

No.8051.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Charles M.Harris

Postoffice address: Logan

County: Cache

State:Utah

2. The quantity of water claimed is five cubic feet per second.

3. Source of water supply: Costley Creek

County of Oneida

4. Location of point of diversion: 300 feet South & 110 feet West of N.E.cor. of NW $\frac{1}{4}$ of Sec. 21, T. 16 S.R. 37 E.Boise Meridian.

5. To be used for:

I.Irrigation and domestic use:

(a) Amount of land to be irrigated: six hundred acres

(b) In the following legal subdivisions: NE $\frac{1}{4}$ of Sec. 21, E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 22, W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 22, E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22, W $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 22, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, all in T. 16 S.R. 37 E.Boise Meridian. Also SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, said T. & Range.

6. Estimated cost of works: \$300.00

7. Description of works for diversion:

I.Kind of works: Small Reservoir, Earthen Dam and Canal about two miles long, Height of dam 14 feet. Capacity of Res. - 600,000 cu.ft.

II. Dimensions of works:

(a) Height of dam (14) feet, length of dam at top 132 feet, length of dam at bottom 24 feet. Material used in construction: Earth

(b) Capacity of reservoir: 13.77 acre feet.

(c) Size of headgate: Width 10 feet, height 10 feet.

(d) Conduit two ditches. width at bottom 2 $\frac{1}{2}$ feet, width at water line 3 $\frac{1}{2}$ feet, depth of water 2 feet. Average grade per mile is 10 feet. Length of conduit is 2 miles, and it crosses the following quarter sections: NE $\frac{1}{4}$ of Sec. 27, SE $\frac{1}{4}$ Sec. 21, SW $\frac{1}{4}$ Sec. 22, SW $\frac{1}{4}$ Sec. 15, SE $\frac{1}{4}$ Sec. 15, NW $\frac{1}{4}$ Sec. 22, all in Township 16 S.Range 37 E. of Boise Meridian, to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is one year.

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

C.M. Harris, Applicant.

Remarks: On May 24, 1909, we received a special use Permit from the U.S. Department of Agriculture Forest Reserve at Pocatello, Idaho, to build a Reservoir for private irrigation on the above described tract of land in the Forest Reserve.

C.M. Harris.

APPROVAL OF STATE ENGINEER

The number of this permit is 5701.

Date of first receipt of application: 9.00 a.m. December 13, 1909

Returned to applicant for correction: December 14, 1909

Corrected application received: January 26, 1910

Recorded in Book 17. Page 5701. Approved February 1, 1910

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 April 2, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 1, 1910.

The whole of said work to be completed on or before February 1, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith extended to February 1, 1915.

Witness my hand this first day of February, 1910.

Jas. Stephenson, Jr.

State Engineer

Notice of proof of completion of works and beneficial use of water received December 5, 1910, fixing February 11, 1911, as date, and Preston, Idaho, as place of proof.

Publication notice mailed January 3, 1911 to the Idaho Enterprise.

Deposition blanks mailed January 3, 1911, to Carl Smith.

J. O. Webster, Water Commissioner, notified January 3, 1911, to make examination and report Depositions, affidavit of publication and fees received March 2, 1911

Certificate issued July 30, 1911.

Permit No. 5701

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that CHARLES E. HARRIS, of Logan, County of Cache, and State of Utah, the holder of Permit No. 5701, issued upon Application No. 8051, bearing date of priority of December 13, 1909, authorizing the diversion of 5 second feet of the waters of Costley Creek, 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 5 second-feet of the waters of Costley Creek, that the point of diversion of said waters is at a point 300 feet S. and 110 ft. W. of NE cor. of NW $\frac{1}{4}$, Sec. 21, Tp. 16 S., Range 37, E. B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$, Sec. 21, NW $\frac{1}{4}$, Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 22, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Tp. 16 S., R. 37, E. B. M. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, Tp. 16 S., R. 37, E. B. M.

Witness my hand this 30th day of July, A.D. 1911.

A. E. Robinson,

State Engineer of the

State of Idaho

On proper request of the holder of the above numbered permit I have this 30th day of January, 1915, extended the time for beneficial use of water thereunder to the 1st day of July, 1915.

Herbert Wing,

Acting State Engineer.

License issued for 1.3 second

Page 2031

P5701

SEC.

SEC.

SEC.

SEC.
15

SEC.

SEC.

Costley Creek

Reservoir
Point of Diversion

Corral

SEC.

SEC.

SEC.
21

SEC.
22

SEC.

SEC.

Corral

Costley Creek

Township 16S. - Range 37E. Boise Meridian

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

5701

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
STATE ENGINEER

Boise, Idaho, Feb. 4, 1910.

Permit 5701.

Charles M. Harris,
Logan, Utah.

Dear Sir:

I enclosed herewith above numbered permit. **BE SURE TO NOTE LIMITATIONS AND CON-
DITIONS OF SAME** as given under approval of State Engineer on the third page.

JAS. STEPHENSON, Jr.,
State Engineer.

5701

Boise, Idaho. February 9, 1910

Permit No. 5701

Charles M. Harris,
Logan, Utah

Sir:--
Through a clerical error, the endorsement
of your map reads 1909, instead of 1910.
Will you kindly make the necessary correction.

Very truly yours,

State Engineer,

By _____

S

5701

State of Idaho
ENGINEERING DEPARTMENT
BOISE

D. G. MARTIN
STATE ENGINEER

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Charles M. Harris

Boise, Idaho, November 19, 1910

Logan, Utah
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. 5701

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof MUST be on or before February 1, 1911

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

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

The certificate 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

D. G. MARTIN

State Engineer.

5701

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.) Logan Utah
(Date) Dec. 1st 1910

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

DEAR SIR: Notice is hereby given that at 10 A. M. on the First 11th day of February, 1911, at Logan City, Proctor, County of Cache Oreida Utah, State of Idaho, before J. Z. Stewart, a Notary Public Carl Smith proof will be submitted of the completion of works for the diversion of Five cubic feet per second of the waters of Coastley Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Charles M. Harris
2. The postoffice address of such person or the place of business of such corporation is Utah Logan County of Cache State of Idaho
3. The number of such permit is 5701, and the date set for the completion of such work is February 1, 1911
4. Said water to be used for Irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use in accordance with the plans accompanying the application for such permit, is Five cubic feet per second.
6. The amount of lands for which said water is available is Six hundred acres, particularly described as follows: 10 1/2 of N.E. 1/4 of Sec. 22 E. 1/2 of SW 1/4 of Sec. 22 N.E. 1/4 of Sec. 21 E. 1/2 of N.W. 1/4 of Sec. 22 10 1/2 of SE 1/4 Sec. 22 S.W. 1/4 of S.E. 1/4 & S.E. 1/4 S.W. 1/4 of Sec. 15 - S.E. 1/4 of N.E. 1/4 of Sec. 22 All in T. 16 S R. 37 E Boise Meridian

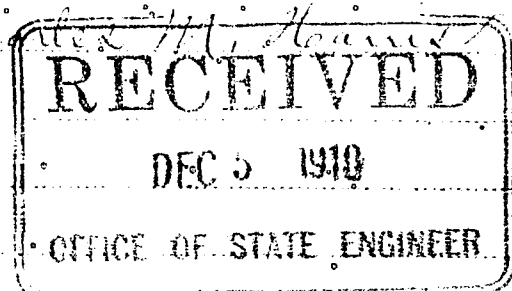
(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Engineer.

He desires that the above notice be published, according to law, in the Idaho Enterprise, of Malad, Idaho, published in the county in which said works are situated; the expense of which publication will be borne by Charles M. Harris.

(Signature) Charles M. Harris



See 8-110 W. J. H. E. 208 Nov 11 Dec 21, 1910 - 372

Hald

December 29, 1910

Permit 5701

Charles M. Harris,
Logan, Utah

Sir:-

I note in your notice of proof that you have given Logan, Utah, as the place for making your proof. As the law requires the proof to be made within the State of Idaho, it will be necessary for you to make some other place for making your proof. Please attend to this at once in order that the notice may be sent to the paper.

Very truly yours,

State Engineer.

By...

5701

C. M. HARRIS,
President

FRANK HARRIS,
Vice-President

LETTIE HARRIS,
Sec'y and Treas.

Planos and Organs direct from
the manufacturer in car load lots.

Corner
North Main and Harris Avenue

The Harris Music Company

INCORPORATED

Pianos, Organs, and Musical Merchandise
Sheet Music and Strings

Mr. D. G. Martin,
Boise, Idaho.

Dear Sir:

RECEIVED

JAN - 3 1911

OFFICE OF STATE ENGINEER

LOGAN, UTAH,

Dec. 31/10.

Your esteemed favor of Dec. 29th has been received. As per your instructions I will make proof at Carl Smiths office, Preston, Idaho, at 2 P.M. on Feb. 1st. Will you please send the proper papers for me to fill out on this occasion.

Yours truly,

C. M. Harris

5701

5701

January 5, 1911.

Permit 5701

Charles M. Harris,
Logan, Utah.

Sir:-

Your letter of the 31st ult. to hand. I have changed the date for making proof to February 11th in order to allow time for the required thirty days publication of the notice. When your depositions are submitted it will be necessary for you to file a short affidavit stating the reason why proof was made later than the date set in the permit. The publication notice will be mailed today to the Idaho Enterprise and deposition blanks will be mailed to Carl Smith, the notary before whom proof is to be taken.

Very truly yours,

State Engineer.

By:-

5701

State of Idaho

ENGINEERING DEPARTMENT
BOISE

D. G. MARTIN,
ENGINEER

INSTRUCTIONS.

Proof of Completion of Works

Charles H. Harris,

Boise, Idaho, January 3, 1911

c/o Carl Smith,

Preston, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No. 5701.

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... February 11, 1911, the date set for proof of completion of works; the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Preston,
before Carl Smith, N.P.

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

Yours truly,

D. G. MARTIN,

State Engineer.

5701

NOTICE OF PUBLICATION

● Notice is hereby given that at 10 A. M., on the 11th day of February 19 11, at Preston County of Oneida State of Idaho, before Carl Smith, N.P. proof will be submitted of the completion of works for the diversion of 5 cubic feet per second of the waters of Costley Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person ~~or corporation~~ holding said permit is

Charles M. Harris

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

Logan County of Cache State of Utah

3. The number of such permit is 5701, and the date set for the completion of such work is February 1, 1921.

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 5 cubic feet per second.

6. The amount of lands for which said water is available is 600 acres, particularly described as follows: W2 NE4 and E2 SW4 Sec.22, NE4 Sec.21, E2 NW4, and W2 SE4 Sec.22, SW4 SE4 and SE4 SW4 Sec.15, SE4 NE4 Sec.22, All in To. 16 S., R. 37 E.B.M.

D. G. MARTIN

5701
State Engineer.

January 3, 1911

Permit 5701

J.O. Webster,
Water Com. 1st Div.
Idaho Falls, Idaho.

Sir:

- Charles M. Harris, of Logan, Utah, the holder of
above permit, desires to make proof of completion of works
on 5 second feet of the waters of Costley creek, Oneida county,
on February 11, 1911.

Very truly yours,

State Engineer.

Inc.

By...

5701

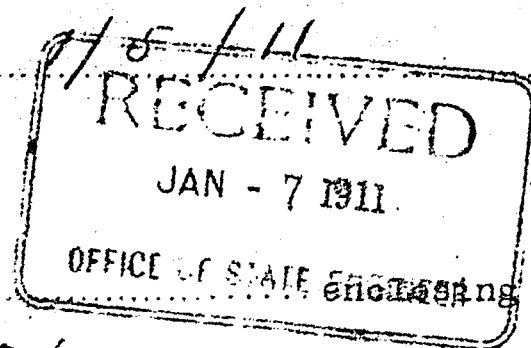
(Place) *Malad, Idaho*

(Date) *1/5/11*

State Engineer, Boise.

Dear Sir:

I have your letter of *Jan 3* enclosing Notice of
Completion of Works under Permit No. *5701* which will be published as
you request, beginning with our issue of *January 14, 1911 5701*



The Idaho Enterprise
By J. R. Jones

C. M. HARRIS,
President

FRANK HARRIS,
Vice-President

LETTIE HARRIS,
Sec'y & Treas.

Planos and Organs direct from
the manufacturer in car load lots.

Corner
North Main and Harris Avenue

The Harris Music Company

INCORPORATED

Pianos, Organs and Musical Merchandise
Sheet Music and Strings

Mr. D. G. Martin,
Boise, Idaho.

Dear sir:-

RECEIVED

FEB 8 1911

OFFICE OF STATE ENGINEER

LOGAN, UTAH, 2/6/11.

Your letter of Jan. 3rd. in regard to permit 5,701 has been received. Please give me instructions as to making proof. I have not received any papers from you to be filled out, and will not know what to do when we arrive at Preston. Please send the proper papers and instructions, and tell me what I must do by returned mail, and oblige,

Yours truly,

C. M. Harris

5701

February 8, 1911

Permit 5701

Charles M. Harris,
Logan, Utah.

Sir:-

- In reply to your letter of the 6th inst. would say that deposition blanks were mailed to Mr. Carl Smith, the notary before whom proof is to be taken. However, in case the blanks did not reach him, I am inclosing herewith a set to you.

Very truly yours,

State Engineer.

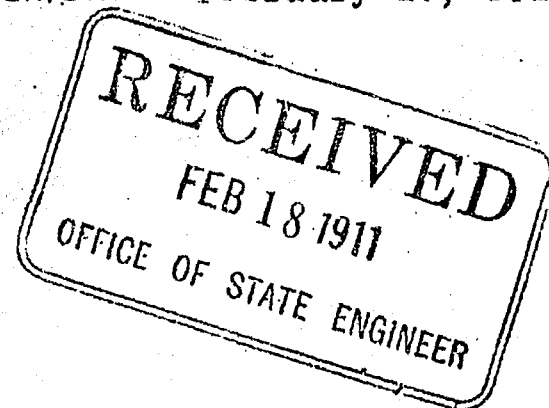
DBCW

By...

5701

LAWYERS
ECCLES BUILDING

OGDEN, UTAH February 16, 1911.



The State Engineer,
Boise, Idaho.

Dear Sir:

Mrs. D. J. Costley has just had her attention called to the notice published in the Preston paper of the final proof being taken under a permit issued from your office to Charles M. Harris for the diversion of a certain amount of water from Costley Creek.

This notice was handed to Mrs. Costley and at her request I am writing to you to ascertain more of the facts about the permit. We are informed that the so-called Costley Creek is merely another name for the old Clarkston Creek, the water of which was filed upon by D. J. Costley in 1883 and appropriated for use on certain land at the mouth of Clarkston Creek, upon which land the water has been reservoired and continuously used until two years ago when no water was used except for stock and slight garden purposes. During the year of 1910 water from this creek was used to irrigate grain.

The reservoirs are still in the canyon and with slight repair, which she intends making, can be utilized again. She informs me that she has in no sense abandoned the use of this water and that she protests against others using it now, *in derogation of her right.*

I am enclosing a certified copy of the record of the water appropriation of D. J. Costley and under this appropriation I might suggest that we are able to prove conclusively the use of the water except as above stated.

Kindly give this matter your consideration and inform me for Mrs. Costley what step you think best for her to take in order to

J. D. SKEEN

W. R. SKEEN

D. A. SKEEN

LAWYERS
ECCLES BUILDING

OGDEN, UTAH

S.E. No.2.

protect her right.

D. J. Costley died some three years ago but the estate has
tennants now occuring and farming the land under Clarkston Creek or
the so-called Costley Creek.

Yours respectfully,

J. D. SKEEN & BROTHERS,

By D. A. Skeen

5701

Water Appropriation

of

Clarkston Creek.

Daniel J. Costley

.....

Notice is hereby given that I, the undersigned, have this day claimed thirty inches of water under a 4 inch pressure of the waters flowing in this creek (commonly) known as Clarkston Creek, Oneida County, Idaho Territory.

That I intend appropriating the said water about half a mile below the mouth of Clarkston, by placing a dam across said creek, and constructing a ditch from above said dam and continuing the same down, and on to my land. (Pre-emption page 423 Book "A").

The dimensions of said ditch will be 3 ft. wide, one and one half feet deep with a fall of one inch to the rod. That said appropriation is made for agriculture and domestic purposes.

Daniel J. Costley.

Clarkston, Idaho,

Aug. 7th, 1883.

Territory of Idaho,

County of Oneida/ss

Daniel J. Costley, first being duly sworn, deposes and says that he posted a true and correct copy of the foregoing notice at the place therein set forth as the point of diversion on the 9th day of August, 1883, in presence of Robert Hawthorn.

D. J. Costley.

Subscribed and sworn to before me this 9th day of August,

A. D. 1883.

Wm. B. Shews,

Co. Recorder.

By H. R. Evans,

Deputy.

Recorded this 9th day of August, 1883.

Wm. B. Shews,

Co. Recorder.

By H. R. Evans,

Deputy.

5701

STATE OF IDAHO,

County of Oneida/ss

I, JOHN J. EVANS, County Recorder of Oneida County, do hereby certify that the foregoing is a true and correct copy of the Water Appropriation of Daniel J. Costley of the Clarkston Creek, of which is recorded in Book "A2 of Water Locations, on page 13 of said record.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 15th day of February, 1911.

John J. Evans
County Recorder.

5701

February 18, 1911

Re permit 5701-C.M.Harris

D. A. Skeen, Lawyer
Ogden, Utah.

Sir:-

I am today in receipt of your letter of the 10th inst. inclosing certified copy of water location notice of Daniel J. Costley. In reply would say that the right of C. M. Harris should in no way interfere with Mrs. Costley's right, it being a subsequent right. Mrs. Costley would have the prior right to the use of the thirty inches of water called for in her water location notice and no one holding a later right could use the waters of the stream until her right was satisfied.

Very truly yours,

State Engineer.

By...

5701

PERMIT NO. 5701

Proof of Completion of Works

MAR 2 - 1911

OFFICE OF STATE ENGINEER

DEPOSITION OF HOLDER

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

Ans. Charles M. Harris; Logan, Cache County, Utah, of the age of 44 years

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. (said undersigned represents no corporation)

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion. The number of said permit is 5701 and is dated

Ans. February 1st, 1910 (5701 No. of Permit)

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. For irrigation and domestic purposes; the number of acres for which it is available is 600 acres, described as follows, to-wit:-

W. 1/2 NE 1/4; & E. 1/2 of SW 1/4 Sec. 22; & NE 1/4 Sec. 21; & the E 1/2 of NW 1/4, & W. 1/2 SE 1/4 Sec. 22; SW 1/4 of SE 1/4 & SE 1/4 SW 1/4 Sec. 15 & SE 1/4 NW Sec. 22, all in Twp. 18 S. R. 37 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. It was turned into my works of diversion May 10, 1910 and at that time the full capacity of the works was used and the amount of water turned into said canals and irrigation works was five sec. ft

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

Ans. The works are fully completed and they comply in every respect to 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. (There is no variance; the works comply in every respect to the plans as set forth in said permit)

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

Ans. Earth dam; ²⁴ 24 feet wide, & ¹⁴ 14 feet high at point of diversion and flume is nine feet at head tapering to six feet; the smallest part of the flume will hold over five second feet per; the largest part of the flume will hold ten second feet; the works and canal etc. cost \$656.32. The Canal is two miles long and holds over 5 sec. ft

(Sign here.)

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

of Carroll, state of Idaho, on this 11th day of

A. D. 1911

5701

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

PERMIT NO. 5701

Proof of Completion of Works

DEPOSITION OF WITNESS

RECEIVED

MAR 2 - 1911

OFFICE OF STATE ENGINEER

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

Ans. George Holliday, 53 years of age, farmer, Lewiston, Cache Co., Utah

Ques. 2. Are you acquainted with Charles M. Harris, the holder of Permit No. 5701, authorizing the diversion of five second-feet of the waters of COSTLEY CREEK, at or near Weston, Idaho for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. I have known Mr. Harris 20 years; he resides at Logan, Utah.

Ques. 3. Have you read or heard read said Permit No. 5701, and are you familiar with its terms and conditions?

Ans. I have read said permit and am familiar with its terms and conditions.

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. I am acquainted with the lands to be irrigated in said permit and the land is black loam, rolling mountain hills and valleys, with little gravel; it will require at least one second foot to irrigate fifty acres and will require five second feet to irrigate 250 acres of said land for profitable cultivation

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 works are fully completed and will carry the full amount of water set out in said permit, to-wit, five second feet.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity. Earth Dam 24 feet wide and 14 feet high at point of diversion; thence the waters are conveyed in a flume ~~twentyxam~~ thirty feet in length and nine feet wide and the upper end and tapering to six feet wide at the lower end; the flume at its smallest part will hold over five second feet of water; the works will hold and carry at least seven second feet of water. The waters are conveyed in a canal after leaving the flume; the canal is two miles in length and will hold at least five second feet at the smallest point

(Sign here.)

George Holliday

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 Picilon, County

of Oneida, State of Idaho, on this 11th day of

February, A. D. 1911

A. C. Smith
4/10/11
5701

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

PERMIT NO. 5701

Proof of Completion of Works

DEPOSITION OF WITNESS

RECEIVED

MAR 2 - 1911

OFFICE OF STATE ENGINEER

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

Ans. George W. Holliday, 25 years; Lewiston, Cache Co., Utah; Farmer
(Residence and Post-office address is at Lewiston, Cache Co., Utah).

Ques. 2. Are you acquainted with Charles M. Harris, the
holder of Permit No. 5701, authorizing the diversion of five second-feet of the waters of
COSTLEY CREEK, at
for Irrigation & Domestic purposes? How long have you known him, and where does he reside?

Ans. I have known Mr. Harris 16 years; he resides at Logan, Utah.

Ques. 3. Have you read or heard read said Permit No. 5701, and are you familiar with its terms and conditions?

Ans. I have read said permit and am familiar with its terms and conditions

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. I am acquainted with the lands to be irrigated in said permit and the land is black-loam--rolling mountain hills and valleys--with a little gravel mixed therewith; it will require at least one second inch to the acre to profitably irrigate the said 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, and the works will carry the full amount of the waters in said permit, to-wit, five second feet per second

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

Ans. An earth dam 24 ft wide and 14 ft high at point of diversion thence water are conveyed in a flume 30 feet long and nine feet wide at the top tapering to six feet at the lower end; the flume will hold seven feet at its smallest point and at least ten second feet at the largest part; after the water leaves the flume it is conveyed in a canal which is completed, and the canal is two miles in length. The canal will hold at least five second feet at its smallest point.

(Sign here.)

George W. Holliday

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 11th day of

February

A. D. 1911

C. B. Smith

5701

NOTICE FOR PUBLICATION

is hereby given that at 10 a. m. on the 11th day of February 1911, before Carl Smith, N. P. proof was submitted of the completion of the diversion of five cubic feet per second of the waters of Cost Creek, in accordance with the terms and conditions of a certain permit hereinafter issued by the State Engineer of the State of Idaho.

1. The name of the person holding said permit is Charles M. Harris.
2. The postoffice address of such person is Logan, County of Cache, State of Utah.

3. The number of such permit is 5701, and the date set for the completion of such work is February 1, 1911.

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 said application for such permit, is five cubic feet per second.

6. The amount of lands for which said water is available is 600 acres particularly described as follows: W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 22, NE $\frac{1}{4}$ Sec. 21, E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, all in Tp. 19 S., R. 37 E. R. M. D. G. MARTIN, State Engineer.

1-12 2-16

AFFIDAVIT OF PUBLICATION

I, John R Jones
Manager

of the IDAHO ENTERPRISE, published weekly, at Malad City, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for five consecutive weeks, commencing with the issue dated Jan 12, 1911, and ending with the issue dated Feb 16, 1911.

John R Jones

Feb 16 day of February, 1911.

John R Jones
Notary Public

Subscribed and sworn to before me this 20 day of February, 1911.

RECEIVED

MAR 2 - 1911

OFFICE OF STATE ENGINEER

5701

A. C. SMITH
ATTORNEY-AT-LAW

SIDNEY STEVENS IMPLEMENT BUILDING

RECEIVED

MAR 2 - 1911

OFFICE OF STATE ENGINEER

PRESTON, IDAHO,

Feb. 27th. 1911.

1910

Mr. D. G. Martin

Boise City, Idaho.

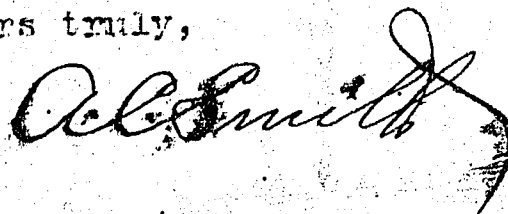
Dear Sir:-

Herewith you will find proof of completion of works in the permit
of Charles M. Harris of Logan, Utah.

You will also find his personal check in the sum of \$5.00.

I remain,

Yours truly,



5701

State of ^{Utah} Idaho, }
County of ^{Cache} Oneida. } SS:

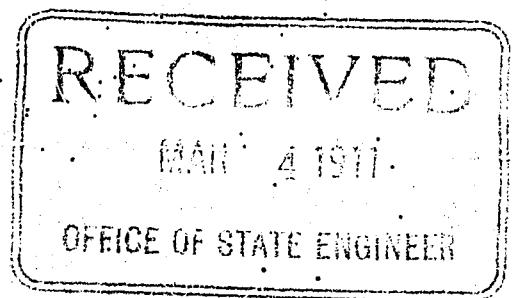
Charles M. Harris being first duly sworn deposes and says that the reason that the proof of completion of works under his permit #5701 was made at the time specified in said permit, was that it was necessary for affiant to advertize the time and place for making such proof for the period of thirty days; that accordingly the same was advertized for the 11th day of Feb. A. D. 1911; that affiant is the holder of said permit.

Charles M. Harris

Feb. 1911.

Subscribed and sworn to before me this 11th day of

Commission Expires July 4, 1914 John A. Lockett
Notary Public.



5701

C. M. HARRIS,
President

FRANK HARRIS,
Vice-President

LETTIE HARRIS,
Sec'y & Treas.

Pianos and Organs direct from
the manufacturer in car load lots.

Corner
North Main and Harris Avenue

The Harris Music Company

INCORPORATED

Pianos, Organs and Musical Merchandise
Sheet Music and Strings

LOGAN, UTAH, 3/2/11.

Mr. D. G. Martin,
Boise, Idaho.

Dear sir:-

As per your request of Jan. 3rd. I inclose affidavit.

Yours truly,

C. M. Harris

RECEIVED

MAR 4 1911

OFFICE OF STATE ENGINEER

5701

March 6, 1911

Permit 5701

C. M. Harris,
Logan, Utah

Sir:-

Yours of the 2nd inst., inclosing depositions, affidavit of publication and fees for proof of completion of works under above permit, to hand. I am inclosing herewith receipt for fee.

Upon receipt of satisfactory report from the water commissioner the certificate will be issued.

Very truly yours,

State Engineer

R3337

By...

5701

Report of Engineer

1. State name of applicant and number of permit: Charles M. Harris - Permit 5701
2. State source of water supply: Costley creek
3. Location of point of diversion: 300' S and 110' W. of N.E cor. of NW4 Sec. 21
Tp. 16 S., R. 37 E. B.M.

4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: No. See remarks

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

- (a) Width of conduit at bottom: 2 1/2'
- (b) Width at water line: 3 1/2'
- (c) Depth of water: 1 1/2'
- (d) Grade per mile: 10'

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

During irrigation season of 1910

7. Give exact location of lands to be irrigated. ~~Give exact number of acres under cultivation in each~~

forty acre tract: N.E. 1/4 Sec 21, E. 1/2 NW 1/4 Sec 22, W. 1/2 NE 1/4 Sec 22
E. 1/2 S.W. 1/4 Sec 22, W. 1/2 SE 1/4 Sec 22 - S.W. 1/4 SE 1/4
SW 1/4 Sec 15 all in Twp 16 S. R. 37 E. B.M.
SE 1/4 NE 1/4 Sec 22

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 South branch of the ditch
as outlined on permit is not completed
Overline for the same having been
just plowed

Chas. M. Harris
 Water Engineer

STATE OF IDAHO,

County of _____

ss.

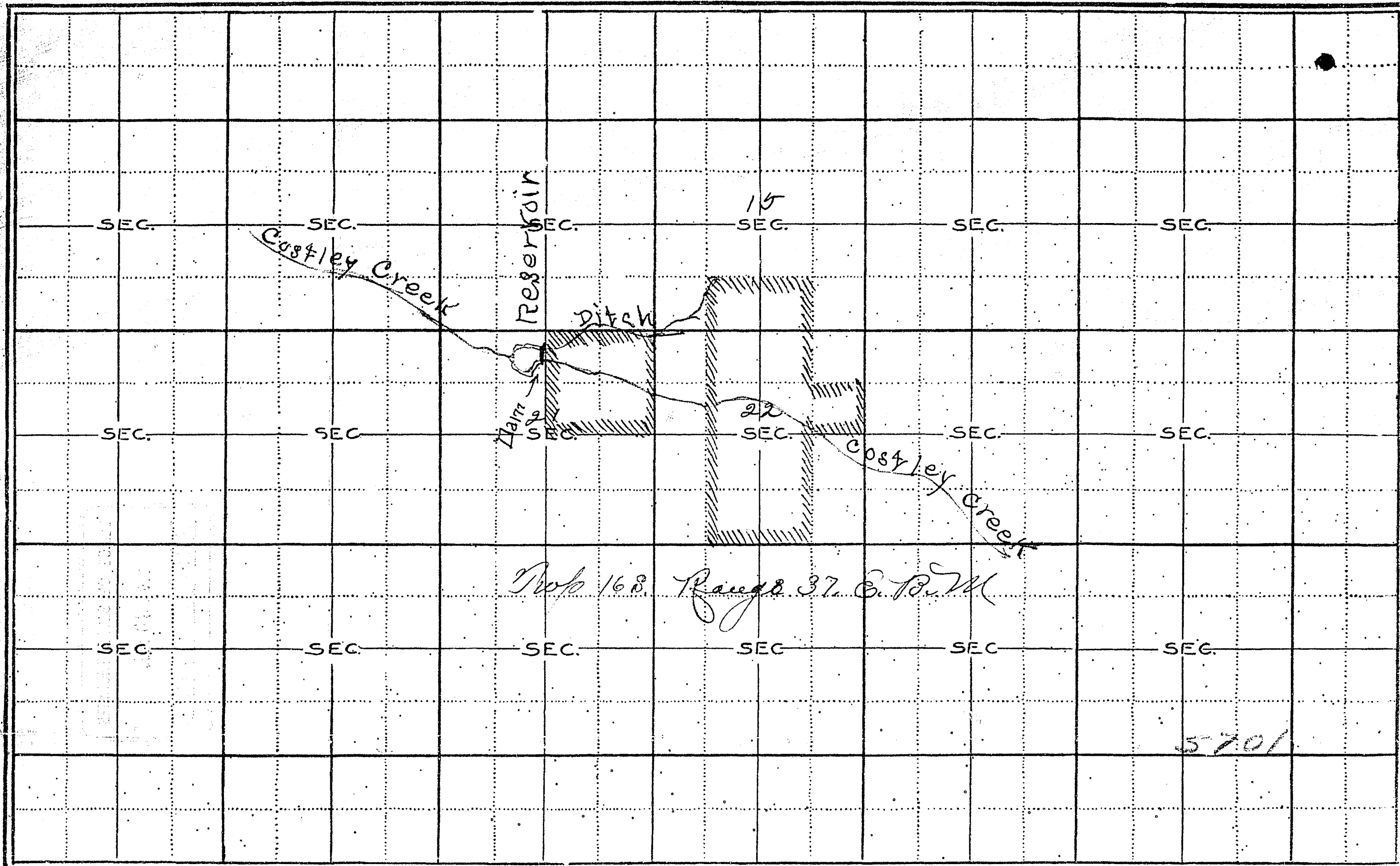
_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191

My Commission Expires _____

Notary Public.

5701



August 4, 1911

Permit 5701

Chas. M. Harris,
Logan, Utah

Sir:-

Am inclosing you herewith certificate of
completion of work issued under above permit.

Very truly yours,

State Engineer.

CCW

By...

5701

A. E. ROBINSON
STATE ENGINEER

State of Idaho

ENGINEERING DEPARTMENT

BOISE

Charles M. Harris,
Lovan, Utah.

Boise, Idaho, May 1, 1914.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your permit No. 5701, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

A. E. ROBINSON,
State Engineer.

5701

C. M. HARRIS.
President

FRANK HARRIS.
Vice-President

LETTIE HARRIS.
Sec'y and Treasurer

Planos and Organs Direct from
the manufacturer in car load lots

Corner
North Main and Harris Avenue

The Harris Music Company

INCORPORATED

Pianos, Organs and Musical Instruments
Sheet Music and Strings

LOGAN, UTAH, Dec. 30th 1914.

State Engineer.

Boise, Idaho.

Dear Sir:-

Your favor of Nov. 1st 1914 in regard to proof of application of water to beneficial use under my permit no. 5701 has been received. One of my witnesses has been ill for some time and I have been under the impression that I could prove up any time during the year 1915, but I notice from your letter that I must publish notice 60 days before proving up.

Can you grant me a favor by extending the time until May 15th or June 5th 1915? I understand that I will be obliged to go to Malad, Idaho when I prove up and it will be easier for me to get my witnesses at that time. You see my ranch is in the mountains and there are only three or four neighbors that know anything about my water right.

Will you please tell me where I will have to make proof in Malad and before whom I will appear. I would like to know these things before filling out the notice for publication.

Hoping to hear from you at an early date, I am

Yours truly

C. M. Harris

5701

January 2, 1915.

Permit 5701.

Mr. C. E. Harris,
Logan, Utah.

Sir:

In reply to your letter of the 30th ult. would say that you should make application for extension of time, in duplicate, upon the enclosed forms.

Very truly yours,

Herbert Wing,

Acting State Engineer

2F3

By _____

5701

C. M. HARRIS,
President

FRANK HARRIS,
Vice-President

LETTIE HARRIS,
Sec'y and Treasurer

*Planos and Organs Direct from
the manufacturer in car load lots*

*Corner
North Main and Harris Avenue*

The Harris Music Company

INCORPORATED

*Pianos, Organs and Musical Instruments
Sheet Music and Strings*

LOGAN, UTAH, Jan 28 /15

State Engineer,

Boise, Idaho.

Dear Sir:-

As per your request of Jan. 2 /15, I am enclosing applica-
tion for extension of time, on farms furnished by you.

You did not answer my questions as to where I will be obliged
to make proof, whether at Malad or some other place. At what office
and before whom will I appear when making proof,

I cannot find any thing in the statutes on the subject, and I must *have*
this information before I could advertise or fill out blanks for adver-
tising the date for making proof.

Yours truly,

C. M. Harris

RECEIVED

JAN 30 1915

OFFICE OF STATE ENGINEER

5701

January 30, 1915.

Permit 5701.

Mr. C. M. Harris,
Logan, Utah.

Sir:

Replying to your letter of the 28th would say that you can make proof at any place within the State of Idaho most convenient to yourself and two witnesses and before any notary public or other officer authorized to administer oaths within this State. The proof can be made before any notary, Justice of the Peace or U.S. Land Commissioner.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

February 2, 1915.

Permit 5701.

Charles M. Harris,
Logan, Utah.

Sir:

Your application for extension of time has been
approved and duplicate is herewith returned to you.

Very truly yours,

Herbert Wing,

Acting State Engineer.

ET

By _____

5701

OFFICE OF STATE ENGINEER

Permit No. 5701

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO }
County of Cache } ss.

Charles M. Harris, of Logan, Utah

State of _____, being first duly sworn upon his oath deposes and says:

THAT he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 5701

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by February 1st, 1915

THAT he has heretofore put to beneficial use 2.3 acre second feet of water and has irrigated 100 acres.

THAT, for the following reasons, he is unable to ~~put to beneficial use within the required time~~ ~~the water appropriated under his permit, to make final proof of beneficial~~ ~~use by said date, because of the fact that the land is remotely situated, in the mountains, and that the witnesses who know of the actual impounding and use of the water upon the said land, live in the vicinity of the said land and that it is difficult on account of the distance from the county seat, where the proof is required by law to be made, and the condition of roads and weather to get such witnesses to go to the place of making proof at this time of the year; upon the further ground that the affiant is required to give sixty days notice of intention to make such final proof, and that he has not time to make such publication prior to the time fixed by the state engineer for making same~~

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial use under said permit to July 1st, 1915

And further, deponent saith not.

Subscribed and sworn to before me this 25th day of January, 1915

Notary Public.

My commission expires July 1, 1917

Date of receipt at office of State Engineer

Herbert King, Acting State Engineer

I, F. B. King, State Engineer of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. 5701, to July 1st, 1915.

Witness my hand this 30th day of January, 1915.

Acting

State Engineer.

5701

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 11 a. m. on the first day of July, 1915,
 at Preston Idaho, County of Franklin, State of Idaho,
 before Attorney A. C. Smith N. P., proof will be submitted
 of the application to beneficial use of ~~2.3~~ 2.3 cubic feet per second of the waters of
Coastley Creek, in accordance with the terms and conditions of Permit No. 5701
 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Charles M. Hearn, Logan, Utah, County of Garfield
2. The use to which said water has been applied is for irrigation and domestic purposes
3. The amount applied to beneficial use is 2.3 acre feet of water
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
N. E. 1/4 Sec. 21 E. 1/2 of N. W. 1/4 of Sec. 22
all in T. 16 S. R. 37 E. Boise Meridian.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is The Hearn Reservoir and ditch
6. The right to take the water from such works is based upon Permit No. 5701
7. The source of supply from which such water is diverted is the Coastley Creek
8. The date of the priority which said user is prepared to establish is Dec. 13th 1909

J. H. Smith,

XXXXXXXXXXXX
 State Engineer.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

Apr. 24th 1915

(P. O.)

Logan, Utah

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Enterprise, of Malad Idaho, or any other paper published in the
county in which the works are situated.

Charles M. Harris
Logan, Utah

(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.

RECEIVED
APR 27 1915
OFFICE OF STATE ENGINEER

5701

July 1

April 27, 1915.

Permit 5701

Charles M. Harris,
Logan, Utah.

Sir:

We are just in receipt of notices for final proof under above permit. The notice for publication will be mailed to the Malar Enterprise in time for the required four weeks publication prior to July 1st and deposition blanks will be mailed to Mr. A. C. Smith, at P. Preston.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

5701

STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Chas. M. Harris,
c/o A. C. Smith,
Preston, Ida.
DEAR SIR:

BOISE, IDAHO, June 2, 1915.

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. 5701.

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 July 1st, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Preston, before A. C. Smith, N.P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$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, License will issue.

Yours truly,

J. H. SMITH, ~~EXXKIXE~~

State Engineer.

5701

(P. O.)

Madison City

(Date)

June 3, 1915

State Engineer, Boise.

Dear Sir:

I have your letter of *May 28* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *5701* which will be published as you request, beginning with our issue of *June 3, 1915*

Very truly yours

5701

5701

DAVID JENSON
ATTORNEY AND COUSELOR AT LAW
DAVID ECCLES BUILDING
OGDEN, UTAH

June 14, 1915.

State Engineer, of the State of Idaho,
Boise, Idaho.

Dear Sir:-

Will you kindly send me at your earliest convenience a copy of the application of one C. *M.* Harris of Logan, Utah, for appropriation of $2\frac{1}{2}$ second feet of water from Clarkston Creek or Costly Creek, I am not sure which. I desire to secure a copy of this application, and also to ascertain the time when protest against the granting of the same must be filed, as a client of mine claims ownership of this water, and desires to protect her interests in the same.

Thanking you very kindly, I beg leave to remain,

Yours very truly,

David Jenson

DJ EM

5701

June 18, 1915.

Re copy -Permit 5701.

David Jenson, Attorney,
Ogden, Utah.

Sir:

Per your request the 14th inst., I am enclosing herewith copy of the above numbered permit, for which please to remit \$1.00.

- The protest against the proof should be filed in this office prior to or on the date set for proof, July 1st. If the protestant desires she can file the protest with the notary public taking the proof, Mr. A. C. Smith, at Preston, on the date of the proof, and he will forward same to us.

Very truly yours,

J. E. SMITH,

State Engineer.

C

By _____

5701

JUN 28 1915

OFFICE OF STATE ENGINEER

IN THE MATTER OF THE APPLICATION OF CHARLES M. HARRIS, to appropriate certain water from Clarkston Creek, situate in Oneida County, State of Idaho, which said Creek is named and specified in the application for permit Number 5701, of the said C. M. HARRIS, as Costley Creek.

OBJECTION and PROTEST TO GRANTING OF SAID APPLICATION.

COMES now MARIUM H. COSTLEY, the objector, and protestant to against the granting of the application of CHARLES M. HARRIS, for the appropriation of five cubic feet per second of water from Clarkston Creek, situate in Oneida County, State of Idaho, said creek being designated and specified in the application of CHARLES M. HARRIS as Costley Creek. The application of the said CHARLES M. HARRIS being filed at 9:00 o'clock A. M. on the 13th day of December, 1909, in the State Engineer's Office of the State of Idaho, and being numbered 8051. Permit thereon issued by the State Engineer being designated and known as Permit Number 5701.

As grounds for said objection and protest said objector and protestant alleges as follows:

1. That all of said water in Clarkston Creek was filed upon and appropriated and used by objector and protestant, MARIUM H. COSTLEY, in the year 1880, and all of the water flowing from said Clarkston Creek ever since has been, and now is used upon the land owned and now owned by the protestant herein, MARIUM H. COSTLEY.

2. That the said protestant and objector, MARIUM H. COSTLEY, all as the owner, claims the right to the use, and actually does use, of the water flowing from said Clarkston Creek.

3. That the granting of the application of the said CHARLES M. HARRIS will interfere with the prior rights of the said objector and protestant herein, MARIUM H. COSTLEY.

WHEREFORE, said MARIUM H. COSTLEY, prays that the application of the said CHARLES M. HARRIS, be denied.

5701
Marium H. Costley

Dated and signed this 24th day of June, 1915.

STATE OF UTAH)
 : SS.
COUNTY OF WEHER)

MARIUM H. COSTLEY, being first duly sworn, upon oath deposes and says:

That she is the objector and protestant in the above and foregoing instrument; that she has read the above and foregoing instrument and knows the contents thereof, and the same is true of her own knowledge, except as to those matters therein stated Upon information and belief, and as to those matters I believe it to be true.

Marium H. Costley

Subscribed and sworn to before me this 24th day of June, A. D. 1915.

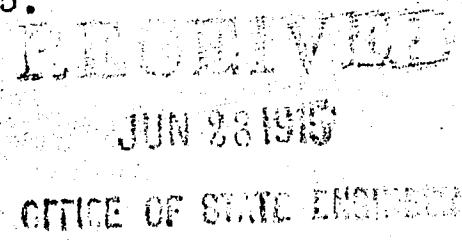
My commission expires
March 5, 1917.

David Jensen
Notary Public.

DAVID JENSON
ATTORNEY AND COUSELOR AT LAW
DAVID ECCLES BUILDING
OGDEN, UTAH

June 25, 1915.

J. H. SMITH, State Engineer,
Boise, Idaho.



Dear Sir:-

Beg leave to acknowledge receipt of yours of the 18th inst. enclosing copy of permit of Charles M. Harris, for which I enclose herewith a check for \$1.00. ✓

I am enclosing herewith the objection and protest of Marium H. Costley to the granting of said application. I have also this day mailed a copy of said objection and protest to A. C. Smith, Notary Public, at Preston, Idaho, and before whom proof is to be taken on June 1st.

On February 19, 1911, D. G. Martin, then State Engineer of the State of Idaho, wrote a letter to D. A. Skeen, Attorney at Law, at Ogden City, Utah, who was then representing the contentant and objector to the granting of the permit of the said Chas. M. Harris, in which letter the State Engineer stated that the right of C. M. Harris would in no way interfere with the Costley water right, it being subsequent right and that Mrs. Costley would have the prior right to the use of thirty inches of water called for in the water location notice, and that no one holding a later right could use the water of the stream until her right was satisfied. I would like to know if this is the situation at the present time.

570

I would appreciate very much if you would send me, at

- 2 -

your earliest convenience a copy of the water location notice referred to in said letter, for which I will pay the amount due upon notification of the fee therefor.

Yours very truly,

David Jensen

DJ EM

576

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 11, A. M. on the first day of July, 1915 at Preston, County of Franklin, in the State of Idaho, before attorney A. C. Smith, N. P., proof will be submitted of the application to beneficial use 2.3 cubic feet per second the waters of Costley Creek, in accordance with the terms and conditions of Permit No. 5701, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are, Charles M. Harris, Logan Utah, County of Cache.

2. The use to which said water has been applied is for irrigation and domestic purposes.

3. The amount applied to beneficial use is 2.3 acre feet water.

4. The place where said water is used is (if for irrigation give full and accurate description of the lands irrigated) NE 1-4 Sec. 21, E 1-2 NW 1-4 Sec. 22, all in township 16 S., Range 37, East Boise Meridian.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is The Harris Reservoir and Ditch.

6. The right to take the water from such works is based upon permit No. 5701.

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

8. The date of priority which said user is prepared to establish is Dec. 12, 1909.

J. H. SMITH
State Engineer.

6-3 6-24

I, A. C. Ellison

Ben. Morrison, of the
IDAHO ENTERPRISE, published weekly, at Malad City, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated

June 3, 1915, and ending with the issue dated June 27, 1915.

A. C. Ellison
before me this 28 day of June, 1915.

Notary Public

Rec'd JUN 30 1915

Official State Engineer

5701

June 30, 1915.

Re Permit No. 5701.

David Jensen, Attorney,
Ogden, Utah.

Sir:

We are in receipt of your letter of the 25th, in which you enclose objection and protest against proof under above permit, also, check for \$1.00 for certified copy, receipt for which is enclosed.

In regard to the Costley right would say that all prior rights on a stream must be satisfied before the subsequent right can use the water. I am enclosing herewith copy of the location notice mentioned in the State Engineer's letter February 19, 1911. Please to remit fifty cents for same.

The protest will be taken into consideration before issuing the license and Mr. Harris will be notified that his right must in no way interfere with any prior right on the stream.

Very truly yours,

J. H. SMITH;

State Engineer.

By _____

R7450-C

5701

IN THE MATTER OF THE APPLICATION OF
CHARLES M. HARRIS, to appropriate cer-
tain water from Clarkston Creek, situ-
ate in Oneida County, State of Idaho,
which said Creek is named and specified
in the application for permit Number 5701,
of the said C. M. Harris, as Costley Creek.

ADDITIONAL STATEMENT OF
FACTS RELATIVE TO THE SAID
APPLICATION IN ANSWER TO
OBJECTION AND PROTEST OF
MARIUM H. COSTLEY.

Comes now Charles M. Harris, the person to whom permit No. 5701
was on the first day of February, 1910, issued, proof of the application
of the water therein mentioned being on this day duly submitted to the
State Engineer, and makes additional statement of the facts relative to
the said permit and the use of the water of Costley Creek, otherwise known
as Clarkston Creek, in answer to the objection and protest of Marium H.
Costley filed herein.

1. Applicant states that paragraph 1 of said objection and pro-
test is not true; that if any water of said Creek was ever filed upon by
said Marium H. Costley, her right to the said water has been abandoned
through non-user of the same; that said Marium H. Costley or her husband,
about twenty-five years ago built certain reservoirs with the evident in-
tention of impounding the waters of said Creek, but that said reservoirs
have been out of use for at least fifteen or twenty years; that it is im-
possible for the said Marium H. Costley to use the waters of said Creek
without reservoirs in which to impound the waters for the reason that
during the irrigation season there is little or no water flowing down said
Creek, and it is necessary to catch the flood waters of the early spring
in reservoirs in order to have water for irrigation and domestic purposes.

2. Applicant states in answer to paragraph 2 of said protest,
that said paragraph is untrue for the reasons set out in the foregoing para-
graph, and further states that in addition to the non-use of protestant's
reservoirs by her, it is utterly impossible for her to take the water out
of the natural stream for the reason that the land is much higher than the
bed of said stream.

3. Applicant further states in answer to paragraph 3 of said
protest that if protestant ever had any rights to the said water of said
Costley Creek, such rights have been lost by reason of the laches of the
protestant as above set forth.

Applicant further states that most of the water which flows down to the land of said Marium H. Costley rises in springs located on the land of applicant, and that the water which applicant uses is mostly flood water caught in his reservoir during the early spring months and during rain storms, and there is not enough water from said springs to do any appreciable good even if applied to a beneficial purpose. That protestant may possibly have tried to irrigate a few acres of land along the creek bottom, but if so, this has only been done since applicant built his reservoir and with an evident intention to recover her former right if protestant ever had one. That for a number of years prior to the filing of the application by applicant herein, the said Costley Creek went entirely dry and there was absolutely no water for any purpose except during the early spring months.

Wherefore, applicant prays that final certificate be issued to him and that protestant's a objection and protest be counted as naught.

Charles M. Harris

State of Idaho, ..
..SS.
County of Franklin..

Charles M. Harris, being first duly sworn, deposes and says: I am the applicant mentioned in the foregoing statement of facts; I have read the above and foregoing statement and know the contents thereof, and the same is true of my own knowledge.

Charles M. Harris

Subscribed and sworn to before me this first day of July, 1915.

J. M. Condie

Notary Public, Residing At
Preston, Idaho.

PERMIT No. 5701

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. Charles M. Harris, Logan, Utah, occupation ranching.

Age 48 years.

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

Ans.

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

Ans. 5701, February 1, 1910, date of permit, Application filed Dec. 15, 1909

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

Ans. Source: Costley Creek, Oneida and Franklin Counties,

Point of diversion: 300 feet South and 110 feet West of NE corner of NW¹/₄ of Section 21, T. 16 South, Range 37 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. Small reservoir with capacity of 600,000 cu. feet.; earthen dam and canal about two miles long. Height of dam 14 feet, length of dam at top 132 feet, length at bottom 24 feet.

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.

Ans. Use: Irrigation and domestic purposes. Subdivisions on which water has actually been used: Northeast quarter of Section 21, and Southeast quarter of the Northwest quarter of Section 22, T. 16 S., Range 37 E. B. M. reservoir
The dam broke in the years 1913 and 1914, preventing the use of the water on the other portions of the land proposed to be irrigated.

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. Five cubic feet.

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.

5701

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

Ans. When: In the year 1912 the water was taken out and used quite extensively, also in the year 1913, but in the year 1914, there was little water used owing to the condition of the reservoir. How: Used to irrigate the land hereinbefore described. Amount: 2.3 acre feet. Used to the extent of irrigating the said land for the raising of crops. Barley, hay, oats and garden.

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) *Charles M. Harris*

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

Franklin, State of Idaho, on this first day of July,

A. D. 19 15.

W. C. Smith

Notary Public
Residing at Preston, Idaho.

Permit No. 5701.

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. Hesse Harris, age 53 years, residence Logan, Utah, occupation rancher.

Ques. 2. Are you acquainted with Charles M. Harris, the holder of Permit No. 5701? How long have you known him and where does he reside?

Ans. Yes. Thirty years. He lives at Logan, Utah.

Ques. 3. Have you read or heard read said Permit No. 5701, 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. Costley Creek, Oneida and Franklin Counties. Works: Small reservoir with capacity of 600,000 cu. feet; earthen dam and canal about two miles long. Height of dam 14 feet; length of dam at top 132 feet; length of dam at bottom 24 feet. Place of diversion: 300 feet South and 110 feet west of Northeast corner of NW quarter of Section 21, T. 16 S., R. 37 E. B. M.

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. Five second feet ~~run~~, sufficient water for eighty or one hundred acres.

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. Irrigation and domestic purposes. Irrigated Northeast quarter of Section 21, and Southeast quarter of the Northwest quarter of Section 22, T. 16 S., Range 37 E. B. M. Crops raised consist of barley, ~~oats~~ oats, hay and garden.

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

Ans.

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

Ans. Black mountain loam. Five second feet.

5701

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 whatever.

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

Ans. During years 1912, 1913 and 1914; have been near the land, working on other land nearby; have seen the water conveyed and used on the land hereinbefore described.

(Sign)

Jesse Harris

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 Preston, County of Franklin, State of Idaho, on this first day of July, A. D. 1915.

A. C. Smith

Notary Public.

Residing at Preston, Idaho.

My Commission Expires December 16th, 1916.

5701

Permit No. 5701.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. George Holliday, age 58 years, residence Cedarville, Idaho,

Post office address: Weston, Idaho.

Ques. 2. Are you acquainted with Charles M. Harris, the holder of Permit No. 5701? How long have you known him and where does he reside?

Ans. Yes. Twenty years. He resides at Logan, Utah.

Ques. 3. Have you read or heard read said Permit No. 5701, 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. Castley Creek, Oneida and Franklin Counties. Works: Small reservoir with capacity of 600,000 cu. feet; earthen dam and canal about two miles long. Height of dam 14 feet; length of dam at top 132 feet; length of dam at bottom 24 feet. Place of diversion: 300 feet South and 110 feet west of Northeast corner of NW quarter of Section 21, T. 16 S., R. 37 E. B. M.

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. Five second feet ~~mm~~, sufficient water for eighty or one hundred acres.

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. Irrigation and domestic purposes. Irrigated Northeast quarter of Section 21, and Southeast quarter of the Northwest quarter of Section 22, T. 16 S., Range 37 E. B. M. Crops raised consist of barley, oats, hay and garden.

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

Ans.

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

Ans.

Black mountain loam. Five second feet.

5701

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 whatever.

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

Ans. During years 1912, 1913 and 1914, have been near the land, working on other land nearby; have seen the water conveyed and used on the land hereinbefore described.

(Sign)

George Holladay

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 Preston, County of Franklin,

State of Idaho, on this first day of July, A. D. 1915.

W. C. Smith

Notary Public.

Residing at Preston, Idaho.

My Commission Expires December 16th, 1916.

A. C. SMITH,
A. D. ERICKSEN,
P. M. CONDIE

General Practice, Probate Work,
Notary Work
and Collections

Law Offices
SMITH, ERICKSEN & CONDIE
Attorneys-At-Law

Preston, Idaho, July 1, 1915.

State Engineer,

Boise, Idaho.

Dear Sir:-

You will please find enclosed proofs of application of water to beneficial use, permit No. 5701.

Also find statement of additional facts in answer to protest of Marium H. Costley. We have this day mailed to her a copy of this statement by registered mail, addressed to her at Ogden, Utah, which we understand to be her residence. If our affidavit is necessary as to this, it will be furnished on request or notification to that effect.

Very truly yours,

SMITH, ERICKSEN & CONDIE

By

P. M. Condie

5701

July 7, 1915.

Permit 5701-Chas. M. Harris.

Smith, Erickson & Condie,
Attorneys at law,
Preston, Idaho.

Gentlemen:--

We are in receipt of your letter of the 1st., enclosing depositions of holder and witnesses for final proof under above permit, also, special affidavit in answer to the protest filed by Marion H. Costley.

No action will be taken in the matter of proof until an engineer from this office can make the required examination and report. The holder of the permit and the protestant will be then be further notified as to the action taken.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

C. M. HARRIS,
President

FRANK HARRIS,
Vice-President

LETTIE HARRIS,
Sec'y and Treasurer

*Pianos and Organs Direct from
the manufacturer in car load lots*

*Corner
North Main and Harris Avenue*

The Harris Music Company

INCORPORATED

*Pianos, Organs and Musical Instruments
Sheet Music and Strings*

LOGAN, UTAH. July. 10th, 1915.

Mr. J. H. Smith.

State Engineer;

Boise, Idaho.

Dear Sir:

My attorneys, Smith, Ericksen & Condie at Preston,
Idaho state that in your letter of July 7th to them that *you say*
no action will be taken in the matter of my water right
permit no. 5701 until an engineer from your office can make
an examination. I hope you can give me about ten days notice
so that I can be at the ranch when he arrives. If you will
let me know in time I can meet him with an automobile
at Logan or Cache Junction and take him out to the farm.
In this way we will be able to examine the Costly Creek

JUL 13 1915

5701

July 19, 1915.

Re Permit 5701.

Mr. C. M. Harris,
Logan, Utah.

Sir:--

In reply to your letter of the 13th would say that it will probably be four or five weeks before an engineer from this office will be able to make the examination under your permit. We will advise you, if possible, before going.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

5701

REPORT OF ENGINEER

1. State name of applicant and number of permit: Chas. M. Harris, Permit 5701.
2. State source of water supply: Costley creek-
3. Location of point of diversion: 300 feet S. and 110 ft. W. of N.E. Cor. of NW $\frac{1}{4}$ Sec. 21, T. 16 S., R. 37 E.B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Main works completed - Ditches not completed, as per filing map.
5. Describe works as they exist, giving dimensions and capacities of same: Dam of earth, 12' high, 110' long on top, 30' on bottom. Headgate 10' wide, 5' high. Controlling gate, 1 1/2' wide, 5' high. 2" boards - good substantial structure. Leads into flume, 75' long, 2' wide, 8" deep, with waste control in flume.
Ditch on river side built - 2' on bottom - 3' on water line, 1 1/2' deep - Mountain grade - approx 15' to mile - readily carry 5^{sec} feet, when cleaned out.
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):
NE $\frac{1}{4}$ Sec. 21 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, T. 16 S., R. 37 E.B.M. Truly
65 acres under irrigation at present - Can readily irrigate the land if ditches were made - About 250 acres in actual cultivation at present - balance used for pasture now, but good tillable & irrigable land.
See map for particulars.
8. Submit map on enclosed plat, showing location and details of above description.

Remarks:

This examination was made on the 19th day of May, 1916.

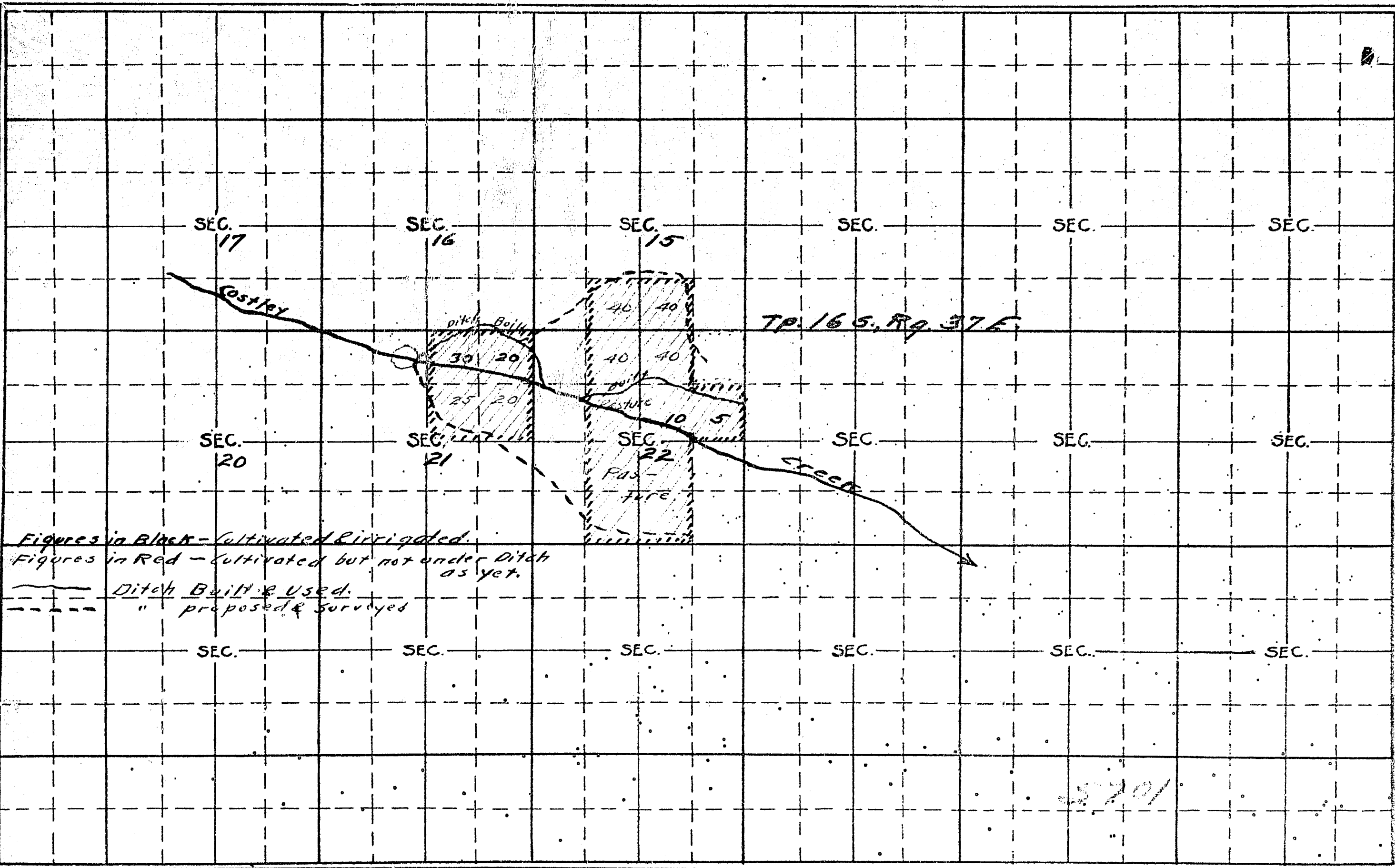
(Signed)

Examiner.

Name of Applicant Chas. M. Harris # 5701

SCALE: 2 INCHES = 1 MILE

DRAW PLAN IN INK



June 5, 1916.

Re Permit 5701.

Mr. Charles M. Harris,
Logan, Utah.

Sir:--

The report of our examining engineer, for proof of beneficial use of water under above permit, has just been filed. According to this report, you have 65 acres under cultivation and irrigation, the report showing the balance of the land under cultivation or pasture, but not as yet having been irrigated. The license can, therefore, be issued for only 65 acres, being parts of four forties. The fees will be \$8.00 and, upon receipt of same, the license will be issued.

In regard to the objection and protest filed against this proof by Marium H. Costley, would say that, in view of the fact, that the Costley right is prior in time to your permit, it must be satisfied first.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

5701

June 5, 1916.

Re Permit 5701- C.M.Harris.

David M. Jensen, Attorney,
Ogden, Utah.

Sir:--

Relative to the objection and protest of
Marion H. Costley against issuance of license
on final proof under above permit, would say
that license will be issued for 65 inches of
water, the amount of land shown in our engineer's
report to have been irrigated and cultivated, but
Mr. Harris has been notified that the license cannot
in any interfere with any prior right and that the
Costley right must be satisfied first.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

5701

C. M. HARRIS,
President

FRANK HARRIS,
Vice-President

LETTIE HARRIS,
Sec'y and Treasurer

Pianos and Organs Direct from
the manufacturer in car load lots

Corner
North Main and Harris Avenue

The Harris Music Company

INCORPORATED

Pianos, Organs and Musical Instruments
Sheet Music and Strings

LOGAN, UTAH, June 16th, 1916.

Mr. J. H. Smith.
State Engineer.
Boise, Idaho.
Dear Sir:

Your favor of June 5th has been received,
and as per your instructions I am inclosing my check
for \$8.00 as fee for the sixty-five acre water license
which you will issue to me.

I was not present when the Examining Engineer
visited my farm, but he stated to my Brother that I could
have two years extension of time to make ^{more} ~~my~~ ditches
and to secure ~~xx~~ water right to cover more land
if I desired. Will you please give me the proper
instructions or the blank forms to fill out so that
I will know how to undertake this matter properly.
Also let me know how long a time I will have to
undertake this work. I have spent a great deal of
money there and was quite surprised that I was not
granted more of a water right.

Hoping you will do all you can to assist me and
that I may hear from you soon, I am

Yours truly

C. M. Harris

RECEIVED

JUN 14 1916

OFFICE OF STATE ENGINEER
Dict: CMH/WH

5701

ff 2nd 7/1/15
Court extend.

OK / [signature]

June 20th, 1916.

P. 5701

Mr. C. M. Harris,
Logan, Utah.

Dear Sir:-

Replying to your letter of the 16th, we have to advise that extension of time for proof of beneficial use cannot at this time be granted. The statute requires that applications for such extension be made before the time for making proof has passed and in this case proof was due July 1st, 1915.

However, you can make proof of beneficial use on additional water for additional lands whenever ready and license will be issued in the usual manner, except that your priority will be somewhat later. Where the proof of beneficial use is made on or before the date set for same the priority of the license is the date upon which the application was first received in this office. If the proof is made after the date set for same the priority of license issued under such proof is later than the original priority an amount equal to the time the proof is late. For example, in this particular case if you should make further proof of beneficial use on July 1st, 1917, the license issued to you on such proof would bear a priority of two years later than the date upon which the application was first received here.

License for the 65 inches will be issued as soon as possible and forwarded to you as soon as ready.

Very truly yours,

J. H. SMITH,

State Engineer.

By

RSH-ELS

5701

August 3, 1916.

Re Permit 5701.

Mr. C.M.Harris,
Logan, Utah.

Sir:--

Enclosing herewith water license issued
under the above permit, with receipt for fees.

Very truly yours,

J. H. SMITH,

State Engineer.

WL-R8386

By _____

5701

ESTABLISHED 1892

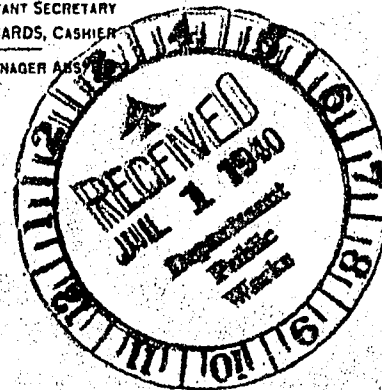
UTAH MORTGAGE LOAN CORPORATION

FREDERICK P. CHAMP, PRESIDENT

L. M. THOMPSON, VICE-PRESIDENT
WILLARD PAULSEN, SECRETARY-TREASURER
O. A. GARFF, MANAGER INS. DEPT.C. O. DUNN, ASSISTANT SECRETARY
FRANKLIN D. RICHARDS, CASHIER
J. H. STEWART, MANAGER ASSETS

LOGAN, UTAH

June 29, 1940

State Engineer
Capitol Building
Boise
Idaho

Dear Sir:

We would appreciate having you advise us whether or not there are any filings of record covering water rights on property owned by this corporation situated in Franklin and Oneida Counties, Idaho, described as follows, to-wit:

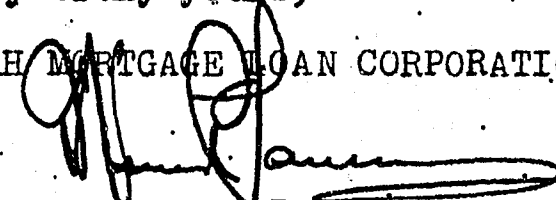
The West half of the Southwest quarter of Section 14 and the East half of the Southeast quarter of Section 15, and all of the Northeast quarter of Section 21; the East half of the Northwest quarter; the East half of the Southwest quarter; the West half of the Northeast quarter; and the West half of the Southeast quarter of Section 22, all in Twp. 16 South of Range 37 East of the Boise Meridian, containing 640 acres.

Also the East half of the Northeast quarter and the East half of the Southeast quarter of Section 22, in Township 16 South of Range 37 East of the Boise Meridian, Idaho, containing 160 acres.

Thanking you, for your prompt attention to this matter, we remain

Very truly yours,

UTAH MORTGAGE LOAN CORPORATION.


Secretary-Treasurer

BL

IN REPLYING REFER TO
NO. 17945 Charles M. Harris

A faint rectangular stamp, possibly a filing or processing mark, located in the bottom right corner of the page.

Permit 5701

July 2, 1940

Utah Mortgage Loan Corporation,
Logan, Utah

Re: R7945- Charles H. Harris

Gentlemen:-

In reply to your letter of June 29th, have to advise as follows:

Permit No. 5701 was issued to Charles H. Harris, for five (5) second feet of water from Costley Creek, for irrigation and domestic use upon 200 acres described as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; NE $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22; All in Twp. 16 South, Range 37 East.

Certificate of Completion of Works was issued July 20, 1911, for five second feet, as applied for; but beneficial use proof was only made on 65 acres, and License accordingly issued for 1.3 second feet with priority date of December 13, 1909.

The 65 acres covered by the beneficial use proof are as follows:
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, 30 acres; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, 30 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, 5 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, 10 acres; all in Twp. 16 S., Range 37 E., B.M.

However, it is still possible to make supplementary beneficial use proof for the remaining 3.7 second feet of water covered by this permit. but of course the priority date will have to be set forward the length of time that has elapsed since this proof was due. of July 1, 1915.

If it is your wish to make this proof, we shall be glad to send you the necessary forms upon request.

Very truly yours,

JAMES SPOTFORD

Commissioner of Reclamation

By

Chief Clerk

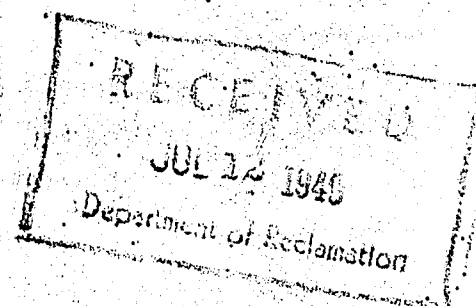
JLA

5701

ESTABLISHED 1892

UTAH MORTGAGE LOAN CORPORATION

FREDERICK P. CHAMP, PRESIDENT

L. M. THOMPSON, VICE-PRESIDENT
WILLARD PAULSEN, SECRETARY-TREASURER
O. A. GARFF, MANAGER INS. DEPT.C. O. DUNN, ASSISTANT SECRETARY
FRANKLIN D. RICHARDS, CASHIER
J. H. STEWART, MANAGER ABS. DEPT.LOGAN, UTAH
July 10, 1940Mr. James Spofford
Commissioner of Reclamation
State of Idaho
Boise, Idaho

Dear Mr. Spofford:

We thank you very much for your letter of July 2 concerning the filings on water in connection with the farm referred to below, in which you state that if we wish to make necessary proof, you will be glad to send us the necessary forms upon request.

Since receiving your letter, we have decided to make this proof and would, therefore, appreciate having you send on the necessary forms at your earliest convenience.

Very truly yours,

UTAH MORTGAGE LOAN CORPORATION

Willard Paulsen

Secretary-Treasurer

ew

IN REPLYING REFER TO
No. 17945 Charles L. Harris

5701

July 13, 1940

Re: Permit No. 5901

Mr. Willard Paulsen,
Secretary-Treasurer,
Utah Mortgage & Loan Co.
Logan, Utah.

Dear Mr. Paulsen:

In reply to your letter of July 10th, in regard to
the above numbered permit, in the name of Charles M.
Harris. Your No. 17945.

We enclose forms for Notice of beneficial use proof,
which should be made in duplicate, filling the time,
place, name of Notary Public or other officer author-
ized by law to administer oaths, before whom the proof
will be made, and such other information as may apply.

The date of priority will be filled in by us, after the
date is set for proof, which you should make far enough
ahead to allow for the four weeks publication required by
law.

The form of authorization to publish should also be
executed, and returned to us with duplicate copies of the
Notice, designating a newspaper published in the county
where the water is diverted.

Upon return of these papers, we shall send the notice to
the newspaper, with instructions in regard to publishing;
and about ten days prior to the date set we shall send
the proper forms of deposition to the Notary Public. These
consist of one for the holder, and one for each of two
witnesses.

Inasmuch as the permit is for five (5) second feet, and
license has already been issued for 1.3 second feet, there
remain 3.7 second feet that can be included in this supple-
mental proof.

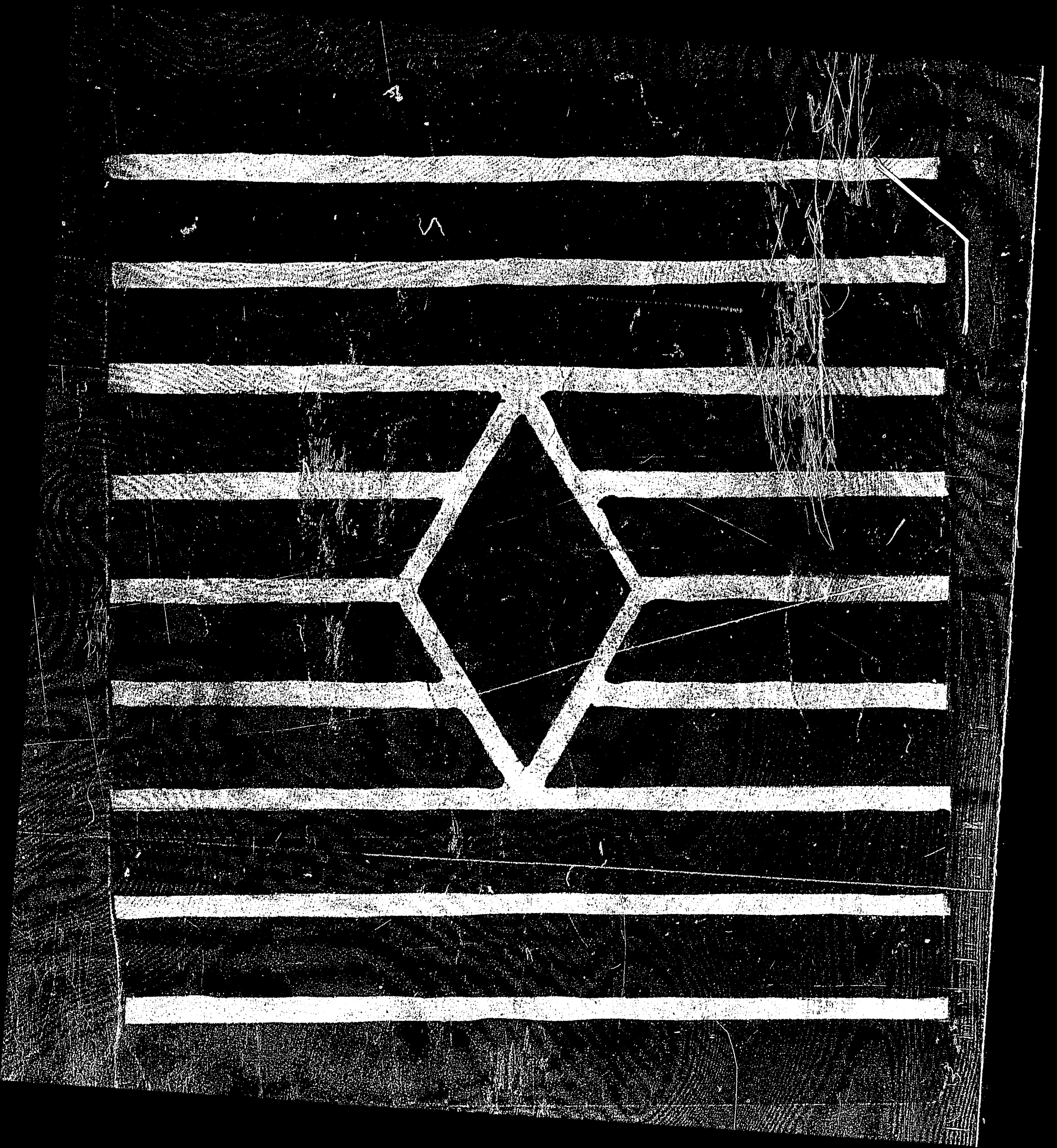
Very truly yours,

JAMES SPOKFORD
Commissioner of Reclamation

JLA
Encls.

By

Chief Clerk



County: Oneida.
Stream: Costley Cr.
Amount: 1.3 cu.ft.
Use: Irrigation
Priority: 12-13-09

2031

STATE OF IDAHO

Water License No. 5701.....

Water District No. 28.

WHEREAS, On the 13th day of December, A. D. 1909, CHARLES M. HARRIS,

of Logan, County of Cache, State of Utah, duly made application
(No. 8051) to me for a permit to use five (5) cubic feet per second of the
waters of Costley Creek - Water District No. 28.

County of Oneida, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 1st day of February, A. D. 1910, Permit No. 5701 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 1st day of February, A. D. 1911, and for the application to ben-
eficial use of said water on or before the 1st day of February, A. D. 1915, and,

WHEREAS, On the 11th day of February, A. D. 1911, CHARLES M. HARRIS,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
five (5) cubic feet per second of said waters, as evidenced by my Certificate No. 5701
dated July 20, 1911, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use five (5) cubic feet per second of said water,
with date of priority of December 13, 1909, and

WHEREAS, On the 30th day of January A.D. 1915, the time for beneficial use
of water under said permit was extended to the 1st day of July, A.D. 1915, and,

WHEREAS, On the 1st day of July, A. D. 1915, CHARLES M. HARRIS,

the holder of said permit, duly made proof of the application to beneficial use of 1.3 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

CHARLES M. HARRIS,

of Logan, County of Cache, State of Utah, the holder and owner
of said Permit No. 5701, a perpetual right, dating from December 13, 1909
to the use of 1.3 cubic feet per second of the waters of Costley Creek,

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 about 300 feet south and 110 feet
West of the N.E. Cor of the NW $\frac{1}{4}$ of Sec. 21, T. 16 S., R. 37 E.B. M.,

and conducted to and upon 65 acres as follows: 20 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and 30 acres in
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 21; 5 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and 10 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec.
22, T. 16 S., R. 37 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 29th day of July,
A. D. nineteen hundred and Sixteen

J.H.SMITH.

(Seal)

State Engineer:

13 2029