

No. 15438

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Joseph Espitallier

Postoffice address: Arbon, Idaho

County: Power

State:

- I. If applicant is a corporation, give
- (a) Date and place of incorporation:
 - (b) The amount of capital stock:
 - (c) The amount paid in:
 - (d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
- (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:

2. The quantity of water claimed is .3 cubic feet per second.

3. Source of water supply: Springs and seepage springs.

4. Location of point of diversion: Spring in North part of SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Tp. 11 S. R. 32 E.B.M. in Power County.

5. To be used for: Stock and culinary purposes.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: acres.
- (b) In the following legal subdivisions:

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

[a] At what point:

- [b] Amount of power to be generated:
- [c] Is water to be returned to any stream? return:

H. P. under ft. head

[d] If so, name stream and locate point of

6. Estimated cost of works: See Remarks

7. Description of works for diversion:

I. Kind of works: See Remarks

II. Dimensions of works:

[a] Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

[b] Capacity of reservoir acre feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit width at bottom feet,

width at water line feet, depth of water feet, diameter of pipe

inches; average grade per mile is feet. Length of conduit is miles,

and it crosses the following quarter sections:

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

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

Joseph Espitallier

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. July 11, 1914.

Returned to applicant for correction July 13, 1914.

Corrected application received August 17, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10549

Recorded in Book 35 Page 10549 Approved August 24, 1914.

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

Bond in the sum of _____ to be filed on or before

Work to begin on or before October 23, 1914 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 November 24, 1914.

The whole of said work to be completed on or before February 24, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 24, 1915.

Witness my hand this 24th day of August, 1914.

F. P. King, State Engineer.

Remarks: The water hereto applied for is to be used for stock and culinary purposes located on the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Tp. 11 S. R. 32 E. S. M. which tract is an isolated tract and has no connection whatever with any lands of any agricultural value whatever.

(6) The estimated cost to clean spring, build troughs and small reservoir to hold said waters for stock and culinary purposes will cost \$150.00

(9) Time required to build above troughs and small reservoir is about 15 days with man and team.

(III) the Above spring is located on Government land. And the waters therefrom runs down a tapering low place in the spring of the year about 60 to 80 rods, and in the summer and fall seeps about 20 or 25 rods from the spring.

On proper request of the holder of the above numbered permit, I have this 26th day of January, 1915, extended the time for completion of works thereunder to the 24th day of May, 1915.

Herbert Wing,

Acting State Engineer.

Proof of Completion of Works made May 24, 1915.
Certificate of Completion issued July 7, 1915.

Permit No. 10549.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Joseph Espitallier of Arbon, County of Power, and State of Idaho, the holder of Permit No. 10549, issued upon Application No. 15438, bearing date of priority of July 11, 1914, authorizing the diversion of 3/10 of 1 second foot of the waters of Springs, County of Power, State of Idaho, for stock and culinary 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 3/10 of 1 second-foot of the waters of Springs; that the point of diversion of said waters is in the North part of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 25,

Recorded by *WJH*
Checked by *WJH*

T. 11 S., R. 32 E.B.M. and that the place of use of said water is on the SW $\frac{1}{4}$ of SE $\frac{1}{4}$,
Sec. 25, T. 11 S., R. 32 E.B.M.

Witness my hand this 7th day of July, A.D.1915.

J.H. Smith,

State Engineer of the State of Idaho.

License issued for 3/10 of 1 second feet

July 1915

July 20, 1953

RE: Permit No. 10549

Marcellus Palmer
351 South State Street
Salt Lake City 1, Utah

Dear Madam:

In reply to your letter of July 18, 1953, in regard to Permit No. 10549, the records in this department show the following:

License for 0.3 of a second foot of water from springs in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, Township 11 South, Range 32 East, B.M., with priority of July 11, 1914, issued to Joseph Espatillier, for stock and culinary use on the same 40 acre subdivision.

This license constitutes a permanent water right so long as the water is beneficially used and the matter of transfer from the original licensee to someone else is handled the same as transfer of real estate, that is by deed recorded in the county.

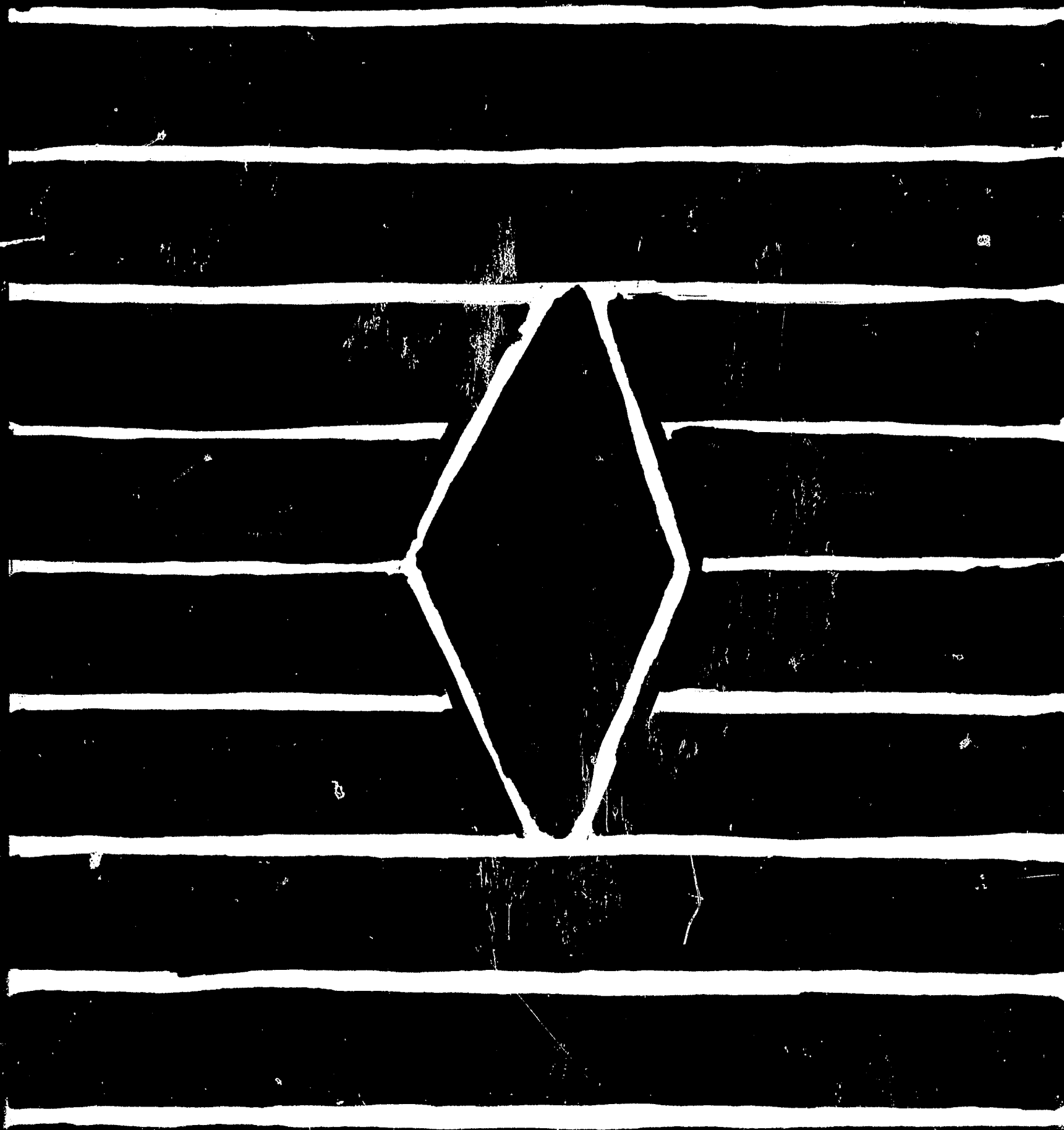
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

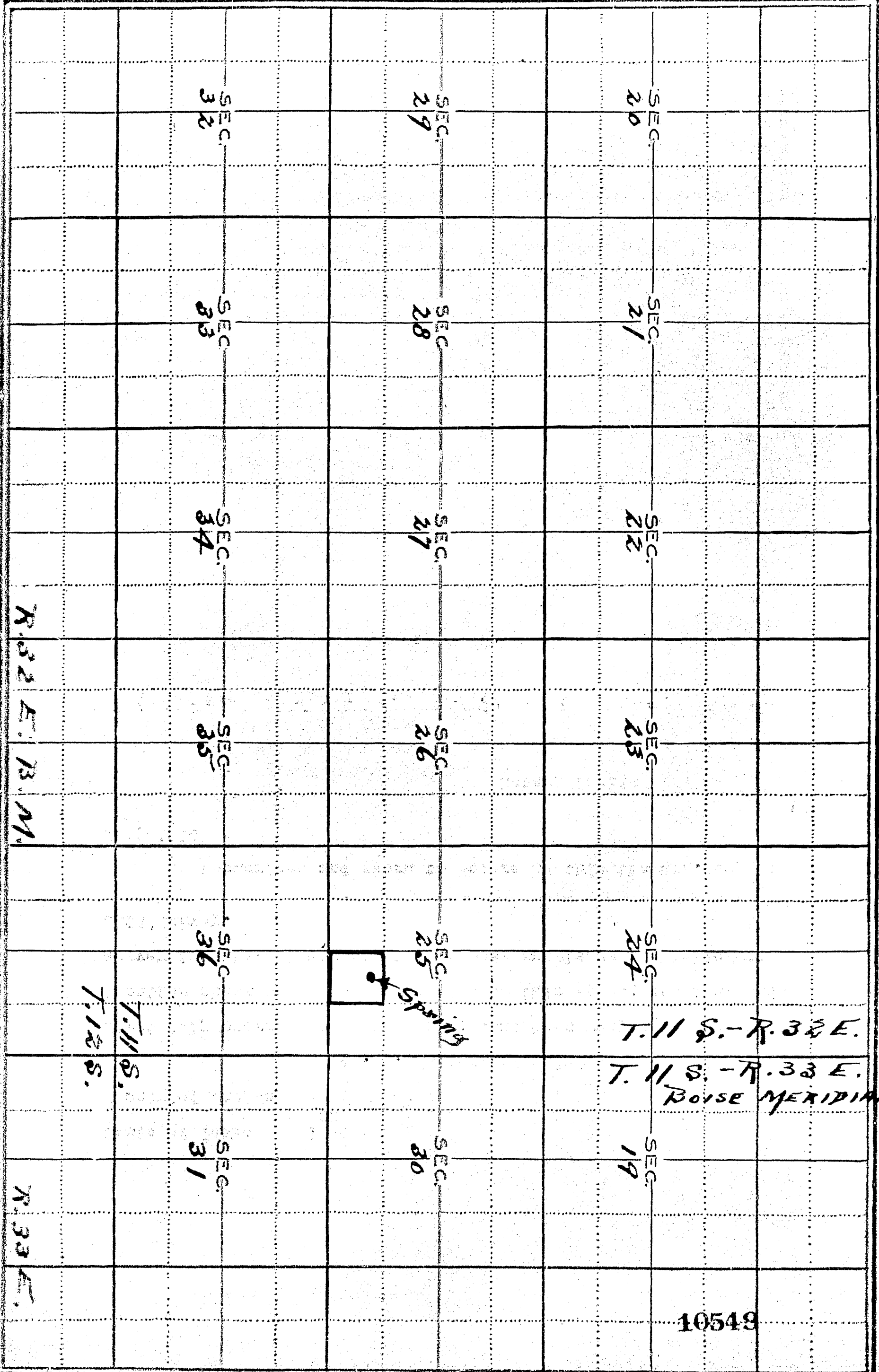
Chief Clerk

A:fg

10549



Name of Applicant.....



State of Idaho)
County of Oneida) SS

Geo. E. Tucker, of Malad, Idaho, being
first duly sworn deposes and says; That he surveyed the Spring
location shown on the opposite side of this sheet; and that said
survey is true and correct to the best knowledge and belief of
~~said~~ ^{his} Survey.

date of survey July 8th 1914 George E. Tucker
Subscribed and sworn to before me this the 9th. day of

July 1914

J. K. Fredrickson
Notary Public

10549

Permit Map No. 10549
As Approved
AUG 24 1914
BY
F. P. KING
STATE ENGINEER

Form No. 14

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit No. 10549

BOISE, IDAHO, Aug. 24, 1914.

Mr. Joseph Capitallier,
Arbon, Idaho.

Dear Sir:

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

F. P. KING,
State Engineer.

10549

DIRECTORS

PETER FREDRICKSON, PRES
JOHN FREDRICKSON, SEC.
R. T. OWENS

R. T. OWENS COMPANY, LTD.
INCORPORATED

DIRECTORS

GRIFF DAVIS
W. J. MANDRY
JNO. H. THOMAS

DEALERS IN GENERAL MERCHANDISE
FARM IMPLEMENTS

ELIAS MORRIS, MANAGER

MALAD, IDAHO. Sept. 8, 1914

State Engineer
Boise, Idaho.

Dear Sir:-

My permit No 10549 for use of waters received.

Please send me the necessary blanks to fill out to show
work done and also the blank to fill out showing the
completed work done and oblige.

Please send these blanks to my address at
Malad, Idaho.

Yours truly,

75-6-3nu

10549

J. Espritallier

September 10, 1914.

Permit 10549.

J. E. Espitallier,
Malad, Idaho.

Sir:

Per your request the 8th inst., I am herewith enclosing you blank affidavit for proof of completion of works and notices for final proof under above permit.

Very truly yours,

F. P. KING,

State Engineer.

F5-6-3NU

By _____

10549

A. E. ROBINSON
STATE ENGINEER

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Joseph S. Espitallier,
Arbon, Idaho.

Nov. 2, 1914.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your permit No. 10549 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,
A. E. ROBINSON,
State Engineer.

10549

ROBERT WING
STATE ENGINEER

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Joseph S. Espitallier,
Arbon, Ida.

BOISE, IDAHO, Nov. 1, 1914.

DEAR SIR:

Under the terms of your permit No. 10549, you are required to complete your diversion works on or before Feb. 24, 1914. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,
F. P. KING,
State Engineer.
HERBERT WING
ASSISTING STATE ENGINEER

10549

PRS
SON. PRES
SON. SEC.

R. T. OWENS COMPANY, LTD.

INCORPORATED

DEALERS IN GENERAL MERCHANDISE
FARM IMPLEMENTS

ELIAS MORRIS, MANAGER

DIRECTORS
GRIFF DAVIS
W. J. MANDRY
JNO. R. THOMAS

MALAD, IDAHO. Dec. 28, 1914

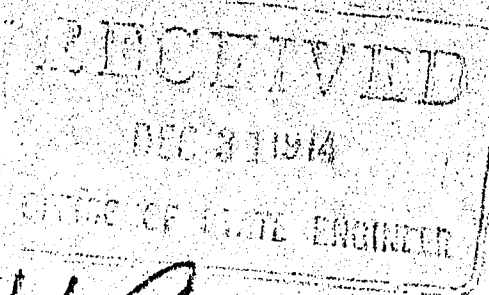
State Engineer
Boise, Idaho,
Dear Sir:-

In relation to water permit for spring No. 10549
approved Aug. 24, 1914, wherein work was to begin Oct. 23, 1914
and the whole of same to be completed on Feb. 24, 1915
herewith ask for an extension of the final works to be
completed April 24th. 1915

The earth work was done in October and Nov.
but the snow and frost then set in and prevented further work
in completing the troughs and timber work to be done, so would like
an extension to the above date, when spring opens, to finish the same.

Yours truly,

Joseph Espitalier



10549

Boise, Idaho, Dec. 31, 1914.

Permit No. 10549.

Mr. George Espitalleer,
Malad, Idaho.

Sir:--

Replying to yours of the 28th inst.
would advise that you should file application in
duplicate for extension upon the enclosed blanks.

Very truly yours,

Acting State Engineer.

Enc. 2F4.
W/L

10549

DIRECTORS

PETER F. L. CH. PRES
JOHN FREDI ON, SLC
R. T. OWENS

R. T. OWENS COMPANY, LTD.

INCORPORATED

DIRECTORS

GRIFF DAVIS
W. J. MANDRY
JNO R. THOMAS

DEALERS IN GENERAL MERCHANDISE
FARM IMPLEMENTS

ELIAS MORRIS, MANAGER

MALAD, IDAHO, Jan. 18, 1915

State Engineer

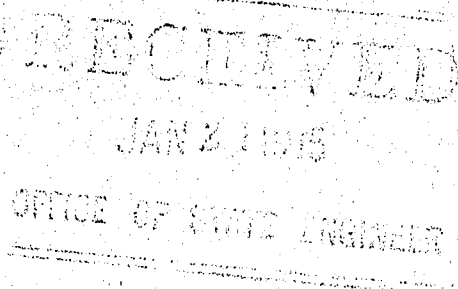
Boise, Idaho.

Dear Sir:-

original and
Please find inclosed duplicate extension
of time blanks on my water filing, to May 24th. 1915

Yours truly,

Joseph Espitaller



10549

Permit No. 10549

Application For Extension of Time For Completion of Works

Joseph Espitallier

of Malad, Idaho, Oneida County

State of _____, 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. 10549

Under the terms and conditions of said permit, construction work thereunder was required to be completed by February 24th, 1915, 191

That he has heretofore performed the following work described under said permit:

Reservoir dam has been completed, The Dam is 30 feet long
10 feet wide at bottom and 4 feet wide on top, and 6 feet high
On Oct. 15th, said dam was completed, and the water in same then
covered about one-half acre.

costing \$100.00

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

The latter part of Oct. Winter set in any heavy frost
came and prevented all ditch work. And the troughs and timber work
was discontinued owing to the above also.

WHEREFORE, He asks that the State Engineer extend the time for the completion of construction work under said permit, to May 24th, 1915, 191

And further, deponent saith not

Subscribed and sworn to before me this 4th, day of January, 1915, 191

My commission expires Dec. 30th, 1918

Date of receipt at office of State Engineer

JAN 23 1915

Notary Public

Herbert Wing, Acting APPROVAL OF STATE ENGINEER.

I, ~~Herbert Wing~~, State Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 10549, to May 24th, 1915.

Witness my hand this 26th day of January, 1915.

(over)

Acting State Engineer.

10549

January 26, 1915.

Permit 10549.

Joseph Espitallier,
Malad, Idaho.

Sir:

Your application for extension of time under
above permit has been approved and one copy is
herewith returned to you, duplicate being placed
on file here.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

ET

10549

DIRECTORS

Peter Fredrickson, Pres.
John Fredrickson, Sec.
R. T. Owens

R. T. OWENS COMPANY, LTD.

INCORPORATED

DIRECTORS

Grif Davis
W. J. Mandry
John R. Thomas

DEALERS IN GENERAL MERCHANDISE
FARM IMPLEMENTS

ELIAS MORRIS, MANAGER.

MALAD, IDAHO. May 7, 1915

State Engineer

Boise, Idaho,

Dear Sir:-

Under permit 10549 July 11, 1914 with completion
Feb. 24th. 1915 later extended to May 24th. 1915 will ask
that you send the necessary papers for me to fill out
as I have the rest of the work now completed and will be
ready to submit the papers for the completion on said date.

Thanking you for immediate attention to
above I am.

Yours truly,

Joseph Espitalier

70-6-3766

RECEIVED

MAY 10 1915

OFFICE OF STATE ENGINEER

10549

May 10, 1915.

Permit #10549.

Mr. Jos. Espitallier,
Maldá, Idaho.

Sir:

Per your request the 7th I am herewith enclosing
you blanks for proof of completion of works and ben-
eificial use of water under above permit.

I am also enclosing a copy of the rules and regulations
relative to water rights, upon page 6 of which you will
find the law governing the proofs.

Very truly yours,

J. H. SMITH,

State Engineer.

Enc.

By _____

10549

Permit No. 10549

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Oneida

ss.

Joseph Espitallier

being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 10549 and that his postoffice address is Malad

State of Idaho

Second: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 24th. 1915, 1915 extended to May 24th. 1915

Third: That the use for which said water is intended is stock and cullinary purposes

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

I. Kind of works: Reservoir earth dam

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: _____

(a) Height of dam 6 feet feet, length of dam at top 30 feet, length of dam at bottom 10 feet feet. Material used in construction Earth

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir one-half acre feet.

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

(d) Conduit _____ width at bottom _____ feet, width at water line _____ feet, depth of water _____ feet; diameter of pipe _____ inches; average grade per mile is _____ feet. Length of conduit is _____ miles.

Fifth. That said works are capable of conducting to the place of intended use _____

.3 second feet of water.

Sixth. That water appropriated under said permit is available for _____ acres of land described as follows: Stock and cullinary purposes only.

That he is the owner of the land upon which the above reservoir and permit Spring is located.

Seventh. Remarks: That Two 1 by 1 by 12 foot wood troughs now located at the spring into which the spring water flows and the overflow from the said troughs then runs into the above reservoir for storage. said reservoir will hold all surplus waters from said spring

Joseph Espitallier
Sign here.

Subscribed and sworn to before me this 24th day of May, 1915

My commission expires Dec. 30th. 1918

J. Fredrickson
Notary Public.

10549

July 5

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 24th. 1915

(P. O.) Malad, 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, Idaho, published in the
county in which the works are situated.

Joseph Espritallier

(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 com-
petent engineer.)

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

Engineer.

10549

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 5th day of July, 1914,
 at Malad, Oneida County, County of _____, State of Idaho,
 before J.F.Fredrickson a Notary Public Malad, Idaho, proof will be submitted
 of the application to beneficial use of .3 cubic feet per second of the waters of
certain spring, in accordance with the terms and conditions of Permit No. 10549
 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 _____
Malad, Idaho
2. The use to which said water has been applied is stock and cullinary purposes
3. The amount applied to beneficial use is .3 cubic feet
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
On South-west quarter of the South-east quarter of Section
Twenty-Five in Township (11) South, Range (32) East 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 _____
6. The right to take the water from such works is based upon Permit No. 10549
7. The source of supply from which such water is diverted is a spring
8. The date of the priority which said user is prepared to establish is August 24th. 1914

J. H. SMITH,

 X-P-X-KING,
 State Engineer.

May 27, 1915.

Permit 10549.

Joseph Espitallier,
Malad, Idaho.

Sir:

We are in receipt of your affidavit for proof of completion of works and notices for final proof under above permit. Upon receipt of \$5.00 fee the certificate of completion of works will issue.

The notice for final proof will be mailed to the Idaho Enterprise, at Malad City, in time for the required four weeks publication prior to July 5th and deposition blanks will be mailed to J. F. Fredrickson, at Malad.

It will also be necessary to have the report of some competent person. If you can give us the name of some one near you who can make the examination and report, the necessary blanks will be furnished him.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

DIRECTORS

Peter Fredrickson, Pres.
John Fredrickson, Sec.
R. T. Owens

R. T. OWENS COMPANY, LTD.

INCORPORATED

DIRECTORS

Grif Davis
W. J. Mandry
John R. Thomas

DEALERS IN GENERAL MERCHANDISE
FARM IMPLEMENTS

ELIAS MORRIS, MANAGER.

MALAD, IDAHO. May 29, 1915

State Engineer

Boise, Idaho,

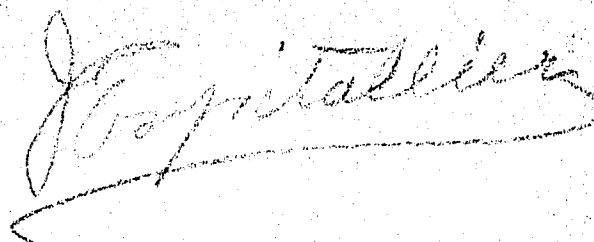
Dear Sir:-

Yours of the 27 inst received.

Please find inclosed my cek for \$5.00 the fee for the
certificate of completion of works.

Please send report blanks to Robert Vest
at Buist, Idaho, who lives near said works to make said report.

Yours truly,



10549

Office of the State Engineer

Boise, Idaho, June 3 1915

Robert Vest,
Buist, Idaho.

DEAR SIR:

Jos. Espitallier, residing at Malad
County of _____, State of Idaho, has requested that
you make examination required under Permit No. 10549. Will you
therefore, arrange with the holder of said Permit to make such examination as will
enable you to answer the questions on the enclosed blank? Also, make a sketch on
the enclosed blank plat showing source of supply, point of diversion, route of ditch
and place of use. You should, also, arrange with the holder of said Permit for the
payment of your fee for your services, and such proper expenses as you will incur in
making this examination and report.

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

Very truly yours,

J. H. SMITH, ~~A. E. ROBINSON~~,
State Engineer.

10549

(P. O.)

(Date)

Malad Idaho

June 4, 1915-

State Engineer, Boise.

Dear Sir:

I have your letter of June 2, 1915- enclosing Notice of Proof of Beneficial Use of Water under Permit No. 10549 which will be published as you request, beginning with our issue of June 10, 1915-

The Idaho Enterprise
By A. C. Patton

10549

REPORT OF ENGINEER

1. State name of applicant and number of permit: Joseph Espitallier- No 10549
2. State source of water supply: Spring
3. Location of point of diversion: At the Spring
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
The Troughs at the Spring and the Reservoir dam are completed
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: The Conduit is an ordinary plow furrow leading from the Spring to the reservoir
 - (b) Width at water line: dam, which dam is about 100 yards from the spring
 - (c) Depth of water: _____
 - (d) Grade per ~~the~~ 100 yards is about 6 feet fall to the dam from spring
 - (e) Capacity of ditch: .3 cubic feet second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Yes. The reservoir is full now. Little water is flowing through the overflow ditch on the top of the reservoir dam, which overflow sinks on his land after going over the dam 50 yards below dam
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Water appropriated for stock and cullinary purposes

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: The water now in the reservoir covers from one-quarter to one-half acre of ground and is the capacity of the reservoir and sufficient for the intended use of said spring waters.

Robert Vest

STATE OF IDAHO,

County of Oneida

} ss.

Robert Vest, 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 18th day of June, 1915

My Commission Expires December 30th. 1918

Frederickson
Notary Public.

10549

[illegible]

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

STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Jos. Espitallier,
c/o J. F. Fredrickson,
Malad, Idaho.

BOISE, IDAHO, June 23, 1915.

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. **10549**.

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 July 5th, 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 J. F. Fredrickson, N.P.**

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

Yours truly,

J.H. Smith, ~~F.P. King~~

State Engineer.

10549

PERMIT No. 10549

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. Joseph Espitalier, Malad, Idaho, 50 years, stockman and rancher

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

Ans. no

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

Ans. 10549 August 24, 1914, July 11th. 1914

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

Ans. Spring about the middle of SW¹SE¹-25-11-32 East B.M. point of diversion at the spring

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. & Two 1 by 1 by 12 foot wood troughs located at spring into which spring waters flow and overflow of troughs then flows down plow furrow a distance of about 100 yards to reservoir dam where spring waters are stored

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Stock and culinary purposes. And place of use is on SW¹SE¹ Sec. 25- Tp. 11 S. R. #2 E. B. M.

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

Ans. no other purposes

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

Ans. About .3 second feet of water

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. no corporation

10549

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

Ans. Never was used until my present permit. The waters
from this spring in its original state seeped out of the spring and
sank within short distance below the spring.

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

Ans. No other waters, and no other appropriations and rights
claimed by anyone

(Sign)

Joseph Esposito

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 5th day of July
A. D. 1915...

J. Fredrickson
Notary Public

10549

STATE OF IDAHO
JUL 8 - 1915

Permit No. 10549

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

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

Ans. Thomas Stuart, age 39 years, Malad Idaho, Farmer

Ques. 2. Are you acquainted with Joseph Espitallier, the holder of Permit No. 10549? How long have you known him and where does he reside?

Ans. 16 years, at Malad, Idaho

Ques. 3. Have you read or heard read said Permit No. 10549, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Spring, point of diversion at spring. Flow furrow leading from troughs at spring down to Reservoir about 100 yards below spring. The overflow of the wood troughs at spring runs through this plow furrow to storage reservoir for stock and cullinary purposes

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. About .5 second feet. Same

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. used for stock and cullinary purposes, at spring and at storage reservoir

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

Ans. no other purposes

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. for stock and cullinary purposes only

10549

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 interest whatever

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

Ans. Have seen, spring cleaned, wood troughs built, furrow plowed carrying water from spring to reservoir, and reservoir dam built

(Sign) *Thamar Stuart*

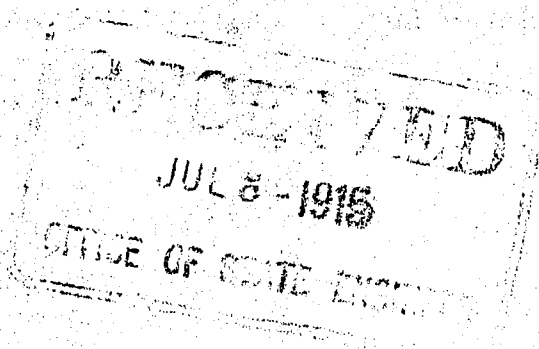
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Malad City, County of Oneida

State of Idaho, on this 5th. day of July A. D. 19 15

J. J. Fredrickson
Notary Public.

My Commission Expires December 30th. 1918

10549



Permit No. 10549

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

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

Ans. Ben Price, age 33 years, Malad, Idaho, stockman

Ques. 2. Are you acquainted with Joseph Espitallier, the holder of Permit No. 10549? How long have you known him and where does he reside?

Ans. 12 years, Malad Idaho

Ques. 3. Have you read or heard read said Permit No. 10549, 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.

(2)

Ans. Spring, place of diversion at spring, Wood troughs at spring 1 by 1 by 12 foot, plow furrow from spring to Reservoir about 100 yards below spring. Water from Spring runs into wood troughs, and over flow from troughs runs through plow furrow to reservoir for storage about 100 yards below spring, where used for stock and cullinary purposes same as at spring

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. About .3 second feet. Same.

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. Used for stock and cullinary purposes at the spring and the storage reservoir. Reservoir about 100 yards below spring.

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

Ans. no other purposes

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. for stock and cullinary purposes only

10549

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 interest whatever

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

Ans. Have seen said wood troughs built, spring cleaned, plow furrow plowed carrying waters from spring to reservoir, and the reservoir dam built.

(Sign)

Ben Price

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 5th. day of July A. D. 1915

Fredrickson

Notary Public.

My Commission Expires December 30th. 1918

10549

RECEIVED

JUL 8 - 1915

OFFICE OF STATE ENGINEER

AFFIDAVIT OF PUBLICATION

I, Arthur James
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 four consecu-
tive weeks, commencing with the issue dated
June 10, 1935, and ending with
the issue dated July 1, 1935.

Subscribed and sworn to before me this 6 day of July, 1935

RECEIVED

JUL 8 - 1975

OFFICE OF STATE ENGINEER

WALL OF DEFECTION

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 5th day of July, 1915, at Malad, Oneida County, State of Idaho, before J. F. Fredrickson, a Notary Public, Malad, Idaho, proof will be submitted of the application to beneficial use of .3 cubic feet per second of the waters of a certain spring, in accordance with the terms and conditions of Permit No. 10549 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 Malad, Ida.

2. The use to which said water has been applied is Stock and Cullinary purposes.

3. The amount applied to beneficial use is .3 cubic feet.

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) on SW1-4 SE1-4 of Sec. 25, Twp. 11 S., Range 32 E. 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 water from such works is based upon Permit No. 10549:

7. The source of supply from which such supply is diverted is a spring.

8. The date of priority which said user is prepared to establish is July 11, 1914.

J. H. SMITH
State Engineer.

July 9, 1915.

Permit 10549.

Joseph Espitallier,
Malad, Idaho.

Sir:--

We are in receipt of the report of the engineer, depositions of yourself and witnesses, affidavit of publication and check for fees for final proof under the above permit. Where the holder of the permit pays the costs of the examination, no additional fees are charged by this office for final proof. I am, therefore, returning herewith your check for \$2.00. The license will be issued just as soon as we can get to it.

Very truly yours,

J. H. SMITH,

State Engineer.

Ch\$2

By _____

10549

July 14, 1915.

Permit No. 10549.

Jon. Espitallier,
Malad, Idaho.

Sir:--

Am enclosing herewith certificate of completion
of works, with receipt for fees.

Very truly yours,

J. H. SMITH,

State Engineer.

CCW-R7770

By _____

10549

Boise, Idaho,
August 3, 1915.

Permit No. 10549

Mr. Joseph Espitallier,
Malad, Idaho.

Dear Sir:

Enclosed herewith find Water License
No. 10549.

Yours truly,

J. H. SMITH,

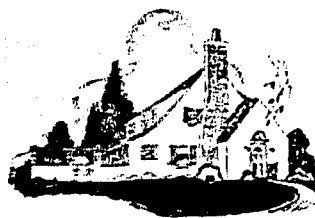
State Engineer.

By _____

L.

10549

Marcellus Palmer



Land Office Practice

Land Utilization Consultants

Real Estate Broker

RECEIVED
JUL 20 1953
Department of Lands

351 South State Street
Salt Lake City 4, Utah

18 July 1953

Office of the State Engineer
State of Idaho
Boise, Idaho

Dear Sir:

RE: Water Rights 10549
located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25,
T. 11 S; R 32 E; BM

With respect to the above numbered Permit, please advise the status of this Water Permit as to whether or not all rights and title are protected under this Permit or if it is possible that there might be a chance for another party to file on and appropriate this water. The original Certificate was issued to Joseph Espatillier of Malad, Idaho who transferred his land title and water rights to Peter Ospital of Ogden, Utah who in turn transferred his interests to Forrest Pritchett of Logan, Utah. Mr. Pritchett is wondering now whether or not he has protection under this water permit and if not, what is necessary for him to do in order to protect the title to this water.

Thanking you for your interest in reply, I am

Very truly yours,

Marcellus Palmer

MP/r

2 (10549) 7-11-14

D.B. - 0/25 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25 - 1, 232 E

10549

11
check & return -

July 20, 1953

Permit No. 10549

cellus Palmer
South State Street
Lake City 1, Utah

Madam:

In reply to your letter of July 18, 1953, in regard to Permit No. 10549, records in this department show the following:

License for 0.3 of a second foot of water from springs in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, Township 11 South, Range 32 East, B.M., with priority of July 11, 1911, issued to Joseph Espatillier, for stock and culinary use on the same 60 acre subdivision.

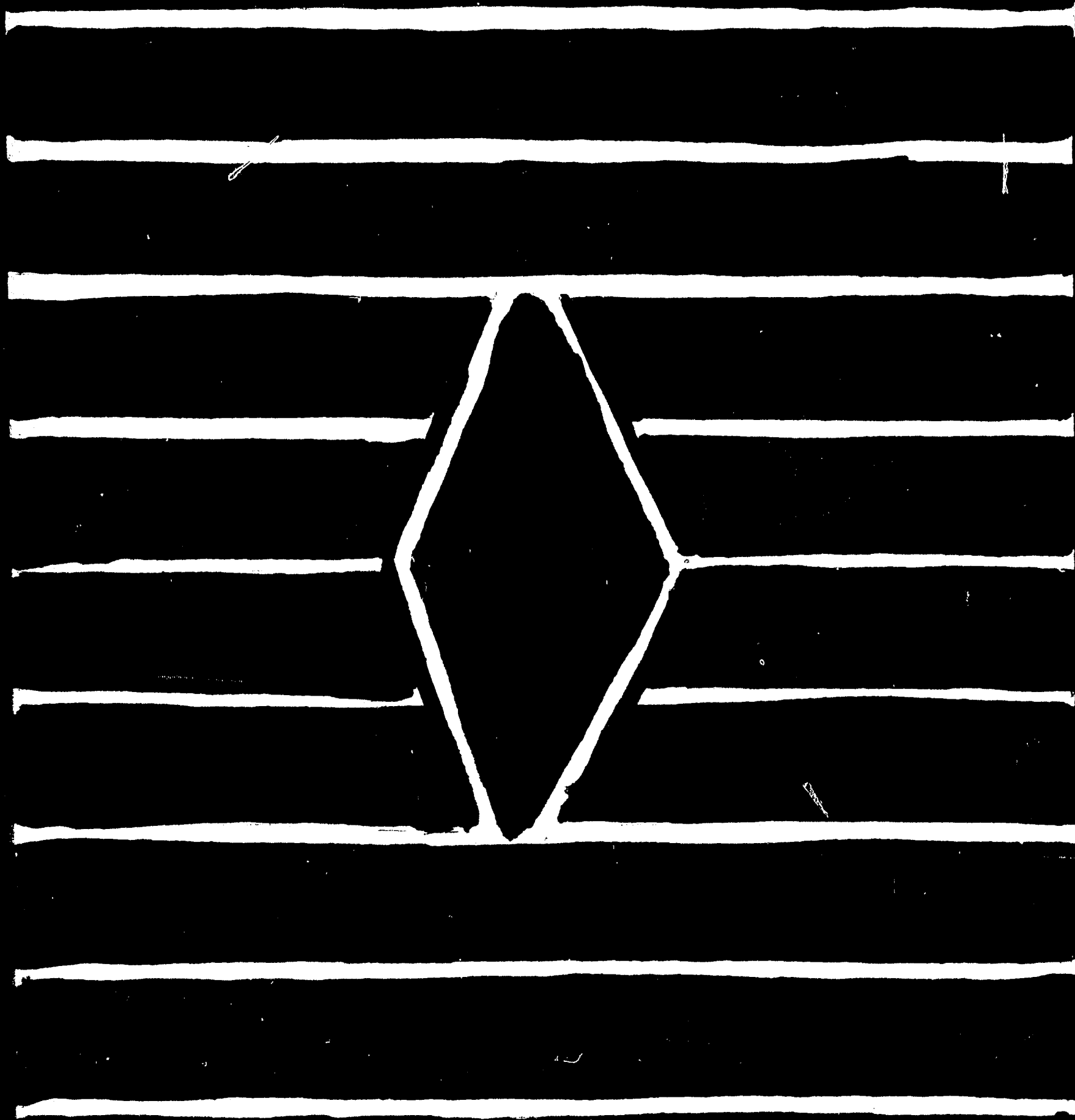
This license constitutes a permanent water right so long as the water beneficially used and the matter of transfer from the original licensee to anyone else is handled the same as transfer of real estate, that is by deed recorded in the county.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

10549



County: Power
Stream: springs
Amount: 3/10 of 1 cubic foot per second
Use: stock and culinary
Priority: July 11, 1914.

1849

STATE OF IDAHO

Water License No. 10549

WHEREAS, On the 11th day of July, A. D. 1914, Joseph Espitallier

of Malad, County of Oneida, State of Idaho, duly made application (No. 15438) to me for a permit to use 3/10 of 1 cubic foot per second of the waters of springs

County of Power, State of Idaho, for stock and culinary purposes, and,

WHEREAS, On the 24th day of August, A. D. 1914, Permit No. 10549 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 24th day of February, A. D. 1915, and for the application to beneficial use of said water on or before the 24th day of February, A. D. 1915, and,

WHEREAS, On the 26th day of January, A. D. 1915, extended the time for completion of works and beneficial use of water thereunder to the 24th day of May, A. D. 1915, and

WHEREAS, On the 24th day of May, A. D. 1915, Joseph Espitallier

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3/10 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10549 dated July 7, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3/10 of 1 cubic foot per second of the said water with date of priority of July 11, 1914, and

WHEREAS, On the 5th day of July, A. D. 1915, Joseph Espitallier

the holder of said permit, duly made proof of the application to beneficial use of 3/10 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Joseph Espitallier

of Malad, County of Oneida, State of Idaho, the holder and owner of said Permit No. 10549, a perpetual right, dating from August 25, 1914 to the use of 3/10 of 1 cubic foot per second of the waters of springs,

in the County of Power and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at springs, about the middle of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 25, T. 11 S., R. 32 E.B.M.

and conducted to ~~and~~ the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 25, T. 11 S., R. 32 E.B.M.

for the purpose of stock and culinary purposes, 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 or 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 29th day of July A. D. nineteen hundred and fifteen

(Seal)

J. H. SMITH,

State Engineer:

