

No Color
Documents
In File

 Owyhee County *
 Mud Flat Spring *
 1.22 cubic feet per second *
 Irrigation *
 Priority 4-29-1905 *

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

Water License No. 1343.

-0-0-0-0-Op

WHEREAS, On the 29th day of April A.D.1905, CHARLES H. HELSLEY, of Three Creek, County of Owyhee, and State of Idaho, duly made application (No. 1750) to me for a permit to use 1.5 cubic feet per second of the waters of Mud Flat Spring, County of Owyhee, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 22nd day of June, A.D.1905, Permit No. 1343 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 22nd day of December A.D.1906, and for the application to beneficial use of said water on or before the 22nd day of December A.D.1908, and,

WHEREAS, On the 7th day of July A.D.1906 CHARLES H. HELSLEY, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.5 cubic feet per second of said waters, as evidenced by my Certificate No. 1343, dated July 12,1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.5 cubic feet per second of said water, with date of priority of April 29,1905, and,

WHEREAS, On the 23rd day of November A.D. 1907, CHARLES H. HELSLEY, transferred all his right, title and interest in and to said Permit, to Jerome H. Helsley and,

WHEREAS, On the 22nd day of December A.D.1908 JEROME H. HELSLEY, the holder of said permit duly made proof of the application to beneficial use of 1.22 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 JEROME H. HELSLEY, of Three Creek, County of Owyhee, State of Idaho, the holder and owner of said Permit No. 1343, a perpetual right dating from April 29, 1905, to the use of 1.22 cubic feet per second of the waters of Mud Flat Spring, in the County of Owyhee, 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 southeast quarter of northwest quarter of section 31, township 15 south, range 12 east of Boise, Meridian, and conducted to and upon (15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 35, 6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 26, township 15 south, range 11 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 26th day of December, A.D.

Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer,

(SEAL) Recorded December 26, 1908.

51 2005

A P P L I C A T I O N F O R P E R M I T

1750

To appropriate the Public Waters of the State of Idaho.

1. Name of applicant - CHARLES H. HELSLEY

Postoffice address: P. O. - Three Creek, Idaho.

County - Owyhee

2. The quantity of water claimed is $1\frac{1}{2}$ cubic feet per second.3. Source of water supply and Flat Spring, Owyhee County, located in Township 15 South, Range No. 12 East, in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 31.

4. Location of point of diversion about 300 yds from spring, flowing in a westerly course.

5. To be used for:

I. Irrigation and domestic use: Irrigation

(a) Number of acres to be irrigated 160 acres.

(b) In the following legal subdivisions - S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 26, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 25, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 35, Township 15 South, Range No. 11 East of the Boise Meridian.

6. Estimated cost of works - \$150.00

7. Description of Works for Diversion:

I. Kind of works - Ditch & dam.

II. Dimensions of Works:

(a) Height of dam 2 feet, length of dam at top 10 feet, length of dam at bottom 8 feet, material used in construction earth and stone.

(c) Size of headgate, width 2 feet, height $1\frac{1}{2}$ feet.(a) Ditch (flume or pipe) width at bottom 2 feet, width at water line $2\frac{1}{2}$ feet, depth of water 1 foot. Average grade per mile is 13 feet. Length of ditch is about 2 miles, and it crosses the following quarter sections - NE $\frac{1}{4}$ of Sec. 36, NW $\frac{1}{4}$ of Sec. 36, NW $\frac{1}{4}$ of Sec. 35, and into Sec. 26, which is the point of intended use.8. Time required for the completion of the construction of such work is $1\frac{1}{2}$ years.

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

Approval of State Engineer.

The number of this permit is 1343.

Date of first receipt of application 9:00 A. M. April 29, 1905.

Returned to applicant for correction May 4, 1905.

Corrected application received June 9, 1905.

Recorded in Book 5, page 1343. Approved June 22, 1905.

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 March 22, 1906.

The whole of said work to be completed on or before December 22, 1906.

The time for the proof of beneficial use of water appropriated in accordance

herewith, to extend to December 22, 1908.

Witness my hand this twenty-second day of June, 1905.

Jas. Stephenson, Jr.

State Engineer.

Blank Notice of Proof of Completion of Works mailed applicant March 2, 1906.

Notice of Proof of Completion of Works received May 10, 1906, fixing July 7th as the date and Three Creek, Idaho, as the place of proof.

Notice for publication mailed Silver City Nugget, Silver City, Idaho, May 31, 1906, and deposition blanks mailed applicant same date.

Mr. J. A. McCoy, Three Creek, Idaho, authorized June 8, 1906, to make examination of works and report to the State Engineer.

Report of Mr. McCoy received June 22, 1906.

Affidavit of publication of notice received July 2, 1906.

Deposition of permit holder and depositions of two witnesses and fee of \$5.00 received July 12, 1906.

Depositions and report show that works have been completed of a capacity to divert and convey to the place of intended use the amount of water for which application was made.

Certificate of Completion of Works issued July 12, 1906.

Permit No. 1343.

C E R T I F I C A T E O F C O M P L E T I O N O F W O R K S

To All Whom It May Concern:

This is to certify that CHARLES H. HELSLEY of Three Creek, County of Owyhee, and State of Idaho, the holder of Permit No. 1343, issued upon Application No. 1750, bearing date of priority of April 29, 1905, authorizing the diversion of one and one-half second-feet of the waters of Mud Flat Spring, County of Owyhee, State of Idaho, at a point in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, Township 15 South, Range 12 East of Boise Meridian, 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 one-half second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, Township 15 South, Range 11 East of Boise Meridian.

Witness my hand this twelfth day of July, A. D. 1906.

Jas. Stephenson, Jr.

License issued for 22 second feet
P. H. O. S.

State Engineer of the State of Idaho.

THIS INDENTURE, Made this 23rd day of November in the year of our Lord one thousand nine hundred and seven, between CHARLES H. HELSLEY- (A single man) of Boise, County of Ada, State of Idaho, party of the first part, and JEROME W. HELSLEY, of Three Creek, County of Owyhee, State of Idaho, the party of the second part,

"WITNESSETH, That the said party of the first part, for and in consideration of the sum of one thousand Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Owyhee County State of Idaho, to-wit: Northeast Quarter (NE $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) of section thirty-five (35) and the south half (S $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of section twenty-six (26) and the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of section twenty-five (25) Township fifteen (15), south of range eleven (11), east Boise meridian, together with all water rights thereunto belonging whether acquired by appropriation, purchase or gift.

TOGETHER, With all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, title and interest in and to said property, as well in law as in equity, of the said party of the first part;

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever, And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEPEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal on the day and year first above written.

Charles H. Helsley. (SEAL)

Signed, sealed and delivered in the presence of
S.E. Blaine,

State of Idaho)
County of Ada) ss

On this 23rd day of November in the year 1907 before me S.E. Blaine, a Notary Public, in and for said County, personally appeared Charles H. Helsley, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above mentioned.

(SEAL)

S.E. Blaine,

Notary Public.

Received and filed for record in the office of the State Engineer at Boise Idaho, at 1:30 P.M.,
October 8, 1908.

Jas. Stephenson, Jr.
State Engineer.

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 05/30/00

TIME: 16:53:44

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
51-02005	HELSLEY, JEROME N.	C	04/29/1905	L/	MUD FLAT SPRING	IRR DOMEST	WR
X51-02005	THREE CREEK RANCH CO	C	02/15/1925	L/	DEER CREEK UNNAMED STREAM	IRR STOCK	WR
51-02005	THREE CREEK RANCH COMPANY	C	02/15/1925	L/	DEER CREEK UNNAMED STREAM	IRR STOCK	AJ
A51-02005	THREE CREEK RANCH COMPANY	C	04/29/1905	L/	MUD FLAT SPRING	IRR STOCK	AJ

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JUN 19 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5603
WATER RIGHT NO(S). 51-00124/51-00125/51-00126/51-00127
51-02005/51-02103

This is to certify that: **THREE CREEK RANCH CO**
PO BOX 27
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 51-00124 :			
Priority: 04/08/1885			
IRRIGATION	04/01 to 10/31	0.74 CFS	249.9 AF
STOCKWATER	01/01 to 12/31	0.35 CFS	20.2 AF
		0.74 CFS	270.1 AF
Right No. 51-00125 :			
Priority: 04/01/1912			
IRRIGATION	04/01 to 10/31	1.50 CFS	126.7 AF
STOCKWATER	01/01 to 12/31	0.35 CFS	20.2 AF
		1.50 CFS	146.9 AF
Right No. 51-00126 :			
Priority: 04/04/1885			
IRRIGATION	04/01 to 10/31	2.70 CFS	373.8 AF
STOCKWATER	01/01 to 12/31	0.35 CFS	20.2 AF
		2.70 CFS	394.0 AF
Right No. 51-00127 :			
Priority: 04/01/1909			
IRRIGATION	04/01 to 10/31	1.66 CFS	90.3 AF
STOCKWATER	01/01 to 12/31	0.35 CFS	20.2 AF
		1.66 CFS	110.5 AF
Right No. 51-02005 :			
Priority: 02/15/1925			
IRRIGATION	04/01 to 10/31	1.22 CFS	136.5 AF
STOCKWATER	01/01 to 12/31	0.35 CFS	20.2 AF
		1.22 CFS	156.7 AF
SUBTOTAL:		7.82 CFS	942.8 AF *
Right No. 51-02103 :			
Priority: 02/21/1944			
IRRIGATION	04/01 to 10/31	0.56 CFS	98.0 AF
TOTAL:		** 8.38 CFS	1040.8 AF **

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JUN 19 2000

TRANSFER NO. 5603
WATER RIGHT NO(S). 51-00124/51-00125/51-00126/51-00127
51-02005/51-02103

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right Nos. 51-00124, 51-00125, 51-00126, 51-00127 & 51-02005 :	
DEER CREEK	THREE CREEK
UNNAMED STREAM	DEER CREEK
Right No. 51-02103 :	
DEER CREEK	THREE CREEK

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 51-00124, 51-00125, 51-00126, 51-00127 & 51-02005 :

SESE , Sec. 26, Township 15S, Range 11E
NWNW , Sec. 35, Township 15S, Range 11E
SENE , Sec. 35, Township 15S, Range 11E
NWNW , Sec. 35, Township 15S, Range 11E
SESE , Sec. 35, Township 15S, Range 11E
OWYHEE County

Right No. 51-02103 : SESE , Sec. 35, Township 15S, Range 11E
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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Right Nos. 51-00124, 51-00125, 51-00126, 51-00127 & 51-02005 :

15S 11E 26	SWSW 25.0	SESW 13.0	SWSE 24.2	
	SESE 7.0			69.2
27	SESE 15.0			15.0
34	NENE 2.4	NWNE 15.9	SWNE 22.0	
	NENW 7.5	SESW 10.2	NESW 15.7	
	SESW 4.5	NWSE 6.5	SWSE 2.5	87.2
35	NENE 14.3	NWNE 0.3	SWNE 18.0	
	SENE 2.6	NENW 19.8	NWNW 12.7	
	SESW 1.4			69.1
Total number of acres irrigated:				* 240.5 ***

Right No. 51-02103 :

16S 11E 2	NWNE 24.0	SWNE 4.0	28.0
Total number of acres irrigated:			28.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use under Right Nos. 51-00124, 51-00125, 51-00126, 51-00127 & 51-02005.

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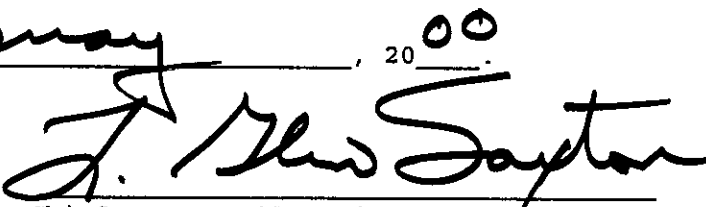
JUN 19 2000

TRANSFER NO. 5603
WATER RIGHT NO(S). 51-00124/51-00125/51-00126/51-00127
51-02005/51-02103

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 5. The total instantaneous diversion of water from all points of diversion under Transfer 5603 shall not exceed 8.38 cfs, nor total combined annual volume of 1040.8 af.
- *** 6. Right 51-00124 is limited to the irrigation of 71.4 acres in the place of use described above in a single irrigation season.
- *** 7. Right 51-00125 is limited to the irrigation of 36.2 acres in the place of use described above in a single irrigation season.
- *** 8. Right 51-00126 is limited to the irrigation of 106.8 acres in the place of use described above in a single irrigation season.
- *** 9. Right 51-00127 is limited to the irrigation of 25.8 acres in the place of use described above in a single irrigation season.
- *** 10. Right 51-02005 is limited to the irrigation of 39.0 acres in the place of use described above in a single irrigation season.
- * 11. Rights 51-00124, 51-00125, 51-00126, 51-00127 and 51-02005 when combined shall not exceed a total annual maximum diversion volume of 841.8 af at the field headgate for the irrigation of 240.5 total acres.
12. All water rights within Basin 51 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
13. The quantity of water decreed for Rights 51-00124, 51-00125, 51-00126, 51-00127 and 51-02005 for stockwater use is not a determination of historical beneficial use.

Dated this 30th day of May, 2000


Chief, Water Allocation Bureau

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JUN 19 2000

MEMORANDUM

TO: FILE 51-02005

FROM: VAULT

RE: TRANSFER # 5603

DATE: 3/7/00

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 51-00124

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JUN 19 2000