

RECEIVED
SEP 22 1910
OFFICE OF STATE ENGINEER

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74446 BM

44

Fremont County
2.2 sec.ft.
Mahogany Creek
Irrigation and domestic
Priority July 25,1908

S T A T E O F I D A H O
WATER LICENSE No. 3792

WHEREAS, On the 21st day of June A.D.1908, EDWARD ELLIS, of Bates, County of Fremont, State of Idaho duly made application (No. 5371) to me for a permit to use two and four-tenths (2.4) cubic feet per second of the waters of MAHOGANY CREEK, County of Fremont, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 3rd day of July A.D.1908 Permit No. 3792 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 3rd day of July A.D.1909 and for the application to beneficial use of said water on or before the 3rd day of July A.D.1910, and,

WHEREAS, On the 7th day of August A.D.1909 EDWARD ELLIS the holder of said permit duly made proof of the completion of adequate works for the diversion of two and four-tenths (2.4) cubic feet per second of said waters, as evidenced by my Certificate No. 3792 dated August 23,1909 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two and four-tenths (2.4) cubic feet per second of said waters, with date of priority of June 21,1908, and,

WHEREAS, On the 6th day of August ,A.D.1910 EDWARD ELLIS the holder of said permit duly made proof of the application to beneficial use of 2.2 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EDWARD ELLIS of Bates, County of Fremont, State of Idaho, the holder and owner of said Permit No. 3792 a perpetual right, dating from July 25,1908 to the use of two and two-tenths (2.2) cubic feet per second of the waters of MAHOGANY 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 diverted as follows: #1- in Southwest quarter Southeast quarter (SW4 SE4); #2- in Southeast quarter Northeast quarter (SE4 NE4),Section 12, Township 4 North, Range 44 East B.M., and conducted to and upon about 70 acres in North half of Northeast quarter (N2 NE4) and 40 acres in Southwest quarter Northeast quarter (SW4 NE4) of Section 12, Township 4 North, Range 44 East, B.M., for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho this sixth day of October, A.D.
Nineteen hundred and ten.

D. G. Martin
State Engineer.

(SEAL)

Recorded Oct. 6,1910.

No. 5371.

22-2035

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Edward Ellis.

Postoffice address: Bates.

County: Fremont State: Idaho.

2. The quantity of water claimed is $2 \frac{2}{5}$ cubic feet per second.

3. Source of water supply: Mahogany Creek.

County of Fremont. *Teton*

4. Location of point of diversion: No. 1. SW4 SE4 and No. 2 SE4 NE4 12 Twp. 4 N. R. 44 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 120 acres.

(b) In the following legal subdivisions: N2 NE4, SW4 NE4 Sec. 12 Twp. 4 N. R. 44 E.

6. Estimated cost of works: \$100

7. Description of works for diversion:

I. Kind of works: Two ditches.

II. Dimensions of works:

(c) Size of headgate: Width 3 feet, height 3 feet.

(d) Conduit ditch, width at bottom 3 feet, width at water line 3 feet, depth of water 1 foot. Average grade per mile is 10 feet. Length of conduit is $\frac{1}{2}$ and $\frac{1}{4}$ miles, and it crosses the following quarter sections: SE4, SE4 NE4 Section 12 Twp. 4 N. R. 44 E. 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 one year.

9. Time required for the complete application of the water to the proposed use is one additional year.

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.

Edward Ellis,

Applicant.

By.... Thomas Elliott.... Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3792.

Date of first receipt of application 9.00 a.m. June 21, 1908.

Returned to applicant for correction June 25, 1908.

Corrected application received June 29, 1908.

Recorded in Book 10 Page 3792 Approved July 3, 1908.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before September 1, 1908, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 3, 1909.

The whole of said work to be completed on or before July 3, 1909.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to July 3, 1910.

Witness my hand this third day of July, 1908.

Jas. Stephenson, Jr.,

State Engineer.

Blank notice for proof of completion mailed applicant: April 1, 1909

Notice received fixing August 7, 1909, as date and St. Anthony, Idaho, as place of proof.

Notice of publication mailed Fremont County News, at St. Anthony, Idaho, July 8, 1909

Deposition blanks mailed applicant July 8, 1909

J.O. Webster, authorized to make examination of works: July 8, 1909

His report received July 26, 1909

Depositions of holder and witness received August 20, 1909

Affidavit of publication received August 20, 1909

Fees received August 20, 1909

Certificate of completion of works issued August 23, 1909

Permit No. 3792.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that EDWARD ELLIS, of Bates, County of Fremont, and State of Idaho, the holder of Permit No. 3792, issued upon Application No. 5371, bearing date of priority of June 21, 1908, authorizing the diversion of 2.4 second feet of the waters of Mahogany 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 2.4 second feet of the waters of Mahogany Creek, that the point of Diversion of said waters is at points: First in the southwest quarter of southeast quarter and second: The southeast quarter of northeast quarter of section 12, township 4 north, range 44 east of the Boise meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The north half of the northeast quarter, southwest quarter of northeast quarter, section 12, township 4 north, range 44 east of the Boise Meridian.

Witness my hand this 23rd day of September A.D. 1909

Jas. Stephenson, Jr.

State Engineer.

License issued for 2 2 second feet
By 699

WATER RIGHT NUMBER 22-2035

OWNER LAST NAME - ELLIS

FIRST NAME - EDWARD

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BATES

STATE - ID ZIP CODE -

SOURCE - MAHOGANY CREEK

TRIBUTARY OF - TETON RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 07-25-1908 COUNTY - TETON

TOTAL DIV. RATE -

2.2000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 01

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSE 12 04N 44E 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

SENE 12 04N 44E 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

SWSE 12 04N 44E LOT REDIV -

272.0 489.0 10.0 16.0 0.0 0.0 0.0 0.0 0.0 0.0 4.7

SENE 12 04N 44E LOT REDIV -

272.0 489.0 10.0 16.0 0.0 0.0 0.0 0.0 0.0 0.0 4.4

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

2.2000 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 44E SEC 12

TRACT NENE LOT

AC

TRACT NWNE LOT

AC

TRACT SWNE LOT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS - AC. IRR. = 110.

P/U INCOMPLETE. SEE FILE.

LIC. INDICATES P/D IN FREMONT CO.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 3792

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

Report of Engineer

1. State name of applicant and number of permit: Edward Ellis - Permit 3792
2. State source of water supply: Mahogany creek
3. Location of point of diversion: SW4 SE4 and SE4 NE4 Sec. 12, Tp. 4 N., R. 44 E. B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 3 feet
- (b) Width at water line: 3.5 "
- (c) Depth of water: 1 foot
- (d) Grade per mile: 10 feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

It is evident that the amount of water asked for has been used to beneficial purposes earlier in the season

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty acre tract: CT 2 and SW4 of SE4 Sec. 12, Tp. 4 N. R. 44 E. B.M.

Cultivated. 70 acres in CT 2 and 20 acres in

SW4 of SE4 Sec. 12, Tp. 4 N. R. 44 E. B.M.

about 20 acres more has been irrigated and used as a pasture.

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: This is a surplus water right. There is an abundance of water until about July 1st each year.

STATE OF IDAHO,

County of _____

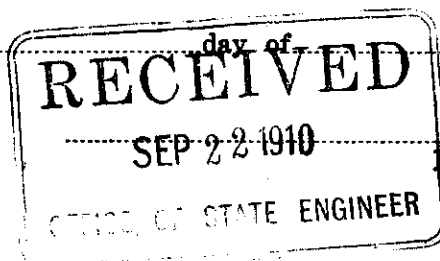
ss.

J. O. Webster
Water Commissioner
1st Div.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 190_____

My Commission Expires _____



Notary Public.

3792

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