

Top 8-S. R-43-EBM

26
SEC 36
Creole
Ditch
25-
SEC 35

RECEIVED
AUG 2 1911
OFFICE OF STATE ENGINEER

6805

Bannock County *
Johnson Creek *
1.4 cubic feet per second *
Irrigation and domestic *
Priority 8-19-1909 *

S T A T E O F I D A H O
WATER LICENSE NO. 5089

WHEREAS, On the 19th day of August, A. D. 1909, HEBER A. SMITH, of Soda Springs, County of Bannock, State of Idaho, duly made application (No. 7324) to me for a permit to use three (3) cubic feet per second of the waters of JOHNSON CREEK, County of Bannock, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 19th day of August, A. D. 1909, Permit No. 5089 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 19th day of August, A. D. 1911, and for the application to beneficial use of said water on or before the 19th day of August, A. D. 1911, and,

WHEREAS, On the 19th day of August, A. D. 1911, HEBER A. SMITH, the holder of said permit duly made proof of the completion of adequate works for the diversion of three (3) cubic feet per second of said waters, as evidenced by my Certificate No. 5089, dated September 12, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use three (3) cubic feet per second of water, with date of priority of August 19, 1909, and,

WHEREAS, On the 19th day of August, A. D. 1911, HEBER A. SMITH, the holder of said permit duly made proof of the application to beneficial use of 1.4 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 HEBER A. SMITH, of Soda Springs, County of Bannock, State of Idaho, the holder and owner of said Permit No. 5089, a perpetual right, dating from August 19, 1909, to the use of one and four-tenths (1.4) cubic feet per second of the waters of JOHNSON CREEK, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northeast quarter of the Southeast quarter (~~NE 1/4 SE 1/4~~) Section 26, Township 8 South, Range 43 East of Boise Meridian, and conducted to and upon ~~40~~ acres as follows: (~~20~~ acres in ~~NE 1/4 SE 1/4~~, ~~10~~ acres in ~~SW 1/4 SE 1/4~~, ~~10~~ acres in ~~NE 1/4 SE 1/4~~, ~~10~~ acres in ~~SW 1/4 SE 1/4~~; All in Section 25, Township 8 South, 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 12th day of September, A. D. Nineteen hundred and eleven.

A. E. Robinson,
State Engineer

No. 7324

27-2015

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Heber A. Smith

Postoffice address: Soda Springs

County: Bannock

State: Idaho

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

3. Source of water supply: Johnson Creek

County of Bannock

4. Location of point of diversion: 1064 ft., in a westerly direction from N.W. corner NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, T. 8 S.R. 43 E.B.M., in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T. 8 S.R. 43 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 200 acres.

(b) In the following legal subdivisions: E $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 25, T. 8 S.R. 43 E.B.M.

6. Estimated cost of works: \$200. 0

7. Description of works for diversion:

I. Kind of works: Ditch and dam

II. Dimensions of works:

(a) Height of dam 3 feet, length of dam at top 8 feet, length of dam at bottom 6 feet. Material used in construction: wood, earth & stone.

(d) Conduit, ditch, width at bottom 2 $\frac{1}{2}$ feet, width at water line 3 $\frac{1}{2}$ feet, depth of water 1 $\frac{1}{2}$ feet. Average grade per mile is 7 feet. Length of conduit is 3/4 mile and it crosses the following quarter sections: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26)
and
NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 25) T. 8 S.R. 43 E.B.M.

to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is three years.

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

Heber A. Smith,

Applicant.

By Chas. B. Wilson..

Agent.

Remarks;

Time asked for in section 8 above is hereby reduced to 2 years.

Jas. Stephenson, Jr.

State Engineer.

APPROVAL OF STATE ENGINEER.

The number of this permit is 5089.

Date of first receipt of application: 9.a.m. August 19,1909

Recorded in Book 14. Page 5089. Approved August 19,1909

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 October 18,1909, 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 August 19, 1910.

The whole of said work to be completed on or before August 19,1911.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to August 19,1911.

Witness my hand this nineteenth day of August,1909.

Jas. Stephenson, Jr.
State Engineer.

Notice of proof of completion of works and beneficial use of water received June 9,
 1911, fixing August 19, 1911, as date and Soda Springs as place of proof.
 Publication notice mailed the Soda Springs Chieftain July 11th.
 Deposition blanks mailed H. Drewery, N. P. July 11th
 Water Commissioner notified July 19th to make examination of works
 Depositions, Affidavit of publication, and fees received August 21, 1911
 Report of water commissioner received August 24, 1911
 Certificate and License issued September 12, 1911

Permit No. 5089

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that HEBER A. SMITH, of Soda Springs, County of Bannock, and State of Idaho, the holder of Permit No. 5089, issued upon Application No. 7324, bearing date of priority of August 19, 1909, authorizing the diversion of three (3) second feet of the waters of JOHNSON CREEK, County of Bannock, 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 three (3) second-feet of the waters of JOHNSON CREEK, that the point of diversion of said waters is at a point in the Northeast quarter of Southeast quarter (NE4 SE4) Section 26, Township 8 South, Range 43 East of Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southeast quarter (SE4), North half of Northeast quarter of Southwest quarter (N2 NE4 SW4), Section 25, Township 8 South, Range 43 East of Boise Meridian.

Witness my hand this 12th day of September, A. D. 1911

A. E. Robinson,

State Engineer of the

State of Idaho

License issued for 14 second feet

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REPORT OF ENGINEER

1. State name of applicant and number of permit: Heber A. Smith - 5089
2. State source of water supply: Johnson Creek
3. Location of point of diversion: 1064 ft. in a westerly direction from NW Cor.
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, Tp. 8 S., R. 43, E., B.M. in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, Tp. 8 S., R. 43, 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: 4'
 - (b) Width at water line: 5'
 - (c) Depth of water: 9"
 - (d) Grade per mile: 7'
 - (e) Capacity of ditch: About 200" second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Used continuously since 1909
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:

<u>N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$</u>	<u>Under water</u>	<u>20</u>	<u>acres</u>
<u>S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$</u>	<u>" "</u>	<u>15</u>	<u>"</u>
<u>N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$</u>	<u>" "</u>	<u>25</u>	<u>"</u>
<u>S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$</u>	<u>" "</u>	<u>10</u>	<u>"</u>
<u>a in Sec 25 T-8-S, R. 43, E. B.M.</u>		<u>7.0</u>	<u>"</u>
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: All water under this permit has been used on the above described land, and owing to the stony character of the soil, even this amount is not sufficient.

The H. A. Smith
Water Com. No 1.

STATE OF IDAHO,

County of _____ } ss.

5089

_____, 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.

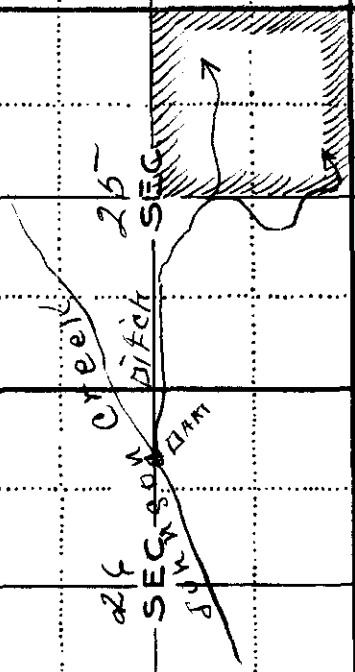
Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

OFFICE OF STATE ENGINEER

Notary Public.

Top 8-S. R-43-E13-M



5089