

No. 6920.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Henry Nieffenegger

Postoffice address: Malad City

County: Oneida

State: Idaho

II. The financial resources of the applicant are: \$1000.00

2. The quantity of water claimed is an amount equivalent to a continuous flow of 3/50 cubic feet per second.

3. Source of water supply: Springs in Rock Hollow

County of Oneida

Idaho

4. Location of point of diversion: NW4 NE4 Sec. 3. Tp. 14 S.R. 36 E.

5. To be used for:

I. Irrigation and domestic use:

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

(b) In the following legal subdivisions: SE4 SW4 Sec. 3 Tp. 14 S. R. 36 E.B.M.

6. Estimated cost of works: \$100.00

7. Description of works for diversion:

I. Kind of works: dam & ditch

II. Dimensions of works:

(a) Height of dam 3 feet, length of dam at top 6 feet, length of dam at bottom 4 feet. Material used in construction: Earth

(d) Conduit. Average grade per mile is 30 feet. Length of conduit is 3/4 miles, and it crosses the following quarter sections: NW4 NE4 SE4 NW4 & E2 SW4 Sec. 3, Tp. 14 S.R. 36 E.B.M., to land described in 5 I (b) above which is the point of intended use.

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

9. Time required for the complete application of the water to the proposed use is none 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.

Henry Nieffenegger,

Applicant.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4802.

Date of first receipt of application: 5.00 p.m; June 18, 1909

Recorded in Book 14. Page 4802. Approved June 18, 1909

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 August 17, 1909, 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 18, 1909

The whole of said work to be completed on or before June 18, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to June 18, 1910.

Witness my hand this eighteenth day of June, 1909.

Jas. Stephenson, Jr.

State Engineer

Blank notice for proof of completion and beneficial use mailed applicant.
 Notices received, fixing June 18, 1910, as date, and Malad City, Idaho as place of proof.
 Notice for publication mailed Idaho Interprise at Malad City
 Deposition blanks mailed Jedd Jones, Jr., May 3, 1910
 J.O. Webster, authorized to make examination of works: May 3, 1910
 Depositions, affidavit of publication, and fees received June 27, 1910
 Report of water commissioner received August 18, 1910
 Certificate and license issued August 27, 1910.

 Permit No. 4802

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that HENRY NIEFFENEGGER, of Malad City, County of Oneida, and State of Idaho, the holder of Permit No. 4802, issued upon Application No. 6920, bearing date of priority of June 18, 1909, authorizing the diversion of 3/50 of 1 second foot of the waters of Springs in Rock Hollow, County of Oneida, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3/50 of 1 second foot of the waters of Springs in Rock Hollow, that the point of diversion of said waters is at a point in the northwest quarter of northeast quarter of section 3, township 14 South of Range 36 East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southeast quarter of southwest quarter of section 3, township 14 South of Range 36 East of the Boise Meridian.

Witness my hand this 26th day of August, A.D. 1910.

D.G. Martin

State Engineer of the State of Idaho

License issued for 100 second feet
Page 467

4802

Monahite 13 S R 36 E 17 N

P 4802

SEC. 38 SEC. 37 SEC. 36 SEC. 35 SEC.

SEC. 38 SEC. 37 SEC. 36 SEC. 35 SEC.

Monahite 14 S R 36 E 17 N

SEC. 38 SEC. 37 SEC. 36 SEC. 35 SEC.

Spring 1
Spring 2
Spring 3
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the ridge
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point of intersection
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two
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small
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which
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4802

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

Permit No. 4802
D.C. McDougall,
Boise, Idaho

Boise, Idaho, July 6, 1909

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.

JAS. STEPHENSON, Jr.,
State Engineer.

4802

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, March 1, 1910

Henry Kieffenegger,

Malad City, Idaho

Dear Sir:

I enclose herewith blank Notice of Proof of Completion of Works under your permit No. 4802 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 18, 1910

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

4802

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.) Malad City, Idaho.

(Date) April 14th, 1910

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

DEAR SIR: Notice is hereby given that at 10: A.M. on the 16th day of June 1910 at Malad City, County of Oneida State of Idaho, before Jedd Jones, Jr., a notary public proof will be submitted of the completion of works for the diversion of an amount equivalent to a continuous flow of 3/50 cubic feet per second of the waters of Springs in Rock Hollow 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 ~~XXXXXXXXXXXXXXXX~~

Henry Nieffenegger

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

Malad City, County of Oneida, State of Idaho.

3. The number of such permit is 4802, and the date set for the completion of such work is June 18, 1910

4. Said water to be used for Irrigation and Domestic purposes.

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

6. The amount of lands for which said water is available is 3 acres, particularly described as follows: three acres in the center of the South-east quarter of the South-west quarter of section 3 township 14 South, of Range 36 East, of the Boise Meridian.

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

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

Engineer:

I desire that the above notice be published, according to law, in the Idaho Enterprise of Malad City published in the county in which said works are situated; the expense of which publication will be borne by Henry Nieffenegger

(Signature)

Henry Nieffenegger

7105 2984-3-185-368

4802

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.) Malad City, Idaho.

(Date) April 4th, 1910

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

DEAR SIR: Notice is hereby given that at 10: A.M. on the 16th day of June 1910, at Malad City County of Oneida State of Idaho, before Jedd Jones, Jr., Notary Public proof will be submitted of the application to beneficial use of 3/50 cubic feet per second of the waters of Springs in Rock Hollow in accordance with the terms and conditions of Permit No. 4802 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 Henry Nieffenegger, Malad City, Idaho
2. The use to which said water has been applied is Irrigation and Domestic use
3. The amount applied to beneficial use is 3/50 cubic feet per second of time and amount equivalent to a continuous flow of
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Three acres in the center of the South-east quarter of the South-west quarter of section 3 township 14 South, of Range 36 East, of the Boise Meridian.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Nieffenegger ditch
6. The right to take the water from such works is based upon Permit No. 4802
7. The source of supply from which such water is diverted is Springs in Rock Hollow
8. The date of the priority which said user is prepared to establish is March 1st, 1907 June 18-1909

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

(Sign) Henry Nieffenegger

4802

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

Notice is hereby given that at 10 A.M. on the 16th
day of June, 1910, at Malad City
County of Oncida, State of Idaho, before Jeddi Jones, Jr., N.P.
proof will be submitted of the completion of works for the diversion of
.06 of 1 cubic ~~foot~~ per second of the waters of Spring in Rock Hollow,
and of the application to
beneficial use of said water in accordance with the terms and condi-
tions of Permit No. 4802, heretofore issued by the State Engineer
of the State of Idaho.

1. The name and postoffice address of the person, or corpora-
~~tion~~, holding said permit, are Henry Nioffmegg, Malad City, 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 .06 of 1
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 .06 of 1 cubic ~~foot~~ per second.

4. The place where said water is used is three acres in center of
SE 1/4 Sec. 3, Tp. 14 S., R. 36 E.B.M.

5. The date of priority which said user is prepared to establish
is June 16, 1909.

JAS. STEPHENSON, Jr., 4802

State Engineer.

State of Idaho

ENGINEERING DEPARTMENT

BOISE

JAMES STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS.

Proof of Completion of Works

and

Proof of Beneficial Use of Water.

Henry Hoeffenegger,
c/o Jedd Jones, Jr.,
Malad City, Idaho.

Boise, Idaho, May 3, 1910.

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. 4802.

Deposition of Permit Holder,

Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On June 16, 1910, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at Malad City, Idaho, before Jedd Jones, Jr., N.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.

4802

May 3, 1910.

Permit 4802

Mr. J. O. Webster,
Water Com. Div. No. 1,
Idaho Falls, Idaho - R.D. #5

Sir:-

Henry Hieffenegger, of Haled City, Oneida county, the holder of Permit No. 4802, authorizing the diversion of .06 of 1 second foot of the waters of Springs in Rock Hollow, desires to make proof of completion of works and beneficial use of water June 16, 1910.

Very truly yours,

State Engineer.

Inc.

By...

4802

(Place).....

(Date).....

RECEIVED

MAY 1 1910

OFFICE OF STATE ENGINEER

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of.....

May 3

~~Enclosing Notice~~ of Proof of

Completion of Works and Beneficial Use of Water under Permit No. 4802 which

will be published as you request, beginning with our issue of May 12

Geo. H. Jones

4802

PERMIT NO. 4802

Proof of Completion of Works

RECEIVED

JUN 7 1910

OFFICE OF STATE ENGINEER

DEPOSITION OF HOLDER

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

Ans. Henry Eieffenegger, 31 years, Malad City, Idaho. Farmer. Malad City, Idaho.

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. 4802, June 18th, 1909. .06 of 1 cubic foot per second. Springs in Rock Hollow, Oneida County, Ida. Near NE corner in NW 1/4 NE 1/4 Sec. 3 Tp. 14 S.R. 36 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 and Domestic purposes, 3 acres, in the center of the SE 1/4 SW 1/4 Sec. 3 Tp. 14 S.R. 36 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. Yes. April 1910 to the present time. June 16th, 1910.

Irrigated 3 acres.

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. 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. Dam 6 feet wide, 2 feet high, flume and ditch, flume 1 foot wide, and 8 inches deep and 65 feet long. Ditch 14 inches wide and 1 foot deep and about 3/4 of a mile in length, and capacity of about 1 cubic foot per second. \$50.00

(Sign here.)

Henry Eieffenegger

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 Malad City, County of Oneida, state of Idaho, on this 16th day of June, A. D. 1910.

Notary Public.

Notary P

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

PERMIT No. 4802

Proof of Completion of Works

DEPOSITION OF WITNESS

RECEIVED

JUN 7 1910

OFFICE OF STATE ENGINEER

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

Ans. Joseph Nieffenegger, 29 years, Malad City, Idaho, Farmer,
Malad City, Idaho.Ques. 2. Are you acquainted with Henry Nieffenegger, the
holder of Permit No. 4802, authorizing the diversion of .06 of 1 second-foot of the waters of
Springs in Rock Hollow, Oneida Co., Idaho, at Malad City, Idaho
for Irrigation and domestic purposes? How long have you known him, and where does he reside?

Ans. Yes, 26 years, Malad City, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4802, and are you familiar with its
terms and conditions?

Ans. yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.Ans. Yes, 3 acres in center of SE 1/4 SW 1/4 Sec. 3 Tp. 14 S. R. 36 E.
Gravel, and sandy loam, an amount equivalent to a continuous flow of
.06 of 1 cubic foot per second.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 ca-
pacity.Ans. Dam, flume and ditch. Dam 3 feet wide and 2 feet high, flume
12 inches wide and 8 inches high and 65 feet long, ditch 14 inches wide
1 foot deep and 3/4 of a mile long, carrying capacity 50 minors inches.

(Sign here.)

Joseph Nieffenegger

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 Malad City County
of Oneida, State of Idaho, on this 16th day of

June,

A. D. 1910.

Notary Public.

4802

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

PERMIT No. 4802

Proof of Completion of Works

DEPOSITION OF WITNESS

RECEIVED

JUN 27 1910

OFFICE OF STATE ENGINEER

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

Ans. William H. Clark, 21 years, Malad City, Idaho. Farmer,
Malad City, Idaho.Ques. 2. Are you acquainted with Henry H. Penegar, the
holder of Permit No. 4802, authorizing the diversion of .06 of 1 second-foot of the waters of
Springs in Rock Hollow, Oneida County, Idaho at Malad City, Idaho
for Irrigation and Domestic purposes? How long have you known him, and where does he reside?

Ans. yes, Ten years, Malad City, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4802, and are you familiar with its
terms and conditions?

Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.Ans. yes, 3 acres in SE 1/4 SW 1/4 Sec. 3 Tp. 14 S. R. 36 E. B. M.
Gravel. An amount equivalent to a continuous flow of .06 of 1 cubic
foot per second.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 ca-
pacity.Ans. Dam, ditch and flume, about 3 feet wide and about 2 feet high
Ditch 1 foot deep and 1 foot wide and about 3/4 of 1 mile long.
Flume one foot wide and about 1 foot deep and 65 or 70 feet long.

(Sign here.) William H. Clark.

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 Malad City, County
of Oneida, State of Idaho, on this 16th

June, A. D. 1910.

Notary Public.

Permit No. 4802

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

RECEIVED

JUN 9 7 1910

OFFICE OF STATE ENGINEER

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

Ans. Henry Neiffenegger, 31 years, Malad City, Idaho, Farmer.

Malad City, 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.

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

Ans. 4802, June 18th, 1909, June 18th, 1909.

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

Ans. Springs in Rock Hollow, Oneida County, Idaho. Near the NE corner NW 1/4 of NE 1/4 Sec. 3 Tp. 14 S. R. 36 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. Dam 3 feet wide and 2 feet high. Ditch and flume. Ditch 14 in. wide and 1 foot deep. flume is 12 inches wide and 8 inches high, and 65 feet long, and are capable of conveying from point of diversion to place of use one cubic foot per second. Neiffenegger Ditch.

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 and Domestic use. To irrigated 3 acres in the center of the SE 1/4 SW 1/4 sec. 3 Tp. 14 S. R. 36 E. B. M. three acres have actually been irrigated.

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

Ans.

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

Ans. 06 of 1 cubic foot per second.

4802

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.

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

Ans. April 1910 to present time, through works described in ans. to ques. No. 5, .06 of 1 cubic foot per second. I have used said water continuously since April, 1910 to present time to irrigate 3 acres.

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.

(Sign) Henry Wiffenegger

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 Malad City.

County of Oneida, State of Idaho, on this 16th day of June, A. D. 1910.

My commission expires
February 10th, 1913.

John J. Jones
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	

Permit No. 4802

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

RECEIVED

JUN 7 1910

OFFICE OF STATE ENGINEER

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

Ans. Joseph Nieffenegger, 29 years of age, Malad City, Idaho,
 Farmer, ~~and~~ Malad City, Idaho.

Ques. 2. Are you acquainted with Henry Nieffenegger the
 holder of Permit No. 4802? How long have you known him and where does he reside?

Ans. Yes, 26 years

Ques. 3. Have you read or heard read said Permit No. 4802, 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 con-
 veying water from point of diversion to place of use.

Ans. Two springs in Rock Hollow, Oneida County, Idaho, NW 1/4 NE 1/4
 Sec. 3 Tp. 14 S.R. 36 E.B.M. Dam 2 feet high and 3 feet wide, earth.
 Flume 12 inch wide and 8 inches deep 65 feet long, ditch 14 inches
 wide and 12 inches deep, 3/4 of 1 mile in length.

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. one cubic foot per second. 20 minors inches ~~xxxx~~ during the
 first part of April, and about 3 minors inches About June 1st, 1910.

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 sub-
 division.)

Ans. Irrigation and Domestic, 3 acres in the SE 1/4 SW 1/4 Sec. 3.
 Tp. 14 S.R. 36 E.B.M.

Ques. 7. If for power or other purposes than irrigation, state how water has been ap-
 plied 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. Graves and sandy loam, and amount equivalent to a continuous
 flow of .06 of 1 cubic foot per second.

4802

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

Ans. Yes, 1/2 interest in the land.

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. April to present time, through works described in ans. to ques. No. 4, about 3 minors inches, ~~in~~ irrigate 3 acres. During the high last spring water season about 20 inches of water flowed through part of said works and was used to irrigate other land.

(Sign)

Joseph Vieffmegg

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 Malad City.

County of Oneida, State of Idaho, on this 16th day of June, A. D. 1910.

John Jones

Notary Public

Permit No. _____

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed

STUBBINS & SONS, 5018
7817

Permit No. 4802

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

RECEIVED

JUN 9 7 1910

OFFICE OF STATE ENGINEER

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

Ans. William H. Clark, 21 years, Malad City, Idaho. Farmer.

Malad City, Idaho.

Ques. 2. Are you acquainted with Henry Kieffenegger the holder of Permit No. 4802? How long have you known him and where does he reside?

Ans. yes, 10 years, Malad City, Idaho

Ques. 3. Have you read or heard read said Permit No. 4802, 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. Two springs in Rock Hollow, Oneida County, Idaho. NW 1/4 NE 1/4 Sec. 3 Tp. 4 S.R. 36 E.B.M. Dam. about 2 feet high and about 3 feet wide. Flume 1 foot wide and about 8 inches to 1 foot high, 65 or 70 feet long. Ditch 1 foot wide and 1 foot deep and about 3/4 of 1 mile long.

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

Ans. One cubic foot per second, about 20 inches last spring during the high water season, through part of works, & about 3" at present.

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 and domestic use. SE 1/4 SW 1/4 Sec. 3 Tp. 14 S.R. 36 E.B.M. Used to irrigate about 3 acres.

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. Gravel, an amount equivalent to a continuous flow of .06 of 1 cubic foot per second.

4802

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

Ans. no.

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. April and June, 1910, through works described in ans. to question No. 4, and amount equivalent to .06 of 1 cubic foot per second, to irrigate about 3 acres.

(Sign) William H. Clark.

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 Malad City County of Oneida, State of Idaho, on this 16th day of June, A. D. 1910.

Notary Public.

Permit No.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Received and filed

STEVENS & SONS, 7817

4802

PROOF OF PUBLICATION

STATE OF IDAHO,
COUNTY OF ONEIDA

SS

NOTICE OF PROOF

Of Completion of Works and Application of
Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on
the 10th day of June, 1910, at Malad City,
County of Oneida, State of Idaho, before
said Jones Jr., N. P., proof will be submit-
ted of the completion of works for the di-
version of 20 of 1 cubic foot per second of
the waters of Springs in Rock Hollow, and
the application to beneficial use of said
water in accordance with the terms and
conditions of Permit No. 4902, heretofore
granted by the State Engineer of the State
of Idaho.

The name and postoffice address of the
person holding said permit is Henry
Jones, Malad City, Idaho.

Said works of diversion will be fully
completed on the date set for such comple-
tion, and the amount of water which said
works are capable of conducting to the
beneficial use, in accordance with the plans
accompanying the application for such
permit, is 20 of 1 cubic foot per second.

The use to which said water has been
put is irrigation and domestic pur-
poses, and the amount applied to beneficial
use is 20 of 1 cubic foot per second.

The place where said water is used is
in the center of S1/4, S1/4, Section
36, Township 12 South, Range 20, E. B. M.

The date of priority which said user
claimed to establish is June 12, 1908.

D. G. MARTIN,
State Engineer.

RECEIVED

JUN 27 1910

OFFICE OF STATE ENGINEER

John R. Jones being first duly sworn, deposes and
says that he is the *Manager* of the *Idaho*
Enterprise, a weekly newspaper published in Malad, Oneida County, in the
State of Idaho. That the notice, a true copy of which is hereto attached, was
first published in said newspaper in its issue dated the *17th* day of
May, 19*10*, and was published in said newspaper for
four consecutive weeks, the last publication thereof being dated the *9th*
day of *June*, 19*10*. That said paper has been continu-
ously and uninterruptedly published in the said county during a period of
fifty-two consecutive weeks prior to the first publication of said notice or
advertisement, and is a newspaper within the meaning of the laws of Idaho.

Subscribed and sworn to before me this *24* day of *June*,

A. D. 19*10*

John R. Jones
Notary Public

4802

Office of
D. C. McDougall
Lawyer

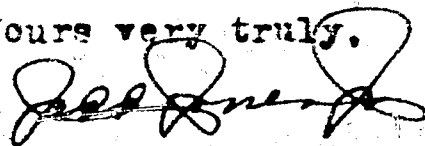
Malad City, Idaho, June 24, 1910.

Hon. H. D. Martin,
State Engineer,
Boise, Idaho.

Dear Sir:

I hand you herewith proof of completion of works and beneficial use of water of Henry Hieffenegger under permit No. 4802, together with affidavit of publication of notice and my check for \$7.00 to cover fees, if this amount is insufficient, kindly advise me and I will remit the balance.

Yours very truly,



RECEIVED

JUN 27 1910

OFFICE OF STATE ENGINEER

4802

June 27, 1910.

Permit 4802

Jedd Jones, Jr.,
Malad, Idaho.

Sir:-

I am today in receipt of yours of the 24th inst.
inclosing depositions, affidavit of publication and fees
for proof of completion of works and beneficial use of water.
Inclosed find receipts for fees.

As soon as the report of the water commissioner is received
the matter of issuing certificate and license will be taken
up.

Very truly yours,

State Engineer.

R2739-2740

By...

4802

RECEIVED

AUG 18 1910

OFFICE OF STATE ENGINEER

Report of Engineer

1. State name of applicant and number of permit: Henry Hoeffenogger, Permit 4802
2. State source of water supply: Springs in Rock Hollow
3. Location of point of diversion: NW 1/4 Sec. 3, Tp. 14 S., R. 36 E. B.M.

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: *1 foot*
- (b) Width at water line: *15*
- (c) Depth of water: *16*
- (d) Grade per mile: *25 feet*

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

There is now about 2/5 of one second foot of water in ditch. There has been more water in season.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *SE 1/4 of NW 1/4 Sec. 3 Tp. 14 S. R. 36 E. B.M.*

All under cultivation

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: *This water is being used in connection with another small stream and by this means all the land described is under cultivation.*

J. O. Webster
Water Commissioner
1st Div

STATE OF IDAHO,

County of _____

ss.

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

Subscribed and sworn to before me this _____ day of _____ 190_____

My Commission Expires _____

Notary Public.

4802

Printed and for Sale by the Publishers Printing Co., Boston, Mass.

-SEC

-SEC

- SEE

35

425

4802

OFFICE OF THE ATTORNEY GENERAL

AUG 10 1941

RECEIVED

September 30, 1910.

Permit 4802

Henry Weiffenogger,
Malad City, Idaho.

Sir:-

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

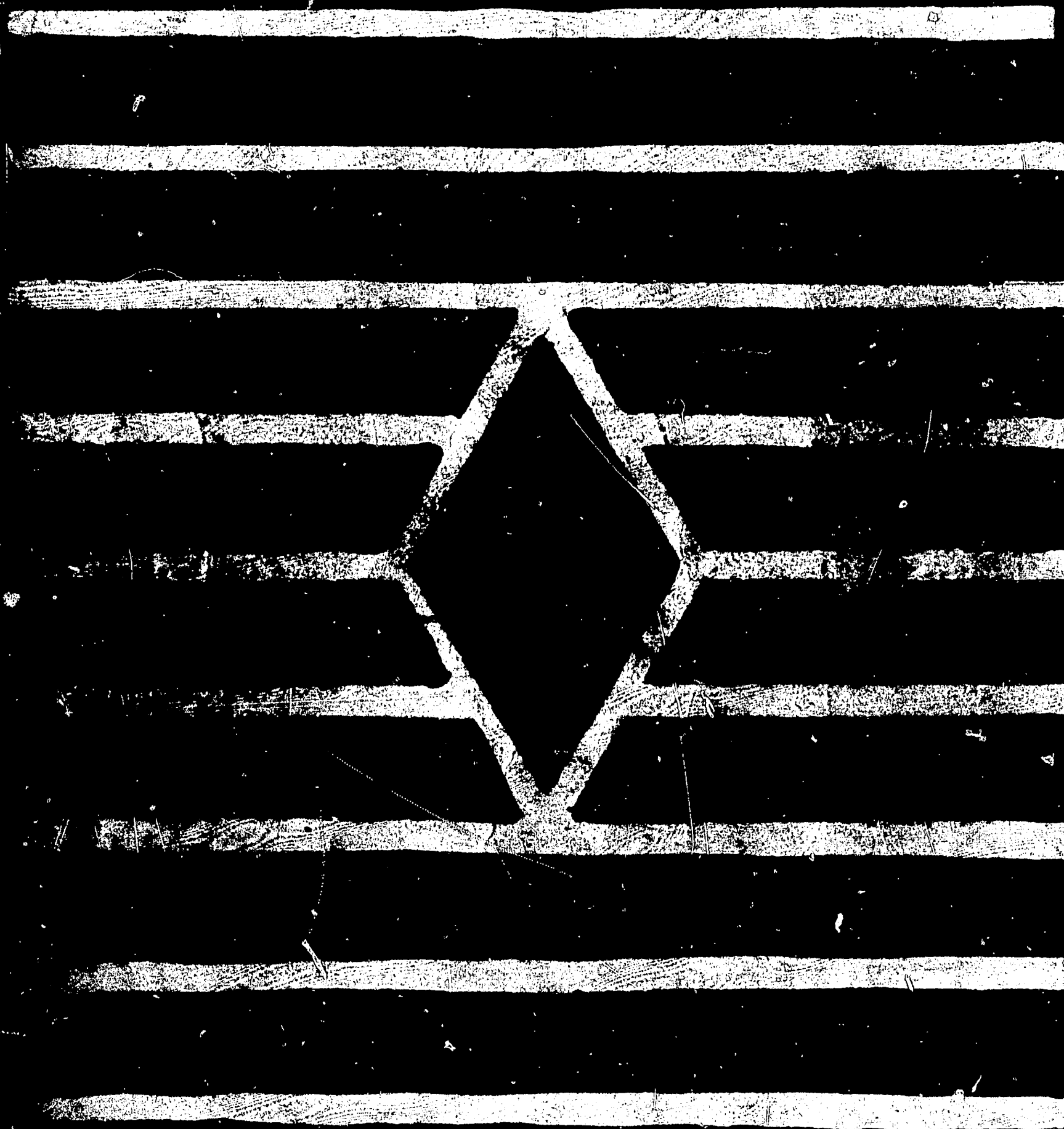
Very truly yours,

State Engineer.

By.-

CEL

4802



+++++*
 Oneida County, *
 Springs in Rock Hollow, *
 3/50 cu. ft. *
 Irrig. & dom. use. *
 June 18, 1909 *
 +++++*

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

Water License No. 4802.

WHEREAS, On the 18th day of June A.D. 1909 HENRY NIEFENEGER, of Malad City, County of Oneida, State of Idaho duly made application (No. 6920) to me for a permit to use 3/50 of 1 cubic foot per second of the waters of Springs in Rock Hollow, County of Oneida, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 18th day of June A.D. 1909 Permit No. 4802 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 18th day of June A.D. 1910 and for the application to beneficial use of said water on or before the 18th day of June A.D. 1910 and,

WHEREAS, On the 16th day of June A.D. 1910 HENRY NIEFENEGER, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3/50 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 4802, dated August 26, 1910 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3/50 of 1 cubic foot per second of said waters, with date of priority of June 18, 1909, and,

WHEREAS, On the 16th day of June, A.D. 1910 HENRY NIEFENEGER the holder of said permit duly made proof of the application to beneficial use of 3/50 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 HENRY NIEFENEGER, of Malad City, County of Oneida State of Idaho the holder and owner of said Permit No. 4802 a perpetual right, dating from June 18, 1909 to the use of 3/50 of 1 cubic foot per second of the waters of SPRINGS in Rock Hollow, in the County of Oneida, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northwest quarter of Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of section 3, township 14 South of Range 36 East of the Boise Meridian, and conducted to and upon (3 acres in the southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 3, township 14 South of Range 36 East of the 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 26th day of August, A.D. Nineteen hundred and ten.

D. G. Martin,

State Engineer.

