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There appears to be an error within this legal description.

In accordance with Quad. MAP BB-45, Eightmile Creek, which is stated to be the stream containing the point of Diversion, does not flow thru the E $\frac{1}{2}$  Sec. 16 TOS. 42E.

Therefore the legal description as stated should read something that is in the W $\frac{1}{2}$  Sec. 16 TOS R42E.

The P.D. for this water Right is plotted in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  due to the above Reasons.

ASR

7

11-2001

- Brief -  
 \*\*\*\*\*  
 Bear Lake County  
 1 2/10 sec. ft.  
 Eight Mile Creek  
 Irrigation  
 Priority 8-15-04  
 \*\*\*\*\*

S T A T E O F I D A H O  
 --Water License No. 782 --  
 -----

WHEREAS, On the fifteenth day of August, A. D. 1904, SUSAN J. FOSTER of Soda Springs, County of Bannock, and State of Idaho, duly made application (No. 1104) to me for a permit to use one and six-tenths cubic feet per second of the waters of Eight Mile Creek, County of Bear Lake, State of Idaho, for Irrigation and Domestic purposes; and,

WHEREAS, On the fifteenth day of August, A. D., 1904, Permit No. 782 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 fifteenth day of August, A. D. 1905, and for the application to beneficial use of said water on or before the fifteenth day of August, A. D. 1906; and,

WHEREAS, On the twentieth day of June A. D. 1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of one and six-tenths cubic feet per second of said waters, as evidenced by my Certificate No. 782, dated August 4, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of water, with date of priority of August 15, 1904, and,

WHEREAS, On the twentieth day of June, A. D. 1905 proof was duly made of the application to beneficial use of one and two-tenths cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Susan J. Foster of Soda Springs, the holder and owner of said Permit No. 782 a perpetual right, dating from August 15, 1904, to the use of one and two-tenths cubic feet per second of the waters of Eight Mile Creek, in the County of Bear Lake and State of Idaho, or so much thereof as may be necessary for the purposes herein-  
 below mentioned, to be diverted at a point in the South-west quarter of <sup>SW 1/4</sup> Northeast quarter of Section Sixteen, Township ten South, Range <sup>two</sup> forty-east of Boise Meridian, and conducted to and upon the (North half of south-east quarter of Section Three, Township Ten South, Range Forty-two east of 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 fourth day of August, A. D. Ninteen Hundred and five.

Jas. Stephenson, Jr.

Seal  
 State Engineer?

11 2001

## Record of Application for

11-2001

1952-53 R.R. STATEMAN

1. Name of applicant Susan J. FosterPostoffice address: P. O. Soda SpringsCounty Bannock~~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) The 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 1.6 <sup>per Lake</sup> cubic feet per second3. Source of water supply Eight Mile Creek, Bannock County4. Location of point of diversion S. 1/4 N. E. 1/4 Sec. 16, Twp. 10 S. Range 42 E.

## 5. To be used for:

## I. Irrigation and domestic use:

(a) Number of acres to be irrigated 80 acres(b) In the following legal subdivisions N. 1/2 S. E. 1/4 Sec. 3, Twp. 10 South Range42 E.~~II. Mining, power, manufacturing or transportation purposes:~~

- ~~(a) To be used for~~
- ~~(b) Amount, of power to be generated~~ horse power
- ~~(c) At what point~~
- ~~(d) If water is to be returned to stream, ("yes" or "no")~~
- ~~(e) If "yes" at what point~~

6. Estimated cost of works \$100.00

## 7. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) Dam and Ditch

## II. Dimensions of works:

(a) Height of dam 4 feet, length of dam at top 18 feetlength of dam at bottom 17 feet, material used in construction(wood, earth, stone or concrete) Wood, earth and Stone

(b) Capacity of reservoir \_\_\_\_\_ acre feet.

(c) Size of headgate, width 6 feet, height 3 feet.(d) Ditch (flume or pipe) width at bottom 5 feet, width at waterline 6 feet, depth of water 2 1/2 feet. Averagegrade per mile is 4 feet. Length of ditch is 2miles, and it crosses the following quarter sections N. E. 1/4 Sec. 16, S. 1/4 and N. W.1/4 Sec. 10, S. 1/4 and S. E. 1/4 Sec. 13, T. 10 S. R. 42 E.to S. E. 1/4 Sec. 3, T. 10 S. R. 42 E. which is the point of intended use.

8. Time required for the completion of the construction of such work is Work is now completed years. (The time must in no case exceed five years after date of approval of application.)
9. Time required for the complete application of the water to the proposed use is Water is now being applied years. (The time must in no case exceed four years after the date set for the completion of works as defined in Section 8.)

Remarks:

APPROVAL OF STATE ENGINEER.

The number of this permit is 781

Date of first receipt of application 8 a.m. August 15, 1904

Returned to applicant for correction 190

Corrected application received 190

Recorded in Book 3 Page 781

Approved August 15, 1904

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:

One-fifth of the work above specified to be completed on or before August 15, 1906

The whole of said work to be completed on or before August 15, 1908

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to August 15, 1911

Witness my hand this fifteenth day of August 1904

Wayne Darlington  
State Engineer.

See Bill of Sale Recorded under Permit  
No. 3079 to Reindeer-Queen Mining Co. of  
Wallace

# the Public Waters of the

## APPROVAL OF STATE ENGINEER.

The number of this permit is 782  
Date of first receipt of application 8 a. m. August 15, 1904  
Returned to applicant for correction 190  
Corrected application received 190  
Recorded in Book 3 Page 782  
Approved August 15, 1904

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:

One-fifth of the work above specified to be completed on or before February 15, 1905  
The whole of said work to be completed on or before August 15, 1905  
The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to August 15, 1906

Witness my hand this fifteenth day of August 1904

Wayne Darlington  
State Engineer.

Notice of Proof of Completion of Works (form 103) mailed applicant April 12, 1905.

" " " " Application of Water to Beneficial Use (form 121) mailed applicant April 12, 1905.

Notice of Proof of Completion of works received April 20, 1905, fixing June 20, 1905, as the date and Soda Springs, Idaho as the place of proof.

Notice of Proof of application of Water to beneficial use received April 20, 1905, fixing June 20, 1905, as the date and Soda Springs, Idaho, as the place of proof.

Notice of Proof of Completion of Works, and Notice of Proof of Application of Water to Beneficial Use mailed E. S. Whittier of Soda Springs, April 20, 1905, to be turned over to the Montpelier Examiner, Montpelier, Idaho, for publication.

See letter to E. S. Whittier under date of April 20, 1905, in regard to date of priority.

Deposition of holder, Susan J. Foster, and depositions of two witnesses, Joseph H. Foster and Hymen G. Durney, in the matter of proof of completion of works, and depositions of same parties, in the matter of proof of application of water to beneficial use, received May 8, 1905, accompanied by fee of \$5 for proof of Completion of Works and fee of \$4 for proof of application of water to beneficial use. Depositions show that works have been completed to comply with the terms of permit and are capable of diverting and carrying about 16 second feet of water. For amount of land actually irrigated see depositions.

Report of E. J. Turner, in the matter of proof of completion of works and proof of application of water to beneficial use, received July 17, 1905. Report shows that works have been completed of sufficient capacity to carry more than the amount of water applied for, and that water has been beneficially applied to about 60 acres.

8. Time required for the completion of the construction of such work is \_\_\_\_\_ 2 \_\_\_\_\_  
years. (The time must in no case exceed five years after date of approval of application.)
9. Time required for the complete application of the water to the proposed use is \_\_\_\_\_ 5 \_\_\_\_\_  
years. (The time must in no case exceed four years after the date set for the completion of works as defined  
in Section 8.)

Remarks:

State of Idaho. No. 1104.

Permit No 782

Certificate of Completion of Work

To All Whom It May Concern:

This is to certify that Susan J. Foster of Soda Springs, County of Bannock, and State of Idaho, the holder of Permit No 782, issued upon Application No 1104 bearing date of priority of August 15, 1904, authorizing the diversion of 1.6 second-feet of the waters of Eight Mile Creek County of Bear Lake, State of Idaho at SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 16, Twp. 10 S., R. 42 E. B. M., 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 one and six-tenths second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: North half of South-east quarter of Section Three, Township Ten South, Range Forty Two East of Boise Meridian

Witness my hand this fourth day of August, A.D. 1905

Geo. Stephenson Jr  
State Engineer of the State of Idaho

License issued for 1  $\frac{1}{2}$  second feet

P. 20

1. Name of applicant S. B. Miller

Postoffice address: P. O. Pierce

County Shoshone

CANCELLED pursuant to Sec. 5594,  
Compiled Statutes of Idaho, by  
order of Commissioner of Reclamation  
dated JAN 20 1922

~~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) The names and addresses of directors~~

II. The financial resources of the applicant are:

- (a) Cash on hand Limited  
(b) Treasury stock  
(c) Bonds to be issued  
(d) Other resources Valuable Free Milling Quartz property

2. The quantity of water claimed is Ten (10) cubic feet per second

3. Source of water supply South Fork Oro Fino and Trapper Creek, Shoshone County

4. Location of point of diversion 8 cubic feet from S.F. Oro Fino. 2 cubic feet from Trapper Creek

Above intersection of Trapper with South Fork Oro Fino about 300 feet

5. To be used for: Mining and Power

~~I. Irrigation and domestic use:~~

- ~~(a) Number of acres to be irrigated \_\_\_\_\_ acres~~  
~~(b) In the following legal subdivisions~~

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for Mining and Power  
(b) Amount, of power to be generated ultimately 50 or more horse power  
(c) At what point from or about "a" as marked on Ditch line and one mile northerly above forks of Oro Fino creek  
(d) If water is to be returned to stream, ("yes" or "no") Yes  
1 3/4 miles west of junction of Trapper and S.F. Oro Fino  
(e) If "yes" at what point At point "a" on Ditch line, from B to terminal. Temporarily used, and water returned through North Fork  
6. Estimated cost of works Temporary or initial works at point "D" estimated Two Thousand Dollars

7. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) Dam, Ditch, Flume

II. Dimensions of works:

- (a) Height of dam 2 feet, length of dam at top 30 feet  
length of dam at bottom 16 feet, material used in construction  
(wood, earth, stone or concrete) Wood  
(b) Capacity of reservoir \_\_\_\_\_ acre feet.  
(c) Size of headgate, width 3 feet, height 2 feet.  
(d) Ditch (flume or pipe) width at bottom 3 feet, width at water  
line 4 feet, depth of water 1 feet. Average  
grade per mile is 7 feet. Length of ditch is 2 1/2  
miles, and it crosses the following quarter sections "Unsurveyed land and sit-  
uate on Bitter Root Reserve"

to point "a" as marked on Ditch line which is the point of intended use.

WRR100  
11-2001

VERIFIED KAW  
12-12-85

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS PROOF READING REPORT

PAGE 1  
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01 WATER RIGHT NUMBER - 11-2001 ✓ 02 OLD (D) NUMBER - 782

03001 - FOSTER LAST NAME FIRST NAME ORIG. OWNER  
04001 - SUSAN J. 05001 - C  
06 ADD LINE 1 - 07 ADD LINE 2 -  
08 ADD LINE 3 - 09 CITY - SODA SPRINGS 10 STATE - ID 11 ZIP - 832760000 ✓  
12 STAGE - L LICENSE 13 STATUS -

SOURCE TRIBUTARY OF  
14001 - EIGHTMILE CREEK 15001 - BEAR RIVER  
16 DIVERSION MEANS - CANAL & DITCHES. 17 COUNTY - 07 BEAR LAKE  
18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - 1.200 20 TOTAL DIVERSION VOLUME - .00  
21 WATER DISTRICT - 11A

| TRACT          | SEC          | TWN           | RNG           | LOT             | RFLG | STREAM INDEX FIELDS |     |     |     |     |     |   |   |   |     |  |
|----------------|--------------|---------------|---------------|-----------------|------|---------------------|-----|-----|-----|-----|-----|---|---|---|-----|--|
| 22001 - SENW ✓ | 23001 - 16 ✓ | 24001 - 10S ✓ | 25001 - 42E ✓ | 26001 - 27001 - |      |                     |     |     |     |     |     |   |   |   |     |  |
|                |              |               | 28001 - 0     | 0.0             | 0.0  | 0.0                 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 | 0.0 |  |

29 NON-IRRIGATION USE -

| USE CODE / USE        | TWN           | RNG           | SEC          | TRACT          | ACRES     | LOT              |
|-----------------------|---------------|---------------|--------------|----------------|-----------|------------------|
| 30001 - 01 IRRIGATION | 31001 - 10S ✓ | 32001 - 42E ✓ | 33001 - 03 ✓ | 34001 - NESE ✓ | 35001 - ✓ | 36001 -          |
| 30002 - 01 IRRIGATION | 31002 - 10S   | 32002 - 42E   | 33002 - 03   | 34002 - NWSE ✓ | 35002 - ✓ | 36002 -          |
|                       |               |               |              |                |           | TOTAL ACRES: 0 ✓ |

| PERIOD FROM | PERIOD TO | USE CODE / USE          | WATER USE | DIVERSION RATE | DIVERSION VOLUME |
|-------------|-----------|-------------------------|-----------|----------------|------------------|
| 37001 -     | 38001 -   | 39001 - 43 DOMESTIC ✓   | 40001 -   | 0.000 ✓        | 41001 - 0.00 ✓   |
| 37002 -     | 38002 -   | 39002 - 01 IRRIGATION ✓ | 40002 -   | 1.200 ✓        | 41002 - 0.00 ✓   |

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS  
44001 - AC. IRR. UNKNOWN. ✓ LIC. INCORRECTLY DESCRIBES P/D AS SWNE,  
44002 - S16, T10S, R42E. ✓

APPROVAL CONDITIONS: 45001 - ✓

46 OTHER RIGHTS FOR SAME USE -

| D A T E S         |               | D A T E S          |                | F L A G S           |   |
|-------------------|---------------|--------------------|----------------|---------------------|---|
| 47 PRIORITY       | - 15-AUG-1904 | 55 LICENSE         | - 4-AUG-1905 ✓ | 63 TRANSFER/AMENDED | - |
| 48 PROOF DUE      | -             | 56 APPL RECEIVED   | -              | 64 DLE/CAREY ACT    | - |
| 49 PROOF MADE     | -             | 57 FIELD EXAM MADE | -              | 65 FLAG_1           | - |
| 50 APPROVE/DENIED | -             | 58 DECREE          | -              | 66 FLAG_2           | - |
| 51 PROTESTED      | -             | 59 START WORK      | -              | 67 FLAG_3           | - |

WRR100  
11-2001

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS PROOF READING REPORT

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----- D A T E S ----- D A T E S ----- F L A G S -----

52 HEARING -  
53 VERIFIED -  
54 LAST UPDATE - 11-DEC-1985

60 ORDER SHOW CAUSE -  
61 DATE\_1 -  
62 DATE\_2 -

IDENT. NO. 11-2001

WATER RIGHT  
DATA ENTRY LOG[illegible]