

Sub 10-S-7, 40-EB.M

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OFFICE OF STATE ENGINEER

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Rock spg

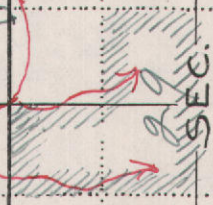
Marble spg

Willow spg

20

Coharen sink

BACK



3259

 Bannock County *
 4 unnamed springs, *
 2 cubic feet per second *
 Irrigation & Domestic *
 Priority 7/31/1908 *

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

Water License No. 3959.

WHEREAS, On the 31st day of August, A.D. 1908, JAS. A. ELSMORE, of Turner, County of Bannock, State of Idaho, duly made application (No. 5618) to me for a permit to use 2.4 cubic feet per second of the waters of four unnamed springs, County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 19th day of September, A.D. 1908, Permit No. 3959 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 19th day of September, A.D. 1910, and for the application to beneficial use of said water on or before the 19th day of September, A.D. 1911, and,

WHEREAS, On the 1st day of August, A.D. 1910, JAS. A. ELSMORE, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 2.4 cubic feet per second of said waters, as evidenced by my Certificate No. 3959, dated January 14th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date of priority of August 31st, 1908, and,

WHEREAS, On the 2nd day of September, A.D. 1911, JAS. A. ELSMORE, the holder of said permit, duly made proof of the application to beneficial use of 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 JAS. A. ELSMORE, of Turner, County of Bannock, State of Idaho, the holder and owner of said Permit No. 3959, a perpetual right, dating from August 31st, 1908, to the use of 2 cubic feet per second of the waters of four unnamed springs, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point (1) on the S. side of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and (2) on the N. side of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and (3) on the N. side of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Sec. 23, and (4) on the S. side of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, all in Tp. 10 S., R. 40 E. B. M., and conducted to and upon 100 acres divided as follows: (30 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 30 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, Tp. 10 S., R. 40 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 2nd day of October, A.D. Nineteen hundred and eleven.

A. E. Robinson.

State Engineer.

(SEAL)

13-2021

No. 5618.

13-2021

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Jas. A. Elsmore./

Postoffice address: Turner.

County: Bannock State: Idaho.

2. The quantity of water claimed is $2 \frac{2}{5}$ cubic feet per second.

3. Source of water supply: Four groups of cold water springs (see remarks)

County of Bannock.

4. Location of point of diversion: No. 1 So. side NW4 of SE4 Sec. 20, No2. No. Side of NE4 of SE4 Sec. 20, No. 3 No. Side of NE4 of NE4 Sec. 20, No 4 at So. Side of SE4 of SE4 Sec. 17, Tp. 10 So. R. 40 E.

5. To be used for:

I. Irrigation and domestic use: Irrigation & domestic use.

(a), Area of land to be irrigated: 120 acres.

(b) In the following legal subdivisions: East half of NW quarter and the Southwest quarter of NE4 of Sec. 29, Tp. 10 S. R. 40 E.

6. Estimated cost of works: Eight hundred Dollars.

7. Description of works for diversion:—

I. Kind of works: ditch and flume.

II. Dimensions of works:

(a) Material used in construction: Streams flow into ditch without dam.

(d) Conduit ditch, width at bottom 3 feet, width at water line 4mfeet, depth of water 1 ft. Average grade per mile is 2 feet. Length of conduit is $2\frac{1}{2}$ miles, and it crosses the following quarter sections: SE4 of SE4 Sec. 17, E half of NE4, E2 of SE4 Sec. 20 W2 of SW4 Sec. 21, NW4 of NE4 Sec. 29, NW4 of SE4m& SE4 of SW4 Sec. 20 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 two years.

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

Jas. A. Elsmore,

Remarks: Names.

Applicant

Spring No. 1	Cohaven sinks in NW4 of SE4 Sec. 20)
" 2	Green Willow " NE4 " SE4 Sec. 20) Tp. 10 40 E.
" 3	Nettle spring " SE4 " NE4 Sec. 20)
" 4	Rock " SE4 " SE4 Sec. 17)

Amount of water claimed from each spring.

No. 1 Cohaven Sinks	3/5	of Cu.Ft.
" 2 Green Willow	2/5	" "
" 3 Nettle spring	1	Cu. ft
" 4 Rock	2/5	"

The ditch conducting water from Cohaven sinks to main ditch described in permit is about $\frac{1}{2}$ mile long and 12 inches wide.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3959

Date of first receipt of application 9.00 a.m. August 31, 1908.

Recorded in Book 11 Page 3959 Approved September 19, 1908.

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 November 18, 1908, 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 September 19, 1909.

The whole of said work to be completed on or before September 19, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to September 19, 1911.

Witness my hand this nineteenth day of September, 1908.

Jas. Stephenson, Jr.,

State Engineer.

Blank notice for completion of works mailed applicant: July 1, 1910

Notice received June 16, 1910, fixing August 27, 1910, as date and Grace as place of proof.

Notice for publication mailed Soda Springs Chieftain July 20, 1910.

Deposition blanks mailed John Allsay, July 20, 1910.

J.O. Webster authorized to make examination of works: July 20, 1910

Depositions, affidavit of publication and fees received September 13, 1910

Report of water commissioner received December 16, 1910

Certificate issued January 14, 1911.

Permit No. 3959

CERTIFICATE OF COMPLETION OF WORKS.

000000000000

To All Whom it May Concern:

This is to certify that Jas. A. Elmore, of Turner, County of Bannock, and State of Idaho, the holder of Permit No. 3959, issued upon Application No. 5618, bearing date of priority of August 31, 1908, authorizing the diversion of 2.4 second feet of the waters of Four Springs, County of Bannock, 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 2.4 second feet of the waters of Four Springs, that the point of diversion of said waters is at points: First : South side of northwest quarter of southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), No. 2, North side of Northeast quarter of southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), No. 3, North side of northeast quarter of northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of section 20, #4, South side of southeast quarter of southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 17, township 10 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: East half of Northwest quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and southwest quarter of northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of section 29, Township 10 South of Range 40 East of the Boise Meridian.

Witness my hand this fourteenth day of January, A.D. 1911.

D.G. Martin

State Engineer of the State of Idaho

License issued for 2 second fee

Page 920

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 22, 1968

RE: License 13-2021

Lowell A. Elsmore
Grace, Idaho 83241

Dear Mr. Elsmore:

On October 16, 1967, you wrote asking we mail to you a certified copy of Permit No. 3959 (changed to 13-2021). At this time we wrote you requesting a fee of 50¢ for this copy which was mailed at the same time. To date we have not received that fee. Please remit promptly.

Very truly yours,


M. RUSSELL BOSCH
Administrative Assistant

3959
13-2021

MRB:ejw

Dear Mr. Bosch:- Enclosed 50¢ payment of above fee.
This fee was sent to your office some time ago along with a 5⁰⁰ fee for change in point of diversion of the water. Your office returned the check stating I would be billed later when work was done. I have been waiting for the time the work will be done. Please keep it going. Notify me of progress please. Lowell A. Elsmore

January 22, 1968

RE: License 13-2021

Lowell A. Elsmore
Grace, Idaho 83241

Dear Mr. Elsmore:

On October 16, 1967, you wrote asking we mail to you a certified copy of Permit No. 3959 (changed to 13-2021). At this time we wrote you requesting a fee of 50¢ for this copy which was mailed at the same time. To date we have not received that fee. Please remit promptly.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

3959
13-2021

October 18, 1967

RE: License 13-2021

Lowell A. Elsmore
Grace, Idaho 83241

Dear Mr. Elsmore:

Enclosed please find a copy of Water License
Number 13-2021 (changed from 3959) as requested in
your letter of October 16, 1967.

There is a 50¢ fee for this copy which you
may remit to our office.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw

Enclosure

3959
13-2021

Grace Idaho
Oct 16 1967

DEPARTMENT OF RECLAMATION
107 State House
Boise Idaho

Gentlemen;-

Regarding the application of transfer;- Could you please send me a certified copy of Permit no 3959. I would like to compare it with the Detrick Decree of July 14 1920.

This 1920 decree carries some gross errors, If the permit is not correct I would like to correct the deal at this time.

We are crowded for time as the pipeline must be in by Dec 31. So please answer by return mail

Very Truly Yours

Lowell A. Elsmore
Grace Idaho

107
OCT 18 1967
RECEIVED

3959
13-2081

Wm. C. Brown
R 728 #1132 1/1
Hillsdale
Q3241

Department of Reclamation

Room 107.

State House.

Butte Idaho

83701



October 11, 1967

Re: Permits 12112 & 3959

Lowell A. Elsmore & Ralph T. Hansen
R.F.D. #1
Grace, Idaho 83241

Gentlemen:

We are returning your personal check for the amount of \$5.00 and application for amendment on the above referenced permits.

From the information you have entered on your application for amendment, it appears that your intent is to file a transfer to an established right; therefore, the form for amendment submitted is not acceptable. We are enclosing application for transfer forms for your use in this matter.

Please contact us if we can be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

Enclosure: Transfer application forms (2)
Amendment form
Check for \$5.00

959
13-2021

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR AMENDMENT

10
OCT 9 1967
DEPT

Permit No. 12112

Comes now Lowell A Elsmore & Ralph T Hansen
and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 12112, and requests that the permit be changed as follows:

1. Place of use or land to be irrigated: North 1/2 of section 29 and the north 1/2 of the south east 1/2 and the north east 1/2 of the south west 1/2 of section 29 all in Township 10 R 40 E B M

New-- 2. Point of diversion: S 1/2 1/4 S.E 1/4, Sec. 17, T. 10, R. 40, B.M.

Other points of diversion old points. S E 1/4 S E 1/4 Section 17 And N E 1/4 NE 1/4 Section 20 Also From the decree in equity no 203 in District court of the U.S. for the district of Idaho Eastern division. No.13 -229- 230 231-232-233- 234-235-236-237-238-239

3. Period and nature of use:

For Irrigation & domestic purposes from Apr. 1 to Oct. 15 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

4. Other: we understand that permit 12112 is for 3 second feet of water and is held by Ralph T Hansen. Waters listed to Ethel H Elsmore

John W Harris & F.W. Harris from ChinaCreek Have been used by Lowell A Elsmore for the past 55 years. At present Permit no is mislaid He also has water from the same Springs and thru the same ditch as Mr Hansen on Permit 12112

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

Signed at Grace Idaho this 6 day of October, 19 67

Lowell A Elsmore
(signature) Ralph T Hansen

Date of receipt at office of Department of Reclamation _____, 19 ____

ACTION OF STATE RECLAMATION ENGINEER

I, _____, State Reclamation Engineer of the State of Idaho, hereby _____

Witness my hand this _____ day of _____, 19 ____.

3959
13-2007
State Reclamation Engineer
Form 11

REPORT OF ENGINEER

1. State name of applicant and number of permit: Jas. A. Elsmore - Permit 3959
2. State source of water supply: Cohaven sinks, Gree Willow spring, Nettie Spring and Rock spring.
3. Location of point of diversion (1) S. side of NW4 SE4 Sec. 20, (2) N. side of NE4 SE4 Sec. 20, (3) N. side of NE4 NE4 Sec. 20 and (4) S. side of SE4 SE4 Sec. 17
All in Tp. 10 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: 3'
 - (b) Width at water line: 4'
 - (c) Depth of water: 1'
 - (d) Grade per mile: 2'
 - (e) Capacity of ditch: about 3 cfs. second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Used continuously since 1909
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:

<u>NE4 NW4</u>	<u>Under cultivation</u>	<u>30</u>	<u>acres</u>
<u>SE4 NW4</u>	<u>"</u>	<u>40</u>	<u>"</u>
<u>SW4 NE4</u>	<u>"</u>	<u>20</u>	<u>"</u>
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: _____

Chas. H. Elsmore
Water Comm. Div No. 1.

STATE OF IDAHO,

County of _____

ss.

3959

_____, 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 _____

OFFICE OF STATE ENGINEER Notary Public.

RECEIVED

AUG 2 1911

Printed and for Sale by the Statesman Shop, Boise, Idaho.

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

