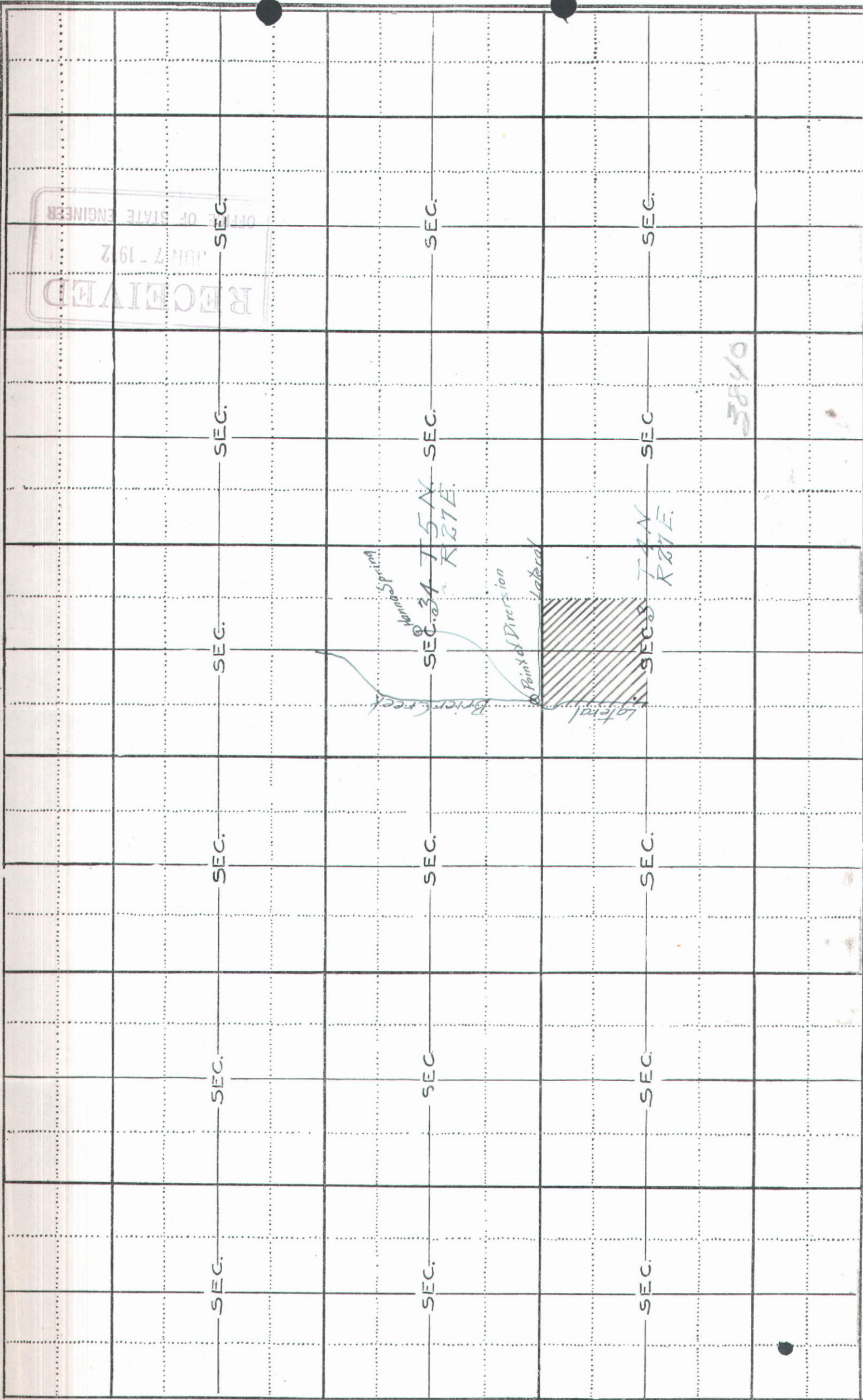




Blaine County *
1.2 second-feet *
Briar Creek *
1/5th second-foot 1/4 *
Hanna Springs *
Irrigation & Domestic *
Priority 7/17/1908. *

STATE OF IDAHO
Water License No. 3840

34-2055

WHEREAS, On the 17th day of July, A.D. 1908, GEORGE AKERS, of Arco, County of Blaine, State of Idaho, duly made application (No. 5452) to me for a permit to use 3 cubic feet per second of the waters of BRIAR CREEK and 1/5th of one cubic foot per second of the waters of HANNA SPRINGS, County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 18th day of July, A.D. 1908, Permit No. 3840 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 18th day of July, A.D. 1910, and for the application to beneficial use of said water on or before the 18th day of July, A.D. 1912, and,

WHEREAS, On the 6th day of June, A.D. 1910, GEORGE AKERS, 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. 3840, dated August 2nd, 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 water, with date of priority of July 17th, 1908, and,

WHEREAS, On the 19th day of December, A.D. 1910, GEORGE AKERS transferred all his right, title and interest in and to said Permit No. 3840 to JOSEPH AKERS of Arco, County of Blaine, State of Idaho, and,

WHEREAS, On the 18th day of June, A.D. 1912, JOSEPH AKERS, the holder of said permit, duly made proof of the application to beneficial use of 1.4 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 JOSEPH AKERS, of Arco, County of Blaine, State of Idaho, the holder and owner of said Permit No. 3840, a perpetual right, dating from July 17th, 1908, to the use of 1.2 cubic feet per second of the waters of BRIAR CREEK and 1/5th of one cubic foot per second of the waters of HANNA SPRINGS, in the County of Blaine 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 the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 34, Township 5 North, Range 27, East of the Boise Meridian, and conducted to and upon 70 acres, divided as follows: (10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 4 North, Range 27, East of the 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 19th day of July, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson
State Engineer.

No. 5452.

34-2055

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: George Akers.

Postoffice address: Arco.

County: Blaine · State: Idaho.

2. The quantity of water claimed is Three and two tenths (3.2) cubic feet per second.

3. Source of water supply: Briar Creek emptying in Arco Pass and a small spring known as Hanna spring, near mouth of Briar Canyon.

County of Blaine.

4. Location of point of diversion: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 34 T. 5 N. R. 27 E. B. M.

5. To be used for:

I. Irrigation and domestic use: Yes.

(a) Amount of land to be irrigated: One hundred sixty acres.

(b) In the following legal subdivisions: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 3, NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 3, & NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 3 & SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 3 T. 4 N. R. 27 E. B. M.

6. Estimated cost of works: Two hundred fifty dollars. (\$250.00)

7. Description of works for diversion:

I. Kind of works: Dam, ditch and headgate.

II. Dimensions of works:

(a) Height of dam Four feet, length of dam at top twenty feet, length of dam at bottom ten feet. Material used in construction: earth and stone.

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

(d) Conduit Ditch, width at bottom Three feet, width at water line six feet, depth of water one foot. Average grade per mile is Ten feet. Length of conduit is One and three fourths miles, and it crosses the following quarter sections: SE $\frac{1}{4}$ & SE $\frac{1}{4}$ & NE $\frac{1}{4}$ Sec. 34 T. 5 N. R. 27 and NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ & SW $\frac{1}{4}$ Sec. 3 T. 4 N. R. 27 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 Two years.

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

George Akers,

Applicant.

By....Joseph Akers.....Agent.

Remarks: The land to be reclaimed is unsurveyed and is located about six and one half miles from the nearest Government corner.

A uniform flow of three cubic feet is claimed from Briar Creek per second and a uniform flow of two tenths cubic foot per second from Hanna springs, The flow from the Hanna springs and Briar Creek is practically regular and the maximum flow is 3.2 cubic feet and the minimum flow is 3.2 cubic feet per second. The spring is located in NW4 SE4 Sec. 34 T. 5 N. R. 27 E.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3840

Date of first receipt of application: 9.00 a.m. July 17, 1908.

Recorded in Book 11 Page 3840 Approved July 18, 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 September 16, 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 July 18, 1909.

The whole of said work to be completed on or before July 18, 1910:

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to July 18, 1912.

Witness my hand this eighteenth day of July, 1908.

Jas. Stephenson, Jr.,

State Engineer.

STATE OF IDAHO.
COUNTY OF BLAINE SS:

George Akers, being first duly sworn, deposes and says that he is the identical person who, on July 17, 1908, made application for permit to appropriate the public waters of Idaho No. 5452, and is the holder of Permit No. 3840, granted in pursuance thereof. That in the said application the description of the land to which the water was to be applied was given as the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T. 4 N. R. 27 E. B. M., unsurveyed. That since filing the aforesaid application he has had a survey projected over the lands, and finds that the lands most suitable for agricultural purposes and the land upon which his settlement is located is more correctly described as the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 3, T. 4 N. R. 27 E. B. M. unsurveyed.

Therefore, affiant respectfully requests that in said Permit No. 3840 the designation of land intended to be irrigated be changed to read W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3, T. 4 N. R. 27 E. B. M. unsurveyed.

George Akers,

Subscribed and sworn to before me this 17th day of December, 1909.

Otto B. Fleischer,

Notary Public.

(SEAL)

Approved

Date Dec. 21st, 1909.

Jas. Stephenson, Jr.,
State Engineer.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 3.00 p. m. December 21, 1909.

Jas. Stephenson, Jr.,
State Engineer.
B.

Blank notice for proof of completion mailed applicant April 1, 1910
Notice received April 9, 1910, fixing June 6, 1910, as date and Arco as place of proof.
Publication notice mailed Arco Advertiser April 28, 1910
Deposition blanks mailed Otto B. Fleischer April 28, 1910
Jas. McMillan, Water Commissioner, notified April 28, 1910, to make examination of works.
Depositions, affidavit of publication and fee received June 8, 1910
Report of water commissioner received July 23, 1910
Certificate issued August 2, 1910.

Permit No. 3840

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that GEORGE AKERS of Arco, County of Blaine, and State of Idaho, the holder of Permit No. 3840, issued upon Application No. 5452, bearing date of priority of July 17, 1908, authorizing the diversion of 3 second feet of the waters of Briar Creek and .2 of 1 second foot of the waters of Hanna Spring, County of Blaine, 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 Briar Creek and Hanna Spring, that the point of diversion of said waters is at a point in the southwest quarter of northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of section 34, Township 5 North of Range 27 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 West half of Northeast quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) and East half of Northwest quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 3, Township 4 North of Range 27 East of the Boise Meridian.

Witness my hand this second day of August, A.D. 1910.

D.G. Martin

State Engineer of the State of Idaho

License issued for 14 second feet

Page 1099

Arco, Idaho, Dec. 19th 1910

B I L L O F S A L E

To Whom it may concern :

This is to certify that I George Akers of Arco Idaho, have this day sold to Joseph Akers of Arco Idaho all my right, title and interest in and to those certain water permits issued to me by the State Engineer of the State of Idaho numbered 3840 and 5587 approved respectively July 18th 1908 and December 20th 1909, for the sum of One Dollar and other valuable considerations.

In Witness Whereof I have hereunto set my hand this 19th day of December 1910.

George Akers

Witness to signature:

Otto B. Fleischer

State of Idaho)
) ss
 County of Blaine)

On this 19th day of December 1910 before me Otto B. Fleischer a Notary Public in and for said County, personally appeared George Akers known to me 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 first above written.

Otto B. Fleischer

(SEAL)

Notary Public.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A.M. Dec 22 1910.

D. G. Martin

State Engineer.

QUIT-CLAIM DEED.

THIS INDENTURE, Made this 19th day of December in the year of our Lord one thousand nine hundred and ten between George Akers, a single man, of Arco, County of Blaine, State of Idaho, the party of the first part, and Joseph Akers of Arco, County of Blaine, 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 no/100 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, does by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns,

All His Right title and interest of whatsoever nature in an to those certain Water Permits issued to him by the State Engineer of the State of Idaho and numbered 3840 and 5587 and approved by the State Engineer respectively July 18th 1908 and December 29th 1909.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

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

George Akers, (SEAL)

Signed, Sealed and Delivered
in the Presence of

Otto B. Fleischer

State of Idaho)
) ss.
County of Blaine)

On this 19th day of December in the year 1910, before me Otto B. Fleischer, a Notary Public in and for said County, personally appeared George Akers 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 written.

Otto B. Fleischer

Notary Public.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho at 9:00 A.M. Dec 22 1910.

D. G. Martin

State Engineer.

W

STATE OF IDAHO,)
) ss.
County of Blaine,)

Joseph Akers, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 3840.

That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

SE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 34 T. 5 N., R. 27 E.B.M.

That such change will be made for the following reasons, to-wit: The error in the description of the point of diversion in the original permit was due to the fact that land was unsurveyed at that time. After survey was completed, point of diversion was found to be located as above stated.

That no one will be injured by such change and that deponent will make such

change at his own risk.

And further deponent saith not.

Joseph Akers,

Subscribed and sworn to before me this first day of July, 1912.

Otto B. Fleischer,

Notary Public.

My Commission expires June 27th, 1915.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho.
at 9.00 A.M. July 8, 1912.

A. E. Robinson,

State Engineer.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Joseph Akers - Permit 3840
 2. State source of water supply: Brier Creek and Hanna Springs
 3. Location of point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34 T.5 N. R. 27 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 feet
 - (b) Width at water line: 5 feet °°°°
 - (c) Depth of water: 1 foot
 - (d) Grade per mile: 10 feet
 - (e) Capacity of ditch: 7 second feet.
 6. State whether or not water has been turned into works of diversion and if so, to what extent:
Water has been turned in and full amount has been carried.
 7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T.4 N. R. 27 E.B.M. °°°
 Acres cultivated in NW $\frac{1}{4}$ NE $\frac{1}{4}$ -10
 " " " SW $\frac{1}{4}$ NE $\frac{1}{4}$ -20
 " " " NE $\frac{1}{4}$ NW $\frac{1}{4}$ -00
 " " " SE $\frac{1}{4}$ NW $\frac{1}{4}$ -40 Total acreage cultivated - 70 acres
 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: ° On account of land being surveyed point of diversion ^{un}
~~was not located accurately and the exact location differs with permit.~~
 °° Description of dam differs from permit in being only 3' high and built of earth only.
 °°° On account of land being unsurveyed, lands irrigated differ from description in permit.
 °°°° Water line 1 foot less than permit

STATE OF IDAHO,

County of Blaine

ss.

John T. Henderson, 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 5th day of June 1912.My Commission Expires June 27, 1915.

Notary Public.

John T. Henderson
 JUN 7 1912
 OFFICE OF STATE ENGINEER
 3840

