

No. 9307

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: D.C. Ray

Postoffice address: Malad City

County: Oneida State: Idaho

2. The quantity of water claimed is nine (9) cubic feet per second (See "Remarks" Par 3.)

3. Source of water supply: Little Malad River

County of Oneida

4. Location of point of diversion: Approximately the center NW $\frac{1}{4}$ Sec. 34, Twp. 13 S.R. 35 E.B.M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 462 acres

(b) In the following legal subdivisions: The E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 22, the NW $\frac{1}{4}$ Sec. 23, the E $\frac{1}{2}$ of NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ Sec. 15, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 14, together with 22 acres in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 12, all Twp. 14 S.R. 35 E.B.M. in Oneida County, Idaho

6. Estimated cost of works: \$2000

7. Description of works for diversion:

I. Kind of works: Simple dam and ditch

II. Dimensions of works:

(a) Height of dam three feet, length of dam at top eight feet, length of dam at bottom eight feet. Material used in construction: Concrete or wood

(c) Size of headgate: Width eight feet, height three feet.

(d) Conduit ditch, width at bottom four feet, width at water line six feet, depth of water 7 1/2 in to two feet. (according to fall). Average grade per mile is 20 feet. Length of conduit is 3 1/4 miles, and it crosses the following quarter sections: The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ all of sec. 34, Twp. 13 S.R. 35 E.B.M., the W $\frac{1}{2}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 3, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ also the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ Sec. 10 in Twp. 14 S.R. 35 E.B.M., all as indicated on map in duplicate herewith, also the S $\frac{1}{2}$ of SW $\frac{1}{4}$ and S $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 11, Twp. 14 S.R. 35 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 2 years.

9. Time required for the complete application of the water to the proposed use is 2 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.

Dailey C. Ray...Applicant
By E.G. Davis. Agent. Atty at law.

JONES BUREAU LEAF, PAT. FEB. 7, 1906

HALLING CO. TOPICA 87427

Remarks: The source of water claimed is the Little Malad River, the water of this stream is already appropriated and has been used for many years for agricultural purposes, during the irrigating season, by the St. John Irrigating Company, a corporation organized under the laws of the State of Idaho, and with its principal place of business at St. John, in Oneida County, Idaho.

The said company does not now use, however, nor has it ever used in the past the waters of this stream between the months from about September 1st, to May 15, of each year. During this time the amount of water claimed has always been allowed to run to waste down the natural channel of the Little Malad River, and it is this waste water only which the applicant desires to appropriate.

He desires to use for domestic purposes one cubic foot per second on his land from September 1, to April 1 of each year and nine cubic feet per second from April 1 to May 15 of each Year. The land indicated for the use of the water is a deep sandy soil, and it is proposed to thoroughly sub-irrigate the same during the spring months of each year when the water sought to be appropriated is now allowed to run to waste.

APPROVAL OF STATE ENGINEER

The number of this permit is 6443

Date of first receipt of application: 9.00 A.M. July 29, 1910

Returned to applicant for correction: July 29, 1910

Corrected application received; August 5, 1910

Recorded in Book 19. Page 6443. Approved August 12, 1910.

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

Work to begin on or before October 11, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 12, 1911.

The whole of said work to be completed on or before August 12, 1912.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to August 12, 1914.

Witness my hand this twelfth day of August, 1910.

D.G. Martin

State Engineer

EXTENSION OF TIME.

On proper request of the holder of the above permit, I have this 8th day of June, A.D. 1912, extended the time for completion of work thereunder to the 1st day of December, A.D. 1913.

A. E. Robinson.

State Engineer.

Proof of completion of works made August 1st, 1913.

Certificate of completion of works issued August 16, 1913.

PERMIT NO. 6443.

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that D. C. Ray, of Malad City, County of Oneida, and State of Idaho, the holder of Permit No. 6443, issued upon Application No. 9307, bearing date of priority of July 29, 1910, authorizing the diversion of 9 second feet of the waters of Little Malad River, 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 9 second feet of the waters of Little Malad River; that the point of diversion of said waters is approximately center of NW $\frac{1}{4}$ Sec. 34, Twp. 13 S., R. 35 E. B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 22, NW $\frac{1}{4}$ Sec. 23, E $\frac{1}{2}$ of NE $\frac{1}{4}$ & E $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 15, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 14, 22 acres in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 12, all in Twp. 14 S., R. 35 E. B.M., containing 462 acres.

Witness my hand this 16th day of August, A.D. 1913.

F. P. King,

State Engineer of the State of Idaho.

License issued for 3.2 second feet

P. 1413

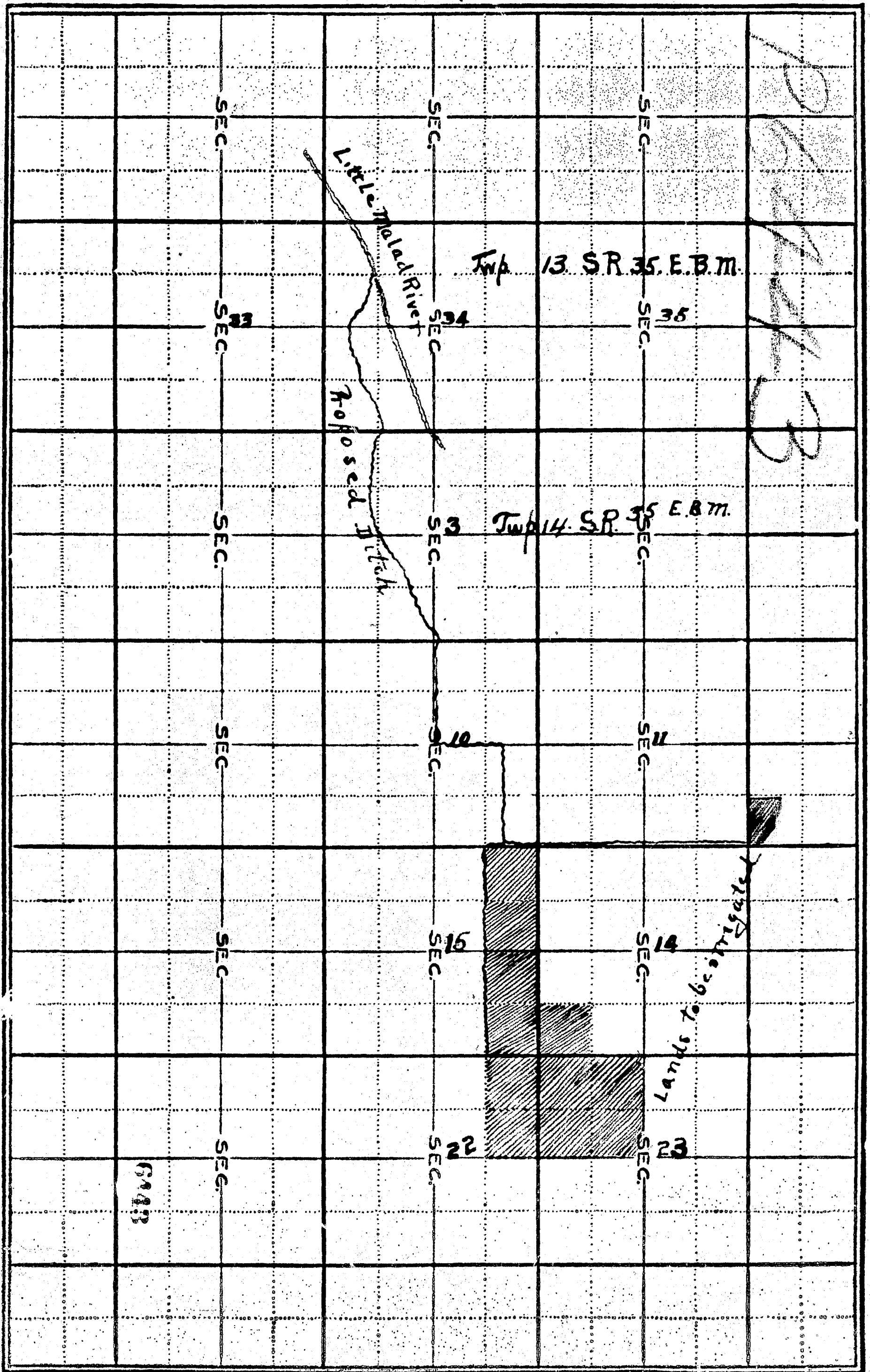
On proper request of the holder of the above numbered permit, I have this 22nd day of May, 1914, extended the time for beneficial use of water thereunder to the 12th day of August, 1916.

F. P. King,
State Engineer.

EXTENSION OF TIME.

On proper request of the holder of the above numbered permit, I have this 12th day of May, 1916, extended the time for Beneficial use of water appropriated in accordance therewith to the 12th day of August, A.D. 1918.

J. H. SMITH,
State Engineer.



State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, Jr.
STATE ENGINEER

Permit No. 6443

Boise, Idaho, August 31, 1910

D.C. Ray

E.G. Davis,

Malad City, Idaho

Dear Sir:

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

JAS. STEPHENSON, Jr.,

State Engineer.

6443

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

D. C. Ray,

Malad City, Idaho.

Boise, Idaho, May 1st, 1912.

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 6443

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof MUST be on or before August 12th, 1912.

Upon receipt of this blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a Notary Public or other officer authorized to administer oaths.

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,

A. E. ROBINSON,

State Engineer.

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Application for Extension of Time.

D. C. Ray, of Malad City, Oneida County
State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 6443

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by August 12th, 1912.

That he has heretofore performed the following work described under said permit:
Enlarged ditch of the St. John Irrigating Company to hold 225 inches
of water. made new ditch two and one-fourth miles to carry 225 inches
of water ---

costing \$ 350.00 approximately.

THAT he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

have been unable to get a right of way all the way through, winter
came on so early was unable to do work on ditch after fall work was
over, water was turned in ditch too early in spring to do work.

WHEREFORE, He asks that the State Engineer extend the time for the completion of construc-
tion work under said permit, to December 1st, 1913.

And further, deponent saith not

D. C. Ray

Subscribed and sworn to before me this 4th day of June, 1912.

(SEAL)

T. E. Ray.

Notary Public.

My commission expires November 13th, 1914.

Date of receipt at office of State Engineer 9:00 A.M., June 7, 1912.

APPROVAL OF STATE ENGINEER.

I, A. E. Robinson, State Engineer of the State of Idaho, hereby extend the time for the com-
pletion of construction work under Permit to appropriate the Public Waters of the State of Idaho,
No. 6443, to December 1, 1913.

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Witness my hand this 8th day of June, 1912.

A. E. Robinson.

State Engineer.

(over)

June 12, 1912.

Permit 6443

D. C. Ray.
Malad City, Idaho.

Sir:-

Am returning you herewith your application
for extension of time, same having been approved.

Very truly yours,

State Engineer.

AET

By...

6443

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

June 23-1913

(P.O.)

Malden City, Ida

To the State Engineer,

Boise, Idaho.

Dear Sir:

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

Idaho Enterprise of *Malden, Ida.*

published in the

county in which the works are situated.

Daily C. Ray.

(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.

RECEIVED

JUN 24 1913

OFFICE OF STATE ENGINEER

Engineer.

6443

Notice of Publication

RECEIVED

JUN 24 1913

OFFICE OF STATE ENGINEER

Notice is hereby given that at 2:00 P. M., on the 1st day of August

1913, at Malad City County of Blaine, State of Idaho,

before J. E. Ray - a Notary Public proof will be submitted of the completion of works for the diversion of 9 cubic feet per second of the waters of

Little Malad River 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 ~~corporation~~ holding said permit is

Daily C. Ray

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

Malad City, County of Blaine, State of Idaho.

3. The number of such Permit is 6443, and the date set for the completion of such work is

Dec. 1 - 1913

4. Said water to be used for Irrigation & 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 9 cubic feet per second.

6. The amount of lands for which said water is available is 440 acres, particularly described as follows:

E² NE⁴ Sec 22 NW⁴ Sec 23: E² NE⁴ & E² SE⁴ Sec 15
SW⁴ SW⁴ Sec 14 all in T¹⁴ S R 35 E B¹ M

P. P. KING

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A. E. ROBINSON, State Engineer

(P. O.)

(Date)

Malad City, Ida.
June 30

State Engineer, Boise.

Dear Sir:

I have your letter of June 28 enclosing Notice of Proof of Completion of Works under Permit No. 6443 which will be published as you request, beginning with our issue of July 2, 1913.

RECEIVED

JUL 2 1913

OFFICE OF STATE ENGINEER

Elmer Jones
Pub.
Ida. Enterprise

6443

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

D. C. Ray,
c/o T. E. Ray,
Malad City, Idaho

Boise, Idaho,

July 16, 1913.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No.

Deposition of Permit Holder, 6443.

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 August 1st the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at

Malad, before T. E. Ray, 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 \$5.00, where amount claimed does not exceed 10 second feet. Where more than 10 second feet is claimed, the fee required is 30 cents per second foot. When these have been received, together with report of the examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

A. E. ROBINSON,

F. P. KING, ~~XXXXXX~~ State Engineer.

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REPORT OF ENGINEER

1. State name of applicant and number of permit: D. C. Ray - Permit 6443
2. State source of water supply: Little Malad River
3. Location of point of diversion: About center of NW $\frac{1}{4}$ Sec. 54, T. 13 N., R. 35 E.,
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: 4 feet
 - (b) Width at water line: 6 feet
 - (c) Depth of water: 2 feet
 - (d) Grade per mile: 20 feet
 - (e) Capacity of ditch: 10 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Water is brought down an old ditch called St. John's. The new ditch is just above and parallels. Water will be turned into the new ditch in about a week. I was there July 20, 1913.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 22, NW $\frac{1}{4}$ Sec. 23, E $\frac{1}{2}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 15, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 14 and 22 acres in the SE $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 12, all in T. 14 S., R. 35 E., B.M. The 22 acres in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 12 cannot be irrigated without considerable expense, as it lies on the opposite side of Malad river. The only land irrigated is the 160 in Sec. 15, although 440 acres are in cultivation. (See plat)
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:

Walter R. Hayde

STATE OF IDAHO,

County of _____

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

Subscribed and sworn to before me this _____ day of _____ 191_____

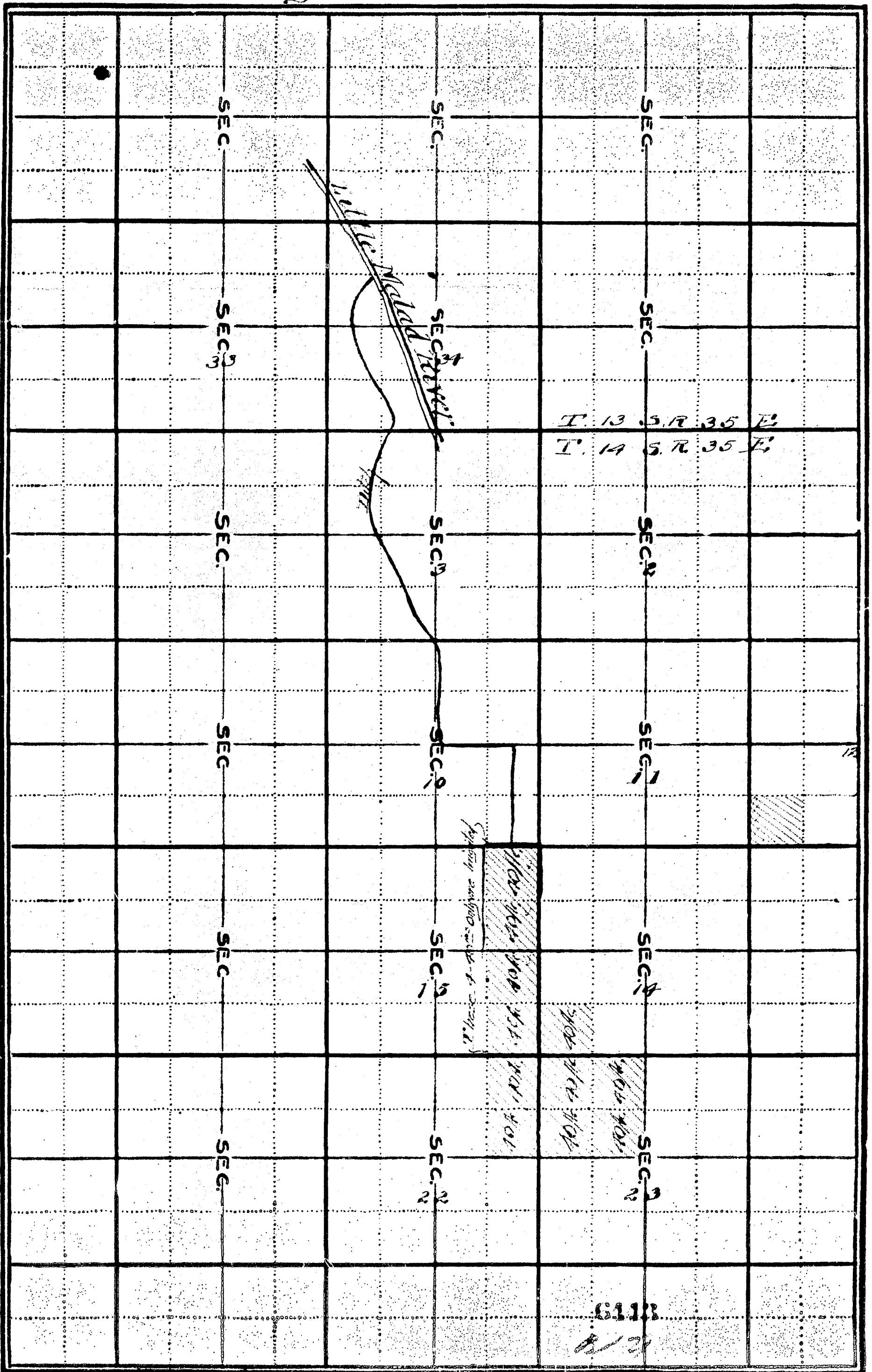
My Commission Expires _____

6443

Notary Public.

Name of Applicant D. C. Ray

Permit No 6443



AFFIDAVIT OF PUBLICATION

Notice for Publication

Notice is hereby given that at 10 o'clock p.m. on the 1st day of August 1913 at Malad City, County of Oneida, State of Idaho, before J. E. Ray, a notary public, proof will be submitted of the completion of works for the diversion of 1 cubic foot per second of the waters of Little Malad River 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 holding said permit is Dalley O. Ray.

2. The postoffice address of such person is Malad City, County of Oneida, State of Idaho.

3. The number of such permit is 6443, and the date set for the completion of such work is Dec. 1st, 1913.

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 cubic foot per second.

6. The amount of lands for which said water is available is 400 acres, particularly described as follows: E $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 17, NW $\frac{1}{4}$, sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 15 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 14 all in tp. 14 S., R. 23 E., B.M.

F. P. KING,
State Engineer.

I, Uther Jones

Publisher

of the

IDAHO ENTERPRISE, published weekly, at Malad

City, Idaho, do solemnly swear that a copy of the

notice, as per clipping attached, was published weekly in

the regular and entire issue of said newspaper, and not

in any supplement thereof, for 5 consecu-

tive Issues, commencing with the issue dated

July 3, 1913, and ending with

the issue dated July 31, 1913.

Uther Jones

Subscribed and sworn to before me this 1st day of Aug., 1913

J. E. Ray

Notary Public

RECEIVED

AUG 7 1913

OFFICE OF STATE ENGINEER

6443

PERMIT NO. 6443

RECEIVED

AUG 7 1913

STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Bailey G. Ray, age 38, Malad City, Oneida County, Idaho.

occupation, physician and surgeon, P.O. 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. acting in personal capacity

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

Ans. permit number 6443, dated August 12, 1910; amount water author

ized to divert is nine cubic feet per second; source Little Malad River; point of diversion approximately the center of 1/4 Sec 24 Tp. 13 S. R. 35 E. S. 1.

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. domestic and irrigation; 440 acres; E 1/2 NE 1/4 Sec 22; NE 1/4

Sec 23; E 1/2 NE 1/4 E 1/2 SW 1/4 Sec 15; SW 1/4 SW 1/4 Sec 14; all

in Township 14 South of Range 35 East Boise Meridian

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

Yes, 80 inches from Sept 15 to Dec 1st 1912 and 800 inches from April 1st to April 20th 1913, ~~xxxxxx~~

said water at said times was diverted through the following works: my ditch built under my said permit No 6443 from the point of diversion to a point one-half mile therefrom; the St John Irrigation Company ditch one-fourth mile in length; the private ditch of William Nicholas one-half mile in length; the private ditch of Cecil Illum one quarter mile in length; the private ditch of Nelse Christensen one quarter mile in length; the private ditch of John Harrison one-half mile in length; and my ditch built under my said permit from the end of John Harrison's private ditch to my said land. The St. John Irrigation Company's said ditch and the said private ditches forming a connecting link between the said portions of my ditch above described. Separate agreements were entered into by me and the Board of Directors of the St. John Irrigation Company, and the said William Nicholas, the said Cecil Illum, the said Nelse Christensen and the said John Harrison, by the terms of which said agreements I was given permission to use each of said ditches so long as my use thereof did not interfere with the use thereof by the respective owners thereof, and said ditches were not at said times used by the owners thereof or by any other person except myself.

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 Malad City, County of

Oneida, State of Idaho, on this 19th day of

August, A. D. 1913

T. C. Ray

Notary Public

My Commission expires January 1st 1914

6443

PERMIT NO. 6443

RECEIVED

AUG 7 1913

STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Dailey C. Ray, age 36, Malad City, Oneida County, Idaho, occupation, physician and surgeon, P.O. 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. Acting in personal capacity.

Ques. 6. Do the works of diversion now being completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes, comply with the terms of the permit practically.

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. width headgate four feet, width ditch at bottom 3 1/2 feet, width at waterline five feet, depth of water in ditch two feet.

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

at the point of diversion,
Ans. wooden dam and ditch, dimensions of dam 5 feet wide and 3 feet high, with a wooden headgate 3 feet high and 4 feet wide; dimensions of ditch 3 feet wide at water line, 3 1/2 feet wide at bottom, 3 feet deep, with a minimum fall of two-tenths foot to the hundred feet and about four and three quarters miles in length, capacity of each part nine second feet; cost about \$2500.00
(Sign here.) Dailey C. Ray

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 Malad City, County of

Oneida, State of Idaho, on this first day of

August, A. D. 1913.

T. C. Ray

Notary public

My Commission expires November 15th 1914

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

PERMIT NO.

RECEIVED

AUG 7 1913

OFFICE OF STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Lewis E. Lawton, age 36, Melba, Idaho, Agent for irrigation and investigation of Department of Agriculture United States, P.O. address Melba City, Idaho.

Ques. 2. Are you acquainted with Dailey C. Ray, the holder of Permit No. 6443, authorizing the diversion of nine second-feet of the waters of the Little Malad River approximately the center of the north-west quarter of Section 34, T¹S, R¹E, Range 75 E.D.M. for irrigation and domestic purposes? How long have you known him, and where does he reside?

Yes sir,

Ans. Have known him since April 30th 1913, he resides at Melba City, Idaho.

Ques. 3. Have you read or heard read said Permit No. 6443, and are you familiar with its terms and conditions?

Ans. Yes sir, yes sir

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

Ans. Yes sir, Sandy loam character, comparatively level, two acre feet of water required for its profitable cultivation of each acre.

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

Ans. Yes sir, Yes sir

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

Ans. wooden dam at point of diversion 3 feet high and 6 feet wide, with a head gate 4 feet wide and 3 feet high; ditch about four and three-fourths miles in length with a minimum width at water line of five feet, minimum width at bottom three and one-half feet, two feet deep, and a minimum fall of two-tenths (Sign here) sufficient to divert nine second feet of water.

(Sign here)

Lewis E. Lawton

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 Melba City, County of Blaine, State of Idaho, on this 1st day of August, A. D. 1913.

A. D. 1913

T. E. Ray

6443

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

PERMIT NO. 6443

RECEIVED

AUG 7 1913

OFFICE OF STATE ENGINEER

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Stephen Wight, age 59, residence Pleasantview Idaho, occupation farmer, P.O. Maled City, Idaho R.F.D. No. 1.

Ques. 2. Are you acquainted with Dailey C. Ray, the

holder of Permit No. 6443, authorizing the diversion of nine second-feet of the waters of

The little Maled River at approximately the center of the north-west quarter of section 34, T. 13 south, Range 35 East Boise M. for domestic and irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes sir, have known him ten years, residence Maled City, Idaho.

Ques. 3. Have you read or heard read said Permit No. 6443, and are you familiar with its terms and conditions?

Ans. Yes sir, Yes sir.

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

Ans. Yes sir, practically level, part on slope which can be successfully irrigated, character of land is a dry sandy loam, two acre feet of water required for its profitable cultivation of each acre.

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

Ans. Yes sir, Yes sir

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

Ans. Wooden dam at point of diversion 3 feet high and 8 feet wide, with headgate 4 feet wide and 3 feet high, ditch about four and three fourths miles in length with a minimum width at water line of five feet, minimum width at bottom three and one-half feet, two feet deep,

and a minimum fall of two-tenths foot to the natural stream; capacity sufficient to divert nine second feet of water.

(Sign here.)

(sign here)

Stephen Wight

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 Maled City, Idaho, County of Oneida, State of Idaho, on this 7th day of August, A. D. 1913.

A. D. 1913

T. E. Ray 6443

August 7, 1913.

Permit 6443

Dr. D. C. Ray,
Malad City, Idaho.

Sir:

Am today in receipt of depositions, affidavit
of publication and fee for proof of completion of
works under above permit. Enclosed please find
receipt.

The certificate of completion of works will be issued
and mailed to you soon.

Very truly yours,

F. P. KING,

State Engineer.

R5752

By _____

6443

up
August 30, 1913.

Permit 6443- D.C.Ray

T. E. Ray, Lawyer,
Malad City, Idaho.

Sir:

Am herewith enclosing you certificate of
completion of works.

Very truly yours,

F. P. KING,

State Engineer.

CCW

By _____

6443

T. E. RAY
ATTORNEY AT LAW
MALAD CITY
IDAHO

April 4th 1914

Mr. A.E. Robinson,

State Engineer,

Boise Idaho.

Dear sir:

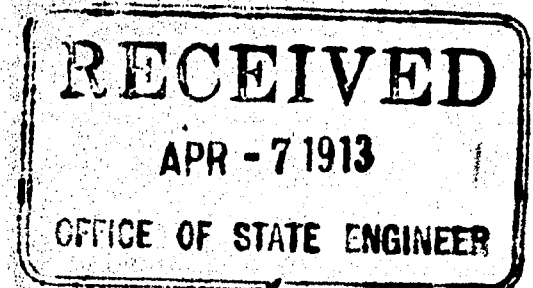
Will you please send me the necessary blanks to fill out that I may make final proof on half of the water ~~right~~ which I have appropriated under permit No 9307. I do not know whether this is permit no 9307 or 6443 as both numbers are shown in different places on the application approved but I think the correct number is 6443. I desire to make final proof on one-half of this water by the 10th of June, 1913.

Very truly,

T. E. Ray

By,

T. E. Ray



6443

April 7, 1913.

Permit 6443

T. E. Ray, Lawyer,
Malad City, Idaho.

Sir:-

Per your request the 4th inst., I am herewith enclosing you blank notices for proof of completion of works and beneficial use of water under above permit.

Very truly yours,

F. P. KING,

State Engineer.

S B

By _____

6443

McDougall & Jones

Attorneys at Law

ROOMS 9 AND 10
414 BUILDING

Pocatello, Idaho.

June 19, 1913.

Herbert Wing, Asst State Eng.,

Boise, Idaho.

Dear Herb:

I am enclosing copy of Notice of Proof of Completion of Works of Dr. Ray at Malad. This is on form furnished to him by somebody I do not know whom. He simply, at this time, wants to make proof of completion of work and not of beneficial use, and I wish you would examine the within and if correct make publication, and if further steps are required let me know and very much oblige

Yours respectfully,

D. C. McDougall

DCM/RS

RECEIVED

JUN 20 1913

OFFICE OF STATE ENGINEER

P 6443

6443

Boise, Idaho, June 20, 1913.

Permit 6443 - Fay.

Hon. D. C. McDougall,
Pocatello, Idaho.

Sir:--

Your letter of the 19th inst., in the above received, accompanied by copy of notice of proof of completion of works. The blank in question is drawn to cover both proofs and I accordingly enclose you herewith our regulation blank relative to completion of works only. This proof is not due until December 1, 1913, and as the date had not been inserted in the notice as forwarded, we return the notice herewith, together with additional blank. The notice should be drawn in duplicate.

Very truly yours,

Deputy State Engineer.

Enc. H-2CK.

W/C.

6443

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 2nd 1913

(P.O.) Malad City, Idaho

To the State Engineer,
Boise, Idaho.

Dear Sir:

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

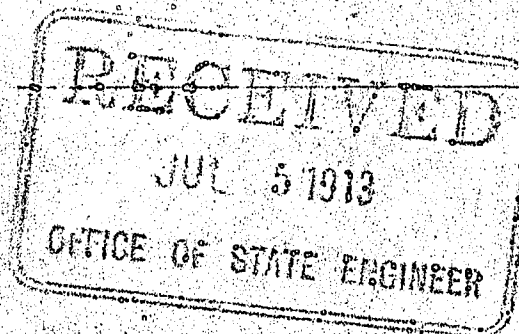
Idaho Enterprise of Malad City, Idaho published in the

county in which the works are situated.

Darley C. Ray

(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

T. E. RAY
ATTORNEY AT LAW
MALAD CITY
IDAHO

July 5th 1913

Mr. F.F. King,
State Engineer,
Boise, Idaho.

Dear sir:

About ten days ago Ex-Atty General McDougall came to your office for me Notice of Intention to make proof of Completion of works under my permit NO. 6443.

I took this permit out and have proceeded under it with the purpose in view of reclaiming desert lands, being the east half north-east quarter and East half south-east quarter section 16, Tp 14 S. R. 35 E.B.M. and Mr. McDougall informed me that the proof of completion of works under said permit would be accepted by the U.S. Land office and that the land office would accept proof under the desert land laws without proving up on the water diverted under said permit. I have been informed that the land department would accept nothing less than absolute deed to the water upon proof. I do not want to take any chances as I am compelled to make proof by September 24th 1913.

Last spring I diverted 200 inches of the waters of Little Malad River under said permit, but had only onehalf mile of my ditch completed from the point of diversion, so that I used one quarter mile of the ditch of St. John Irrigation Company and about one mile of ditch belonging to private parties, until I reached the portion of my ditch completed next to the land upon which I diverted and applied the said water- said last part of my ditch being about one and one half miles long. ~~The portion of my ditch~~ The portion

of ditch
completed since that time parallel the ditches of the St John Co and private parties and are within fifteen feet of said ditches.

Will you please advise if you will accept proof of the application of 200 inches of water to a beneficial use under my said permit upon the foregoing state of facts. I enclose Notice of intention which you can complete if acceptable.

Louis

Very truly,

T. E. Ray

6443

RECEIVED

JUL 5 1913

OFFICE OF STATE ENGINEER

For a Book - August 1891

July 8, 1913.

Permit 6443

Mr. D. C. Ray,
Malad City, Idaho.

Sir:

In reply to your letter of July 2nd, relative to final proof under above permit, would say that you can make proof of beneficial use of water at this time on the amount of water you have actually beneficially used, allowing one inch to the acre. Your proof of completion of works should show whether or not the water is now carried through ditches you have constructed or whether it carried through ditches belonging to other parties, and, if so, your agreement with them. When the balance of the land has been put under cultivation, you can make another proof of beneficial use and obtain license for the additional water used.

In order to allow time for the required four weeks publication prior to the date of making proof, I have set August 18th as such date. If this is not satisfactory, please advise at once.

Very truly yours,

F. P. KING,

State Engineer.

By _____

6443

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 2 P. M. on the 18th day of August, 1913, at Malad City, County of Oneida, State of Idaho, before A. H. Ray, a notary public, proof will be submitted of the application to beneficial use of four cubic feet per second of the waters of Little Malad River, in accordance with the terms and conditions of Permit No. 6443 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 Malley Ray
Malad City, Idaho

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

3. The amount applied to beneficial use is two hundred inches

4. The place where said water is used is [if for irrigation, give full and accurate description of the lands irrigated]
East half of North-east quarter, East half of South-east quarter
Section 15, Township 14 south of Range 35 East B.M.

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

6. The right to take the water from such works is based upon Permit No. 6443

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

8. The date of the priority which said user is prepared to establish is August 18th 1910

E. P. Robinson
E. P. ROBINSON, State Engineer.

6443

NIGHT LETTER

THE WESTERN UNION TELEGRAPH COMPANY

INCORPORATED

25,000 OFFICES IN AMERICA

CABLE SERVICE TO ALL THE WORLD

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following Night Letter. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Night Letters, sent at reduced rates, beyond a sum equal to ten times the amount paid for transmission; nor in any case beyond the sum of Fifty Dollars, at which, unless otherwise stated below, this message has been valued by the sender thereof, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED NIGHT LETTER, and is delivered by request of the sender, under the conditions named above.

THEO. N. VAIL, PRESIDENT

BELVIDERE BROOKS, GENERAL MANAGER

RECEIVED AT 157 South 8th St., Boise, Idaho ALWAYS OPEN

T SX F 26 NL

MALAUCITY IDA JULY 13TH 1913

- STATE ENGINEER

BOISE IDHO

YOUR EIGHTH AUGUST EIGHTEENTH IS SATISFACTORY DATE FOR PROOF BENEFICIAL
USE OF WATER UNDER MY PERMIT SIXTY FOUR FORTY THREE PAPER GOES TO PRESS
WEDNESDAY NIGHT

B C RAY

152A-14TH

6443

State of Idaho

A. E. ROBINSON
ENGINEER

ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS.

Dalley C. Ray,
c/o T. E. Ray,
Malad City, Idaho.

Proof of Beneficial Use.

Boise, Idaho,

July 16, 1913.

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. 6443.

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 ~~August 18th~~ 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 Malad, before T. E. Ray, 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,

A. E. ROBINSON

F. P. KING, ~~XXXXXXXXXXXX~~ State Engineer.

6443

(P. O.)

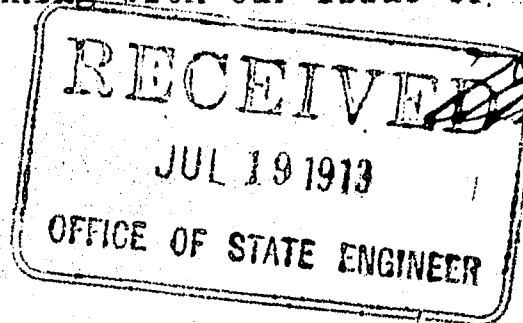
(Date)

Merced City, Cal.
July 16, 1913.

State Engineer, Boise.

Dear Sir:

I have your letter of *July 14* enclosing Notice of Proof
Beneficial use of water
of ~~completion of works~~ under Permit No. *6443* which will be published
as you request, beginning with our issue of *July 17, 1913*



Wm James Vail

6443

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. Bailey C. Bay, age 38, residence Malad City, Idaho. occupation physician and surgeon, P.O. Address, 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. acting in personal capacity

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

Ans. Permit Number 6443 dated August 12th 1910, date of priority August 12th 1910

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

Ans. Little Malad River, point of diversion approximately the center of the north-west quarter of section 74, Township 13 south, Range 78 East Boise Meridian, in Nevada County, Idaho

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. simple dam and ditch capable of diverting 450 inches from point of diversion to place of use, water was conducted to place of use through my ditch built under above permit from point of diversion to a point one-half mile therefrom, at which point it was turned into the ditch of the St. John Irrigation Company and run through said ditch and the private ditches of William Nicholas, Cecil Allum, Nelson Christensen, and John Harrison, said water was

turned out of the ditch of the said John Harrison into my ditch constructed under the above permit and conducted through my said ditch from said point to and upon and over my land hereinafter described. The said St. John Irrigation Company ditch and the said private ditches formed a connecting link between my ditches built under the above permit. However my ditch under said permit has been completed and all water hereafter used under said permit will be conducted from the point of diversion to my said land through my said ditch.

Signed: C. Bay

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

Ans. Not applicable X

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

Ans. Two hundred inches per acre to the terms of this permit

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.

6443

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

Ans. 50 inches of water was diverted and used under above permit from September 1st to October 1st, 1913, and 10 inches of water was diverted and used from April 1st to April 15th, 1913, through ditch constructed on the land. Said water was used for irrigating said land to the extent of 100 acres thereof.

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. Have diverted and applied three shares of the Capital stock of the St. John Irrigation Company on said land during water turns since the first day of June, 1913, irrigated about fifteen acres.

(Sign) _____

L. L. Ray

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 eighteenth day of August A. D. 19 13

Notary public

T. E. Ray

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 _____

STUBBINS CO., PRINTERS & BINDERS, BOISE
7818

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. Dailen C. Ray, age 38, residence Malad City, Idaho. Occupation physician and surgeon, P.O. address, 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. acting in personal capacity

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

Ans. Permit Number 6443 dated August 12th 1910, date of priority August 12th 1910

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

Ans. Little Malad River, point of diversion approximately the center of the north-west quarter of section 34, township 13 south, Range 35 East Boise Meridian, Teton County, Idaho

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.

_____ (State 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. Water is used for domestic and irrigation purposes, used in E 1/2 NE 1/4 and E 1/2 SE 1/4, section 28, township 14 south Range 35 East Boise Meridian; have actually irrigated 100 acres, 70 acres in the E 1/2 NE 1/4 and 30 acres in the north part of the E 1/2 of SE 1/4. Part section 28 is now being reseeded; cultivated land and improvements made as a direct result of said use is a good and crop of alfalfa hay.

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

Ans. NONE. ☒ X

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

Ans. Two acres of irrigated land under the terms of this permit

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.

6443

Permit No. 21

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Claude Johnson, age 38, residence, Pleasantview, Idaho.

occupation: Sapping. P.O. Address: Kalua City, Idaho, A.T. No. 1

Ques. 2. Are you acquainted with Willie J. Ray the
holder of Permit No. 6443 ? How long have you known him and where does he reside?

Ans. Yes sir, have known him two and one-half years.

Ques. 3. Have you read or heard read said Permit No. 6413, and are you familiar with its provisions and conditions?

Ans. Yes, sir; Yes, sir.

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. Source Little Holston River, place of diversion approximately to centre of the north-west quarter of section 22 township 13 south Range 45 West Indian meridian; description of works: simple dam and well constructed ditch from point of diversion to place of use.

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

Ans. Large cable feet per second: have seen five second feet being so conveyed.

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. It is used for domestic and irrigation purposes on the E 1/2 of R2 1/4 and E 1/2 of R2 1/4 Sec 12, T. 1. N. 10 R. 1. E.; has actually irrigated about one hundred acres of said land, 80 acres in the E 1/2 of the R2 1/4 and about 20 acres in the extreme north part of R2 1/2 of R2 1/4 Sec 12. A grain and sugar alfalfa; all of said land is cultivated land and the improvements made thereon a direct result of said use of said water is a good stand and a crop of alfalfa.

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

Ans. 1. The first step in the process of the cell cycle is the G1 phase.

6443

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. $\frac{1}{2}$

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 not.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of the water diverted under said permit.

Ans. I saw 60 inches diverted and applied to a beneficial use of said land from Sept 15th to Dec 1st 1913, and saw 300 inches diverted and applied to a beneficial use of about 100 acres of said described land from April 1st to April 30th 1913. Said water in said amounts was diverted upon and over said amount of land in and through well constructed ditches for the proper irrigation of said lands.

(Sign) Claude Johnson

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 Croft, State of Idaho, on this eighteenth day of August, A. D. 19 13

My commission expires
November 23rd 1914.

T. E. Ray
Notary public.

Permit No. _____

Proof of application of water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed

CLARK & CO. REGISTER & CLERK, 6018
1917

Permit No.

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

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

Ans. David B. Doty, age 45, occupation farming, residence

Darius, Idaho, address, Lodi City, Idaho, U.S.A.

Ques. 2. Are you acquainted with Salmon S. Ray, the holder of Permit No. 6443? How long have you known him and where does he reside?

Ans. Yes sir, have known him ten years, Lodi City, Idaho.

Ques. 3. Have you read or heard read said Permit No. 6443, and are you familiar with its provisions and conditions?

Ans. yes sir, yes sir.

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. Source Little Lodi River, place of diversion approximately one corner of the north-west quarter of section 34, township 18 south, Range 55 west, E.M. Description: simple dam at point of diversion, and will constructed from point of diversion to place of use.

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

Ans. nine second feet; have seen four second feet being so conveyed.

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. water is used for irrigation, purposes on SE 1/2, NE 1/4 and E 1/2 SE 1/4 Sec 15 T18 R55 E.M. has actually irrigated 100 acres of said land, 50 acres in the SE 1/2 of the NE 1/4 and 50 acres in the north part of E 1/2 SE 1/4 Sec 15 township and range aforesaid. said land is cultivated land and the improvements made as a direct result of said use is a stand and a good crop of alfalfa hay.

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

Ans. IRRIGATION WATER

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. IRRIGATION WATER 100 with clay subsoil, 200 inches for 100 acres.

6443

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 sir to all of said question

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. Saw fifty inches diverted about Sept 20th and same amount latter part of November 1913, and 200 inches diverted April 5th and April 20th 1913, and witnessed the application of said amounts of waters at the said times to a beneficial use on the said lands hereinafore described through well constructed ditches on the land for the proper irrigation of said lands water was used on 100 acres of said land.

(Sign)

David G. Tovey

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 Salad City County of Crozier

State of Idaho, on this eighteenth day of August A. D. 1915

Notary Public.

My Commission Expires

Nov 13th 1914

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 2 p. m. on the 18th day of August, 1913, at Malad City, County of Oneida, State of Idaho, before T. C. Ray, Notary Public, proof will be submitted of the application to beneficial use of four (4) cubic feet per second of the waters of Little Malad, in accordance with the terms and conditions of Permit No. 6143, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said permit are Bailey C. Ray, 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 four (4) cubic feet per second.

4. The place where said water is (if for irrigation, give full and accurate description of the lands irrigated) E $\frac{1}{2}$ or NE $\frac{1}{4}$ E $\frac{1}{2}$ of SE $\frac{1}{4}$ sec. 15, T. 44 N., R. 35 E., B. M.

5. The right to take the water from such works is based upon Permit No. 6143.

6. The source of supply from which said water is diverted is Little Malad river.

7. The date of the priority which said user is prepared to establish is Aug. 13, 1906.

F. P. KING,
State Engineer.

1-17-13

I, Uther Jones

Publisher

of the
IDAHO ENTERPRISE, published weekly, at Malad
City, Idaho, do solemnly swear that a copy of the
notice, as per clipping attached, was published weekly in
the regular and entire issue of said newspaper, and not
in any supplement thereof, for 5 consecu-
tive weeks, commencing with the issue dated
July 17, 1913, and ending with
the issue dated August 14, 1913.

Uther Jones

Subscribed and sworn to before me this 18 day of August 1913

T. C. Ray

Notary Public

6443

Oneida County Idaho

T. E. RAY
PROSECUTING ATTORNEY
MALAD CITY

August 18th 1913

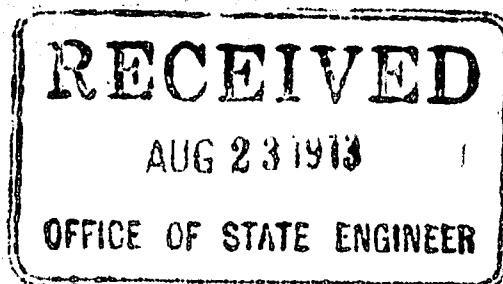
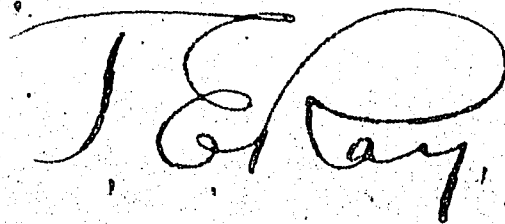
D. C. Ray,
State Engineer,
Boise, Idaho.

Dear sir:

In examining the enclosed submission of proof of beneficial use of water, please refer to proof of completion of works under permit 6443 submitted August 4th 1913.

The proof enclosed herein was made and submitted in pursuance of your letter dated July 8th 1913 to D.C. Ray, in which you stated "that proof of completion of works should show whether or not the water is now carried through ditches you have constructed or whether it carried through ditches belonging to other parties and if so, the agreement with them." Proof of completion of works showed these necessary facts and if there is any necessary changes or additions to be made in the papers herein enclosed I would appreciate it if you would rush their return. D.C. Ray wishes a license issued as soon as possible as he must submit final proof to the U.S. Land Office on the land described by Oct 1st of this year, and a license under this permit is essential in order that he may prove up.

Very truly,



6443

STATE OF IDAHO
ENGINEERING DEPARTMENT

BOISE

F. P. KING
STATE ENGINEER

HERBERT WING
DEPUTY STATE ENGINEER
W. D. MEYER
CHIEF CARRY ACT ENGINEER

August 23, 1913.

Permit 6443 - D. C. Ray

T. E. Ray, Attorney,
Malad City, Idaho.

Sir:

Am today in receipt of your letter enclosing depositions, affidavit of publication and check for fees for proof of beneficial use of water under above permit.

In checking the depositions I note that there are parts of only three forty acre tracts under cultivation. The fees would, therefore, amount to only \$6.00 and I accordingly return herewith the check for \$8.00. As soon as the correct fees has been received, the license will issue.

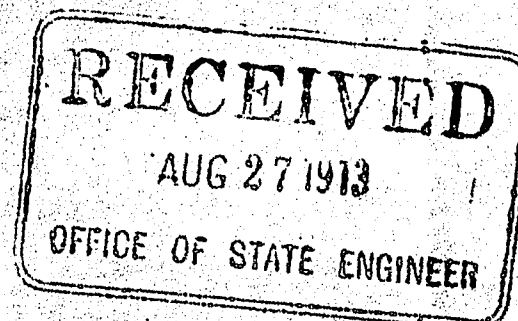
Very truly yours,

F. P. KING,

State Engineer.

Ch\$8

By Ch Brown



6443

August 27, 1913.

Permit 6443

T. E. Ray, Attorney,
Malad City, Idaho.

Sir:

Am enclosing you herewith receipt for fees for
proof of beneficial use of water under above permit.
The license will be mailed to you soon.

Very truly yours,

F. P. KING,

State Engineer.

R5809

By _____

6443

Boise, Idaho, September 17, 1913.

Permit No. 6443.

D. C. Ray,
Malad City, Idaho.

Dear Sir:

I hand you herewith License
issued under above Permit.

Yours truly,

F.P.KING

State Engineer.

By _____

6443

D. C. Ray, M. D.

MALAD, IDAHO.

April 27th 1914

RECEIVED

MAY 11 1914

OFFICE OF STATE ENGINEER

Mr. F. P. King,

State Engineer, Boise, Idaho.

Dear sir:

I wish to secure an extension of time for proof of beneficial use of water appropriatad in accordance with permit 6443, will you kindly send me blanks for application to have same extended.

Very truly,

D. C. Ray

6443

Boise, Idaho, May 1, 1914.

Permit 6443.

Mr. D. C. Ray,
Malad, Idaho.

Sir:--

Per yours of the 27th ult., I enclose
application blank for extension of time for
proof of beneficial use under the above permit.
Application should be made out in duplicate.

Very truly yours,

E. P. KING,

State Engineer.

By _____

Enc. 2 P3.

W/G.

6443

OFFICE OF STATE ENGINEER

Permit No. 6443

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO, } ss.
County of Oneida }
J. C. Ray, of Malad City, Oneida County
State of Idaho, being first duly sworn upon his oath deposes and says:

THAT he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 6443

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by August 12th, 1914

THAT he has heretofore put to beneficial use three & 1/5 second feet of water and has irrigated one hundred sixty acres.

THAT, for the following reasons, he is unable to put to beneficial use within the required time, the remainder of the water appropriated under his permit, to-wit: ~~the water~~ Banks of ditch are not sufficiently settled to hold a second foot of water and balance of land not in crops at present suitable for early irrigation.

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial use under said permit to August 12th 1916, 191

And further, deponent saith not.

Subscribed and sworn to before me this 12th day of May, 1914

J. C. Ray

J. C. Ray

Notary Public.

My commission expires November 15th 1914

Date of receipt at office of State Engineer May 16, 1914.

6443

APPROVAL OF STATE ENGINEER.

I, F. P. King, State Engineer of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. 6443, to August 12th, 1916.

Witness my hand this 22nd day of May, 1914.

RECEIVED

MAY 16 1914

OFFICE OF STATE ENGINEER

F. P. King

State Engineer.

May 23, 1914.

Permit 6443

D. C. Ray
Malad City, Idaho.

Sir:

Your application for extension of time under above permit has been approved and duplicate copy is herewith returned to you.

Very truly yours,

F. P. KING,

State Engineer.

ET

By _____

6443

State of Idaho
ENGINEERING DEPARTMENT
BOISE

D.C. Ray, ~~Malad Idaho.~~

May 10 1916

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. ~~6445~~, 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

6443

McDOUGALL & JONES

ATTORNEYS AT LAW

Rooms 9 and 10
Hub Building

Pocatello, Idaho.

May the tenth,
1916.J. H. Peterson, Attorney General,
Boise, Idaho.

Dear Joe:

Dr. Ray from Malad has sent me the enclosed application for extension of time for beneficial use, together with his letter to me. The Doctor has spent lots of money on this ditch and has the ditch on his land of sufficient size, but he is so conscientious that he leans backwards that he has got it into his head the he cannot make the proof of the beneficial use until he has actually all the land in crops and irrigating it.

I wish you would hand this to the State Engineer's office with your recommendation that the extension of time be granted.

With best wishes, I am

Yours very truly,

McDOUGALL & JONES.

By

*McD*DCM/S
Encl.

6443

May 12, 1916.

Re Permit 6443.- D. C. Ray.

McDougall & Jones, Attorneys,
Pocatello, Idaho.

Gentlemen:--

The application for extension of time for
beneficial use of water under above permit has been
approved and one copy is herewith returned to you.

Very truly yours,

J. R. SMITH,

State Engineer.

BT

By _____

6443

OFFICE OF STATE ENGINEER

Permit No. 6443

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO

County of Oneida

ss.

D.C. Ray

of Malad City, Oneida County,

State of Idaho, being first duly sworn upon his oath deposes and says:

THAT he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho,
No. 6443

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required
to be made by August 12th, 1916

THAT he has heretofore put to beneficial use three & 1/5 second feet of water and
has irrigated 160 acres.

THAT, for the following reasons, he is unable to put to beneficial use within the required time, the
remainder of the water appropriated under his permit, to-wit: during the last two years
failed to secure a stand of lucerne upon 130 acres notwithstanding
the fact that the ground was prepared and seed sown both years; 40
acres of lucerne died out last season, and the said ground is
not in crops suitable for early irrigation

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial
use under said permit to August 12th, 1918

And further, deponent saith not.

Subscribed and sworn to before me this 1st day of May, 1916

Notary Public.

My commission expires November 12th 1918

Date of receipt at office of State Engineer May 12th, 1916.

APPROVAL OF STATE ENGINEER

J. H. Smith,

I, ~~Exp. King~~, State Engineer of the State of Idaho, hereby extend the time for the making of
proof of beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. 6443
to August 12th, 1918.

6443

Witness my hand this 12th day of May, 1916.

State Engineer

August 12, 1918.

Re Permit 6443.

Mr. D. C. Ray,
Malad, Idaho.

Dear Sir:--

Replative to your application for further extension of time for beneficial use of water under above permit would say that, inasmuch as six years have already been given, no further extension could be granted. Proof, however, will be accepted if made at a later date than specified in the permit but the date of priority will be brought down accordingly. That is, if proof is made one year later, the date of priority will be brought down one year from the date of the first receipt of the application in this office, and so on. Am returning herewith applications.

Very truly yours,

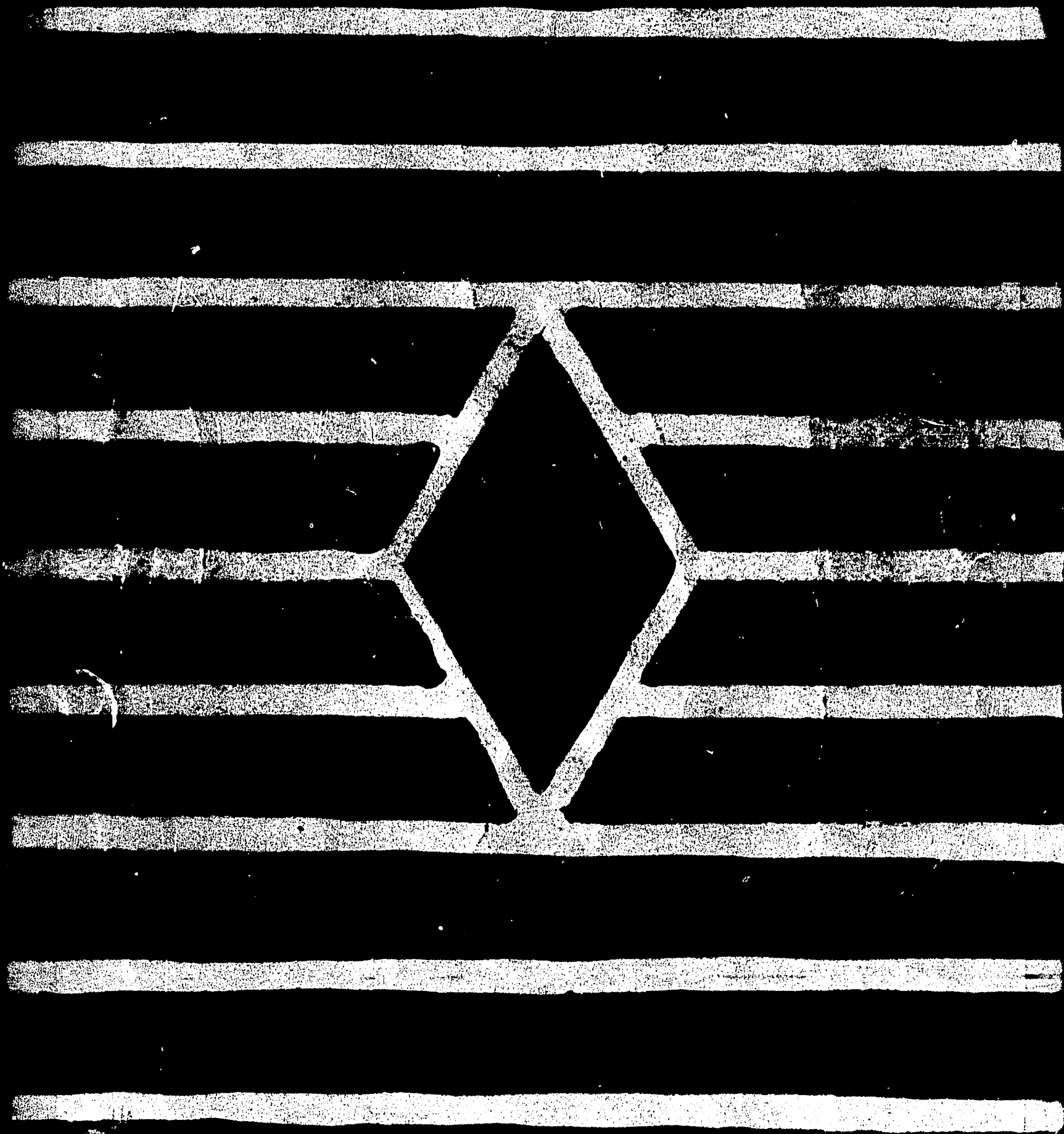
FRED A. WILKIE,

State Engineer.

By _____

2AET

6143



County: Oneida
 Stream: Little Malad River.
 Amount: 3.2 Sec.ft.
 Use: Irrigation.
 Priority: July 29, 1910.

STATE OF IDAHO

Water License No. 6443.

WHEREAS, On the 29th day of July, A. D. 1910, D. C. RAY,

of Malad City, County of Oneida, State of Idaho, duly made application (No. 9307) to me for a permit to use 9 cubic feet per second of the waters of Little Malad River,

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

WHEREAS, On the 12th day of August, A. D. 1910 Permit No. 6443 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 12th day of August, A. D. 1912, and for the application to beneficial use of said water on or before the 12th day of August, A. D. 1914 and,

WHEREAS, On the 1st day of August, A. D. 1913, D. C. RAY,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 9 cubic feet per second of said waters, as evidenced by my Certificate No. 6443 dated August 16, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 9 cubic feet per second of said waters, with date of priority of July 29, 1910, and

WHEREAS, On the 18th day of August, A. D. 1913, D. C. RAY,

the holder of said permit, duly made proof of the application to beneficial use of 3.2 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to D. C. RAY,

of Malad City, County of Oneida, State of Idaho, the holder and owner of said Permit No. 6443, a perpetual right, dating from July 29, 1910, to the use of 3.2 cubic feet per second of the waters of Little Malad River,

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 about the center of NW $\frac{1}{4}$ of Sec. 34, Twp. 13 S., R. 35 E. B. M.,

and conducted to and upon 160 acres, divided as follows; 40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$: 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$: 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ & 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 14 S., R. 35 E. B. M.

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 6th day of September, A. D., nineteen hundred and thirteen.

F. P. KING,

(Seal)

State Engineer.

15 2903

