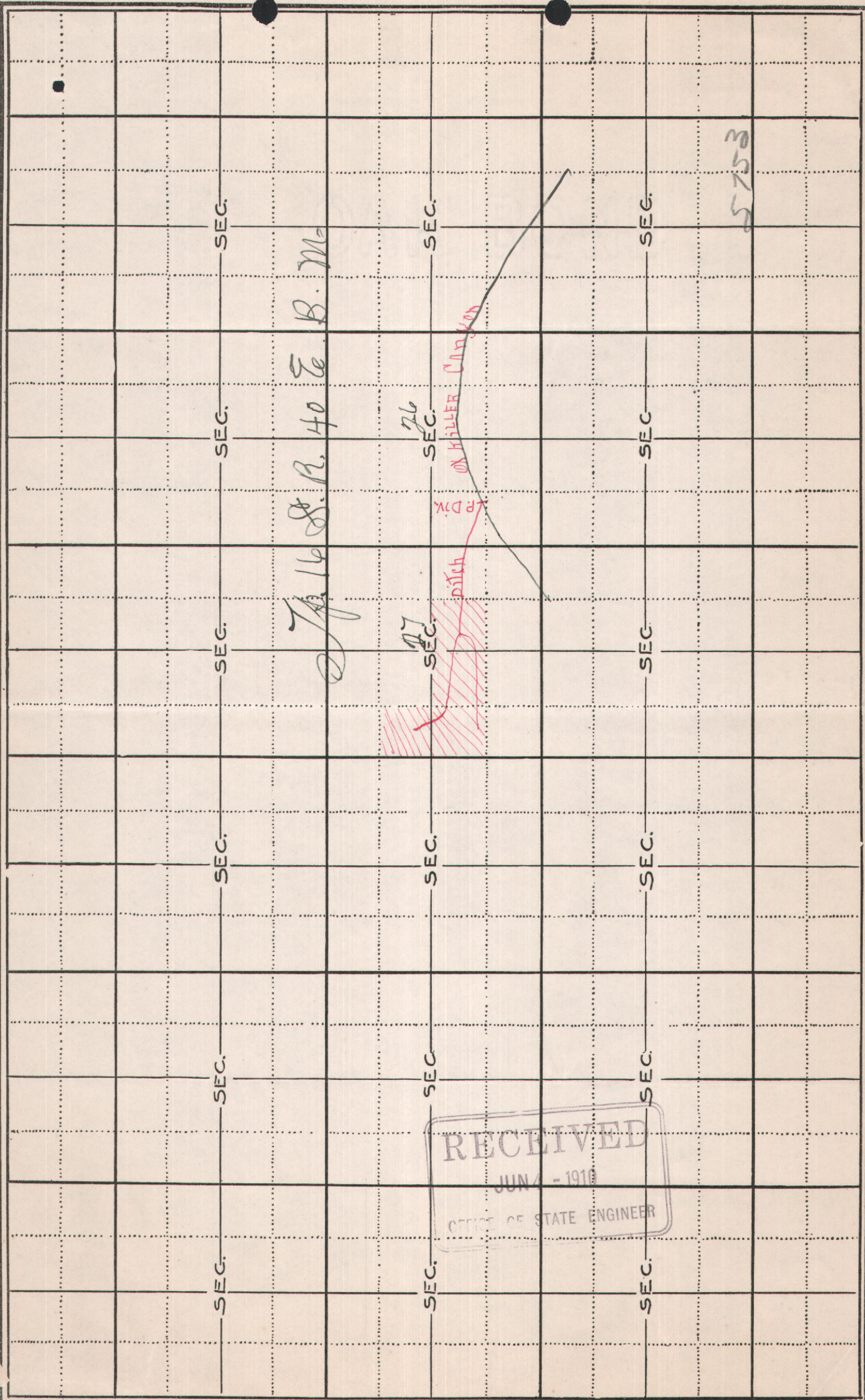




 Oneida County *
 Oxkiller Canyon *
 2.9 second feet *
 Irrigation and domestic *
 Priority 2-2-1910 *

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

Water License No. 5753

WHEREAS, On the second day of February, A.D.1910, OSCAR PETERSON, of Franklin, County of Oneida, State of Idaho, duly made application (No. 8260) to me for a permit to use 3.2 cubic feet per second of the waters of Oxkiller Canyon, County of Oneida, State of Idaho for irrigation and domestic purposes; and

WHEREAS, On the 15th day of February, A.D.1910, Permit No. 5753, was issued to said applicant for the diversion of said waters, and providing for the completion of the works of diversion therein described on or before the 15th day of August, A.D. 1910, and for the application to beneficial use of said water on or before the 15th day of August, A.D.1910; and

WHEREAS, On the 11th day of June A.D.1910, OSCAR PETERSON, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 5753, dated July 29, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of the waters of Oxkiller Canyon, with date of priority of February 2, 1910, and

WHEREAS, On the 11th day of June A.D.1910, OSCAR PETERSON, the holder of said permit duly made proof of the application to beneficial use of 2.9 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 OSCAR PETERSON, of Franklin, County of Oneida, State of Idaho, the holder and owner of said Permit No. 5753, a perpetual right, dating from February 2, 1910, to the use of 2.9 cubic feet per second of the waters of Oxkiller Canyon, in the County of Oneida, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, Township 16 South, of Range 40 East Boise Meridian, and conducted to and upon (25 acres in the northwest quarter of southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), 80 acres in the north half of southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) and 40 acres in southwest quarter of northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) all in Section 27, Township 16 South, Range 40 East Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of July, A.D.

Nineteen hundred and ten.

(SEAL)

Recorded July 29, 1910

D.G.Martin

State Engineer

13 2030

13-2030

No. 8260

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Oscar Peterson

Postoffice address: Franklin, Idaho

County: Oneida

State: Idaho

2. The quantity of water claimed is 3 1/5 cubic feet per second.

3. Source of water supply: Oxkiller Canyon

County of Oneida,

State of Idaho

4. Location of point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Tp. 16 S.R. 40 E.B.M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated : 160 acres.

(b) In the following legal subdivisions: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, Tp. 16 S.R. 40 East B.M.

6. Estimated cost of works: Four hundred eighty dollars.

7. Description of works for diversion:

I. Kind of works: Ditch

II. Dimensions of works:

(d) Conduit, width at bottom 3 feet, width at water line 3 feet, depth of water 2 feet. Length of conduit is 1 $\frac{1}{2}$ miles, and it crosses the following quarter sections: SW $\frac{1}{4}$ Sec. 26, SE $\frac{1}{4}$ Sec. 27, Tp. 16 S.R. 40 E.B.M., to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is six months.

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

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.

Oscar Peterson,

Applicant

Remarks: Applicant has been using the water applied for for 20 years. He is now proving up on a Desert Entry and finds that the title he has gained by use will not suffice, hence this application. The ditches are all completed and the water has already been applied to a beneficial use on the land.

Blank notice for proof of completion and beneficial use mailed applicant May 1, 1910.

Notices received April 14, 1910, fixing June 11, 1910 as date and Preston as place of proof.

Notice for publication mailed Preston News, May 3, 1910

Deposition blanks mailed applicant May 3, 1910

J.O. Webster authorized May 3, 1910, to make examination of works

His report received June 4, 1910

Depositions of Proof of completion and fees received June 25, 1910, also affidavit of publication

Additional proof of beneficial use depositions and fees received July 25, 1910

Certificate and License issued July 29, 1910.

Permit No. 5753

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that OSCAR PETERSON, of Franklin, County of Oneida, and State of Idaho, the holder of Permit No. 5753, issued upon Application No. 8260, bearing date of priority of February 2, 1910, authorizing the diversion of 3.2 second feet of the waters of Oxkiller Canyon, County of Oneida, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit, that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of Oxkiller Canyon, that the point of Diversion of said waters is at a point in the northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 26, township 16 South of Range 40 East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The southwest quarter of northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) North half of southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) and Northwest quarter of southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of section 27, township 16 South, of Range 40 East of the Boise Meridian.

Witness my hand this 29th day of July, A.D. 1910.

D.G. Martin

State Engineer of the State of Idaho

License issued for 2.4 second feet

Page 647

Report of Engineer

1. State name of applicant and number of permit: Oscar Peterson - Permit 5753
2. State source of water supply: Oxkiller canyon
3. Location of point of diversion: NW4 SW4 Sec. 26, Tp. 16 S., R. 40 E. B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Yes*

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: *2 1/2 feet*
- (b) Width at water line: *3 "*
- (c) Depth of water: *2 "*
- (d) Grade per mile: *25 "*

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

about 3 cubic feet of water is now being used upon the land

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *SW4 NW4, & 2 SW4, NW4 SE4 Sec. 27, Tp. 16. S. R. 40. E. B.M.*

There is under cultivation 25 acres in the NW4 SE4, 50 acres in & 2 SW4, 40 acres in SW4 NW4 Sec. 27.

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 land is very rocky and is used altogether for pasture*

STATE OF IDAHO,

County of _____

ss.

J. O. Webster
Water Commissioner
1st Div.

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

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

My Commission Expires _____

RECEIVED

JUN 4 - 1910

OFFICE OF STATE ENGINEER

Notary Public.

5753

