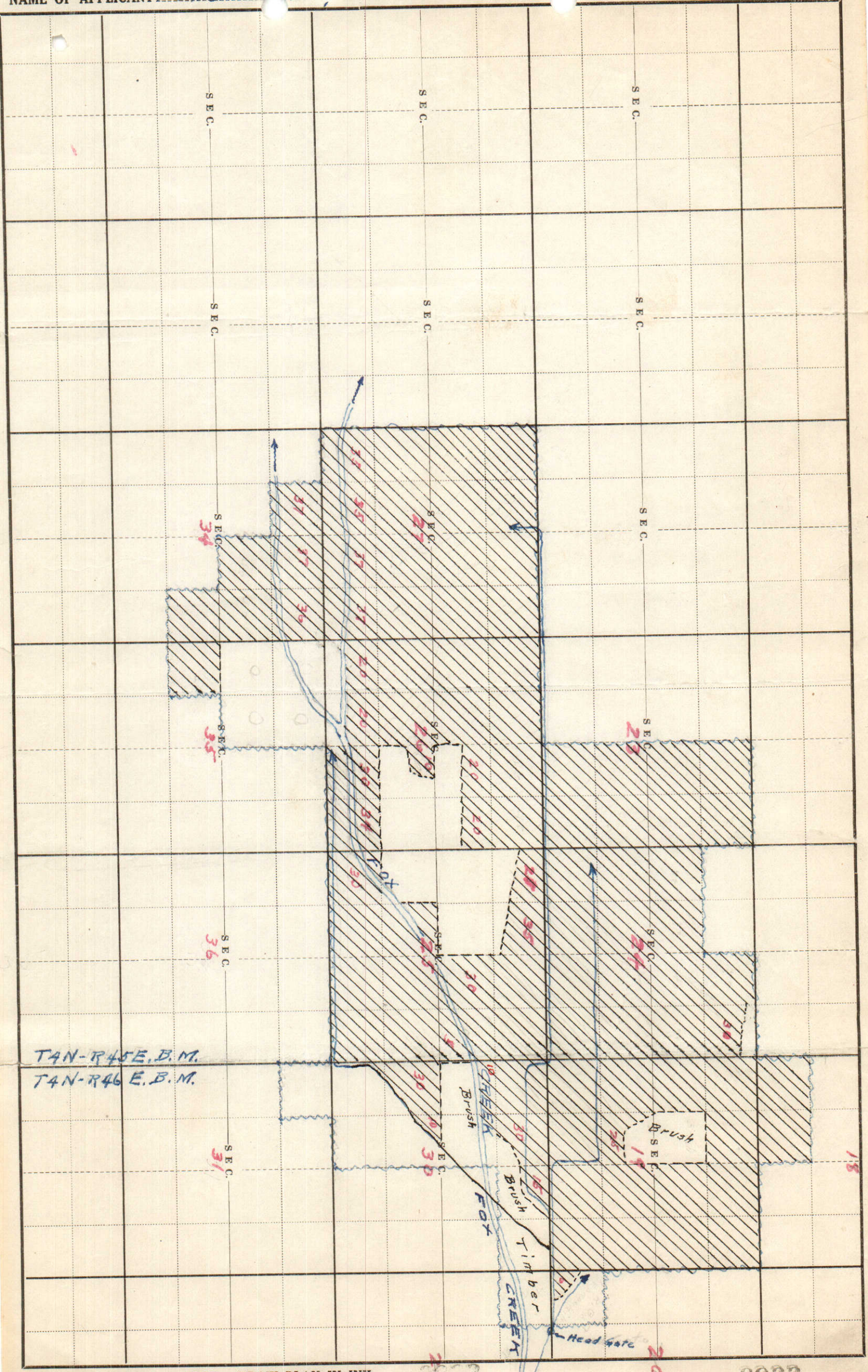


~~H.C. Larsen~~ → now Thos. M. Grover Pres.

Beneficial use
Per. lit. #3933

(7/25/21)
FF

NAME OF APPLICANT Fox Creek Irrigation Co.



T4N-R45E.B.M.
T4N-R46E.B.M.

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

3933

95-40°

Point of diversion

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 o'clock A. M., on the 13th day of October, 1917, at Driggs, County of Teton, State of Idaho, before Richard S. Wilkie, Notary Public, Driggs, Idaho, proof will be submitted of the application to beneficial use of 89.6 cubic feet per second of the waters of Fox Creek, in accordance with the terms and conditions of Permit No. 3933, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Fox Creek Irrigation Company, Limited.

2. The use to which said water has been applied is irrigation and domestic.

3. The amount applied to beneficial use is 89.6 cubic feet per second.

4. The place where said water is used is SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 20; Sec. 19; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$, Sec. 30; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Twp. 4 North, Range 46 East, Boise Meridian. Sections 25, 26 and 27; S $\frac{1}{2}$, Sec. 24; NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24; E $\frac{1}{2}$, Sec. 23; NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, Twp. 4 North, Range 45 East of the Boise Meridian.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is known as the Fox Creek Irrigation Canal.

6. The right to take the water from such works is based upon Permit No. 3933.

7. The source of supply from which such water is diverted is Fox Creek.

8. The date of priority which said user is prepared to establish is August 29th, 1908.

J. H. SMITH,
State Engineer.

9-2010-11

AFFIDAVIT OF PUBLICATION

I, F. C. Madsen, Publisher, of the Teton Valley News,

published weekly at Driggs, Idaho, do solemnly swear that a

copy of the above notice, as per clipping attached, was

published weekly in the regular and entire issue of said

newspaper, and not in any supplement thereof, for four

consecutive weeks, commencing with the issue dated

Sept. 20, 1917, and ending with the issue

dated October 11, 1917.

F. C. Madsen

Subscribed and sworn to before me this 12th day of

October, 1917.

Ben O. Drigg
Notary Public

3933

2933

Ans. ditch about 10 wide, 4 feet deep. (do not understand
of water) I have seen ditch running full of water at head.
Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-
division in which water has been used and number of acres irrigated in each subdivision.) State whether
cultivated or natural meadow land and the nature of all improvements which have been made as a direct re-
sult of said use.

Irrigation

SW ₁ SW ₁ of Sec. 20--15 acres	NW ₁ SW ₁ of Sec. 19--10 acres
NE ₁ NE ₁ of Sec. 19--40 acres	SE ₁ SW ₁ of Sec. 19--40 acres
SE ₁ NE ₁ of Sec. 19--40 acres	SW ₁ SW ₁ of Sec. 19--40 acres
NE ₁ SE ₁ of Sec. 19--25 acres	NW ₁ NW ₁ of Sec. 30--40 acres
SE ₁ SE ₁ of Sec. 19--40 acres	SE ₁ NW ₁ of Sec. 30--15 acres
NW ₁ NE ₁ of sec. 19--25 acres	SW ₁ NW ₁ of Sec. 30--15 acres
SW ₁ NE ₁ of Sec. 19--40 acres	NW ₁ SW ₁ of Sec. 30--40 acres
NW ₁ SE ₁ of Sec. 19--40 acres	SW ₁ SW ₁ of Sec. 30--40 acres
SW ₁ SE ₁ of Sec. 19--40 acres	NW ₁ NW ₁ of Sec. 31--10 acres
SE ₁ SW ₁ of Sec. 18--40 acres	
SW ₁ SW ₁ of Sec. 18--40 acres	
NE ₁ NW ₁ of Sec. 19--40 acres	
NW ₁ NW ₁ of Sec. 19--40 acres	
SE ₁ NW ₁ of Sec. 19-- 3 acres	
SW ₁ NW ₁ of Sec. 19-- 3 acres	
NE ₁ SW ₁ of Sec. 19-- 5 acres	

All in Twp. 4 North, Range 46 E.B.M.----- 726 acres	

NE ₁ NE ₁ of Sec. 24--20 acres	NE ₁ NE ₁ of sec. 26--40 acres
NW ₁ NE ₁ of Sec. 24--40 acres	NW ₁ NE ₁ of Sec. 26--40 acres
SW ₁ NE ₁ of Sec. 24--40 acres	SW ₁ NE ₁ of Sec. 26--10 acres
SE ₁ NE ₁ of Sec. 24--40 acres	SE ₁ NE ₁ of Sec. 26--10 acres
SE ₁ NW ₁ of Sec. 24--40 acres	NE ₁ NW ₁ of Sec. 26--40 acres
SW ₁ NW ₁ of Sec. 24--40 acres	NW ₁ NW ₁ of Sec. 26--40 acres
NE ₁ SW ₁ of Sec. 24--40 acres	SW ₁ NW ₁ of Sec. 26--40 acres
NW ₁ SW ₁ of Sec. 24--40 acres	SE ₁ NW ₁ of Sec. 26--40 acres
SW ₁ SW ₁ of Sec. 24--40 acres	NE ₁ SW ₁ of Sec. 26--40 acres
SE ₁ SW ₁ of Sec. 24--40 acres	NW ₁ SW ₁ of sec. 26--40 acres
NE ₁ SE ₁ of Sec. 24--40 acres	SW ₁ SW ₁ of Sec. 26--40 acres
NW ₁ SE ₁ of Sec. 24--40 acres	SE ₁ SW ₁ of sec. 26--40 acres
SW ₁ SE ₁ of Sec. 24--40 acres	SW ₁ SE ₁ of sec. 26--40 acres
SE ₁ SE ₁ of Sec. 24--40 acres	SE ₁ NE ₁ of sec. 27--40 acres
NE ₁ NE ₁ of sec. 25--40 acres	SW ₁ NE ₁ of sec. 27--40 acres
NW ₁ NE ₁ of Sec. 25--40 acres	SE ₁ NW ₁ of sec. 27--40 acres
SW ₁ NE ₁ of Sec. 25--30 acres	SW ₁ NW ₁ of Sec. 27--40 acres
SE ₁ NE ₁ of Sec. 25--10 acres	NE ₁ SW ₁ of sec. 27--40 acres
NE ₁ NW ₁ of Sec. 25-- 3 acres	NW ₁ SW ₁ of sec. 27--40 acres
NW ₁ NW ₁ of Sec. 25-- 3 acres	SW ₁ SW ₁ of sec. 27--40 acres
NE ₁ SW ₁ of Sec. 25--40 acres	SE ₁ SW ₁ of sec. 27--40 acres
SE ₁ SW ₁ of Sec. 25--40 acres	NE ₁ SE ₁ of sec. 27--40 acres
NE ₁ SE ₁ of Sec. 25--40 acres	NW ₁ SE ₁ of sec. 27--40 acres
NW ₁ SE ₁ of sec. 25--40 acres	SW ₁ SE ₁ of sec. 27--40 acres
SW ₁ of SE sec. 25--40 acres	SE ₁ SE ₁ of sec. 27--40 acres
SE ₁ SE ₁ of Sec. 25--40 acres	NE ₁ NE ₁ of sec. 34--40 acres
NE ₁ NE ₁ of Sec. 23--20 acres	NW ₁ NE ₁ of sec. 34--40 acres
NW ₁ NE ₁ of Sec. 23--40 acres	SW ₁ NE ₁ of sec. 34--40 acres
SW ₁ NE ₁ of sec. 23--40 acres	SE ₁ NE ₁ of sec. 34--40 acres
SE ₁ NE ₁ of Sec. 23--40 acres	NE ₁ NW ₁ of sec. 34--40 acres
NE ₁ SE ₁ of Sec. 23--40 acres	NE ₁ SE ₁ of sec. 34--40 acres
SE ₁ SE ₁ of Sec. 23--40 acres	NW ₁ SW ₁ of sec. 35--40 acres

1126-----1126

All in Twp. 4 N.R. 46 E.B.M.----- 2346 acres

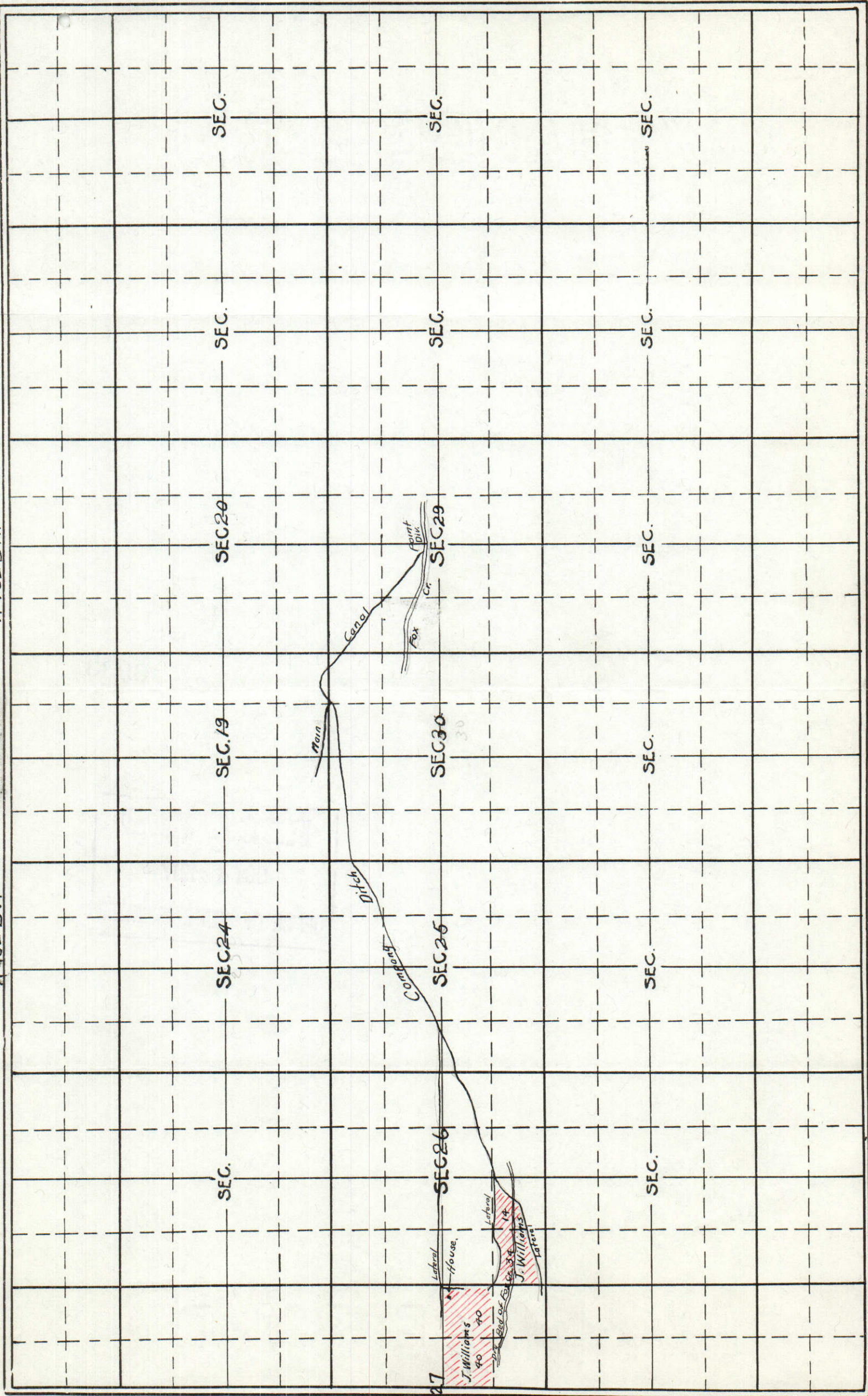
Brought forward----- 726

3072-----acres

Land has been cleared from wild state mostly all sagebrush, and now growing hay grain and vegetables. And numerous residences established at different places on said land.

R46E B.M.

R45E B.M.



NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 3rd day of March, 1917, at Driggs, County of Teton, State of Idaho, before Ben W. Driggs, notary public, proof will be submitted of the application to beneficial use of Three and one-fifth cubic feet per second of the waters of Fox Creek in accordance with the terms and conditions of Permit No. 3933 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is John W. Williams, a stockholder of the (Victor, Idaho) Fox Creek Irrigation Company, conveyed by Michael Byrne, original holder of said permit, to said Company.

2. The use to which said water has been applied is irrigation.

3. The amount applied to beneficial use is Three and one-fifth cubic feet.

4. The place said water is used is North half of southeast quarter, Section 27, and South half southwest quarter, Section 26, Township 4 North, Range 45 East, B. M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Fox Creek Irrigation Company canal.

6. The right to take water from such works is based upon Permit No. 3933.

7. The source of supply from which such water is diverted is Fox Creek.

8. The date of the priority which said user is prepared to establish is July 20, 1908.

J. H. SMITH, State Engineer.

2-8 3-1

AFFIDAVIT OF PUBLICATION

I, F. C. Madsen, Publisher, of the Teton Valley News,

published weekly at Driggs, Idaho, do solemnly swear that a copy of the above notice, as per clipping attached, was

published weekly in the regular and entire issue of said

newspaper, and not in any supplement thereof, for *four*

consecutive *weeks*, commencing with the issue dated

Feb. 8, 191*7*, and ending with the issue

dated *March 1*, 191*7*

F. C. Madsen

Subscribed and sworn to before me this *2nd* day of

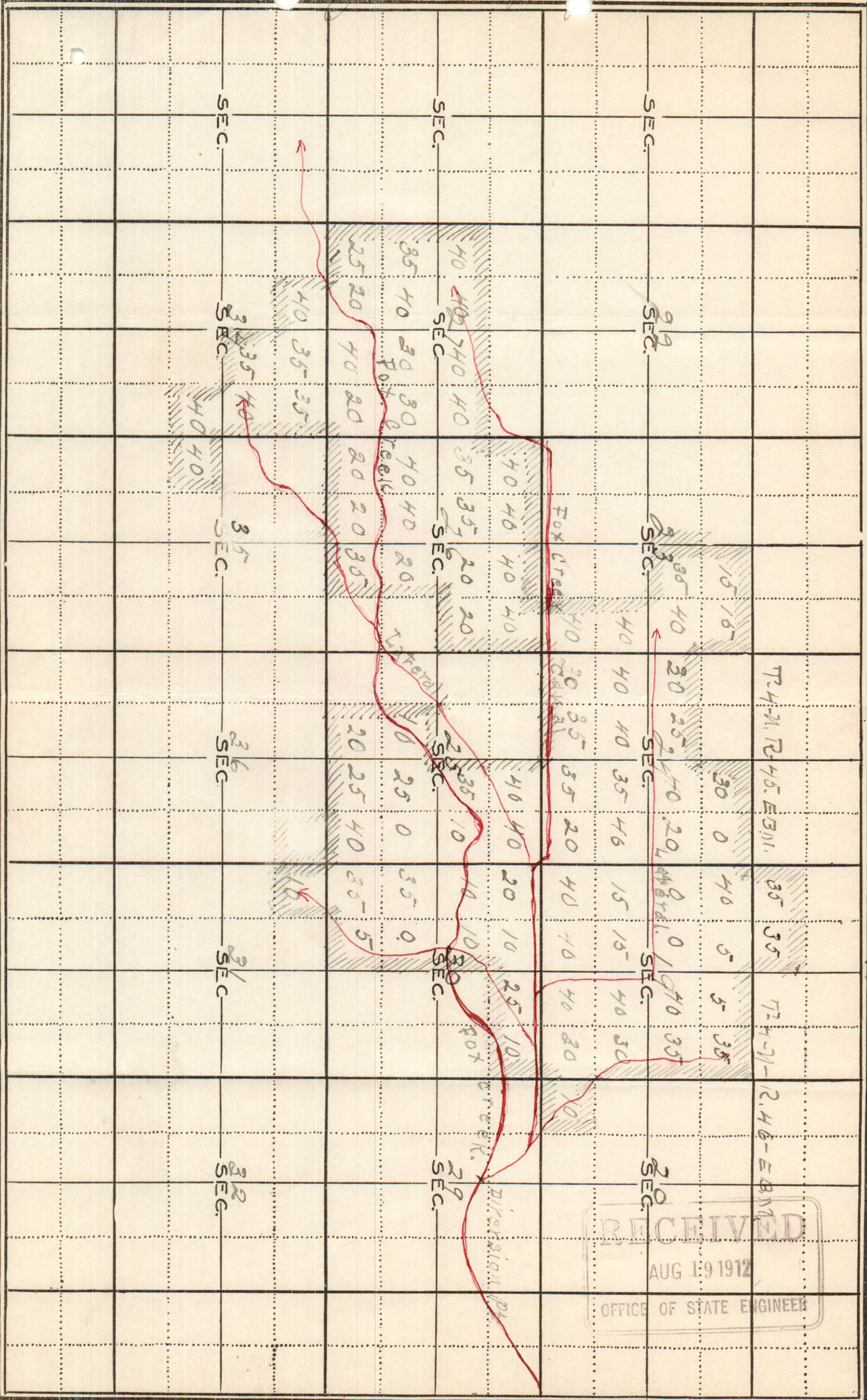
March, 191*7*

Ben W. Driggs

Notary Public

3933

Name of Applicant Fox Creek Irrigation Company



RECEIVED
AUG 19 1912
OFFICE OF STATE ENGINEER

AFFIDAVIT OF PUBLICATION

I, F. C. Madsen
Publisher, of the

Teton Valley News

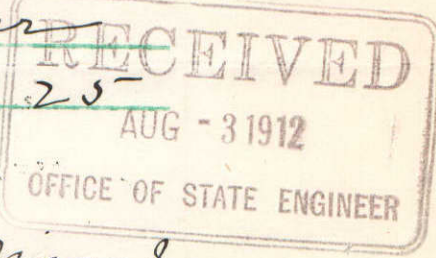
published weekly at Driggs, Idaho

do solemnly swear that a copy of the above notice,
as per clipping attached, was published weekly
in the regular and entire issue of said newspaper,
and not in any supplement thereof, for four
consecutive weeks, commencing with the
issue dated July 4, 1912, and ending with
the issue dated July 25, 1912.

F. C. Madsen
Publisher

Subscribed and sworn to before me this 25
-day July 1912

Ben W. Wright
Notary Public



NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 31st day of July, 1912, at Driggs, County of Fremont, State of Idaho, before Ben W. Wright, J. R., notary public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Fox Creek in accordance with the terms and conditions of Permit No. 3933, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said permit, is N. P. Hansen, of Rexburg, Idaho.
2. The use to which said water has been applied is irrigation.
3. The amount applied to beneficial use is 1.6 cubic feet per second.
4. The place where said water is used is N4 of NE1, Section 34, Township 4 North, Range 45 East, Boise Meridian.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Fox Creek Canal.
6. The right to take water from such works is based upon Permit No. 3933.
7. The source of said water is the Snake River.

Have you decided on your application? If not, please prepare to do so.

AFFIDAVIT OF PUBLICATION

I, F. C. Madsen
Publisher, of the
Teton Valley News

NOTICE OF PUBLICATION.

Notice is hereby given that at 2 P. M. on the 20th day of June, 1912, at Driggs, County of Fremont, State of Idaho, before Ben W. Driggs, Jr., notary public, proof will be submitted of the completion of works for the diversion of 89.6 cubic feet per second of the waters of Fox Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Fox Creek Irrigation Co.

2. The postoffice address of the person or the place of business of such corporation is Chapin, County of Fremont, State of Idaho.

3. The number of such permit is 3933, and the date set for the completion of such work is August 29, 1912.

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 89.6 cubic feet per second.

6. The amount of land for which said water is available is 4480 acres, particularly described as follows: Sw $\frac{1}{4}$ sw $\frac{1}{4}$, Sec. 20, Sec. 19, s $\frac{1}{4}$ sw $\frac{1}{4}$, sec. 18, w $\frac{1}{2}$, sec. 30, n $\frac{1}{2}$ ne $\frac{1}{4}$, sec. 30, nw $\frac{1}{4}$ nw $\frac{1}{4}$, sec. 31, nw $\frac{1}{4}$ nw $\frac{1}{4}$, sec. 29, T. 4 n., R. 46 e., Boise Meridian; secs. 25, 26, 27, s $\frac{1}{4}$ sec. 24, ne $\frac{1}{4}$, s $\frac{1}{4}$ nw $\frac{1}{4}$, sec. 24, e $\frac{1}{4}$ sec. 23, nw $\frac{1}{4}$ and nw $\frac{1}{4}$ sw $\frac{1}{4}$ sec. 35, ne $\frac{1}{4}$ and ne $\frac{1}{4}$ nw $\frac{1}{4}$ and ne $\frac{1}{4}$ se $\frac{1}{4}$ sec. 34, T. 4 n., R. 45 e., Boise Meridian.

A. E. ROBINSON,
 State Engineer.

6-23 7-13

ed weekly at Driggs, Idaho
 I solemnly swear that a copy of the above notice, clipping attached, was published weekly regular and entire issue of said newspaper, in any supplement thereof, for four consecutive weeks, commencing with the date May 23, 1912, and ending with issue dated June 13, 1912.

F. C. Madsen
Publisher

Subscribed and sworn to before me this 14 day of June, 1912.

Ben W. Driggs, Jr.
 Notary Public

James Stephenson Jr

State Engineer.

Temp. 4N	R. 25. E. B.N.
----------	----------------

1000 4. N. R. 46. E. B. M.

三

5E
3A

SEC 515

SEC-36

SEC-37

5/11/01

SEC 47

SEC.
26

5/11/25

30 DEC.

SEC-
219

5EC
2P

511C
223

24

57C-79

SEC.
20

O. E. Peterson.
[Engineer in Charge]

Plexburg, Fremont, County, Idaho

This is to Certify that I made Survey of Fox Creek Canal and Lateral as Shown

On this map, S.E. Shirley commenced
Nov 18, 1907 and 32 ending Nov 19, 1907

Wyoming

State Line

Idaho and

 Fremont County *
 Fox Creek *
 1.6 second-feet *
 Irrigation *
 Priority 7/20/1908. *

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

Water License No. 3933

WHEREAS, On the 20th day of July, A.D. 1908, MICHAEL BYRNE, of Chapin, County of Fremont, State of Idaho, duly made application (No. 5465) to me for a permit to use eighty nine and six-tenths (89.6) cubic feet per second of the waters of FOX CREEK, County of Fremont, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 29th day of August, A.D. 1908, Permit No. 3933 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 29th day of August, A.D. 1912, and for the application to beneficial use of said water on or before the 29th day of August, A.D. 1916, and,

WHEREAS, On the 9th day of May, A.D. 1912, Michael Byrne, the holder of said permit, transferred all his right, title and interest in and to said Permit to the Fox Creek Irrigation Company, Limited, and,

WHEREAS, On the 20th day of June, A.D. 1912, FOX CREEK IRRIGATION COMPANY, LIMITED, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 89.6 cubic feet per second of said waters, as evidenced by my Certificate No. 3933, dated August 24, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 89.6 cubic feet per second of water, with date of priority of July 20, 1908, and,

WHEREAS, On the 20th day of June, A.D. 1912, the Fox Creek Irrigation Company, the holder of said permit, transferred to N. P. Hansen, of Rexburg, Fremont County, Idaho, one and one-sixth (1 1/6) cubic feet per second of Fox Creek waters, appropriated under Permit No. 3933, and,

WHEREAS, On the 30th day of July, A.D. 1912, N. P. HANSEN, the holder of said permit, duly made proof of the application to beneficial use of 1-1/6 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 N. P. HANSEN, of Rexburg, County of Fremont, State of Idaho, the holder and owner of said Permit No. 3933, a perpetual right, dating from July 20, 1908, to the use of one and one-sixth (1-1/6) cubic feet per second of the waters of FOX CREEK, in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be ^{SE NW Sec 29} (diverted at a point 1991 ft. S. and 2360 ft. E. of Sec. cor. common to Secs. 19-20-29-30, Tp. 4 N., R. 48 E.B.M.) and conducted to and upon 80 acres divided as follows: (40 acres in the NE4 of NE4 and 40 acres in the NW4 of NE4 of Section 34, Township 4 North, Range 45, 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 28th day of August, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson,
State Engineer.

22-2037

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Michael Byrne,

Postoffice address: Chapin

County: Fremont State: Idaho.

2. The quantity of water claimed is 89.6 cubic feet per second.

3. Source of water supply: Fox Creek

County of *Fremont*.

4. Location of point of diversion: 1991 ft. S. and 2360' E. of Sec. Cor. to Secs. 19-20-29 and 30
Twp. 4 N.R. 46 E.

5. To be used for: Irrigation and domestic use.

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 4480 acres.

(b) In the following legal subdivisions: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20 Sec. 19 S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 18 W $\frac{1}{2}$ Sec. 30
N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 30 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T. 4 N.R. 46 E.B.M. Secs. 25-26-27-
S $\frac{1}{2}$ Sec. 24 NE $\frac{1}{4}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 24 E $\frac{1}{2}$ Sec. 23 NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35 NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$
and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34 T. 4 N.R. 45 E.

6. Estimated cost of works: \$5,000.00

7. Description of works for diversion:

I. Kind of works(reservior, dam, ditch, flumes, pipes or otherwise): canal & ditch.

II. Dimensions of works:

(a) Height of dam 3 feet, length of dam at top 40 feet, length of dam at bottom 23 feet,
Material used in construction: Earth & stone.

(a) Conduit Canal, width at bottom 8 feet, width at water line 12 feet, depth of water
36 inches. Average grade per mile is 10 feet. Length of conduit is 4 miles, and it
crosses the following quarter sections: NW $\frac{1}{4}$ Sec. 29 NE $\frac{1}{4}$ Sec. 30 NW $\frac{1}{4}$ Sec. 30, T. 4
N.R. 46 E. SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 24 SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 23 NW $\frac{1}{4}$ Sec. 26 NE $\frac{1}{4}$ Sec. 27 T 4 N.R. 45
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 4 years.

9. Time required for the complete application of the water to the proposed use is 4 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.

Michael Byrne
Applicant.

By O.E. Peterson Agent

Remarks. In addition to the canal as represented there is 5 laterals taken from main canal and delivers water on all land within the legal subdivisions above stated on North and South side of main canal the ground slopes so the water can be taken both ways with grade of 10 ft. per mile. Lateral No. 1 2 ft. in bottom, 3 ft. at water line 2 ft. deep. Lateral No. 2 18" in bottom 16" deep. Lateral No. 3 26" in bottom 3 ft. at water line 2 ft. deep. Lateral No. 4 36 in bottom 4 ft. at water line 28" deep. Lateral No. 5 taken from canal at point 50 ft. south of Sec. Cor. to Secs. 19-24-25 and 30 on Range line bet. 45 and 46 E. thence in a S. Westerly course 2½ miles. Size of this lateral 4 ft. on bottom 5 ft. at water line, Depth of water 3 ft as shown on maps attached.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3933.

Date of first receipt of application 9.00 A.M. July 20, 1908.

Returned to applicant for correction July 20, 1908.

Corrected application received August 24, 1908

Recorded in Book 11, Page 3933 Approved August 29, 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.

Good and sufficient bond to be filed in the sum of \$1,000.00 on or before the October 28, 1908.

One-fifth of the work above specified to be completed on or before August 29, 1910.

The whole of said work to be completed on or before August 29, 1912.

The time for proof of beneficial use of water appropriated in accordance herewith; to extend to August 29, 1916.

Witness my hand this twenty-ninth day of August, 1908.

Jas. Stephenson, Jr.

State Engineer.

D E E D.

This Indenture, made the 9th day of May, in the year 1912, between Michael Byrne, of Chapin, County of Fremont, State of Idaho, the party of the first part, and the Fox Creek Irrigation Company, Limited, a corporation, of Chapin, Fremont County, State of Idaho, the party of the second part,

WITNESSETH: That the party of the first part, for and in consideration of the sum of one dollar, lawful money of the United States to him in hand paid, the receipt whereof is hereby acknowledged, and in consideration of certain stock in said Company, does by these presents grant, bargain, sell and convey and confirm unto the said party of the second part, and to its successors and assigns forever, all his right, title and interest in Permit numbered 3933 of the State Engineer of the State of Idaho, which permit is recorded in Book 11 page 3933, for 89.6 cubic feet per second of the waters of Fox Creek, in Fremont County, State of Idaho.

That the stockholders of said corporation are entitled to one share of stock to the acre, on the basis of one cubic foot of water to each fifty acres, and the names of those so entitled that have subscribed the articles of incorporation, and the number of shares to each is as follows:

David A. Nelson 120 shares, George A. Dewey 160 shares, Michael Byrne 160 shares, W. W. Nickell 80 shares, Henry Nelson 160 shares, Parmer Fenton 35 shares, E. Beesley 160 shares, Michael Byrne, trustee 1000 shares, A. Penfold 200 shares, Charles A. Moulton 160 shares, H. T. Nelson 60 shares, E. E. Smith 80 shares, John Bates 150 shares, John Williams 160 shares, J. D. Anderson 80 shares, A. E. Taylor 160 shares, A. C. Larson 80 shares, Denton Moulton 120 shares, W. H. Woolstenhulme 80 shares, and N. P. Hansen 80 shares. The balance of the stock of said corporation is held in the treasury of said corporation to be issued to the persons entitled who did not sign the articles of incorporation.

To have and to hold, the said permit and rights therein, and privileges thereunto incident, unto the party of the second part, and to its successors 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.

Signed, sealed and delivered

Michael Byrne (Seal)

in the presence of

Ben W. Driggs, Jr.

State of Idaho,)
 (ss
 County of Fremont.)

On this 9th day of May, in the year 1912, before me, Ben W. Driggs, Jr., a notary public in and for said county and state, personally appeared Michael Byrne, known to me to be the person who executed the within instrument, and acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and official seal the day and year in this certificate first above written.

(SEAL)

Ben W. Driggs, Jr.

Notary Public.

Received and filed for record in the office of the
 State Engineer at Boise, Idaho, at 9:00 A.M., May 15, 1912.

A. E. Robinson

W

State Engineer.

This Indenture made the 20th day of June, in the year 1912, by and between the Fox Creek Irrigation Company, Limited, a corporation of Chapin, Idaho, party of the first part, and N. P. Hanson, of Rexburg, Idaho, party of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of one dollar, the receipt whereof is hereby acknowledged, by these presents, grants, bargains, sells and conveys unto the party of the second part one and one-sixth cubic feet of waters of Fox Creek under permit No. 3933, and proportionate interest in the Canal of the Fox Creek Irrigation Company, Limited, for conveying said water, situated in Fremont County, State of Idaho.

To have and to hold, all and singular, the said rights and property and privileges thereunto incident, unto the said party of the second part, to his heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto caused these presents to be executed by its president this 20th day of June, 1912.

Fox Creek Irrigation Company, Limited,

By- George A. Dewey, President.

Signed, sealed and delivered in the presence of

Ben W. Driggs, Jr.

State of Idaho,)
) ss.
 County of Fremont,)

On this 20th day of June, in the year 1912, before me Ben W. Driggs, Jr., a notary public in and for said county, personally appeared George A. Dewey, known to

me to be the president of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

Ben W. Driggs, Jr.,
Notary Public.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 A.M. June 24, 1912.

A. E. Robinson,
State Engineer.

1st Notice received May 15th, 1912, fixing June 20th, 1912, as date, and Driggs, Idaho, as place of proof.

Publication Notice mailed the Teton Valley News on May 15th, 1912.

Deposition blanks mailed B. W. Driggs on May 15th, 1912.

Chas. H. DeCamp authorized to make the required examination.

Depositions, affidavit of publication and fees received June 24th, 1912.

Report received August 19th, 1912.

Certificate issued August 24th, 1912.

Permit No. 3933

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that FOX CREEK IRRIGATION COMPANY, Limited, of Chapin, County of Fremont, and State of Idaho, the holder of Permit No. 3933, issued upon Application No. 5465, bearing date of priority of July 20, 1908, authorizing the diversion of 89.6 second feet of the waters of Fox Creek, County of Fremont, 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 89.6 second feet of the waters of Fox Creek, that the point of diversion of said waters is at a point 1991 feet S. and 2360 feet E. of section corner common to Sections 19-20-29-30, Township 4 North, Range 46, East of Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW4 of SW4 Sec. 20, Sec. 19, S2 SW4 Sec. 18, W2 Sec. 30, N2 NE4 Sec. 30, NW4 NW4 Sec. 31, NW4 NW4, Sec. 29, Tp. 4 N., R. 46 E.B.M. Sections 25, 26 & 27, S2 Sec. 24, NE4, S2 NW4 Sec. 24, E2 Sec. 23, NW4 and NW4 SW4, Sec. 35, NE4 and NE4 NW4 and NE4 SE4, Sec. 34, Township 4 North, Range 45 East of Boise Meridian.

Witness my hand this 24th day of August, A.D. 1912.

A. E. Robinson

State Engineer.

License issued for

$\frac{1}{6}$
Page 1168

second feet - N. R. Hansen

Upon proper request of Michael Byrne, of Permit No. 3933, I have this 21st day of August, 1916, extended the time for beneficial use of water thereunder to the 1st day of September, 1917.

J. H. Smith,

State Engineer.

WATER RIGHT NUMBER 22-2037

OWNER LAST NAME - BYRNE
OWNER LAST NAME - HANSENFIRST NAME - MICHAEL
FIRST NAME - N. P.ORIG OWNER - 0
ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - REXBURG

STATE - ID ZIP CODE - 83440

SOURCE - FOX CREEK

TRIBUTARY OF - TETON RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 07-20-1908

COUNTY - TETON

TOTAL DIV. RATE -

1.1700 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 01

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENW 29 04N 46E LOT 00 REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

SENW 29 04N 46E LOT REDIV -

272.0 489.0 10.0 36.0 0.0 0.0 0.0 0.0 0.0 0.0 8.6

FROM - TO - USE - IRRIGATION

USE DIV. RATE - 1.1700 CFS USE DIV. VOLUME - .00 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 000 RNG 000 SEC 00

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 45E SEC 34 TRACT NENE LOT AC 40 TRACT NWNE LOT AC 40

DECREE NAME -

DATE -

TOTAL ACRES 80

REMARKS - LICENSE INDICATES P/D IN FREMONT CO

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 3933

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

July 23, 1931

Re: DISTRICT No. 36
PERMIT No. 3933

HONORABLE J. M. ISAACSON
State Land Commissioner
The Capitol

My dear Mr. Isaacson:

Referring to your letter of July 21 re: Water right covering the following described lands, to-wit:

N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34, Twp. 4 N., Range 45 East, B. M.

Bag to advise that none of the names mentioned in the letter of:

SAUL FULLMER
Driggs
Idaho

with reference to this matter appears in what is known as the HENSBURG DE-
CREED covering lands in this vicinity.

The land described does, however, appear in the proof of application of
water to beneficial use made by the FOX IRRIGATION COMPANY, Ltd., under:

PERMIT No. 3933

with priority of August 29, 1908. Proof under this permit was made Octo-
ber 13, 1917 but the fees were not paid and no license ever issued.

I am surprised at the statement made by Mr. FULLMER with reference to ad-
vice received from the Attorney General's Office in view of the fact that:

Section 5612

Idaho Compiled Statutes, expressly provides that in the distribution of
water to users an undecreed right be held subsequent to all decreed rights.

Very truly yours,

Commissioner of Reclamation

3933

C
O
P
Y

Driggs, Idaho
July 19, 1931

Mr. J. M. Isaacson,
Land Commissioner
Boise, Idaho

Re: Water right on T. M. Grover
place ---- filing 1889

Dear Sir:

You are, no doubt, aware of the fact that the water shortage in this locality has rendered the situation quite desperate. The snow-fall in the mountains was very light last winter, and the water ran off rapidly last spring, so that by June 1st there was little more than enough water in Fox Creek to fill the decrees. The rest of us who farm land which has no decreed water threw our streams together and took turns using it, thereby getting some hay watered. On July 1st, the water was ordered shut off from this place, which left me with the hay dry and not half matured, and 55 acres of grain burning. I wrote to the state's attorney general asking about the legality of depriving this place of its water, explaining to him that there had been no decree issued for the water for this place, although it holds the earliest filing on the creek -- April 19, 1889.

After ten days, I received a reply from the Attorney General's office stating that as this place had the early filing and had established its right by a priority of use, the right could not be interfered with regardless of any decrees issued at a date later than that filing. I took the letter to Mr. Edward Riggan, President of the Fox Creek Canal Company, and together we visited our county attorney, who advised Mr. Riggan to turn the water to me temporarily at least. The next day the water was turned to the place and I had the use of it for three and one-half days. Dec. 5612

In the meantime, the State Watermaster had ordered all canals using water from tributaries of Teton River, and which headed in Idaho, turned back into their natural channels in an endeavor to give the land down about Rexburg holding 1885 and 1888 rights more water, and the Fox Creek Canal was shut off.

Friday, I met Mr. Riggan on the road and asked him what the prospects were for us getting the Fox Creek water back into the Canal, and his reply was substantially as follows:

"The State Watermaster has given the fellows down below the stream for another five days to prove once and for all that it does not benefit them in the least to take the water down the old creek bed, and we will have the water back in the canal Monday or Tuesday, but

3953

that will do you no good as we have found that the place you are farming has no water right at all. We have found that the place was abandoned for a period of twelve years shortly after final proof was made."

"And", he continued, "it takes only five years neglect of a water right to nullify it so that first filing is dead, and there has been no water filed on for the place since. I am telling you now, Fullmer, so that you can make your plans accordingly, that you'll get no more water this year, except maybe enough for culinary purposes; and next year you can draw water for that place as long as there is a surplus, but as soon as land with any legal filing at all wants the water and can use it, your water will be shut off."

I asked Mr. Riggan where he got his information, and he replied, "From Jenkins, the man who eventually bought the place and cultivated it."

I pointed out to Mr. Riggan that Jenkins making such a statement did not prove it to be a fact, and asked him where I could get in touch with Mr. Jenkins. He refused to tell me but said he could be produced readily enough if it became necessary.

After leaving Mr. Riggan, I went and talked with Mr. Dean Christensen, who is the only one I know of about here who was in this locality when the alleged abandonment occurred. He was quite reticent, but I finally got this statement from him--whether it is correct or not I don't know, and he seemed a bit hazy on some points.

David Hilton, a Salt Lake businessman, filed on 640 acres of land and 640 inches of water in Fox Creek under a desert act dated April 19, 1889. Mr. Beesley acting as Hilton's agent, and financed by Mr. Hilton, took out what is known as the old desert ditch and put water on each 40 acres of the land, breaking up and seeding some land in each 40-acre tract. After final proof was made, Beesley, acting as Hilton's agent, offered the land for sale. Some years later, Mr. Jenkins bought this place and put the south 80 acres under the plow and watered it. Some years later, a Mr. Stone bought the property and put the north 80 acres under cultivation still using the old desert ditch to carry the water. He further stated that there had been water in the ditches on each forty acres since the filing was made as the tracts to the west of this--part of the original 640--were farmed all the time, and they drew the water from the ditches on this place.

That is the only definite first hand information I have been able to get.

Now the situation is this:

I started mowing the 55 acres of grain this morning, as it is burning up and just starting to head out, and even if I should get a

a fair stream Tuesday, it will be too late to save it, but I could get a fair crop of alfalfa if the frost holds off till late. The place is worthless without a water right. It must have water to produce a crop. No one can afford to buy or lease the property until the present situation is cleared up.

The normal flow of water in Fox Creek is insufficient to irrigate the lands that are covered by Fox Creek filings. There is a general sentiment here that the state can better afford to lose out on the water than any individual who owns land under our canal, and any action the state may take to maintain the water right is apt to be generally opposed by the farmers who would benefit by eliminating the water right to this land. However, if the state will compel the company to turn me an irrigation stream now, thus proving that the place was illegally deprived of its water, thereby causing me to lose my crop, I can and will take action against them for an amount sufficient to pay the rent on the place.

Trusting that you will give this matter your immediate attention, and that you will let me hear from you by return mail, I remain

Yours sincerely,

(Signed) Saul Fullmer,
Driggs, Idaho

P.S. I have a good weir on the place for measuring the water. This is the first year that weirs have been used on this canal.

3933

Members of Board

C. BEN ROSS
GOVERNOR AND PRESIDENT
FRED J. BABCOCK
ATTORNEY GENERAL
FREDE. LUKENS
SECRETARY OF STATE
MYRTLE R. DAVIS
SUPT. OF PUBLIC INSTRUCTION
E. G. GALLET
STATE AUDITOR

STATE OF IDAHO
State Board of Land Commissioners

J. M. ISAACSON, LAND COMMISSIONER

BOISE, IDAHO

July 21, 1931

Honorable R. W. Faris
Commissioner of Reclamation
Building

Dear Mr. Faris:

We enclose copy of a letter just received from Mr. Saul Fullmer, of Driggs, Idaho, who has a lease on the Thomas M. Grover ranch, which the state acquired through foreclosure of a loan.

This ranch covers the N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 24, Twp. 4 North, Range 45 East, and we also hold Certificate No. 36 for 160 shares of stock in the Fox Creek Irrigation Company.

Will you please advise us at your earliest convenience what your records show in regard to other water rights or priorities appurtenant to this land as referred to in Mr. Fullmer's letter? Also please advise us what action should be taken in order to protect the water rights to this piece of state land.

Very truly yours,

J. M. Isaacson

State Land Commissioner

JLA:ea
Encl.

3253

March 23, 1922.

Re: Permit 3933-Fox Creek Irr. Co.

Mr. A. C. Larsen,
Mgr., Fox Creek Irr. Co.,
Briggs, Idaho.

Dear Sir:

I am inclosing herewith a copy of letter from this office under date of September 14, 1921, advising you that certain fees were due under the above numbered Permit. Kindly give this matter your early attention.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

CB:E
Encls.

3933

State of Idaho
OFFICE OF
STATE ENGINEER

No. 1127

Boise, Idaho, Oct. 13 1917

RECEIVED
FROM

John W. Williams of Victor \$ 8.00
Eight - 40

DOLLARS

FOR

Application for Permit No.

Proofs

Certified Copy

Recording Deed

Certificate

Total

\$		
\$	8	00
\$		
\$		
\$		
\$		
\$		

J. H. Smith
State Engineer

By

3933 C. Brown

September 14, 1921.

Re: Permit No. 3933 - Fox Creek Irr. Co.

Mr. A. C. Larsen,
Mgr. Fox Creek Irr. Co.,
Driggs, Idaho.

Dear Sir:

The report of the examining engineer on beneficial use of water under the above numbered Permit, has just been filed. According to the report there are parts of ninety-five forty acre tracts under cultivation and irrigation. Our records show that license has already been issued to N. P. Danesen for one and four-tenths second feet of water for the irrigation of the N $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$ Sec. 34 T. 4 N. R. 45 E. These two forties will, therefore, be taken out when license is issued to the Company under this proof.

The files also show that one, John W. Williams, made proof on the N $\frac{1}{2}$ SE $\frac{1}{2}$ of Sec. 27, and S $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 26, T. 4 N. R. 45 E. and that fees were paid in the sum of \$8.00, but that license had not been issued for the reason that the deed from the Company to Mr. Williams had not been placed on record in this office. License will, therefore, be issued to the Company including Mr. William's land. The fees due this office amount to \$85.00 and upon receipt of that amount license will be forwarded to you.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation,

By _____
Chief Clerk.

CB/E

22003

REPORT OF ENGINEER

1. State name of applicant and number of permit: Fox Creek Irrigation Co. - Permit 3933
2. State source of water supply: Fox Creek
3. Location of point of diversion: 1991 ft. S. and 2360 ft. E. of Sec. Cor. of Secs. 19-20-29-30, T. 4 N., R. 46 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 and capacities of same: Control dam 36 ft long, 18" thick, 4 ft high, Spillway 30 ft x 14", 2 head gates of plank 5' wide x 4 ft high, side & wing walls 12" thick (conc) 20 ft long x 4 ft high, Ditch 12 ft wide x 18" deep. Cap 60 Cu. ft.
6. State whether or not water has been turned into works of diversion: yes

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 20, 6 A.; Sec. 19, 585 A.; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 18, 30 A.; W $\frac{1}{2}$ Sec. 30, 120 A.; NE $\frac{1}{4}$ Sec. 30, 15 A.; NW $\frac{1}{4}$ Sec. 31, 150 A.; NW $\frac{1}{4}$ Sec. 29, 80 A.; T. 4 N., R. 46 E.; Secs. 25, 26 & 27, 490 A.; S $\frac{1}{2}$ Sec. 24, 320 A.; NE $\frac{1}{4}$ Sec. 24, 80 A.; S $\frac{1}{2}$ Sec. 23, 320 A.; NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, 40 A.; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, T. 4 N., R. 45 E., B.M.

Total area in cultivation = 3534 Acres

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: These works are very well constructed and the land is practically all in cultivation

* Thos. M. Grover succeeded A. C. Larsen as President of the "Fox Creek Irrigation Co."

This examination was made on the 25th day of July 1921.

(Signed)

Frank Robinson

Examiner.

Wm. H. Clark
A.C. Larson, Pres.,
Fox Creek Irr. Co.,
Briggs, Idaho

3933 President
Thos M. Grover, bot of
Briggs in 1918

(This report must be filed in the office of the State Engineer's office)

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 _____ 191__

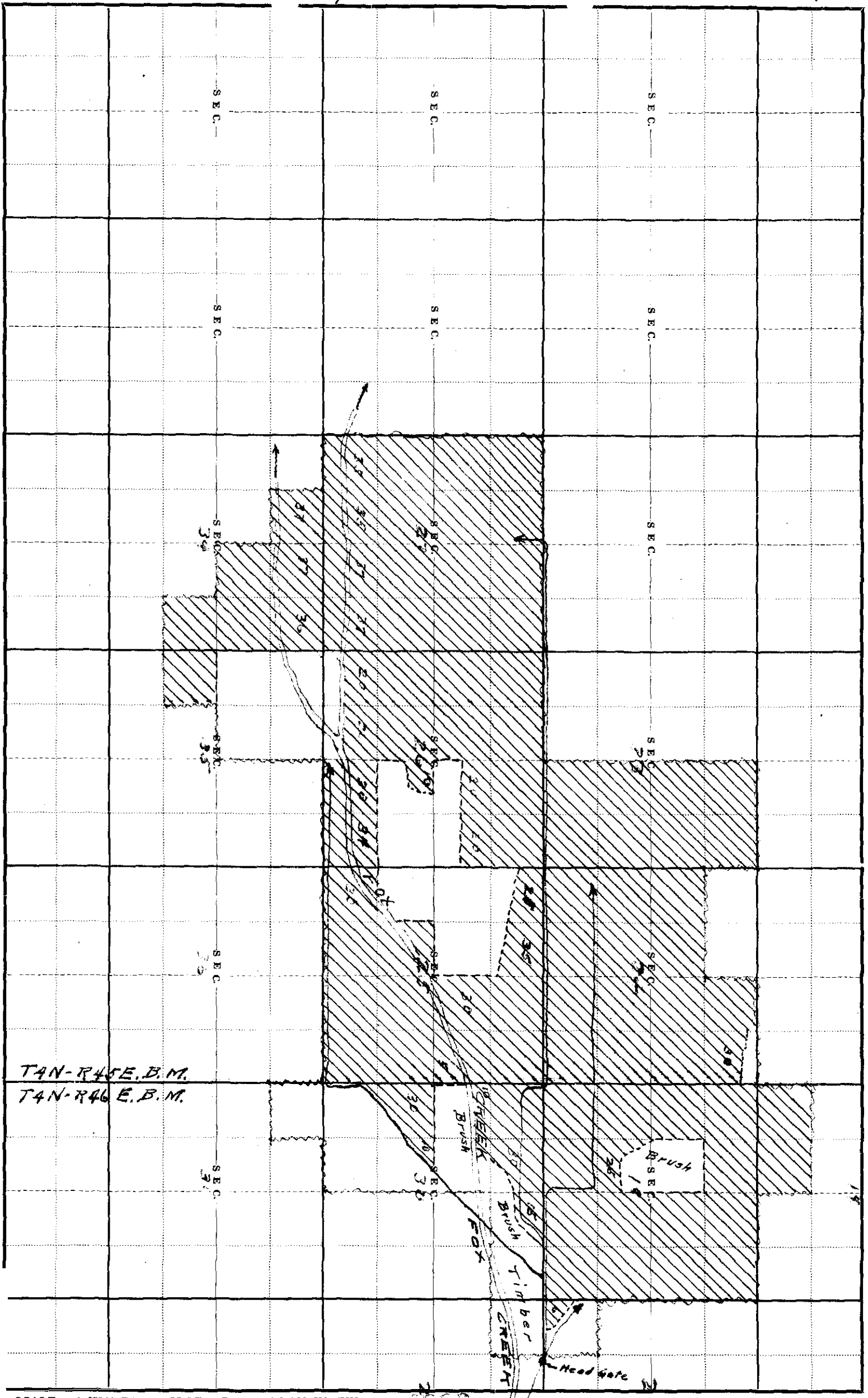
My Commission Expires _____

Notary Public

NAME OF APPLICANT Fox Creek Terr. ation Co.

Beneficial use
Per. int. 189-3

(7/25/21)
H.



T4N-R45E.B.M.
T4N-R46E.B.M.

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

3933

Point of diversion

October 5, 1918.

Re Permit 3933.

Mr. A. C. Larsen,
Mgr. Fox Creek Irr. Co.,
Driggs, Idaho.

Dear Sir:--

As it will be impossible for an engineer to make the examination for proof of use of water under the above permit, I will ask that you send the name of some one near you to do this work for you. Blanks will be furnished him from this office.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

STATE OF IDAHO
ENGINEERING DEPARTMENT

BOISE

OFFICE OF STATE ENGINEER

Sept. 28, 1917.

Re: Permit No. 3933.

Fox Creek Irrigation Co. Ltd.,

Driggs, Idaho.

To facilitate the examination to be made by this Department in connection with proof under above permit, you are requested to fill in answers to the following questions and return this sheet to State Engineer, Boise, at once.

J. H. SMITH,

State Engineer.

Sept 30, 1917

1. What is nearest and most convenient railroad or stage station to the land covered by permit? Driggs
2. What is best means of reaching the land, automobile or team? automobile
3. Do you live on the place? yes
4. If not, where is your residence? _____
5. If you do not live on the place is there a tenant living there? If so what is his name? _____
6. If there are several roads from the station named above to the place, state briefly which road is best to take. no

A. C. Lousen

November 22, 1917.

Re: Permit 3933- Fox Creek Irrigation Company.

Mr. A. C. Larsen,
Briggs, Idaho.

Dear Sir:

We are in receipt of depositions, affidavit of publication and check for fees in the sum of \$178.00 for proof of beneficial use of water under the above permit.

As it may be some time before the required examination can be made by our engineer, the check is herewith returned to you. As soon as the examination and report are made, you will be notified as to fees required.

Very truly yours,

J. H. SMITH,

State Engineer.

JY

CS/MS

Enc: Ck \$178.00.

3933

3933

NOTICE FOR PUBLICATION.
Notice of Proof of Application of Water
to Beneficial Use.

Notice is hereby given that at 10 o'clock A. M., on the 13th day of October, 1917, at Driggs, County of Teton, State of Idaho, before Richard S. Wilkie, Notary Public, Driggs, Idaho, proof will be submitted of the application to beneficial use of 89.6 cubic feet per second of the waters of Fox Creek, in accordance with the terms and conditions of Permit No. 3933, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Fox Creek Irrigation Company, Limited.

2. The use to which said water has been applied is irrigation and domestic.

3. The amount applied to beneficial use is 89.6 cubic feet per second.

4. The place where said water is used is SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 20; Sec. 19; S $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$, Sec. 30; N $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Twp. 4 North, Range 48 East, Boise Meridian. Sections 25, 26 and 27; S $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24; E $\frac{1}{2}$, Sec. 23; NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35; NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, Twp. 4 North, Range 45 East of the Boise Meridian.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is known as the Fox Creek Irrigation Canal.

6. The right to take the water from such works is based upon Permit No. 3933.

7. The source of supply from which such water is diverted is Fox Creek.

8. The date of priority which said user is prepared to establish is August 29th, 1908.

9-2010-11

J. H. SMITH,
State Engineer.

AFFIDAVIT OF PUBLICATION

I, F. C. Madsen, Publisher, of the Teton Valley News,
published weekly at Driggs, Idaho, do solemnly swear that a
copy of the above notice, as per clipping attached, was
published weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof, for four
consecutive weeks commencing with the issue dated
Sept. 20, 1917, and ending with the issue
dated October 11, 1917.

Subscribed and sworn to before me this 12th day of

October, 1917.

F. C. Madsen
Ben W. Drigg
Notary Public

3933

2933

Permit No.-----

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Nean Christenson age 41 Farming, Victor Idaho.

Ques. 2. Are you acquainted with Fox Creek Irrigation Company, Ltd., theholder of Permit No. 3933? How long have you known him and where does he reside?Ans. since Aug. 29, 1908. Place of business Chapin, Idaho.Ques. 3. Have you read or heard read said Permit No. 3933, and are you familiar with its provisions and conditions?Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Fox Creek, in NE Corner of Sec. 20, NW, Sec. 29, T. 4 N. R. 46 E. B. M.
canal about 10 feet wide and from 3 to 4 feet deep. Dam built in creek
of logs and plank, and various laterals lower down which distributes
the water to the various places of use.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. ditch about 10 wide, 4 feet deep, (do not understand measurements of water) I have seen ditch running full of water at head.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Irrigation

SW₁ SW₁ of Sec. 20--15 acres
 NE₁ NE₁ of Sec. 19--40 acres
 SE₁ SE₁ of Sec. 19--40 acres
 NE₁ SE₁ of Sec. 19--25 acres
 SE₁ SE₁ of Sec. 19--40 acres
 NW₁ NE₁ of Sec. 19--25 acres
 SW₁ NE₁ of Sec. 19--40 acres
 NW₁ SE₁ of Sec. 19--40 acres
 SW₁ NE₁ of Sec. 19--40 acres
 SE₁ SW₁ of Sec. 18--40 acres
 SW₁ SW₁ of Sec. 18--40 acres
 NE₁ NW₁ of Sec. 19--40 acres
 NW₁ NW₁ of Sec. 19--40 acres
 SE₁ NW₁ of Sec. 19--5 acres
 SW₁ NW₁ of Sec. 19--5 acres
 NE₁ SE₁ of Sec. 19--5 acres

NW₁ SW₁ of Sec. 20--15 acres
 SE₁ SW₁ of Sec. 20--15 acres
 SW₁ SE₁ of Sec. 19--40 acres
 NW₁ NW₁ of Sec. 20--40 acres
 SE₁ NW₁ of Sec. 20--15 acres
 SW₁ NW₁ of Sec. 20--15 acres
 NW₁ SW₁ of Sec. 20--40 acres
 SE₁ SW₁ of Sec. 20--40 acres
 NW₁ NW₁ of Sec. 21--10 acres

All in Twp. 4 North, Range 46 E. B. M.-----476
725 acres

NE₁ NE₁ of Sec. 24--20 acres
 NW₁ NE₁ of Sec. 24--40 acres
 SW₁ NE₁ of Sec. 24--40 acres
 SE₁ NE₁ of Sec. 24--40 acres
 SE₁ NW₁ of Sec. 24--40 acres
 SW₁ NW₁ of Sec. 24--40 acres
 NE₁ SW₁ of Sec. 24--40 acres
 NW₁ SW₁ of Sec. 24--40 acres
 SW₁ SW₁ of Sec. 24--40 acres
 SE₁ SW₁ of Sec. 24--40 acres
 NE₁ SE₁ of Sec. 24--40 acres
 NW₁ SE₁ of Sec. 24--40 acres
 SW₁ SE₁ of Sec. 24--40 acres
 SE₁ SE₁ of Sec. 24--40 acres
 NE₁ NE₁ of Sec. 25--40 acres
 NW₁ NE₁ of Sec. 25--40 acres
 SE₁ NE₁ of Sec. 25--10 acres
 NE₁ NW₁ of Sec. 25--3 acres
 NW₁ NW₁ of Sec. 25--3 acres
 NE₁ SW₁ of Sec. 25--40 acres
 SE₁ SW₁ of Sec. 25--40 acres
 NE₁ SE₁ of Sec. 25--40 acres
 NW₁ SE₁ of Sec. 25--40 acres
 SW₁ of SE sec. 25--40 acres
 SE₁ SE₁ of Sec. 25--40 acres
 NE₁ NE₁ of Sec. 25--20 acres
 NW₁ NE₁ of Sec. 25--40 acres
 SW₁ NE₁ of Sec. 25--40 acres
 SE₁ NE₁ of Sec. 25--40 acres
 NE₁ SE₁ of Sec. 25--40 acres
 SE₁ SE₁ of Sec. 25--40 acres

NE₁ NE₁ of Sec. 26--40 acres
 NW₁ NE₁ of Sec. 26--40 acres
 SW₁ NE₁ of Sec. 26--10 acres
 SE₁ NE₁ of Sec. 26--10 acres
 NE₁ SE₁ of Sec. 26--40 acres
 NW₁ NW₁ of Sec. 26--40 acres
 SW₁ NW₁ of Sec. 26--40 acres
 SE₁ NW₁ of Sec. 26--40 acres
 NE₁ SW₁ of Sec. 26--40 acres
 NW₁ SW₁ of Sec. 26--40 acres
 SW₁ SW₁ of Sec. 26--40 acres
 SE₁ SW₁ of Sec. 26--40 acres
 SW₁ SW₁ of Sec. 26--40 acres
 SE₁ SW₁ of Sec. 26--40 acres
 NE₁ SE₁ of Sec. 27--40 acres
 NW₁ SE₁ of Sec. 27--40 acres
 SW₁ SE₁ of Sec. 27--40 acres
 SE₁ SE₁ of Sec. 27--40 acres
 NW₁ NW₁ of Sec. 27--40 acres
 NE₁ NW₁ of Sec. 27--40 acres
 SW₁ NW₁ of Sec. 27--40 acres
 SE₁ NW₁ of Sec. 27--40 acres
 NE₁ SE₁ of Sec. 27--40 acres
 NW₁ SE₁ of Sec. 27--40 acres
 SW₁ SE₁ of Sec. 27--40 acres
 SE₁ SE₁ of Sec. 27--40 acres
 NE₁ NE₁ of Sec. 34--40 acres
 NW₁ NE₁ of Sec. 34--40 acres
 SW₁ NE₁ of Sec. 34--40 acres
 SE₁ NE₁ of Sec. 34--40 acres
 NE₁ NW₁ of Sec. 34--40 acres
 NW₁ SE₁ of Sec. 34--40 acres
 NW₁ SW₁ of Sec. 35--40 acres

1125-----1125
 All in Twp. 4 N. R. 46 E. B. M.-----2345 acres
 Brought forward-----726

3072-----acres

Land has been cleared from wild state mostly all sagebrush, and now growing hay grain and vegetables. And numerous residences established at different places on said land.

do not understand
Ans. ditch about 10 wide, 4 feet deep, (proper measurements
of water) I have seen ditch running full of water at head.
Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-
division in which water has been used and number of acres irrigated in each subdivision.) State whether
cultivated or natural meadow land and the nature of all improvements which have been made as a direct re-
sult of said use.

Irrigation

SW ₁ SW ₁ of Sec. 20--15 acres	NW ₁ SW ₁ of Sec. 19--10 acres
NE ₁ NE ₁ of Sec. 19--40 acres	SE ₁ SW ₁ of Sec. 19--40 acres
SE ₁ NE ₁ of Sec. 19--40 acres	SW ₁ SW ₁ of Sec. 19--40 acres
NE ₁ SE ₁ of Sec. 19--25 acres	NW ₁ NW ₁ of Sec. 30--40 acres
SE ₁ SE ₁ of Sec. 19--40 acres	SE ₁ NW ₁ of Sec. 30--15 acres
NW ₁ NE ₁ of Sec. 19--25 acres	SW ₁ NW ₁ of Sec. 30--15 acres
SW ₁ NE ₁ of Sec. 19--40 acres	NW ₁ SW ₁ of Sec. 30--40 acres
NW ₁ SE ₁ of Sec. 19--40 acres	SE ₁ SW ₁ of Sec. 30--40 acres
SW ₁ SE ₁ of Sec. 19--40 acres	NW ₁ NW ₁ of Sec. 31--10 acres
SE ₁ SW ₁ of Sec. 18--40 acres	
SW ₁ SW ₁ of Sec. 18--40 acres	
NE ₁ NW ₁ of Sec. 19--40 acres	
NW ₁ NW ₁ of Sec. 19--40 acres	
SE ₁ NW ₁ of Sec. 19-- 3 acres	
SW ₁ NW ₁ of Sec. 19-- 3 acres	
NE ₁ SW ₁ of Sec. 19-- 5 acres	
-----DATA 476	
All in Twp. 4 North, Range 45 E.B.M.----- 726 acres	

NE ₁ NE ₁ of Sec. 24--20 acres	NE ₁ NE ₁ of Sec. 26--40 acres
NW ₁ NE ₁ of Sec. 24--40 acres	NW ₁ NE ₁ of Sec. 26--40 acres
SW ₁ NE ₁ of Sec. 24--40 acres	SW ₁ NE ₁ of Sec. 26--10 acres
SE ₁ NE ₁ of Sec. 24--40 acres	SE ₁ NE ₁ of Sec. 26--10 acres
SE ₁ NW ₁ of Sec. 24--40 acres	NE ₁ NW ₁ of Sec. 26--40 acres
SW ₁ NW ₁ of Sec. 24--40 acres	NW ₁ NW ₁ of Sec. 26--40 acres
NE ₁ SW ₁ of Sec. 24--40 acres	SW ₁ NW ₁ of Sec. 26--40 acres
NW ₁ SW ₁ of Sec. 24--40 acres	SE ₁ NW ₁ of Sec. 26--40 acres
SW ₁ SW ₁ of Sec. 24--40 acres	NE ₁ SW ₁ of Sec. 26--40 acres
SE ₁ SW ₁ of Sec. 24--40 acres	NW ₁ SW ₁ of Sec. 26--40 acres
NE ₁ SE ₁ of Sec. 24--40 acres	SW ₁ SW ₁ of Sec. 26--40 acres
NW ₁ SE ₁ of Sec. 24--40 acres	SE ₁ SW ₁ of Sec. 26--40 acres
SE ₁ SE ₁ of Sec. 24--40 acres	SW ₁ SW ₁ of Sec. 26--40 acres
NE ₁ NE ₁ of Sec. 25--40 acres	SE ₁ SW ₁ of Sec. 26--40 acres
NW ₁ NE ₁ of Sec. 25--40 acres	SW ₁ SW ₁ of Sec. 26--40 acres
SW ₁ NE ₁ of Sec. 25--40 acres	SE ₁ NE ₁ of Sec. 27--40 acres
SE ₁ NE ₁ of Sec. 25--10 acres	SW ₁ NE ₁ of Sec. 27--40 acres
NE ₁ NW ₁ of Sec. 25-- 3 acres	SE ₁ NW ₁ of Sec. 27--40 acres
NW ₁ NW ₁ of Sec. 25-- 3 acres	SW ₁ NW ₁ of Sec. 27--40 acres
NE ₁ SW ₁ of Sec. 25--40 acres	NE ₁ SW ₁ of Sec. 27--40 acres
SE ₁ SW ₁ of Sec. 25--40 acres	NW ₁ SW ₁ of Sec. 27--40 acres
NE ₁ SE ₁ of Sec. 25--40 acres	SW ₁ SW ₁ of Sec. 27--40 acres
NW ₁ SE ₁ of Sec. 25--40 acres	SE ₁ SW ₁ of Sec. 27--40 acres
SW ₁ of Sec. 25--40 acres	NE ₁ SE ₁ of Sec. 27--40 acres
SE ₁ SE ₁ of Sec. 25--40 acres	NW ₁ SE ₁ of Sec. 27--40 acres
NE ₁ NE ₁ of Sec. 23--20 acres	SW ₁ SE ₁ of Sec. 27--40 acres
NW ₁ NE ₁ of Sec. 23--40 acres	SE ₁ SE ₁ of Sec. 27--40 acres
SW ₁ NE ₁ of Sec. 23--40 acres	NE ₁ NE ₁ of Sec. 34--40 acres
SE ₁ NE ₁ of Sec. 23--40 acres	NW ₁ NE ₁ of Sec. 34--40 acres
NE ₁ SE ₁ of Sec. 23--40 acres	SW ₁ NE ₁ of Sec. 34--40 acres
SE ₁ SE ₁ of Sec. 23--40 acres	SE ₁ NE ₁ of Sec. 34--40 acres
	NW ₁ NE ₁ of Sec. 34--40 acres
	NE ₁ SE ₁ of Sec. 34--40 acres
	SW ₁ SE ₁ of Sec. 35--40 acres
-----1126	
All in Twp. 4 N.E. 45 E.B.M.----- 2346 acres	
Brought forward----- 726	
3072-----acres	

Land has been cleared from wild state mostly all sagebrush, and
now growing hay grain and vegetables. And numerous residences established
at different places on said land.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. All gravel and rock underneath, good soil on top,

Water sinks in the gravel underneath surface, would estimate that to irrigate land successfully two miners inches to the acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. have 100 shares of stock in Company. and own 100 acres ^{land} cultivated and irrigated under this permitt No 3933.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. have seen water from the said canal running on each 40 acres as per answer to question No 6. during the year 1917, and for the past 6 or 7 years have witnessed the use of water on most all of the same.

(Sign)

Neon Christerson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in *Briggs*, County of *Teton*, State of Idaho, on this *13* day of *October* A. D. 19*18*

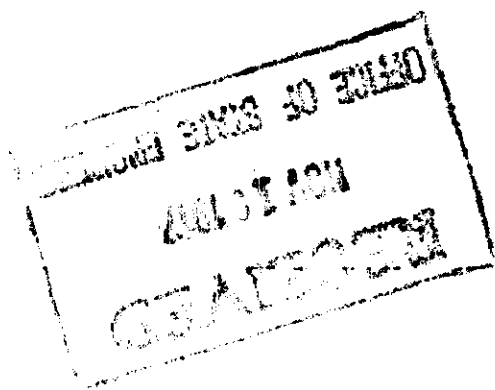
Richard S. Welch

Notary Public.

My commission expires

Dec 10th 1919

Richard S. Welch
Idaho



3933

Permit No. 3933

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Micheel Byrne, 53 years old, Driggs, Probate Judge, Driggs, Idaho

Ques. 2. Are you acquainted with Fox Creek Irrigation Company, Ltd, the holder of Permit No. 3933? How long have you known ^{it} ~~him~~ and where does he reside?

Ans. Yes. Since organization in ~~Aug 1906~~ 1906 (?) principal place of business, Chapin, Idaho, P.O. Address, Driggs, Idaho.

Ques. 3. Have you read or heard read said Permit No. 3933, and are you familiar with its provisions and conditions?

Ans. Yes. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Fox Creek. in NE corner of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 29, Twp. 4 N.R. 46 E.B.M., Ditch about 8 ft wide on bottom and about 12 ft on top depth about 3 to 4 ft. down to where used and then is scattered out in various laterals as shown on map in permit to use on land.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. from 90 to 100 cubic feet-(second) estimate about 100 Second-feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Irrigation.

SW $\frac{1}{4}$ of Sec. 20--15 acres
NE $\frac{1}{4}$ of Sec. 19--40 acres
SE $\frac{1}{4}$ of Sec. 19--40 acres
NE $\frac{1}{4}$ of Sec. 19--25 acres
SE $\frac{1}{4}$ of Sec. 19--40 acres
NW $\frac{1}{4}$ of sec. 19--25 acres
SW $\frac{1}{4}$ of Sec. 19--40 acres
NW $\frac{1}{4}$ of Sec. 19--40 acres
SW $\frac{1}{4}$ of Sec. 19--40 acres
SE $\frac{1}{4}$ of Sec. 18--40 acres
SW $\frac{1}{4}$ of Sec. 18--40 acres
NE $\frac{1}{4}$ of Sec. 19--40 acres
NW $\frac{1}{4}$ of Sec. 19--40 acres
SE $\frac{1}{4}$ of Sec. 19-- 3 acres
SW $\frac{1}{4}$ of Sec. 19-- 3 acres
NE $\frac{1}{4}$ of Sec. 19-- 5 acres

SW $\frac{1}{4}$ of Sec. 19--20 acres
SE $\frac{1}{4}$ of Sec. 19--40 acres
SW $\frac{1}{4}$ of Sec. 19--40 acres
NW $\frac{1}{4}$ of Sec. 30--40 acres
SE $\frac{1}{4}$ of Sec. 30--15 acres
SW $\frac{1}{4}$ of Sec. 30--15 acres
NW $\frac{1}{4}$ of Sec. 30--40 acres
SW $\frac{1}{4}$ of Sec. 30--40 acres
NW $\frac{1}{4}$ of Sec. 31--10 acres

All in Twp. 4 North, Range 46 E.B.M.----- ~~476~~ 726 acres

NE $\frac{1}{4}$ of Sec. 24--20 acres
NW $\frac{1}{4}$ of Sec. 24--40 acres
SW $\frac{1}{4}$ of Sec. 24--40 acres
SE $\frac{1}{4}$ of Sec. 24--40 acres
SE $\frac{1}{4}$ of Sec. 24--40 acres
SW $\frac{1}{4}$ of Sec. 24--40 acres
NE $\frac{1}{4}$ of Sec. 24--40 acres
NW $\frac{1}{4}$ of Sec. 24--40 acres
SW $\frac{1}{4}$ of Sec. 24--40 acres
SE $\frac{1}{4}$ of Sec. 24--40 acres
NE $\frac{1}{4}$ of Sec. 24--40 acres
NW $\frac{1}{4}$ of Sec. 24--40 acres
SW $\frac{1}{4}$ of Sec. 24--40 acres
SE $\frac{1}{4}$ of Sec. 24--40 acres
NE $\frac{1}{4}$ of Sec. 25--40 acres
NW $\frac{1}{4}$ of Sec. 25--40 acres
SW $\frac{1}{4}$ of Sec. 25--20 acres
SE $\frac{1}{4}$ of Sec. 25--10 acres
NE $\frac{1}{4}$ of Sec. 25-- 3 acres
NW $\frac{1}{4}$ of Sec. 25-- 3 acres
NE $\frac{1}{4}$ of Sec. 25--40 acres
SE $\frac{1}{4}$ of Sec. 25--40 acres
NE $\frac{1}{4}$ of Sec. 25--40 acres
NW $\frac{1}{4}$ of sec. 25--40 acres
SW $\frac{1}{4}$ of SE sec. 25--40 acres
SE $\frac{1}{4}$ of Sec. 25--40 acres
NE $\frac{1}{4}$ of Sec. 23--20 acres
NW $\frac{1}{4}$ of Sec. 23--40 acres
SW $\frac{1}{4}$ of sec. 23--40 acres
SE $\frac{1}{4}$ of Sec. 23--40 acres
NE $\frac{1}{4}$ of Sec. 23--40 acres
SE $\frac{1}{4}$ of Sec. 23--40 acres

NE $\frac{1}{4}$ of sec. 26--40 acres
NW $\frac{1}{4}$ of Sec. 26--40 acres
SW $\frac{1}{4}$ of Sec. 26--10 acres
SE $\frac{1}{4}$ of Sec. 26--10 acres
NE $\frac{1}{4}$ of Sec. 26--40 acres
NW $\frac{1}{4}$ of Sec. 26--40 acres
SW $\frac{1}{4}$ of Sec. 26--40 acres
SE $\frac{1}{4}$ of Sec. 26--40 acres
NE $\frac{1}{4}$ of Sec. 26--40 acres
NW $\frac{1}{4}$ of sec. 26--40 acres
SW $\frac{1}{4}$ of Sec. 26--40 acres
SE $\frac{1}{4}$ of sec. 26--40 acres
SW $\frac{1}{4}$ of sec. 26--40 acres
SE $\frac{1}{4}$ of sec. 26--40 acres
NE $\frac{1}{4}$ of sec. 27--40 acres
NW $\frac{1}{4}$ of sec. 27--40 acres
SW $\frac{1}{4}$ of sec. 27--40 acres
SE $\frac{1}{4}$ of sec. 27--40 acres
NE $\frac{1}{4}$ of Sec. 27--40 acres
NW $\frac{1}{4}$ of sec. 27--40 acres
SW $\frac{1}{4}$ of sec. 27--40 acres
SE $\frac{1}{4}$ of sec. 27--40 acres
NE $\frac{1}{4}$ of sec. 27--40 acres
NW $\frac{1}{4}$ of sec. 27--40 acres
SW $\frac{1}{4}$ of sec. 27--40 acres
SE $\frac{1}{4}$ of sec. 27--40 acres
NE $\frac{1}{4}$ of sec. 34--40 acres
NW $\frac{1}{4}$ of sec. 34--40 acres
SW $\frac{1}{4}$ of sec. 34--40 acres
SE $\frac{1}{4}$ of sec. 34--40 acres
NE $\frac{1}{4}$ of sec. 34--40 acres
NW $\frac{1}{4}$ of sec. 34--40 acres
SW $\frac{1}{4}$ of sec. 35--40 acres

1126-----1126

All in Twp. 4 N.R. 46 E.B.M.----- 2346 acres

Brought forward----- 726

3072-----acres

Land has been cleared from wild state mostly all sagebrush, and now growing hay grain and vegetables. And numerous residences established at different places on said land.

3933

used
 miners inches to the acre for irrigation if all water land needed was
 Ans. Gravelly soil underlain with gravel, would estimate about 2
 of the amount of water required for its profitable cultivation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate

Ans.

extent.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. 80 shares of stock in Company, and own 80 acres of land irrigated under said permit

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

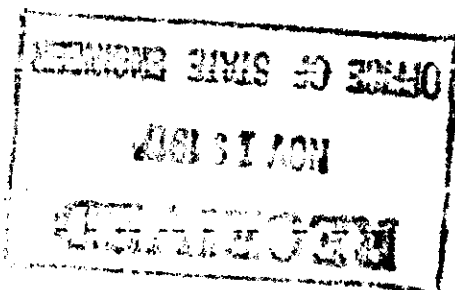
Ans. in 1916 I was water master for Fox Creek Irrigation Co., Ltd., and was all over the land irrigated and while being irrigated. And all the land described under question No. 6, was irrigated during the year 1916, and a general knowledge of the use of water on most all of said lands for the past several years.

(Sign) Michael Byrne

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Blair, County of Peter, State of Idaho, on this 13th day of October A. D. 1917

Richard S. Wilkie
Notary Public.
My commission expires Dec 10th 1918

Richard S. Wilkie
Blair



3933

PERMIT NO. _____

Proof of Application of Water to Beneficial Use**DEPOSITION OF HOLDER**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. A. C. Larsen, 52 years, Chapin, Idaho, Farmer, Driggs, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Fox Creek Irrigation Company, Limited, Chapin, Idaho,
President of the said Company,

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 3933/ dated August 29, 1908, Priority Aug. 29, 1908

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Fox Creek, --in NE corner of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 29, T. 4 N. R. 46 E. B. M.
(is at a point 1991 feet S, and 2360 feet E of Section corner common to
Section 19-20-29-30, T. 4 N. R. 46 E. B. M.)

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Stringers and planks, crossing creek. (New cement dam just been con-
tracted to be built) canal capable of carrying 90 cubic feet per second.Name of Canal "Fox Creek Irrigation Canal"
Notes--two other small ditches are used during high water to carry
water to lands irrigated under this canal, and for the purpose of catching
seepage water from the main canal.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Irrigation.

Ans. _____

SW $\frac{1}{4}$ of Sec. 20--15 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19--10 acres
NE $\frac{1}{4}$ of Sec. 19--40 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19--40 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19--40 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19--40 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19--25 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 30--40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19--40 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 30--15 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 19--25 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 30--15 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19--40 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 30--40 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19--40 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 30--40 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19--40 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31--10 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 18--40 acres	
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 18--40 acres	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19--40 acres	
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19--40 acres	
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19-- 3 acres	
SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19-- 3 acres	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19-- 5 acres	

----- 476

All in Twp. 4 North, Range 46 E. B. M. ----- 726 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24--20 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 26--40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24--40 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26--40 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24--40 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26--10 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24--40 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26--10 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 24--40 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26--40 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 24--40 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26--40 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 24--40 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26--40 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 24--40 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26--40 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 24--40 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26--40 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 24--40 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 26--40 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24--40 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26--40 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24--40 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 26--40 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24--40 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 26--40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24--40 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 27--40 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 25--40 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 27--40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25--40 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 27--40 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25--30 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27--40 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25--10 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 27--40 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25-- 3 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 27--40 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25-- 3 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 27--40 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25--40 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 27--40 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25--40 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 27--40 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25--40 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 27--40 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 25--40 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 27--40 acres
SW $\frac{1}{4}$ of SE sec. 25--40 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 27--40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25--40 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 34--40 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23--20 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 34--40 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23--40 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 34--40 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 23--40 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 34--40 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23--40 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 34--40 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 23--40 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 34--40 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 23--40 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 35--40 acres

1126-----1126

All in Twp. 4 N. R. 45 E. B. M. ----- 2346 acres

Brought forward----- 726

3072-----acres

Land has been cleared from wild state mostly all sagebrush, and now growing hay grain and vegetables. And numerous residences established at different places on said land.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. For irrigation purposes two inches per acre is required to successfully irrigate the lands

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. _____

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Fox Creek Irrigation Company, Ltd. was organized, and permit assigned from Michel Byrne to the company,

2302

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. for about the last three years water has been used as per answer to question No. 6. prior to that time and for the past 6 or 7 years on most all of the same.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use, upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. during high water there is several small ditches used upon portions of this land, all coming from Fox Creek.

NOTE- All persons using water on the lands hereindescribed in question No. 6, organized the Fox Creek ~~Company~~ Irrigation Company, Ltd. and assigned their water rights to the company, so as to co-operate in the works of the canal, and no water is sold by the company, but used only by stockholders in the same upon their lands.

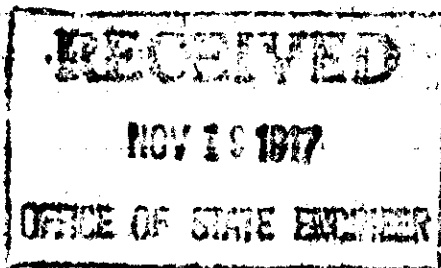
(Sign)

A. C. Larsen

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Brigg County of

Idaho State of Idaho, on this 13th day of October A. D. 1917

Richard S. Wilbur
Notary Public
Brigg, Idaho



3933

October 16th, 1917.

Re Permit 3933.

Mr. John W. Williams,
Viator, Idaho.

Dear Sir:--

In looking over the record of the above numbered permit preparatory to issuing license, I find that the deed to you from the Fox Creek Irrigation Company has never been sent to this office for record. This will be necessary before a license could be issued to you under this permit. The deed will be returned to you after recording.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

*land all included
in map made by E-*

3933

J. H. SMITH,
STATE ENGINEER
FRED. WILKIE,
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise

Idaho Falls, Idaho. 10-11-17.

Mr. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:-

I am enclosing the reports of examinations of proof of beneficial use of water under permits 3933(Williams) and 12206(Hutchinson) , which examinations were *made* on Sept. 19, and 20, respectively, by Mr. C.H.Wallis during the time when he was working for your department, indirectly at least in connection with the watermaster and Special Deputy, joint work. In case it will be necessary for Mr. Wallis to swear to these reports, he may be reached for the present at Mackay, Idaho.

Respectfully yours,

S. E. Vance, Jr.

3933

REPORT OF ENGINEER

1. State name of applicant and number of permit: John Williams --- Permit 3933.
2. State source of water supply: Fox Creek
3. Location of point of diversion: 1991 ft. S. & 2360 ft. E. of Sec. Cor. Common to Secs. 19-20-29-30, T. 4 N., R. 46 E., B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____
5. Describe works as they exist, giving dimensions and capacities of same: The Headgate is a wooden structure 12 ft. wide, 14 ft. long and 4 ft. high with two six ft. gates.
Diversion Dam in Fox Creek is a lumber structure 36 ft. in length 2 ft. high with 6 ft. sloping apron.
The main canal has a width of 9 ft. on top and 7 ft. on Bottom and will carry 2 ft. of water, it has a fall of about 40 ft. to the mile. (Capacity estimated 100 SF)
The laterals have a width of 3 ft. on top, and 2 ft. on Bottom and will carry 8 inches of water. (Capacity 4 SF)
6. State whether or not water has been turned into works of diversion: yes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
N2 SE4 SEC 27 S2 SW4 SEC 26 T4N R45E B.M. The NE4 SE4 and NW4 SE4 SEC 27 is all under cultivation, and SW4 SW4 SEC 26 has 34 acres in cultivation. The SE4 SW4 SEC 26 has 44 acres cultivation
8. Submit map on enclosed plat, showing location and details of above description.

Remarks: _____

This examination was made on the 19 day of September 1917.

(Signed) C. H. Hallis
3933

Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

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 _____ 191____

Notary Public.

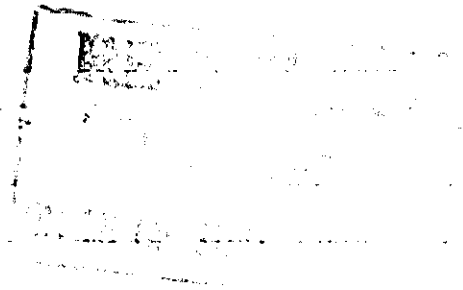
My Commission Expires _____

DIST. No. 36-C.

John Williams, Victor.

(Stock holder in Fox Creek
Irr. Co.)

3933



STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

Fox Creek Irrigation Company, Limited,
c/o Richard S. Wilkie, N. P.,
Driggs, Idaho.

BOISE, IDAHO, Sept. 28, 1917.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **3933**.

DEPOSITION OF PERMIT HOLDER,

DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On.....**October 13, 1917**....., the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Driggs before Richard S. Wilkie, N. P.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J. H. Smith,

State Engineer.

3933

(P. O.)

Arizpe, Idaho

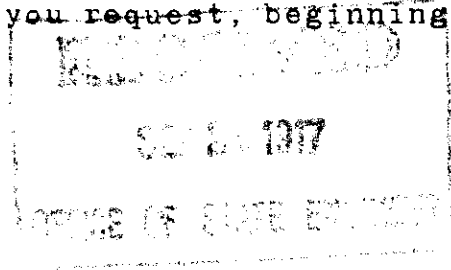
(Date)

Sept. 18, 1917

State Engineer, Boise:

Dear Sir:

I have your letter of *Sept. 14th* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *3933* which will be published as you request, beginning with our issue of *Sept. 20, 1917*



F. C. Madson
Publisher *Pelon Valley News*

3933

September 14th, 1917.

Re Permit No. 3933.

Mr. A. C. Larsen, President,
Fox Creek Irrigation Co., Ltd.,
Driggs, Idaho.

Dear Sir:--

In order to allow time for the required four weeks publication of notice of final proof under above permit, the date has been set for October 13th instead of the 6th and notice has today been mailed the Teton Valley News at Driggs. Deposition blanks will be mailed to Mr. R.S. Wilkie later.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

3933

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 31st, 1917

(P. O.) Driggs, Idaho

**To the State Engineer,
Boise, Idaho.**

Dear Sir:

**You are hereby authorized to have the attached notice published at my expense in the
Teton Valley News, of Driggs, Idaho, published in the
county in which the works are situated.**

Attest:

Leo H. Dewey
Secretary

FOX CREEK IRRIGATION COMPANY, Ltd.,
By A. G. Hanson
President.

**(In case of canals or other works designed to divert and carry more than 50 cubic feet of
water per second, the following certificate must be signed by a well known and com-
petent engineer.)**

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

3933

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10/0'clock a. m. on the 24th/3rd day of October, 1917,
 at Driggs, County of Teton, State of Idaho,
 before Richard S. Wilkie, Notary Public, Driggs, Idaho, proof will be submitted
 of the application to beneficial use of 89.6 cubic feet per second of the waters of
Fox Creek, in accordance with the terms and conditions of Permit No. 3933
 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
Fox Creek Irrigation Company, Limited,
2. The use to which said water has been applied is irrigation and domestic
3. The amount applied to beneficial use is 89.6 cubic feet per second.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ SEC. 20, SEC. 19. S $\frac{1}{2}$ SW $\frac{1}{4}$ SEC. 18, W $\frac{1}{2}$ SEC. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ SEC. 30,
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC. 31, NW $\frac{1}{4}$ SEC. 29, TP. 4N., R. 46E. B.M. SECTIONS 25, 26, &
 27, S $\frac{1}{2}$ SEC. 24, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SEC. 24, E $\frac{1}{2}$ SEC. 23, NW $\frac{1}{4}$ AND NW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 35
 NE $\frac{1}{4}$ AND NE $\frac{1}{4}$ NW $\frac{1}{4}$ AND NE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 34, TOWNSHIP 4 NORTH, RANGE 45 EAST
 OF THE BOISE MERIDIAN.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is known
as the Fox Creek Irrigation Canal
6. The right to take the water from such works is based upon Permit No. 3933
7. The source of supply from which such water is diverted is Fox Creek
8. The date of the priority which said user is prepared to establish is Aug. 29th. 1908

J. H. SMITH,

3933

State Engineer.

✓ 36-C

March 9th, 1917.

Re Permit 3933.

Mr. John W. Williams,
Victor, Idaho.

Dear Sir:--

We are just in receipt of depositions,
affidavit of publication and check for fees, in
the sum of \$8.00, for proof of use of water under
above permit. These papers will be placed on file
pending the report of our engineer.

The examination will be made just as soon as
weather conditions will permit.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

3933

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 m. on the 3rd day of March, 1917, at Driggs, County of Teton, State of Idaho, before Ben W. Driggs, notary public, proof will be submitted of the application to beneficial use of Three and one-fifth cubic feet per second of the waters of Fox Creek in accordance with the terms and conditions of Permit No. 3933 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is John W. Williams, a stockholder of the (Victor, Idaho) Fox Creek Irrigation Company, conveyed by Michael Byrne, original holder of said permit, to said Company.

2. The use to which said water has been applied is irrigation.

3. The amount applied to beneficial use is Three and one-fifth cubic feet.

4. The place said water is used is North half of southeast quarter, Section 27, and South half southwest quarter, Section 26, Township 4 North, Range 45 East, B. M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Fox Creek Irrigation Company canal.

6. The right to take water from such works is based upon Permit No. 3933.

7. The source of supply from which such water is diverted is Fox Creek.

8. The date of the priority which said user is prepared to establish is July 20, 1908.

J. H. SMITH, State Engineer.

I, F. C. Madsen, Publisher, of the Teton Valley News, published weekly at Driggs, Idaho, do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Feb. 8, 1917, and ending with the issue dated March 1, 1917.

F. C. Madsen

Subscribed and sworn to before me this 2nd day of March, 1917.

Ben W. Driggs

Notary Public

3933

Permit No. 3933

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. ^{E.} George Stone, age 34, P.O. Driggs, Idaho, farmer.

Ques. 2. Are you acquainted with John W. Williams, the

holder of Permit No. 3933? How long have you known him and where does he reside?

Ans. Yes. I have known him over 12 years, Victor P.O. Teton Co. Idaho.

Ques. 3. Have you read or heard read said Permit No. 3933, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Fox Creek, near Idaho-Wyoming state line, in Fox Creek canyon, main canal is about 8 feet wide in bottom and 12 feet wide on top, John W. Williams ditch taken from this canal is about 4 feet wide and one foot deep.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Main canal will carry about 70 feet, and the Williams ditch from three to four feet. Have seen it full, about 4 feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. About 60 acres in that part of sec. 26, and about 70 acres in his part described in Sec. 27 irrigated and cultivated. No natural or cultivated meadow. Has raised crops of oats, wheat and barley each year for a number of years.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Clay and gravel soil, about one inch per acre, at least that much.

3933

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen it irrigated in June, July and August, for five years in Sec. 26 and about 8 years in Sec. 27, each season, about 140 acres irrigated.

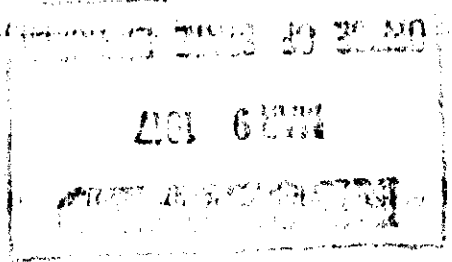
(Sign) *Geo. E. Stone*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____ District _____ County of _____ Teton State of Idaho, on this _____ day of _____ March _____ A. D. 1917.

James M. [unclear]
Notary Public.

My commission expires _____ Feb. 21, 1921.

3933



Permit No. 3933

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Michael Byrne, age 52, Driggs, Idaho, now Probate Judge.

Ques. 2. Are you acquainted with John W. Williams, the holder of Permit No. 3933? How long have you known him and where does he reside?

Ans. known him 15 years, resides in Chapin district, Victor, P.O. Teton County, Idaho,

Ques. 3. Have you read or heard read said Permit No. 3933, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Fox Creek. Near Idaho-Wyoming state line, in Fox Creek canyon. Main canal is 8 feet wide on bottom and 12 feet wide on top. The private ditch of John W. Williams taken from this canal is about four feet wide and one foot deep.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 86 cu. feet in main canal. The private ditch ^{of} ~~from~~ Williams 4 cu. feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use. Irrigation.

Ans. North half of Southeast quarter, Section 27, and south half of southwest quarter, Section 26, Township 4 North, Range 45 East, B.M. 60 acres of the part in Sec. 26, and about 70 acres of the part in said section 27, has been irrigated and under cultivation. No cultivated or natural meadow. Raised crops of grain, wheat and oats each year for a number of years.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay and gravelly soil, at least one inch per acre.

3933

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have some interest in the main canal, but not in his private ditch or water, nor his lands.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

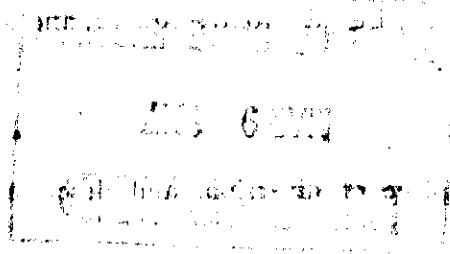
Ans. The land in Sec. 26 I have seen irrigated each irrigation season for the past six years, and the land in sec. 27 about eight years, at least one inch per acre, over two months during each summer.

(Sign) *Richard Byrnes*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____, County of _____, State of Idaho, on this _____ day of _____, A. D. 19 _____.

Byrnes
Notary Public.

My commission expires Feb. 17, 1921.



3923

PERMIT No. 3933

Proof of Application of Water to Beneficial Use**DEPOSITION OF HOLDER**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John T. Williams, age 36, Chapin district, Victor, P.O.
Teton County, Idaho, farmer.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 3933. The permit has been mislaid, and I cannot recall the date. Think Aug. 20, 1909.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Fox Creek, on Fox Creek near Idaho-Moming state line.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. The main canal is about eight feet in the bottom and 12 feet wide at the top. My ditch taken from it is about four feet wide and one foot deep. My ditch will carry about four cu. feet. Main canal is Fox Creek Irrigation Co. canal, and my ditch is Williams ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. 60 acres of the S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 26, and 70 acres of N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 27, Tp. 4 N. R. 45 E. under cultivation and irrigated.

No meadow, natural or cultivated. Have raised crops of wheat, oats and barley for past five years in Sec. 26 and eight years in Sec. 27 by irrigating.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. One inch per acre.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I purchased the water with the land, in part, done work on the canal, and obtained the right from the Fox Creek Irrigation Co.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. ~~Have irrigated 130 to 140 acres during past five to eight~~
~~years, eight years on part, during June, July and August each season,~~
Used 3½ to 4 feet of water.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. ~~None.~~

(Sign)

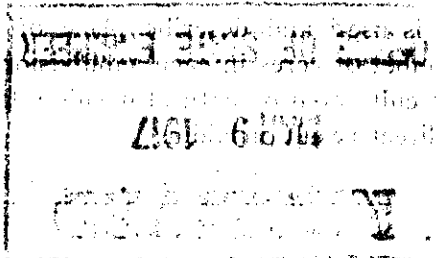
John W. Williams

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Driggs, County of Teton, State of Idaho, on this third day of March, A. D. 1917.

Bennett

Notary Public

3933



STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

John Williams,
c/o B. W. Driggs,
Driggs, Idaho.

BOISE, IDAHO, **February 16th, 1917.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **3933.**

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On **March 3rd 1917**, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Driggs, before B.W. Driggs, N.P.**

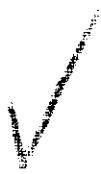
2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J.H. SMITH,

State Engineer.

3923



(P. O.)

Driggs, Idaho

(Date)

Feb. 5, 1917

State Engineer, Boise.

Dear Sir:

I have your letter of *Jan. 27, 1917* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *3933* which will be published as you request, beginning with our issue of *Feb. 8, 1917*

F. C. Madsen

Publisher Teton Valley News

3923

January 27th, 1917.

Re Permit 3933- John Williams.

Mr. B. W. Driggs,
Attorney at law,
Briggs, Idaho.

Dear Sir:--

Our letter of the 22nd inst. stated proof would be made on the 3rd of February, for beneficial use of water under above permit. This should have read "March 3rd", in order to allow time for the required publication of notice. The notice is today being mailed to the Teton Valley News, at Briggs. Deposition blanks will later be mailed to you.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

January 22, 1917.

Re Permit 3933.

Mr. B. W. Driggs,
attorney at law,
Driggs, Idaho.

Dear Sir:--

Am just in receipt of your letter, enclosing notices for final proof under above permit, together with check for fees for certified copy, receipt for which is enclosed.

As the date for proof was not inserted in the notices for proof, February 3rd has been set and, unless otherwise advised, notice will be mailed to the Teton Valley News, at Driggs.

Very truly yours,

J. H. SMITH,

State Engineer.

RS6

By _____

3933

B. W. DRIGGS
PROSECUTING ATTORNEY
TETON COUNTY
DRIGGS, IDAHO

Jan. 20-17

APR 2 1917

Mr. J.H. Smith, State Engineer

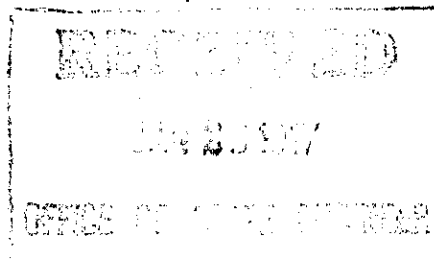
Dear Sir:

Please return enclosed for publication and I will
arrange with Teton Valley News.

Find enclosed \$2. for copy of permit 3933.

Yours truly

B. W. DRIGGS, Atty.,
Driggs, Idaho.



3933

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 3rd day of March, 1917,
 at Driggs, County of Teton, State of Idaho,
 before Ben F. Driggs, notary public, proof will be submitted
 of the application to beneficial use of Three and one-fifth cubic feet per second of the
 waters of Fox Creek in accordance with the terms and conditions of
 Permit No. 3933 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Fox Creek Irrigation Company, conveyed by Michael Byrne, original holder of said permit, to said Company.
2. The use to which said water has been applied is irrigation
3. The amount applied to beneficial use is Three and one-fifth cubic feet.
4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) North half of southeast quarter Section 27, and South half southwest quarter Section 26, Township 4 North, Range 45 East, B.M.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Fox Creek Irrigation Company canal.
6. The right to take water from such works is based upon Permit No. 3933
7. The source of supply from which such water is diverted is Fox Creek
8. The date of the priority which said user is prepared to establish is July 29, 1908
~~August 29, 1908~~

36 C

3933

J. H. Smith,

State Engineer.

OFFICE OF STATE ENGINEER

Permit No. 3933

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO

County of Teton

} ss.

Michael Byrne, of Victor, Teton County,State of Idaho, 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. 3933

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required
to be made by August 29th, 1916

THAT he has heretofore put to beneficial use 1 1/6 second feet of water and
has irrigated 2,000 acres.

THAT, for the following reasons, he is unable to put to beneficial use within the required time, the
remainder of the water appropriated under his permit, to-wit: That the laterals are not all
completed, and that there is about 600 acres of land that cannot be ir-
rigated until such laterals are completed, and that there is some work
to be done on the main canal before it will carry/water enough for all the
land under said permit, and that he desires to make proof on all the
water under this permit at one time

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial
use under said permit to September 1st, 1917

And further, deponent saith not.

Michael ByrneSubscribed and sworn to before me this 19th day of August, 1916Richard S. Wilkins

Residing at Driggs, Idaho Notary Public.

My commission expires December 10th 1919.Date of receipt at office of State Engineer August 21, 1916.

APPROVAL OF STATE ENGINEER

J.H. Smith,

I, ~~XXXXXX~~ State Engineer of the State of Idaho, hereby extend the time for the making of
proof of beneficial use under Permit to Appropriate the Public Waters of the State of Idaho, No. 3933,
to September 1st, 1917.

Witness my hand this 21st day of August, 1916.J.H. Smith

3933

State Engineer.

3933

August 26, 1916.

Re Permit 3933.

Michael Byrne,
Victor, Idaho.

Sir:--

Enclosing herewith duplicate copy of approved application for extension of time for beneficial use of water under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

ET

3933

WILKIE & WILKIE

ATTORNEYS AT LAW

OFFICES

ASHTON, IDAHO

DRIGGS, IDAHO

Driggs, Idaho, July 22nd 1916.

State Engineer,
Boise, Idaho.

Dear Sir:

The owners of Canal under permit No. 3933, request us to make the following enquiry in reference to making Final Proof of use of Water.

What will the costs of making proof come to, that is to be paid by owners of Canal?

Would you grant an extension of time for making this proof?

Very truly yours
WILKIE & WILKIE

By

R. S. Wilkie

3933

3935 - Fox Creek Dr. led

270 94 Aug 29 - 1918

W P Hansen - L 1 1/2 28.

MAILED
SEP 10 1918
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.

July 22, 1916.

Re Permit 3933.- Fox Creek IrriCo.^{rr.}

Messrs. Wilkie & Wilkie,
Attorneys at law,
Ashton, Idaho.

Gentlemen:--

Replying to yours of the 22nd would say that the fees due this office for final proof under the above permit will be \$1.00 for each forty acre tract, or fraction, to which water has been beneficially applied for the irrigation of a crop. Beside this there will be the publication fees, which are paid direct to the paper.

An extension of time of two years could be granted, as the new law allows six additional years for beneficial use of water. If the extension is desired, application should be made, in duplicate, upon the enclosed forms.

I find that one, N. P. Hansen, has alr ady made proof of beneficial use upon 1 1/6 second feet of the water appropriated under this permit and license issued therefor.

Very truly yours,

J. H. SMITH,

State Engineer.

2F3

By _____

3933

July 11, 1916.

Re Permit 3933.-

Wilkie & Wilkie, Attorneys,
Attorneys at law,
Driggs, Idaho.

Gentlemen:--

Enclosing herewith blank notices for final
proof under the above permit, per your request the 8th
inst.

Very truly yours,

J. H. Smith,
State Engineer.

2F10-F11

By _____

3933

A. H. WILKIE

RICHARD S. WILKIE

WILKIE & WILKIE

ATTORNEYS AT LAW

OFFICES

ASHTON, IDAHO

DRIGGS, IDAHO

Driggs, Idaho, July 8th 1916.

State Engineer,
Boise, Idaho.

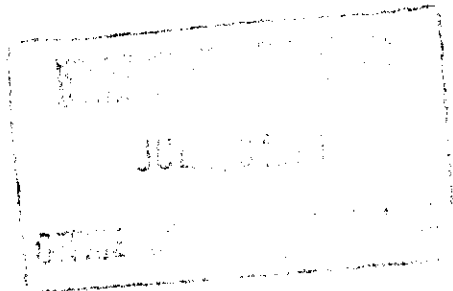
Dear Sir:

The applicant under Application for Permit to Appropriate the Public Waters of the State of Idaho, No 5465, Permit No. 3933 requests us to ask you to send us all necessary blanks for the purpose of Making Final Proof to Beneficial Use of the waters appropriated under said permit, so that formal application for proof of beneficial use can be made, together with all necessary instructions for same.

Yours truly

WILKIE & WILKIE

By R. S. Wilkie



3933

September 13, 1912

Permit 3933- N.P.Hansen

B. W. Driggs, Lawyer
Driggs, Idaho

Sir:-

Am inclosing you herewith water license issued
under above permit favor of N.P.Hansen.

Very truly yours,

State Engineer.

WL

By...

3933

September 13, 1912.

Permit 3933

B. W. Driggs, Lawyer
Driggs, Idaho.

Sir:-

Am inclosing you herewith certificate of
completion of works issued under above permit.

Very truly yours,

State Engineer.

CCW

By...

3933

Copy up

ST. ANTHONY, IDAHO.

Aug 25, 1912

Hon. A. E. Robinson
State Engr.
Boise Idaho

RECEIVED
AUG 28 1912
OFFICE OF STATE ENGINEER

Dear Sir

Am enclosing report on beneficial use
of water of N. P. Hansen. as per your request.
As Mr. Hansens land lies under the Fox Creek
Irrigation Canal. And you enclosed blank
report for beneficial use. I took it to
mean the whole works. And made my report
accordingly. You can use the map I
enclosed for this proof. as I will
have to make another one when I make
the next examination

Yours Truly
Chas. H. DeCamp
Water Com. Div. No. 1

REPORT OF ENGINEER.

1. State name of applicant and number of permit: N. P. Hansen - Permit 3933
2. State source of water supply: Fox Creek
3. Location of point of diversion: 1991 ft. S. and 2360 ft. E. of Sec. cor. to Sec. 19-20-29-30, T. 4 N., R. 46 EBM
4. State whether or not the works of diversion are *fully* completed and in accordance with the terms of permit: Yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 8 ft.
 - (b) Width at water line: 12 ft.
 - (c) Depth of water: 2 ft.
 - (d) Grade per mile: 30 ft.
 - (e) Capacity of ditch: 100 second feet.
6. State whether or not water has been turned into works of diversion, and if so, to what extent: Water has been used 3 years.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract: N2 of NE4 Sec. 34, Tp. 4 N., R. 45 E.B.M. 35 acres in NE4 NE4 and 35 acres in NW4 of NE4 Sec. 34, Tp. 4 N., Range 45 E.B.M.
8. Submit map on enclosed plat, showing source of supply, point of diversion, route of ditch or ditches and cross-hatch lands to be irrigated.

Remarks:

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Chas. H. L. Lamp
Water Comm. Div No 1

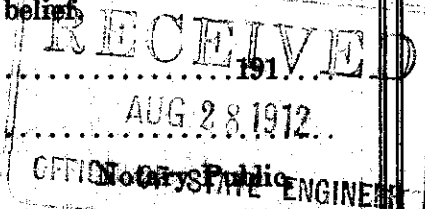
STATE OF IDAHO, }
 County of } ss.

....., 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 1912

3933

My Commission Expires



August 19, 1912.

Permit 3933 Fox Creek Irr.Co.

Chas. H. DeCamp,
Water Commissioner,
St. Anthony, Idaho.

Sir:-

I am today in receipt of your report under above permit. As the Company made proof of completion of works, only, it was not necessary to give the acreage under cultivation at this time. I would say, however, that N. P. Hansen has made proof of beneficial use of water under this permit for the North half of the Northeast quarter of section 34, Twp. 4 N. R. 45 EBM. and I would ask you to make a separate report for this proof. I have filled out the report blank from your report on completion of works hence it will not be necessary for you to make another trip in order to make this report. As Mr. Hansen's proof is being held at the U.S. Land Office pending receipt of his license, please send this report at your earliest convenience.

Very truly yours,

State Engineer.

BMP

By....

3933

REPORT OF ENGINEER

Permit 3933

1. State name of applicant and number of permit: Fox Creek Irrigation Co.
2. State source of water supply: Fox Creek
3. Location of point of diversion: 1991 ft. S. and 2360 ft. E. of Sec. Co. to
Secs. 19-20-29-30, Tp. 4 N., R. 46 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: 8'
 - (b) Width at water line: 12'
 - (c) Depth of water: 2'
 - (d) Grade per mile: 30'
 - (e) Capacity of ditch: 140 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Water has been used 3 years
7. Give exact location of lands to be irrigated. ~~Give exact number of acres under cultivation in each~~
Number & acres under cultivation

Description	Sec	T	R.E	Cultiv
S. W. 1/4 S. W. 1/4	18	4. N	46	35
S. E. 1/4 S. W. 1/4	"	"	"	35
N. E. 1/4 N. E. 1/4	19	"	"	35
N. W. 1/4 N. E. 1/4	"	"	"	5
S. W. 1/4 N. E. 1/4	"	"	"	40
S. E. 1/4 N. E. 1/4	"	"	"	35
N. E. 1/4 N. W. 1/4	"	"	"	5
N. W. 1/4 N. W. 1/4	"	"	"	40
N. E. 1/4 S. W. 1/4	"	"	"	15
N. W. 1/4 S. W. 1/4	"	"	"	15
S. W. 1/4 S. W. 1/4	"	"	"	40
S. E. 1/4 S. W. 1/4	"	"	"	40
N. E. 1/4 S. E. 1/4	"	"	"	30
N. W. 1/4 S. E. 1/4	"	"	"	40
S. W. 1/4 S. E. 1/4	"	"	"	40
S. E. 1/4 S. E. 1/4	"	"	"	30
S. W. 1/4 S. W. 1/4	20	"	"	10
N. E. 1/4 N. E. 1/4	30	"	"	10
N. W. 1/4 N. E. 1/4	"	"	"	25
N. E. 1/4 N. W. 1/4	"	"	"	10
N. W. 1/4 N. W. 1/4	"	"	"	20
S. W. 1/4 N. W. 1/4	"	"	"	10
S. E. 1/4 N. W. 1/4	"	"	"	10
N. E. 1/4 S. W. 1/4	"	"	"	35
S. W. 1/4 S. W. 1/4	"	"	"	35
S. E. 1/4 S. W. 1/4	"	"	"	5
N. W. 1/4 N. W. 1/4	31	"	"	10
N. E. 1/4 N. E. 1/4	23	"	45	15
N. W. 1/4 N. E. 1/4	"	"	"	15
S. W. 1/4 N. E. 1/4	"	"	"	35
S. E. 1/4 N. E. 1/4	"	"	"	40
N. E. 1/4 S. E. 1/4	"	"	"	40
S. E. 1/4 S. E. 1/4	"	"	"	40
N. W. 1/4 N. E. 1/4	24	"	"	30
S. W. 1/4 N. E. 1/4	"	"	"	40
S. E. 1/4 N. E. 1/4	"	"	"	20
S. W. 1/4 N. W. 1/4	"	"	"	30
S. E. 1/4 N. W. 1/4	"	"	"	25
N. E. 1/4 S. W. 1/4	"	"	"	40
N. W. 1/4 S. W. 1/4	"	"	"	40
S. W. 1/4 S. W. 1/4	"	"	"	35
S. E. 1/4 S. E. 1/4	"	"	"	40
N. E. 1/4 S. E. 1/4	25	"	"	45

Description	Sec	T	R.E	Cultiv
N. W. 1/4 S. E. 1/4	24	4. N	45	35
S. W. 1/4 S. E. 1/4	"	"	"	35
S. E. 1/4 S. E. 1/4	"	"	"	20
N. E. 1/4 N. E. 1/4	25	"	"	40
N. W. 1/4 N. E. 1/4	"	"	"	40
S. W. 1/4 N. E. 1/4	"	"	"	35
S. E. 1/4 N. E. 1/4	"	"	"	10
N. E. 1/4 S. W. 1/4	"	"	"	10
S. E. 1/4 S. W. 1/4	"	"	"	20
N. W. 1/4 S. E. 1/4	"	"	"	25
S. W. 1/4 S. E. 1/4	"	"	"	25
S. E. 1/4 S. E. 1/4	"	"	"	40
N. E. 1/4 N. E. 1/4	26	"	"	40
N. W. 1/4 N. E. 1/4	"	"	"	40
S. W. 1/4 N. E. 1/4	"	"	"	20
S. E. 1/4 N. E. 1/4	"	"	"	20
N. E. 1/4 N. W. 1/4	"	"	"	40
N. W. 1/4 N. W. 1/4	"	"	"	40
S. W. 1/4 N. W. 1/4	"	"	"	35
S. E. 1/4 N. W. 1/4	"	"	"	35
N. E. 1/4 S. W. 1/4	"	"	"	40
N. W. 1/4 S. W. 1/4	"	"	"	40
S. W. 1/4 S. W. 1/4	"	"	"	20
S. E. 1/4 S. W. 1/4	"	"	"	20
N. W. 1/4 S. E. 1/4	"	"	"	20
S. W. 1/4 S. E. 1/4	"	"	"	35
S. E. 1/4 N. E. 1/4	27	"	"	40
S. E. 1/4 N. E. 1/4	"	"	"	40
S. W. 1/4 N. W. 1/4	"	"	"	40
S. E. 1/4 N. W. 1/4	"	"	"	40
N. E. 1/4 S. W. 1/4	"	"	"	40
N. W. 1/4 S. W. 1/4	"	"	"	35
S. W. 1/4 S. W. 1/4	"	"	"	25
S. E. 1/4 S. W. 1/4	"	"	"	20
N. E. 1/4 S. E. 1/4	"	"	"	30
N. W. 1/4 S. E. 1/4	"	"	"	30
S. W. 1/4 S. E. 1/4	"	"	"	40
S. E. 1/4 S. E. 1/4	"	"	"	20
N. E. 1/4 N. E. 1/4	28	"	"	35
N. W. 1/4 N. E. 1/4	"	"	"	35
S. W. 1/4 N. E. 1/4	"	"	"	30
S. E. 1/4 N. E. 1/4	"	"	"	40
N. E. 1/4 N. W. 1/4	"	"	"	40
N. W. 1/4 S. E. 1/4	"	"	"	40

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:

Chas. H. DeLamp
Water Com. Div. No. 1.

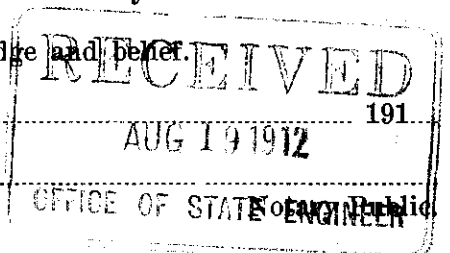
STATE OF IDAHO,

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.

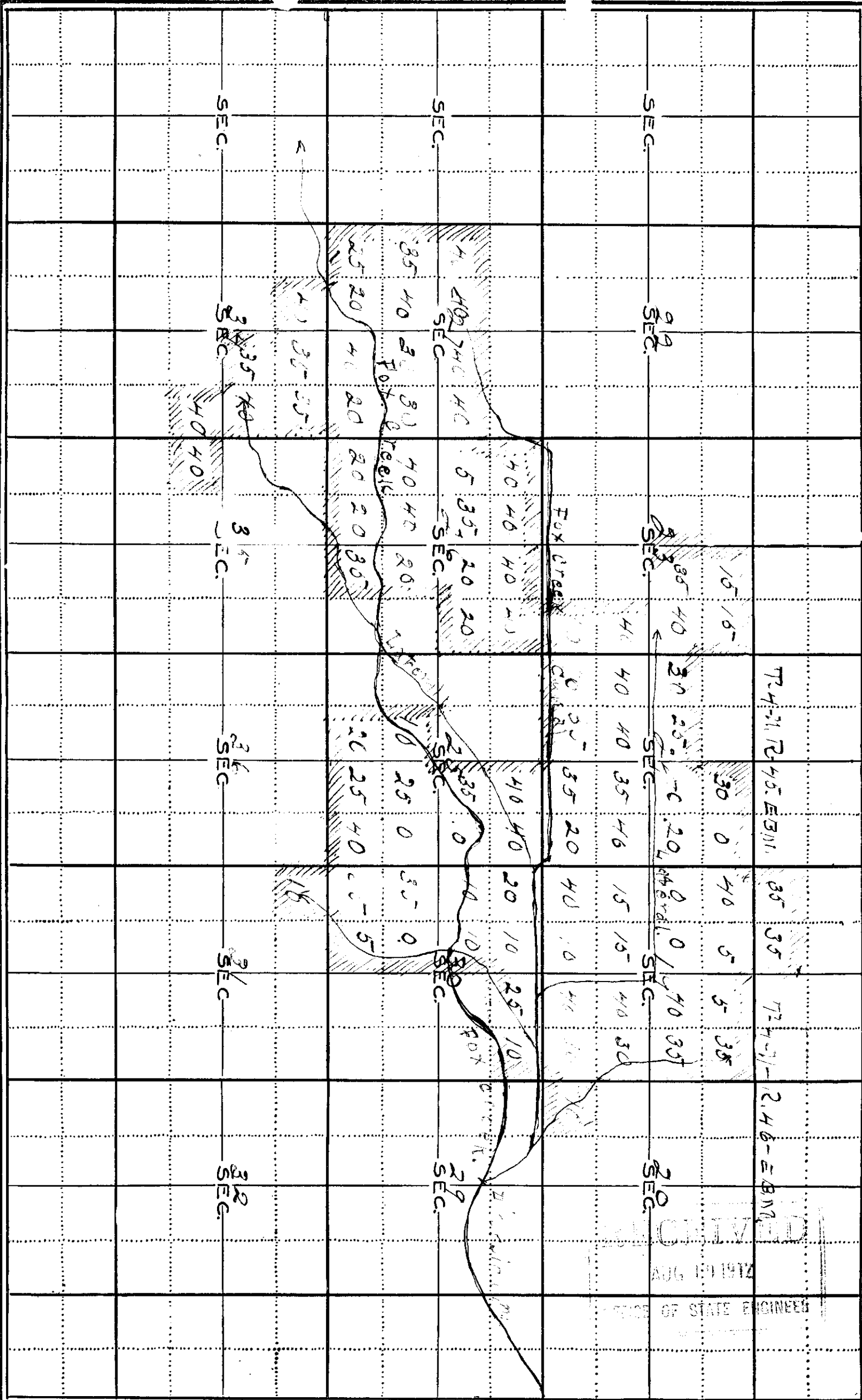
Subscribed and sworn to before me this..... day of.....

My Commission Expires.....



3823

Name of Applicant Fox Creek Irrigation District



August 12, 1912.

Permit 3933 -N.P.Hansen

B.W.Driggs, Lawyer
Driggs, Idaho.

Sir:-

Am inclosing you herewith receipts for fees for beneficial use of water under above permit and for recording deed under said permit.

Upon receipt of the report of Mr. DeCamp the matter of issuing the license will be taken up.

Very truly yours,

State Engineer.

R4795-6

By...

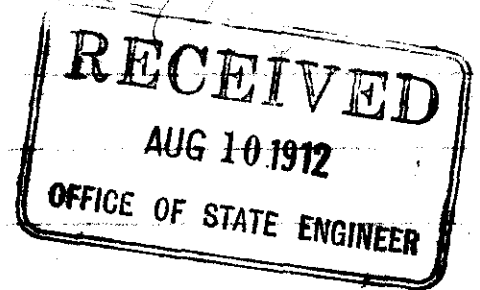
3933

3933

ST. ANTHONY, IDAHO,

Aug 7th 1912

Hon. A. E. Robinson
State Engineer
Boise Idaho



Dear Sir

Replying to yours of Aug 5th relative
to the ^{proposed} beneficial use of Fox Creek
Irrigation Co. Will say that I will attend
to that matter as soon as I can
spare the time from the distribution
of the Snake River Water. And I
will so notify the interested parties

Yours Truly

Chas. H. Decamp
Water Com. Div 7121

3933

3928
B. W. DRIGGS

ATTORNEY-AT-LAW

Driggs, Idaho, Aug. 8-12

191

Mr. A.E. Robinson

Boise

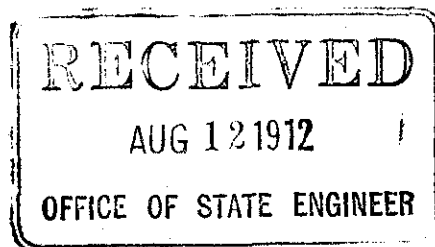
Dear Sir:

Your favor of 5th to hand, returning the enclosed check.

If I remember correctly I put a postscript to my letter saying that the extra 50¢ was for your fees for recording the deed of Mr. Hansen, therefore I think the remittance is correct.

Yours truly,

B. W. Driggs



3933

August 5, 1912.

Permit 3933-N.P.Hansen

B. W. Driggs, Lawyer
Driggs, Idaho.

Sir:-

Am in receipt of your letter of the 30th ult. enclosing depositions and affidavit of publication for proof of beneficial use of water under above permit, also, check for \$4.50. As the fees are \$2.00 for each forty, or fraction under cultivation, the fees amount to only \$4.00. The check is, therefore, returned to you.

In regard to the examination would say that I am today writing Mr. DeCamp about the matter. In view of the fact that the license cannot be issued until the proof of completion of works is completed and satisfactory, having Mr. Smith make this examination for Mr. Hansen would not hurry the issuing of the license. No doubt, Mr. DeCamp will be able to attend to the examination at once.

Very truly yours,

State Engineer.

Ch\$4.50

By...

3933

August 5, 1912.

Permit 3933
Box Creek Irr.Co.

Chas. H. DeCamp,
Water Commissioner,
St. Anthony, Idaho.

Sir: I am today in receipt of a letter from B.W. Driggs enclosing papers in proof of beneficial use of water submitted by Nels P. Hansen, under the above numbered permit.

Mr. Driggs states in his letter that Mr. Hansen's land proof is being held up pending this proof and he is, therefore, very anxious to secure his license. The license, however, cannot be issued until a satisfactory report on completion of works is received from you, in order that the certificate of completion of works may be issued. Will you please make this examination at your earliest convenience. I am inclosing you a separate blank for report on beneficial use of water by Mr. Hansen.

Very truly yours,

State Engineer.

RMF

By...

3933

B. W. DRIGGS

ATTORNEY-AT-LAW

Driggs, Idaho, July 30, 1912 191

Mr. A.E. Robinson

State Engineer

Dear Sir:

Enclosed find proof of N.P. Hansen, also \$4.00 for your fees.

We have not been advised whether Mr. De Camp has yet reported on this, but in case he has not yet made the examination wish you would either hurry him up or have another attend to it, as Mr. Hansen's land proof is being held up pending this proof.

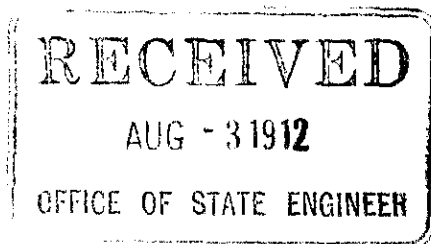
When completed please send to N.P. Hansen, Rexburg, Idaho, a certificate to that effect, so he may file same with Land Office, and oblige.

Yours truly,

B. W. Driggs

Think Mr. Smith that we recommended before could attend to it.

50¢ of enclosed is for recording deed some time ago.



3923

AFFIDAVIT OF PUBLICATION

I, F. C. Madsen

Publisher, of the

Tetch Valley News

CE FOR PUBLICATION.

Proof of Application of published weekly at Driggs, Idaho
to Beneficial Use.

do solemnly swear that a copy of the above notice,
as per clipping attached, was published weekly
in the regular and entire issue of said newspaper,
and not in any supplement thereof, for four
consecutive weeks, commencing with the
issue dated July 4, 1912, and ending with
the issue dated July 26, 1912.

F. C. Madsen
Publisher

Subscribed and sworn to before me this 25
-day July 1912

RECEIVED
AUG - 3 1912
OFFICE OF STATE ENGINEER

Ben W. Wright
Notary Public

Permit No. 3933.....

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS.**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans..... **Michael Byrne, 48 years, Chapin, Idaho, farmer**

Ques. 2. Are you acquainted with.... **Nels P. Hansen, grantee of**, the holder of Permit No. **3933**? How long have you known him and where does he reside?

Ans.... **Yes, for more than nine years. Rexburg, Idaho**

Ques. 3. Have you read or heard read said Permit No. **3933**, and are you familiar with its provisions and conditions?

Ans.... **Yes**

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans.... **Fox Creek, near NW corner Sec. 29, Tp. 4 N.R. 46 E.B.M. Diverted by a dam of logs and rocks, through head gate four feet high and 8 feet wide, through Fox Creek canal to the ditch of applicant, which is about four feet wide and one foot deep.**

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed. **Have seen 2 cu. feet in Nels P. Hansen ditch, taken from main canal.**

Ans.... **Main canal will convey about 84 cubic feet per second, and Hansen ditch will convey about two cubic feet, taken from canal.**

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans.... **N $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 34, Tp. 4 N.R. 45 east B.M. Irrigation, mostly cultivated,**

.... **About 25 acres used for meadow without cultivation. Land has produced crops of grain and hay each year as a result of irrigation.**

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.....

RECEIVED

AUG 24 1923

OFFICE OF STATE ENGINEER

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans.... **gravel and black soil. At least 1.6 cubic feet per second.**

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans..... No, not in the Nels P. Hansen ditch.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans..... In 1908 about 35 acres. In 1909 about 45 acres irrigated, and used 35 to 45 inches of water, and from 1910 to 1912, inclusive the whole 80 acres have been irrigated and crops raised each year, to at least 1.6 cubic feet of water per second.

(Sign here.)

Michael Byrne

I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in..... Driggs....., County of..... Fremont....., State of Idaho, on this..... 30th..... day of..... July..... A. D. 1912.

Bull Driggs

Notary Public.

My Commission expires.... April 16, 1914

3933

Permit No. 3933

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS.**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Samuel Woolstenhulme, age 33, Chapin, Idaho, farmer.

Ques. 2. Are you acquainted with Nels P. Hansen, grantee of Permit No. 3933? How long have you known him and where does he reside?

Ans. Yes, for more than nine years. Rexburg, Idaho.

Ques. 3. Have you read or heard read said Permit No. 3933, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Fox Creek, near NW corner Sec. 29, Tp. 4 N. R. 45 E. B. M. Diverted by a dam of logs and rocks, through head gate four feet high and 8 feet wide, through Fox Creek canal to the ditch of applicant, which is about four feet wide and one foot deep.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Have seen 2 cu. feet in Nels P. Hansen ditch, taken from main canal. Main canal will convey about 84 cubic feet per second, and Hansen ditch will convey about two cubic feet, taken from Canal.

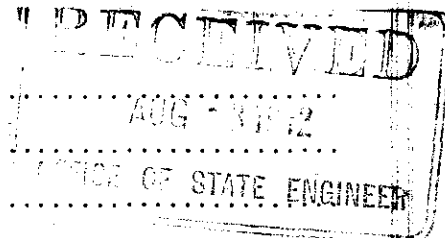
Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. N $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 34, Tp. 4 N. R. 45 east B. M. Irrigation, mostly cultivated.

About 25 acres used for meadow without cultivation. Land has produced crops of grain and hay each year as a result of irrigation.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.



Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. gravel and black soil. At least 1.6 cubic feet per second.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans.... ~~No, not in the Nels P. Hansen ditch.~~.....
..... ~~nor in the main canal~~.....

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans.... ~~In 1908 about 35 acres. In 1909 about 45 acres irrigated, and~~.....
..... ~~used 35 to 45 inches of water, and from 1910 to 1912, inclusive~~.....
..... ~~the whole 80 acres have been irrigated and crops raised each year.~~.....
..... ~~to at least 1.6 cubic feet of water per second.~~.....

(Sign here.) ... *Samuel Woolstuhler*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in.... **Driggs**, County of
..... **Fremont**, State of Idaho, on this **30th** day of
..... **July** A. D. 19**12**..

..... *Ben W. Driggs*
Notary Public.

My Commission expires... **April 16, 1914**

3923

Permit No. 3933.....

Proof of Application of Water to Beneficial Use**DEPOSITION OF HOLDER**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. **Nels P. Hansen, age 51, Rexburg, Idaho, farmer.**

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.....

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. **3933.. August. 29., 1908..** Date of priority **May 1, 1908.**

Ques. 4. State source of supply and give exact location of point of diversion.

Ans. **Fox Creek, at near Northwest corner sec. 29, Tp. 4 N. R. 46 E. B. M.**

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. **A dam made of logs and rock, and headgate four by eight feet. for main canal, about 84 cubic feet per second, named Fox Creek Canal. My individual ditch taken from main canal is about four feet wide by one foot in depth.**

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. **Been used on each subdivision, but about 25 acres not cultivated but irrigated for meadow. All actually been irrigated with said water. N $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 34, Tp. 4 N. R. 45 E. B. M.**

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans.....

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. **1.6 cubic feet per second.**

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. **By conveyance from Michael Byrne to Fox Irrigation Co. and from said Company to me by deed.**

RECEIVED

OFFICE OF STATE ENGINEER

3933

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans.... In 1908, irrigated 35 acres, and used at least 35 inches of water,
.... In 1909, irrigated 45 acres, and 1910 to and including 1912 have
.... irrigated 80 acres, and used at least 1.6 cubic feet of water, for
.... irrigating crops of grain and meadow.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans..... None

(Sign here.) *W. P. Hansen*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in... **Driggs, Fremont**, County of
.... **Fremont**, State of Idaho, on this **30th** day of
.... **July** A. D. 1912.

Benn Driggs Jr.
Notary Public.

My Commission expires... **April 16, 1914**

July 13, 1912

Permit 3933-Hanson

B. W. Driggs, Lawyer
Driggs, Idaho.

Sir:-

Am returning you herewith assignment
of water right, the same having been re-
corded in this office. Please to remit
fifty cents recording fee.

Very truly yours,

State Engineer.

D

By...

3933

(Place) Driggs, Idaho
(Date) June 27, 1912

State Engineer, Boise.

Dear Sir:

I have your letter of June 25, 1912 enclosing Notice of Proof of Beneficial Use of Water under Permit No. 3933 which will be published as you request, beginning with our issue of July 4, 1912

F. C. Madson
Publisher, Tetons Valley News

3933

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE.

(Date) June

(P. O.) Rexburg, Idaho

To the State Engineer,
Boise, Idaho.

Dear Sir:-

You are hereby authorized to have published the attached notice, at my expense in the
Teton Valley News, of Driggs, Idaho, published in the
county in which the works are situated.

A. P. Hansen

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

3923

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 A.M. on the 8/14 day of July 1912, at Driggs, County of Fremont, State of Idaho, before Ben W. Driggs, Jr. notary public proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Fox Creek in accordance with the terms and conditions of Permit No. 3933, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are.....
~~Fox Creek Irrigation Company, Limited, Charley, Idaho~~
N. P. Hansen, of Rexburg, Idaho

2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is 1.6 cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) N¹/₂ NE¹/₄ sec. 34, Tp. 4 N. R. 45 E. B.M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Fox Creek Canal

6. The right to take the water from such works is based upon Permit No. 3933

7. The source of supply from which such water is diverted is Fox Creek

8. The date of priority which said user is prepared to establish is application for
beneficial use is

A. E. ROBINSON, State Engineer.

3933

State of Idaho

A. E. ROBINSON
ENGINEER

ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS.

Permit 3933

H. P. Hansen,
c/o Ben W. Briggs,

Boise, Idaho, June 25, 1912.

Driggs, Idaho
Dear Sir:

Proof of Beneficial Use.

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your permit No. 3933.

Deposition of Permit Holder,

Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On ~~July 5th~~ ^{July 5th}, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at

Driggs, before Ben W. Briggs, M.E.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received, together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

A. E. ROBINSON

State Engineer.

3923

June 25, 1912.

Permit 3933

B. W. Driggs,
Driggs, Idaho.

Sir:

Am in receipt of your letter of the 20th inst. enclosing depositions, affidavit of publication and fees for proof of completion of works under above permit, also, notice of proof of beneficial use of water and deed in favor of N. P. Hansen. In reply would say that the publication notice has today been mailed to the Teton Valley News, July 31st being set as date of proof.

In regard to the report would say that Mr. Chas. H. DeCamp, water commissioner, will make the examination and report on completion of works and can, no doubt, make examination of the beneficial use of the water by Mr. Hansen at the same time. Upon receipt of his report on completion of works the matter of issuing the certificate of completion of works will be taken up.

Am inclosing you herewith receipt for fees.

Very truly yours,

State Engineer.

R4621

By...

3933

B. W. DRIGGS

ATTORNEY-AT-LAW

Driggs, Idaho, June 20, 1912 191

Mr. A.E. Robinson

Dear Sir:

I herewith enclose proof on permit 3933, Fox Creek Irr. Co. and check \$26.90.

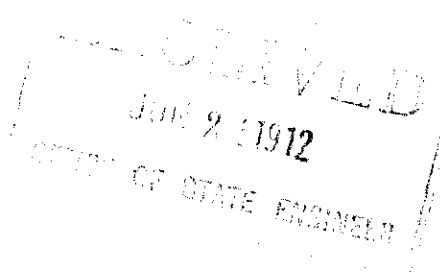
Also enclose papers for publication proof beneficial use of N.P. Hansen.

Under 3933 will it be necessary to send any further report of engineer than that already sent you?

In the Hansen proof it is rather difficult to get an engineer and you might appoint Charles M. Smith ^{of Chapin} to make report.

Yours truly,

B. W. Driggs



3933

AFFIDAVIT OF PUBLICATION

I, F. C. Madsen
Publisher, of the

NOTICE OF PUBLICATION.

Notice is hereby given that at 2 P. M. on the 20th day of June, 1912, at Driggs, County of Fremont, State of Idaho, before Ben W. Driggs, Jr., notary public, proof will be submitted of the completion of works for the diversion of 89.6 cubic feet per second of the waters of Fox Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Fox Creek Irrigation Co.

2. The postoffice address of the person or the place of business of such corporation is Chapin, County of Fremont, State of Idaho.

3. The number of such permit is 3933, and the date set for the completion of such work is August 29, 1912.

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 89.6 cubic feet per second.

6. The amount of land for which said water is available is 4480 acres, particularly described as follows: S½ sw¼, Sec. 20, Sec. 19, s¼ sw¼, sec. 18, w¼, sec. 30, n¼ ne¼, sec. 30, nw¼ nw¼, sec. 31, nw¼ nw¼, sec. 29, T. 4 n., R. 46 e., Boise Meridian; secs. 25, 26, 27, s¼ sec. 24, ne¼, s¼ nw¼, sec. 24, e¼ sec. 23, nw¼ and nw¼ sw¼ sec. 35, ne¼ and ne¼ nw¼ and ne¼ se¼ sec. 34, T. 4 n., R. 46 e., Boise Meridian.

6-23 7-13

A. E. ROBINSON,
 State Engineer.

Teton Valley News
 is published weekly at Driggs, Idaho
 I hereby swear that a copy of the above notice, clipping attached, was published weekly in regular and entire issue of said newspaper, in any supplement thereof, for four consecutive weeks, commencing with the date May 23, 1912, and ending with issue dated June 13, 1912.

F. C. Madsen
Publisher

Subscribed and sworn to before me this 14

day of June, 1912.

Ben W. Driggs, Jr.
 Notary Public

AFFIDAVIT OF PUBLICATION

F. C. Madsen

Publisher of the

Teton Valley News

published weekly at Driggs, Idaho

do solemnly swear that a copy of the above notice,
as per clipping attached, was published weekly
in the regular and entire issue of said newspaper,
and not in any supplement thereof, for four
consecutive weeks, commencing with the
issue dated May 23, 1912, and ending with
the issue dated June 13, 1912.

F. C. Madsen

Publisher

Subscribed and sworn to before me this 14

day of June, 1912.

Ben W. Driggs
Notary Public

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1 State your name, age, residence, occupation and postoffice address.

Ans..... Fox Creek Irrigation Company, Limited (incorporated)

..... by George A. Dewey, President, Chapin, Idaho, authority of board of directors
George A. Dewey 42 years of age

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans..... In behalf of Fox Creek Irrigation Company, Limited of Chapin, Idaho, as president, by resolution of board of directors.....

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans..... 3933, 29th day of August, 1908, 89.6 cubic feet per second, source Fox Creek, diversion 1991 ft. S. and 2360 deg. E. secs. cor. sec. 19, 20, 29, 30 viz. a little SE of NW cor. sec. 29, Tp. 4 N. R. 46 E. B. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim. Irrigation: SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 20, sec. 19, S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 18, W $\frac{1}{2}$ sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 29, T. 4 N. R. 46 E. Secs. 25, 26, 27, S $\frac{1}{2}$ sec. 24, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 24, E $\frac{1}{2}$ sec. 23, NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 35, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 34 Tp. 4 N. R. 45 E. B. M.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans.... Yes... Water has been used for several years, but in 1911 canal was finished and water turned in to full capacity, June 1, 1911

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans..... Yes

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.....

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same. The height of dam is 3 feet, length of dam at top 40 feet, bottom 23 feet, of earth and stone. Canal width at bottom 8 ft., at water line 12 ft., depth of water 36 inches, grade per mile 10 feet, four miles long, besides there are 5 laterals taken from main canal, which distribute the water over above land, on north and south side main canal.

(Sign here.)

George A. Dewey
President Fox Creek Irrigation Company Limited

I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in... Driggs

..... Fremont....., State of Idaho, on this ... 20th ... day of June ... A. D. 1912..

RECEIVED
JUN 2, 1912
OFFICE OF STATE ENGINEER

Beulah Driggs
Notary Public.

My Commission expires. April 16, 1914
Jun

The Depositions of two Witnesses, in this form, taken separately required in each case.

Permit No. 3933

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Samuel Woolstenhulme, age 33, Chapin, Idaho, a farmer.

Ques. 2. Are you acquainted with Fox Creek Irrigation Company, the holder of Permit No. 3933, authorizing the diversion of 89.6 second-feet of the waters of Fox Creek, at near NW cor. Sec. 29 T. 4 N. R. 46 E. for irrigation purposes? How long have you known him, and where does he reside?

Ans. Since its organization April 11, 1911.

Ques. 3. Have you read or heard read said Permit No. 3933, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes, as described in said permit, is gravel and sandy loam, At least one inch to the acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. A dam, and a headgate about 12 feet wide, about 4 ft deep. Of sufficient capacity to carry the water applied for.

(Sign here.)

Samuel Woolstenhulme

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Driggs, County of Fremont, State of Idaho, on this 20th day of June, A. D. 1912.

3933

Ben Driggs
NOTARY PUBLIC

Notary Public

The Depositions of two Witnesses, in this form, taken separately required in each case.

Permit No. 3933

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Charles M. Smith, age 63, Chapin, Idaho, farmer.

Ques. 2. Are you acquainted with Fox Creek Irrigation Company, the holder of Permit No. 3933, authorizing the diversion of 89.6 second-feet of the waters of Fox Creek, at near NW cor. sec. 29 4-46 for irrigation purposes? How long have you known ^{it} ~~him~~, and where does he reside?

Ans. A corporation, known the members for a number of years and the corporation since its organization April 11, 1911

Ques. 3. Have you read or heard read said Permit No. 3933, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes, rocky and sandy loam, at least one inch to the acre.

Land is same as to legal subdivisions described in said permit

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. A dam and headgate, headgate about 12 ft. wide, and will carry the capacity of water of the canal, about 83 cu. feet.

(Sign here.)

Charles M. Smith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

before me, at my office in Driggs, County of Fremont JUN 2 1912

State of Idaho, on this 20th day of June A. D. 1912

3933

Ben W. Driggs

Notary Public.

June 17th, 1912.

Re: Permit #3933 - N. P. Hanson.

B. W. Driggs, Lawyer,
Driggs, Idaho.

Sir:

In reply to your letter of the 14th inst., would say that enclosed blanks should be filled out and returned to this office in time for the notice of proof to be published the required four weeks prior to the date upon which proof is desired to be made. You will please note that the publication notice should be made out in duplicate.

I am enclosing herewith circular letter relative to examination of works required.

Very truly yours,

State Engineer.

By....

Enc. B

3933

En/P

B. W. DRIGGS

ATTORNEY-AT-LAW

Driggs, Idaho, June 14-12 191

State Engineer

Boise

RECEIVED

JUN 17 1912

OFFICE OF STATE ENGINEER

Dear Sir:

Mr. N.P.Hanson, of Rexburg, I think is his address,

desires to make proof for beneficial use on N $\frac{1}{2}$ NE $\frac{1}{4}$ sec.34
Tp. 4 N.R.45 E. under permit 3933, Fox Creek. If necessary to
make the proof here you can set it before me, as notary public,
or if he can do it at Rexburg some notary there. His agent
was in this morning and said he was in a hurry to have it done
as he is making final proof on his land, but I neglected to ask
him whether he wanted to do it here or at Rexburg.

Yours truly,

B. W. Driggs

3933

May 24, 1912.

Permit 3933

B. W. Driggs,
Driggs, Idaho.

Sir:

Am inclos~~ing~~ing you herewith reced~~pt~~pt for
fee for recording deed under above permit.

Very truly yours,

State Engineer.

R4509

By...

3933

Let the day be 3933

The Shelley Pioneer



Shelley, Idaho, May 22, 1912

A E Robinson

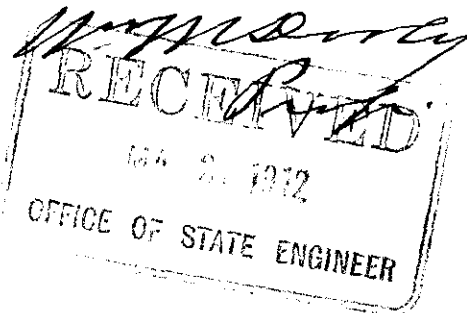
State Engineer

Dear, I da

Your of the 21st received
to-day and will be duly
observed. The notice will
be published in the issue
of May 24, 1912, and a
copy forwarded you.

Thanking you for the
favor.

Yours Resp



3933

B. W. DRIGGS

- ATTORNEY-AT-LAW

Driggs, Idaho, May 21, 1912

191

A.E. Robinson, State Engineer, Boise

Dear Sir:

Enclosed find check for \$1. fee for recording deed
Fox Creek Irrigation Co. Permit 3933.

Yours truly,

B. W. Driggs
B. W. DRIGGS
ATTORNEY-AT-LAW
DRIGGS, IDAHO

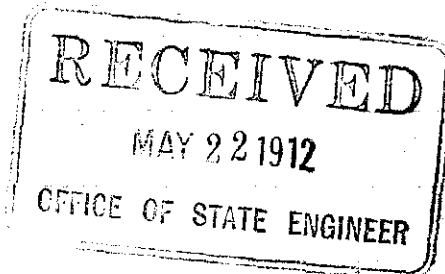
3933

CHAS. H. DECAMP
WATER COMMISSIONER, DIVISION NO.
ST. ANTHONY, IDAHO

ST. ANTHONY, IDAHO.

May 28th 1912

Hon. L. E. Robinson
State Engineer
Butte Idaho



Dear Sir

I have received the blanks and will
make a report on completion of work
for the Fox Creek Irrigation Co as you
directed

Yours Very Truly
Chas. H. Decamp
Water Comm. Div No. 1.

3933

3923

State Engineer, Boise.

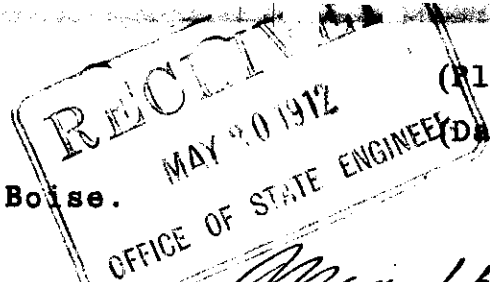
Dear Sir:

I have your letter of May 15, 1912 enclosing Notice
of Completion of Works under Permit No. 3933 which will be publish-
ed as you request, beginning with our issue of May 23, 1912

F. C. Madsen

Paton Valley News

3933



(Place).....

(Date).....

Griggs, Idaho
May 17, 1912

May 15, 1912.

Permit 3933- Fox Creek Irr. Co.

B. W. Driggs, Lawyer
Driggs, Idaho.

Sir:-

I have set June 20th as date for making proof under above permit and have today mailed notice for publication to the Teton Valley News and have also sent deposition blanks to Ben W. Driggs, Jr., before whom proof is to be made.

Am returning you herewith deed of above permit, the same having been placed of record in this office. Please to remit \$1.00 recording fee.

Very truly yours,

State Engineer.

D

By...

3933

May 16, 1912.

Permit 3933

Chas. H. DeCamp.
Water Commissioner.
St. Anthony, Idaho.

Sir:-

On June 20th the Fox Creek Irrigation Company, of Chapin, desires to make proof of completion of works for the diversion of 89.6 second feet of the waters of Fox creek. I would like you to make this examination if you can.

Very truly yours,

State Engineer.

RMF

By...

3933

NOTICE OF PUBLICATION

Notice is hereby given that at 2 P.M., on the 20th day of June, 1912, at Driggs County of Fremont State of Idaho, before Ben W. Driggs, Jr., H.P., proof will be submitted of the completion of works for the diversion of 89.6 cubic feet per second of the waters of Fox Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Fox Creek Irrigation Co.
2. The postoffice address of such person or the place of business of such corporation is Chapin County of Fremont State of Idaho.
3. The number of such permit is 3933, and the date set for the completion of such work is August 29, 1912.
4. Said water to be used for irrigation and domestic purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 89.6 cubic feet per second.
6. The amount of lands for which said water is available is 4480 acres, particularly described as follows: SW4 SW4 Sec.20, Sec.19, S2 SW4 Sec.18, W2 Sec.30, N2 NE4 Sec.30, NW4 NW4 Sec.31, NW4 NW4 Sec.29, T.4 N., R. 46 E.B.M. Secs. 25, 26, 27, S2 Sec.24, NE4, S2 NW4 Sec.24, E2 Sec.23, NW4 and NW4 SW4 Sec.35, NE4 and NE4 NW4 and NE4 SE4 Sec.34, Tp. 4 N., R. 45 E.B.M.

A.E. Robinson,
State Engineer.

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Fox Creek Irr. Co.
c/o Ben W. Briggs, Jr.
Driggs, Idaho

Boise, Idaho,

May 15, 1912.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No. 3933.

Deposition of Permit Holder,

Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On June 20th, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at

Briggs,

before Ben W. Driggs, Jr., N.P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00, where amount claimed does not exceed 10 second feet. Where more than 10 second feet is claimed, the fee required is 30 cents per second foot. When these have been received, together with report of the examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

A. E. ROBINSON,

State Engineer.

3933

Driggs, Idaho, May 11, 1912
B. W. DRIGGS

ATTORNEY-AT-LAW

Driggs, Idaho,

May 11, 1912

191

A. E. Robinson

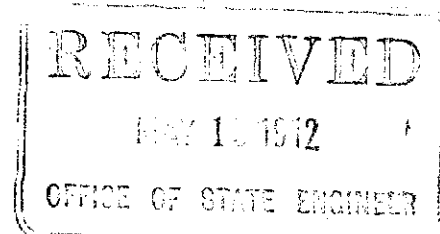
State Engineer, Boise

Dear Sir:

I enclose herewith notice of proof of completion of works Fox Creek Irrigation Co. which is duly incorporated, and deed from Michael Byrne of permit to said Co. Have left the date blank, but would like time set as early as the publication will allow.

Yours truly,

B. W. Driggs



3933

Notice of Proof of Completion of Works

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Chapin, Idaho

(Date)

TO THE STATE ENGINEER OF THE STATE OF IDAHO, BOISE, IDAHO:

DEAR SIR: Notice is hereby given that at 2 P.M. on the 20th day of June, 1912, at Driggs, County of Fremont, State of Idaho, before Ben W. Driggs, Jr., N.P. proof will be submitted of the completion of works for the diversion of 89.6 cubic feet per second of the waters of Fox Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Fox Creek Irrigation Co. conveyed by Michael Byrne, Chapin, Idaho
2. The postoffice address of such person or the place of business of such corporation is Chapin County of Fremont State of Idaho.
3. The number of such permit is 3933, and the date set for the completion of such work is August 29, 1912.
4. Said water to be used for irrigation and domestic purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use in accordance with the plans accompanying the application for such permit, is 89.6 cubic feet per second.
6. The amount of lands for which said water is available is 4480 acres, particularly described as follows: SW4 SW4 Sec. 20, Sec. 19, S2 SW4 Sec. 18, W2 Sec. 30, N2 NE4 Sec. 30, NW4 NW4 Sec. 31, NW4 NW4 Sec. 29, Tp. 4 N., R. 46 E.B.M. Sec. 25, 26, 27, S2 Sec. 24, NE4, S2 NW4 Sec. 24, E2 Sec. 23, NW4 and NW4 SW4 Sec. 35, NE4 and NE4 NW4 and NE4 SE4 Sec. 34, Tp. 4 N., R. 45 E.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

I desire that the above notice be published, according to law, in the Teton Valley News of Driggs, Ida., published in the county in which said works are situated; the expense of which publication will be borne by me.

(Signature)

Michael Byrne
on behalf of the Fox Creek
Irrigation Co.

Sec. 19-20-29-30
Thorp 471 R. 46 E.

Send to B. W. Duggan, Idaho

A. E. ROBINSON
STATE ENGINEER

State of Idaho
ENGINEERING DEPARTMENT
BOISE

File this

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Michael Byrne.
Chapin, Idaho.

Boise, Idaho, **May 1st, 1912.**

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. **3933**

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof **MUST** be on or before **August 29th, 1912.**

Upon receipt of this blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a Notary Public or other officer authorized to administer oaths.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

A. E. ROBINSON,
State Engineer.

January 6, 1911

Permit 3933

B. W. Driggs, Lawyer
Driggs, Idaho

Sir:

-In reply to your letter of the 29th ult. would say that, as proof of completion of works is not required under the above permit until August 29, 1912, I would suggest that nothing be done in the matter of proof until the company has been regularly incorporated. Mr. Byrne can then make a deed to the company transferring his right in said permit, which deed should then be sent to this office for record. The notice for publication for proof of completion of works can then be filled out in the name of the company, by Mr. Byrne, or some other person, whom they may authorize to act for the company. When proof has been submitted, if satisfactory showing is made, the certificate of completion of works will be issued in the name of the company and not the individual members. However, when the owners of the land are ready to make final proof, or proof of beneficial use, of water, it will be necessary for each individual owner to file a deed to the amount of water to which he is entitled and each make proof for himself. A license will then be issued to each individual owner for the amount of water which he has actually beneficially used at the time proof is submitted.

Trusting I have the matter plain, I remain

Very truly yours,

State Engineer.

By...

3933



DRIGGS, IDAHO, Dec. 29, 1910

D.G. Martin, State Engineer,

Boise

Permit 3933

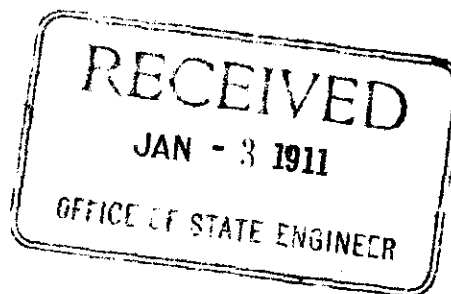
M. Byrne.

Dear Sir:

I find upon examination of the papers of the Fox Creek Irrigation Co. that they filed articles of incorporation with the county recorder in 1906, but never obtained certificate from the secretary of state, and the articles are so defective I am now incorporating them, and may take a week or so before everything is complete; but the name of the corporation is the Fox Creek Irrigation Company, Limited.

As I understand the law and your letter of the 13th if the individual owners convey to the corporation that would be sufficient. I can send you a list of the names, and a copy or original deed, if you desire.

Respectfully,



B. W. Driggs

Can Aug 29, 1912



DRIGGS, IDAHO, Dec. 20, 1910

3722
Permit ~~5465~~ - M. Byrne.

Mr. D. G. Martin
State Engineer Boise,

Dear Sir:

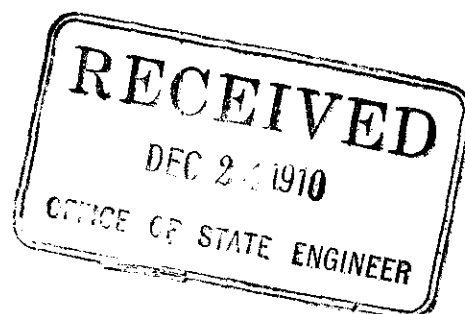
Since writing you yesterday I am informed by Mr. Byrne that the canal company is incorporated, at least they thought they were; they say they have the articles recorded by the county clerk, but upon questioning them I do not think they have a certificate from the Secretary of State. They are to send me the papers, and if the corporation is not completed it will be, so that the deeds can be made direct to the corporation.

They want also to make proof for beneficial use of the water. They have applied and used the water for irrigation for a number of years, with the exception of one or two pieces of land owned by non-residents on which the water has not been used and which we will eliminate, viz. N.W. Clayton N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 24, NW $\frac{1}{4}$ sec. 25, W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 23, and NW $\frac{1}{4}$ sec. 35, all in 4-45, the later 160 owned by some person at present unknown by the writer, but think it is Geo. E. Stohs.

Will advise you again when the corporation is completed.

Yours truly,

B. W. Driggs



3933



DRIGGS, IDAHO, Dec. 19, 1910

Mr. D.G. Martin
State Engineer
Boise

Dear Sir:

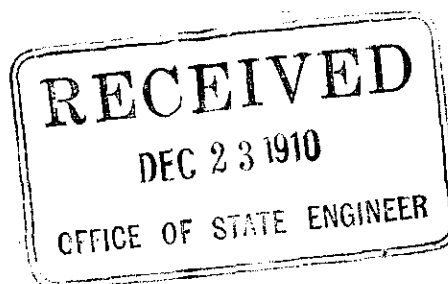
I am in receipt of your favor of 13th Inst. in re. Michael Byrne water permit 3933. We will not set the time now until we can get deeds, etc. prepared, as we could not get it all in shape for the day proposed.

You ~~will~~ say it will be necessary for the holder to send in a deed for the amount of water each party is entitled. I do not quite understand this, that is, I would infer from your letter that one deed for the whole would do, and that the "sending in" would mean to you.

Ordinarily, from a legal point of view, a deed would have to run to each individual. If you mean a deed to be filed in your office please advise me, or deeds to each and filed with the county recorder.

Very truly yours,

B. W. Driggs



December 13, 1910.

Permit 3933-M. Byrne

B. W. Briggs, Lawyer
Driggs, Idaho.

Sir:-

I am today in receipt of your letter of the 9th inst. inclosing notice of proof of beneficial use for permit 5465, favor of Michael Byrne. In looking up the records I find that Mr. Byrne is the holder of Permit No. 3933, which was issued upon application No. 5465 and I take it that the holder desires to make the proof of completion of works at this time and not the final proof of beneficial use of water. I would say, however, that before proof can be made it will be necessary for the holder to send in a deed for the amount of water to which each party is entitled. The notice for publication will then contain the names of all concerned and the certificate issued ~~forthwith~~ ~~it would~~ not be necessary for all the parties interested to make this proof as Mr. Byrne could make the deposition of holder for himself and the others. The two witnesses must be disinterested parties. I have had prepared and am inclosing herewith notice of proof of completion of works to be signed by the holder. You will also note that the name of a competent engineer is required, as per note checked with blue pencil.

The final proof, or proof of beneficial use of water is not required until August 29, 1916, hence, I take it the land is not yet under cultivation and in condition to make this proof. This proof will be required to be made by each individual owner for his amount of water to be used upon his land. I am, therefore, returning you the notice.

If

If it is desired to make proof on January 21st the notice together with the deeds required should be sent in time for next week's publication in order to allow for five publications.

Trusting I have made the matter plain, I am

Very truly yours,

3933

B. W. DRIGGS

ATTORNEY - AT - LAW



DRIGGS, IDAHO, Dec. 9, 1910

Mr. D.G. Martin

State Engineer, Boise

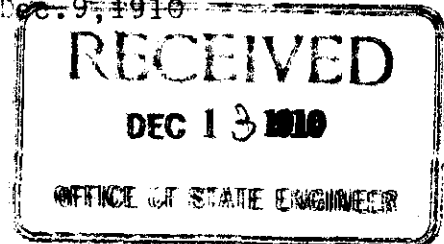
Dear Sir:

Please find enclosed notice of proof, permit ~~5465~~ ³²³³, Michael Byrne.

We have set the time Saturday Jan. 21st. If this is not sufficient time after receiving it you may change the date.

It seems that this permit is for a community of farmers who jointly own the canal, but not an incorporated company, and was applied for in the name of Mr. Byrne, who will in turn convey to the individuals interested. It occurs to me that the permit should have issued to the several appropriators of water. However, if not inconsistent with your powers I suppose it will be all right.

Respectfully,



December 6, 1910.

3923

Permit 5465-M. Byrne

B. W. Driggs, Jr.,
Driggs, Idaho.

Sir:-

I am inclosing herewith blank notice of proof of beneficial use of water for above permit. The blank should be filled out and returned to this office in time for the publication of the notice the required thirty days.

Very truly yours,

State Engineer.

F121

By..

3923



DRIGGS, IDAHO, Nov. 30-10

State Engineer

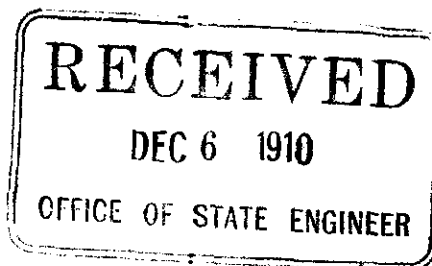
Boise Idaho

Dear Sir:

Under permit #³⁹³³~~5465~~, dated Aug. 29, 1908, in favor of Michael Byrne, he desires to make final proof before me, Ben W. Driggs, Jr. a notary public, and publish the same in the Teton Valley News.

Respectfully,

B. W. Driggs Jr.



Know all men by these presents, that we, Michael Byrne, as principal and George Dewey and David A. Nelson, as sureties, of the County of Fremont, State of Idaho, are held and firmly bound unto the State of Idaho by the State Engineering department, in the sum of one thousand dollars, lawful money of the United States, to be paid to the said State of Idaho; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, jointly and severally, and firmly by these presents. Sealed with our seals and dated the 28th day of October, 1908.

The condition of this obligation is such, that whereas, the said Michael Byrne has made application for the appropriation and use of certain water from Fox Creek, County of Fremont, which said application for permit is numbered 5465 and dated July 20, 1908 as the date of first receipt of application, and is thereby required in said permit to perform one-fifth of the work specified therein on or before August 29, 1910, and the whole of said work to be completed on or before August 29, 1912, now therefore this bond is conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor, and provided that if said works are completed as therein specified by the time stated therein and herein above, then this obligation to be void, otherwise to remain in full force and virtue.

Michael Byrne (Seal)

George Dewey (Seal)

David A. Nelson (Seal)

Signed, sealed and delivered in presence of

Ben W. Driggs

APPROVED

3933

DATE Dec. 4, 1908

J. H. Stephenson Jr.
STATE ENGINEER

State of Idaho)
) ss
County of Fremont)

George Dewey and David A. Nelson each being duly
severally sworn, says that he is a resident freeholder of the County
of Fremont, State of Idaho, and is worth the sum of one thousand
dollars over and above all legal set offs, exclusive of property
exempt from execution.

George Dewey

David A. Nelson

Subscribed and sworn to before me this 28th day of October,
1908.

John D. Killpack Jr.

Notary Public.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

NOTE

3933

That in order to keep this permit in force a bond in the sum of \$1,000.00 must be filed in the office of the State Engineer on or before October 28, 1908, conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

JAS. STEPHENSON, Jr.,

State Engineer.

3933

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, September 8, 1908.

Permit 3933. Michael Byrne,

O. E. Petterson,
Rexburg, Idaho.

Dear Sir:

I enclose herewith above numbered permit. Be sure to note limitations and conditions of same as given under approval of State Engineer on the third page.

JAS. STEPHENSON, Jr.,
State Engineer.

3933

Application No. 5465.

Permit No. 3953.

Michael Byrne.

89.6 sec. ft. Fox creek.

Premont county

Approved August 29, 1908.

James Stephenson Jr

State Engineer.

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Internal Note

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SEC

SEC

O. F. Peterson. [Engineer in Charge]
 Rexburg, Fremont County, Idaho.
 This is a locality that I made study of
 for erect canal and
 on this map. SEE. Verday named.

Idaho and

Wyoming

State Line