

No. 8260

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Oscar Peterson

Postoffice address: Franklin, Idaho

County: Oneida

State: Idaho

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

3. Source of water supply: Oxkiller Canyon

County of Oneida,

State of Idaho

4. Location of point of diversion: NW 1/4 SW 1/4 Sec. 26, Tp. 16 S.R. 40 E.B.M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated : 160 acres.

(b) In the following legal subdivisions: SW 1/4 NW 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4 Sec. 27, Tp. 16 S.R. 40 East B.M.

6. Estimated cost of works: Four hundred eighty dollars.

7. Description of works for diversion:

I. Kind of works: Ditch

II. Dimensions of works:

(a) Conduit, width at bottom 3 feet, width at water line 3 feet, depth of water 2 feet. Length of conduit is 1 1/2 miles, and it crosses the following quarter sections: SW 1/4 Sec. 26, SE 1/4 Sec. 27, Tp. 16 S.R. 40 E.B.M., to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is six months.

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

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.

Oscar Peterson,

Applicant

Remarks: Applicant has been using the water applied for for 20 years. He is now proving up on a Desert Entry and finds that the title he has gained by use will not suffice, hence this application. The ditches are all completed and the water has already been applied to a beneficial use on the land.

JONES CURRY & LEAF, PAY FEB 7, 1905

TALL UP 00 10414 8-7477

APPROVAL OF STATE ENGINEER.

The number of this permit is 5753.

Date of first receipt of application: 9.00 A.M. February 2, 1910

Returned to applicant for correction: February 2, 1910

Corrected application received: February 15, 1910.

Recorded in Book 17, Page 5753. Approved February 15, 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 16, 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 May 15, 1910.

The whole of said work to be completed on or before August 15, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to August 15, 1910.

Witness my hand this 15th day of February, 1910

Jas. Stephenson, Jr.

State Engineer.

Blank notice for proof of completion and beneficial use mailed applicant May 1, 1910.
 Notices received April 14, 1910, fixing June 11, 1910 as date and Preston as place of proof.
 Notice for publication mailed Preston News, May 3, 1910
 Deposition blanks mailed applicant May 3, 1910
 J.O. Webster authorized May 3, 1910, to make examination of works
 His report received June 4, 1910
 Depositions of Proof of completion and fees received June 25, 1910, also affidavit of publication
 Additional proof of beneficial use depositions and fees received July 25, 1910
 Certificate and License issued July 29, 1910.

 Permit No. 5753

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that OSCAR PETERSON, of Franklin, County of Oneida, and State of Idaho, the holder of Permit No. 5753, issued upon Application No. 8260, bearing date of priority of February 2, 1910, authorizing the diversion of 3.2 second feet of the waters of Oxkiller Canyon, 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 3.2 second feet of the waters of Oxkiller Canyon, that the point of Diversion of said waters is at a point in the northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 26, township 16 South of Range 40 East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The southwest quarter of northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) North half of southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) and Northwest quarter of southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of section 27, township 16 South, of Range 40 East of the Boise Meridian.

Witness my hand this 29th day of July, A.D. 1910.

D.G. Martin

State Engineer of the State of Idaho

License issued for 3.2 second feet
Page 1

P5753

Sp. 16 D. R. - L. 10 E. B. M.

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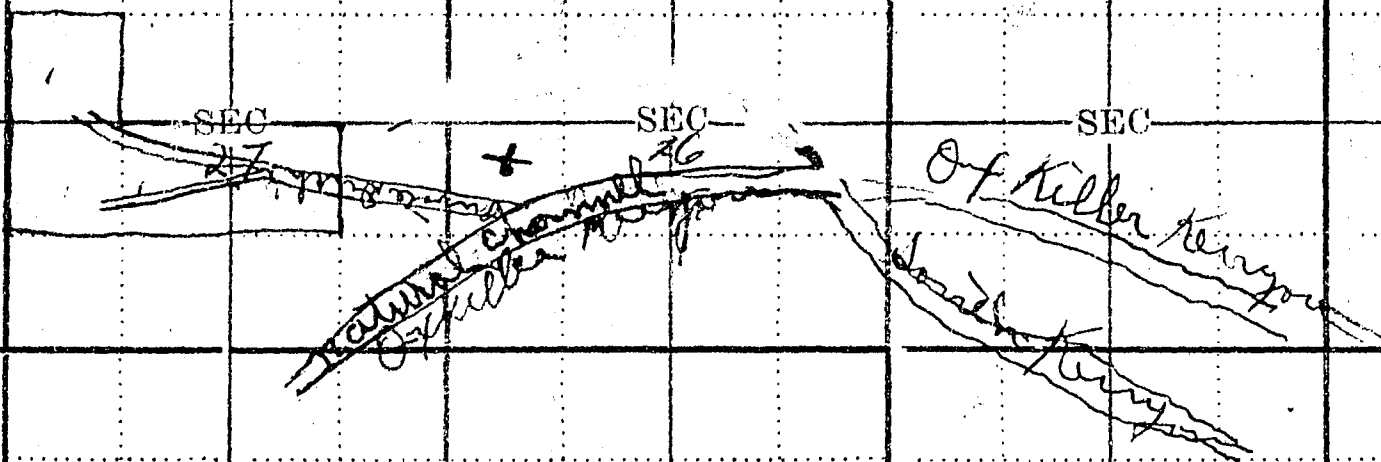
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5753

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

Permit No. 5753
Oscar Peterson,
Franklin, Idaho

Boise, Idaho, February 28, 1910.

Dear Sir:

I enclosed 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.

5753

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, May 1, 1910

Oscar Peterson,
Franklin, Idaho

Dear Sir:

I enclose herewith blank Notice of Proof of Completion of Works under your permit No. 5753 and blank Notice of Proof of Beneficial Application of Water under same permit, which notice should be filled out and returned to me at least 60 days before the date upon which it is desired to submit proof, which proof should be on or before August 15, 1910

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

5753

RECEIVED

MAR 21 1910

5153
Franklin, Mar 18, 1910.
To the Hon State Engineer
Basis, Idaho.

Dear Sir

I have prior to the
Land Office that I have
used the water that flows
from Axkiller for the
last 20 years, and I have
a permanent water right.
there is no company
organized, there fore, there
are no certificates issued
I have my ditches made
and the water has been
used on this land for
the last 4 years, I would
you please forward

the amount which this
enclosed letter calls for.
Please do it immediately
as there is no time to
lose, as the 20th will
soon be here.

Hoping you will see to
it promptly.

Yours respectfully

Oscar Peterson.

March 21, 1910

Permit 5753

Oscar Peterson,
Franklin, Idaho.

Sir:-

Your letter of the 18th inst. to hand and contents noted. In reply would say that the inclosed blanks should be filled out and returned to this office in time for notice of proof to be advertised thirty days prior to date on which proof is to be made.

I am returning you herewith Henry W. Kiefer's letter together with letter from Crockett to you in regard to this matter.

Very truly yours,

State Engineer.

F103-121-21et.

By...

5753

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.) Franklin, Oneida Co. Idaho

(Date) April 9th, 1910

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

DEAR SIR: Notice is hereby given that at 12 M. on the 11th day of June 1910 at preston County of Oneida State of Idaho, before Arthur W. Hart, Notary public proof will be submitted of the completion of works for the diversion of three and one-fifth cubic feet per second of the waters of Oxkiller Canyon, Oneida County, Idaho 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 Oscar Peterson

2. The postoffice address of such person or the place of business of such corporation is Franklin County of Oneida State of Idaho.

3. The number of such permit is #5753, and the date set for the completion of such work is August 15th, 1910

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 Three and one-fifth cubic feet per second.

6. The amount of lands for which said water is available is 160 acres, particularly described as follows: SW 1/4 of NW 1/4; N 1/2 of SW 1/4; NW 1/4 of SE 1/4, Sec. 27, Township 16 South, Range 40 E. B. M.

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

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

Engineer.

I desire that the above notice be published, according to law, in the PRESTON NEWS of preston, Idaho, published in the county in which said works are situated; the expense of which publication will be borne by the undersigned

(Signature)

Oscar Peterson

PERMIT NO.

Notice of Proof of Application of Water to Beneficial Use

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

(P. O.) Franklin, Oneida County, Idaho(Date) April 9th, 1910

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

DEAR SIR: Notice is hereby given that at 12 M. on the 11th day of June 1910, at preston County of Oneida State of Idaho, before Arthur W. Hart, Notary public proof will be submitted of the application to beneficial use of Three and one-fifth cubic feet per second of the waters of Oxkiller Canyon Oneida Co., Idaho in accordance with the terms and conditions of Permit No. #5753 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 Oscar Peterson
2. The use to which said water has been applied is for Irrigation of Arid lands
3. The amount applied to beneficial use is Three and one-fifth cubic ft.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) SW 1/4 of the NW 1/4; N 1/2 of SW 1/4; NW 1/4 of SE 1/4, Sec. 27, Twp. 16 South, Range 40 East Boise Meridian, Ida
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is "SANDERSON'S DITCH"
6. The right to take the water from such works is based upon Permit No. 5753
7. The source of supply from which such water is diverted is Oxkiller Canyon Creek
8. The date of the priority which said user is prepared to establish is Feb. 15th, 1910 (Said undersigned has used said waters for a continuous period of over twenty years prior to said Feb. 15, 1910)

I desire that the above notice be published, according to law, in the PRESTON NEWS of preston, Idaho, published in the county in which said water is to be used; the expense of which publication will be borne by me

(Sign)

Oscar Peterson

RECEIVED
APR 13 1910
OFFICE OF STATE ENGINEER

State of Idaho

ENGINEERING DEPARTMENT

BOISE

JAMES STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS.

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

Boise, Idaho, April 29, 1910.

Oscar Peterson
c/o Arthur W. Hart
Dear Sir: Preston, Idaho.

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under permit No. 5755.

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 June 11, 1910, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at Preston, Idaho, before Arthur W. Hart, J.P.

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

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

Yours truly,

JAS. STEPHENSON, JR.,

State Engineer.

5755

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

at 12 M.

12 M.

11th

Notice is hereby given that at _____ on the _____
day of June, 10, at Preston,
County of Oneida, State of Idaho, before Arthur W. Hart, N.P.
proof will be submitted of the completion of works for the diversion of
3.2 cubic feet per second of the waters of _____
_____ and of the application to
beneficial use of said water in accordance with the terms and condi-
tions of Permit No. 5753, heretofore issued by the State Engineer
of the State of Idaho.

1. The name and postoffice address of the person, or corpora-
XXX Oscar Peterson, Franklin, Idaho.
tion, holding said permit, are _____

2. Said works of diversion will be fully completed on the date
set for such completion, and the amount of water which said works are
capable of conducting to the place of use, in accordance with the
plans accompanying the application for such permit, is 3.2
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 3.2 cubic feet per second.

4. The place where said water is used is S. 1/4 NW 1/4, N2 SW 1/4, NW 1/4 SE 1/4
Sec. 27, Tp. 16 S., R. 40 E.B.M.

5. The date of priority which said user is prepared to establish
is February 2, 1910.

JAS. STEPHENSON, Jr.;

State Engineer.

May 3, 1910.

Permit 5753

Mr. J. O. Webster,
Water Com. Div. #1,
Idaho Falls, Idaho, R.D. #5

Sir:-

Oscar Peterson, of Franklin, Oneida county, the holder of permit No. 5753, authorizing the diversion of 3.2 second feet of the waters of Oxkiller canyon, desires to make proof of completion of works and beneficial use of water on June 11th, 1910.

Very truly yours,

State Engineer.

Inc.

By...

5753

State Engineer, Boise, Idaho.
Dear Sir:

I have your letter of
Completion of Works and Beneficial Use of
will be published as you request,

(Place)
RECEIVED
(Date) MAY 2 1910
OFFICE OF STATE ENGINEER

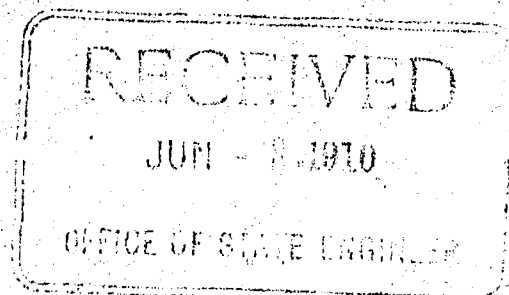
enclosing Notice of Proof of
Beginning with our issue of Permit No. 45753
which

Peter M. [Signature]
May 5
5-253

IN THE STATE ENGINEER'S OFFICE OF THE STATE OF IDAHO, BEFORE THE HONORABLE
D. G. MARTIN, STATE ENGINEER.

Protest against the Application of Oscar Peterson
for three and two-tenths (3.2) cubic feet per
second of the waters of Ox Killer Canyon.

TO THE STATE ENGINEER OF THE STATE OF IDAHO,
Boise,
Idaho.



Dear Sir:

Now come the undersigned George Comish, John Biggs, Joseph Biggs, Joseph Cobridge, E. J. Comish, Lorenzo Biggs, Alma Biggs, Joseph Comish, George Kingsford and ^{John}~~George~~ Adamson, and hereby protest against the statements made by Oscar Peterson submitting proof of the beneficial appropriation off water, and published notice of his intention to submit such proof for a certificate for 3.2 cubic feet per second of the waters of Ox Killer Canyon, upon the following grounds and for the following reasons:

1. That the said Oscar Peterson, of Franklin, Idaho, has failed to complete the diversion works capable of conducting to the place of use in accordance with the plans accompanying the application for such permit of said Oscar Peterson for 3.2 cubic feet per second of the said waters, and said works of diversion cannot be, and will not be, fully or otherwise completed by the 11th. of June, 1910, the day set for the hearing of said applicants proof before A. W. Hart, a Notary Public of Preston, Oneida County, Idaho.

2. That the said Oscar Peterson has failed to apply, for irrigation or domestic purposes, 3.2 inches cubic feet per second of said waters upon the S.W. 1/4 N.W. 1/4, N 1/2 S.W. 1/4, N.W. 1/4 S.E. 1/4, Sec. 27, Tp. 16 S. R. 40 E. B.M.

3. That there are no unappropriated waters of Ox Killer Canyon to be diverted and appropriated by the said Oscar Peterson, except the flood waters flowing down said canyon prior to the irrigation season in the months of January, February and until the 15th. day of March, of each year.

4. That all of the waters of Ox Killer Canyon have heretofore been duly diverted and appropriated by your protestants, and their predecessors and grantors in interest, for more than forty years last past, except the flood waters of said canyon during the time above mentioned, and in each and every year during the last forty years the said protestants, their grantors and predecessors in interest, have during the irrigation seasons of each and every of said years, diverted and used for a beneficial purpose, all of the waters of said Ox Killer Canyon; that the beneficial use to which said waters have been so applied by said protestants, and their predecessors and grantors in interest, during all of said time, has been for the irrigation of dry and arid lands belonging to them, which by the use and application of said waters have been made to produce large and valuable crops of agricultural products, and without the use of said water their said lands would have been practically valueless.

5. That the said Oscar Peterson does not own land upon which the amount of water applied for can be used for a beneficial purpose; that most of the land mentioned in the application of water of said Oscar Peterson, is rocky and percipitous, and there is not to exceed ten or twelve acres that can be irrigated and used for the production of valuable agricultural crops.

WHEREFORE, your protestants pray that a license to the said Oscar Peterson for the use of said waters shall be denied for the reasons above set forth.

Dated this 6th day of June, A.D., 1910.

George Danish }
 Joseph Danbri } per
 J. J. Danish } Joseph Danish
 George Langford } their atty
 in fact
 Joseph Danish

John Biggs } per
 Joseph Biggs } Lorenzo Biggs
 Alma Biggs } their
 John Adamson } atty in fact
 Lorenzo Biggs

STATE OF UTAH,
County of Cache. } SS.

Joseph Comish and Lorenzo Biggs, being first duly sworn, each says:
That he has read the foregoing protest and knows the contents thereof,
and the same is true.

Joseph Comish

Lorenzo Biggs

Subscribed and sworn to before me this 6th day of June, A.D., 1910.

Howard F. Hulett

NOTARY PUBLIC.

My Commission Expires:

FRANK K. NEBEKER
CHAS. H. HART

HORACE C. NEBEKER
ROY D. THATCHER

NEBEKER, HART, NEBEKER & THATCHER
ATTORNEYS AND COUNSELORS
LOGAN, UTAH

June 6th. 1910.

Hon. D. G. Martin,
STATE ENGINEER.
Boise, Idaho.

Dear Sir:

We enclose herewith protest of George Comish, et al., against the application of Oscar Peterson of Franklin, Idaho, for certain waters of Ox Killer Canyon, upon which application proof will be taken before Arthur W. Hart, at Preston, Idaho, on June 11th. We are not sure as to the practice in Idaho as to such matters. If the protestants have the opportunity of appearing before the notary public and give counter testimony to the application, and in support of their protest, Will you please notify us at once by wire at our expense, as our clients desire to neglect no opportunity of protecting their rights to the waters in question? Please file enclosed protest, and oblige,

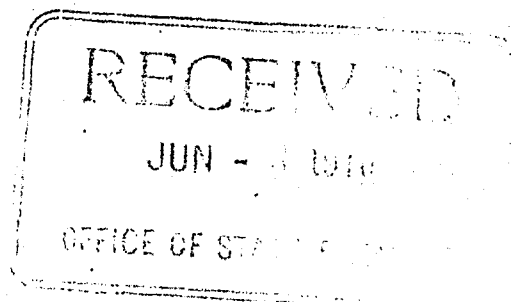
Yours very truly,

NEBEKER, HART, NEBEKER & THATCHER.

CHH/DS.

Enc.

Per *Chas. H. Hart*



5753

June 20, 1910.

Permit 5753

Oscar Peterson,
Franklin, Idaho.

Sir:-

The depositions in proof of completion of works and beneficial use under above permit have not yet been received. As this proof was to have been made on June 11th I would like to have the depositions sent in as soon as possible in order that I may know just how you stand relative to the above water right. Mr. J. O. Webster, the water commissioner, has made a very satisfactory report on the condition of the works and the land irrigated and, if the depositions are satisfactory, certificate and license will be issued, notwithstanding a protest has been filed. Please attend to this matter at once.

Very truly yours,

State Engineer.

By...

5753

IN THE STATE ENGINEER'S OFFICE OF THE STATE OF IDAHO, BEFORE THE HONORABLE
D. G. MARTIN, STATE ENGINEER.

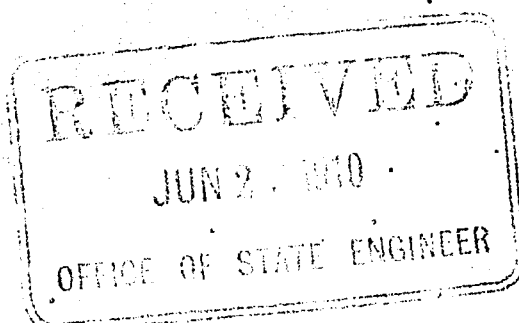
Withdrawal of Protest against the
application #5753 of Oscar Peterson
for three and two-tenths (3.2) cubic
feet per second of the waters of Ox
Killer Canyon.

TO THE STATE ENGINEER OF THE STATE OF IDAHO,
Boise,
Idaho.

Now comes George, John Biggs, Joseph Biggs, Joseph Corbridge, E. J.
Comish, Lorenzo Biggs, Alma Biggs, Joseph Comish, George Kingsford and
John Adamson, being the same persons who filed the protest herein against
the application of Oscar Peterson, #5753, and hereby withdraw the said pro-
test, and pray that the said protest may be counted for naught.

Dated this ^u20th day of June, A.D., 1910.

Debra Hart Debra & Thole
ATTORNEYS FOR SAID CONTESTANTS.



5753

FRANK K. NEBEKER
CHAS. H. HART

MORACE C. NEBEKER
ROY D. THATCHER

NEBEKER, HART, NEBEKER & THATCHER
ATTORNEYS AND COUNSELORS
LOGAN, UTAH

June 20th. 1910.

Hon. D. G. Martin,
STATE ENGINEER.

Boise, Idaho.

Dear Sir;

We beg to hand you the withdrawal of the protest of George Comish et al., heretofore filed against the application of Oscar Peterson, to appropriate 3-2/10 cubic feet per second of the waters of Ox Killer Canyon, which said protest is designated in your office as #5753.

Very respectfully,

HGN/DS.

NEBEKER, HART, NEBEKER & THATCHER.

Enc.

Per *HGH*

RECEIVED

JUN 23 1910

OFFICE OF STATE ENGINEER

5753

Report of Engineer

1. State name of applicant and number of permit: Oscar Peterson - Permit 5753
2. State source of water supply: Oxkiller canyon
3. Location of point of diversion: NW4 SW4 Sec. 26, Tp. 16 S., R. 40 E. 2 N.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Yes*

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

- (a) Width of conduit at bottom: *2 1/2 feet*
- (b) Width at water line: *3 "*
- (c) Depth of water: *2 "*
- (d) Grade per mile: *25 "*

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

about 3 cubic feet of water is now being used upon the land

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *SW4 NW4, & 2 SW4, NW4 SE4 Sec. 27, Tp. 16 S. R. 40 E. 2 N.*

There is under cultivation 25 acres in the NW4 SE4 50 acres in & 2 SW4 40 acres in SW4 NW4 Sec. 27.

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 land is very rocky and is used altogether for pasture*

J. O. Webster
Water Commissioner
1st Div.

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 _____ 190_____

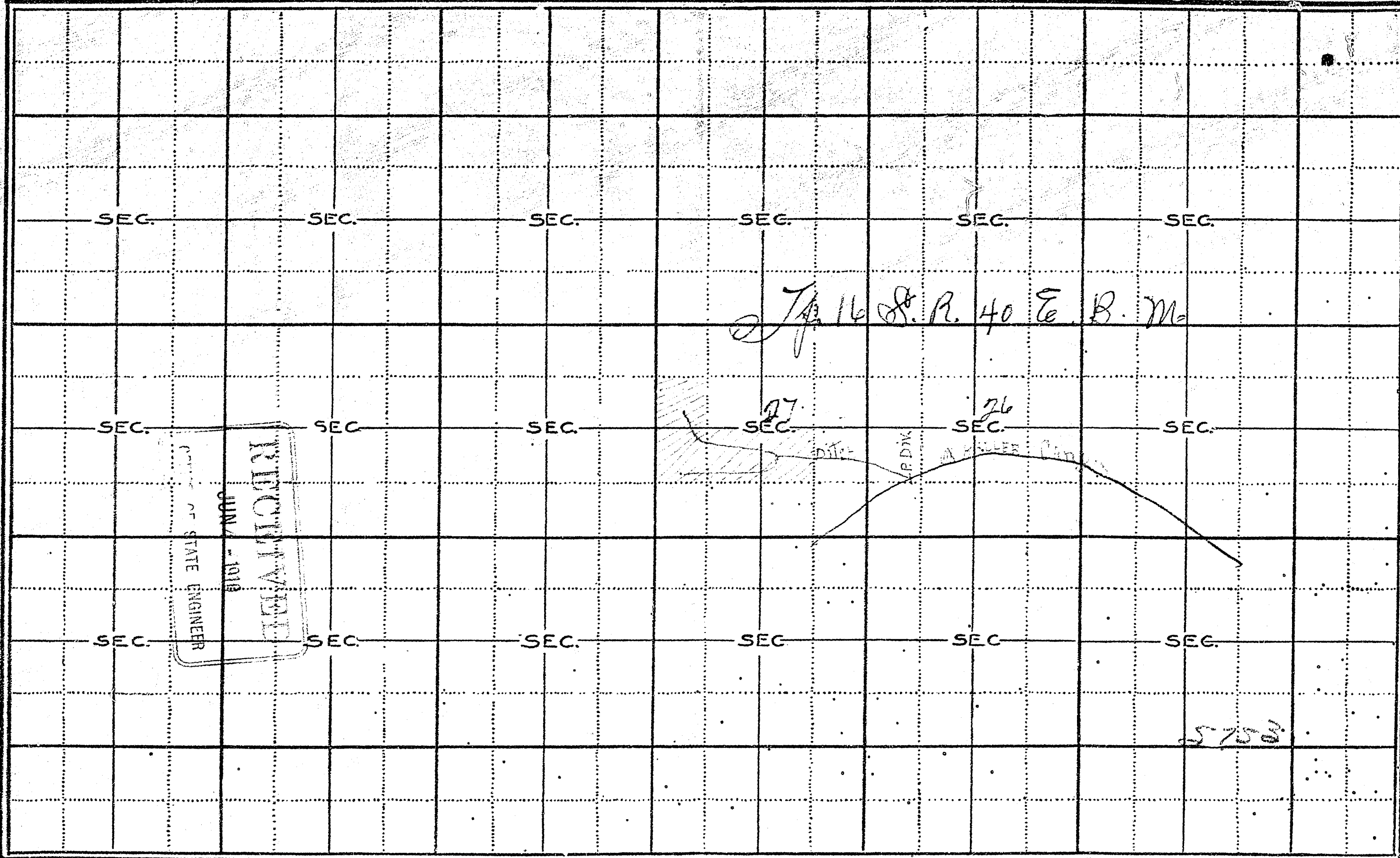
My Commission Expires _____

JUN 4 - 1910

Notary Public.

RECEIVED

OFFICE OF STATE ENGINEER



Permit No. 5753

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Martin Anderson; age 56, Res. Franklin
Oneida Co., Idaho; Farmer; P.O. Franklin, IdahoQues. 2. Are you acquainted with Oscar Peterson the
holder of Permit No. 5753? How long have you known him and where does he reside?Ans. Yes. I have known him 19 years; he
resides at Franklin, Oneida Co. IdahoQues. 3. Have you read or heard read said Permit No. 5753, and are you familiar
with its provisions and conditions?Ans. YesQues. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.Ans. Ox-Killer Canyon; place of diversion is Sandersen
ditch near S.E. cor. of NW⁴ & SW⁴ sec 26 Twp. 16 S R 40 E
The water is conveyed to place of use by an irrigation
ditch averaging 4 feet wide, two feet deep & one mile longQues. 5. How many second feet of water do you estimate said works will safely conduct
to place of use, and how much water have you seen being so conveyed.Ans. I estimate it will carry 3-1/2 sec. ft. and I have seen
that much water as near as I can estimate flowing thru saidQues. 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 sub-
division.)Ans. Water is used for Agricultural purposes and domestic
use; it is used on 140 acres in the NW⁴ & SE⁴ sec 27
T 16 S R 40 E B.M. & SW⁴ & same sec Twp & R &
in the SW⁴ & NW⁴ same sec Twp & R as shown on
map.Ques. 7. If for power or other purposes than irrigation, state how water has been ap-
plied and to what extent.Ans. ✓

RECEIVED

JUN 25 1910

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 black loam with gravel mixed
& the said Oscar Peterson's land requires
at least one inch [1/50 cu ft per sec] to the acre

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

Ans. I have no interest whatever

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. On the 19th day of May 1910 I saw, as near as I can estimate, the said ditch diversion [Sandersan ditch] filled with water - about 3-1/5 cubic feet per second and I watched the water run on to & upon the Oscar Peterson farm. 40 acres of it as
agore described. (Sign) Martin. Sandersan

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 June A. D. 1910.

Arthur J. Mast
Notary Public

Permit No. _____

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed _____

SWAN-YORK CO., PRINTERS & BINDERS, BOISE
7817

5752

Permit No. 5753

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Charles F. Anderson Jenson; aged 34;Res. Franklin, Ida.; Farmer; P.O. Franklin, Ida.Ques. 2. Are you acquainted with Oscar Peterson the holder of Permit No. 5753? How long have you known him and where does he reside?Ans. Yes; I have known him 8 years; he resides at Franklin, Ida.Ques. 3. Have you read or heard read said Permit No. 5753, 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. Ox-Killer Canyon; Place of diversion is Sandersons' ditch near S.E. cor. of NW⁴ of SW⁴ Sec 26 Twp 16 S R 40 E; the water is conveyed to place of use by an irrigation ditch averaging 4 feet wide, two feet deep & about one mile long

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

Ans. I estimate it will carry 3-1/2 sec. feet per sec. & I have seen that much water running thru said ditch to place of use

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. The water is used for agricultural purposes; 20 acres is irrigated in NW⁴ of SE⁴ Sec 27 & all of North half of SW⁴ Sec 27 & the SW⁴ of NW⁴ said Sec 27 Twp 16 S R 40 E B.M.I have seen the waters running over & upon & irrigating the above described land of 140 acres.

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

Ans. ✓

JUN 25 1910

OFFICE OF STATE ENGINEER

5753

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 black loam with gravel-mixed & the soil of Oscar Peterson's land requires at least one inch [7.50's one sec ft per sec] to the acre

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

Ans.

I have no interest whatever

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.

On the 26th day of May, 1910 I saw the said
Lunderson ditch of diversion filled with water -
about 3-45 cfs per sec. I observed the
water running upon & irrigating the said 140
acres herein described

(Sign)

Charles F. Jensen

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

County of

Oneida

State of Idaho, on this

11th

day of

June

A. D. 1910

Arthur Mearns

N. P.

My Comm. exp. June 10, 1912

Permit No.

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed

STUBBINS CO., PRINTERS & BINDERS, 803P
7817

5752

PERMIT NO. 5753

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Oscar Peterson; age 47 years; Residence +
Post Office Address Franklin, Idaho; Occupation Farmer.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. ✓

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

Ans. 5753; dated Feby 2, 1910; 3-1/5-cub feet per
sec. Source Ox-Killer Canyon; place of diversion
Sanderson ditch near SE cor of NW 1/4 of SW 4 Sec 26 T 16 S R 40 E B 21

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

Ans. Water is to be used for agricultural purposes.
I intend to reclaim the following described land:
NW 1/4 of SE 4 + NE 1/4 of SW 4 + SW 1/4 of NW 1/4 Sec 27, Twp 16 S R 40 E.

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

Ans. The water was turned into my works of diversion
to wit, The "Sanderson Ditch" May 10, 1910, to the extent of 3 1/5
cubic feet per second.

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 of diversion are fully completed
+ they comply in all respects 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. ✓

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JUN 25 1910

OFFICE OF STATE ENGINEER

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

Ans. Ditch of diversion is about one mile long
It is at least 4 feet wide in the bottom
and two feet deep.

(Sign here.)

Oscar Peterson

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 Franklin, County

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

June A. D. 1910

Arthur J. Hart

May com exp Jan 10, 1912

No 5753

AFFIDAVIT OF PUBLICATION.

STATE of IDAHO,
County of Oneida } SS

I, James B. Wallis, 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 5 day of May, 1900 and that the last publication was made on the 7 day of June, 1900 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.

NOTICE OF PROOF OF COMPLETION OF WORKS

And Application of Water to Beneficial Use.

Notice is hereby given that at 12 M. on the 11th day of June 1910, at Preston, County of Oneida, State of Idaho, before Arthur W. Hart, N. P. proof will be submitted of the completion of works for the diversion of 3.2 cubic feet per second of the waters of Ox-killer Canyon, and of the application to beneficial use of said water in accordance with the terms and conditions of permit No. 5753, heretofore issued by the State Engineer of the State of Idaho.

1—The name and postoffice address of the person, holding said permit, are Oscar Peterson, Franklin, Idaho.

2—The said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit is 3.2 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 3.2 cubic feet per second.

4—The place where said water is used is SW $\frac{1}{4}$ NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Tp. 16 S., R. 40 E. B. M.

5—The date of priority which said user is prepared to establish is February 2, 1910.

D. G. MARTIN.
State Engineer.

Subscribed and sworn to before me this 10

day of June, 1900

JUN 25 1910

Notary Public.

I, OFFICE OF STATE ENGINEER

, 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 10 day of June, 1900.

5753

PRESTON, IDAHO

NOTARY PUBLIC

ARTHUR W. HART

ATTORNEY AND COUNSELOR AT LAW

preston, Idaho, June 23rd, 1910

Mr. D. G. Martin,

State Engineer, Boise Idaho.

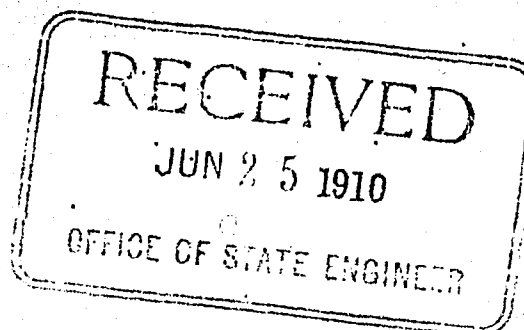
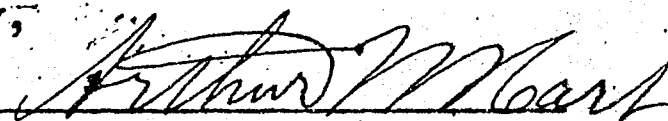
Dear Sir:-

I enclose herewith proof of completion of works under your permit #5753 of Oscar petersen. The proof was made on the 11th inst as per advertizement, before me as Notary public.

I enclose herewith check of Oscar peterson for \$5.00

Affidavit of publication is also enclosed. Trusting that all is correctly done, I am,

Yours truly,



5753

June 25, 1910.

Permit 5753-Oscar Peterson

Arthur W. Hart, Lawyer,
Preston, Idaho.

Sir:-

I am today in receipt of your letter of the 23rd inst. inclosing deposition of holder in proof of completion of works and deposition of witnesses in proof of beneficial use of water, also affidavit of publication and check for \$5.00, the fee required for proof of completion of works. Am inclosing herewith receipt for same.

In regard to this proof would say that the remaining deposition blanks should have been filled out, i.e. the depositions of the two witnesses in proof of completion of works and the deposition of the holder for proof of beneficial use, making six depositions instead of three, as per your inclosures. I am inclosing you herewith these blanks in case the ones sent you have been mislaid. These should be filled out and sent in as soon as possible, together with an affidavit giving the reason why the proof was not completed on the date set. There also remains the fee for beneficial use of water amounting to \$8.00, or \$2.00 for each forty acre tract, or fraction, to which water has been beneficially applied. as soon as these are received the matter of issuing certificate and license will be taken up.

The protest filed by George Comish, et al, has been withdrawn.

Very truly yours,

State Engineer.

R2734-DB

By...

5752

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

PERMIT NO. 5753

Proof of Completion of Works JUL 25 1910

DEPOSITION OF WITNESS

RECEIVED

OFFICE OF STATE ENGINEER

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

Ans. Martin Anderson, aged 56, Farmer, P.O.
Franklin IdahoQues. 2. Are you acquainted with Oscar Peterson, the
holder of Permit No. 5753 authorizing the diversion of $3\frac{1}{5}$ second-feet of the waters of
Ox Killer Canyon, at NW 4 SW 4 Sec 26 T16 S R40
for Irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known him 20 yrs. He resides at Franklin Idaho

Ques. 3. Have you read or heard read said Permit No. 5753, and are you familiar with its
terms and conditions? yls

Ans. I have known him 20 he resides at Franklin Idaho

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; black loam with gravel mixed

It will require one cubic foot per second
for every 30 acres or one second inch per acreQues. 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

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their ca-
pacity.Ans. Sanderson Ditch & Peterson Ditch; $4\frac{1}{2}$ feet
deep and 2 feet wide with good fallThe diversion works are in every way
sufficient to carry $3\frac{1}{5}$ cubic feet per second

(Sign here.) Martin Anderson

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 Creilly, State of Idaho, on this 15th day of

July A. D. 1910

Arthur W. Mark
N. P. 5753

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

PERMIT No. 5753

RECEIVED

JUL 25 1910

OFFICE OF STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Charles Jensen, aged 34 Farmer, PO.
Franklin Idaho

Ques. 2. Are you acquainted with Oscar Peterson, the

holder of Permit No. 5753 authorizing the diversion of $3\frac{1}{5}$ second-feet of the waters of
Ox-Killer Canyon, at NW⁴ SW⁴ Sec. 26, T. 16 S. R. 40
for Irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known him 8 years; He resides at Franklin Id.

Ques. 3. Have you read or heard read said Permit No. 5753, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes; It is black loam with gravel mixed

It will require one cubic foot per sec per
every 50 acres or one sec inch per acre

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

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

Ans. Sanderson ditch & Peterson Ditch $1\frac{1}{2}$ feet deep
and 2 feet wide with good fallThe diversion works are in every way
sufficient to carry $3\frac{1}{5}$ cubic feet per sec

(Sign here.) Charles Jensen

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 15th day of

July A. D. 1910

Arthur W. Mark

N. P. 5753

Permit No. 5753

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

RECEIVED

JUL 25 1910

OFFICE OF STATE ENGINEER

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

Ans. Oscar Peterson, age 46, Res Franklin, Occ.
Farmer P O Franklin, Idn

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. 5753, July 2nd 1910

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

Ans. Ox-Killer Canyon; NW⁴ & SW⁴ Sec 26 Twp 16 S R 40
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. A Rock Dam from Sanderson Ditch into
ditch of Oscar Peterson, said ditches are capable of
conveying 3 1/2 cubic feet per second; water runs from
Ox-Killer Canyon into Sanderson ditch and from there
into the ditch of the Holder of this permit

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; it is used ^{+ has been used} on SW⁴ & NW⁴ & NW⁴ & SW⁴
+ NE⁴ & SW⁴ & N² & NW⁴ & SE⁴ Sec 27 Twp
16 S R 40 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. One acre foot for fifty acres [Sec inch / acre]

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. ✓

5753

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 _____

BYRON-YORK CO., PRINTERS & BINDERS, BOISE
7518

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 _____
County of _____, State of Idaho, on this _____ day of _____
A. D. 1910

(Sign) _____
Dean Peterson

Ans. _____
and rights claimed thereunder.
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

Ans. In the month of May (1910) and 26th of May, by running of water the lands described in the 140 case of the 160 case, 3 1/2 cubic feet per second were diverted and used.
Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

State of Idaho,
County of Oneida,

SS:

AFFIDAVIT OF PERMIT HOLDER
#5753

Oscar Peterson being sworn says that he is holder of permit #5753; that he made proof of beneficial use to waters of Ox-Killer Canyon on the 11th day of June A. D. 1910; that the reason he did not make proof of application of waters to beneficial use, was, that he was not advised that it was necessary, the said blanks provided for said proof having been mis-laid.

Affiant makes this deposition for the reason that he wishes to send in said proofs at this time, to-wit, July 15th, A. D. 1910.

Oscar Peterson

Subscribed and sworn to before me this 15th day of July A. D. 1910.

Arthur W. Hart

Notary public.

RECEIVED

JUL 25 1910

OFFICE OF STATE ENGINEER

5753

ARTHUR W. HART

ATTORNEY AND COUNSELOR AT LAW

preston, Idaho, July 22nd, 1910

Mr. D. G. Martin,

State Engineer, Boise, Idaho.

Dear Sir:-

I enclose herewith the remanining papers in the Oscar peterson application for permit etc. together with his check as per your instructions.

Excuse the delay in sending. His witnesses were absent for a time.

Yours truly,

Arthur W. Hart.

RECEIVED

JUL 25 1910

OFFICE OF STATE ENGINEER

5753

July 25, 1910.

5753
Permit 2092-Oscar Peterson

Arthur W. Hart, Lawyer,
Preston, Idaho.

Sir:-

I am today in receipt of yours of the 22nd inst. inclosing the remaining depositions, also fees for proof of beneficial use under above permit. Inclosed find receipt.

The certificate and license will be issued and sent to the holder just as soon as we can get to them. It may be two weeks or more before these will go forward.

Very truly yours,

State Engineer.

R2826

By...

5753

 Oneida County *
 Oxkiller Canyon *
 2.9 second feet *
 Irrigation and domestic *
 Priority 2-2-1910 *

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

Water License No. 5753

WHEREAS, On the second day of February, A.D.1910, OSCAR PETERSON, of Franklin, County of Oneida, State of Idaho, duly made application (No. 8260) to me for a permit to use 3.2 cubic feet per second of the waters of Oxkiller Canyon, County of Oneida, State of Idaho for irrigation and domestic purposes; and

WHEREAS, On the 15th day of February, A.D.1910, Permit No. 5753, was issued to said applicant for the diversion of said waters, and providing for the completion of the works of diversion therein described on or before the 15th day of August, A.D. 1910, and for the application to beneficial use of said water on or before the 15th day of August, A.D.1910; and

WHEREAS, On the 11th day of June A.D.1910, OSCAR PETERSON, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 5753, dated July 29, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of the waters of Oxkiller Canyon, with date of priority of February 2, 1910, and

WHEREAS, On the 11th day of June A.D.1910, OSCAR PETERSON, the holder of said permit duly made proof of the application to beneficial use of 2.9 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 OSCAR PETERSON, of Franklin, County of Oneida, State of Idaho, the holder and owner of said Permit No. 5753, a perpetual right, dating from February 2, 1910, to the use of 2.9 cubic feet per second of the waters of Oxkiller Canyon, 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 northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, Township 16 South, of Range 40 East Boise Meridian, and conducted to and upon (25 acres in the northwest quarter of southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), 80 acres in the north half of southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) and 40 acres in southwest quarter of northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) all in Section 27, Township 16 South, Range 40 East Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of July, A.D.
 Nineteen hundred and ten.

(SEAL)

Recorded July 29, 1910

D.G. Martin

State Engineer

13 2030

Boise, Idaho, August 8, 1910

Permit No. 5753

Oscar Peterson,
Franklin, Idaho

Sir:--

Inclosed herewith find Certificate of
Complotion and Water License issued under
above Permit.

Very truly yours,

State Engineer

By _____

Enc C.WL.

5753

