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1-24-85

County of Custer
Cat Creek.
1.2 second feet.
Domestic and irrigation use.
Priority 12/28/07.

S T A T E O F I D A H O .
WATER LICENSE NO. 3339.

WHEREAS, On the twenty-eighth day of December, A. D. 1907, HARRY BATES, of Goldburg, County of Custer, State of Idaho, duly made application (No. 4704) to me for a permit to use one and two-tenths (1.2) cubic feet per second of the waters of Cat Creek, County of Custer, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the twenty-eighth day of December, A. D. 1907, Permit No. 3339 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 28th day of December, A. D. 1909, and for the application to beneficial use of said water on or before the 28th day of December, A. D. 1912, and,

WHEREAS, On the 28th day of December, A. D. 1909, HARRY BATES, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.2 cubic feet per second of said waters, as evidenced by my Certificate No. 3339 dated January 7th, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.2 second feet of the waters of said stream, with date of priority of December 28, 1907, and,

WHEREAS, On the 28th day of December, A. D. 1909, HARRY BATES, the holder of said permit duly made proof of the application to beneficial use of 1.2 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 HARRY BATES, of Goldburg, County of Custer, State of Idaho, the holder and owner of said Permit No. 3339, a perpetual right dating from December 28, 1907, to the use of 1.2 second feet of the waters of said stream, in the County of Custer and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in Cat Creek Canyon on unsurveyed land, and conducted to and upon (20 acres in the south half of the Northeast quarter of the Northwest quarter (S¹/₂N¹/₂E¹/₄) and 40 acres irrigated pasture in the North half of the North half of the Northwest quarter of Section 22, Township 12 North of Range 24 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 seventh day of January
A. D. Nineteen hundred and ten.

Jas. Stephenson; Jr.,
State Engineer.

(SEAL)

JONES BUREAU LEAF, PAT. FEB. 7, 1905
HALL LITHO CO. 10916 & 7581

No. 4704.

73-2038

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Harry Bates.

Postoffice address: Goldburg.

County: Custer State: Idaho.

2. The quantity of water claimed is one and one fifth cubic feet per second.

3. Source of water supply: Cat Creek.

County of Custer.

4. Location of point of diversion. mouth of Cat Creek canyon on unsurveyed land.

5. To be used for:

I. Irrigation and domestic use:

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

(b) In the following legal subdivisions: All of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S 22 T. 12 N of R. 24 East.

6. Estimated cost of works: Two Hundred and fifty dollars.

7. Description of works for diversion:

I. Kind of works: Dam and ditch.

II. Dimensions of works:

(a) Height of dam two feet, length of dam at top 20 feet, length of dam at bottom 10 feet. Material used in construction: Earth and stone.

(b) Capacity of reservoir: Small but unknown acre-feet.

(c) Size of headgate: Width Two feet, height 1 $\frac{1}{2}$ feet.

(d) Conduit ditch, width at bottom Two feet, width at water line Two feet, depth of water $\frac{1}{4}$ feet. Average grade per mile is 40 feet, Length of conduit is Two and $\frac{1}{2}$ miles, and it crosses the following quarter sections: All unsurveyed land 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 and $\frac{1}{2}$ years.

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

Harry Bates

Applicant.

Remarks: Time asked for in Section 8 above is hereby reduced to two years.

Has. Stephenson, Jr.,

State Engineer.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3339.

Date of first receipt of application 9.00 a.m. December 28, 1907.

Recorded in Book 10 Page 3339 Approved December 28 1907.

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 February 26 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 December 28, 1908.

The whole of said work to be completed on or before December 28, 1909.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to December 28, 1912.

Witness my hand this twenty-eighth day of December 1907.

Jas. Stephenson, Jr.,

State Engineer.

Blank notices of proof of completion and application of water to beneficial use mailed applicant.

Notices received fixing December 28, 1909 as date, and May Idaho as place of proof.

Jas. McMillan notified November 2, 1909, to make examination of the works.

Deposition blanks mailed applicant November 2, 1909.,

Notice for publication mailed Silver Messenger at Challis, November 6, 1909.

Engineer's report received.

Depositions, affidavit of publication and fees received January 6, 1910.

Certificate and license issued January 7th, 1910.

PERMIT No. 3339.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that Harry Bates, of Goldburg, County of Custer, and State of Idaho, the holder of permit No. 3339, issued upon Application No. 4704, bearing date of priority of December 28, 1907, authorizing the diversion of one and two-tenths second feet of the waters of Cat Creek, County of Custer, 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 one and two-tenths (1.2) second-feet of the waters of said stream; that the point of Diversion of said waters is at a point in Cat Creek Canyon on unsurveyed land, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: the Northeast quarter of the Northwest quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and the Northwest quarter of the Northwest quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of Section 22, Township 12 North, Range 24 East of the Boise Meridian.

Witness my hand this seventh day of January, A. D. 1910.

Jas. Stephenson, Jr.,

State Engineer of the State of Idaho.

License issued for 1.2 second feet

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WATER RIGHT NUMBER 73-2038

OWNER LAST NAME - BATES FIRST NAME - HARRY ORIG OWNER -
 ADDRESS LINE 1 - ADDRESS LINE 2 -
 ADDRESS LINE 3 - CITY - GOLDBURG STATE - ID ZIP CODE -
 SOURCE - DITCH CREEK TRIBUTARY OF - SINKS
 STAGE - LICENSE STATUS - PRIORITY - 12-28-1907 COUNTY - CUSTER TOTAL DIV. RATE - 1.2000 -CFS
 TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - 73 DLE/CAREY ACT - RIGHT BASIS -
 DIVERSION POINT - NBSW 10 12N 24E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
 FROM - TO - USE - IRRIGATION USE DIV. RATE - 1.2000 CFS USE DIV. VOLUME - .00 AFA
 FROM - TO - USE - DOMESTIC USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
 USE - IRRIGATION PLACE OF USE - TWN 12N RNS 24E SEC 22 TRACT NENW LOT AC 40 TRACT NWNW LOT AC 20
 DECREE NAME - DATE - TOTAL ACRES 60
 REMARKS - P/D INCOMPLETE. SEE FILE.
 LICENSE SHOWS SOURCE AS CAT CREEK.
 NON IRRIG USE -
 OTHER RIGHTS FOR SAME USE -
 PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 3339
 PROOF MADE - FLD EXAM - COND. OF APPROVAL -
 DIVERSION MEANS -

VERIFIED LGS

VERIFIED LGS

Report of Engineer

1. State name of applicant and number of permit: Harry Bates - Permit 3339
2. State source of water supply: Cat creek
3. Location of point of diversion: At mouth of Cat creek canyon on unsurveyed land.
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'
 - (b) Width at water line: 3'
 - (c) Depth of water: 5"
 - (d) Grade per mile: 50'
6. State whether or not water has been turned into works of diversion and if so, to what extent:
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 20 acres Oats in S. 1/2 NE4 NW4 and 40 acres irrigated pasture in N 1/2 of N. 1/2 NW4 Sec 22 Tp 12 N. R. 24 E.
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:

Examination made Dec 3rd, 1909.

J. McMillan
Water Commissioner Div. No. 2.

STATE OF IDAHO,

County of _____

} ss.

_____, 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 _____

Notary Public.

3339

