point of diversion: S. W. Corner SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2 T. 9 S. R. 41 E. B. M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 80 acres.

(b) In the following legal subdivisions: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10 T. 9 S. R. 41 E. B. M.

6. Estimated cost of works: \$350.00.

7. Description of works for diversion:

I. Kind of works, dam, ditch, reservoir & Ditch.

II. Dimensions of works:

(a) Height of dam 3 feet, length of dam at top 10 feet, length of dam at bottom 8 feet. Material used in construction, wood, earth & stone.

(b) Capacity of reservoir: 20 acre feet.

(c) Size of headgate; Width 3 feet, height 2 feet.

(d) Conduit, ditch, width at bottom 2 feet, width at water line 2 $\frac{1}{2}$ feet, depth of water 1 foot. Average grade per mile is 7 feet. Length of conduit is one mile and itcrosses the following quarter sections: W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11 & NE $\frac{1}{4}$ NE $\frac{1}{4}$

Sec. 10 T. 9 S. R. 41 E. B. M. to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is two years.

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

Peter Lund, Applicant.

By Chas. B. Wilson, Agent..

APPROVAL OF STATE ENGINEER.

The number of this permit is 5450.

Date of first receipt of application 9.00 a. m. November 15, 1909.

Recorded in Book 16, Page 5450, Approved November 15, 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 January 14, 1910, 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 15, 1910.

The whole of said work to be completed on or before November 15, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to November 15, 1911.

Witness my hand this fifteenth day of November, 1909.

Jas. Stephenson, Jr.,

State Engineer.

Both Notices received October 9th, 1911, fixing November 15th, 1911, as date, and Soda Springs, Idaho, as place of proof.

Deposition blanks mailed October 10th, 1911, to Harry Drewery, J.P.

Publication Notice mailed October 15th, 1911, to the Soda Springs Chieftain.

Depositions and affidavit of publication received November 20th, 1911.

Fees received December 12th, 1911.

C. B. Wilson authorized May 28th, 1912, to make the required examination.

Report received June 19th, 1912.

Certificate and License issued June 25th, 1912.

License issued for 1.2 second-feet.

Permit No. 5450

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that PETER LUND, of Soda Springs, County of Bannock, and State of Idaho, the holder of Permit No. 5450, issued upon Application No. 7889, bearing date of priority of November 15th, 1909, authorizing the diversion of 1.6 second feet of the waters of HORSELEY CREEK, County of Bannock, 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 1.6 second foot of the waters of Horseley Creek, that the point of diversion of said waters is at a point in the Southwest Corner of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 2, Township 9 South, Range 41, 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: South half of the Northeast quarter (SE $\frac{1}{2}$ NE $\frac{1}{4}$), Section 10, Township 9 South, Range 41, East of the Boise Meridian.

Witness my hand this 25th day of June, A.D. 1912.

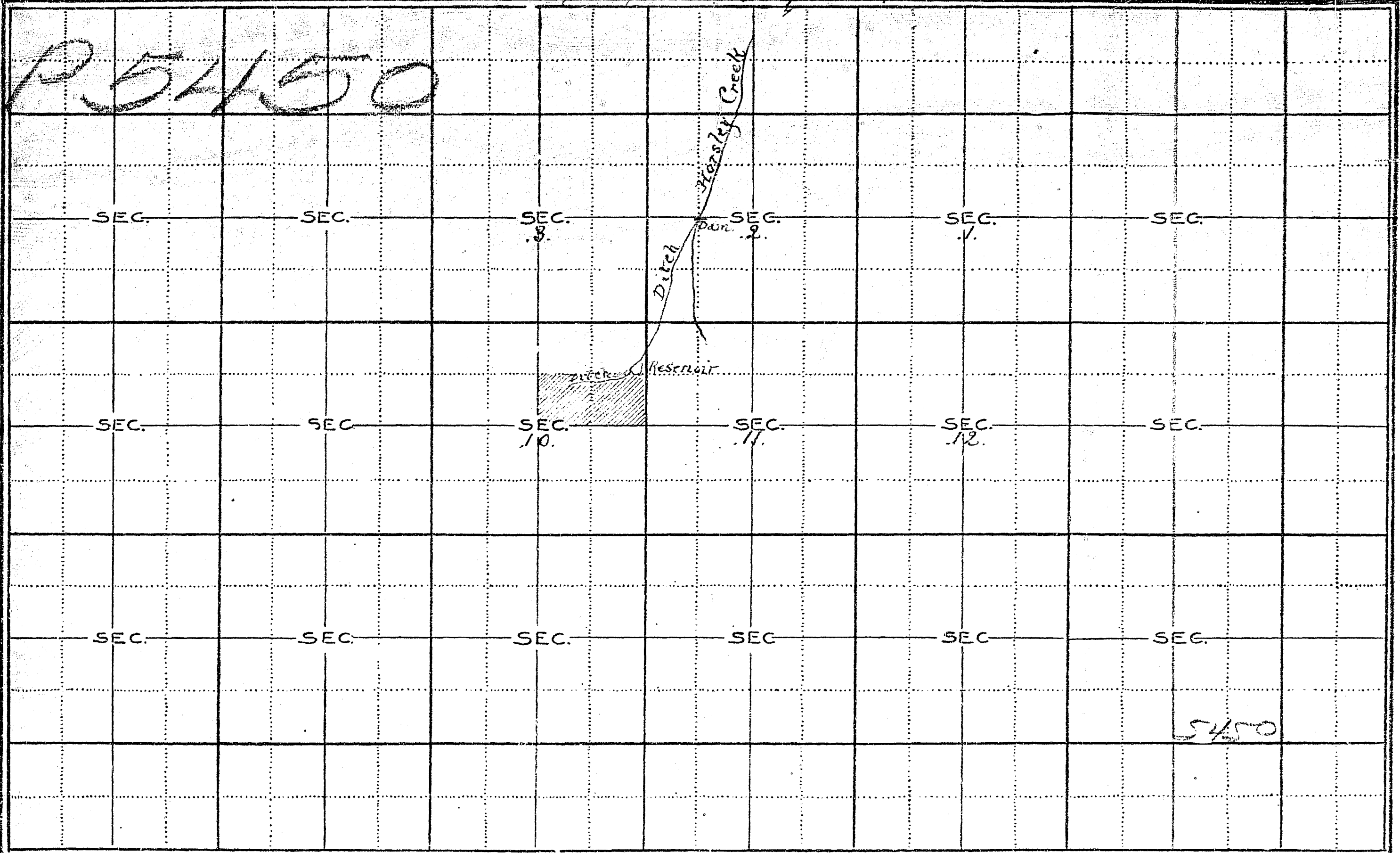
A. E. Robinson.

State Engineer.

License issued for 1.2 second feet

Township No 9 South Range No 41 E.B.M.

15150



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

Printed and for sale by the Statesman Printing Co., Boise, Idaho

5450

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, Jr.
STATE ENGINEER

Permit No. 5450
Peter Lund,
Chas. B. Wilson,
Soda Springs, Idaho
Dear Sir:

Boise, Idaho, December 3, 1909

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.

5450

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Peter Lund,
Soda Springs, Idaho.

Boise, Idaho, August 1st, 1911.

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. 5450.

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof MUST be on or before November 15th, 1911.

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

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

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

Yours truly,

A. E. ROBINSON
State Engineer.

5450

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) September 13 1911

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

DEAR SIR: Notice is hereby given that at 10 A. M. on the 15th day of November, 1911, at Soda Springs, County of Bannock, State of Idaho, before Harry Brewen J P proof will be submitted of the completion of works for the diversion of 1 3/5 cubic feet per second of the waters of Horsley 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

Peter Lund

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 5450, and the date set for the completion of

such work is September 15, 1911

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 1 3/5 cubic feet per second.

6. The amount of lands for which said water is available is 80 acres, particularly described as follows: S 1/2 NE 1/4 Sec 10 T 9 S R 41 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 desires that the above notice be published, according to law, in the Soda Springs Chief of Soda Springs published in the county in which said works are situated; the expense of which publication will be borne by the

(Signature)

Peter Lund 5450

RECEIVED

OCT 10 1911

CHIEF OF STATE ENGINEER

Survey 82 1/2 No 2 95-41E

State of Idaho

ENGINEERING DEPARTMENT

BOISE

D. G. MARTIN,
ENGINEER

INSTRUCTIONS.

Proof of Completion of Works

Peter Lund

c/o Harry Drewery, J.P.

Soda Springs, Idaho.

Boise, Idaho, Oct. 10, 1911

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No. 5450.

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....November 15, 1911, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Soda Springs,.....before Harry Drewery, J.P.....

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00. When these have been received, together with report of the examining engineer if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

~~D. G. MARTIN,~~

A. E. Robinson,

State Engineer.

5450

October 10, 1911.

Permit 5450.

Chas. H. DeCamp,
Water Com. 1st Div.,
St. Anthony, Idaho.

Sir:-

On November 15th, Peter Lund, of Soda Springs,
Bannock county, desires to make proof of completion
of works for the diversion of 1,650 second feet of the
waters of Horsley creek.

Very truly yours, .

State Engineer.

RMF.

By...

5450

Soda Springs.

Ldaho.

October 9th 1911

The State Engineer }
Borise.

RECEIVED

OCT 13 1911

OFFICE OF STATE ENGINEER

Dear Sir

My Permit No 5450, reads that both
"Completion of Works & Beneficial Use," Proofs
must be made on the same day, November
15, 1911. The Paper I have already sent
you only states, completion of works, please
give this matter your attention.

Absence from home has caused the
delay in writing.

Yours truly,
Feber Lund

5450

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 15th
day of November, 19 11, at Soda Springs, County of
Bannock, State of Idaho, before Harry Drewery, J.P.
proof will be submitted of the completion of works for the diversion of 1.6
cubic feet per second of the waters of Horsley creek,
and of the application to beneficial use of said water in accordance with the terms and conditions
of Permit No. 5450 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
Peter Lund, Soda Springs, 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 use, in accord-
ance with the plans accompanying the application for such permit, is 1.6
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 1.6 cubic feet per second.

4. The place where said water is used is S2 NE4 Sec.10, Tp. 9 S., R. 41 EBM

5. The date of priority which said user is prepared to establish is
Nov. 15, 1909.

D. G. MARTIN,
~~Recorded~~

A. E. Robinson, State Engineer.

Oct. 13, 1911

Permit 5450-Peter Lund

Soda Springs Chieftain,
Soda Springs, Idaho.

Gentlmen:-

I am inclosing you herewith a combined notice of proof of completion of works and beneficial use of water under above permit, to be published in lieu of the notice for completion of works alone which was sent you on the 10th inst.

Very truly yours,

State Engineer.

Not.

By...

5450

October 13, 1911.

Permit 5450-Peter Lund

Harry Drewery,
Soda Springs, Idaho.

Sir:-

I am just in receipt of a letter from Mr. Peter Lund in which he states that both proofs are to be made on November 15th. I am, therefore, inclosing you deposition blanks for proof of beneficial use.

Very truly yours,

State Engineer.

DEBU

By....

5450

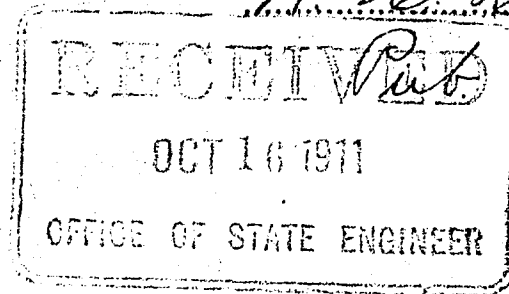
(Place) Soda Springs, Ida
(Date) October 14, 1911

State Engineer, Boise.

Dear Sir:

I have your letter of October 13th enclosing Notice
of Completion of Works under Permit No. 5450 which will be publish-
ed as you request, beginning with our issue of October 19, 1911.

W. H. Hildreth



Soda Springs, Chieftain

5450

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Peter Lund, age 55, Soda Springs, Idaho, Farmer,
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. 5450, Nov. 15th 1909, one 3/5 Cubic feet per second,
Horsley Creek, S.W.Cor S.E.1/4. N.W.1/4 Sec 2 T.9. S.R. 41 E.B.M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation and domestic purposes. Eighty acres,
S.1/2 N.E.1/4, Sec 10 T.9. S.R.41. E.B.M.

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

Ans. Yes, one and one fifth cubic feet or 60 miners inches,

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. _____

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

main dam is 3 ft high, at top 10 feet long, at bottom 8 ft.

Ans. One Dam and one ditch and one reservoir and one dam at
reservoir. Upper Dam; Wood, Earth and rock with culvert,

Lower Dam, Concrete Wings with head gate in center of dam, fifty
foot flume of lumber between the two dams and 3/4 mile of ditch
to reservoir, and about 3/4 mile of ditch to points of distribution
capacity of main ditch, bottom 2 ft. water line 2 1/2 ft, length
one 1/2 mile, grade 7 ft to mile, cost of all \$450.00

I hereby certify that the foregoing testimony was read to the above subscriber before his signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Soda Springs County of Bannock State of Idaho, on this 15th day of Nov. A. D. 1911

Justice of the Peace.

XXXXXX

XXXXXX

5450

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

PERMIT NO. 5450

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Ellis Kackley, age 29, Physician, Soda Springs, Idaho.

Ques. 2. Are you acquainted with Peter Lund, the holder of Permit No. 5450, authorizing the diversion of 1 3/5 second-feet of the waters of Horsley Creek, at Soda Springs for irrigation & domestic purposes? How long have you known him, and where does he reside?

Ans. Forteen Years, Soda Springs, Idaho.

Ques. 3. Have you read or heard read said Permit No. 5450, 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, some is clay land, some is rocky, and some sandy loam, about one inch to the acre, S.E. 1/4 of the N.E. 1/4 and the S.W. 1/4 of the N.E. 1/4, Sec 10 T.9. S.R. 41 E.B.M. Bannock County.

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. Main dam 3 ft high, length at top 10 ft. at bottom 8 ft.

Ans. two dams, one reservoir, flume and ditch, upper dam constructed of wood earth and stone, lower dam, concrete, flume of lumber, Ditch about one mile long, width at bottom 2 ft, at water line about 2 1/2 ft. grade about 7 ft to a mile.

(Sign here.)

Ellis Kackley

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 15th day of

Nov. 1911

A. D. 1911

A. D. 1911
Justice of the Peace.

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

PERMIT NO. 5450

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. E.D. Wilson, age 32, Section foreman, Soda Springs, Idaho.

Ques. 2. Are you acquainted with Peter Lund, the holder of Permit No. 5450, authorizing the diversion of 1 3/5 second-feet of the waters of Horsley Creek, at Soda Spgs' Idaho. for Irrigation & domestic purposes? How long have you known him, and where does he reside?

Ans. Yes, about two years, Soda Springs, Idaho.

Ques. 3. Have you read or heard read said Permit No. 5450, 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, S.E. 1/4 of the N.E. 1/4. and S.W. 1/4 of the N.E. 1/4
Sec 10. T.9. S.R. 41. E.B.M. bannock County. Clay, sandy, and rocky.
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, Yes.

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

Ans. Main dam, height 5 ft. length at top 10 ft. length bottom 8 ft.
one dam built of wood, Earth and rock, one dam built of concrete,
about a mile of ditch and about 60 ft of flume of lumber. the ditch
is 2 ft wide at bottom, 2 1/2 ft at water line, and has a grade of
about 7 ft to the mile. average about 18 inches deep

(Sign here.)

E. D. Wilson

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 15th day of

Nov. 1911

A. D. 1911

NOTARY OF STATE IN CHARGE

Justice of the Peace.

A. D. Wilson

5450

Permit No. 5450

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. Peter Lund, age 55, Soda Springs, Idaho, 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. 5450, Nov. 15 th 1909, ~~Nov 25 th 1909~~, July 1st. 1910

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

Ans. Horsley Creek, S.W. Corner. S.E. 1/4 ^{N.W. 1/4} Sec. 2. T. 9. S.R. 41.
E.B.M.

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

Ans. Two dams, Flume, and ditches, 1 3/5 Cubic Feet. Lund Ditch.

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. S.E. 1/4 of the N.E. 1/4
and the S.W. 1/4 of the N.E. 1/4 of Sec 10 T. 9. S.R. 41 E.B.M. Bannock
County. all but about 20 acres of hill that cannot be irrigated, in
the S.E. 1/4 of the N.E. 1/4. Sec 10.

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

Ans. _____

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

Ans. one inch to the acre.

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. _____

STATE ENGINEER

5450

05/5

[illegible][illegible]

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 _____, State of Idaho, on this _____ 15 th day of Nov. _____ A. D. 1911 _____
Justice of the Peace.

[illegible]

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

Ans. XXXXXXXX JULY 1st 1910
and all through the irrigation seasons of 1910 and 1911. by dams and ditches and irrigation, one and one fifth cubic feet per second, to the extent of irrigating 60 acres of aforesaid lands.

Permit No. 5450

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Ellis Kackley. age 39. Physician. Soda Springs, Idaho.

Ques. 2. Are you acquainted with Peter Lund the holder of Permit No. 5450? How long have you known him and where does he reside?

Ans. Fourteen Years, Soda Springs, Idaho.

Ques. 3. Have you read or heard read said Permit No. 5450, 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. Horsley Creek. S.W. corner S.E.1/4 N.W.1/4 Sec 2. T. 9. S.R.41
 E.B.M. two dams, lumber flume, and ditches. upper dam constructed
 wood, rock and earth. lower dam of concrete, the ditch is 2 ft wide
 at the bottom 2 1/2 ft at water line and about one mile long.

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 1 1/2 Cubic feet. about one and 1/5 cubic feet.

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

Ans. Irrigation and domestic purposes, the S.E.1/4 of the N.E.1/4
 about 20 acres. The S.W.1/4 of the N.E.1/4, 40 acres all in
 Sec. 10. T.9. S.R.41 E.B.M.

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

Ans.

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NOV 24 1917

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. some of this land is clay, some sandy, some gravelly.
 about one inch to the acre

5450

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 water diverted under said permit.

Ans. During all of the irrigating season of 1910 and 1911 and since July 1st 1910, by personally witnessing the water in the ditch and on the lands aforesaid, about one and 1/5 cubic feet per second.

(Sign) *Wm. H. Harty*

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

County of Bannock State of Idaho, on this 15th day of Nov. 1911 A. D. 19

Wm. H. Harty
Justice of the Peace.

257.5

Form 123
The deposition of two witnesses, on this form, taken separately, required in each case.

Permit No. 5450

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. E.D. Wilson, 32. Soda Springs, Idaho. Section Foreman.
Soda Springs, Idaho.

Ques. 2. Are you acquainted with Peter Lund the holder of Permit No. 5450? How long have you known him and where does he reside?

Ans. Yes. 2 years. Soda Springs, Idaho.

Ques. 3. Have you read or heard read said Permit No. 5450, 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. Horsley Creek. S.W. corner S.E. 1/4 N.W. 1/4 Sec 2. T. 9. S. R. 41. E. B. M. x

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 one and one half Cubic feet per second. about 60 miners 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 and domestic purposes. S.E. 1/4 of the N.E. 1/4 S.W. 1/4. N.E. 1/4. Sec 10 T. 9. S. R. 41 E. B. M. Bannock County Idaho. on the S.E. 1/4 of the N.E. 1/4 20 acres: on the S.W. 1/4 of the N.E. 1/4 all of the 40 acres.

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

Ans.

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NOV 20 1911

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. sandy loam, gravelly, and clay. one inch to the acre.

2575

STATE OF IDAHO, COUNTY OF BERNCOCK, ss.
I, the undersigned, a Justice of the Peace for and in and for the County of Berncock, State of Idaho, do hereby certify that the foregoing testimony was read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Berncock County of Idaho, on this 15th day of Nov. 1911.

Justice of the Peace.

(Sign) G. B. Williams

the present time, by personal observation, about 60 miners inches. the year 1910, and all through the irrigating season of 1911, up to Aug. July, August, Sep, and all through the summer and fall of

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

Ans. No.

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

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 19th day of October 1911, and the date of the last publication was on the 9th day of November, 1911.

W. H. Hildreth

Subscribed and sworn to before me this tenth day of November, 1911.

L. B. Eastman
Notary Public.

My Commission Expires Dec 26, 1914

5450

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 18th day of November, 1911, at Soda Springs, County of Bannock, State of Idaho, before Harry Drewery, J. P., proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of the waters of Horsley creek, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 5460, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said permit is: PETER LUND, Soda Springs, 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 use, in accordance with the plans accompanying the application for such permit, is 1.6 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 1.6 cubic feet per second.

4. The place where said water is used is S4 NE4, Section 10, Township 9 South, Range 41 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is November 15, 1909.

A. E. ROBINSON, State Engineer.
First pub Oct. 19; last Nov. 9.

November 21, 1911

Permit 5450

Peter Lund,
Soda Springs, Idaho.

Sir:-

Am in receipt of depositions and affidavit of publication for both proof of completion of works and beneficial use of water under above permit, also; fee for proof of completion of works. There still remains the fee for proof of beneficial use of water amounting to \$2.00. Upon receipt of this amount, together with the report of the water commissioner, the matter of issuing the certificate and license will be taken up.

Very truly yours,

State Engineer.

R4081.

By...

5450

Soda Springs

Idaho

Dec 2 1911

The State Engineer

Boise }

Dear Sir:

I am in receipt of your letter of 21st ult
wherein you enclose P.O. Order for \$^{2.00}/₁₀₀ as requested

Yours truly,

Peter Lund.

RECEIVED

DEC 7 1911

OFFICE OF STATE ENGINEER

5450

December 12th, 1911.

Re: Permit 5450.

Peter Lund,
Soda Springs, Idaho.

Sir:

I am in receipt of your letter of the 2nd inst., enclosing fees for proof of beneficial use of water under the above permit. I am enclosing herewith receipt for same. As soon as the report of the Water Commissioner is in, the matter of issuing the Certificate and License will be taken up.

Very truly yours,

State Engineer.

By _____

Enc. R-4107

B/P

5450

April 6th, 1912.

Re: Permit #5450.

Peter Lund,
Soda Springs, Idaho.

Sir:

Owing to the increased amount of work required of the water commissioners, it will be impossible for them to make the examinations in the matter of proof under the small water rights. It will, therefore, be necessary for you to have this work done by some one whom you know to be competent to make such examination and report. If you will send the name of such a party, instructions and blanks will be furnished him. A licensed surveyor is preferred where one can be conveniently obtained.

Very truly yours,

State Engineer.

By _____

5450

Soda Springs.
Idaho.

May 20 1912.

The State Engineer.
Boise.

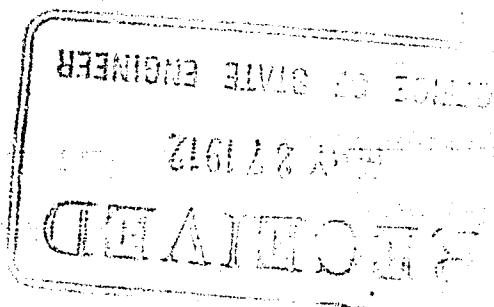
Re. Permit # 5450

Dear Sir:

I beg to suggest, W. C. B. Wilson, of Soda Springs,
as Engineer, to make examination of work done, &
application of Water to beneficial use, under my Permit.

Yours truly,

Peter Lund



5450

Office of the State Engineer

Boise, Idaho, May 28 1912

C. B. Wilson,

Soda Springs, Idaho

DEAR SIR:

~~Peter Lund~~, residing at ~~Soda Springs~~
County of ~~Bannock~~, State of ~~Idaho~~, has requested that
you make examination required under Permit No. ~~5450~~. Will you
therefore, arrange with the holder of said Permit to make such examination as will
enable you to answer the questions on the enclosed blank? Also, make a sketch on
the enclosed blank plat showing source of supply, point of diversion, route of ditch
and place of use. You should, also, arrange with the holder of said Permit for the
payment of your fee for your services, and such proper expenses as you will incur in
making this examination and report.

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

Very truly yours,

A. E. ROBINSON,

State Engineer.

5450

Soda Springs
Idaho.
June 3rd 1912

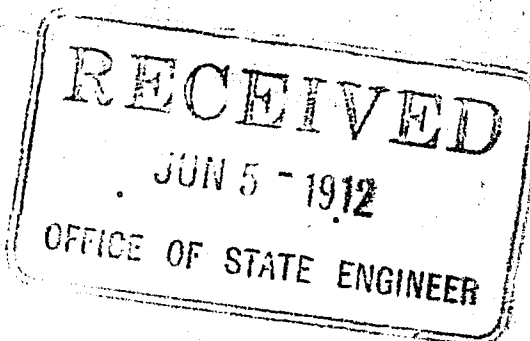
A. E. Robinson Esq.
State Engineer.
Boise

Permit No. 5450
Peter Lund

Dear Sir,

Your letter of 28th ult. re examination &
report on above Permit, I have, & contents noted.
I will attend to the same, at the earliest
convenience.

Yours truly,
Chas. E. Viles



5450

Complete
Lund

REPORT OF ENGINEER.

1. State name of applicant and number of permit: *Peter Lund, No. 5450*
2. State source of water supply: *Morsley Creek*
3. Location of point of diversion: *S.W. Corner S.E. 1/4 NW 1/4 Sec. 2 T. 9 S. R. 41 E. B.M.*
4. State whether or not the works of diversion are fully completed and in accordance with the 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: *2 1/2 feet*
 - (c) Depth of water: *1 foot*
 - (d) Grade per mile: *7 1/2 feet*
 - (e) Capacity of ditch: *1 3/5* second feet.
6. State whether or not water has been turned into works of diversion, and if so, to what extent: *Yes To the full extent*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract: *S 1/2 NE 1/4 Sec. 10 T. 9 S. R. 41 E. B.M.*
SE 1/4 NE 1/4 Sec. 10 T. 9 S. R. 41 E. B.M. = 25 acres
SW 1/4 NE 1/4 Sec. 10 T. 9 S. R. 41 E. B.M. = 35 acres
8. Submit map on enclosed plat, showing source of supply, point of diversion, route of ditch or ditches and cross-hatch lands to be irrigated.

Remarks:

STATE OF IDAHO,

County of *Bannock*

ss.

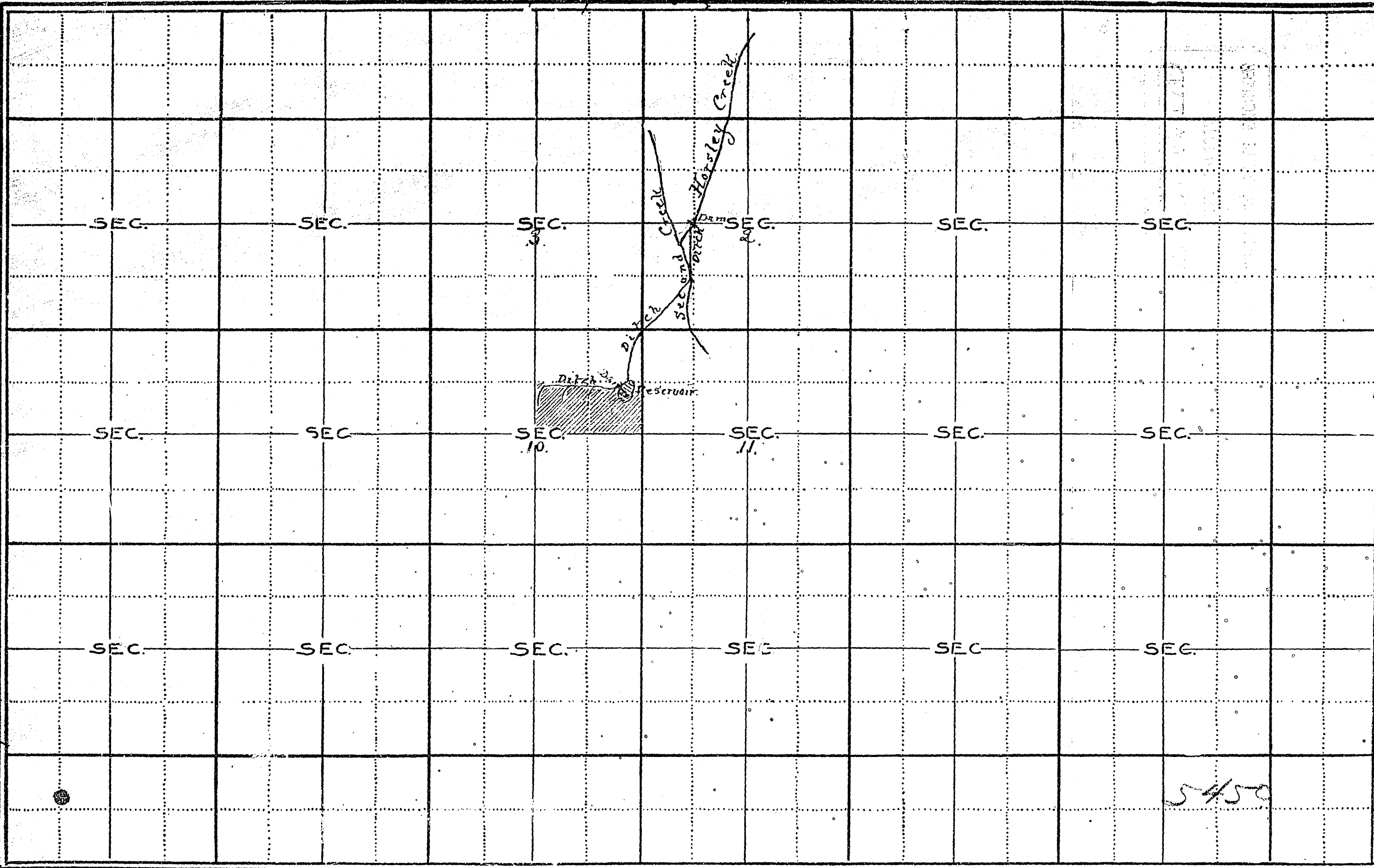
Chas. B. Blevins

Chas. B. Blevins 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 *18* day of *June* 191*9*

My Commission Expires *Feb. 14 - 1914*

Notary Public.



5450

Name of Applicant: Peter Lund

Encl

Soda Springs.

I dated

Jan 18th 1912.

A. E. Robinson Esq

State Engineer.

Boise

Peter Lund.

Permit No. 5450

Dear Sir.

I herewith enclose Report, with Maps, re
above Permit.

Yours Truly,
Chas. Wilson.

RECEIVED

JAN 19 1912

OFFICE OF STATE ENGINEER

5450

5450

July 10, 1912

Permit 5450

Peter Lund,
Soda Springs, Idaho.

Sir:-

Am inclosing you herewith certificate
and license issued under above permit.

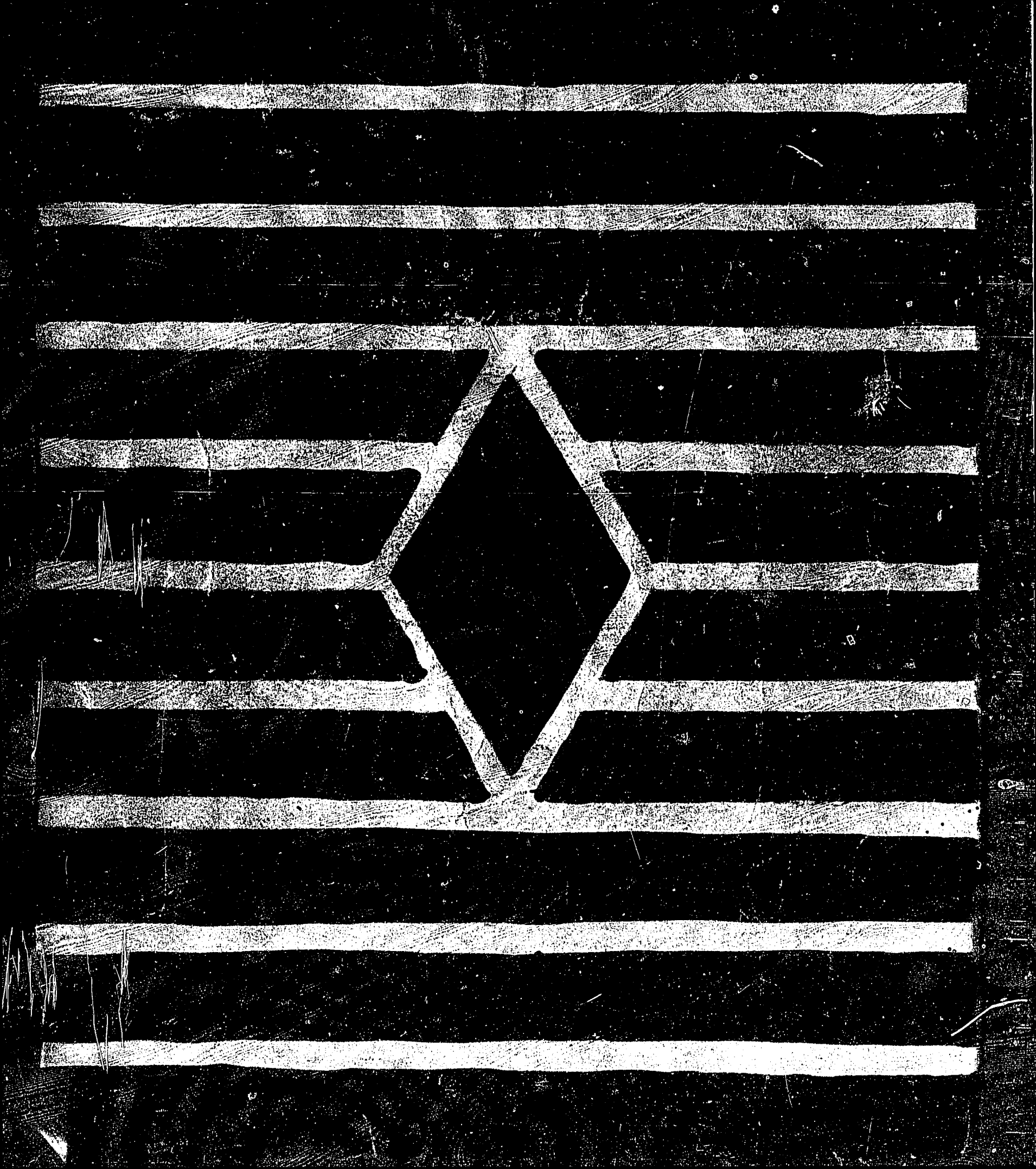
Very truly yours,

State Engineer.

CCW-L

By...

5450



 Bannock County *
 Horseley Creek *
 1.2 second-feet *
 Irrigation *
 Priority 11/15/1909 *

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

Water License No. 5450

WHEREAS, On the 15th day of November, A.D. 1909, PETER LUND, of Soda Springs, County of Bannock, State of Idaho, duly made application (No. 7889) to me for a permit to use 1.6 cubic feet per second of the waters of HORSELEY CREEK, County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 15th day of November, A.D. 1909, Permit No. 5450 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 15th day of November, A.D. 1911, and for the application to beneficial use of said water on or before the 15th day of November, A.D. 1911, and,

WHEREAS, On the 15th day of November, A.D. 1911, PETER LUND, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 5450, dated June 25th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of water, with date of priority of November 15th, 1909, and,

WHEREAS, On the 15th day of November, A.D. 1911, PETER LUND, the holder of said permit, duly made proof of the application to beneficial use of 1.2 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to PETER LUND, of Soda Springs, County of Bannock, State of Idaho, the holder and owner of said Permit No. 5450, a perpetual right, dating from November 15, 1909, to the use of 1.2 cubic feet per second of the waters of HORSELEY CREEK, in the County of Bannock 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 Southwest Corner of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 2, Township 9 South, Range 41, East of the Boise Meridian, and conducted to and upon 60 acres, divided as follows: (25 acres in the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), and 35 acres in the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 10, Township 9 South, Range 41, 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 25th day of June, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson.
 State Engineer.

