

Application No. 12579
 Permit No. 12579
APPLICATION FOR PERMIT
 TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
 District No. 5 - H.

1. Name of applicant: Alfred Spatig, County: Franklin State: Idaho.
- Postoffice address: Preston
- I. If applicant is a corporation, give
 (a) Date and place of incorporation:
 (b) The amount of capital stock:
 (c) The amount paid in:
 (d) Names and addresses of directors:
- II. The financial resources of the applicant are: (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. The quantity of water claimed is 25/100 cubic feet per second.
3. Source of water supply: Small Spring, which is a tributary of Cub River.
4. Location of point of diversion: In the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T. 15 S., R. 40 E.B.M.
 County of Franklin.
5. To be used for: Irrigation purposes.
- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 4 acres.
 (b) In the following legal subdivisions:
- II. Mining, milling, power, manufacturing, transportation or other purposes:
 (a) At what point:
 (b) Amount of power to be generated:
 (c) Is water to be returned to any stream?
 (d) If so, name stream and locate point of return:
6. Estimated cost of works: \$100.00
7. Description of works for diversion:
 I. Kind of works: Reservoir and Ditch.
- II. Dimensions of works:
 (a) Height of dam 8 feet, length of dam at top 30 feet,
 length of dam at bottom 15 feet. Material used in construction: Earth
 (b) Capacity of reservoir
 Height 6 inches (c) Size of headgate, width 6 inches, feet,
 width at bottom 1 $\frac{1}{2}$ feet,
 width at water line 2 feet, depth of water 1 $\frac{1}{2}$ feet; diameter of pipe
 inches; average grade per mile is 50 feet. Length of conduit is 1 $\frac{1}{4}$ miles,
 and it crosses the following quarter sections:
8. The time required for the completion of the construction of such work is One month ~~XXXXXX~~
9. Time required for the complete application of the water to the proposed use is No time.
- 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.
- Alfred Spatig. Applicant.
 By Agent.

Date of first receipt at office of State Engineer 9:00 A.M. October 5, 1916.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 12579

Recorded in Book 43 Page 12579 Approved October 14, 1916,

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 December 13, 1916, 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 January 14, 1917

The whole of said work to be completed on or before April 14, 1917

Beneficial use of water appropriated in accordance herewith, to be made on or before April 14, 1917

Witness my hand this 14th day of October, 1916,

J.H. Smith.

State Engineer.

Remarks:

14. The land to be irrigated is described in the following Tabulation:

Twp. Range Sec. $NE\frac{1}{4}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ - Totals.

15 40 11 $SE\frac{1}{4}$ - 4 acres.

Total Number of Acres to be Irrigated- 4.

15(a) Is reservoir to be used? No.

The spring is on Government land.

- - - - -

Proof of Completion of works made February 7th, 1917.

Certificate of Completion of works issued March 2nd, 1917.

- - - - -

Permit No. 12579

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Alfred Spatig, of Preston, County of Oneida, and State of Idaho, the holder of Permit No. 12579, issued upon Application No. 18059, bearing date of priority of October 6, 1916, authorizing the diversion of 25/100 of 1 second foot of the waters of a spring, County of Franklin, 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 25/100 of 1 second foot of the waters of a spring; that the point of diversion of said waters is in the $NW\frac{1}{4}$ of $SW\frac{1}{4}$, Sec. 12, T. 15 S., R. 40 E.B.M.; and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: 4 acres of the $SE\frac{1}{4}$ of $SE\frac{1}{4}$, Sec. 11, T. 15 S., R. 40 E.B.M.

Witness my hand this 2nd day of March, A.D. 1917.

J.H. Smith,

State Engineer of the State of Idaho.

J. H. SMITH
STATE ENGINEER
FRED A. WILKIE
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
 Boise

September 27, 1916.

Re Permit 9054.

18059

Alfred Spatig ,
R. F. D. No. 1,
Preston, Idaho.

Sir:--

Am just in receipt of your affidavit and money order for fees for proof of completion of works under above permit. In regard to this proof would say that the same could not be accepted at this late date. The works should have been completed and proof submitted within the time specified in your permit, February 11, 1916. It will now be necessary for you to file a new application and obtain a new permit, and I herewith enclose blanks for same, with instructions.

Am herewith returning affidavit and money order.

Very truly yours,

J. H. SMITH,

State Engineer.

AH-MC44650-F1

By C. Brown

12579

Name of Applicant

Legal Section Section of Township

County State

North
Township 15 South Range 40 E B M

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Spring
Run
Cut Run & Union
Canal

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

102549

Permit Map No. 12379

As Approved

OCT 14 1916

BY

J. H. SMITH
STATE ENGINEER

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit No. 12579-

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

Boise, Idaho,

Oct. 14, 1916.

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.

J. H. Smith .

State Engineer.

12579

State of Idaho
ENGINEERING DEPARTMENT

BOISE

Alfred Spatig,
Preston, Idaho.

January 20, 1917.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 12579---, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

J. H. SMITH

State Engineer

12579

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Alfred Spatig,
Preston, Idaho.

Boise, Idaho, **January 20, 1917.**

Dear Sir:—

Under the terms of your permit No. **12579**-----, you are required to complete your diversion works on or before **April 14, 1917**---. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

J. H. SMITH,

State Engineer.

12579

JAMES PINGREE
PRESIDENT

J. N. LARSEN
VICE-PRESIDENT

J. C. GREAVES
SECY. AND TREAS

Utah-Idaho Loan Corporation

PRESTON, IDAHO.

February Ninth,

1917

State Engineer,
Boise, Idaho.

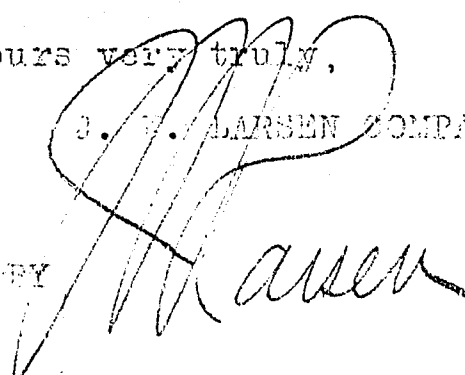
Dear Sir:

Enclosed please find Notice of Proof of Application of Water to Beneficial Use (two copies), and also affidavit of holder as to Proof of Completion of Works made by Alfred Spatig, for the use of water flowing from a certain spring. The notice can be published in the "Franklin County Citizen", a weekly newspaper published in Preston, Franklin County, Idaho. We also enclose check for \$5.00, fee required for certificate of completion to be issued to Alfred Spatig covering water permit No. 12579. The dam and other works have all been completed.

Yours very truly,

J. N. LARSEN COMPANY.

BY



ENC.

12579

Ch
5.00

Permit No. 12579

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of Franklin } SS.Alfred Spatig, being first duly sworn upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 12579 and that his postoffice address is Brester 2, B. D. #1, State of Idaho.Second: That the name of the stream from which said water is to be diverted is un-named spring.Third: That the point of diversion of said water is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 12, Twp. 15 S., Range 40 E. B. M., Franklin County, Idaho.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 14th, 1917.Fifth: That the use for which said water is intended is irrigation purposes.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Reservoir and ditch.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 8 feet, length of dam at top 30 feet, length of dam at bottom 15 feet. Material used in construction earth.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 1/2 feet, height 1/2 feet.(d) Conduit _____ width at bottom 1-1/2 feet, width at water line 2 feet, depth of water 1/2 feet; diameter of pipe _____ inches;

(State whether ditch, flume or pipe)

average grade per mile is 50 feet. Length of conduit is 1/4 miles.Seventh: That said works are capable of conducting to the place of intended use 1/4 second feet of water.Eighth: That water appropriated under said permit is available for 4 acres of land described as follows: situated in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11, Twp. 15 S., Range 40 E. B. M., in Franklin County, Idaho.

Ninth: Remarks: That _____

(Sign here)

Subscribed and sworn to before me this 7th day of February, 1917.My commission expires April 30th, 1917.

Notary Public.

12579

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 28th day of April, 1917
 at Preston, County of Franklin, State of Idaho,
 before J. N. Larsen, a Notary Public, proof will be submitted
 of the application to beneficial use of 1/4 of one cubic feet per second of the
 waters of an un-named spring, in accordance with the terms and conditions of
 Permit No. 12579 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
Alfred Spatig, Preston R.F.D.#1, Idaho,
2. The use to which said water has been applied is for irrigation purposes,
3. The amount applied to beneficial use is 1/4 of one cubic foot per second,
4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
4 acres in the SE 1/4 of Sec. 11, Twp, 15 S., Range 40 E. B. M.,
in Franklin County, Idaho.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
unnamed spring and ditch,
6. The right to take water from such works is based upon Permit No. 12579
7. The source of supply from which such water is diverted is un-named spring
8. The date of the priority which said user is prepared to establish is October 6th, 1916.

1826
 J. H. Smith,

12579
 State Engineer.

February 12 th, 1917.

Re Permit No. 12579-

Mr. Alfred Spatig,
Preston, Idaho.
R. F. L. No.1.

Dear Sir:--

We are in receipt of affidavit and fee for proof of completion of works, also, notices for final proof under above permit. The affidavit is satisfactory hence the certificate of completion will be issued in due course.

Notice of final proof will be mailed to the Franklin County Citizen, at Preston, in time for the required four weeks publication prior to April 28th and deposition blanks will be mailed to Mr .J.N. Larsen, notary public.

Very truly yours,

J. E. SMITH,

State Engineer.

By _____

12579

February 12th, 1917.

Re Permit 12579-Alfred Spatig.

J. H. Larsen Company,
Preston, Idaho.

Gentlemen:--

We are in receipt of your letter of the 9th inst., enclosing affidavit and fee for proof of completion of works, also, notices for final proof under above permit. The certificate of completion of works will be issued in due course.

Notice of final proof will be mailed to the "Franklin County Citizen" in time for the required four weeks publication prior to April 28th and deposition blanks will be mailed to J. B. Larsen, notary public.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

12579

12579

March
Fifteen
1917

Mr. Alfred Spatig,
Preston, Idaho.

Dear Sir:

We enclose herewith certificate of
completion of works, together with receipt
No. 154 for fee.

Very truly yours,

J. H. Smith,

State Engineer.

By

bb

12579

STATE OF IDAHO
ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

Alfred Spatig,
c/o J. N. Larsen,
Preston, Idaho.

BOISE, IDAHO, March 29, 1917.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. 12579.

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 ~~April 26th, 1917,~~ the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at ~~Preston,~~ before J. N. Larsen, N.P.

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

Yours truly,

J.H. SMITH,

State Engineer.

12579

Permit 12579.

April 19th, 1917.

Re Publication fees.

Franklin County Citizen,
Preston, Idaho.

Gentlemen:—

The statement for publication fees for proof under above permit should be made out to and mailed to the holder of the permit, Alfred Spatig, as we have nothing to do with same. The affidavit of publication should be withheld until your fees are received and the license will be withheld here until the affidavit of publication is filed.

Very truly yours,

J. H. SMITH,

State Engineer.

St.

By _____

12579

JAMES PINGREE
PRESIDENT

J. N. LARSEN
VICE-PRESIDENT

J. C. GREAVES
SECY AND TREAS

Utah-Idaho Loan Corporation

PRESTON, IDAHO.

April Twenty-eighth.

1917

mo
2.00

Mr. J. H. Smith, State Engineer,
Boise, Idaho.

Dear Sir:

We enclose herewith the following papers
relating to proof of application of water to beneficial
use, viz:

Deposition of holder, Alfred Spatig,
Deposition of witness, Lewis Porter,
Deposition of witness, Ernest Spatig,
Affidavit of publication, made by Watkin
L. Roe, editor of the Franklin County Citizen.

We also enclose our check for \$2.00, fee
required in connection with the above papers.

If everything is found satisfactory, we
will be pleased to have you send license to Mr.
Alfred Spatig, c/o J. N. Larsen Company, Preston, Idaho.

Yours very truly,

J. N. LARSEN COMPANY

BY

HN

ENC.

12579

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. Alfred Spring - 48 - ^{Tampa} - ^{Fla.} - ^{Post} Office R. F. D. #1

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. Not acting in behalf of a corporation

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

Ans. 12579 - October 14, 1916, Oct. 6, 1916,

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

Ans. a spring - point of diversion in NW 1/4 of SW 1/4 of Sec. 12 T. 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. an earthen dam 8 feet high + 30 feet across on top and about 15 feet on bottom, water is conveyed in an earthen ditch from reservoir to land to be irrigated, ditch about 1 1/2 feet wide on bottom + 2 feet wide on top.

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. for irrigation of 4 acres in the SE 1/4 of the SE 1/4 of Sec. 11, T. 15, S. R. 40, E. B. M.,
Land in question is cultivated

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

Ans. None

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

Ans. _____

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. Am same person that made application

12579

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

Ans. *Water has just been used on land in question for one year.*

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. *None other than water above mentioned*

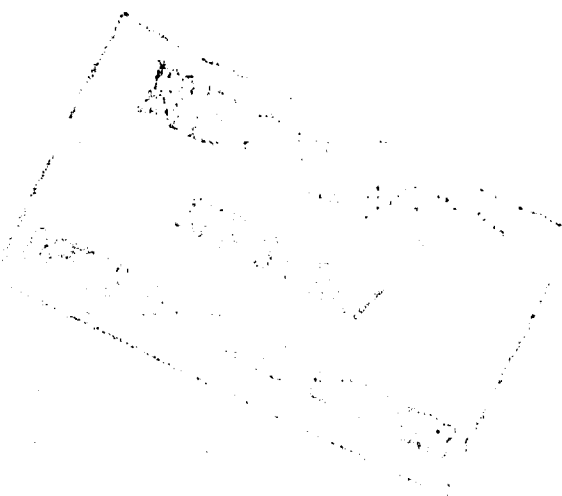
(Sign) *Alfred Spatig*

I hereby certify that the foregoing testimony was read to the above subscribed 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 *28th* day of *April* A. D. 19*17*.

Hamm
Notary Public,
Preston Idaho

12579



Permit No. 12579

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Laura Porter, 27, Preston, Idaho, R. F. D. 7-1Ques. 2. Are you acquainted with Alfred Spatig, the holder of Permit No. 12579? How long have you known him and where does he reside?Ans. He resides in Preston, Idaho. I have known him 2 years

Ques. 3. Have you read or heard read said Permit No. 12579, 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. Water comes from spring located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 12, Twp. 15 S., Range 40 E. B. M., and is impounded by reservoir and diverted from reservoir to land to be watered by means of an earthen ditch.

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. 25/100 of one second foot. I have seen ditch carry this amount.

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. Is used for irrigation of about 4 acres of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11, Twp. 15 S., Range 40 E. B. M. The land is cultivated.

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

Ans. Is for irrigation.

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. Land reclaimed is a black loamy soil and will take about 25/100 of one second foot.

12579

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

Ans. 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 water diverted under said permit.

Ans. I have seen applicant use water a number of times during the year 1916 on the above described land for irrigation. I have seen him use 25/100 of one cubic foot of water on said land for irrigation.

(Sign)

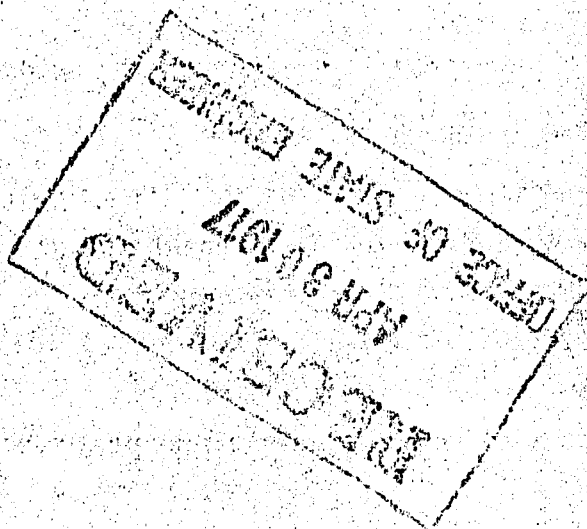
Lewis Porter

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 28th day of April, A. D. 1917

Notary Public.
Preston, Idaho

My commission expires April 30th, 1917.

12579



Permit No. 12579

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Ernest Spatig, age 21 - ^{Farmer} Pueblo, Colo. R.F.D. #1Ques. 2. Are you acquainted with Alfred Spatig, theholder of Permit No. 12579? How long have you known him and where does he reside?Ans. Yes, 2 yearsQues. 3. Have you read or heard read said Permit No. 12579, 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. Water comes from spring located in the NW 1/4 of the SW 1/4 of Sec. 12, T. 15, R. 40 E. 13 N. water is impounded by reservoir and diverted from reservoir to land to be watered by means of an earthen ditch.

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. 25/100 of one second foot. I have seen ditch carry this amount

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. Is used for irrigation of about 4 acres of the SE 1/4 of the SE 1/4 Sec. 11 - T. 15 S. R. 40 E. 13 N. The land is cultivated

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

Ans. Is for irrigation

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. Land reclaimed is a black loamy soil and will take about 25/100 of one second foot

12579

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 water diverted under said permit.

Ans. I have seen applicant use water a number of times during
the year 1917 on above described land for irrigation, I have
seen him use 20,000 ft of water on said for irrigation

(Sign) Ernest Spatig

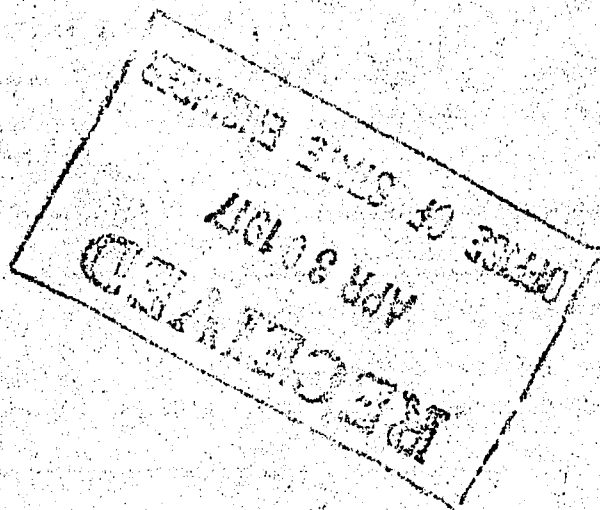
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston, County of Franklin

State of Idaho, on this 28th day of April, A. D. 1917.

Allen
Notary Public.

My commission expires April 30-1917

12579



Affidavit of Publication

STATE OF IDAHO,
County of Franklin ^{SS}

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 28th day of April, 1917 at Preston, County of Franklin State of Idaho, before J. N. Larsen, a no-

tary public, proof will be submitted of the application to beneficial use of $\frac{1}{4}$ of one cubic foot per second of the waters of an unnamed spring in accordance with the terms and conditions of Permit No. 12579 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice of the person or corporation holding said permit is Alfred Spalig, Preston R. F. D. No. 1, Idaho.

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

The amount applied to beneficial use is $\frac{1}{4}$ of one cubic foot per second.

The place where said water is used: 4 acres in the SE $\frac{1}{4}$ of Sec. 11, Twp 15 S, Range 40 E. B. M. in Franklin county, Idaho.

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

The right to take water from such works is based upon Permit No 12579.

The source of supply from which such water is diverted is unnamed spring.

The date of the priority which said user is prepared to establish is October 18th, 1916.

J. H. SMITH

State Engineer.

I, Walter Roe, do solemnly swear that I am one of the publishers of the FRANKLIN COUNTY CITIZEN, a weekly newspaper of general circulation published each week at Preston, 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 4 consecutive weeks, the first publication having been made on the 29 day of Mar 1917 and that the last publication was made on the 26 day of April, 1917 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.

Subscribed and sworn to before me this 28 day of April, 1917

Notary Public.

I, Walter Roe, Register, do hereby certify that a notice, a printed copy of which is hereto 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 28 day of April, 1917

12579

418

ENGINEERING DEPARTMENT

STATE OF IDAHO

No.

Idaho, Idaho,

April 30 1917

RECEIVED OF

Arthur H. Hooten

DOLLARS

for and me \$1.00

of Dec 1917

in payment of filing fee on

Application for Permit No. 1

State Engineer

John H. Smith

By: R. B. Smith

18579

May 1st, 1917.

Re Permit 12579- Alfred Spatig.

J. N. Larson Company,
Preston, Idaho.

Gentlemen:--

We are in receipt of your letter of the 28th ult., enclosing papers in the matter of proof of use of water under above permit. As soon as the examination can be made by our engineer, the matter of issuing the license will be taken up.

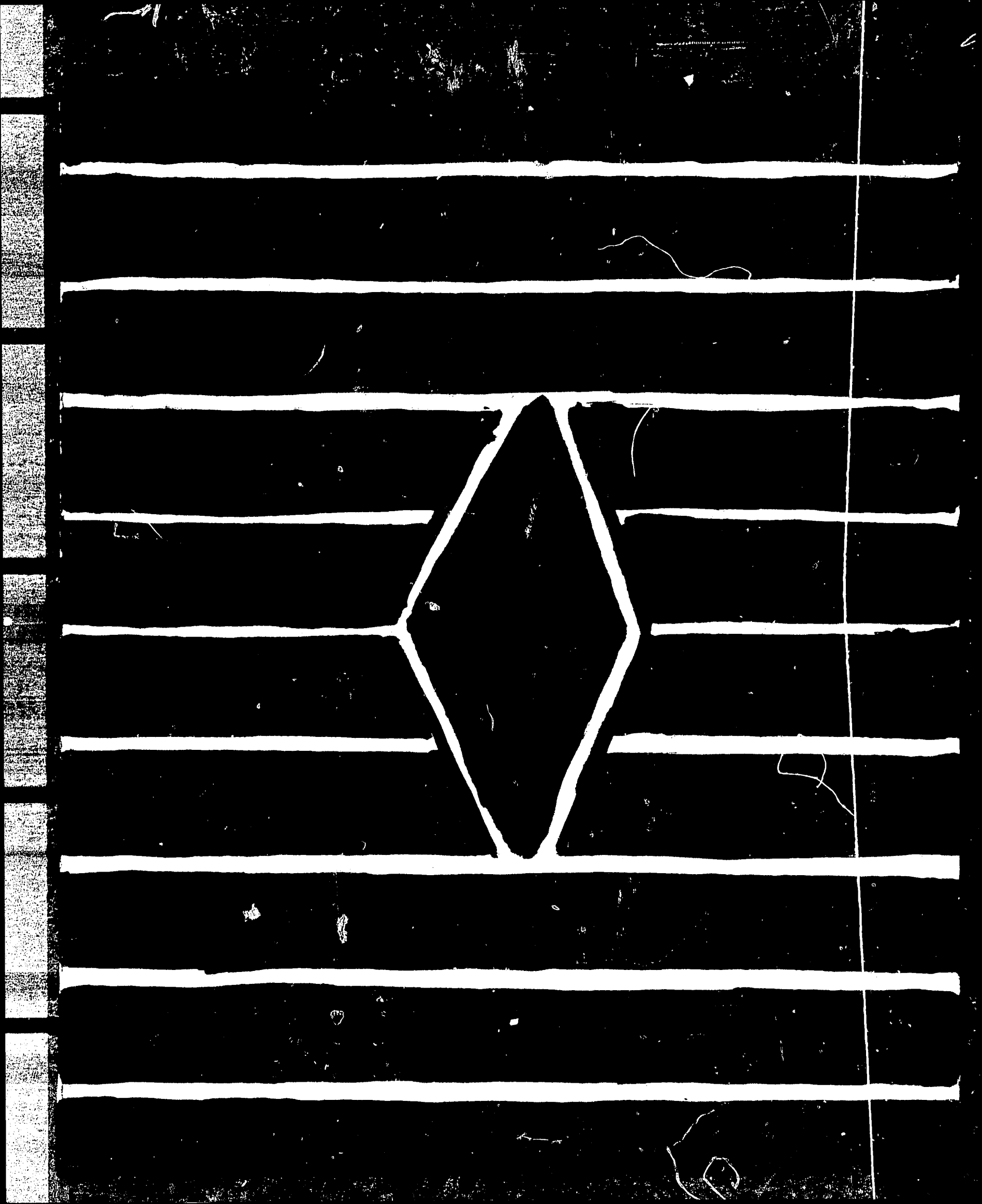
Very truly yours,

J. H. REITH,

State Engineer.

By _____

12579



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-2078 Priority October 6, 1916 Amount 0.08 cfs

THIS IS TO CERTIFY, that ALFRED SPATIG

of Preston, Idaho, has complied with the terms and conditions of Permit

No. 13-2078 issued pursuant to Application for Permit dated October 6, 1916,

and has submitted proof to the Department of Water Resources on April 30, 1917,

that he has applied water to a beneficial use; an examination by the Department indicates that the works have a

capacity for the diversion of 0.20 cfs of water from an unnamed spring & subwater

tributary to Cub River tile drain., and that the permit holder has applied to a beneficial use and

established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.08</u> cfs and	<u>14</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at any one time, and

that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose

forementioned and is limited to the amount which can actually be beneficially used and shall not exceed

14 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, Twp. 15S,

Rge. 40E, B.M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	40E	24					1	3											4

Total number of acres irrigated 4

Condition:

Use of the water under this license is subject to control by the watermaster of State Water District 13-A, Cub River.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of

March, 19 80.

Director

STATE OF IDAHO

Ident. No. 13-2078
RECEIVED

MAR 19 1980

APPLICATION FOR AMENDMENT OF A PERMIT Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now ALFRED SPATIG % Marvin Spatig Phone _____
of (address) Route # 1 Preston, Idaho 83263, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 13-2078, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 SW 1/4, Section 13, Township 15S, Range 40E, B.M.,
County of Franklin. Other points of diversion: _____
SOURCE - unnamed spring & subwater tile drain, trib to Cub River.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.08 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	40E	24					1	3											4

Total number of acres to be irrigated = 4

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at 3:45 PM, this 17 day of March, 1980.

Merrin Spating
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JS Fee = \$20.00

Received by JS Date 3/21/80 #16725

Publication prepared by _____ Date _____

Published in N/A

Publication dates N/A

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, of the Department of Water Resources hereby

APPROVE the above referenced Amendment for Permit No. 13-2078.

Witness my hand this 27 day of _____ March

C. Stephen Allred
1980

DEPARTMENT OF WATER ADMINISTRATION FIELD REPORT

RECEIVED
MAY 1 1974

1. Name of permit holder Alfred Spatig
Postoffice address Route #1, Preston, ID Phone 852-0866
Person to contact Marvin Spatig Phone Area Office
See comments on Reverse side of exam
2. Source of water supply: Groundwater ☐ Surface water ☒ spring
Tributary to Cub River (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount .25 c.f.s. for irrigation
AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 12579/13-2078
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion .25 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 40E E/W, B.M., Section 12, Subdivision NW 1/4 SW 1/4, Franklin
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions: _____

Description of diverting works: An earthen dam 8' high, 30' across on top and about 15' on bottom, water is conveyed in an earthen ditch from reservoir to land to be irrigated, ditch is about 1 1/2' wide on bottom & 2' wide on top.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	40E	11															4		4

TOTAL ACREAGE 4

A hand-drawn map of a flooded area. The map is enclosed in a rectangular border. At the top right, a north arrow points upwards, labeled "North". A "weir" is marked at the top right corner. A "Canvas dam" is marked with an 'X' and an arrow pointing to it. A "Flood" area is indicated by a dashed line and an arrow pointing to the left. A "Ditch" is marked with an arrow pointing to the right. The central area is labeled "Barley/Hay". A "ROAD" is marked with an arrow pointing to the right. A "Road" is marked at the bottom right corner. An "unnamed creek" is marked at the top left corner. A "Flood" area is indicated by a dashed line and an arrow pointing to the left. A "Ditch" is marked with an arrow pointing to the right. A "Flood" area is indicated by a dashed line and an arrow pointing to the left. A "Road" is marked at the bottom right corner.

DATE OF EXAM 5-11-78

ACREAGE
Found 4.0 ac
Recommended 4.0 ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .08 c.f.s. V = 14 AF/Ann. from April 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes X no _____

Name source: Subwater or groundwater diverted by tile drains
twp. 155 N/S, Rge. 40E E/W, B.M., Sec. 13, Sub. NE SW Franklin County

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: n/a
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: n/a
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured .20 cfs Method of measurement Waz

Total Q recommended .08 cfs Meter No. n/a Type 90° V- Condition n/a

Total V recommended 14 AF/yr

Recommended Amendments:

P.D. See Rough Draft amendment
Place of Use
Other Source should be subwater & an unnamed spring
None

MEASUREMENT CALCULATION:

Measured .20 cfs - See reverse side Q = .08 cfs
 $V = 4 \times 3.5 = 14 \text{ AF/yr}$ $.08 \times 1.9835 \times 215 = 34.12 \text{ AF/yr}$

SYSTEM DESCRIPTION:

Groundwater is collected by 2 buried tile drains and comingled with water from an unnamed spring in the NE 1/4 Sec 13. The water then flows down a natural drainage and is redirected into a private ditch located N 1/2 NW 1/4 sec 24. 7 acres are flood irrigated.

REMARKS:

System shown & described by Alfred Spatz's son Warren.

Problem: Permit needs amending but the permit holder is deceased. Source of subwater for tile drains appears to be seepage loss from the Preston-Whitney canal.

Examiner's Signature Anthony R. Rozkowski Date Oct 30, 1978

Checked by Rodney A. Parker Date 1/18/79

Approved by _____ Date _____

No Conflicting rights

Marvin Spitz was contacted by T. Thomas Friday
Jan 13, 1978. Both Alfred & his son Ernie
have both passed away. Ernie said Marvin
now runs the farm. It was learned that
the dam proposed on this point was never
built. However, marrows claim the water is still
used for irrigation. The completion of this system
will require a pygmy current meter measurement
or an estimate of flow if there is not enough
water to measure with the meter. There
is no measuring device & the acres are flood
irrigated. Irrigation will begin late May
or early June. Marvin has been made aware
of the importance of completing this system.

Direction to residence: → Drive 5 mi
South of Packer turn left up the
Cub River at Deep Cliff Inn & proceed
up the canyon until you reach an old
school house. Spitz's residence is one
block North & is a large white frame house
852-0866

ARK Jan/13/1978

90° V-notch

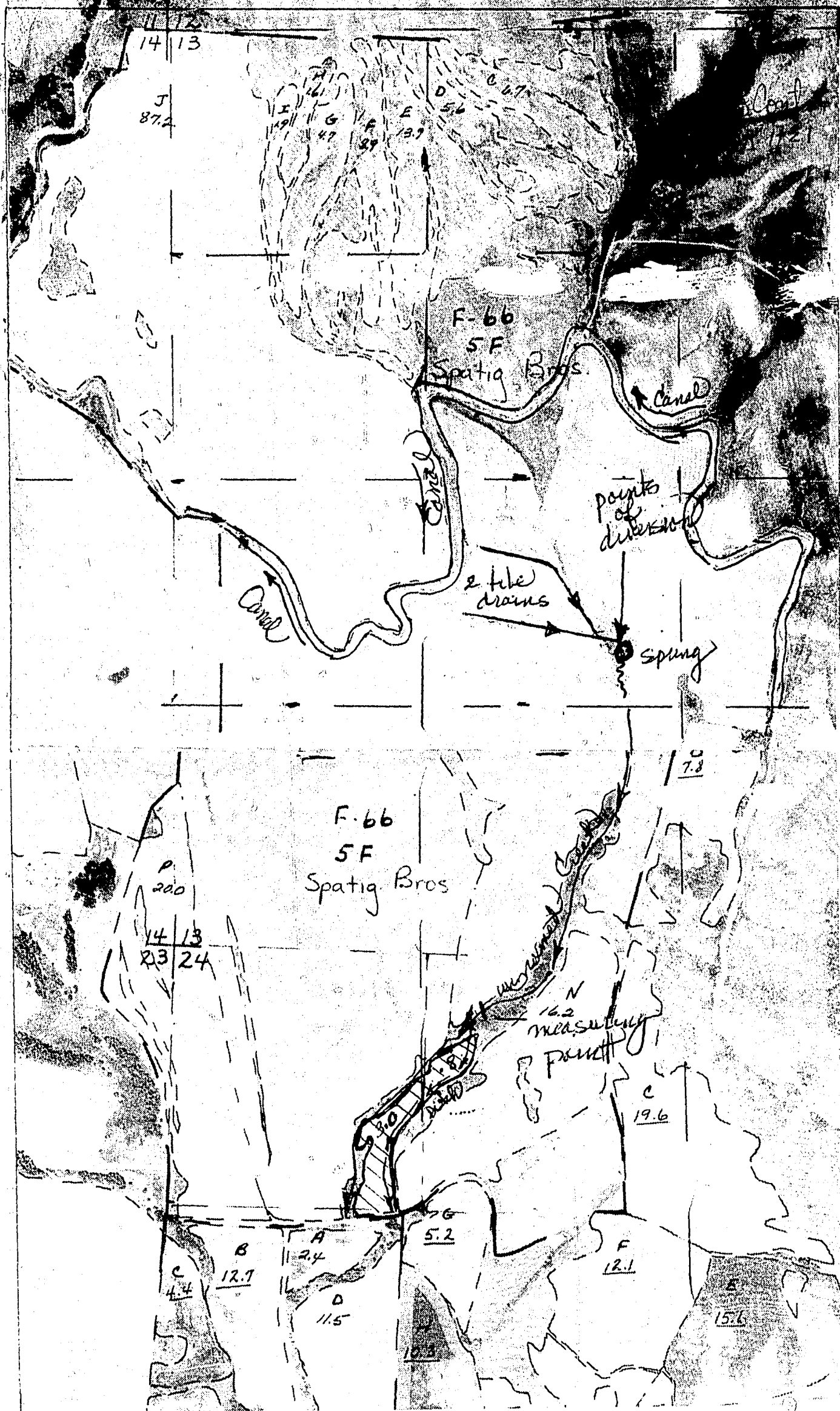
measured head = .36'

from table 11 page 270 "Water Measurement
manual"

discharge = .197 cfs

= .20 cfs

Alfred Spatig 13-2078





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 7, 1980

Alfred Spatig
Route # 1
Preston, Idaho 83263

Dear Mr. Spatig,

A representative of this Department made an examination of the works covered by your Permit No. 13-2078 on May 11, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.08 cfs Source: an unnamed spring & subwater tile drain.
The maximum quantity diverted shall not exceed 14 acre feet per year.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, Twp. 15S, Rge. 40E, B.M.

Beneficial use: Irrigation of 4 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp. 15S, Rge. 40E.

Priority date established: October 6, 1916.

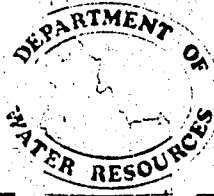
In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j
Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 27, 1980

Alfred Spatig
% Marvin Spatig
Route #1
Preston, Idaho 83263

Dear Mr. Spatig,

RE: License No. 13-2078

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 16725 in the amount of \$ 20.00 .

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure