

No. 13179.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: T. H. Horsley, J. E. Lau, D. J. Lau and H. M. Lau.

Postoffice address: Soda Springs

County: Bannock State: Idaho.

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(d) Names and addresses of directors:

(c) The amount paid in:

II. The financial resources of the applicant are: (a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:

2. The quantity of water claimed is seventeen and thirty-two hundredths cubic feet per second.

3. Source of water supply: Five Mile Meadows Marsh.

4. Location of point of diversion: SE4 NW4 Sec. 13 Twp. 8 S. R. 41 E. B. M. See Remarks.

5. To be used for: Irrigation and domestic purposes.
County of Bannock.I. Irrigation and domestic use: (a) Amount of land to be irrigated: 866.16 acres.
(b) In the following legal subdivisions: Lot 4, SE4 SW4, Sec. 31, Twp. 8 S. R. 42 E. B. M.
and all of Section 6 and S2 SE4, S2 SW4 Sec. 7, Twp. 9 S. R. 42 E. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

[c] Is water to be returned to any stream?
return: (d) If so, name stream and locate point of

ft. head

6. Estimated cost of works: \$1000.00

7. Description of works for diversion:

I. Kind of works: ditch

II. Dimensions of works:

[a] Height of dam

feet, length of dam at top

length of dam at bottom

feet. Material used in construction:

[b] Capacity of reservoir

acre feet. [c] Size of headgate, width 8

feet,

Height 3

feet. (d) Conduit

ditch

feet,

width at water line 8

feet, depth of water 3

feet; diameter of pipe

inches; average grade per mile is 7 feet. Length of conduit is 3½ miles,
and it crosses the following quarter sections: part of NW4 and SW4 Sec. 13, NE4 SW4, SE4
Sec. 24, NE4, SW4 Sec. 25 NW4, NE4, SE4 Sec. 36, Twp. 8 S. R. 41 E. B. M. Sec
Remark 4.

8. The time required for the completion of the construction of such work is 3 years.

9. Time required for the complete application of the water to the proposed use is 0
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.T. J. Horsley, J. E. Lau, D. J. Lau, H. M. Lau, Applicant.
JEL.

By

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. September 21, 1912.

Returned to applicant for correction September 21, 1912.

Corrected application received September 27, 1912.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8769.
Recorded in Book 28 Page 8769 Approved October 12, 1912.
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 approve the same, subject to the following limitations and conditions.
Bond in the sum of _____ to be filed on or before _____
Work to begin on or before December 11, 1912 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 April 12, 1914.
The whole of said work to be completed on or before October 12, 1915.
Beneficial use of water appropriated in accordance herewith, to be made on or before October 12, 1915.

Witness my hand this 12th day of October, 1912.

A. E. Robinson,
State Engineer.

Remarks:

#1. The point of diversion is located on Government Land.

#2. It is our intention to convey the water from point of diversion to a point in the NE4 Sec. 36, Twp. 8 S. R. 41 E. B. M. from where it will be taken through our ditch to and upon the lands to be irrigated.

#3. The second point of diversion, or where the water is turned into our ditch is located on State land described as NE4 SE4 Sec. 36, Twp. 8 S. R. 41 E. B. M.

#4. The ditch conveying the water from the natural waterway will cross part of the SE4 Sec. 36, Twp. 8 S. R. 41 E. B. M., the SW4 and part of SE4 Sec. 31, Twp. 8 S. R. 42 E. B. M., the NE4 and part of SE4 Sec. 6, across the SW corner of SW4 Sec. 5, the NW4 and SW4 Sec. 8, and the SE4 and SW4 of Sec. 7, Twp. 9 S. R. 42 E. B. M.

.....

Proof of completion of works made Sept. 18, 1915.

Report of Engineer made May 22, 1916.

Certificate of Completion of Works issued June 10, 1916.

Permit No. 8769. CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:-

This is to certify that T. H. Horsley, J. R. Lau, D. J. Lau and H. M. Lau, of Soda Springs, County of Bannock State of Idaho, the holders of permit No. 8769, issued upon Application No. 12179, bearing date of priority of September 21, 1912, authorizing the diversion of 17.32 second feet of the waters of Five Mile Meadows Creek, County of Bannock, State of Idaho, for irrigation and domestic use, have fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of 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 17.32 second feet of the waters of Five Mile Meadows Creek; that the point of diversion of said waters is in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 13, T. 8 S., R. 41 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lot 4 and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 31, T. 8 S., R. 42 E. B. M., All of Section 6 and S $\frac{1}{2}$ of SW $\frac{1}{2}$ of Section 7, in T. 9 S., R. 42 E. B. M., containing 880 acres.

Witness my hand this 10th day of June, A.D. 1916.

J. H. SMITH, State Engineer of the State of Idaho.

Recorded by *CHB*
Checked by *CHB*

License issued for 17.32 second feet

Page 2090

Applicants - J. H. Forsberg, J. E. Lewis, S. J. Fawn, H. M. Smith

Trwp 8 S. R. 41 E. B. 3 M.

Trwp 8 S. R. 42 E. B. 3 M.

Natural Channel of 5 miles

Point of diversion

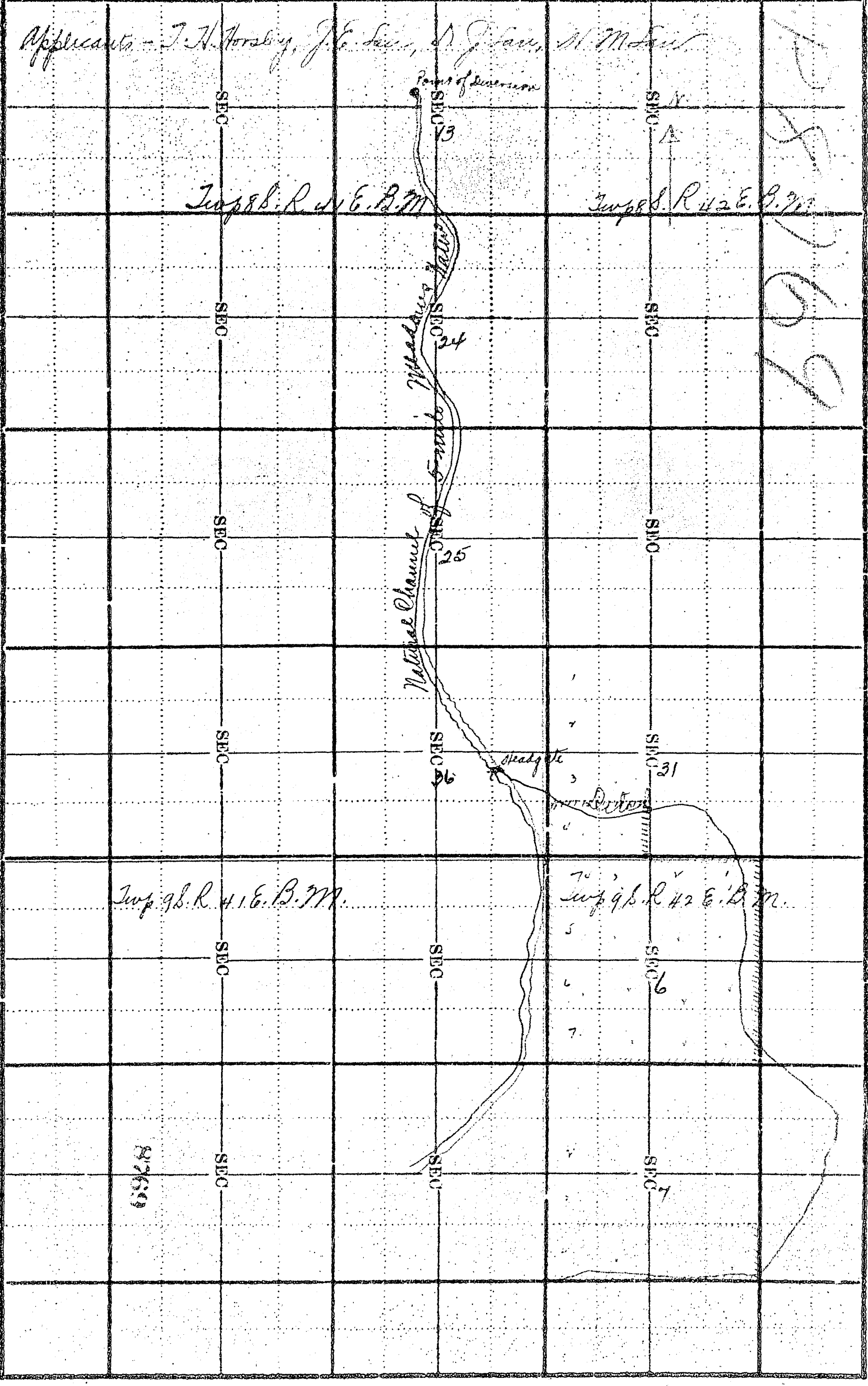
Headgate

Trwp 9 S. R. 41 E. B. 3 M.

Trwp 9 S. R. 42 E. B. 3 M.

69

69



PERMIT NO. 8769
AS APPROVED

OCT 12 1912

A. D. ROBINSON
CHIEF ENGINEER

8769

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON
STATE ENGINEER

Permit #8769-Horsely et al

Boise, Idaho, Oct. 19, 1912

Jackson Real Estate Co.,

Pocatello, 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.

A. E. ROBINSON,
State Engineer.

8769

The Jackson Real Estate Company

POCATELLO, IDAHO

June 17, 1915.

State Engineer,

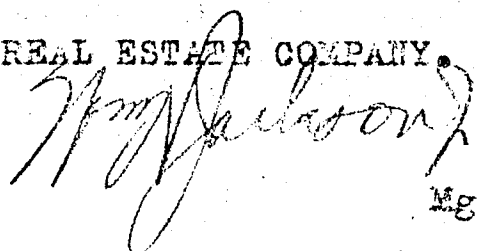
Boise, Idaho.

Dear Sir:--

We would thank you to forward to us the necessary blanks to prepare a notice of proof of application of water to beneficial use under Permit 8769.

Yours very truly,

JACKSON REAL ESTATE COMPANY.



Mgr.

WHJ.CB

75-6-24 U

8769

RECEIVED

JUN 18 1915

OFFICE OF STATE ENGINEER

June 18, 1915.

Permit No. 8769. Horsley & Lau.

Jackson Real Estate Co.,
Pocatello, Idaho.

Gentlemen:

Per your request the 17th, I am enclosing herewith affidavit form for proof of completion of works, with instructions, also, blanks notices for proof of beneficial use of water under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

F5-6-3NU

By _____

8769

Bannock Abstract & Trust Company

ABSTRACTS, LOANS AND INVESTMENTS.

PUBLIC LAND MATTERS A SPECIALTY

Pocatello, Idaho.

June 30, 1915

Mr. J. H. Smith,

State Engineer,

Boise, Idaho.

Dear Sir:

We hand you herewith notice for publication in the matter of final proof permit No. 8769, together with authorization for publication of notice.

Yours truly,

BANNOCK ABSTRACT & TRUST COMPANY.

Wm. H. Jackson, Jr.
Pres.

WHJ.LW

8769

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 30 1915.

(P. O.) Soda Springs, Bannock County, Idaho.

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Soda Springs Chieftain, of Soda Springs, Idaho, published in the
county in which the works are situated.

A. H. Horskey *A. M. Lau*
J. E. Lau *J. J. Lau*

(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 attached notice are true.

Engineer.

**NOTICE OF PROOF OF COMPLETION OF WORKS
AND
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 11 a.m. on the 11th
day of September, 19 15, at Bancroft, County of
Bainbridge, State of Idaho, before Wm. H. Jackson, Jr.
proof will be submitted of the completion of works for the diversion of 17.32
cubic feet per second of the waters of Five Mile Meadows Marsh
and of the application to beneficial use of said water in accordance with the terms and conditions
of Permit No. 8769, heretofore issued by the State Engineer of the State of Idaho.

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

T. E. Horsley, J. B. Lau, D. J. Lau and H. M. Lau, 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 17.52
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 17.52 cubic feet per second.

4. The place where said water is used is Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Twp. 8 S.,
R. 42 E.B.M., all of Sec. 6, S $\frac{1}{2}$ of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 7, Twp. 9 S.,
R. 42 E.B.M.

5. The date of priority which said user is prepared to establish is September 21, 1912.

J. H. Smith,

~~XXXXXXXXXX~~

State Engineer

87770

Sept 11

July 2, 1915.

Permit 8769- Hersley, Lau, et al.

Bennock A. & T. Co.,
Pocatello, Idaho.

Gentlemen:--

We are today in receipt of your letter enclosing notices for final proof under above permit. In view of the fact that the amount of water claimed is more than 6.4 second feet, it will be necessary for the notice of proof of completion to be advertised also. I have, therefore, made a combined notice of both proofs to be advertised in lieu of the notice for proof of beneficial use alone. This notice will be sent to the Soda Springs Chieftain in time for the required publication prior to September 11th and deposition blanks will be mailed to Wm. H. Jackson, Jr., at Pocatello, proof to be made at Bancroft.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

8769

(P. O.) Arda Springs, Idaho.

(Date) Aug. 2, 1915.

Stat. Engineer, Boise.

Dear Sir:

I have your letter of July, 28, 1915 enclosing Notice of Proof of Completion of Works and Beneficial Use of Water under Permit No. 8769 which will be published as you request, beginning with our issue of Aug. 5.

P. J. McCormack

8769

State of Idaho

A. E. ROBINSON
ENGINEER

ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

Proof of Completion of Works

T. H. Horsley, et al.

and

c/o Wm. H. Jackson, Jr., Proof of Beneficial Use of water.

Pocatello, Idaho.

Boise, Idaho, August 16, 1915.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 8769.

Deposition of Permit Holder,

Depositions of Two Witnesses.

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

1. On September 11th, 1915, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at

Bancroft before Wm. H. Jackson, Jr., H.P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fees as follows: Fee for proof of completion of works is \$5.00 for ten second feet or less. Over ten second feet a charge of 30 cents a second foot is made. The fee for beneficial use of water, for power purposes is \$5.00; if for irrigation, \$2.00 for each 40-acre tract, or fraction, to which water has been beneficially applied.

When these have been received, together with report of the Water Commissioner, if everything is properly executed, Certificate of Completion of Works and License will issue.

Yours truly,

J. H. SMITH, ~~A. E. ROBINSON~~

State Engineer.

8769

State of Idaho

A. E. ROBINSON
ENGINEER

ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

Proof of Completion of Works

and

T. H. Horsley, et al.,

Proof of Beneficial Use of water.

Soda Springs, Idaho.

Boise, Idaho, August 16, 1915.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 8769.

Deposition of Permit Holder.

Depositions of Two Witnesses.

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

1. On September 11, 1915,..... the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at.....

.....Bancroft..... before..... Wm. H. Jackson, Jr. M.P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fees as follows: Fee for proof of completion of works is \$5.00 for ten second feet or less. Over ten second feet a charge of 30 cents a second foot is made. The fee for beneficial use of water, for power purposes is \$5.00; if for irrigation, \$2.00 for each 40-acre tract, or fraction, to which water has been beneficially applied.

When these have been received, together with report of the Water Commissioner, if everything is properly executed, Certificate of Completion of Works and License will issue.

Yours truly,

J.H.SMITH,

~~A. E. ROBINSON~~

State Engineer.

8769

The Jackson Real Estate Company

POCATELLO, IDAHO

August 17, 1915.

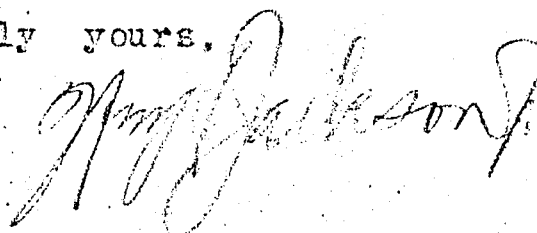
Hon J. E. Smith, State Engineer,

Boise, Idaho.

Dear Sir:

I have a copy of the notice of final proof in the matter of the application of water and completion of works under permit No. 8769, T. H. Horsley, et al. I do not find the necessary papers in this matter however, and either same were not received, or were misplaced since arriving. Probably the latter is the case. I would thank you very kindly, therefore, if you would send me the necessary blanks and instructions.

Sincerely yours,



AUG 18 1915

OFFICE OF STATE ENGINEER

8769

August 18, 1915.

Re Permit 8769. T.H.Horsley, et al.

Wm. H. Jackson, Jr.,
Pocatello, Idaho.

Sir:--

Am enclosing herewith a set of deposition blanks for proof of completion of works and beneficial use of water under above permit. A set of blanks was mailed you on the 16th but may have gone astray.

Very truly yours,

J. H. SMITH,

State Engineer.

DBOWAN

By _____

8769

Certificate of Extension and Non-Protest.

To the State Engineer,
Of the State of Idaho:

I, Wm. H. Jackson, Jr., before whom proof of completion of works and proof of application of water to a beneficial use were advertized to be made at my office at Bancroft, Idaho, by T. E. Forsley, J. E. Lau, D. J. Lau and M. M. Lau, in support of permit No 8769, do HEREBY CERTIFY:--

That my office was open for business on the date which said proofs were to be made, to-wit, on the eleventh day of September 1915, from the hours of nine o'clock A. M. until five o'clock P. M.; that my office was likewise open on each business day thereafter to and including the 18th day of September, 1915; that on the date set for the taking of said proofs, I learned that the applicants could not appear and submit their testimony in said matters; that I learned, also, that said applicants would not be able to appear and submit said proofs sooner than the 18th day of September, 1915; that I thereupon extended the time for the taking of said proofs until the said 18th day of September, 1915; that on the said 18th day of September, 1915 the above named applicants and their two witnesses, to-wit: Ephraim J. Dimick and W. E. Hildreth appeared and submitted their testimony touching on said matters; that though my office was open for business on the days above specified and from the hour mentioned to the hour mentioned on each of said days, that no one appeared at any time during said period for the purpose of protesting the taking of said proofs or either of them or to offer any adverse testimony or submit any adverse claim thereto.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal, this 18th day of September, 1915.

Wm. H. Jackson, Jr.
Notary Public.

SEP 21 1915

8769

Bannock Abstract & Trust Company

ABSTRACTS, LOANS AND INVESTMENTS

PUBLIC LAND MATTERS A SPECIALTY

POCATELLO, IDAHO

September 20, 1915.

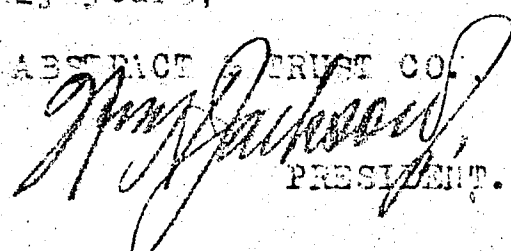
Mr. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:

We hand you herewith Proof of Completion of Works and Proof of application of Water to a Beneficial Use under Permit No. 8769, T. E. Horsley, and others. You will find attached to this Proof a Certificate of Extension and nonprotest which, we believe, is self-explanatory. We trust that you will find everything in proper order and that the Certificate of Extension and nonprotest will satisfy your office as to the Proof not having been taken on the date set.

We would thank you to look over these papers and advise us the amount of money due your office therefor and upon receipt of your letter we will remit you promptly.

Very truly yours,

BANNOCK ABSTRACT & TRUST CO.
BY
PRESIDENT.

J/W
Encl.

SEP 21 1915

8769

Proof of Completion of Works

DEPOSITION OF HOLDER

SEP 21 1915

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

Ans. T. H. Hersley, age 50 years, J. E. Lau, age 46 years;

D. J. Lau, age 49 years; H. M. Lau, age 44 years. All farmers and ranchers. Residence and addresses, all 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. We are acting on our own behalf.

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

Ans. No. 8769. Date, September 12, 1912. Amount of water authorized to be conveyed 17.32 cu. feet. Source of Supply: 5-mile Meadows Marsh. Pt. of diversion, SE 1/4 Sec. 13, Twp 3 S. Range 41 E. R. 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. Water is used for irrigation and domestic purposes. Amt. of land 880 acres. The land is all high land, of a lava ash formation.

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. The water has been turned in to the works of diversion and has been used to the extent of about 12 cubic feet each season.

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. The works are fully completed and they comply with the terms of the permit.

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

Ans. The works do comply with the terms of the permit.

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

Ans. We have a headgate about 6 feet wide and 3 feet high. It is about 3 1/2 miles long and has a grade of 1/2 inch to the rod. The ditch will carry the amount applied for or more at the place of beginning and on the lower end will carry about 1000 inches, or more. Cost of works \$1500.00.

T. H. Hersley (Sign here.)

J. E. Lau
H. M. Lau

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 _____, County of _____, State of Idaho, on this _____ day of _____, 1915.

_____ A. D. 1915.

Wm. J. Peterson
Notary Public.

My Commission expires January 2, 1915.

PERMIT NO. 8769

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

SEP 24 1915

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

Ans. T. H. Horsley, J. E. Lau, D. J. Lau and H. M. Lau, ages 50.

46, 49 and 44 years, respectively. Occupation: Ranchers & farmers.
Address of all, 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. We are not acting on behalf of a corporation, but on our own behalf.

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

Ans. No. 8769. Date Sept 21, 1912. Date of priority, September 21, 1912.

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

Ans. Source: 5-Mile Meadows Marsh. Point of diversion is about 20 rods north of the south line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 13, T. 8 S. R. 41 E. B. M. and about half way between the east and west lines of said subdivision.

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. Headgate: 6 feet wide and 3 feet high. Ditch $3\frac{1}{2}$ miles long, with fall of $\frac{1}{2}$ inch to the rod, 6 feet wide in the bottom and 8 feet wide at water line. Capacity at least 15 cubic feet at beginning and about 10 cubic feet at the bottom or lower end. The works are unnamed.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have *actually* been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

The water is used for irrigation and domestic purposes. Amount of land in each subdivision irrigated and coming under the ditch above described;-- SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31-- 37 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31-- 30 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, the two latter sections in Twp 9 S. R. 42 E. B. M., each forty acres. The Section 31 above described is in Twp 8 S. R. 42 E. B. M. The land is all cultivated land upon which this water is used. Crops of alfalfa and all kinds of grain have been raised as a direct result of the irrigation mentioned.

Ans. The water is used for watering animals on the farms of applicants and to some extent for household purposes.

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

Ans. It will take more than one inch to the acre, the proper irrigation of the lands herein described depending on the nature and other characteristics of the soil.

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. We are the same persons who made the application and to whom the permit was issued.

6928

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

Ans. The water applied for to the extent of twelve to 16 cu. ft. has been diverted in the ditch, and used during the entire irrigation seasons of each of the last four years.

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 rights claimed thereunder.

Ans. None.

(Sign)

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

Bannock, State of Idaho, on this 18th day of Sept.

A. D. 1915.

Notary Public.

Permit No. 2769

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. W. H. Hildreth, age 50 years. Occupation a printer and publisher. P. O. Bancroft, Idaho.

Ques. 2. Are you acquainted with T. H. Horsley, D. J. Lau, H. M. Lau, J. E. Lau, the holder of Permit No. 2769? How long have you known him and where does he reside?

Ans. Yes. I have known them 6 years and they reside at Soda Springs, Idaho.

Ques. 3. Have you read or heard read said Permit No. 2769, 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. Source: Five-Mile Meadows Marsh.

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. I am not acquainted with water measurements, and I have seen the ditch full of water.

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.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation and domestic purposes on the lands of applicants, as follows: S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 31, Twp 8 S. R. 42 E.B.M. and all of Section 6, Twp. 9 South and the S $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7, Twp 9 South, Range 42 East Boise Meridian.

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

Ans. Used same for irrigation and domestic purposes.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land irrigated is high cultivated agricultural land, formerly sage brush land.

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

Ans. None at all.

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. I saw the ditch in operation and the water, the ditch full, being used during the summer of 1915.

(Sign)

H. H. Wilder

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 Bancroft, County of Bannock, State of Idaho, on this 18th day of September, A. D. 1915.

Wm. Jackson

Notary Public.

My Commission Expires January 2, 1919.

Permit No. 8769

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

SEP 11 1913

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

Ans. Ephraim J. Dimick, age 34 years, occupation - a farmer. P. O. Bancroft, Idaho.

Ques. 2. Are you acquainted with T. E. Horsley, J. E. Lau, D. J. Lau, H. M. Lau, the holder of Permit No. 8769? How long have you known him and where does he reside?

Ans. Yes. I have known them 10 years, and they each reside at Soda Springs, Idaho.

Ques. 3. Have you read or heard read said Permit No. 8769, 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. Source of supply: Five-mile Meadows Marsh. They have a headgate 6 feet wide, 3 feet high and a ditch about 6 feet wide in the bottom and $3\frac{1}{2}$ miles long, which has a grade of about 7 feet to the mile.

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. I estimate the ditch will carry 14 cu ft of water. I have seen at least 10 cu ft. I estimate, though I have not measured it.

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.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation as follows: SW $\frac{1}{4}$ SW $\frac{1}{4}$: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, Twp 8 South, and on all of Section 6 and the S $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 7, Twp 9 South, all in Range 42 East Boise Meridian. The water has been used on cultivated land and crops of alfalfa and grain have been raised as a direct result thereof.

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

Ans. It has also been used for watering animals.

8769

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land reclaimed is cultivated sage brush land, and I estimate it would take at least one inch to the acre for the irrigation thereof.

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

Ans. None at all.

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. I have seen what I estimate to be 10 cubic feet used on the lands of the applicants during each of the last four or five seasons.

(Sign) Ephraim J. Linnick

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 Bancroft, County of Bannock, State of Idaho, on this 10th day of September, A. D. 19 15.

Wm. Jackson
Notary Public.

My Commission Expires January 2, 1919.

NOTICE FOR PUBLICATION

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 11th day of September, 1915, at Bannock, County of Bannock, State of Idaho, before Wm. L. Jackson, Jr., proof will be submitted of the completion of works for the diversion of 17.32 cubic feet per second of the waters of Five Mile Meadows Marsh, and of application of beneficial use of said water in accordance with the terms and conditions of Permit No. 8769, heretofore issued by the State Engineer of the State of Idaho.

1. The names and postoffice address of the persons, holding such permit, are T. H. Horsley, J. E. Lau, J. J. Lau and H. M. Lau of 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 17.32 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 17.32 cubic feet per second.

4. The place where said water is used is Lot 4, SE 1/4 SW 1/4, Sec. 11, Twp. 8 S., R. 42 E. B. M., all of Sec. 6, S 1/2 of SE 1/4 and S 1/2 of SW 1/4, Sec. 7, Twp. 9 S., R. 42 E. B. M.

5. The date of priority which said user is prepared to establish is September 21, 1915.

A 5-S2

J. H. SMITH,
State Engineer.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF BANNOCK.) SS

P. J. McCormack,

I, ~~William L. Jackson, Jr.~~ 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 Five successive issues in said newspaper

proper and not in a supplement; that the date of the first publication

of said advertisement was on the Fifth day of

August, 1915, and the date of the last

publication was on the Second day of

September, 1915.

P. J. McCormack

Subscribed and sworn to before me this 2 day of

Sept, 1915

John F. Heberbauer
Notary Public.

September 22, 1915.

Re Permit 8769-- T.H.Horsley, et al.

Bennoch Abstract & Trust Co.,
Pocatello, Idaho.

Gentlemen:--

We are in receipt of your letter of the 20th, enclosing papers in the matter of proof of completion of works and beneficial use of water under above permit. In reply would say that these have been checked and are satisfactory. The fees due are as follows: \$7.20 for proof of completion of works and \$1.00 for each forty acre tract, or fraction, under cultivation, for beneficial use of water. The fees, however, need not be sent until the report of our examining engineer has been made, at which time you will be further notified.

Very truly yours,

J. H. SMITH.

State Engineer.

By _____

8769

REPORT OF ENGINEER

COMPLETION OF WORKS.

1. State name of applicant and number of permit: T. H. Horsley, et al - Permit 8769.
2. State source of water supply: Five Mile Meadows Marsh - 17.32 sec. ft.
3. Location of point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T. 8 S.R. 41 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 and capacities of same: At ~~Five Mile Meadows Marsh~~ - Dam 8' high of earth & stones. 110' long on top, 40' on bottom - headgate of concrete - 7' wide & 5' high - Reservoir of about 1000 ac. ft. Capacity - empties into natural channel which feeds Soda Springs Creek - Dam at Soda Springs is 10' high, of stones & logs, 30' long on top, 18' on bottom. Waste gate control below dam, of concrete, 6' wide, 2' deep - floss booms used. Ditch, 6' on bottom, 8' on water line, 2' deep - grade about 8' per mile. Carrying about 12 sec. ft. at time of examination.

6. State whether or not water has been turned into works of diversion: Yes.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. ³¹ 3, T. 8 S.R. 42 E. All of Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7, T. 9 S., R. 42 E.B.M. All in cultivation and under irrigation.

8. Submit map on enclosed plat, showing location and details of above description.

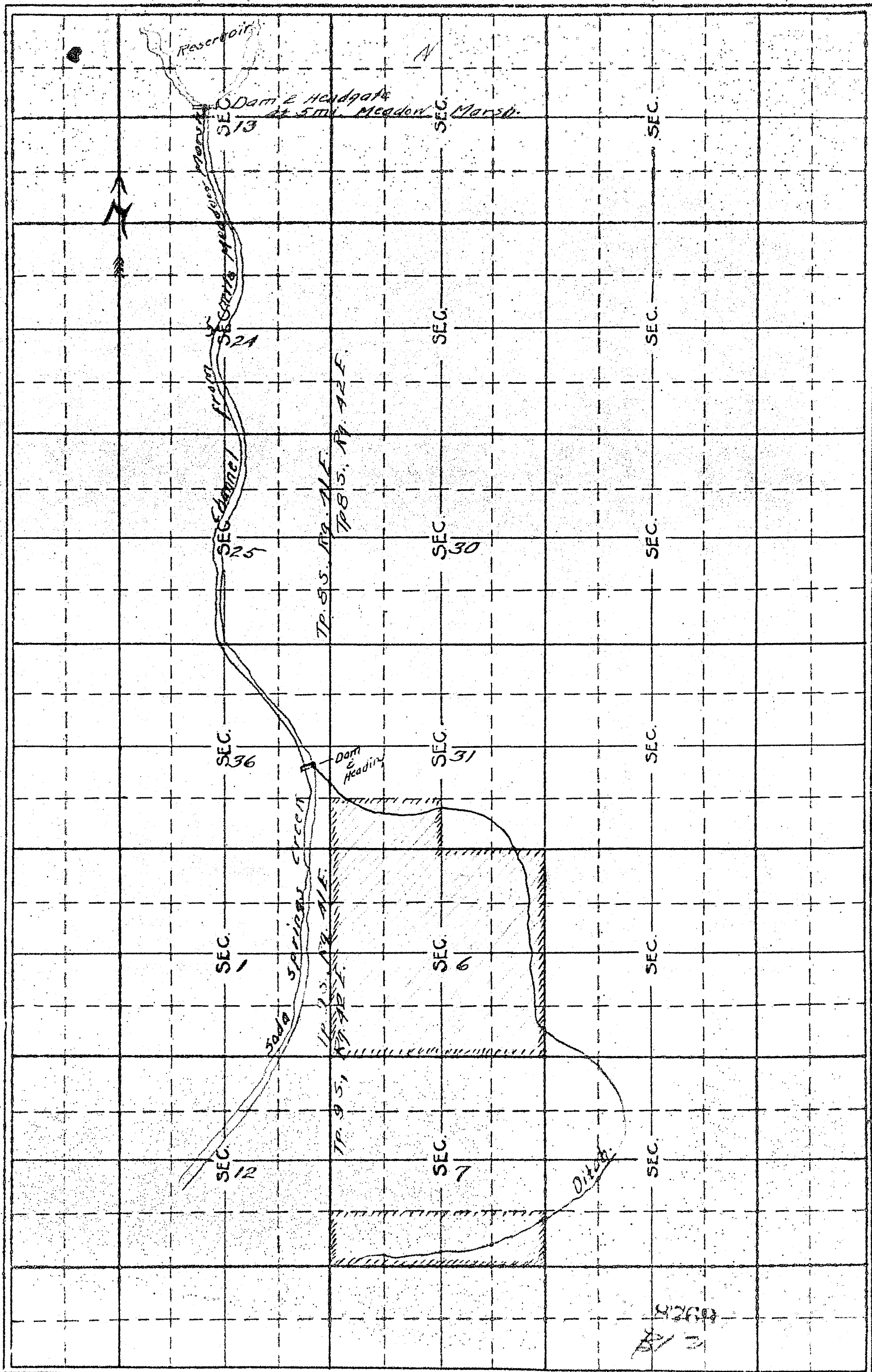
Remarks: Five Mile Meadows Marsh is fed by canal leading from Formation Springs and by seepage from the Ser. Dam on Blackfoot River.

This examination was made on the 22nd day of July, 1916.

(Signed) [Signature]

Examiner.

Name of Applicant J. E. Lau, F. M. Horsley — # 8769.



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

May 29, 1916.

Re Permit 8769- T. H. Horsley, et al.

Bannock Abstract & Trust Co.,
Pocatello, Idaho.

Gentlemen:--

The report of our examining engineer on completion of works and beneficial use of water under above permit has just been filed. The fees due for these proofs are as follows: \$5.00 for proof of completion of works and \$22.00 for proof of beneficial use of the water. Upon receipt of the required fees, the certificate and license will be issued.

Very truly yours,

A. H. SMITH,

State Engineer.

By _____

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Bannock Abstract & Trust Company

ABSTRACTS, LOANS AND INVESTMENTS

PUBLIC LAND MATTERS A SPECIALTY

Pocatello, Idaho.

June 5, 1916.

State Engineer,

Boise, Idaho.

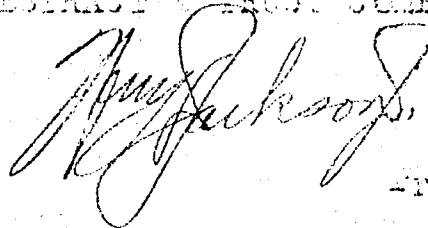
Dear Sir:

Replying to your letter of May 29th, we hand you herewith our check for \$27.00, in payment of the fees due your office in connection with permit 8769, E. H. Horsley, et al.

Very truly yours,

BANNOCK ABSTRACT & TRUST COMPANY.

By



President.

WHJ/LAW
encl.

8769

June 16, 1916.

Re Permit 8769. T. H. Horsley, et al.

Bannock Abstract & Trust Co.,
Pocatello, Idaho.

Gentlemen:--

Enclosing herewith certificate and license
issued under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

C&L

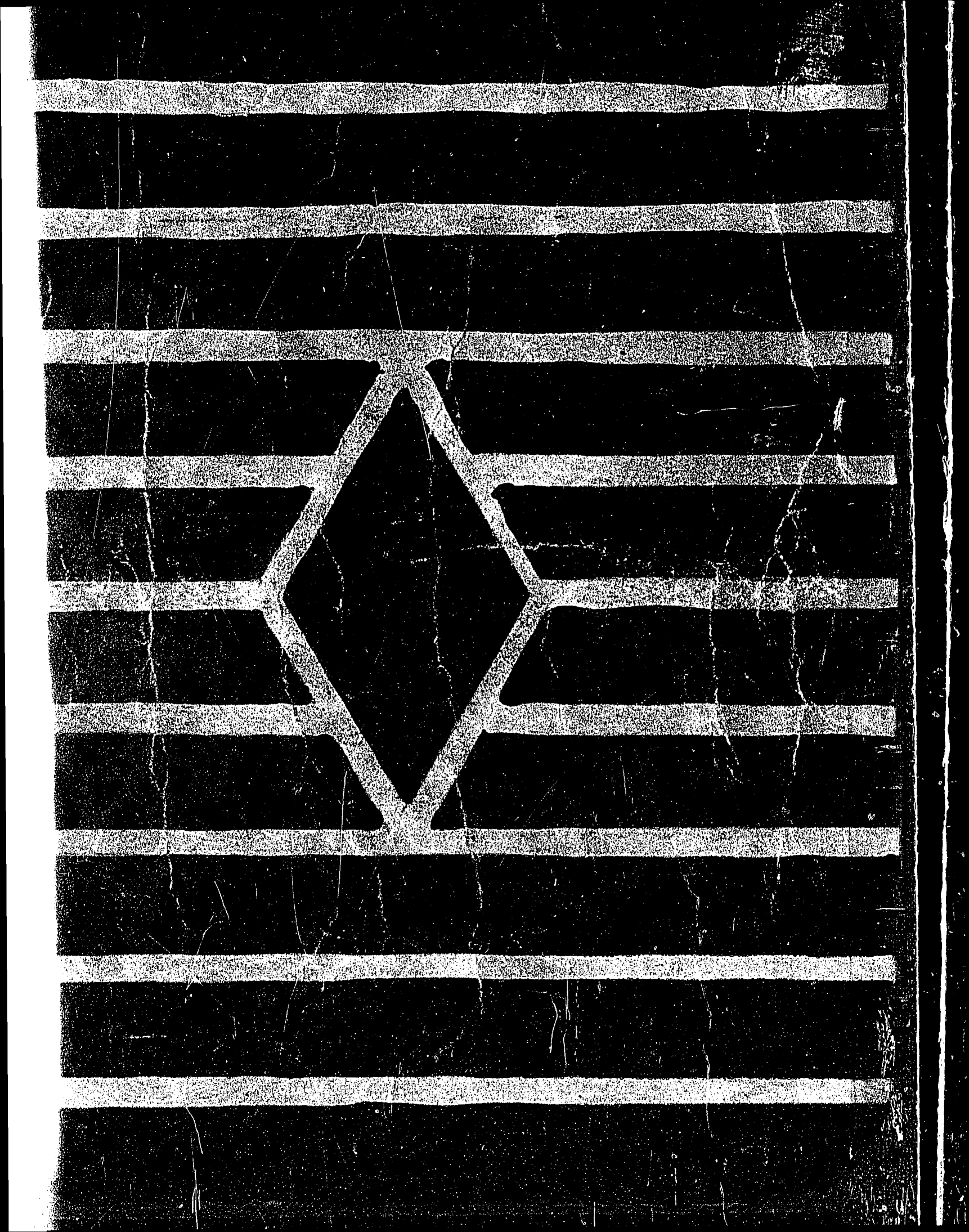
8769

FILMED ON:

APRIL

20

1964



County: Bannock
Stream: 5 Mile Meadow
Amount: 17.32 sec.ft.
Use: Irrigation
Priority: 9-21-12

STATE OF IDAHO

Water License No. 8769
WATER DISTRICT NO. 5-E.

WHEREAS, On the 21st day of September, A. D. 1912,

T. H. Horsley, J. R. Lau, D. J. Lau and H. M. Lau
of Soda Springs, County of Bannock, State of Idaho, duly made application
(No. 13179) to me for a permit to use 17.32 cubic feet per second of the waters of
Five Mile Meadow Creek, in Water District No. 5-E,
County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 12th day of October, A. D. 1912, Permit No. 8769 was issued
to said applicants for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 12th day of October, A. D. 1915 and for the application to ben-
eficial use of said water on or before the 12th day of October, A. D. 1915, and,

WHEREAS, On the 18th day of September, A. D. 1915

T. H. Horsley, J. R. Lau, D. J. Lau and H. M. Lau
the holders of said permit, duly made proof of the completion of adequate works for the diversion of
17.32 cubic feet per second of said waters, as evidenced by my Certificate No. 8769,
dated June 10th, 1916, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 17.32 cubic feet per second of said water,
with date of priority of September 21st, 1912,

WHEREAS, On the 18th day of September, A. D. 1915

T. H. Horsley, J. R. Lau, D. J. Lau and H. M. Lau
the holders of said permit, duly made proof of the application to beneficial use of 17.32 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

T. H. Horsley, J. R. Lau, D. J. Lau and H. M. Lau
of Soda Springs, County of Bannock, State of Idaho, the holder and owners
of said Permit No. 8769, a perpetual right, dating from September 21, 1912,
to the use of 17.32 cubic feet per second of the waters of Five Mile Meadow 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 SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13,
T. 8 S., R. 41 E., B.M.,

and conducted to and upon 880 acres, divided as follows: 40 acres in each of the
following legal subdivisions: SW $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 8 S., R. 42 E., B.M.;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec. 6,
S $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, all in T. 9 S., R. 42 E., B.M.

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 or 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 10th day of June,
A. D. nineteen hundred and sixteen.

J. H. SMITH,

(Seal)

State Engineer:

11 2050

