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Documents
In File

County of Custer
Sulphur Creek
2.2 second feet.
Irrigation and domestic use.
Priority 12/25/04.

S T A T E O F I D A H O
WATER LICENSE NO. 842.

WHEREAS, On the fifteenth day of September, A. D. 1904, VALENTINE MAELZER, of Goldburg County of Custer, State of Idaho, duly made application (No. 1189) to me for a permit to use 3.2 cubic feet per second of the waters of Sulphur Creek, County of Custer, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the nineteenth day of September, A. D. 1904, Permit No. 842 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 March, A. D. 1907, and for the application to beneficial use of said water on or before the 19th day of September, A. D. 1909, and

WHEREAS, On the 19th day of March, A. D. 1907, VALENTINE MAELZER, 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. 842 dated September 15, 1907, 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 the waters of said stream, with date of priority of September 15, 1904, and,

WHEREAS, On the 29th day of December, A. D. 1909, VALENTINE MAELZER the holder of said permit duly made proof of the application to beneficial use of 2.2 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 VALENTINE MAELZER, of Goldburg, County of Custer, State of Idaho, the holder and owner of said Permit No. 842 a perpetual right, dating from December 25, 1904, to the use of two and two-tenths (2.2) cubic feet per second 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 the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Township 14 North of Range 21 East of the Boise Meridian, and conducted to and upon 28 acres in the Southwest quarter of the southwest quarter of section 1; 47 acres in the North half of the Northwest quarter and 31 acres in the southeast quarter of the Northwest quarter of Section 12, Township 14 North of Range 21 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).

Record of Application for

73-2015

1. Name of applicant Valentine Madger
 Postoffice address: P. O. Trass
 County Remki

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 Three and one fifth (3 1/5) cubic feet per second
 Being 100 inches heretofore owned and used by claimant on lands marked S.W. and 60 inches in addition.
 3. Source of water supply Sulphur Creek, Carter County
 4. Location of point of diversion N.E. 1/4 S.E. 1/4 Sec. 12, Range 21 E, Township 14 N.

5. To be used for:

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated One hundred and sixty acres
 (b) In the following legal subdivisions S.W. 1/4 S.W. 1/4 Sec. 1 - N.W. 1/4 and the S.E. 1/4 N.W. 1/4 Sec. 12, Township 14 N, Range 21 E, Boise Meridian

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 Increasing size of ditch dam & gate.
One hundred and fifty dollars (\$150.00)

7. Description of works for diversion:

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

II. Dimensions of works:

- (a) Height of dam 3 1/2 feet, length of dam at top 12 feet
 length of dam at bottom six feet, material used in construction
 (wood, earth, stone or concrete) wood and earth
 (b) Capacity of reservoir _____ acre feet.
 (c) Size of headgate, width 3 feet, height 1 1/2 feet.
 (d) Ditch (flume or pipe) width at bottom 3 feet, width at water
 line 4 feet, depth of water 1 1/4 feet. Average
 grade per mile is 1.00 feet. Length of ditch is 1 1/2
 miles, and it crosses the following quarter sections N.E. 1/4 S.E. 1/4 S.W. 1/4 N.E. 1/4 S.W. 1/4
N.W. 1/4 N.W. 1/4 Sec. 13, S.W. 1/4 S.W. 1/4 N.E. 1/4 S.W. 1/4 Sec. 12 - Township 14 N, Range 21 E.
to S.E. 1/4 N.W. 1/4 Sec. 12 Twp. 14 N. R. 21 E. which is the point of intended use.

State of Idaho. No. 1079.

8. Time required for the completion of the construction of such work is 2 1/2 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 2 years. (The time must in no case exceed four years after the date set for the completion of works as defined in Section 8.)

Valentine Maelzer

Remarks:

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 841

Date of first receipt of application 8 a.m. August 3, 1904

Returned to applicant for correction August 3, 1904

Corrected application received September 15, 1904

Recorded in Book 3 Page 841

Approved September 19, 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 March 19, 1905

The whole of said work to be completed on or before September 19, 1905

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to September 19, 1905

Witness my hand this Nineteenth day of September 1904

Waynes Darlington
State Engineer.

Form 103. Notice of Proof of Completion of Works mailed applicant July 6-15
Form 121. Notice of Proof of Application of Water to Beneficial use mailed
applicant, July 6-1905.

BILL OF SALE.

KNOW ALL MEN BY THESE PRESENTS, that VALENTINE MAELZER, of Patterson, County of Lemhi and State of Idaho, the party of the first part, for and in consideration of the sum of ONE DOLLARS, in Lawful Money of the United States of America, to him in hand paid by Julius Maelzer, of May, Idaho, the party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part, his executors, administrators and assigns, one certain Water Permit No. 842, issued by the State Engineer of the State of Idaho, to the party of the first part, under which said Permit license was granted by the said State Engineer for the perpetual use of Two and Two-tenths (2.2) cubic feet per second of the waters of SULPHUR CREEK, Custer County, Idaho, diverted at a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 14 N., R. 81 E. 1/2.

TO HAVE AND TO HOLD the same to the said party of the second part, his executors, administrators and assigns forever. And I do for his heirs, executors, administrators, covenant and agree to and with the said party of the second part, his executors, administrators and assigns, to warrant and defend the sale of the said property, goods and chattels hereby made unto the said party of the second part, his executors and assigns, against all and every person or persons, whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the 10th day of July, 1913.

Valentine Maelzer (SEAL)

Signed, Sealed and Delivered
in Presence of

D. B. Drake.

the Public Waters of th

STATE OF IDAHO. }

)ss;

County of Custer.)

On this 10th day of July, 1913, before me the undersigned,
a notary public in and for the said County, personally appeared
Valentine Maelzer, 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.

B. B. Barnes

Notary Public. (SEAL)

Received and filed for record in the office of the State
Engineer at Boise, Idaho, at 9.00 A.M. Feb. 19, 1914.

F. P. KING,

State Engineer.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8-2
Date of first receipt of application I. C. M. September 15, 1904
Returned to applicant for correction 190
Corrected application received 190
Recorded in Book 3 Page 842
Approved September 19, 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 December 19, 1905

The whole of said work to be completed on or before March 19, 1907

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to September 19, 1909

Witness my hand this Nineteenth day of September 1904

Wayne Darlington
State Engineer.

Notice of Proof of Completion of Works mailed applicant Jan 1, 1907. Notice of Proof of Completion of Works received fixing March 19, 1907 as the date of proof and May Idaho as the place of proof. Notice of Proof of Completion sent to Silver Messenger at Challis Idaho for publication Jan 31, 1907. Mr John Ostrom of May Idaho request to examine works. Deposition blanks mailed applicant Jan 31, 1907 same were received March 25, 1907. Report of Engineer received March 15, 1907 Affidavit of Publication and fee of 5⁰⁰ received March 19, 1907 All papers being in and satisfactory certificate of Completion was duly issued this 15th day of April 1907

or Permit to Appropriate

~~REDACTED~~

8. Time required for the completion of the construction of such work is one year
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 3
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. 1189.

Permit No 842

Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that Valentine Maelzer of May, County of Lemhi, and State of Idaho, the holder of Permit No 842, issued upon Application No 1189 bearing date of priority of September 15, 1904, authorizing the diversion of 3.2 second feet of the waters of Sulphur 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 3.2 second-feet of the waters of Sulphur Creek that the point of Diversion of said waters NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 Township 14 North Range 21 East of Boise Meridian and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12 Township 14 North, Range 21 East of Boise Meridian

Witness my hand this 15 day of April A.D. 1907

Jas Stephenson Jr
State Engineer of the State of Idaho

License issued for 22 second feet

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Record of Application for

1. Name of applicant

Ella A. Byrher

Postoffice address: P. O.

Menard

County

Fremont

CANCELLED pursuant to Sec. 5534,
Compiled Statutes of Idaho, 19
order of Commissioner of Reclamation
dated 1/1/19

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 Applicant has land to be irrigated from the

proposed works

2. The quantity of water claimed is 4.8 cubic feet per second

3. Source of water supply Arisaca Creek, Fremont County

4. Location of point of diversion Lot 3, Section 18, Twp. 13, N. R. 41 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 238⁴⁵ acres

(b) In the following legal subdivisions Lot 4 S. E. 4 S. W. 4 = 18 = E. 2 N. W. 4 lots 1, 2, Section 19, Twp. 13, N. R. 41 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 \$200.00

7. Description of works for diversion:

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

II. Dimensions of works:

- (a) Height of dam 2 feet, length of dam at top 20 feet
length of dam at bottom 20 feet, material used in construction
(wood, earth, stone or concrete) Wood
(b) Capacity of reservoir acre feet.
(c) Size of headgate, width 6 feet, height 2 feet.
(d) Ditch (flume or pipe) width at bottom 4 feet, width at water
6 feet, depth of water 2 feet. Average
grade per mile is 1 1/10 feet. Length of ditch is 1/2
miles, and it crosses the following quarter sections Lots 3, 4 = 18. Twp. 13 N. R. 41

E.

to Lot 4 S. E. 4 S. W. 4 = 18 = E. 2 N. W. 4, lots 1, 2, Section 19, which is the point of intended use.
Twp. 13, N. R. 41 E.

WATER RIGHT NUMBER 73-2015

OWNER LAST NAME - MAELZER

FIRST NAME - VALENTINE

ORIG OWNER -

VERIFIED LGS

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - GOLDBURG

STATE - ID ZIP CODE -

SOURCE - SULPHUR CREEK

TRIBUTARY OF - PAHSIMEKUI RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 12-25-1904 COUNTY - CUSTER

TOTAL DIV. RATE - 2.2000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 73 DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWSE 13 14N 21E LOT REGIV -

272.0 92.0 377.0 9.0 0.0 0.0 0.0 0.0 0.0 0.0 1.4

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

2.2000 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 14N RNG 21E SEC 12 TRACT NENW LOT AC 20 TRACT NWNW LOT AC 27

TRACT SENW LOT AC 31

USE - IRRIGATION

PLACE OF USE - TWN 14N RNG 21E SEC 01 TRACT SWSW LOT AC 28

DECREE NAME -

DATE -

TOTAL ACRES 106

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 842

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

282 02/14/95

September 12, 1967

RE: License 73-2015

Willard T. Rood
P.O. Box 102
Challis, Idaho 83226

Dear Mr. Rood:

Our records indicate the above water license for the area indicated in your letter. This license is for 2.2 c.f.s. or 110 miners inches with a priority of December 25, 1904. This water is to be used on the SW¹/₄SW¹/₄, Section 1, and the E¹/₂NW¹/₄, NW¹/₄NW¹/₄, Section 12, T 14 N., R 21 E., B.M. The point of diversion on Sulphur Creek is in the NW¹/₄SE¹/₄, Section 13, T 14 N., R 21 E., B.M.

If we can be of further assistance please notify our department.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

B-842
73-2015

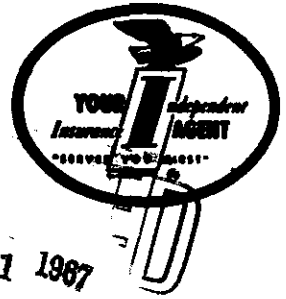
WILLARD T. ROOD
BEULAH N. ROOD



842 73-2015
63-2006

Rood
Realty
and Insurance
Challis, Idaho 83226
September 9th, 1967

PHONE 879-2349
OR 879-2466
BOX 102



Department of Reclamation
Capitol Building
Boise, Idaho, 83701

Gentlemen:

Would you please send me the water right information on the old Mark Howe ranch in Pahsimeroi, now owned by Bud Nelson? The description is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, and Tract 249, Sec. 1, Twp. 14 N., R. 21 E., B.M. ✓
T. 250, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 12, Twp. 14 N., R. 21 E., B.M. ✓

We have it marked down that there is 80 inches of water out of the Richardson-Whitworth ditch but now there is a question as to whether or not this is decreed.

Would appreciate this information as soon as possible.

Very truly yours,

Willard T. Rood
Willard T. Rood

WTR:br

G-842
73-2015