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INTER-DEPARTMENT MEMO — 1

FROM *Jah Beal*

DATE *3/27/85*

TO *File 22-2005*

SUBJECT *Lic was issued in two parts*

Some owner

Some P/D

All Land with Lic NW 1/4 Sec 12

*All rts combined on one
proof report &*

one # 22-2005

JB

SIGNATURE

Fremont County
Darby Creek
1.02 sec. ft.
Irrigation
Priority 12-3-04

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

- Water License No. 1061 -

WHEREAS, On the third day of December, A. D. 1904, Alma M. Moulton, of Driggs, County of Fremont, State of Idaho, duly made application (No. 1362) to me for a permit to use three and one-fifth second feet of the waters of Darby Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the twenty-fourth day of January, A. D. 1905, Permit No. 1061 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 24th day of January, A. D. 1907, and for the application to beneficial use of said water on or before the 24th day of January, A. D. 1910, and,

WHEREAS, On the twenty-fourth day of November, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.23 cubic feet per second of said waters, as evidenced by my Certificate No. 1061, dated January 8, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.23 cubic feet per second of water, with date of priority of December 3, 1904, and,

WHEREAS, On the twenty-fourth day of November, A. D. 1906, the holder of said permit duly made proof of the application to beneficial use of 1.02 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 ALMA M. MOULTON of Driggs, County of Fremont, State of Idaho, the holder and owner of said Permit No. 1061 a perpetual right, dating from December 3, 1904, to the use of one and two-onehundredths cubic feet per second of the waters of Darby 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 at a point 1200 feet west and 400 feet south of S. W. Cor. NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17, Tp. 4 N., R. 46 E. B. M., thence through the Cannon Canal and diverted into private ditch of said Alma M. Moulton at a point 600 feet north of S. W. Cor. of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T. 4 North, Range 45 E. B. M., and conducted to and upon (18 acres in NW $\frac{1}{4}$ of NW $\frac{1}{4}$, 8 acres in NE $\frac{1}{4}$ of NW $\frac{1}{4}$, 18 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and 7 acres in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, Tp. 4 North, Range 45 East of 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 eighth day of January, A. D. Nineteen hundred and seven.
(Seal) Jas. Stephenson, Jr. State Engineer.

22 2005 a

Fremont County *
Darby Creek *
1.21 sec.ft. *
Irrigation *
Priority 12-3-04 *

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

Water License No. 1061.

22-2005 b

WHEREAS, On the 3rd day of December, A.D.1904, ALMA M MOULTON of Driggs, County of Fremont, State of Idaho, duly made application (No.1362) to me for a permit to use 3.2 cubic feet per second of the waters of Darby Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 24th day of January, A.D.1905, Permit No. 1061 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 24th day of January, A.D.1907, and for the application to beneficial use of said water on or before the 24th day of January, A.D.1910, and,

WHEREAS, On the 24th day of November, A.D.1906, ALMA M. MOULTON, the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.23 cubic feet per second of said waters, as evidenced by my Certificate No.1061, dated January 8,1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.23 cubic feet per second of the waters of Darby Creek, with date of priority of December 3,1904, and,

WHEREAS, On the 24th day of November, A.D.1906, the holder of said permit duly made proof of the application to beneficial use of 1.02 cubic feet per second of said water, and,

WHEREAS, On the 20th day of July, A.D.1907, ALMA M. MOULTON, the holder of said permit duly made proof of the application to beneficial use of 1.21 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 ALMA M. MOULTON, of Driggs, County of Fremont, State of Idaho, the holder and owner of said Permit No.1061, a perpetual right, dating from December 3,1904, to the use of 1.21 cubic feet per second of the waters of Darby 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 at a point 1200 feet West and 400 feet South of Southwest corner of Northeast quarter of Northeast quarter, Section 17,Township 4 North, Range 45 East of Boise Meridian, and conducted to and upon (12 acres in Northwest quarter of Northwest quarter(NW $\frac{1}{4}$ NW $\frac{1}{4}$) 22 acres in Northeast quarter of Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 12 acres in Southeast quarter of Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 33 acres in Southwest quarter of Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 12, Twp. 4 N.,R. 45 E.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 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 17th day of August, A.D.Nineteen hundred
and seven.

(SEAL)

Recorded August 17,1907.

Jas. Stephenson, Jr.
State Engineer.

A P P L I C A T I O N F O R P E R M I T

No. 1362

To Appropriate the Public Waters of the State of Idaho.

1. Name of applicant - ALMA M. MOULTON

Postoffice address: P. O. - Driggs,

County - Fremont

II. The financial resources of the applicant are:

(a) Cash on hand - one hundred dollars \$100.

(b) Treasury stock - Not any

(c) Bonds to be issued - No bonds

(d) Other resources - applicant has a desert entry under the proposed works.

2. The quantity of water claimed is 3 1/5 cubic feet per second.

3. Source of water supply - Darby Creek, Fremont County.

4. Location of point of diversion - Lot 2, section 17, Tp. 4 N., R. 46 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 160 acres.

(b) In the following legal subdivisions - NW4 section 12, Tp. 4 N., R. 45 E.

6. Estimated cost of works - \$100.00

7. Description of Works for Diversion:

I. Kind of works - Two miles in canal, and half mile in privet ditch.

II. Dimensions of Works:

(a) Height of dam....feet, length of dam at top.....feet, length of dam at bottom.....feet, material used in construction - No dam.

(b) Capacity of reservoir - No reservoir - acre-feet.

(c) Size of headgate, width 8 feet, height 8 feet.

(d) Ditch (flume or pipe) width at bottom 8 feet, width at water line 10 feet, depth of water average 1 ft. Average grade per mile is 30 feet. Length of ditch is 2 1/2 miles, and it crosses the following quarter sections - NE 1/4 NW 1/4, Sec. 17, NE 1/4 Sec. 18, SE 1/4 SW 1/4 NW 1/4 Sec. 7, Tp. 4 N. R. 46 E., NE 1/4 Sec. 12, Tp. 4 N., R. 45 E., to NW 1/4 Sec. 12, Tp. 4 N., R. 45 E., which is the point of intended use.

8. Time required for the completion of the construction of such work is 3 years.

9. Time required for the complete application of the water to the proposed use is 3 years.

Approval of State Engineer.

The number of this permit is 1061.

Date of first receipt of application 9 A. M. December 3, 1904.

Returned to applicant for correction December 5, 1904.

Corrected application received January 18, 1905.

Recorded in Book 4, page 1061. Approved January 24, 1905.

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, sub-

ject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before January 24, 1906.

The whole of said work to be completed on or before January 24, 1907.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to January 24, 1910.

Witness my hand this twenty-fourth day of January, 1905.

Jas. Stephenson, Jr.

State Engineer.

Notice of Proof of Completion of Works and notice of proof of application of water to beneficial use received in due time, fixing November 24th as the date, and St. Anthony, Idaho, as the place of proof.

Notice for publication mailed Fremont County News, St. Anthony, Idaho, October 18, 1906, and deposition blanks mailed Thomas Elliott same date.

Fee of \$5.00 for proof of completion of works, fee of \$8.00 for proof of application of water to beneficial use, affidavit of publication of notice, and depositions received December 1, 1906.

Report of O. E. Peterson received January 2, 1907.

Certificate of Completion of Works and License issued January 8, 1907.

License issued August 17, 1907.

Permit No. 1061

C E R T I F I C A T E O F C O M P L E T I O N O F W O R K S

To All Whom It May Concern:

This is to certify that ALMA M. MOULTON of Driggs, County of Fremont, and State of Idaho, the holder of Permit No. 1061, issued upon Application No. 1362, bearing date of priority of December 3, 1904, authorizing the diversion of three and one-fifth second feet of the waters of Darby 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 2.23 second-feet of the waters of said stream; that the point of Diversion of said waters is 1200 feet west and 400 feet south of S. W. Cor. NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17, Tp. 4 N., R. 46 E. B. M., thence through the Cannon Canal and diverted into private ditch of applicant at a point 600 feet north of S. W. Cor. of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, Tp. 4 North, Range 45 East of Boise Meridian; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northwest Quarter (NW $\frac{1}{4}$) of Section twelve (12), Township Four (4) North, Range Forty-five (45) East of Boise Meridian.

Witness my hand this eighth day of January, A. D. 1907.

Jas. Stephenson, Jr.

State Engineer of the State of Idaho.

License issued for 21 second feet *Page 121*
License issued for 02 second feet *Page 189*

WATER RIGHT NUMBER 22-2005 ✓

OWNER LAST NAME - MOULTON ✓

FIRST NAME - ALMA M. ✓

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CRIGGS ✓

STATE - ID ZIP CODE - 83422 ✓

SOURCE - DARBY CREEK ✓

TRIBUTARY OF - TETON RIVER ✓

STAGE - LICENSE ✓

STATUS -

PRIORITY - 12-03-1904 ✓ COUNTY - TETON ✓

TOTAL DIV. RATE - 2.3100 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 01 ✓

OLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWNE 17 04N 46E LCT

REC'D -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO -

USE - IRRIGATION ✓

USE DIV. RATE -

2.3100 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 04N RNG 46E SEC 12

TRACT NENW LCT

AC 30

TRACT NWNW LCT

AC 30

DECREE NAME -

DATE -

TOTAL ACRES

130 ✓

REMARKS - LIC. ISSUED IN TWO PARTS. ✓

LIC. INDICATES P/D IN FREMONT CO. ✓

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 1061 ✓

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -