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Documents  
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Fremont County \*  
Sheridan Creek \*  
4.8 sec.ft. \*  
Irrigation \*  
Priority - 11-6-05 \*  
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21-2017

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

Water License No. 1726.

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WHEREAS, On the 6th day of November, A.D.1905, AGNES ELLIOTT of St. Anthony, County of Fremont, State of Idaho, duly made application (No.2299) to me for a permit to use 4.8 cubic feet per second of the waters of Sheridan Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 16th day of December, A.D.1905, Permit No. 1726 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 16th day of December, A.D.1907, and for the application to beneficial use of said water on or before the 16th day of December, A.D.1909, and,

WHEREAS, On the 5th day of July, A.D.1907, AGNES ELLIOTT transferred all her rights and interests in above permit to WILLIAM LATHAM, and,

WHEREAS, On the 24th day of August, A.D.1907, WILLIAM LATHAM, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4.8 cubic feet per second of said waters, as evidenced by my Certificate No. 1726, dated August 31,1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.8 cubic feet per second of the waters of Sheridan Creek, with date of priority of November 6, 1905, and,

WHEREAS, On the 24th day of August, A.D.1907, WILLIAM LATHAM, the holder of said permit, duly made proof of the application to beneficial use of 4.8 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 WILLIAM LATHAM of Spencer, County of Fremont, State of Idaho, the holder and owner of said Permit No. 1726, a perpetual right, dating from November 6,1905, to the use of 4.8 cubic feet per second of the waters of Sheridan 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 on the Southeast quarter of Northeast quarter Section 13, Township 13 North, Range 40 East of Boise Meridian, and conducted to and upon the (South half of the Southwest quarter Section 18, and Northwest quarter Section 19, Township 13 North, Range 41 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 31st day of August, A.D. Nineteen  
hundred and seven.

(SEAL)

Recorded August 31,1907.

Jas. Stephenson, Jr.  
State Engineer.

21-2017  
1726

No. 2299.

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

To Appropriate the Public Waters of the State of Idaho.

1. Name of applicant - AGNES ELLIOTT.

Postoffice address: P. O. - St. Anthony, Idaho.

County Fremont.

2. The quantity of water claimed is  $4 \frac{4}{5}$  cubic feet per second.

3. Source of water supply - Sheridan Creek.

County of Fremont.

4. Location of point of diversion - SE4 NE4 Section 13, Tp. 13 N., R. 40 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 240 acres.

(b) In the following legal subdivisions - lot 4 and SE4 SW4=18=lots 1, 2  
and the E2 NW4 of section 19, Tp. 13 N. R. 41 E.

6. Estimated cost of works - \$240.00

7. Description of Works for Diversion:

I. Kinds of works - Dam and Ditch.

II. Dimensions of Works:

(a) Height of dam 5 feet, length of dam at top 15 feet, length of dam at  
bottom 12 feet, material used in construction earth & stone.

(d) Ditch (flume or pipe) width at bottom 4 feet, width at water line 5  
feet, depth of water one foot. Average grade per mile is 35 feet.  
Length of ditch is  $\frac{3}{4}$  mile, and it crosses the following quarter  
sections - SE4 Section 13, Tp. 13 N., R. 40 E. and SW4 Section 18, Tp.  
13 N., R. 41 E., to lot 4, SE4 SW4=;8=lots 1, 2, E2 NW4 Sec. 19, Tp.  
13 N., R. 41 E., which is the point of intended use.

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

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

Approval of State Engineer.

The number of this permit is 1726.

Date of first receipt of application 9 a. m. November 6, 1905.

Returned to applicant for correction November 6, 1905.

Corrected application received December 14, 1905.

Recorded in Book 6, page 1726. Approved December 16, 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:

Work to begin on or before February 14, 1906, 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 December 16, 1906.

The whole of said work to be completed on or before December 16, 1907.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to December 16, 1909.

Witness my hand this 16 day of December, 1905.

Jas. Stephenson, Jr.

State Engineer.

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QUITCLAIM DEED  
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THIS INDENTURE, made the 5 day of July in the year of our Lord one thousand nine hundred and seven, between Agnes Elliott, the party of the first part, and William Latham, the party of the second part.

WITNESSETH : That the said party of the first part, for and in consideration of the sum of One Dollars, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents demise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, all that certain water permit situated in the County of Fremont, State of Idaho, and particularly described as follows, to-wit: Permit No. 1726, Recorded in Book 6, page 1726 of the State Engineers office and for four and four fifths (4 4/5) cu.ft. of the waters of Sheridan Ck. & for the reclamation & irrigation of Lot 4 & SE4 SW4 Sec.18 & Lots 1 & 2 & E2 NW4 Sec.19, Tp. 13 N. R. 41 E.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seals the day and year first above written.

Signed, sealed and delivered in the presence of )  
Thomas Elliott )

Agnes Elliott.....(SEAL)

STATE OF IDAHO, )  
County of Fremont. ) ss.

MAR 10 2004  
SCANNED

On the 5th day of July, 1907, personally appeared before me Agnes Elliott (wife of Thomas Elliott) in and for said County of Fremont and State of Idaho, known to me to be the identical person described in, and who executed the foregoing instrument and who acknowledged to me that she executed the same freely and voluntarily, and for the uses and purposes herein mentioned.

(SEAL)

My Commission expires.....199..

In witness whereof I have hereunto set my hand and affixed my official seal, the day and year first above written.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9 A.M. July 19, 1907.

Jas. Stephenson, Jr., State Engineer.

John Donaldson  
Probate Judge

Notice of proof of completion and notice of proof of beneficial use mailed applicant. Notices received fixing August 24, 1907, as date and Spencer, Idaho, as the place of proof.

Notice for publication sent to Rexburg Standard July 19, 1907.

Deposition blanks mailed applicant July 19, 1907.

John W. Hart requested to examine works and so notified July 19, 1907.

Depositions of holder and witnesses, report of engineer, affidavit of publication and fees received August 31, 1907.

All papers being in and satisfactory Certificate and License were issued August 31, 1907.

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Permit No. 1726.

CERTIFICATE OF COMPLETION OF WORKS.  
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To All Whom it May Concern:

This is to certify that WILLIAM LATHAM of Spencer, County of Fremont and State of Idaho, the holder of Permit No. 1726, issued upon Application No. 2299, bearing date of priority of November 6, 1905, authorizing the diversion of 4.8 second-feet of the waters of Sheridan 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 4.8 second feet of the waters of Sheridan Creek; that the point of diversion of said waters is in the Southeast quarter of Northeast quarter Section 13, Township 13 North, Range 40 East of Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: South half of Southwest quarter Section 18 and Northwest quarter Section 19, Township 13 North, Range 41 East of Boise Meridian.

Witness my hand this 31st day of August, A.D. 1907.

Jas. Stephenson, Jr.

State Engineer.

License issued for 4.8 second feet

P. 730