

No. 9675.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Mary Burton.

Postoffice address: Grace.

County: Bannock State: Idaho.

2. The quantity of water claimed is One third ($1/3$) cubic foot per second.

3. Source of water supply: Spring known as Birch springs.

County of Bannock.

4. Location of point of diversion: Northwest quarter of the Southwest quarter of Sec. 4 Township 10 S. Range 41 East Boise Meridian in Idaho.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: About thirty (30) acres.

(b) In the following legal subdivisions: Southeast quarter of Northeast quarter Sec. 5 Township 10 S. Range 41 East Boise Meridian in Idaho.

6. Estimated cost of works: Seventy five Dollars (\$75.00)

7. Description of works for diversion: An open ditch leading from the spring to the said described land crossing the SW corner of NW $\frac{1}{4}$ Sec. 4 T. 10 S. Range 41 E. B. M.

I. Kind of works: Open ditch.

II. Dimension of works:

(d) Conduit Ditch, width at bottom one foot, width at water line one & one half feet, depth of water ;.....feet. Length of conduit is 100 Rods and it crosses the following quarter sections: Northwest quarter of Section four (4) Township ten (10) S. Range 41 E. Boise Meridian in Idaho 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 month.

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

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.

Mary Burton,

Applicant.

APPROVAL OF STATE ENGINEER.

The number of this permit is 6866.

Date of first receipt of application 9.00 a.m. September 29, 1910.

Returned to applicant for correction September 29, 1910.

Corrected application received November 19, 1910.

Recorded in Book 20 Page 6866 Approved December 3, 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 February 1, 1911 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 March 3, 1911.

The whole of said work to be completed on or before June 3, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to June 3, 1911.

Witness my hand this third day of December, 1910.

D. G. Martin,

State Engineer.

Notice of proof of completion of works and beneficial use of water received March 29, 1911, fixing June 7, 1911, as date and Grace as place of proof.

Publication notice mailed the Soda Springs Chieftain Mar 3, 1911.

Deposition blanks mailed John Allsop, H.P., May 3, 1911.

Water Commissioner notified May 9, 1911, to make examination of works.

His report received June 5, 1911.

Depositions, affidavit of publication and fees received June 19, 1911.

Certificate and license issued August 1, 1911.

PERMIT NO. 6866.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that MARY BURTON, of Grace, County of Bannock, and State of Idaho, the holder of Permit No. 6866, issued upon Application No. 9675, bearing date of priority of September 29, 1910, authorizing the diversion of 1/3rd of 1 second-foot of the waters of BIRCH SPRING, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1/3rd of 1 second-foot of the waters of BIRCH SPRING, that the point of diversion of said waters is at a point in the Northwest quarter of Southwest quarter (NW4 SW4), Section 4, Township 10 South, Range 41, East of Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southeast quarter of Northeast quarter (SE4 NE4), Section 3, Township 10 South, Range 41 East of Boise Meridian.

Witness my hand this 1st day of August, A.D. 1911.

A. E. Robinson.

State Engineer.

License issued for 1 1/3 second feet

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P6866

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SEC.

SEC.

SEC.

SEC.

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SEC.

6866

State of Idaho
ENGINEERING DEPARTMENT
BOISE

D. G. MARTIN,
STATE ENGINEER

Permit No. 6866

Boise, Idaho, December 13, 1910

Mary Burton,

Grace, Idaho

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.

D. G. MARTIN,
State Engineer.

6866

State of Idaho
ENGINEERING DEPARTMENT
BOISE

D. G. MARTIN
ENGINEER

Boise, Idaho, March 1, 1911

Permit No. 6866

Mary Burton,

Dear Sir: Grace, Idaho

I enclose herewith blank Notice of Proof of Completion of Works under your permit No. 6866 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 June 3, 1911

Yours truly,

D. G. MARTIN,

State Engineer.

6866

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.)

(Date)

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

DEAR SIR: Notice is hereby given that at 6 P. M. on the 31 day of May 1911, at Grace County of Bannock State of Idaho, before Final John Allsop M. P. proof will be submitted of the completion of works for the diversion of one chad (3) cubic feet per second of the waters of Birch Springs in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

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

Mary Burton

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

Grace, County of Bannock, State of Idaho.3. The number of such permit is 6866, and the date set for the completion of

such work is

June 3-19114. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the day set for such completion, and the amount of water which said works are capable of conducting to the place of intended use in accordance with the plans accompanying the application for such permit is 1/3 cubic feet per second.

6. The amount of lands for which said water is available is 30 acres, particularly described as follows: The South East 1/4 of North East 1/4 Sec. 5 Township 10. S. Range 4. E. B. M.

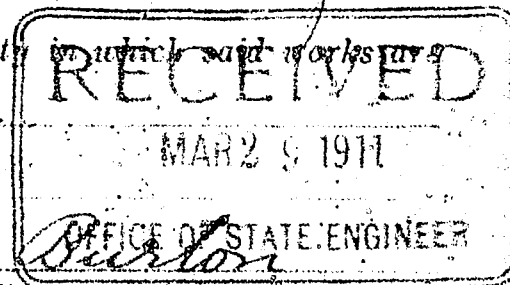
(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

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

Engineer.

I desires that the above notice be published according to law, in the Chieftain Birch Springs of Bannock Co. Ida. published in the county in which said works are situated; the expense of which publication will be borne by me

(Signature)

Mary Burton

6866

PERMIT NO. 6866

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.) _____

(Date) _____

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

DEAR SIR: Notice is hereby given that at 6 P. M., on the 31 day of May, 1911, at Grace, County of Bannock, State of Idaho, before Time:

proof will be submitted of the application to beneficial use of 1/3 cubic feet per second of the waters of Birch Springs in accordance with the terms and conditions of Permit No. 6866 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

Mary Burton Grace-Idaho

2. The use to which said water has been applied is

Irrigation

3. The amount applied to beneficial use is

one third (1/3)

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

about thirty acres (30) to wit: the South East 1/4 of North East 1/4 Sec. 5, Township 18 S. Range 41 East B. M.

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

open ditch

6. The right to take the water from such works is based upon Permit No. 6866

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

Birch Springs

8. The date of the priority which said user is prepared to establish is

Sept. 29, 1911

RECEIVED

MAR 29 1911

I desire that the above notice be published, according to the

of Soda Springs Ida., published in the county in which said water is to be used; the expense of which publication will be borne by me.

(Sign)

Mary Burton

6866

April 25, 1911

Permit 6866

Mary Burton,
Grace, Idaho

Madam: -

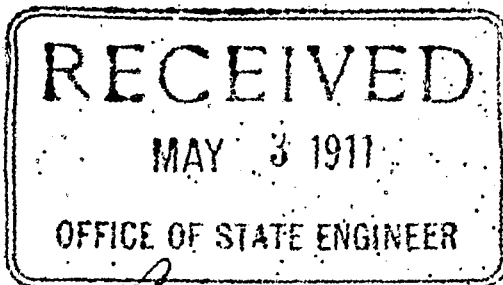
In your notice for proof of completion of works and beneficial use of water you have not given the name of the notary before whom proof is to be taken. It will be necessary for us to have the name of some notary before the publication notice can be sent out. Please send this information at once as the publication should begin next week.

Very truly yours,

State Engineer.

By...

6866



Grace Ida April 29-1911
C. E. Robinson, State Engineer.
Boise Ida.

Dear Sir:-
In reply to yours of the 25-
inst. I hereby hand you the name
of John Allsop of Grace Ida. as notaryman
before whom proof is to be taken.

Respectfully Yours
Mary Burton

State of Idaho

ENGINEERING DEPARTMENT

BOISE

JAMES STEPHENSON, JR.
ENGINEER

INSTRUCTIONS.

Proof of Completion of Works
and

Proof of Beneficial Use of Water.

Mary Burton
c/s John Allsop, M.P.
Grace, Idaho
Dear Sir:

Boise, Idaho. May 3, 1911

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. 6866.

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.....May 31, 1911......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 Grace......before.....John Allsop, M.P......

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

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

Yours truly,

JAS. STEPHENSON, JR.

State Engineer.

6866

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

Notice is hereby given that at 6 P.M. on the 31st day of June, 19 11, at Grace County of Bannock, State of Idaho, before John Ailsop, N.P. proof will be submitted of the completion of works for the diversion of one-third cubic feet per second of the waters of Birch Springs and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 6866 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

Mary Burton, Grace, Idaho

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

4. The place where said water is used is SE4 NE4 Sec. 6, Tp. 10 S., R. 41 EBM

5. The date of priority which said user is prepared to establish is Sept. 22, 1910

A. E. Robinson

~~D. G. MARTIN~~

State Engineer.

6866

RECEIVED

MAY 8 1911

OFFICE OF STATE ENGINEER
State Engineer, Boise, Idaho.

(Place)

Soda Springs, Idaho

(Date)

May 5, 1911

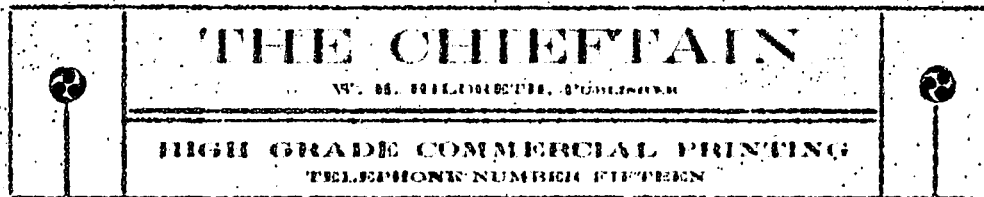
Dear Sir:

I have your letter of *May 3rd* enclosing Notice of Proof of Completion of Works and Beneficial Use of Water under Permit No. *6866* which will be published as you request, beginning with our issue of *May 11th*

W. H. Hildreth,

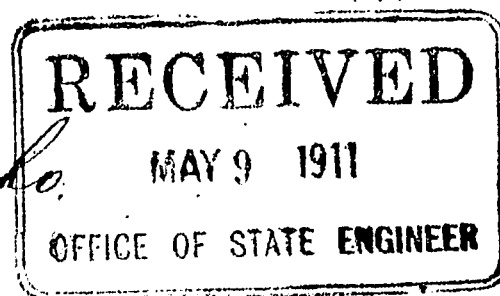
6866

Pub. Chairman



SODA SPRINGS, IDAHO. May 8 1911

Mr. A. L. Robinson,
State Engineer,
Boise, Idaho.



Dear Sir:-

The notice you sent for publication of Mary
Burton, Permit No. 6866, ^{Grace, Idaho} did not reach me until
Friday. My publication day is Thursday and in order
to get four publications the adv. will have to run to
June 1st. The adv. copy reads for proof to be made
by May 31st, 1911. I have taken the liberty to
change the date for one week later which would
make it June 7th. Please let me know at once
if this is all right. Have placed your name
on my mailing list and you will get the paper
free. Thanking you, I am

Very truly,

W. H. Hildbreth

6866

May 9, 1911

Permit 6866-Mary Burton

W. H. Hildreth,
Boda Springs, Idaho

Sir:-

In reply to your letter of the 8th inst. would say that the date for making proof under the above permit can be changed to June 7th in order to allow for the four weeks publication. I have today notified the holder of the change.

Thanking you for your attention to the matter, I am

Very truly yours,

State Engineer.

By...

6866

May 9, 1911

Permit 6866

Mrs. Mary Burton,
Grace, Idaho

Madam:-

As the publication notice failed to reach the paper in time for the required four weeks publication, the date for making proof has been changed to June 7th instead of May 31st. Trusting this will be satisfactory to you, I remain

Very truly yours,

State Engineer.

By...

6866

May 9, 1911

Permit 6866

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

Sir:-

- Mrs. Mary Burton, of Grace, the holder of above permit, desires to make proof of completion of works and beneficial use of water for one-third of a second foot of the waters of Birch springs on June 7th.

Very truly yours,

State Engineer.

Encl.

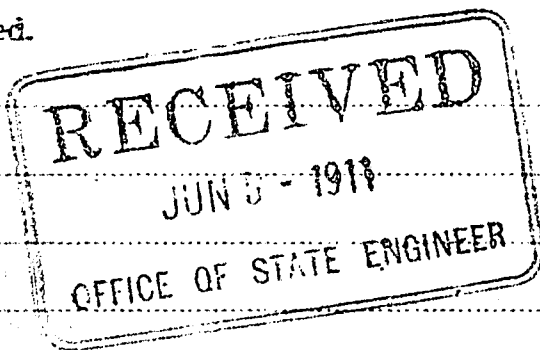
By...

6866

Report of Engineer

1. State name of applicant and number of permit: Mary Burton - Permit 6866
2. State source of water supply: Birch springs
3. Location of point of diversion: NW4 S74 Sec. 4, Tp. 10 S., R. 41 RBM
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: No. But are of sufficient capacity to carry the water
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 8"
 - (b) Width at water line: 12"
 - (c) Depth of water: 3"
 - (d) Grade per mile: 207.20 ft.
6. State whether or not water has been turned into works of diversion and if so, to what extent: Have just been turned in
7. Give exact location of lands to be irrigated. ~~Give exact number of acres under cultivation in each~~
forty acre tract: S.E. "N.E." Sec 5, T. 10 S. R. 41 E. B.M.
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:



Chas. H. DeLong
Water Comm. Div. No. 1.

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.

6866

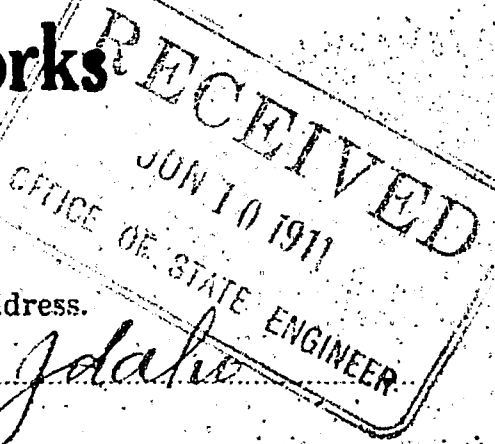
Top 103. Range 41 E.B.M.

5 SEC.  4 SEC.
Birken Springs

RECEIVED
JUN 5 - 1911
OFFICE OF STATE ENGINEER

6866

B/2

PERMIT NO. 6866**Proof of Completion of Works****DEPOSITION OF HOLDER**

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

Ans.

Mary Burton. Grace Bamock Idaho
Age 43 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.

No

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

Ans.

application No. 9675 Permit 6866. $\frac{1}{3}$ cubic foot Per second
the North West quarter of Sect 4. T. 10 - South R. 41 E. B. M.

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

Ans.

irrigation 40 acre. South East $\frac{1}{4}$ of the North
East $\frac{1}{4}$ Sect 5 Tawookit 10 - S. R. 41, E. B. M.

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

Ans.

water is in has been in for months is now running $\frac{1}{3}$ foot
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.

they are complete and comply with 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.

no variance

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

Ans.

Spring has been hauled and the hollow created
for water to flow to place of use at a price of \$75.00

(Sign here.)

Mary Burton

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe ~~her~~ to be the person ~~he~~ represents ~~him~~ self to be, and that said testimony was subscribed

and sworn to before me, at my office in Grace Bamock, County
of Idaho, state of Idaho, on this 2 day day of

A. D. 1911

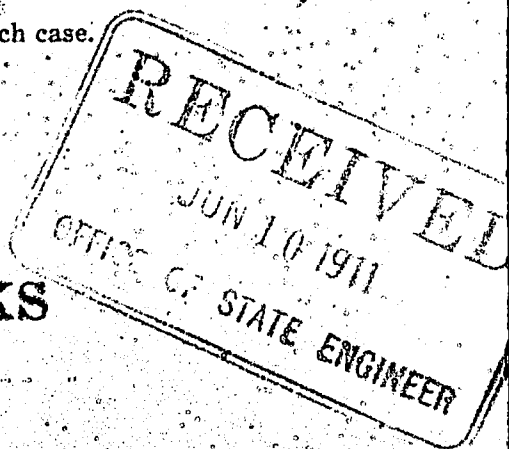
June

John Allert
Notary Public

6866

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

PERMIT No. 6866



Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Matthias W. Lowe age 27 Grace Idaho

Ques. 2. Are you acquainted with Mary Burton, the

holder of Permit No. 6866, authorizing the diversion of $\frac{1}{3}$ second-feet of the waters of

Burch Springs, at Grace for irrigation purposes? How long have you known him, and where does he reside?

Ans. She resides at Grace I have known her 6 years

Ques. 3. Have you read or heard read said Permit No. 6866, 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. Black Sandy Loam I think the $\frac{1}{3}$ feet per second will irrigate the land that can be profitably cultivated

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. digging the spring deeper cleaning the old channel from spring $\frac{1}{2}$ mile \$75.00 and sufficient to carry about one cubic foot

(Sign here.)

Matthias W. Lowe

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 Grace Idaho Bannack, County of _____, State of Idaho, on this 3 day of

June
My commission expires
Jan. 14 - 1915
A. D. 1911

John Allsup
Notary Public

6866

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

PERMIT NO. 6866

RECEIVED
JUN 14 1911
OFFICE OF STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans.

Mathias W. Lowe Moroni 11 Jan age 26
Farmer Grace Idaho

Ques. 2. Are you acquainted with

Mary Burtas

the

holder of Permit No. 6866, authorizing the diversion of $\frac{1}{3}$ second-feet of the waters of

Burch Springs

at Grace Idaho

for ~~irrigation~~ purposes? How long have you known him, and where does he reside?

Ans.

I have known her 7 years she resides at Grace Idaho

Ques. 3. Have you read or heard read said Permit No. 6866, and are you familiar with its terms and conditions?

Ans.

yes sir

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 I would estimate the case
of the works at \$7000

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.

cleaning the ^{Spring} out and digging it deep all the
chalance from spring to the land to be irrigated

(Sign here.)

Moroni W. Lowe

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

Grace Bannock

County

of June, State of Idaho, on this 7 day of

June

A. D. 1911

John Alsop
Notary Public

6866

Permit No. 6866

● Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. Mary Burling age 43 Grace Idaho Farmer
Grace Idaho

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

Ans. no

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

Ans. application 9675 Permit 6866 Dec 10, 1910

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

Ans. Burch Springs North West 1/4 - sect 7 - Township 10 South
Range 41 - East 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. Cleaning the spring course out from head of spring to
ditch then to south East 1/4 of North East 1/4 sect 5 -
Township 10 - south Range 41 East B. M.

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 south East 1/4 of the North East
1/4 sect 5 - Township 10 S. R. 41 - E. B. M.

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

Ans. no

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

Ans. no

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. no

6866

Permit No.

Purpose of Application of Water to
Beneficial Use

DEPOSITION OF HOLDER

Amount of Water $7\frac{1}{2}$ second feet

Source *Barack Springs*

County *Barneek*

Purpose *irrigation*

Place of use *2 1/2 mi. N. & E. 1/4*

Ac. 5-7 to 2. R. 14E

B. M.

Date of Priority

Received and filed

THE TRIBUNE & POCATELLO, IDAHO

A. D. 1914

Barneek

State of Idaho, on this

2 day of *June*

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 *Barneek* County of *Barneek* day of *June*

(Sign)

Orney D. Barker

Ans. *There never has been any other water used on said land than the water under Permit 6886*

lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. *The water has been in ditch 1 month to 1 1/2 years and if no new water is the land it was applied for*

above mentioned permit has been used.

Permit No. 6866

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Morani W. Lane age 26, Farmer
Grace Cornucopia IdahoQues. 2. Are you acquainted with Mary Burlan theholder of Permit No. 6866? How long have you known her and where does he reside?Ans. at Grace IdahoQues. 3. Have you read or heard read said Permit No. 6866, 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. Burch Springs North West 1/4 of the South
West 1/4 of Sect 4 Township 10 Range 41 East
B.M. by digging the spring and channel deeper
from spring to land to be irrigated

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. ditch will carry 1 1/2 feet; have seen over one foot in it

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

Ans. Irrigation. on the South East 1/4 of the
North East 1/4 of Sect 5 Township 10 South
Range 41 East B.M., can irrigate
about 30 acres

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

Ans. None

6866

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 sandy same I think 1/3 foot will do it

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

Ans.

not any

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.

I have seen the water running through the ditch and on to the land intended to be irrigated by the Permit holder

(Sign)

Mosoni H. Lowe

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

Bannack

State of Idaho, on this

day of

June

A. D. 1911

John Allsup
Notary Public

Permit No.

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed

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

Permit No. 6866

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Mathias W. Laure Grace Farmer
Grace Bannock IdahoQues. 2. Are you acquainted with Mary Burton theholder of Permit No. 6866? How long have you known him and where does he reside?Ans. I have known her 6 years she resides at GraceQues. 3. Have you read or heard read said Permit No. 6866, 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. Burch Springs North W 1/4 of the South W 1/4
of Sect 4 - Township 10 - South Range 41 - East B. 111.
by digging the spring deeper and cleaning the old channel
from Point of Diversion to Place of use

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

Ans. the works will carry 1 1/2 cubic feet per sec 1 foot per second

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

Ans. Irrigation on the South East 1/4 of the North East 1/4
sect 15 - Township 10 - South - Range 41 - East B. 111
can irrigate about 30 acres

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

Ans. not any

6866

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 sandy loam 1/3 cubic foot per second

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

Ans.

Not any

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.

May 1. I see the water running in ditch an acre of
high water in the spring of see about 1 foot of water running
to the land that Permit Holder has filed on this water for

(Sign)

Mathias H. Lowe

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

Barnack

State of Idaho, on this

3 day

day of

June

A. D. 1911

my Commission Expires
Jan-14-1913

Johnallap
Mary Ruben

Permit No.

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed

STUBBINS CO., PRINTERS & BINDERS, 801 E.
7317

AFFIDAVIT OF PUBLICATION.

STATE OF IDAHO, }
COUNTY OF BANNOCK. } ss

I, W. H. HILDRETH, being first duly sworn, deposes and says that he is the publisher of THE SODA SPRINGS CHIEFTAIN, a newspaper published every week in Soda Springs, County of Bannock, State of Idaho; that the annexed advertisement was published once each week for Four successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 11th day of May 1911 and the date of the last publication was on the 1st day of

June 1911

W. H. Hildreth

Subscribed and sworn to before me this Sixth day of

June 1911

L. C. Burton
Notary Public.

My Commission Expires Sept 22 1911

Notice of Proof of Completion of Works and Application of Water to Beneficial Use.

Notice is hereby given that at 6 p. m., on the 11th day of June, 1911, at Grace, County of Bannock, State of Idaho, before John Allison, N. P., proof will be submitted of the completion of works for the diversion of one-third cubic foot per second of the waters of Birch Springs, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 6866, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said permit, are MARY BURTON, Grace, Idaho.

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

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is one-third cubic foot per second.

4. The place where said water is used is SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 10 South, Range 41, E. 2.

5. The date of priority which said user so prepared to establish is September 28, 1910.

A. E. ROBINSON, State Engineer.
First pub May 11; last pub June 1.

June 10, 1911

Permit 6866

Mrs. Mary Burton,
Grace, Idaho

Madam:-

I am today in receipt of depositions, affidavit of publication and fees for proof of completion of works and beneficial use of water under above permit, also, the permit. I am returning you herewith your permit as we have no further need of same in the office. In checking the depositions I note that they were not all taken on the same date. It will be necessary for you to file an affidavit showing why all the depositions were not taken on June 7th, the date set for making proof.
I have issued receipts for fees and inclose same herewith.

Very truly yours,

State Engineer.

R3579-30 -P6866

By...

6866

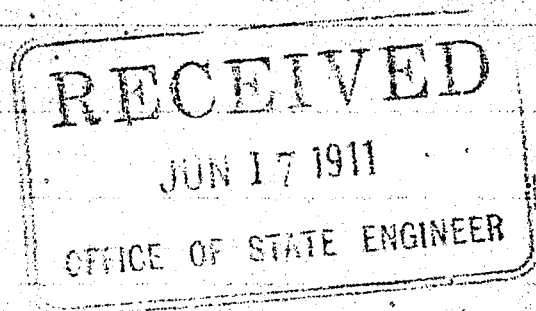
ALLSOP LUMBER CO.,
MANUFACTURERS OF NATIVE LUMBER, ROOFING, FLOORING AND CEILING,
DEALERS IN
OREGON SHINGLES, LATH, FINISHING LUMBER, HARD WOOD FLOORING,
DOORS AND BUILDERS' HARDWARE.

Grace, Idaho, June 14 1911

A. E. Robinson State Engineer Boise

Dear Sir Mary Burton has come before me
this afternoon and sworn to an affidavit
I am well acquainted with her and she has done her
part in complying with the law but unacquainted
with the requirements of law and is very much
agitated over the business and should there be
any further cause for inquiry in the matter if you
will write me I will endeavor to get the information
for you as a friend and neighbor to Mrs. Burton
yours Truly

John Allsop



Permit 6866

Grace Idaho June 14 1911

Affidavit of Mary Burton

To A. E. Robinson State Engineer in reply
to yours of June 10 - 1911 she states under oath
she did not know that she should have come
before me on June 7. but thought the business
should be done at any date before the 7. and
could she have gotten Moroni W. Faine at the
time she and Mathias Faine came before me
it would have been all signed at the same date
of her signing. Signed

Mary Burton

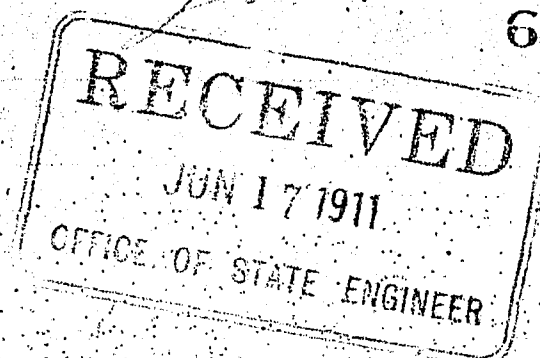
Subscribed and sworn to
Before me this 14 day of

June 1911 at my office in Grace Barracks Id

John Allorpi

Notary Public

6866



15
Permit 6866

August 15, 1911

Mrs. Mary Burton,
Grace, Idaho

Madam: -

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

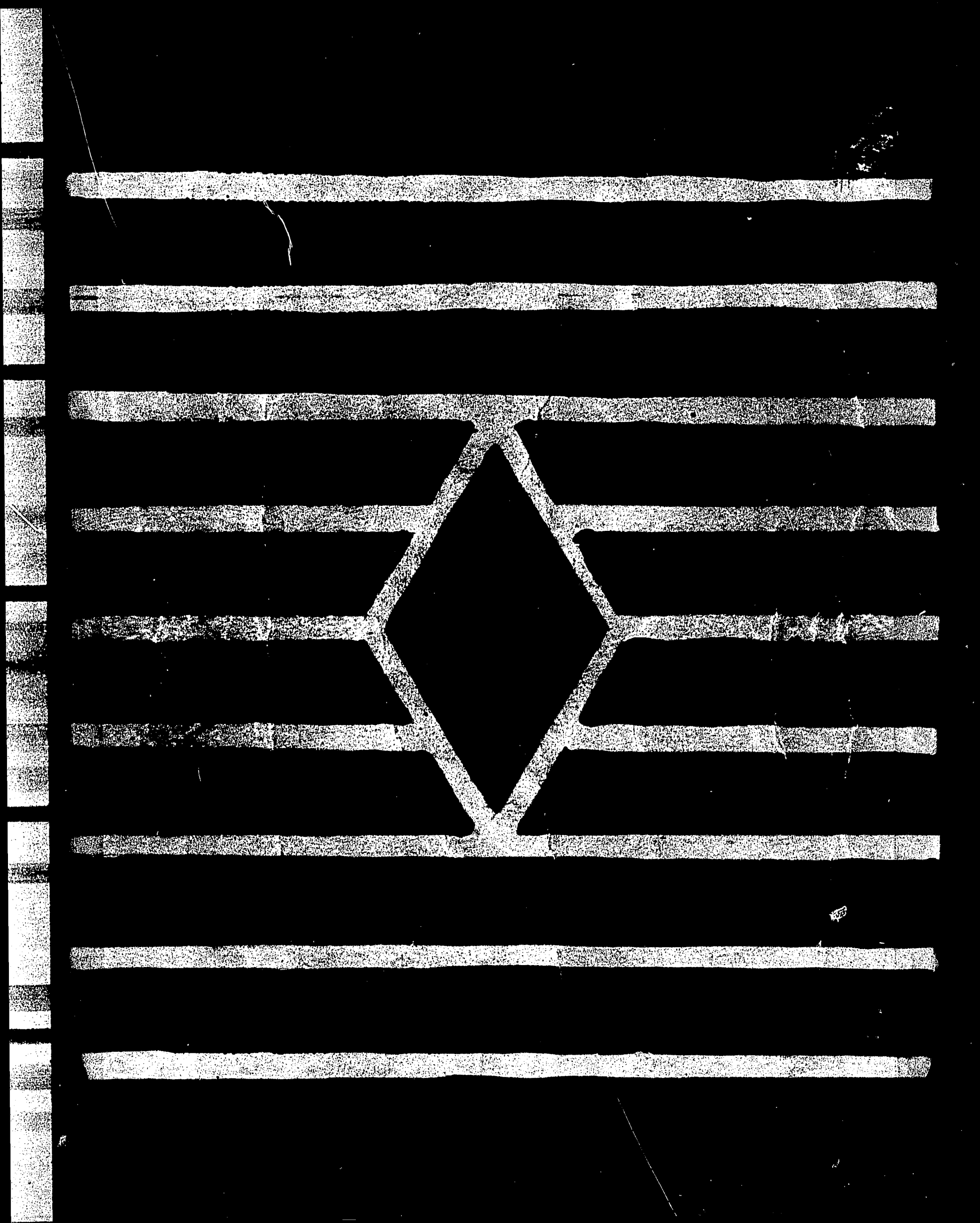
Very truly yours,

State Engineer.

C&I

By...

6866



Bannock County *
Birch Spring *
1/3 of 1 cu. ft. per sec. *
Irrigation and domestic *
Priority 9-29-1910 *

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

Water License No. 6866

WHEREAS, On the 29th day of September, A. D. 1910, MARY BURTON, of Grace, County of Bannock, State of Idaho, duly made application (No. 9675) to me for a permit to use one-third (1/3) of a cubic foot per second of the waters of BIRCH SPRING, County of Bannock, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 3rd day of December, A. D. 1910, Permit No. 6866 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 3rd day of June, A. D. 1911, and for the application to beneficial use of said water on or before the 3rd day of June, A. D. 1911, and,

WHEREAS, On the 7th day of June, A. D. 1911, MARY BURTON, the holder of said permit duly made proof of the completion of adequate works for the diversion of one-third (1/3) of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 6866, dated August 1, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one-third (1/3) of 1 cubic foot per second of said water, with date of priority of September 29, 1910, and,

WHEREAS, On the 7th day of June, A. D. 1911, MARY BURTON, the holder of said permit duly made proof of the application to beneficial use of 1/3 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MARY BURTON, of Grace, County of Bannock, State of Idaho, the holder and owner of said Permit No. 6866, a perpetual right, dating from September 29, 1910, to the use of one-third (1/3) of one cubic foot per second of the waters of BIRCH SPRING, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in the Northwest quarter of Southwest quarter (NW4 SW4) Section 4, Township 10 South, Range 41 East of Boise Meridian, and conducted to and upon about 30 acres in the Southeast quarter of the Northeast quarter (SE4 NE4) Section 5, Township 10 South, Range 41 East of 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 first day of August, A. D. Nineteen hundred and eleven.

A. E. Robinson,
State Engineer.

13 2034