

No. 12951.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Chris Mickelson.

Postoffice address: Preston, R.F.D. No. 1 County: Oneida State: Idaho.

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(d) Names and addresses of directors:

(c) The amount paid in:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(d) Other resources:

(c) Bonds to be issued:

2. The quantity of water claimed is one-tenth cubic feet per second.

3. Source of water supply: Spring on land hereafter described.

4. Location of point of diversion: 15 rods N. and 80 rods E. of SW corner of the NW quarter of Section 30, Tp. 15 S. R. 40 E. B. M.

County of Oneida, Idaho.

5. To be used for: Irrigation and domestic purposes. Water stock.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: ten acres.

(b) In the following legal subdivisions: Commencing at a point 120 rods south of the NW corner of Sec. 30, Tp. 15 S. of R. 40 E. B. M.; running thence South 40 rods; thence East 80 rods; thence North 40 rods; thence west 80 rods, to the place of beginning, containing 20 acres.

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

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream? return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$10.00 Already completed.

7. Description of works for diversion:

I. Kind of works: A ditch of earth.

II. Dimensions of works:

[a] Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction: Earth.

[b] Capacity of reservoir

acre feet.

[c] Size of headgate, width

feet,

Height

feet. (d) Conduit

Ditch

width at bottom

one feet,

width at water line

1 1/2

feet, depth of water

4 in.

feet; diameter of pipe

inches; average grade per mile is half in. ~~feet~~ Length of conduit is 20 ~~miles~~ rods. and it crosses the following quarter sections: It does not cross quarter section line. It is all on applicant's property.

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

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

Chris Mickelson,

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. August 12, 1912.

Returned to applicant for correction August 13, 1912.

Corrected application received September 12, 1912.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8707.

Recorded in Book 28 Page 8707 Approved September 28, 1912.

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

Bond in the sum of to be filed on or before

Work to begin on or before November 27, 1912. and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 28, 1912.

The whole of said work to be completed on or before March 28, 1913.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 28, 1913.

Witness my hand this 28th day of September, 1912.

A. E. Robinson,
State Engineer.

Remarks:

This spring is of very small volume, but applicant can probably increase its flow somewhat. It is desired for use in watering stock, general culinary purposes and for irrigation if sufficient.

The spring sought to be appropriated is situated on the land of the applicant as in this application described. The water is conveyed by a small ditch westward and a little to the south. The house of the applicant is located on the same land and it is to this house and the stockyard near by that the water is conveyed by the ditch. It is all located on the land of the applicant and is just inside the line.

Proof of completion of works received Marcy 17, 1913.

Certificate of completion of works issued May 10, 1913.

PERMIT NO. 8707.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Chris. Mickelson, of Preston, County of Oneida, and State of Idaho, the holder of Permit No. 8707, issued upon Application No. 12951, bearing date of priority of August 12, 1912, authorizing the diversion of 1/10 of 1 second foot of the waters of a spring, 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 1/10 of 1 second foot of the waters of a Spring; that the point of diversion of said waters is 15 rods N. and 80 rods E. of the S.W Cor. of the NW $\frac{1}{4}$ of Sec. 30, T. 15 S.R. 40 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 10 acres commencing at a point 120 rods south of the N.W. Cor. of Sec. 30, T. 15 S.R. 40 E. B. M., running thence S. 40 rods; thence E. 80 rods; thence N. 40 rods; thence W. 80 rods to place of beginning.

Witness my hand this 10th day of May A. D. 1913.

F.P.King,

State Engineer of the State of Idaho.

License issued to 1/10 second feet
Page 1112

Name of Applicant Chris Nicklason.

18807

The spring is located on the following described land:

Commencing at a point 120 rods South of the N. corner of Sec. 30, Tp. 15 South, Range 40 E. B. M., running thence South 40 rods, thence East 60 rods; thence North 40 rods; thence West 50 rods, to the place of beginning.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC. 30

SEC.

SEC.

SEC.

SEC.

SEC.

72.

Not indicated where spring is located and all water diverted

Water from spring

8700

PERMIT MAP NO. 3707

AS APPROVED.

SEP 28 1912

A. E. ROBINSON
STATE ENGINEER

3707

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON
STATE ENGINEER

Permit #8707

Boise, Idaho, Oct. 5, 1912.

Chris Mickelson.

Preston, R.F.D.#1, Idaho

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

A. E. ROBINSON,
State Engineer.

8707

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE.

(Date)

Jan. 11, 1913

(P. O.)

Preston Idaho

To the State Engineer,

Boise, Idaho.

Dear Sir,

You are hereby authorized to have the attached notice published at my expense in the

Preston Booster

of

Preston Idaho

published in the

county in which the works are situated.

Eric Erickson

(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

JAN 15 1913

STATE ENGINEER

9707

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

Notice is hereby given that at Two o'clock on the 28th
day of March, 1913, at Preston County of
Oreida, State of Idaho, before A. C. Smith (County Public)
proof will be submitted of the completion of works for the diversion of one tenth
cubic feet per second of the waters of spring situated on S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ sec 30
township 15 north Range 40 East Boise Meridian
and of the application to beneficial use of said water in accordance with the terms and conditions
of Permit No. 8707 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
Chris Mickelson Preston, Oreida County
Idaho

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

4. The place where said water is used is the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$
of section 30 in township 15 north Range 40
East Boise Meridian

5. The date of priority which said user is prepared to establish is June 1, 1907
Aug. 12, 1912.

RECEIVED

A. C. Robinson
State Engineer.
OFFICE OF STATE ENGINEER

S. P. MORGAN,
HYDRAULIC AND IRRIGATION ENGINEER
PRESTON, IDAHO.
County Engineer.

Mar 26

Preston Idaho
Jan 10 1913

Mr. A. E. Robinson
State Engineer
Bainbridge Idaho,

Dear Sir:

I in reply to yours of Dec 1, 1912
in regard to persons I wish to be instructed
to make examination of works in permit
to making Proof of completion of same.
I wish to have S. P. Morgan instructed to
do same

Respectfully yours
Chris McKelown

PS Mr Morgan's address is
Preston, Idaho

Permit No 8707

RECEIVED

JAN 13 1913

OFFICE OF STATE ENGINEER

8707

Office of the State Engineer

State, Idaho,

1912

Feb. 21, 3

S. P. Morgan,

Preston, Idaho

DEAR SIR:

Chris. Mickelson, residing at Preston,

County of _____, State of Idaho, has requested that

you make examination required under Permit No. 8707. Will you

therefore, arrange with the holder of said Permit to make such examination as will enable you to answer the questions on the enclosed blank? Also, make a sketch on the enclosed blank plat showing source of supply, point of diversion, route of ditch and place of use. You should, also, arrange with the holder of said Permit for the payment of your fee for your services, and such proper expenses as you will incur in making this examination and report.

Please advise me promptly of receipt of this communication, and whether or not you will be able to make the examination and report as required.

Very truly yours,

A. E. ROBINSON,

State Engineer.

8707

State of Idaho

A. E. ROBINSON
ENGINEER

ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

Proof of Completion of Works and

Chris Nickleson. Proof of Beneficial Use of water.

c/o A. C. Smith.

Boise, Idaho. Feb. 25, 1913.

Preston, Idaho.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 8707.

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 March 28th, 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 before A. C. Smith, H.P.

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

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

Yours truly,

A. E. ROBINSON

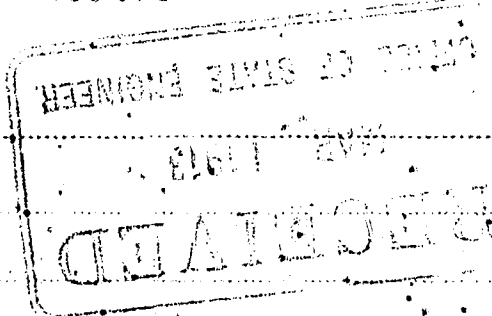
State Engineer.

8707

REPORT OF ENGINEER

1. State name of applicant and number of permit: *Chris Mickelson, No. 8707*
2. State source of water supply: *Reservoir situated on public lands*
3. Location of point of diversion: *2270 feet south & 40 feet East of the Northwest corner of section 30 in township 15 S. R. 40 E. S. 11 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: *one foot*
 - (b) Width at water line: *one and one half feet*
 - (c) Depth of water: *one half (1/2) foot*
 - (d) Grade per mile: *26 2/3 feet as one inch per rod*
 - (e) Capacity of ditch: *about one second foot* ~~second foot~~
6. State whether or not water has been turned into works of diversion and if so, to what extent: *Yes the water has been used for ~~over~~ seven years through the works.*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *The south one half of the SW "NW" section 30 of T. 15 S. R. 40 E. S. 11 N. the entire tract is under cultivation but not all watered from this source part of the land obtains water from other source.*
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:



S. P. Morgan

STATE OF IDAHO,

County of *Oneida*

S. P. Morgan

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

Subscribed and sworn to before me this

28

day of

*Feb*191*3*

My Commission Expires

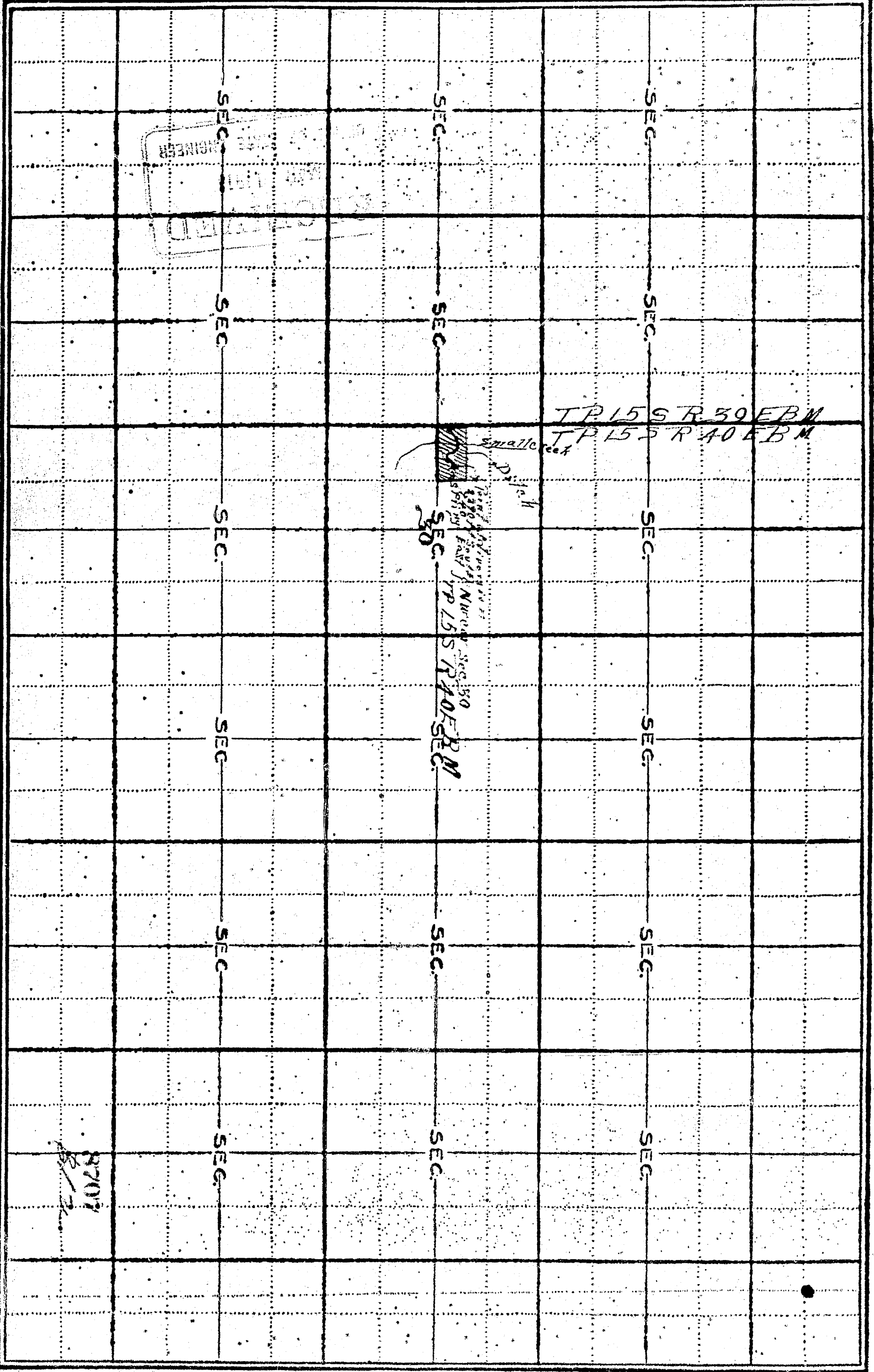
Apr 30, 1913

S. P. Morgan
Notary Public.

8707

B. J.

Name of Applicant Chris Wickerson, Permit No 8707



PERMIT NO.

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Chris Mickelson, age 65 years, Preston, 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. No. 8707. Dated September 28, 1913. One-tenth cu. ft. per second.

Source is spring on land of affiant.

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 and domestic purposes. Watering stock. Land described as commencing at a point 120 rods south of the S. E. corner of Sec. 20, Tp. 15 S. of R. 40 E. B. M.; running thence S. 40 rods; thence E. 80 rods; thence N. 40 rods; thence W. 80 rods, to the place of beginning, containing 20 acres.

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. Yes. Everything is completed and the water is used for the purposes above named.

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. Yes.

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.

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

Ans. A ditch of earth, one foot wide at bottom, width at water line 1-1/2 feet, depth of water 4 inches, length of conduit 20 rods. Cost \$10.00.

(Sign here.)

Chris Mickelson

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 eleventh day of

March, A. D. 1913.

My Commission expires

March 5th, 1917

Notary Public.

8707

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

Permit No. 8707.

PROOF OF COMPLETION OF WORKS

DEPOSITION OF WITNESS

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

Ans. H. R. Newbold, age 36, residence Whitney, farmer, Preston R. F. D. 1.

Ques. 2. Are you acquainted with..... Chris Mickelson....., the holder of Permit No. 8707....., authorizing the diversion of..... second-feet of the waters of....., at..... for culinary, stock-watering and irrigation purposes? How long have you known him, and where does he reside?

Ans. Whitney, Idaho. Have known him three years.

Ques. 3. Have you read or heard read said Permit No. 8707....., 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. I am acquainted with the land to be irrigated. It is cultivated land of good quality. It would require about 15 inches.

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. Capacity about 50 inches. A ditch of earth one foot wide at bottom, one and one-half feet wide at water line. Twenty rods long.

(Sign here.)

H. R. Newbold

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..... fifteenth..... day of March,..... A. D. 1913.

G. M. Conner
Notary Public.

My Commission expires March 5th, 1917.

8707

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

Permit No. 8707.

PROOF OF COMPLETION OF WORKS

DEPOSITION OF WITNESS

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

Ans. James H. Jensen, age 23 years, reside Preston, Idaho, farmer by occupation.

Ques. 2. Are you acquainted with Chris Nickelsen, the holder of Permit No. 8707, authorizing the diversion of one-tenth second-feet of the waters of Spring and watering stock for Irr. & domestic purposes? How long have you known him, and where does he reside?

Ans. Have known him 15 years and he resides in Preston, Idaho, R. F. D.

Ques. 3. Have you read or heard read said Permit No. 8707, 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. I am acquainted with the land to be irrigated. It is cultivated land of good quality. It would require about 15 inches.

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. Capacity about 50 inches. A ditch of earth one foot wide at bottom, one and one-half feet wide at water line. Twenty rods long.

(Sign here.)

James H. 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, in Preston, County of Franklin, State of Idaho, on this twelfth day of March, A. D. 1913.

P. M. Corbett

Notary Public.

My Commission expires March 5th, 1917.

8707

Permit No. _____

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

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

Ans. Chris Mickelson, age 65 years, Preston, Idaho, occupation farmer.

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. No. 8707. Date Sept. 28, 1912. Filed August 12, 1912. the Application.

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

Ans. Source is spring. Diversion: 15 rods N. and 80 rods E. of SW. Corner of the NW. quarter of Section 30, Tp. 15 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 ditch of earth, one foot wide at bottom, width at water line 1-1/2 feet, length 20 rods. Capable of conveying from point of diversion 50 inches of water which is more than flows from the spring.

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. Irrigation and domestic purposes. Watering stock. Land described as Commencing at a point 120 rods South of the NW. corner of Sec. 30, Tp. 15 S. of R. 40 E. B. M; running thence S. 40 rods; thence E. 80 rods; thence N. 40 rods; thence W. 80 rods, to the place of beginning, containing 20 acres, ten acres of which are intended to be irrigated. Cultivated land.

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. Fifteen inches.

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. _____

8707

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

Ans. It was used for the purposes mentioned in this instrument during the year 1912. All of the water coming from said spring has been used and it has barely been enough for the purposes mentioned. It is expected that the amount of water can be increased so that it will be sufficient for the purposes set out.

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. No other appropriations.

(Sign) *Chris Mickelson*

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 eleventh day of March.

A. D. 19 13.

P. M. Conde
Notary Public.

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

THE TRIBUNE & POCATELLO, IDAHO

8707

Permit No. 8707.

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

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

Ans. H. R. Newbold, age 36, residence Whitney, Idaho, Preston R. F. D. 1
farmer by occupation.

Ques. 2. Are you acquainted with... Chris Mickelson..., the holder of Permit No. 8707...? How long have you known him and where does he reside?

Ans. Yes. I have known him for three years. He resides at Whitney, Idaho, Preston R. F. D. No. 1.

Ques. 3. Have you read or heard read said Permit No. 8707..., 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. Spring. Diversion 15 rods N. and 80 rods E. of SW. corner of the NW. quarter of Section 30, T. 15 S., Range 40 E. B. M. Works: A ditch of earth 1 foot wide at bottom and 1-1/2 feet wide at water line. Length of ditch 20 rods.

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. Fifty inches.

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. Watering stock. Land described as commencing at a point 120 rods south of the NW. corner of Sec. 30, T. 15 S., of R. 40 E. B. M.; running thence S. 40 rods; thence E. 80 rods; thence N. 40 rods; thence W. 80 rods; to the place of beginning, containing 20 acres, ten acres of which is intended to be irrigated.

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. Cultivated land. Fifteen inches.

8707

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 interested in any manner.

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. He has used the water as mentioned for the purposes as set out, and for all such purposes.

(Sign here.) *H. R. Newbold*

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 fifteenth..... day of
...March..... A. D. 1913.

D. M. Cordie

Notary Public.

My Commission expires... March fifth, 1917.

Permit No. 8707.

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

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

Ans. James H. Jensen, age 23, Preston, Idaho, farmer.

Ques. 2. Are you acquainted with..... Chris Mickelson....., the holder of Permit No. 8707.....? How long have you known him and where does he reside?

Ans. Yes. I have known him 15 years and he resides in Preston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 8707....., 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. Spring. diversion 15 rods N. and 80 rods E. of SW. corner of the NW. quarter of Section 30, Tp. 15 S. R. 40 E. B. M.

Works: a ditch of earth 1 foot wide at bottom and 1-1/2 feet wide at water line. Length of ditch 20 rods; grade per mile is half inch.

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. Fifty inches.

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. Watering stock. Land described as Commencing at a point 120 rods South of the NW. corner of Sec. 30, Tp. 15 S. of R. 40 E. B. M; running thence S. 40 rods; thence E. 80 rods; thence N. 40 rods; thence W. 80 rods to the place of beginning, containing 20 acres, ten acres of which is intended to be irrigated.

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. Cultivated land. Fifteen inches.

8707

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 interested in any manner.

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. He has used the water as mentioned for the purposes as set out, and for all such purposes.

(Sign here.)

James H. 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, in..... Preston....., County of Franklin....., State of Idaho, on this twelfth.....day of March,.....A. D. 1915.

J. M. Cordie

Notary Public.

My Commission expires March 5th, 1917.

March 17, 1913.

Permit 8707

Chris Mickelson,
Preston, Idaho.

Sir:-

I am today in receipt of depositions for proof of completion of works and beneficial use of water under above permit, together with check for fees in the sum of \$2.00. In checking the depositions I note that the proof was made before P. M. Condie instead of A. C. Smith, as advertised. In regard to the proof would say that, unless the proof was taken at the office of A. C. Smith, the depositions could not be accepted. If you are prepared to furnish an affidavit showing the proof was taken at the office of Mr. A. C. Smith and also state why the proof was not taken by him, the proof will be accepted. Otherwise, it will be necessary for you to make over.

The total amount of fees for the two proofs amounts to \$7.00, the fee for proof of completion of works being \$5.00 and for beneficial use \$2.00. I am herewith returning you check for \$2.00.

Very truly yours,

P. P. KING,

State Engineer.

\$2.00

By _____

8707

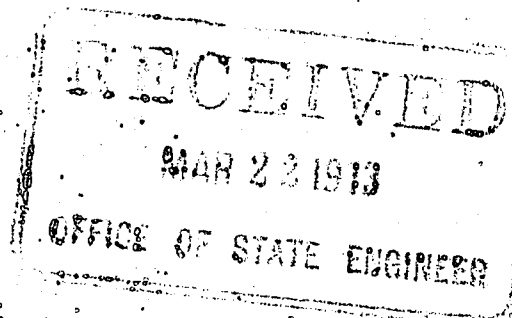
STATE OF IDAHO, .SS.
COUNTY OF FRANKLIN..

A. C. Smith, being first duly sworn, deposes and says: I am the person before whom Chris Nickelson signed his application for permit to appropriate waters from a certain spring as mentioned in permit issued to him No. 8707. The proof of completion of works and of application to beneficial use was made at the office of Smith & Condie, a partnership of which affiant is a member, the same place as the application was signed; and the reason that the proofs were not made before me is that I was not prepared to do the work because of the division of Oneida County and I had not received my Franklin County seal. P. M. Condie, the other member of the partnership, had just taken out his commission and had his Franklin County seal and was therefore prepared to do the business.

A. C. Smith

Subscribed and sworn to before me this 20th day of March, 1913.

P. M. Condie



8707

March 22, 1913

Permit 8707

Chris. Mickelson,
Preston, Idaho.

Sir:-

Am today in receipt of affidavit of Mr. A. C. Smith relative to your proof under above permit, together with checks for \$7.00, for which I am inclosing receipts.

There still remains the affidavit of publication which can be obtained from the publisher of the Preston Booster upon payment to him of the publication fees.

Very truly yours,

F. P. KING.

State Engineer.

R5372-3

By _____

8707

ARTHUR W. HART
ATTORNEY AND COUNSELLOR AT LAW
NOTARY PUBLIC

Preston, Idaho, March 25th, 1913.

A. E. Robinson, Esq.,

State Engineer, Boise, Idaho.

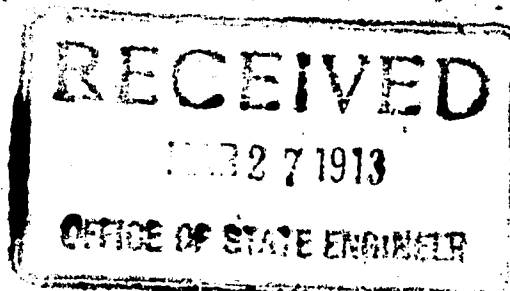
Dear Sir:—

I enclose herewith affidavit of contest in the matter of the
final proof of Chris Mickelson under your permit #8707

Please file the same and oblige,

Yours truly,

Arthur W. Hart



8707

RECEIVED

MAR 27 1913

AFFIDAVIT OF CONTEST

OFFICE OF STATE ENGINEER

Hon. A.E. ROBINSON,

State Engineer, Boise, Idaho.

Dear Sir:-

In the matter of the notice of proof of completion of works and the application of water to beneficial use, the undersigned submits the following protest, to-wit:-

State of Idaho,

County of Franklin. #88:

Robert M. Hull being first duly sworn deposes

and says:-

1--That in the matter of the notice of proof of completion of works and application of water to beneficial use, under permit #8707 heretofore issued by the State Engineer by A.E. Robinson, State Engineer to Chris Mickelson of Preston, Idaho, as published in the Franklin County Citizen, proof to be submitted March 28th, 1913 at the hour of ten o'clock a.m. before A.C. Smith, Notary Public, Preston, Idaho, that the water claimed in said application to-wit, the water of Spring (creek) to the amount of one-tenth cubic foot per second of time and all the waters of said Spring (creek) is and has been appropriated by the said affiant and A.C. Hull Le Roy Hull and R.M. Hull of Hull Brothers, Whitney, Idaho, for many years and long prior to the date of the said permit #8707:

2--That said Spring (creek) is a tributary of Spring creek and ~~by said Spring (creek) is a tributary of Spring creek~~ and the Hull Brothers have used continuously and for a beneficial purpose, to-wit, agricultural, and domestic and culinary, all the waters of said Spring creek including the said one-tenth cubic foot of Spring described in said permit, open, notoriously and continuously, for a period of over twenty-five years, and do now own and claim and use said water as aforesaid to irrigate their said lands situate as follows, to-wit:-The South-half of the Southeast Quarter of Section 36, Township fifteen South of Range thirty-nine East of B.M. and lots one and two, section one, township sixteen South of Range thirty-nine East of Boise Meridian, Idaho.

3--That said land without irrigation is no use and is valueless and that with irrigation it will produce crops-paying crops.

4--Denies that the said Chris Mickelson, the holder of said permit as aforesaid, has used said water as set forth by him except only as affiant and his brothers have permitted him to use the same at such times as they were not using the same; and the said use, if any, has been subordinate to the use of affiant and the said Hull Brothers as aforesaid; that any such water that has been used by the said permit holder has been as a trespass upon the right to the use of the same by said Hull Brothers as aforesaid, the same having been used, as aforesaid continuously for a period of over twenty-five years immediately preceding the filing of this affidavit of contest.

Wherefore, affiant asks that the Hon. A.E. Robinson, State Engineer, refuse to grant a license to said Chris Mickelson under said permit for the said use of water or any use of the said waters of said Spring, the said Spring being a tributary of said Spring Creek as aforesaid, and all of the waters of said Spring creek having been appropriated and used for beneficial purposes by the Hull brothers as aforesaid.

R. M. Hull

Subscribed to before me this 24th day of March, 1913.

Arthur M. Hart

Notary Public.

8707

Affidavit of Publication

STATE OF IDAHO,
County of Oneida

ss.

Watkins Roe
I, *Franklin County, Idaho*

do solemnly swear that I am one of the publishers of the ~~PRESTON NEWS~~, a 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 5 consecutive weeks, the first publication having been made on the 2 day of Feb 1913 and that the last publication was made on the 2 day of March 1913 that said notice was published in the regular issue of every 2 periods and times of publication, and that the said notice was published in the 2 supplement.

RECEIVED

MAR 9 1913

OFFICE OF STATE ENGINEER

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

Notice is hereby given that at ten o'clock on the 22nd day of March, 1913, at Preston, County of Oneida, State of Idaho, before A. C. Smith (a notary public) proof will be submitted of the completion of works for the diversion of one-tenth cubic feet per second of the waters of spring situated on S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ section 30, in township 15 south, range 40 east, Boise Meridian, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 4707, heretofore issued by the State Engineer of the State of Idaho.

1. The land and postoffice address of the person, its corporation, holding said permit, are Chris Mickelson, Preston, Oneida County, 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-tenth cubic feet per second.

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

4. The place where said water is used is the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 30, in township 15 south, range 40 east, Boise Meridian.

5. The date of priority which said user is prepared to establish is August 12, 1912.

A. E. ROBINSON, State Engineer.

Subscribed and sworn to before me this 28th

day of March 1913

Arthur W. Hart
Notary Public.

I, _____, Register.

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

day of _____ 1913.

8707

Ad. (G. W. King) *Chapman*

April 5, 1913.

Permit 8707 - Chris Mickelson

Arthur M. Hart, Lawyer
Preston, Idaho.

Sir:-

In reply to your letter enclosing protest against proof under above permit would say that, in view of the fact that all prior rights on the waters of a stream must be satisfied before subsequent rights can be recognized, the issuing of a license to the holder of the above numbered permit could in no way injure the protestants. If there is more water in the spring than is called for in the prior right of the protestants, the holder of the subsequent right would have a right to the use of the surplus waters.

Very truly yours,

F. P. KING,

State Engineer.

By _____

8707

May 24, 1913.

Permit 8707

Chris. Mickelson,
Preston, Idaho.

Sir:

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

Very truly yours,

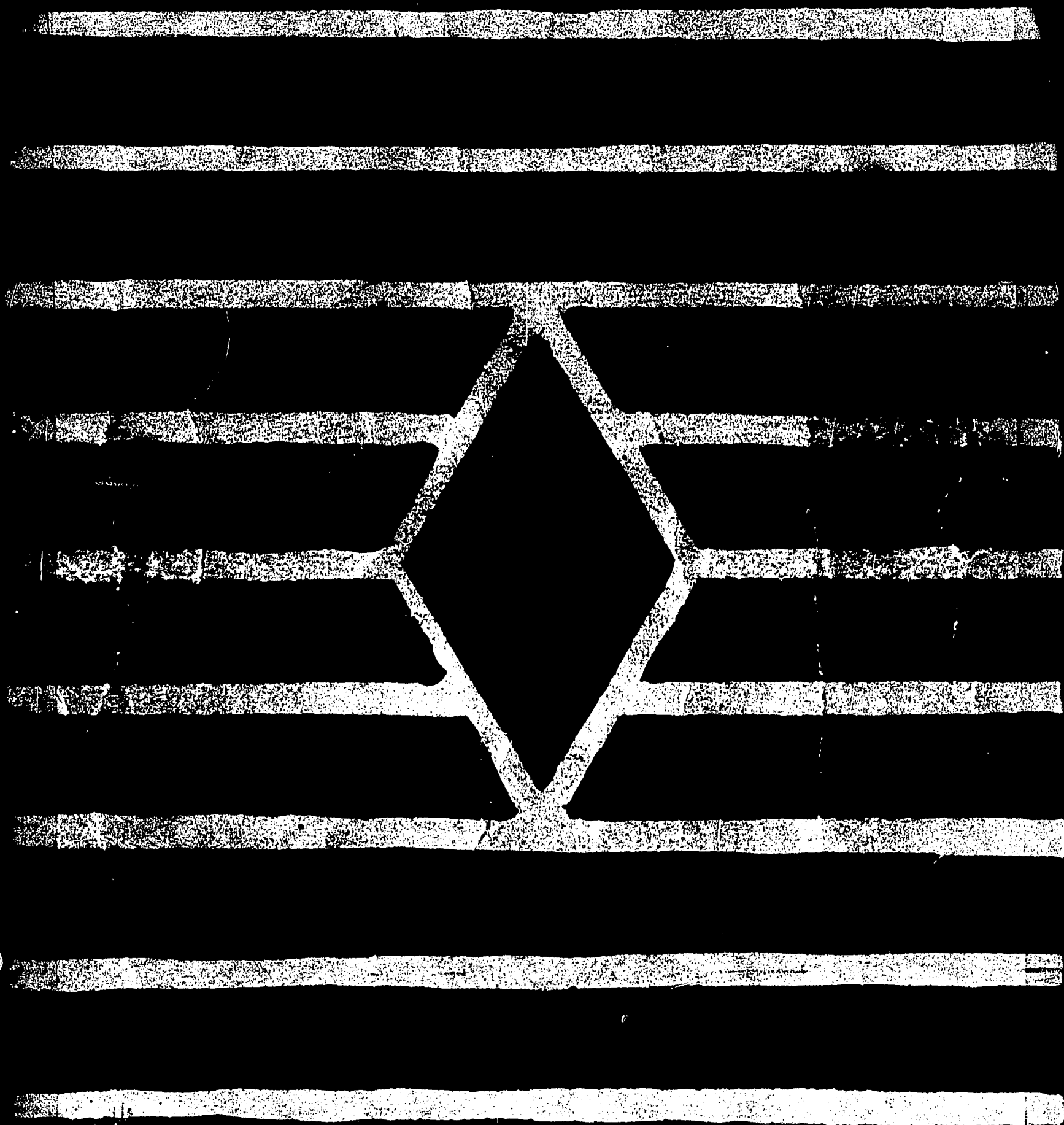
F. P. KING,

State Engineer.

C&L

By _____

8707



County: Oneida.
Stream: Spring.
Amount: 1/10 Sec. ft.
Use: I. & Dom.
Priority: 8-12-1912.

1342

STATE OF IDAHO

Water License No. 8707

WHEREAS, On the 12th day of August, A. D. 1912, Chris. Mickelson

of Preston, County of Oneida, State of Idaho, duly made application (No. 12951) to me for a permit to use 1/10 of 1 cubic foot per second of the waters of a spring

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

WHEREAS, On the 28th day of September, A. D. 1912, Permit No. 8707 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 28th day of March, A. D. 1913, and for the application to beneficial use of said water on or before the 28th day of March, A. D. 1913, and,

WHEREAS, On the 11th day of March, A. D. 1913, Chris. Mickelson

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1/10 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8707 dated May 10, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1/10 of 1 cubic foot per second of said water with date of priority of August 12, 1912, and

WHEREAS, On the 11th day of March, A. D. 1913, Chris. Mickelson

the holder of said permit, duly made proof of the application to beneficial use of 1/10 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 Chris. Mickelson

of Preston, County of Oneida, State of Idaho, the holder and owner of said Permit No. 8707, a perpetual right, dating from August 12, 1912, to the use of 1/10 of 1 cubic foot per second of the waters of a spring,

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 15 rods N. and 80 rods E. of the SW cor. of the NW $\frac{1}{4}$ of Sec. 30, T. 15 S., R. 40 E. B. M.

and conducted to and upon 10 acres commencing at a point 120 rods south of the NW corner of Sec. 30, T. 15 S., R. 40 E. B. M.; running thence S. 40 rods; thence E. 80 rods; thence N. 40 rods; thence W. 80 rods, to place of beginning,

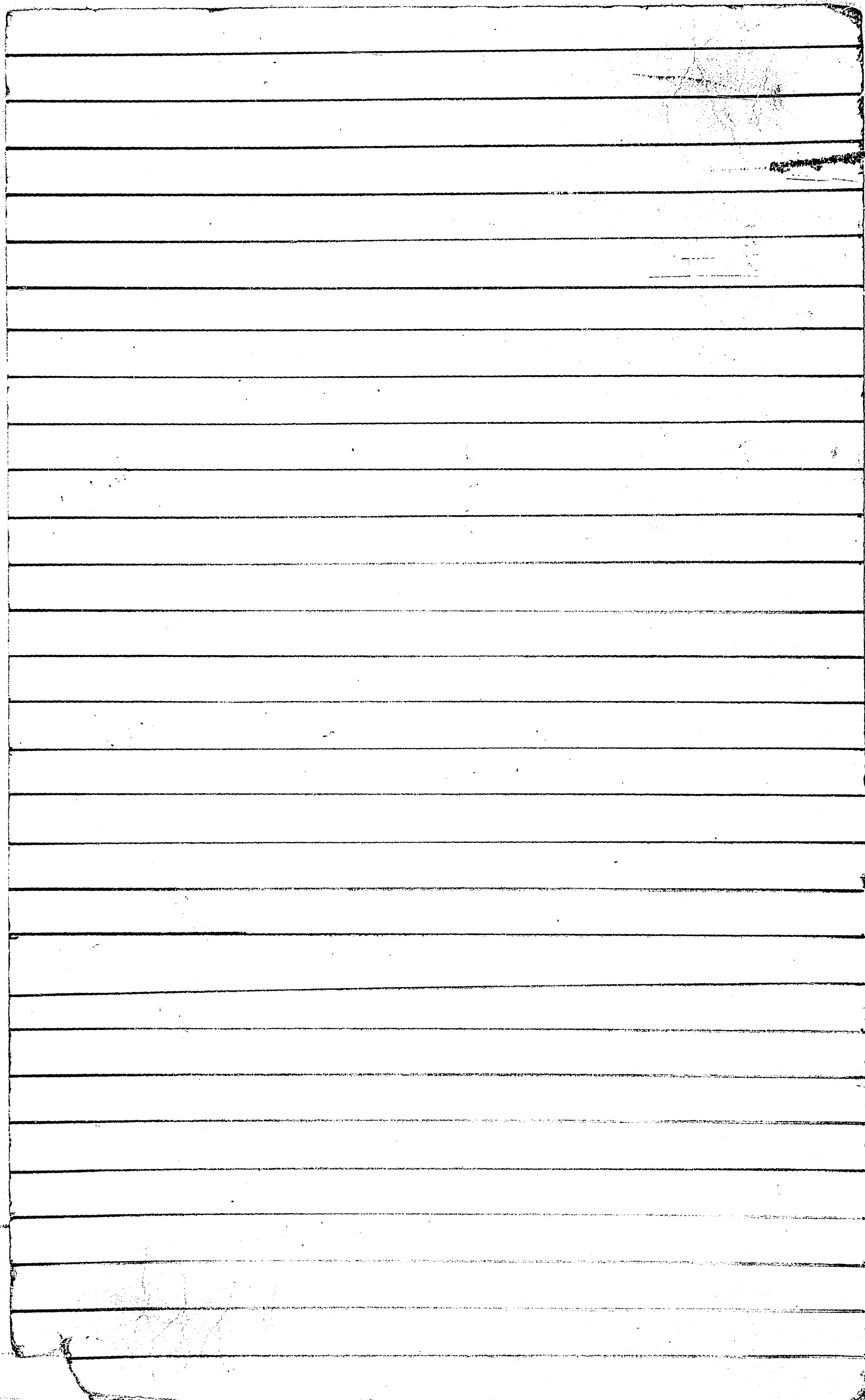
for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority 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 10th day of May A. D., nineteen hundred and thirteen.

F. P. King,

(Seal)

State Engineer.
13 2053



PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13-2053

51

SOURCE: Miscellaneous Sources

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS.
				From	To						
13-0232	WHITNEY NASHVILLE (con't) WATER WORKS CO., INC.								Sec. 17 NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18 NE $\frac{1}{4}$ NE $\frac{1}{4}$ T16S, R40E		Beneficial Use Unnamed Spring 84 Families
13-0260	JOHNSON, Jesse L. Rt. #3 Preston, Idaho	6-11-1910	Irrigation	4-1	11-1	53.0 0.7 53.7	0.30 0.02 0.30	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.20 T15S, R40E	Sec. 20 SE $\frac{1}{4}$ SW $\frac{1}{4}$ T15S, R40E	15.0 15.0	Beneficial Use Whitney-Nashville Water Works Overflow
13-0326	Johnson, Jesse L. Rt. #3 Preston, Idaho	6-11-1910	Irrigation	4-1	11-1	53.0 0.7 53.7	0.30 0.02 0.30	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.20 T15S, R40E	Sec. 20 SE $\frac{1}{4}$ SW $\frac{1}{4}$ T15S, R40E	15.0 15.0	Beneficial Use Johnson Spring & Springs
13-0306	HULL, Robert M. &/or Harold Rt. #1 Preston, Idaho	4-01-1912	Irrigation	4-1	11-1	210.0 2.7 212.7	0.50 0.02 0.50	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S.31 T15S, R40E	Sec. 31 Lot 4 SE $\frac{1}{4}$ SW $\frac{1}{4}$ T15S, R40E	20.0 40.0 60.0	Beneficial Use Unnamed Drain
13-2053	KELLER, Larry R. Rt. #1 Preston, Idaho	8-12-1912	Irrigation	4-1	11-1	35.0 1.2 36.2	0.10 0.04 0.10	Lot 2, S.30 T15S, R40E	Sec. 30 Lot 2 T15S, R40E	10.0 10.0	License Unnamed Spring
13-0259	SWAINSTON, Howard Rt. #3 Preston, Idaho	4-01-1913	Irrigation	4-1	11-1	38.5 0.5 39.0	0.22 0.02 0.22	Lot 2, S.6 T16S, R40E	Sec. 6 Lot 2 T16S, R40E	11.0 11.0	Beneficial Use Unnamed Drain

The amount of water diverted using this right,
and 13-0260 shall not exceed 0.30 c.f.s. or 53.7 af/yr.