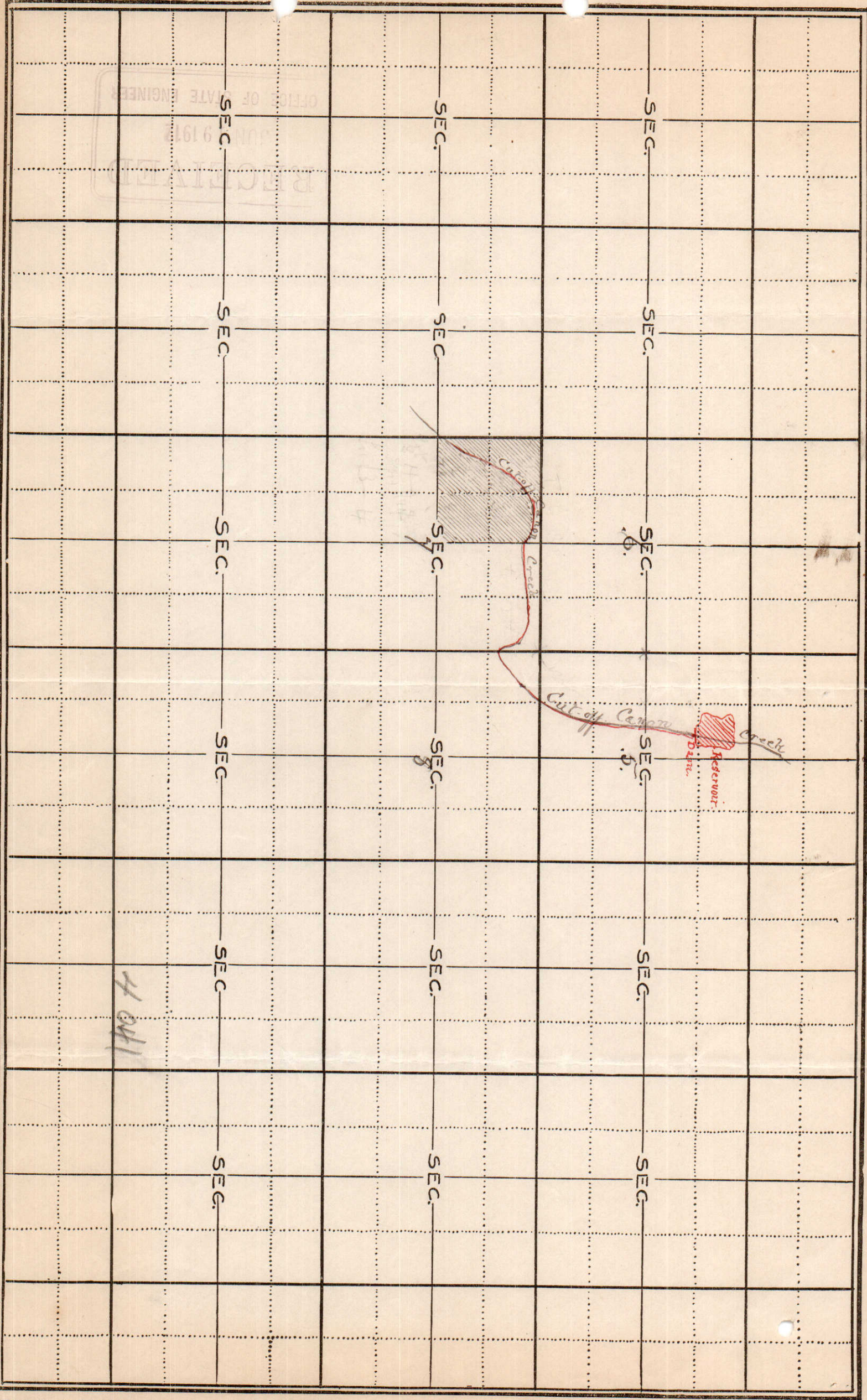


Name of Applicant

Theodore Linder



Township No. 6, South, Range No. 43, East B.M.

Bannock County *
Cut-off Canyon Creek *
3 second-feet *
Irrigation *
Priority 9/21/1908. *

S T A T E O F I D A H O
Water License No. 4041

WHEREAS, On the 21st day of September, A.D. 1908, THEODORE ENDERS, of Henry, County of Bannock, State of Idaho, duly made application (No. 5689) to me for a permit to use 3 cubic feet per second of the waters of CUT-OFF CANYON CREEK, County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of October, A.D. 1908, Permit No. 4041 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 10th day of October, A.D. 1910, and for the application to beneficial use of said water on or before the 10th day of October, A.D. 1913, and,

WHEREAS, On the 10th day of October, A.D. 1910, THEODORE ENDERS, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3 cubic feet per second of said waters, as evidenced by my Certificate No. 4041, dated November 19th, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3 cubic feet per second of water, with date of priority of September 21st, 1908, and,

WHEREAS, On the 18th day of December, A.D. 1911, THEODORE ENDERS, the holder of said permit, duly made proof of the application to beneficial use of 3 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 THEODORE ENDERS, of Henry, County of Bannock, State of Idaho, the holder and owner of said Permit No. 4041, a perpetual right, dating from September 21, 1908, to the use of 3 cubic feet per second of the waters of CUT-OFF CANYON 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 Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 5, Township 6 South, Range 43, East of the Boise Meridian, and conducted to and upon 150 acres, divided as follows: (30 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 7, Township 6 South, Range 43, East of the 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 29th day of June, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson.
State Engineer.

No. 5689.

27-2009

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Theodore Enders.

Postoffice address: Henry, Bannock Co., Idaho.

County: Bannock State: Idaho.

2. The quantity of water claimed is an amount equivalent to a continuous flow of 3 cubic feet per second.

3. Source of water supply: The surplus waters and winter flow of Cut-off Canon Creek.

County of Bannock.

4. Location of point of diversion: Dam with headgate in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5 T. 6 S. R. 43 E. of B.M.

5. To be used for:

I. Irrigation and Domestic Use.

(a) Amount of land to be irrigated: One hundred and fifty acres.

(b) In the following legal subdivisions: at different parts of the legal subdivisions of Sec. 7 T. 6 S. R. 43 E.

6. Estimated cost of works: 1000 Dollars.

7. Description of works for diversion:

I. Kind of works: Storage Reservoir and irrigation ditches.

II. Dimensions of works:

(a) Height of dam 10 feet, length of dam at top 210 feet, length of dam at bottom 40 feet. Material used in construction: Concrete cave and earth(cave 2 ft wide, foundation bed rock, 4 ft, above surface.)

(b) Capacity of reservoir: 195 acre-feet.

(c) Size of headgate: Width 3 feet, height 2 feet.

(d) Conduit natural creek bed and irrigation ditches in Sec. 7. width at bottom of from 2 to 3 feet. 1 x 1 - slope of banks, depth of water 18 ins and less. Average grade per mile is 7 feet. Length of conduit in creek is 2 miles - to East Boundary of sec. 7, and it crosses the following quarter sections: NW4 and SW4 sec. 5 and the NW4 of Sec. 8 T 6 S. R. 43 E. of B. M. 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 2 years.

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

Theodore Enders,

Applicant.

By....Oscar Sonnenkalb.....Agent.

Remarks: Through the discharge flume of the Reservoir with headgate as above described, the stored waters of the reservoir, when used for irrigation, will be spilled into the natural bed of Cut-off Canon creek, which runs through the West half of section 5 and the north west quarter of section 8 a distance of about 2 miles and enters then section 7 of T. 6 S. R. 43 E. of B.M. where the water will be used for irrigation. The creek has a well defined channel through the north half of section 7 and irrigation ditches will be constructed for the diversion of the water from this channel. Four main ditches will be constructed with a bottom width of from 2 to 3 feet and the points of diversion for said ditches will be 1, in the NE4 of NE4, 2, in the NE4 of NW4 and 3, lot 1 all of section 7, T. 6 S. R. 32 E. of B. M.

Section 7 contains in its western part and south of the creek, wild hay meadows, originally made by the overflows and seepage of the creek water and at the present time these meadows have been improved by the irrigation with the summer flow of Cut off Creek. The creek sinks near the West Boundary of section 7 and has a relatively very small flow during the later part of the irrigation season and the stored water will be used for irrigation of the meadow land in all the quarter sections of Sec. 7, to irrigate in the later part of the season those portions of the meadow which will dry up early - The area thus irrigated will aggregate 150 acres.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4041.

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

Returned to applicant for correction September 21, 1908.

Corrected application received October 1, 1908.

Recorded in Book 11 Page 4041 Approved October 10, 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 December 9, 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 October 10, 1909.

The whole of said work to be completed on or before October 10, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to October 10, 1913.

Witness my hand this tenth day of October, 1908.

Jas. Stephenson, Jr.,

State Engineer.

Blank notice for proof of completion of works mailed applicant July 1, 1910
 Notice received August 1, 1910, fixing October 10, 1910, as date and Henry, Idaho, as place of proof
 Notice for publication mailed Soda Springs Chieftain August 30, 1910
 Deposition blanks mailed applicant care of W.H. Chester, August 30, 1910
 J.O. Webster authorized August 29, 1910, to make examination of works.
 Depositions, affidavit of publication and fees received October 15, 1910
 Report of engineer received October 31, 1910
 Certificate issued November 19, 1910.

 Permit No. 4041

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that THEODORE ENDERS, of Henry County of Bannock, and State of Idaho the holder of Permit No. 4041, issued upon Application No. 5689, bearing date of priority of September 21, 1908, authorizing the diversion of 3 second feet of the waters of Cut-off Canon 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 3 second feet of the waters of Cut-off Canon Creek, that the point of diversion of said waters is at a point in the southeast quarter of northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of section 5, township 6 South of Range 43 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: Section 7, Township 6 South of Range 43 East of the Boise Meridian.

Witness my hand this nineteenth day of November, A.D. 1910.

D.G. Martin

State Engineer of the State of Idaho

License issued for 3 second feet

Page 109

REPORT OF ENGINEER

1. State name of applicant and number of permit: Theodore Enders - Permit 4041
2. State source of water supply: Cut-off Canyon Creek
3. Location of point of diversion: SE4 NW4 Sec. 5, Tp. 6 S., R. 43 EBM
(100% S and 730% E from NW Corner SE4 NW4 Sec. 5, T6 S.R. 43 EBM)
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:
 - (b) Width at water line:
 - (c) Depth of water:
 - (d) Grade per mile:
 - (e) Capacity of ditch: second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Yes To the full extent
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: NW1/4 Sec. 7, T6 South, Range 43 EBM
NE1/4 NW1/4 Sec. 7 T6 S R. 43 E = 30 acres
(Lot 1) NW1/4 NW1/4 Sec. 7 T6 S R. 43 E = 40 acres
SE1/4 NW1/4 Sec. 7 T6 S R. 43 E = 40 acres
(Lot 2) SW1/4 SW1/4 Sec. 7 T6 S R. 43 E = 40 acres
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: Reservoir Length across Dam, at Top, 225 feet

do, at bottom, 200 feet.

Width of Dam, at Top, 8 feet

do, at bottom, 40 feet.

Height, 10 feet.

Water Flows down natural channel of Creek, distributed by dams & laterals on land.

Chas B Wilson.

STATE OF IDAHO,

County of Bannock } ss.

Chas B Wilson

, 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 18th day of June 1912.

My Commission Expires Feb 20 - 14

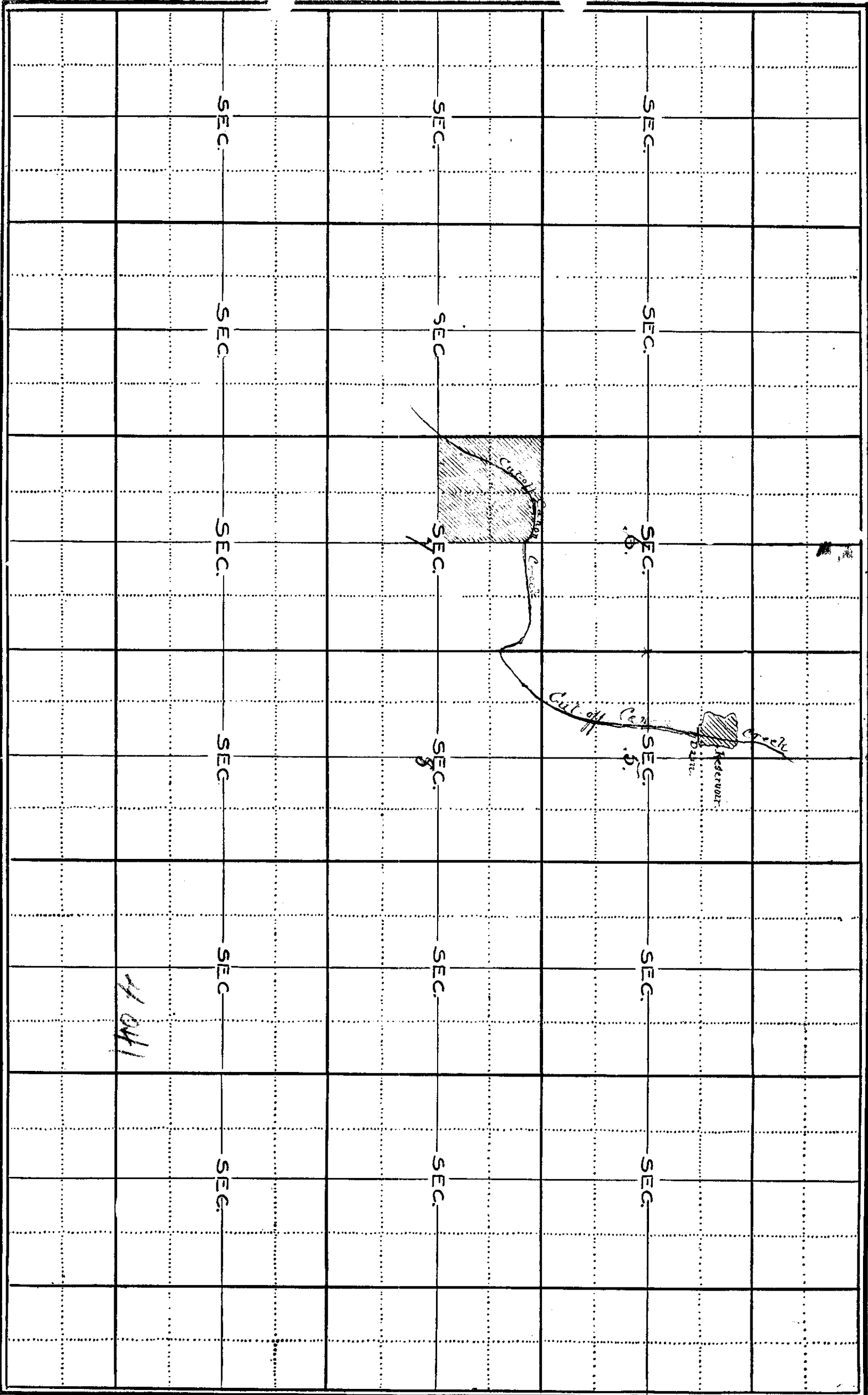
Herbert H. Hordley

Notary Public.

Name of Applicant

Theodore Linders

Township No. 6, South, Range No. 43 East B.M.



- DATA ENTRY -

Record

Present Owner: _____

2. Address:

4. A. Source of Water: Cut off Canyon Creek

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 9-21-1908

D. County: 05

E. Total Diversion Rate: 3.

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	SE NW	5	10 S	43 E		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for _____ purposes. Amount _____
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

7-25-79

8. Use Code: **A**

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 ⁸	43 ^E	7					30	40		40			40						150
																			150

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:
B. Date Permit Approved or Denied:
C. Protested Date:
D. Hearing Date:
E. Old Number: 4041
F. Proof Made (P or blank):
G. Field Exam Made (P,R,F or blank):
H. Conditions of Approval: _____

14. Diversion Means (brief narrative):