

No. 5291.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Joseph Moser.

Postoffice address: Preston.

County: Oneida State: Idaho.

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

3. Source of water supply: Two springs.

County of Oneida, State of Idaho.

4. Location of point of diversion: About the center of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 25 Tp. 15 S. R. 39 E.

5. To be used for:

I. Irrigation and domestic use:

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

(b) In the following legal subdivisions: NE $\frac{1}{4}$ of Sec. 30 & NW $\frac{1}{4}$ of Sec. 30, Tp. 15

S. R. 40 E. B. M.

6. Estimated cost of works: \$180.00

7. Description of works for diversion:

I. Kind of works: Ditch, 1 $\frac{1}{2}$ feet wide and one foot deep.

II. Dimensions of works:

(a) Conduit Ditch, width at bottom 1 $\frac{1}{2}$ feet, width at water line three feet, depth of water 1 foot. Average grade per mile is 4 feet. Length of conduit is about one mile, and it crosses the following quarter sections: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 25 Tp. 15 S. R. 39 E. B. M. thence NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 30 and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 30 Tp. 15 S. R. 40 E. B. M. to land 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 1 year.

9. Time required for the complete application of the water to the proposed use is 2 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.

Joseph Moser,

Applicant.

Remarks: The ditch is completed and water has been running and in use for years but the water to be improved under permit law.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3753.

Date of first receipt of application 9.00 a.m. June 6, 1908.

Returned to applicant for correction June 6, 1908.

Corrected application received June 15, 1908.

Recorded in Book 10 Page 3753. Approved June 20, 1908.

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

Work to begin on or before August 19, 1908, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 20, 1908.

The whole of said work to be completed on or before June 20, 1909.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to June 20, 1911.

Witness my hand this twentieth day of June, 1908.

Jas. Stephenson, Jr.,

State Engineer.

Blank Notice of Proof of completion and beneficial use mailed applicant March 1st, 1909.

Notice received fixing June 20th, 1909 as date and Preston as place of proof.

Notice for publication mailed Preston News at Preston, April 7th, 1909.

Deposition blank mailed applicant April 7th, 1909.

S. F. Morgan authorized April 17th, 1909 to make examination of works.

Report received June 16th, 1909.

Depositions of holder and witnesses, fees and affidavit of publication received June 24, 1909.

Certificate and License issued July 9th, 1909.

PERMIT NO. 3753.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that JOSEPH MOSER of Preston, County of Oneida, and State of Idaho, the holder of Permit No. 3753, issued upon application No. 5291 bearing date of priority of June 6, 1908, authorizing the diversion of one second foot of the waters of Two Springs, County of Oneida, 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 one second-foot of the waters of Two springs; that the point of Diversion of said waters is at a point about the center of the North-east quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$) Section 25, Township 14 South Range 39 East, Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The Northeast quarter ($NE\frac{1}{4}$) Section 30 and Northwest quarter ($NW\frac{1}{4}$) of Section 29, Township 15 S. R. 40 East Boise Meridian.

Witness my hand this ninth day of July, A. D. 1909.

Jas. Stephenson, Jr.

State Engineer of the State of Idaho.

License issued for Page 487 second fee.

Tp 15 South, Range 4, 2 B. M.

RETSB

Range 4

SEC.

SEC.

SEC.

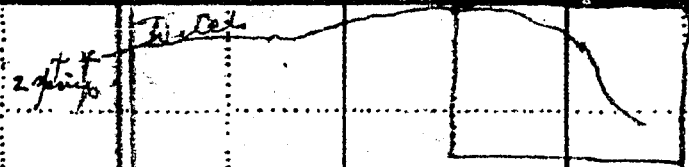
SEC.

SEC.

SEC.

Application No. 5291.
Permit No. 3753,
Joseph Moser.
1 Sec. 16. Two Springs.
Another party.
Approved June 20, 1908.

Geo. Thompson
State Engineer.



SEC.

SEC.

25
SEC.

30.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, July 2, 1908.

Permit No. 3753. Joseph Moser.

Joseph Davis,
Preston, Idaho.

Dear Sir:

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

JAS. STEPHENSON, Jr.,
State Engineer.

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State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS

Proof of Completion of Works.

Boise, Idaho,

March 1, 1909.

Joseph Moser,

Preston, Idaho.

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 3753.

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

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

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

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

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

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Notice of Proof of Completion of Works.

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) PRESTON

(Date) April 2nd, 1909.

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

DEAR SIR: Notice is hereby given that at 2 P.M. on the 20th day of June

1909 at Preston County of Oneida

State of Idaho, before Joseph Davis, a Notary Public

proof will be submitted of the completion of works for the diversion of One cubic feet per second of the waters of Two Springs

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 Joseph Moser

Joseph Moser

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

Preston

County of Oneida State of Idaho.

3. The number of such permit is 3753, and the date set for the completion of

such work is June 20-1909.

4. Said water to be used for Irrigation and Domestic purposes.

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

6. The amount of lands for which said water is available is 50 acres,

particularly described as follows: NE $\frac{1}{4}$ of Section 30. & NW $\frac{1}{4}$ of sec. 29, Twp 16S. R. 20 E.

(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.

1 desire that the above notice be published, according to law, in the Preston News

of Preston

published in the county in which said

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

(Signature)

Joseph Moser

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JOSEPH DAVIS,
ATTORNEY - AT - LAW,

And Notary Public.

Bell Telephone 142-Red.

PRESTON, IDAHO. 4/1/1909.

Jas Stephenson Jr.,
State Engineer,
Boise City, Idaho.

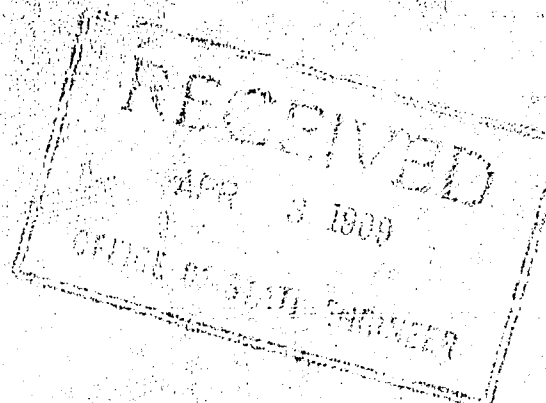
Dear Sir:-

I herewith enclose Notice of Proof of Completion of Works,
under permit #3753, at the request of Mr Moser. He desire to also
ascertain if you will permit him to also make proof at the same time
of completion and also that said water has been applied to a benifi-
cial use. If so please send any blank that is necessary for him to
fill out to me and I will have him make the same out and return
before time of publication.

Thanking you for the same I beg to remain,

Respectfully,

Joseph Davis



April 8, 1909.

Re permit 3753.

Joseph Davis, Lawyer,
Preston, Idaho.

Sir:—

Your letter of the 1st inst., inclosing notice of proof of completion of works under above permit, received. It will not be necessary for the holder to fill out the final proof blanks. This can be done here when the notice for publication is sent out, which will be in a few days.

It will be necessary for the works to be examined by some competent person and if you will have Mr. Moser send the name of some one whom he desires to do this work I shall be pleased to appoint such a one to make the examination and report to this office.

Very truly yours,

State Engineer.

By...

JOSEPH DAVIS,
ATTORNEY - AT - LAW,

And Notary Public.

Bell Telephone 142-Red.

PRESTON, IDAHO. 4/5/1909.

Jan, Stephenson Esq,

Boise City, Idaho.

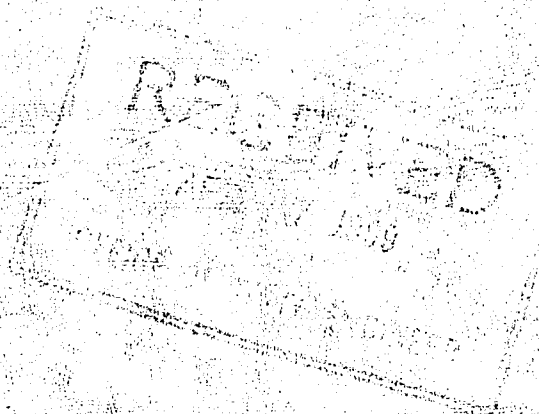
Dear Sir:-

Re permit 3753.

Mr Moser will name S.D.Morgan, County Surveyor, Franklin,
Idaho, to examine the works, Thanking you for the same in behalf of Mr
Moser, I beg to remain,

Very respectfully,

Joseph Davis



Boise, Idaho,

April 7, 1909

Mr. S. B. Morgan

Franklin, Idaho

DEAR SIR:

The holder of Permit No. 3753, Joseph Moser, residing at Preston, Idaho, which permit authorizes the diversion of 1 second-feet of the waters of two springs at , desire to make proof of the completion of works of diversion, and beneficial use of water, on June 20, 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.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS.

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

Boise, Idaho, April 7, 1909.

Joseph Moser
c/o Joseph Davis
Preston, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works and proof of application of water to beneficial use under your permit No. 3753.

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 20, 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

Preston, Idaho, before Joseph Davis, W.P.

2. To complete the proof, it is also necessary that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you. Upon receipt of name of such engineer or surveyor I will authorize him to do the work. The examination should be made on or before the date set for the proof.

3. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00 for completion of work and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received, together with report of examining engineer, if everything is properly executed, Certificate of Completion of Works and License will issue.

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

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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 2 P. M.
on the 20th day of June, 1909, at Preston,
County of Oneida, State of Idaho, before Joseph Davis, N.P.
proof will be submitted of the completion of works for the diversion of
1 cubic feet per second of the waters of two springs,
and of the application to beneficial use of said water in accordance
with the terms and conditions of Permit No. 3753 heretofore issued
by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said
permit is are Joseph Moser, Preston, Idaho.

2. Said works of diversion will be fully completed on the date
set for such completion, and the amount of water which said works are
capable of conducting to the place of intended use, in accordance with
the plans accompanying the application for such permit, is 1
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/
~~per second.~~ cubic feet per second.

4. The place where said water is used is NW 1/4 Sec. 30 and NW 1/4 Sec. 29,
Tp. 15 S., R. 40 E. B.M.

5. The date of priority which said user is prepared to estab-
lish is June 6, 1908.

JAS. STEPHENSON, JR.,
State Engineer.

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(Place)

Preston, Idaho

(Date)

April 12th - 1909

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of

7th

RECEIVED
APR 14 1909
CLOSING NOTICE OF
STATE ENGINEER

Completion of Works and Notice of Application of Water to Beneficial

Use under Permit No. 3753 which will be published as you request,

beginning with our issue of

April 15th

Geo D Casto Mgr

3753

S. P. Morgan
HYDRAULIC AND IRRIGATION ENGINEER
FRANKLIN, IDAHO
COUNTY ENGINEER

Franklin Idaho
June 13 1909

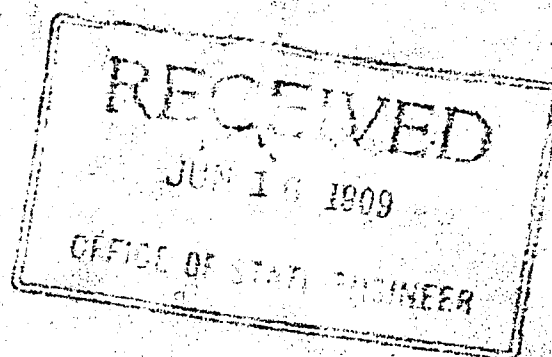
The Hon State Engineer
Boise Idaho

Dear Sir:-

Enclosed you will find report on
Joseph Mowers irrigation works of Preston
Idaho which I visited yesterday

Respectfully yours

S. P. Morgan



3753

3753

Report of Engineer

1. State name of applicant and number of permit: Joseph Moser
2. State source of water supply: Moser Springs
3. Location of point of diversion: 760 feet East and 700 feet South of the NW corner sec 29 T. 15 S. R. 40 E. B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: All works necessary are completed
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: No. 1, 1 ft No. 2, 1 ft
 - (b) Width at water line: No. 1, 1.5 feet No. 2, 2 feet
 - (c) Depth of water: No. 1, 6 feet No. 2, 7.5 feet
 - (d) Grade per mile: No. 1, 23.85 feet No. 2, 23.85 ft or $\frac{3}{4}$ of an in. per foot
6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes and have been used since during the entire irrigation season to my personal knowledge for the past 6 years
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: The water is used of the 9^2 NE 4 NE 30 - and N 3 SE 4 NE 4 30 and 10 acres in the west half of the NW 4 NW 4 29 in township 15 south Range 40 East Boise Meridian
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The source of water supply of this farm is derived from two springs rising on the adjoining farm and are locally known as the Moser springs and being within 1/2 miles of my home I am personally acquainted with springs and farmer and have been used for a number of years

S. P. Morgan

STATE OF IDAHO,

County of Boise } ss.

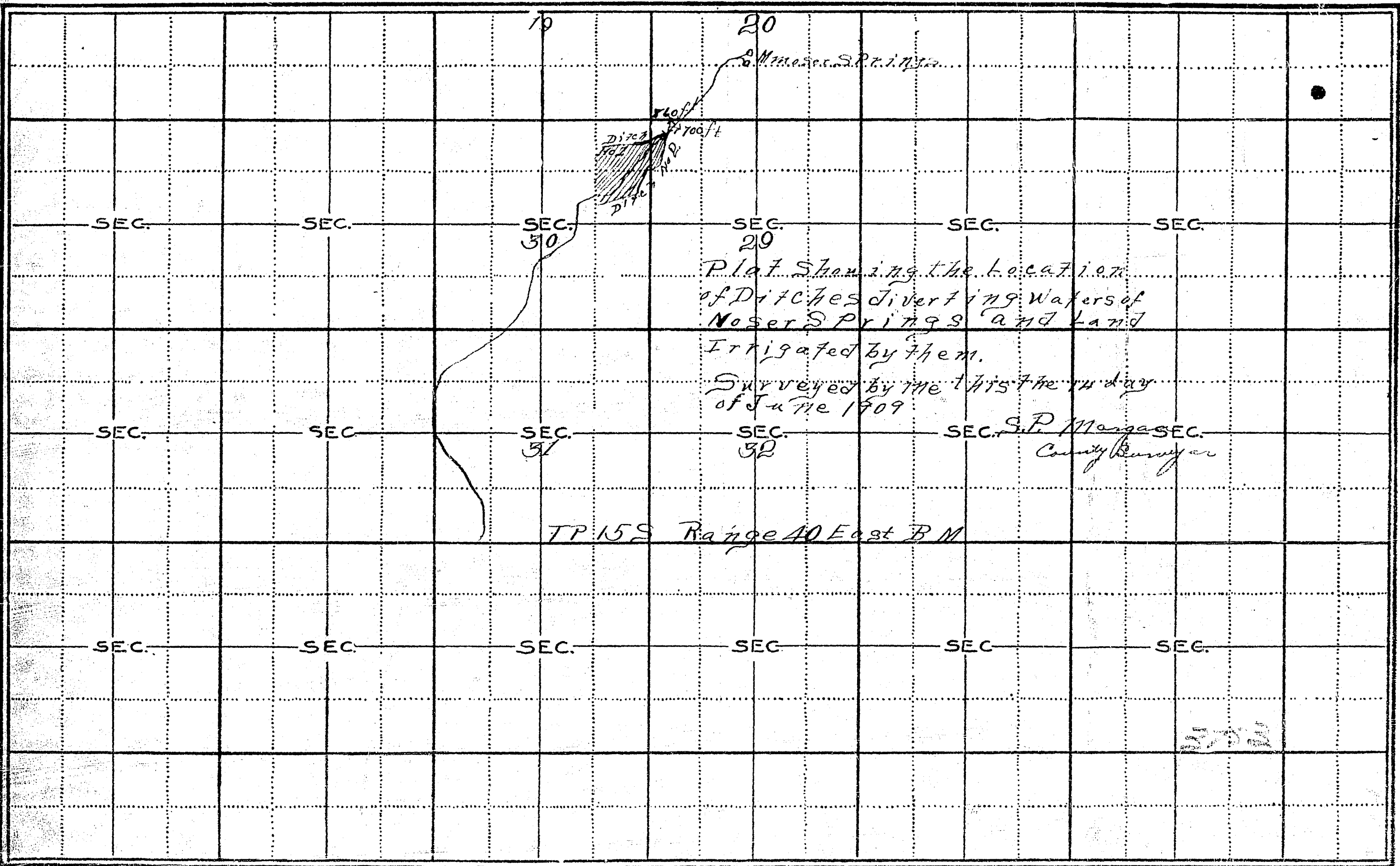
S. P. Morgan, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 14 day of June 1909.

My Commission Expires 10 Dec 1912

Thomas H. Durant
Notary Public.

3752



PERMIT No 3753

RECEIVED

JUN 24 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. Joseph Moser, age 53 years, Residing at Preston, Oneida County, Idaho, which is also mt post-office, I am a Farmer and Contractor & Builder.

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. For myself

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

Ans. 3753, First application June 6th, 1908, Approved June 20th, 1908, For one second foot, From two springs, arising in center of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ sec. 25, Twp 14 S. R. 39 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. 20 acres in W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 29; 15 acres North Part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec. 29; and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 29 & NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec. 29, Twp 15 S. R. 39 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. Has been diverted each and every year from the past 30 years, and conveyed from springs to land through ditch $1\frac{1}{2}$ feet wide and One foot deep carrying all the waters arising from said springs, about One foot.

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

Ans. Works of diversion are completed and water on lands and comply with all requirements of 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. No water to go on N.E. $\frac{1}{4}$ of sec. 30. Twp 15 S. R. 40 E.

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

Ans. Ditch $1\frac{1}{2}$ feet wide and one foot deep. Cost close to \$400.00

(Sign here.) *Joseph Moser*

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 *Preston*, County

of *Oneida*, State of Idaho, on this *20* day of

June A. D. 190*9*

Joseph Davis

3753

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

PERMIT No. 3753

RECEIVED

JUN 4 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. Edward P. Moser, 27 years old, residing at Preston, which is my post-office, Farmer by occupation.

Ques. 2. Are you acquainted with Joseph Moser, the holder of Permit No. 3753, authorizing the diversion of One second-foot of the waters of Two Springs, at Preston Precinct, Onieda Co. for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. All my life. Resides at Preston, Onieda Co.,

Ques. 3. Have you read or heard read said Permit No. 3753, 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. For Irrigation and Household purposes. It takes all the waters of said springs and they water 20 acres in $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$ Sec 29; & about 15 acres North part of the $NW\frac{1}{4}$ of the $NW\frac{1}{4}$ of sec 29; and $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ all in section 29, Twp 15 S. R. 39 E.

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 and will carry more than comes from said springs

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

Ans. Ditches are $1\frac{1}{2}$ feet wide and one foot deep and are constructed to each subdivision of land to be irrigated, and cost about \$350.00 and will carry over one second foot of water.

(Sign here.) Edward P. Moser

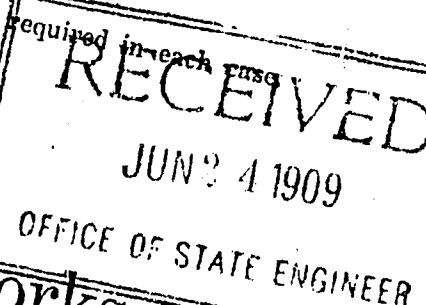
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Preston, Onieda County, Idaho, County of Onieda, State of Idaho, on this 20th day of

June A. D. 1909

Com. Expires May, 1912:

Joseph Davis

The Depositions of two Witnesses, in this form, taken separately,
 PERMIT No. 3753



Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Alma A. Moser, 20 years old, residing at Whitney, Onieda County, which is also my postoffice, I am a Farmer

Ques. 2. Are you acquainted with Joseph Moser, holder of Permit No. 3753, authorizing the diversion of One second-foot of the waters of Two springs on NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 25, Tp 14S. R. 39E, at Preston, Onieda Co. for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. All my life, Preston, Onieda Co.,

Ques. 3. Have you read or heard read said Permit No. 3753 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, Agricultural land in a high state of cultivation. The entire tract of land needs more water than comes from said springs I am well acquainted with the lands.

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. The ditches will carry more water than comes from the springs

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

Ans. The ditches are 1 $\frac{1}{2}$ feet wide and one foot deep, if not more, I dont know just how much water they will carry, but I do know that they will carry more than arises from said springs.

(Sign here.) Alma A. Moser

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

Joseph Davis

Permit No. 3753

Proof of Application of Water to Beneficial Use.

RECEIVED

JUN 4 1909

OFFICE OF STATE ENGINEER

DEPOSITION OF HOLDER.

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

Ans. Joseph Moser, residing at Preston, Onieda County, Idaho, the same being my Post-Office, Farmer and Contractor and Builder,--53 years old,

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. No Corporation-Myself.

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

Ans. Number 3753, dated first application June 6th, 1908, approved June 20th, 1909, but holder claims water by use for 30 years past, establish priority under law as date of said permit.

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

Ans. Two springs, About the center of the Northeast quarter of the NE $\frac{1}{4}$ section 25, Twp 14 S. R. 39 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. One cubic foot per second and conveyed by ditch 1 $\frac{1}{2}$ feet ^{wide} ~~deep~~ and one foot deep. Just an individual 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. 20 acres in W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$; & 15 acres North Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ & N $\frac{1}{2}$ in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ & NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, all in section 29, Township 15 South, Range 39 E. B. M.

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. All the water

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. I am the person to whom the permit was issued. I claim the water by user for over 30 years and under the present law by permit #3753

3753

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

Ans. Conveyed through ditch on to the lands and irrigated by the use of all the waters flowing from said springs and the same has been completed for many years and used on said lands which are and have been in a high state of cultivation for years past. Water used for 30 years and also during the life of permit #3753.

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. I have also used water from the Preston, Whitney Reservoir Company on said land, for the reason that the springs do not furnish sufficient at all times of the season for said lands. Which waters are impounded in a Reservoir from flood waters of Cubriver and Worn Creek.

(Sign.)

Joseph H. Cox

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 Preston,

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

Joseph H. Cox

Preston, Idaho, June 20th, 1909

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

3753

PERMIT NO. 3753

Proof of Application of Water to Beneficial Use.

RECEIVED

JUN 4 1909

DEPOSITION OF WITNESS:

OFFICE OF STATE ENGINEER

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

Answer. Edward P. Moser, 27 years old and I reside at Preston which is my post-office, and a Farmer by occupation.

Ques. 2. Are you acquainted with Joseph Moser

the holder of Permit No 3753? How long have you known him, and where does he reside?

Ans. All my life and he resides at Preston, Onieda County.

Ques. 3. Have you read or heard read said Permit No 3753, 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. Two springs coming up in the middle of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec., 25, Twp 14 S. R. 39 E. and the water is carried from there through a ditch constructed for many years on to the land. The ditch is about 1 $\frac{1}{2}$ feet wide and one foot deep.

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 dont know exactly but I would Judge about One second foot. Ditch will carry more water than flows from the springs.

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 for the House. I have Irrigated with the waters of the springs 20 acres in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and 15 acres in the North part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ all in section 29, Township 15 South, Range 39 E. B. M.

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

Ans. Irrigation and domestice purposes is all that I have ever seen this water used for.

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. All the land is in a high state of cultivation and applicant has more land in his said holdings than can be watered from said springs.

3753

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

Ans. Yes. I help to work this farm and the applicant is my father and he has promised to sell me forty acres of this land some of which is watered from these springs

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

Ans. Every year for the past 8 years, and all of the waters flowing from said springs for the cultivation of grain and hay.

(Sign) Edward P. Jones

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 Preston, County of Oneida

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

Joseph Davis N. P.
Preston, Idaho

Permit No.

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed

3752

PERMIT NO. 3753

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS:

RECEIVED

JUN 24 1909

OFFICE OF STATE ENGINEER

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

Answer. Alma A. Moser, 23 years old, Farmer, Address is Whitney, Onieda Co. Idaho. Residence is Whitney, Onieda County.

Ques. 2. Are you acquainted with Joseph Moser the holder of Permit No 3753? How long have you known him, and where does he reside?

Ans. All my life. He resides at Preston, Onieda County, Idaho.

Ques. 3. Have you read or heard read said Permit No 3753, 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. The water comes from two springs and arises about the middle of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 25, Twp 14 S. R. 39 E. and is carried from the springs to the land through a ditch about 1 $\frac{1}{2}$ feet wide and one ft deep.

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

Ans. The ditch will carry more water than comes from the springs, I don't know exactly how much water flows but I judge about one second foot.

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 & Domestic. Irrigated the following lands 20 acres in NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ & 15 acres in North part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ all in section 29, Township 15 South, Range 39 E. B. M.

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

Ans. Only 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 is highly cultivated and applicant has more land than he can get water from the springs to irrigate.

3753

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

Ans. Yes I am interested. Applicant is my Father, and I help to work the place and he has promised to sell me 40 acres of this land.

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

Ans. For the past 8 years. All the water and for raising of grain and hay crops.

(Sign) Alma A. Moser

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

Joseph Davis J. P.
Preston, Idaho Com. Expires May 1912

Permit No.

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed

AFFIDAVIT OF PUBLICATION.

STATE of IDAHO, }
County of Oneida } SS

I, Leo H. Castle, Bus. Mgr. Preston News, do solemnly swear that I am one of the publishers of the CACHE VALLEY NEWS, a semi-weekly newspaper of general circulation published each week at Preston, Oneida County, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 16 day of April, 1908 and that the last publication was made on the 6 day of May, 1908 that said notice was published in the regular issue of every number of the paper during the periods and times of publication, and that the said notice was published in the newspaper and not in a supplement.

Leo H. Castle

NOTICE

of proof of Completion of Works and Application of Water to Beneficial Use.—Notice is hereby given that at 2 p. m. on the 20th day of June, 1909, at Preston, County of Oneida, State of Idaho, before Joseph Davis N. P. proof will be submitted of the completion of works for the diversion of 1 cubic foot per second of the waters of two springs, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 3753 heretofore issued by the State Engineer of the State of Idaho. 1. The name and postoffice address of the person holding said permit is Joseph Moser Preston, Idaho. 2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1 cubic foot 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 cubic foot per second. 4. The place where said water is used is NE 1-4 Sec. 30 and NW 1-4 Sec. 29, T. 15 S., R. 40 E., B. M. 5. The date of priority which said user is prepared to establish is June 6, 1908.

Subscribed and sworn to before me this 7th day of May, 1908

Joseph Davis
Notary Public.

I, _____, Register, do hereby certify that a notice, a printed copy of which is hereunto annexed, was by me posted in a conspicuous place in my office for a period of thirty days, I having posted said notice on the _____ day of _____ 1908

3753

Jas. Stephenson, Jr.

215m6

State Engineer.

AFFIDAVIT OF PUBLICATION.

RECEIVED

JUN 4 1909

STATE of IDAHO,
County of Oneida } SS

I, Walter L. Roe, do solemnly swear that I am one of the publishers of the CACHE VALLEY NEWS, a semi-weekly newspaper of general circulation published each week at Preston, Oneida County, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper for 5 consecutive weeks, the first publication having been made on the 13th day of May, 1909 and that the last publication was made on the 17th day of June, 1909 that said notice was published in the regular issue of every number of the paper during the periods and times of publication, and that the said notice was published in the newspaper and not in a supplement.

Walter L. Roe

NOTICE

of proof of Completion of Works and Application of Water to Beneficial Use.—Notice is hereby given that at 2 p. m. on the 20th day of June, 1909, at Preston, County of Oneida, State of Idaho, before Joseph Davis N. P. proof will be submitted of the completion of works for the diversion of 1 cubic foot per second of the waters of two springs, and the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 3753 heretofore issued by the State Engineer of the State of Idaho. 1. The name and postoffice address of the person holding said permit is Joseph Moser, Preston, Idaho. 2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1 cubic foot 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 cubic foot per second. 4. The place where said water is used is NE 1-4 Sec. 30 and NW 1-4 Sec. 29, T. 15 S. R. 40 E. B. M. 5. The date of priority which said user is prepared to establish is June 6, 1908.

Jas. Stephenson Jr.
State Engineer

Subscribed and sworn to before me this 22nd

day of June, 1909

Joseph L. Wairo
Notary Public.

I, _____, Register, do hereby certify that a notice, a printed copy of which is hereunto annexed, was by me posted in a conspicuous place in my office for a period of thirty days, I having posted said notice on the _____ day of _____ 1909

2752

JOSEPH DAVIS,
ATTORNEY - AT - LAW,

And Notary Public.

Bell Telephone 142-Red.

PRESTON, IDAHO. 6/21/1909.

Jas. Stephenson Jr.,

State Engineer,

Boise, Idaho.

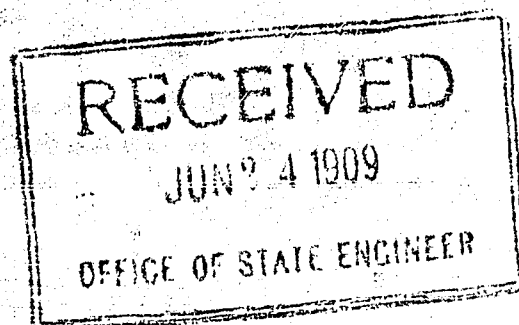
Dear Sir:-

I herewith enclose Proofs of application of water to
beneficial use and also proofs of completion of works and
affidavit of publication in the water permit of Joseph Koser
also my check for the sum of \$9.00.

Trusting that the same will meet with your approval I beg to
remain,

Truly yours,

Joseph Davis



July 13, 1909.

Permit 3753
Jos. Moser.

Joseph Davis, Lawyer,
Preston, Idaho.

Sir:-

Inclosing you herewith certificate and license issued under above
permit, also, receipts for fees.

Very truly yours,

State Engineer.

C&I-R1908-9

By...

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

STATE DIRECTOR

Boise, Idaho,

June 16, 1936.

RECEIVED

JUN 17 1936

Department of Reclamation

IN REPLY PLEASE REFER TO

Hon. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

State Office - PWD:RE
Docket 2364 R.

Dear Mr. Faris:

In connection with a loan that is being made by the Public Works Administration to the Whitney-Nashville Waterworks Company it is necessary that we have two certified copies of Permit No. 3753, issued by the State Engineer of Idaho on or about July 9, 1909, to Joseph Moser covering the use of water from two springs located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25 T. 14 S, R. 29 E. in Franklin County, Idaho (formerly Oneida County). We desire also copies of the rough sketch filed with the application showing location of the springs, ditch and other physical features.

The secretary of the Whitney-Nashville Waterworks Company, Mr. William G. Reese Jr. authorizes us to request these copies, suggesting that bill for charges be submitted to him. Presumably under your regulations advance payment will be required before the certified copies of these papers may be furnished. Accordingly if you will submit a bill or inform me of the amount of charges, Mr. Reese will be requested to remit the amount to you.

If you are uncertain concerning the papers desired, if you will communicate with me by telephone 1631 I shall be glad to come over to the office and explain more in detail what is desired.

Very truly yours,

J. Vernon Otter,
State Director, P.W.A. (Idaho).

By


P. W. Dent,
Chief Counsel, P.W.A. (Idaho).

For the Administrator.

3753

June 20, 1936

Re: Permit No. 3753

Your reference: State Office-PWD:RE
Docket 2364 R.

P. W. DENT
Chief Counsel, P.W.A.
Boise, Idaho

Dear Sir:

As requested in your letter of June 16th, we are enclosing herewith, two certified copies of Permit No. 3753 issued to Joseph Moser, Preston, Idaho under date of June 20th, 1908; together with two certified copies of the water license issued under this permit; and two copies of the map originally filed by Mr. Moser.

Will you kindly remit a fee of \$3.00 to this department for these copies?

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

by

Asst Chief Clerk

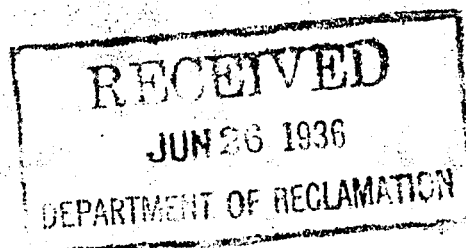
ej
encl

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

STATE DIRECTOR

Boise, Idaho,

June 25, 1936.



IN REPLY PLEASE REFER TO

State Office - PWD:RE

Docket 6347

Whitney-Nashville

Waterworks Company.

Hon. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

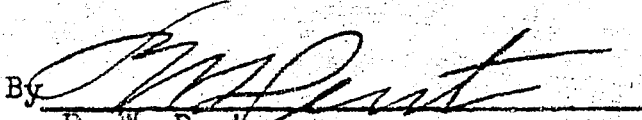
I wish to thank you for your letter of June 20 enclosing two certified copies of Permit No. 3753 and two certified copies of water license issued under this permit.

I requested the secretary of the Company to forward to you direct check in payment of these fees. The Company is rather slow and negligent in attending to matters of this kind. For that reason I am enclosing herewith my personal check in the amount of \$3.00. Should you receive remittance from the Company, I presume you could thereupon endorse the check to me or refund the amount of my remittance. If no check is received from the Company I shall regard this as my contribution to a worthy cause.

Very truly yours,

J. Vernon Otter,
State Director, P.W.A. (Idaho).

By


P. W. Dent,

Chief Counsel, P.W.A. (Idaho).

For the Administrator.

Enclosure.

3753

June 26, 1936

Re: Permit No. 3753

Your Reference: State Office - PWD:RE
Docket 6347
Whitney-Nashville
Waterworks Co.

MR. P. W. DENT, CHIEF COUNSEL
Federal Emergency Adm. of Public Works
Boise, Idaho

Dear Mr. Dent:

We are enclosing herewith, Office Receipt No. 15871 in the amount of \$3.00 in acknowledgment of your check which we received this morning. We very much appreciate your promptness in making this remittance, and we wish to assure you that if the company also remits this fee later, we shall endorse its check and mail it on to you.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj
encl

3753

July 2, 1936

Permit 3753

MR. P. W. DENT
Chief Counsel, P.W.A.
Boise, Idaho

Dear Mr. Dent:

Under date of July 1st, we received a check in the amount of \$3.50 from the Whitney-Nashville Water Works Co. in payment for certified copies of certain permits which we furnished you several days ago.

As you know, the correct fee for this service was \$3.00, for which we received your check a matter of three or four days ago. We are therefore mailing this check to you so that you can get a refund of the \$3.00 due you, and return the 50¢ to the company.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj
encl

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

STATE DIRECTOR

Boise, Idaho,

July 3, 1936.

IN REPLY PLEASE REFER TO

Docket 6347, Whitney-
Nashville Waterworks Co.
Whitney, Idaho.

Mr. Paul L. Henry,
Chief Clerk & Office Engineer,
Department of Reclamation,
Boise, Idaho.

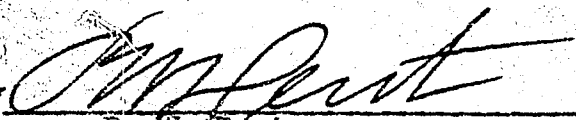
Dear Mr. Henry:

This is to acknowledge receipt of and to thank you for
your letter of July 2 enclosing check issued by the Whitney-
Nashville Waterworks Company in the sum of \$3.50 to cover fees
for furnishing certain documents recently requested of your
department. Your attention to this matter is greatly appreciated.

Very truly yours,

J. Vernon Otter,
State Director, P.W.A. (Idaho)

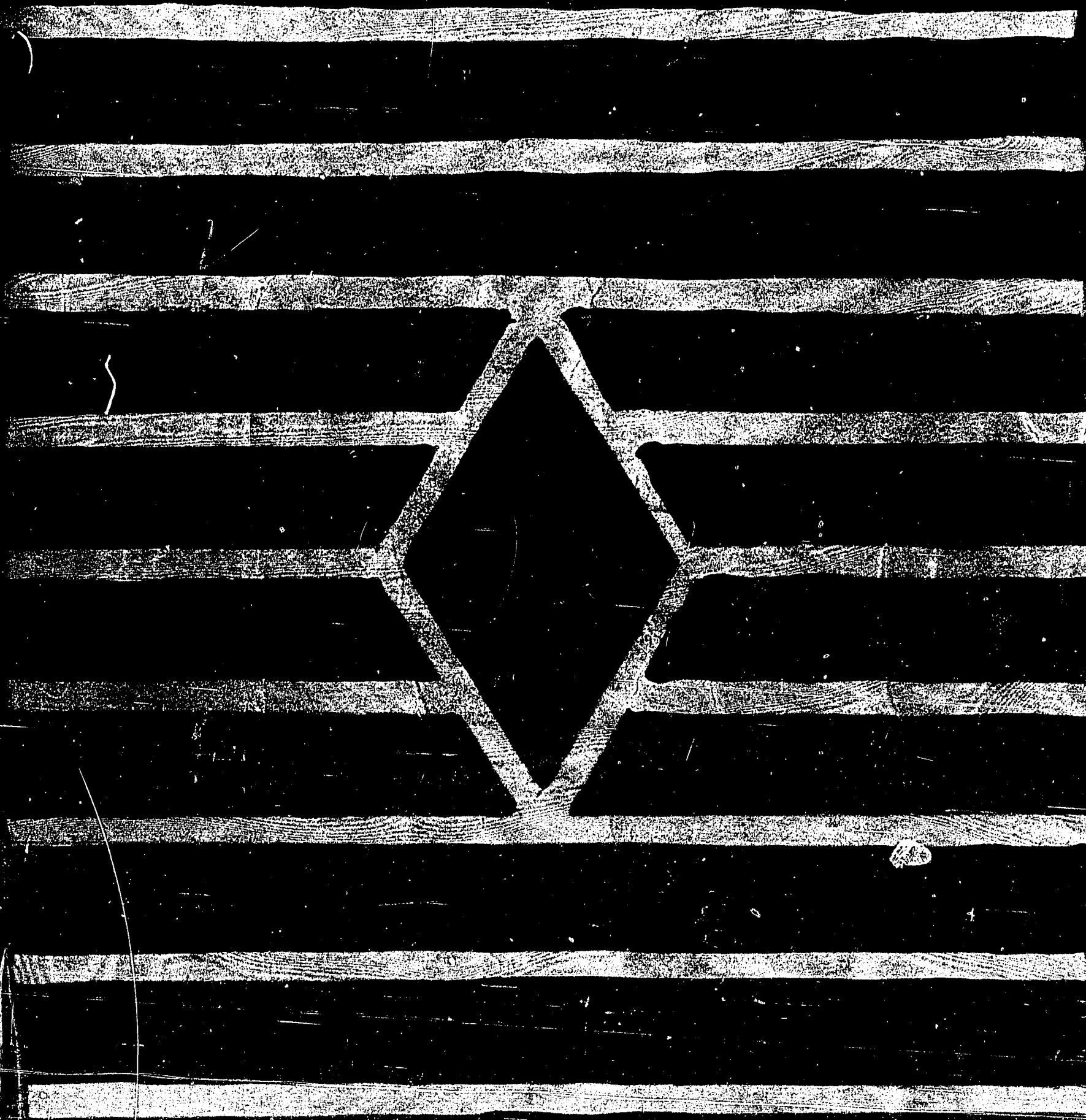
By


P. W. Dent,
Chief Counsel, P.W.A. (Idaho).

For the Administrator.

PMD:RE

375-3



 Oneida County *
 Two Springs *
 Irrigation and domestic use *
 1 cubic foot *
 Priority June 6, 1908. *

STATE OF IDAHO.
 WATER LICENSE NO. 3753.

WHEREAS, On the sixth day of June, A. D. 1908, JOSEPH MOSER of Preston, County of Oneida, State of Idaho duly made application (No. 5291) to me for a permit to use one (1) cubic foot per second of the waters of two springs, County of Oneida, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 20th day of June, A. D. 1908, Permit No. 3753 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 20th day of June, A. D. 1909, and for the application to beneficial use of said water on or before the 20th day of June, A. D. 1911 and,

WHEREAS, On the 20th day of June, A. D. 1909, ^{JOSEPH MOSER} the holder of said permit duly made proof of the completion of adequate works for the diversion of one cubic foot per second of said waters, as evidenced by my Certificate No. 3753 dated July 9, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one cubic foot per second of the waters of two springs, with date of priority of June 6th, 1908, and

WHEREAS, On the 6th day of June, A. D. 1909, JOSEPH MOSER the holder of said permit duly made proof of the application to beneficial use of one (1) cubic foot 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 JOSEPH MOSER of Preston, County of Oneida, State of Idaho, the holder and owner of said Permit No. 3753, a perpetual right, dating from June 6, 1908, to the use of one cubic foot per second of the waters of two springs in the County of Oneida 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 center of the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 25, Township 14 South Range 39 East, Boise Meridian, and conducted to and upon (20 acres in the South half of the Northeast quarter of the Northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), 20 acres in the North half of the Southeast quarter of the Northeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 50, and 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, Township 15 South Range 40 East B. M. for the purpose of irrigation and domestic use, subject, however, to the lands 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 ninth day of July, A. D. Nineteen hundred and nine.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded July 9, 1909.

13 2020