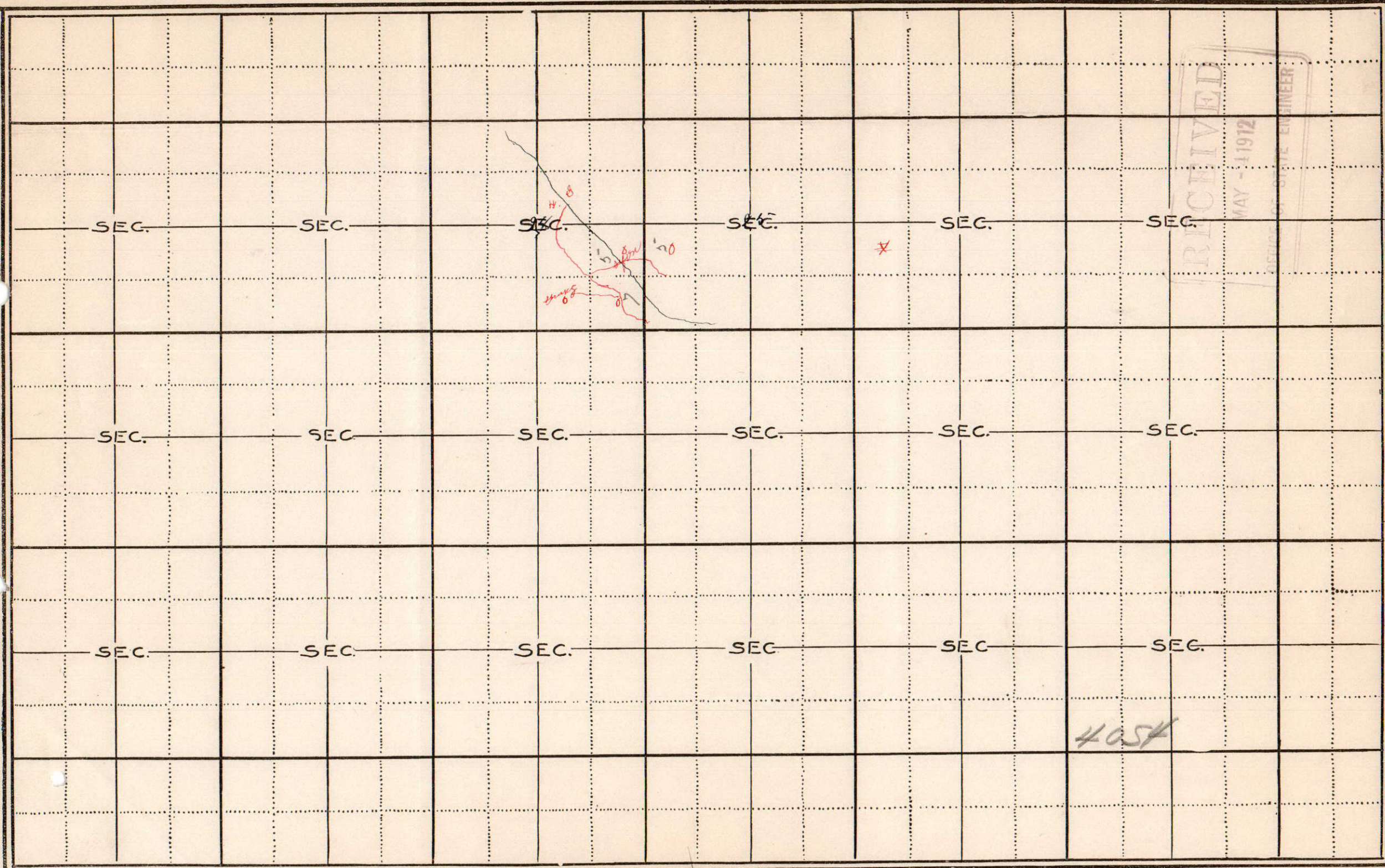


Name of Applicant

11



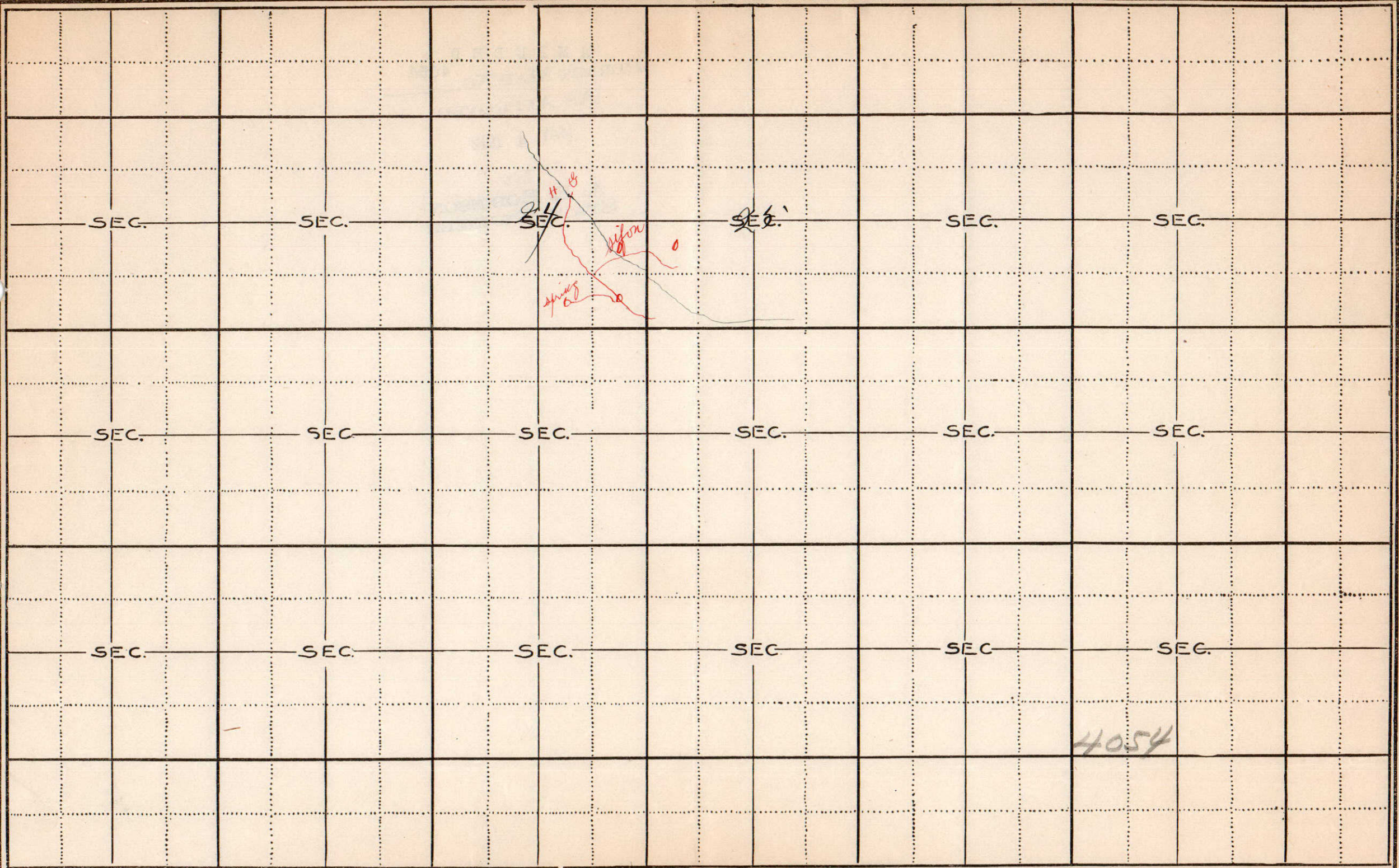
SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

5

Printed and for sale by the Statesmen Shop, Boise, Idaho.

Name of Applicant

17



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

18

Printed and for sale by the Statesman Shop, Boise, Idaho.

 Ada County *
 Spring Cr. & Spring *
 17/50ths second-foot *
 Irrigation *
 Priority 8/21/1908. *

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

Water License No. 4054.

WHEREAS, On the 21st day of August, A.D. 1908, DAVID R. BENSON, of Boise, County of Ada, State of Idaho, duly made application (No. 5582) to me for a permit to use 1.3 cubic feet per second of the waters of SPRING CREEK and 1/10th of one cubic foot per second of the waters of SPRING, County of Ada, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of October, A.D. 1908, Permit No. 4054 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. 1911, and for the application to beneficial use of said water on or before the 10th day of October, A.D. 1914, and,

WHEREAS, On the 20th day of November, A.D. 1911, DAVID R. BENSON, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4/5ths of one cubic foot per second of said waters, as evidenced by my Certificate No. 4054, dated June 6th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/5ths of one cubic foot per second of water, with date of priority of August 21st, 1908, and,

WHEREAS, On the 20th day of November, A.D. 1911, DAVID R. BENSON, the holder of said permit, duly made proof of the application to beneficial use of 17/50ths of one cubic foot 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 DAVID R. BENSON, of Boise, County of Ada, State of Idaho, the holder and owner of said Permit No. 4054, a perpetual right, dating from August 21, 1908, to the use of 6/25ths of one cubic foot per second of the waters of SPRING CREEK and 1/10th of one cubic foot per second of the waters of SPRING, in the County of Ada 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 Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 24, Township 5 North, Range 1, East of the Boise Meridian, and conducted to and upon 17 acres, divided as follows: (12 acres in the South half of the Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section 24, and 5 acres in the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 25, Township 5 North, Range 1, 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 6th day of June, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson.

State Engineer.

No. 5582. 63-2090

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: David R. Benson.

Postoffice address: Eagle.

County: Ada State of Idaho.

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

3. Source of water supply: Spring Creek on NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 24, Twp. 5 N #1E and spring on NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 24, Twp. 5 N. #1E. B. M.

County of Ada.

4. Location on Spring Creek of point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ S. 24 and spring on NW $\frac{1}{4}$ SW $\frac{1}{4}$ S. 24, T. 5 N. #1 E. B. M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: One Hundred Twenty acres.

(b) In the following legal subdivisions: S $\frac{1}{2}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25 T. 5 N. R. 1 E. B. M.

6. Estimated cost of works: Five Hundred Dollars.

7. Description of works for diversion:

I. Kind of works: Ditches.

II. Dimensions of works: Ditch on Spring Creek.

(a) Height of dam Two feet, length of dam at top 20 feet, length of dam at bottom 18 feet. Material used in construction: Stone.

(c) Size of headgate: Width Four feet, height One foot.

(d) Conduit Ditch, width at bottom Four feet, width at water line Six feet, depth of water One foot. Average grade per mile is Six feet. Length of conduit is One-half miles, and it crosses the following quarter sections: Note See "Remarks" for description of ditch from spring 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 Three years.

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

David R. Benson,

Applicant.

Remarks: Ditch from Spring, Conduit, ditch. Width on bottom one foot. Width at water line, two feet. Depth of water one foot, and it crosses the following quarter sections:

SW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 24, Twp. 5 N. R. 1 E. B. M., to land described in 5 I (b) above which is the point of intended use. Time required for the completion of construction of such work is three years.

Ditch from Spring Creek described above is to tap Spring Creek on east side and to water lands on east side of creek. For complete irrigation of land described in 5 I (b), it is necessary to construct another ditch to tap Spring Creek on west side to water lands on west side of Spring Creek. The point of diversion for this ditch is on NE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 24, Twp. 5 N, R. 1 E.

Ditch on West side of Spring Creek. Width of headgate four feet. Height one foot. Conduit Ditch. Width on bottom four feet. Width on water line six feet. Depth one foot. Average grade per mile is six feet. Length of conduit is one-fourth mile, and it crosses the following quarter section. SW $\frac{1}{4}$ of Sec. 24, to land described in 5 I (b) which is the point of intended use. Time required for completion of such work is three years. Time required for complete application of water to intended use is three additional years.

Amount claimed from Spring creek, 1.3 second feet, from spring 1/10 second feet.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4054.

Date of first receipt of application 1.00 p.m. August 21, 1908.

Returned to application for correction August 24, 1908.

Corrected application received October 7, 1908.

Recorded in Book 11 Page 4054 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 April 10, 1910.

The whole of said work to be completed on or before October 10, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to October 10, 1914.

Witness my hand this tenth day of October, 1908.

Jas. Stephenson, Jr.,

State Engineer.

On proper request of the holder of the above Permit, I have this twelfth day of October, 1911, extended the time for completion of work thereunder to the twentieth day of November, 1911.

A. E. Robinson.

State Engineer.

STATE OF IDAHO,)
 (ss.
 County of Ada.)

David R. Benson being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 4054.

That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) Section 24, Township 5 North, Range 1 East of Boise Meridian.

That such change will be made for the following reasons, to-wit: The location was described as being the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24) Township Five (5) North, Range One (1) East of Boise Meridian. Same was an error, it should have been The Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section Twenty-four (24) Township Five (5) North, Range One (1) East of Boise Meridian.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

David R. Benson

Subscribed and sworn to before me this First day of May, 1912.

(SEAL) W. Scott Heal
 Notary Public

My commission expires May 16th 1915.

Received and filed for record in the office
 of the State Engineer at Boise, Idaho, at 3:00 P.M.,
 May 4, 1912.

A. E. Robinson
 State Engineer.

Both Notices received October 14th, 1911, fixing November 20th, 1911, as date, and Boise, Idaho, as place of proof.

Publication Notice mailed The Statesman on October 14th, 1911.

Affidavit of publication received November 10th, 1911.

Fee received June 4th, 1912.

Depositions received November 20th, 1911.

Frank Roark authorized April 15th, 1912, to make the required examination.

Report of Engineer received May 4th, 1912.

Certificate and License issued June 6th, 1912.

License issued for 17/50ths of one second-foot.

Permit No. 4054.

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that DAVID R. BENSON, of Boise, County of Ada, and State of Idaho, the holder of Permit No. 4054, issued upon Application No. 5582, bearing date of priority of August 21st, 1908, authorizing the diversion of 1.3 second feet of the waters of SPRING CREEK and 1/10th of one second-foot of the waters of SPRING, County of Ada, 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 7/10ths of one second-foot of the waters of SPRING CREEK and 1/10 of one second-foot of the waters of SPRING, that the point of diversion of said waters is at a point in the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 24, Township 5 North, Range 1, 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: South half of the Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 24, Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 25, Township 5 North, Range 1, East of the Boise Meridian.

Witness my hand this 6th day of June, A.D. 1912.

A. E. Robinson.

State Engineer.

License issued for 34/100 second feet

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WRD417

WATER RIGHTS PROOF READING REPORT

04/18/85

PAGE 1

WATER RIGHT NUMBER 63-2090

OWNER LAST NAME - BENSON

FIRST NAME - DAVID R.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BOISE

STATE - ID ZIP CODE -

SOURCE - SPRING CREEK

TRIBUTARY OF - DRY CREEK

SOURCE - SPRING

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 08-21-1908 COUNTY - ADA

TOTAL DIV. RATE - .3400 -CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -

WATER DIST. - 63 DLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NWSE 24 05N 01E LOT REDIV -

272.0 312.0 63.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 2.0

FROM - TO - USE - IRRIGATION

USE DIV. RATE - .3400 CFS USE DIV. VOLUME - .00 AFA

FROM - TO - USE - DOMESTIC

USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 05N R1G 01E SEC 25 TRACT NENW LOT

AC 05

USE - IRRIGATION

PLACE OF USE - TWN 05N R1G 01E SEC 24 TRACT SWSW LOT

AC 07 TRACT SESW LOT

AC 05

DECREE NAME -

DATE -

TOTAL ACRES

17

REMARKS - SOURCES ARE SPRING CK. & SPRING.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 4054

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED 18
4/18/85

IDENT. NO. 63-2090

WATER RIGHT
DATA ENTRY LOG

[illegible]

REPORT OF ENGINEER

1. State name of applicant and number of permit: David E. Benson - 4054
2. State source of water supply: Spring Creek and Springs
3. Location of point of diversion: SE $\frac{1}{4}$ Sec. 24 - Spring line SW $\frac{1}{4}$ Sec. 24, T₁P. 5 N., R. 1 E., B. 1.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: except cleaning out
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: 20 inches
 - (b) Width at water line: 20 inches
 - (c) Depth of water: 6 inches
 - (d) Grade per mile: about 20 ft.
 - (e) Capacity of ditch: 5-0 inches second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: 30 inches

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SE $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 24 - 12 Acres and NE $\frac{1}{4}$ NW $\frac{1}{4}$ 41st 23rd
6 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:

Spring creek furnishes most all water at present. Works at Spring not cleaned out carry little water at present
Frank Roark

STATE OF IDAHO,

County of Ada } ss.

Frank Roark, 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 May 1918

My Commission Expires May 18th 1918

W. B. Roark
Notary Public.

4054

STATE OF IDAHO,

County of Ada

88.

David R. Benson

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

~~The South Half of the Southwest Quarter (S. 1/2 of the S. 25. 1)~~

~~Section Twenty-four (24) and N. 1/2 of N. 1/2 Sec. 25, Twp. 5 North~~
~~Range One East of Boise Meridian. Area 120 acres~~

as evidenced by the decree dated _____ day of _____

in the cause entitled _____, Plaintiff,

vs. _____, Defendant, brought

in the district court of the _____ Judicial District of the State of Idaho, or

That he is the owner and holder of Permit to appropriate the Public Waters of the State of
Idaho No. 4054

That he intends to change the point of diversion, as described in said decree or permit, to the
following described point:

The Northwest Quarter of the Southeast Quarter (N.W. 1/4 of S.E. 1/4)

Section 24, Township 5 North, Range 1 east of Boise Meridian.

That such change will be made for the following reasons, to-wit: _____

The location was described as being the Northeast Quarter of the
Southwest Quarter (N.E. 1/4 of S.W. 1/4) of Section Twenty-four (24)

Township Five (5) North, Range One (1) East of Boise Meridian.

Same was an error. it should have been The Northwest Quarter of
Southeast Quarter (N.W. 1/4 of S.E. 1/4) of said Section Twenty-four (24)
Township Five (5) North, Range One (1) East of Boise Meridian.

That no one will be injured by such change and that deponent will make such change at his own
risk.

And further deponent saith not.

David R. Benson

Subscribed and sworn to before me this First day of May 1912

W. H. Howe

Notary Public.

My commission expires May 16 1915

(over.)

Received and filed for record in the office
of the State Engineer at Boise, Idaho, at

3⁰⁰ P.M.

MAY -4 1912 19

W. H. Howe
State Engineer.

4054

STATE ENGINEER'S OFFICE

REGULATIONS AS TO CHANGE OF
POINT OF DIVERSION

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section.

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the lands to be irrigated.
 - (f) Lands to be irrigated to be shown by crosshatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Points or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me 191..... and correctly shows position of points indicated thereon.

.....
Engineer.

P. O.

Date 191.....

(over.)

Name of Applicant

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

7054

H
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SEC.
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SEC.
H
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SEC.

A M E N D E D
PERMIT MAP NO. 4054
AS APPROVED

MAY 4 1912

BY
A. E. ROBINSON
STATE ENGINEER