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Fremont County
5 1/2 sec ft. of
Howard Creek
Priority 12-05-04.
Irrigation

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

- Water License No. 979 -

WHEREAS, On the fifth day of December, A. D. 1904 Kirby Garner of Lake, County of Fremont, and state of Idaho, duly made application (No. 1364) to me for a permit to use 6 2/5 cubic feet per second of the waters of Howard Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the seventh day of December, A. D. 1904 Permit No. 979 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 seventh day of December, A. D. 1905, and for the application to beneficial use of said water on or before the seventh day of December, A. D. 1907, and,

WHEREAS, On the eleventh day of November, A. D. 1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of 6 2/5 cubic feet per second of said waters, as evidenced by my Certificate No. 979, dated December 16, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6 2/5 cubic feet per second of water, with date of priority of December 5, 1904, and,

WHEREAS, On the first day of August, A. D. 1906, proof was duly made of the application to beneficial use of five and five-tenths cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to KIRBY GARNER of Lake, Idaho, the holder and owner of said Permit No. 979, a perpetual right, dating from December 5, 1904, to the use of 5.5 cubic feet per second of the waters of Howard 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 about ten rods south of the N. E. corner of SE 1/4 of SW 1/4 of Section 12, Township 15 N., R. 43 E. B. M., and conducted to and upon South Half (S 1/2) of Southwest Quarter (SW 1/4) of Section Twelve (12), North Half (N 1/2) of Northwest Quarter (NW 1/4) of Section Thirteen (13), South Half (S 1/2) of Southeast Quarter (SE 1/4) of Section Eleven (11), North Half (N 1/2) of Northeast Quarter (NE 1/4) of Section Fourteen (14), Tp. 15 North, Range 43 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 fifteenth day of September, A. D. Nineteen Hundred and six.

Jas. Stephenson, Jr.

(Seal)

State Engineer.

Recorded September 15, 1906.

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APPLICATION FOR PERMIT

1364

To appropriate the Public Waters of the State of Idaho.

1. Name of applicant - KIRBY GARNER

Postoffice address: P. O. - Lake, Idaho

County, Fremont

2. The quantity of water claimed is ~~6~~ ²/₅ cubic feet per second.

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

4. Location of point of diversion - SE4 SW4 = section 12, Tp. 15 N., R. ⁴³44²E. Uns.

5. To be used for:

1. Irrigation and domestic use:

(a) Number of acres to be irrigated 320 acres.

(b) In the following legal subdivisions - S2 SW4 =12= N2 NW4 = 13= S2 SE4 =11=
and the N2 NE4 section 14, Tp. 15 N., R. 43 E.

6. Estimated cost of works - \$250.00

7. Description of Works for Diversion:

1. Kind of works.....

II. Dimensions of Works:

(d) Ditch (flume or pipe) width at bottom 5 feet, width at water line one foot, depth of water one foot. Average grade per mile is 10 feet. Length of ditch is one mile, and it crosses the following quarter sections - South Half of the South West quarter of section 12, and the South half of the SE4 of section 11, Tp. 15 N., R. 43 E., to S2 SW4=12= N2 NW4=13=S2 SE4=11=N2 NE4, section 14, Tp. 15 N., R. 43 E., which is the point of intended use.

8. Time required for the completion of the construction of such work is - complete.

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

Remarks:

Settler in this case has acquired the water by usage, but has not complied with the local laws as to appropriation and the department will not accept this desert proof, he therefore makes application for permit, and deemed it proper to also appropriate water for his homestead entry in section 12, 13.

Approval of State Engineer.

The number of this permit is 979.

Date of first receipt of application 9 A. M., December 5, 1904.

Recorded in Book 4, page 979. Approved December 7, 1904.

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

One-fifth of the work above specified to be completed on or before June 7, 1905.

The whole of said work to be completed on or before December 7, 1905.

The time for the proof of beneficial use of water appropriated in accordance here-

with, to extend to December 7, 1907.

Witness my hand this seventh day of December, 1904.

Jas. Stephenson, Jr.

State Engineer.

Form 103, Notice of Proof of Completion of Works, mailed applicant April 20, 1905. Notice of proof of completion of works received June 11, 1905, and returned same date for correction.

Another notice of proof of completion of works mailed Applicant September 1, 1905.

Notice of proof of completion of works received September 9, 1905, fixing November 11, 1905 as the date, and Lake, Idaho as the place of proof.

Notice for publication mailed Teton Peak Chronicle, St. Anthony, Idaho, October 2, 1905, and deposition blanks mailed applicant same date.

Fee of \$5.00 and depositions in the matter of proof of completion of works received November 15, 1905.

Mr. W. B. Race of Lake, Idaho, authorized December 2, 1905 to make examination of works and report to the office of State Engineer.

Affidavit of publication of notice received December 4, 1905.

Report of examining surveyor received December 16, 1905.

Depositions and report show that works have been completed of sufficient capacity to divert and carry to the place of use the amount of water for which application was made.

Certificate of Completion of Works issued December 16, 1905.

Permit No. 979

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

Howard

To All Whom It May Concern:

This is to certify that KIRBY GARNER of Lake, County of Fremont, and state of Idaho, the holder of Permit No. 979, issued upon Application No. 1364, bearing date of priority of December 5, 1904, authorizing the diversion of six and two-fifths second-feet of the waters of Hard Creek, County of Fremont, State of Idaho at a point about ten rods south of the Northeast corner of Southeast Quarter of Southwest Quarter of Section 12, Tp., 15 N., R. 43 E. B. M., for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use six and two-fifths second-feet of water; 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 of Section Twelve, North Half of Northwest Quarter of Section Thirteen, South Half of Southeast Quarter of Section Eleven, and North Half of Northeast Quarter of Section Fourteen, Township Fifteen North, Range Forty-three East of Boise Meridian.

Witness my hand this sixteenth day of December, A. D. 1905.

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

Licenses issued for 5² second feet P. 97

Assignment of Permit

For value received I hereby assign to W. A. Jackson, all my right, title and interest in and to Permit to appropriate the public waters of the State of Idaho, No. 979, and to Water License issued under said Permit.

Dated at West Yellowstone, this 20th day of August, 1924.

Kirby Garner

Received and filed for record in the Department of Reclamation, at Boise, Idaho, at 9:00 A. M. September 2, 1924.

W. G. SWENDSEN,
Commissioner of Reclamation

ASSIGNMENT OF PERMIT

For value received, I hereby assign to D. F. Richards all my right, title and interest in and to Permit to appropriate the public waters of the State of Idaho, No. 979 and to Water License issued under said Permit.

Dated at Chicago, Illinois, this 19th day of August, 1943.

/s/ W. A. JACKSON

Attest:

R. E. Chinlund

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9:00 A.M. October 12, 1943.

JAMES SPOFFORD
State Reclamation Engineer

Received in State Department of Reclamation on December 2, 1943, with the above assignment duly acknowledged, as follows:

Subscribed and sworn to before me this 5th day of November A. D. 1943, at Chicago, Illinois.

Ella Hartman
Notary Public

(SEAL)

My commission expires October 10, 1944