

No Color
Documents
In File

County: Washington
Stream: Rock Creek
Amount: 2.4
Use: Irrigation
Priority: 3/3/08

STATE OF IDAHO

Water License No. 866

C 9-2002

WHEREAS, On the 24th day of September, A. D. 1904, James Henry Rix,

of Huntington, County of Baker State of Oregon, duly made application (No. 1214) to me for a permit to use 3.5 cubic feet per second of the waters of Rock Creek.

County of Washington, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 25th day of October, A. D. 1904, Permit No. 866 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 25th day of October, A. D. 1908, and for the application to beneficial use of said water on or before the 25th day of October, A. D. 1909, and,

WHEREAS, On the 6th day of July, A. D. 1906, James Henry Rix, transferred to Jennie M. Rix, all his right, title and interest in and to said permit, and,

WHEREAS, On the 31st day of October, A. D. 1906 Jennie M. Rix,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.5 cubic feet per second of said waters, as evidenced by my Certificate No. 866 dated November 1, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.5 cubic feet per second of said water, with date of priority of September 24, 1904, and

WHEREAS, On the 3rd day of April, A. D. 1913, Jennie M. Rix

the holder of said permit, duly made proof of the application to beneficial use of 2.4 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 Jennie M. Rix,

of Weiser, County of Washington, State of Idaho, the holder and owner of said Permit No. 866, a perpetual right, dating from March 3, 1908, to the use of 2.4 cubic feet per second of the waters of Rock Creek,

in the County of Washington and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near the southeast corner of the NE $\frac{1}{4}$, Sec. 17 T. 13 N.R. 7 W. B. M.,

and conducted to and upon 120 acres divided as follows: 38 acres in Lot 2, 32 acres in Lot 3, Sec. 18, 20 acres in Lot 6, 13 acres in Lot 5, and 17 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 7, T. 13 N.R. 7 W. B. M.

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 7th day of May A. D., nineteen hundred and thirteen

F.P. King,

(Seal)

State Engineer.

60-2002

Washington County *
Rock Creek *
.802 of 1 second foot *
Irrigation *
Priority 9-24-1904 *

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

Water License No. 866.

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WHEREAS, On the 24th day of September A.D.1904, JAMES HENRY RIX, of Huntington, County of Baker, State of Oregon, duly made application (No. 1214) to me for a permit to use 3.5 cubic feet per second of the waters of Rock Creek, County of Washington, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 25th day of October A.D.1904, Permit No. 866 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 25th day of October A.D. 1908, and for the application to beneficial use of said water on or before the 25th day of October A.D.1909, and,

WHEREAS, On the 28th day of August A.D.1906, JAMES HENRY RIX, transferred all his right, title, claim and interest in and to the water, water right, ditch and appropriation in the above described application and permit to JENNIE M. RIX, and,

WHEREAS, On the 31st day of October A.D.1906 JENNIE M. RIX, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.5 cubic feet per second of said waters, as evidenced by my Certificate No. 866, dated November 1,1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.5 cubic feet per second of said water, with date of priority of September 24,1904, and,

WHEREAS, On the 15th day of April A.D. 1909, JENNIE M. RIX, the holder of said permit duly made proof of the application to beneficial use of .802 of 1 cubic foot 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 JENNIE M. RIX, of Huntington, County of Baker, State of Oregon, the holder and owner of said Permit No. 866, a perpetual right, dating from September 24,1904, to the use of .802 of 1 cubic foot per second of the waters of Rock Creek, in the County of Washington, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near the southeast corner of northeast quarter of section 17, township 13 north, range 7 west of the Boise meridian, and conducted to and upon 5.55 acres in southeast quarter of northeast quarter, 3.46 acres in northeast quarter of southeast quarter, 5.369 acres in southeast quarter of southeast quarter, and 4.33 acres in southwest quarter of southeast quarter of section 7, 14.28 acres in northeast quarter of northeast quarter, and 7.43 acres in southeast quarter of northeast quarter of section 18, township 13 north, range 7 west Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the

JONES EUREKA LEAF, PAT. FEB. 7, 1906
HALLING & COMPANY 87551

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 23rd day of April A.D. Nineteen hundred and nine.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded April 23, 1909

69-2002

2002
69-~~XXXX~~

Record of Application for

1. Name of applicant James Henry Rix
 Postoffice address: P. O. Huntington
 County Baker, Oregon

~~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 \$1000.00
 (b) Treasury stock _____
 (c) Bonds to be issued _____
 (d) Other resources 3500.00

2. The quantity of water claimed is 3 1/2 cubic feet per second

3. Source of water supply Rock Creek Washington County, Idaho

4. Location of point of diversion 40 rods N. + 4 rods N. of S.E. corner of N.E. 1/4 + N.E. corner of S.E. 1/4 of Sec. 17.

5. To be used for: Irrigation + Domestic uses.

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated 184 One Hundred Eighty four acres
 (b) In the following legal subdivisions N.E. 1/4 S.E. 1/4, S.E. 1/4 N.E. 1/4 + Lot 4 section 7, Lots 1 + 2 Section 18, T. 13 N. R. 7 W. containing 184

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") No
 (e) If "yes" at what point _____

6. Estimated cost of works \$1500.00

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 3 feet, length of dam at top 40 feet
 length of dam at bottom 40 feet, material used in construction
 (wood, earth, stone or concrete) Stone and Wood
 (b) Capacity of reservoir _____ acre feet.
 (c) Size of headgate, width 4 feet, height 4 feet.
 (d) Ditch (flume or pipe) width at bottom 3 Three feet, width at water
 line 3 1/2 feet, depth of water 1 1/2 feet. Average
 grade per mile is 6 2/3 feet. Length of ditch is 1 1/2
 miles, and it crosses the following quarter sections 5 1/2 of N.E. 1/4 + 5 1/2 of N.W. 1/4

Section 17, T. 13 N. R. 7 West Mer.

to Lot 2 + 1 in section 18 + Lot 4 section which is the point of intended use.
7 and N.E. 1/4 S.E. 1/4 + S.E. 1/4 of N.E. 1/4 Section 7 same Township.

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

Remarks:

For value received I hereby, sell, assign, transfer and set over unto Jennie M. Rix, all my right title, claim and interest in and to the water, water right, ditch and appropriation described in the within and foregoing application and permit.

In Witness Whereof, I have hereunto set my hand this 6th. day of July, 1906.

James Henry Rix

State of Idaho }
County of Washington }

On this 28th, day of August, 1906, before me J. F. Smith, a Notary Public in and for said County, personally appeared James Henry Rix, known to me to be the person whose name is subscribed to the above and foregoing assignment, 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 above written

(Seal)

J. F. Smith
Notary Public

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 865

Date of first receipt of application 8 a. m. September 10, 1904

Returned to applicant for correction September 10, 1904

Corrected application received September 28, 1904

Recorded in Book 3 Page 865

Approved October 25, 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 April 25, 1905

The whole of said work to be completed on or before October 25, 1905

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to October 25, 1906

Witness my hand this twenty-fifth day of October 1904

Wayne Darlington
State Engineer.

Form 103, Notice of Proof of Completion of Works, mailed applicant August 12 1905

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is — 866 —
Date of first receipt of application *8 a. m. September 24* — 190*4* —
Returned to applicant for correction *September 24*, — 190*4* —
Corrected application received *September 29*, — 190*4* —
Recorded in Book — 3 — Page — 866 —
Approved — *October 25*, — 190*4* —

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 — *October 25, 1906* —

The whole of said work to be completed on or before — *October 25, 1908* —

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to — *October 25, 1909* —

Witness my hand this *twenty-fifth* day of — *October* — 190*4* —

— *Wayne Darlington* —
State Engineer.

Notice of Proof of Completion mailed applicant and same received in the office of State Engineer August 30, 1906 fixing October 31, 1906 as the time and Weiser Idaho as the place of proof. Notice of Publication sent to Weiser Signal September 22, 1906 also same day Deposition blanks for holder and witnesses were mailed to applicant. L. H. Utter requested to make examination of works October 18, 1906 his report was received October 26, 1906. Depositions of holder and witnesses, Affidavit of Publication and Fee of 5⁰⁰ received November 1, 1906. All papers being in and found satisfactory Certificate of Completion of Works was duly issued the 1st day of November 1906

or Permit to Appropriate

8. Time required for the completion of the construction of such work is _____ 4 _____
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 _____ 4 _____
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. 1214.

Permit. No 866

Certificate of Completion of Works

To All Whom It May Concern:

This is to certify that Jennie M. Rix of Huntington, County of Baker, and State of Idaho, the holder of Permit No. 866, issued upon Application No. 1214, bearing date of priority of September 24, 1904, authorizing the diversion of three and one-half second feet of the waters of Rock Creek, County of Washington, State of Idaho, at a point 500 feet west and 300 feet north of $\frac{1}{4}$ corner on east line Section 17, Twp. 13 N., R. 7 W. 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 three 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: NE $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and Sot 4 of Section 7; Lots 1 and 2 of Section 18, Township 13 North, Range 7 West of Boise Meridian.

Witness my hand this first day of November A.D. 1906

Jas. Stephenson Jr.
State Engineer of the State of Idaho

License issued for $\frac{802}{1000}$ second feet $P 462$ License issued for $\frac{24}{1000}$ second feet $P 1229$

APPLICATION FOR AMENDMENT

TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 866.

Comes now Jennie M. Rix, by Jas. H. Garrett, Agent,
and represents to the State Engineer of the State of Idaho,

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 866, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$. Lots 5 and 6, Section 7, and Lots 2 and 3, Section 18, Township 13 north, Range 7 west, B. M.

Practically the same land as described in the original permit, but a new survey has been made and the legal description of the land changed as above given, making a total of 142.79 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 25th day of February, 1913.

Jennie M. Rix.

By James H. Garrett,
Agent.

Date of receipt at Office of State Engineer February 25, 1913

APPROVAL OF STATE ENGINEER.

I, A. E. Robinson, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 866. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 27th day of February, 1913.

A. E. Robinson,
State Engineer.

Record of Application for

1. Name of applicant James I. Lucky,
 Postoffice address P. O. Soda Springs,
 County Bannock.

CANCELLED pursuant to Sec. 5594,
 Compiled Statutes of Idaho, by
 order of Commissioner of Reclamation
 dated JAN 17 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
 (b) Treasury stock
 (c) Bonds to be issued
 (d) Other resources

2. The quantity of water claimed is 3.2 cubic feet per second

3. Source of water supply Trail Creek in Bannock County

4. Location of point of diversion 20 rods South of S.E. corner of N.E. 1/4 Sec. 4,
 Twp. 8 South Range 43 E.

5. To be used for:

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated 160 acres
 (b) In the following legal subdivisions N.E. 1/4 Sec. 4, Twp. 8 South Range
 43 East.

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 \$ 100,000

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 6 feet, length of dam at top 150 feet
 length of dam at bottom 140 feet, material used in construction
 (wood, earth, stone or concrete) Earth
 (b) Capacity of reservoir acre feet.
 (c) Size of headgate, width 4 feet, height 4 feet.
 (d) Ditch (flume or pipe) width at bottom 3 feet, width at water
 line 4 feet, depth of water 3 feet. Average
 grade per mile is 1/4 feet. Length of ditch is 3/4
 miles, and it crosses the following quarter sections S.E. 1/4 Sec. 4, Twp. 8 South

Range 43 East

to N.E. 1/4 Sec. 4 Twp. 8 S. R. 43 E. which is the point of intended use.

I, A. E. Robinson, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 868. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 27th day of February, 1918.
 A. E. Robinson,
 State Engineer.