

the Public Waters of the State of Idaho.

APPROVAL OF STATE ENGINEER.

The number of this permit is 40
 Date of first receipt of application Apr. 20, 1903.
 Returned to applicant for correction Apr. 20, 1903.
 Corrected application received June 8, 1903.
 Recorded in Book 1, Page 40.
 Approved June 10th, 1903.

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 Nov. 10th, 1903.

The whole of said work to be completed on or before Feb. 10th, 1904.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to June 10th, 1904.

Witness my hand this twelfth day of June, 1903.

Wayne Darlington,
 State Engineer.

Form of Notice of Proof of Completion of Works mailed applicant Nov. 10, 1903.

Notice of Proof of Completion of Works received Dec. 28, 1903, and same day mailed to Publishers of Advertiser, Malach, Idaho, for publication. Thereby.

Form for making proof mailed applicant Dec. 28, 1903. Thereby.

Report of examination of Works by S. T. Morgan, County Surveyor, received Feb. 5, 1904. ff.

Deposition of applicant and witnesses Frank J. Waters and Charles Darlington received Feb. 13, 1904, and same day returned to applicant for officer before whom taken to supply his official title. Received, noted, Feb. 25, 1904. ff.

Report of S. T. Morgan shows reservoir with a capacity of 2500 cubic feet of water; dam of black soil mixed with about 25% of gravel; dam 20 ft. wide on bottom, 6 ft. wide on top, 40 ft. long on bottom, 60 ft. long on top, and 6 ft. high; outlet of 4 x 4 red pine planks, 22 ft. long; ditch 1 ft. wide on bottom, 1.2 ft. deep, diverting water from reservoir and spring, 65 ft. south, where used for household purposes, irrigation of 1 acre of richard and lucern patch. A 2" pipe, 50 ft. long, diverts water of spring, above reservoir, into ditch, and acts as waste way when reservoir is full. Works constructed some years ago and in good condition.

Form 121, Notice of Proof of Application of Water, mailed applicant March 15, 1904. ff.

Notice of Proof of Application of Water received March 21, 1904, and same day mailed "People's Advocate", of Malach, Idaho, for publication, and Commissioner of Div. No. 1 notified. ff.

Depositions of holder, Sarah A. Waters, and witnesses James Barrington and Ezra Nelson, all of Rivendale, Idaho, received June 17, 1904; together with fee of \$2.00 and report of examination by Water Commissioner Edward J. Turner, establishing use of "1/5 of one sec. ft. of water as prayed for. Supplemental report of Commissioner Turner, fixing place here as N.W. 1/4 of N.E. 1/4 of Sec. 29, T. 14 S., R. 40 E., received July 17, 1904.

Permit No. 40.

To All Whom It May Concern:

This is to certify that Sarah A. Waters, of Rivendale, County of Oneida, and State of Idaho, the holder of Permit No. 40, issued upon Application No. 42, bearing date of priority of April 20, 1903, authorizing the diversion of one eighth second foot of the waters of a Spring near the North-east corner of N.W. 1/4 of Sec. 29, T. 14 S., R. 40 E., County of Oneida, State of Idaho, at said spring, 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 one eighth second foot of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: six acres in north-east quarter and part of north-west quarter of north-west quarter of section twenty-nine (29) in township thirty-nine (39) south of range forty (40) east of Base Meridian.

Witness my hand this first day of March, A. D. 1904.

Wayne Darlington,
 State Engineer of the State of Idaho.

License issued for 1/8 second feet

Page 1

Record of Application for Permit to appropriate

1. Name of applicant Sarah A. Waters
 Postoffice address: P. O. Riverdale
 County Omaha

If applicant is a corporation give

- (a) Date and place of incorporation
 (b) The amount of capital stock
 (c) The amount paid in
 (d) The names and addresses of directors

II. The financial resources of the applicant are:

- (a) Cash on hand
 (b) Treasury stock
 (c) Bonds to be issued
 (d) Other resources

2. The quantity of water claimed is One Eighth 1/8 cubic feet per second

3. Source of water supply Spring

4. Location of point of diversion Near the N.E. corner of N.W. 1/4 of Section Twenty-nine in Township 14 S. of Range 40 E. Boise Meridian.

5. To be used for:

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated Six acres
 (b) In the following legal subdivisions N.E. 1/4 and part of N.W. 1/4 of Sect. 29 in Township 14 S. of Range 40 E.

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for
 (b) Amount of power to be generated horse power
 (c) At what point
 (d) If water is to be returned to stream, ("yes" or "no")
 (e) If "yes" at what point

6. Estimated cost of works

7. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) Reservoir and 3 Rds Pipe

II. Dimensions of works:

- (a) Height of dam Six feet, length of dam at top Thirty feet
 length of dam at bottom Twenty feet, material used in construction
 (wood, earth, stone or concrete) Earth
 (b) Capacity of reservoir Two Thousand acre feet.
 (c) Size of headgate, width One feet, height One feet.
 (d) Ditch (flume or pipe) width at bottom One feet, width at water
 line Two feet, depth of water Two feet. Average
 grade per mile is Two feet. Length of ditch is Forty Rods
 miles, and it crosses the following quarter sections

to _____ which is the point of intended use.

8. Time required for the completion of the construction of such work is None more than ten years
 years. (The time must in no case exceed five years after date of approval of application.)

9. Time required for the complete application of the water to the proposed use is None
 years. (The time must in no case exceed four years after the date set for the completion of works as defined in Section 8.)

Remarks:

Application No. 42

The number of this permit is

Date of first receipt of application

Returned to applicant for correction

Corrected application received

Recorded in Book _____

Approved June 10

This is to certify that

State of Idaho and hereby give

One-fifth of the work as

The whole of said work

The time for the permit

June 10th, 1904.

Witness my hand this

Form of Notice of Proof of Completion of Work
 Notice of Proof of Completion of Work
 State, Malach, Idaho, for the purpose of making proof of completion of work
 Report of examination of works
 Deposition of applicant and day returned to applicant for report of S.P. Morgan shows with about 25% of gravel; dam 6 ft. high; outlet of 4 x 2 set pipe and spring, 65 ft. south, where 50 ft. long, divides water of spring constructed some years ago and Form 121, Notice of Proof of Application of Malach, Idaho, for public use. Depositions of holder, Sara Riverdale, Idaho, receiving them by Water Commissioner E. as prayed for. Supplemental, Sec. 29, T. 14 S., R. 40 E., sec.

Record of Application for Permit to appropriate

1. Name of applicant Sarah A. Waters.
 Postoffice address: P. O. Rivendale
 County Omaha

If applicant is a corporation give

- (a) Date and place of incorporation
 (b) The amount of capital stock
 (c) The amount paid in
 (d) The names and addresses of directors

II. The financial resources of the applicant are:

- (a) Cash on hand
 (b) Treasury stock
 (c) Bonds to be issued
 (d) Other resources

2. The quantity of water claimed is One Eighth 1/8 cubic feet per second

3. Source of water supply Spring

4. Location of point of diversion Near the N.E. corner of N.W. 1/4 of Section Twenty-nine in Township 14 S. of Range 40 E. Boise Meridian.

5. To be used for:

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated Six acres
 (b) In the following legal subdivisions N.E. 1/4 and part of N.W. 1/4 of N.W. 1/4 Sect. 29 in Township 14 S. of Range 40 E.

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for
 (b) Amount of power to be generated horse power
 (c) At what point
 (d) If water is to be returned to stream, ("yes" or "no")
 (e) If "yes" at what point

6. Estimated cost of works

7. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) Reservoir and 3 Rds Pipe.

II. Dimensions of works:

- (a) Height of dam Six feet, length of dam at top Thirty feet
 length of dam at bottom Twenty feet, material used in construction
 (wood, earth, stone or concrete) Earth
 (b) Capacity of reservoir Two Thousand acre feet.
 (c) Size of headgate, width One feet, height One feet.
 (d) Ditch (flume or pipe) width at bottom One feet, width at water
 line Two feet, depth of water Two feet. Average
 grade per mile is Two feet. Length of ditch is Forty Rods
 miles, and it crosses the following quarter sections

to _____ which is the point of intended use.

8. Time required for the completion of the construction of such work is Not more than ten years years. (The time must in no case exceed five years after date of approval of application.)

9. Time required for the complete application of the water to the proposed use is None years. (The time must in no case exceed four years after the date set for the completion of works as defined in Section 8.)

Remarks:

Application No. 42

The number of this permit

Date of first receipt of appli

Returned to applicant for co

Corrected application receiv

Recorded in Book 1

Approved June 10

This is to certify that

State of Idaho and hereby g

One-fifth of the work

The whole of said wor

The time for the p

June 10th, 1904.

Witness my hand this

Form of Notice of Proof of Co

Notice of Proof of Completion

State, Idaho, for per

Form for making proof of

Report of examination of work

Disposition of application and

day returned to applicant for

Report of S. P. P. P. P. P.

With about 25 ft of growth; dam

5 ft high; outlet of 4 x 4 ft pipe

and spring, 60 ft south, where

50 ft long, divides water of spring

constructed some years ago and

Form 121, Notice of Proof of Ap

Notice of Proof of Application

of Idaho, for per

Disposition of holder, Sarah

Rivendale, Idaho, receives

from by Water Commissioner

as prayed for. Supplemental

Sec. 21, P. 14 S. R. 40 E. sec

(No. 40)

SCALE: 1 INCHES = 1 MILE DRAW PLAN IN INK

Sp. 14 E. 38. 40 E.

PHO

Application No. 42.

Permit No. 40.

Sarah A. Waters

$\frac{1}{8}$ sec. ft. of Spring in Sec. 29, Tp. 14 S., R. 14 E. East.

Oreida Co.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Approved June 10th 1903

Wayne Darlington

State Engineer

29

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Notice of Proof of Completion of Works.

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Riverdale, Pocatello, Idaho

(Date) December 7th 1902

To the State Engineer of the State of Idaho, Boise, Idaho.

Dear Sir:

Notice is hereby given that on the 10th day of Feb. 1904, at Riverdale, County of Pocatello, State of Idaho, proof will be submitted of the completion of works for the diversion of 212 c. ft. cubic feet per second of the waters of Spring on NW 1/4 Sec. 29, T. 40 N., R. 40 E., in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho:

1. The name of the person or corporation holding said permit is

Mrs. Sarah A. Waters

2. The post office address of such person or the place of business of such corporation is

Riverdale, County of Pocatello, State of Idaho.

3. The number of such permit is 40, and the date set for the completion of such work is

February 10, 1904

4. Said water is to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1/2 cubic feet per second.

6. The amount of lands for which said water is available is 6

acres, particularly described as follows:

1/2 A. and part of the NW 1/4 of NW 1/4 of Sec. 29, T. 40 N., R. 40 E.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Engineer.

I desire that the above notice be published, according to law, in the Advo.

of Malad, published in the county in which said works are situated; the expense of which publication will be borne by me

(Signature)

Mrs. Sarah A. Waters

House Bill No. 146, Seventh Session of the Legislature.

Sec. 4. On or before the date set for the completion of works for the diversion and application of water under any permit the holder of such permit, or his assign shall be prepared to submit proof of the completion of such works to the State Engineer.

Such holder of such permit shall first notify the State Engineer that he is prepared to submit such proof of completion of such works. Such notice to the State Engineer shall be given by registered mail and at least sixty days before the date set for the completion of such works, and shall be on a form furnished by such Engineer, and shall state (1) the name of the person or corporation holding the permit under which such works are constructed, (2) the postoffice address of such person or the place of business of such corporation, (3) the number of such permit, and the date set for the completion of such works under the same, (4) the use for which said water is intended, (5) whether or not such works will be fully completed on the date set for such completion, and the amount of water which such works are capable of conducting to the place of intended use in accordance with the plans of the same accompanying the application for such permit, (6) if for irrigation, the amount of, and the description of the lands for which said water is available according to such plans. In case of all canals or other works designed to divert and carry more than 50 cubic feet per second of water, the facts set forth in such notice to the State Engineer shall be certified to by a well known and competent irrigation engineer.

Upon receipt of such notice by the State Engineer, such engineer shall immediately order its publication for a period of four weeks in some newspaper designated by the person sending such notice and published in the county in which such works are situated. Such published notice shall also state the date when such proof of completion shall be submitted to such engineer, and the place where the same shall be submitted and such publication shall be at the expense of the person making such proof.

Such person or persons establishing such proof of completion may offer the affidavits of competent engineers in relation to the grades, dimensions and capacity of such works, and the amount and location of land to which water can be delivered for irrigation. And the State Engineer may, in the case of canals designed to divert fifty cubic feet per second or more, demand that profiles and cross-sections showing the grade of and the finished condition of such works to be filed with him in support of the claims which may be made in relation to the finished condition of such works by the person or persons holding such permit. And in the case of works capable of diverting, on the date set for such completion, the full amount of water for which such works were intended, such State Engineer shall have authority to order the water turned into such works for the purpose of measuring the same.

No. 1-0.

NOTICE OF PROOF

-OF-
Completion of Works.

Sarah A. Waters,

Received Dec. 28, 1903
Date of proof Feb. 10, 1904.
Place Quasada by Grindstone, Ida.
Notice sent to Advertiser,
Pocatello, Idaho.
for publication on Dec. 28, 1903.

Dec. 28, 1903.

PUBLISHERS, *Ada* rate.

Boise, Idaho.

Mary S. S. S.

Dear Sirs:—

Enclosed find Notice of Publication of Proof of Completion of Works under Permit No. *40* which please publish once a week for four consecutive weeks in your paper, in accordance with provisions of Section 4, House Bill No. 146, laws of the Seventh Session of the Legislature. The expense of this publication will be paid by *Mrs. Sarah J. Maters, Minidoka, Ida.*, to whom you will please furnish proof of publication of this notice on or before *February 10, 1904.*

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue containing its publication that I may compare it with my records. Yours truly,

Harold Washington
State Engineer

(Place)

Minidoka, Idaho.

(Date)

State Engineer,

Boise, Idaho.

Dear Sir:—

I have your letter of *Dec. 29, 1903*, enclosing Notice of Completion of Works under Permit No. *40*, which will be published as you request, beginning with our issue of

Boise, Idaho, Dec 28, 1903

Mr. Sarah J. Waters,

Reinaldo Bencina Cas. Soria

Dear Sir:

Enclosed please find forms upon which to make affidavit of yourself and two witnesses in proof of the completion of your works of diversion under Permit No. 40.

Please have these filled out, signed and sworn to before some officer at Burdette, Idaho, authorized to administer oaths by the laws of Idaho, on the day set for this proof in your published notice.

Please also procure from the paper that published your notice, proof of the publication of same, and send this with the affidavits to my office promptly, accompanied with the fee of five dollars provided by law for this work.

Yours truly,

Wm. D. Darrington
State Engineer.

State Engineer.

[illegible]

STATE OF IDAHO,
County of Oneida.

AFFIDAVIT OF PUBLICATION.

Notice of Publication.

Edith N. Pugh

being duly sworn, deposes
of the People's Advocate, a weekly newspaper,
published and printed at Malad, Idaho, that the
said paper is in general circulation in the county
aforesaid; the advertisement, a copy of which is
attached hereto, was published
consecutive weeks beginning with the issue of

Dec 31 1903
Jan 31 1904
Feb 29 1904

Subscribed and sworn to before me this

Jan 29 1904
Sam McDougal

(Place) Malad Idaho.

(Date) _____

State Engineer,

Boise, Idaho.

Dear Sir:—

I have your letter of Dec. 26, 1903, enclosing Notice of Completion of Works under Permit No. 40, which will be published as you request, beginning with our issue of December 31st 1903

W. H. Eck
Editor

IN JOB PRINTING

We

Take

The

Lead.

Why?

A Trial Order Tells.

THE PEOPLE'S ADVOCATE.

Subscription \$1. a Year, in Advance.

The Best Weekly in Oneida County.

THE ADVOCATE

Printing

And

Publishing

Company, Publishers.

W. H. PICK, Editor and Manager.

MALAD, Idaho,

Dec 2nd 1907

1907

Mr. Wagne Marlinton,
State Engineer.

Bain, Idaho

Dear Sir: I enclose herewith receipt for Notice,
and a copy of my paper containing same goes
to you by this mail. In the letter to me
you give the name as Sarah Waters, but in the
notice it read Sarah M. Waters, and of course
we followed copy. If wrong, it can be changed.
Please accept my thanks for the notice.
Most Respectfully,

H. H. Pick

50
Rivendale Gazette Co Idaho
Jan 6th / 04

Mr. Wayne Darlington
State Engineer Boise
Idaho

Dear Sir:-

Your favor of
Dec. 28/03 at hand and contents noted
In reply to your request for the name
of licensed surveyor, I herewith
present the name of the county surveyor
Mr. J. P. Morgan Franklin Ida.

Very Respectfully
Mrs. Sarah B. Waters

Boise, Idaho,

Jan 11, 1904

Mr. A. B. Morgan

Franklin, Idaho

Dear Sir:—

The holder of Permit No. 40, Mrs. Sarah A. Watson, residing at
 Revendale, Idaho, which permit authorizes the diversion of $\frac{1}{2}$
 second-feet of the waters of Spring No. 11 of Sec 29 T. 16 N. R. 40 E. at
 Canal Spring, desire to make proof of the completion of works of di-
 version, at Revendale, Idaho, on Feb. 10, 1904.

Will you therefore please arrange with the holder of said permit for an examination of the
 works of diversion, ascertain whether or not they comply fully with the terms of said permit, and ren-
 der me a report on the condition of such works before the date fixed for said proof of completion, in
 accordance with the provisions of Sections 4 and 5 of House Bill No. 146, passed by the Seventh Ses-
 sion of the Legislature, approved March 11, 1903.

You should also arrange with the holder of said permit for the payment of your fee for this
 service and such proper expenses as you will incur in making this examination and report.

Please advise me promptly of your receipt of this communication, and whether or not you will
 be able to make the examination and report requested. Yours truly,

Wagner D. Easton
 State Engineer.

Surveyor's Office,

Oneida County,

B. P. MORGAN, Surveyor.

Permit
Togon Utah

Franklin, Idaho,

Jan 16

1904

Mr. Wayne Warrington, State Engineer,
Boise, Idaho.

Dear Sir: I will be able to make the required
examination of the diversion works of the spring
mentioned in yours of the 11 inst. Permit no 40 of
Mrs Sarah A. Waters February 1, 1904.

Respectfully yours

B. P. Morgan

Surveyor's Office,

Oneida County,

S. P. MORGAN, Surveyor.

40

Franklin, Idaho,

Feb. 3

1904

Mr. Wayne Warbington,

State Engineer,

Boise, Idaho: In accord with your

request, of some days ago, I visited the
diversion works of Parake Water spring
in Riverdale Idaho, on Feb. 1904. I found
there a small reservoir which will hold 2,500
cubic feet of water. The dam impounding this
water is made of black soil mixed with about
25% of fine gravel. The dam is 20 feet wide on
the bottom 6 feet wide on top, 45 feet long on
the bottom and 60 feet long on top and 6 feet
high. Out-let pipe or draining reservoir for
water 22 feet long 14 x 14 feet (four inches by four inches
apart) in the clear, constructed of 2 inch red oak
and pine plank. A ditch one foot wide on the
bottom and 1.5 ft deep diverting water from
spring and reservoir south for ⁶⁵⁰ 650 feet where it
is used for household purposes; the irrigation of
one acre orchard consisting of about 100 trees applies
lucuma and pear and used as a lucuma and pear
when not needed in the orchard.

Surveyor's Office,

Oneida County,

S. P. MORGAN, Surveyor.

Franklin, Idaho,

11

190

there is also a 2 inch iron pipe 50 ft long
diverting the water ^{of the spring} above the reservoir and into
the above mentioned ditch, and which acts as
a waste way when reservoir is full.

The works being constructed some years since
and in good condition at the time of my visit.

Yours Truly

S. P. Morgan

County Surveyor,

Riverdale Idaho

Feb. 11/94

Wm Payne Burlington

State Treasurer

Bowie Id.

Heard Sir -

Plasford

Please find
enclosed Affidavit of Publication
from Editor of Peoples Advocate

and plz

Very Respectfully

Mrs. Sarah M. Weston

PERMIT NO. 40

Proof of Completion of Works.

DEPOSITION OF HOLDER.

Question 1.—State your name, age, residence, occupation and postoffice address.

Answer. Sarah A. Waters Sixty-two years

Riverdale, Burming, Riverdale, Quinda Co. Idaho

Ques. 2.—If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3.—State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit No. 40 June 10, 1903. 1/8 cubic ft per second from Spring

Point of Diversion: near the N.E. corner of N. W. 1/4 of Section 29, T. 18. N. R. 40

Ques. 4.—State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Domestic & Irrigation purposes, Six acres facing South

Sand & Gravel Loom

Ques. 5.—State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Has been carried in ditch to place of use

Since the year 1884.

Ques. 6.—State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans.

Yes

Ques. 7.—If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Ques. 8.—Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Reservoir and three old ditches & 4-0 old ditch

Dam 30 ft long 6 ft high capacity 2000 ft.

Cost of same Fifty Dollars.

(Sign here.)

Sarah A. Waters

40

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person who represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Riverdale, County of Quinda, State of Idaho, on this 10th day of February.

A. D. 1903.

J. H. [Signature] Judge of the Peace

Permit No. 40.

To appropriate 1/8 second
feet of water from Spring in
N.W. 1/4 Sec. 29, T. 14 N., R. 40 E.

Oneida County, Idaho.
by Wm. Leah J. Walters

Proof of Completion of Works.

DEPOSITION OF HOLDER.

Received and filed Feb. 25, 1904,

PERMIT NO. 40.

Proof of Completion of Works.

DEPOSITION OF WITNESS.

Question 1.—State your name, age, residence, occupation and postoffice address.

Answer.

Charles E. Harrington
Farmer, Pocatello, Blaine Co. Idaho

Ques. 2.—Are you acquainted with *Mrs. Sarah J. Waters* the

holder of Permit No. *40*, authorizing the diversion of *1 1/2* second-feet of the waters of

Spring in N.W. 1/4 of Sec. 29, T. 14 S., R. 40 E.
 for *domestic and irrigation* purposes? How long have you known him, and where does he reside?

Ans. *Twenty years Pocatello, Idaho*

Ques. 3.—Have you read or heard read said Permit No. *40*, and are you familiar with its terms and conditions?

Ans. *Yes*

Ques. 4.—(If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. *Sand & Gravel down facing South*
18 cubic ft. per second

Ques. 5.—Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. *Yes*

Ques. 6.—Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. *Reservoir at 3 Rods Pipe 24 in. high*
30 ft. on top 2 ft. on bottom Material and Earth
Capacity 2000 feet Size of Head Gate width 1 ft. height
one ft. Pipe and ditch one foot bottom ditch

(Sign here.) *Charles Harrington*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Pocatello*, County

of *Blaine*, State of Idaho, on this *twelfth* day of

February, A. D., 190*4*

J. M. Vandrey
Justice of the Peace

Permit No. 40.

To appropriate 1/8 second
feet of water from Spring in

N. 1/4 of Sec. 29, T. 21 N. R. 40 E.

Quincy County, Idaho.
by Mrs. Sarah J. Walters

Proof of Completion of Works.

DEPOSITION OF WITNESS.

Received and filed Feb. 25, 1904,

PERMIT NO. 40.

Proof of Completion of Works.

DEPOSITION OF WITNESS.

Question 1.—State your name, age, residence, occupation and postoffice address.

Answer. Frank J. Waters Riverdale Quada Co. Idaho
Farmer

Ques. 2.—Are you acquainted with Mr. Sarah J. Waters the holder of Permit No. 40, authorizing the diversion of 18 second-feet of the waters of Spring in N.W. 1/4 of Sec 29, T2p 14S, R2E 40 E. for domestic and irrigation purposes? How long have you known ^{her} him, and where does ^{he} she reside?

Ans. Thirty Years Riverdale Idaho

Ques. 3.—Have you read or heard read said Permit No. 40, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4.—(If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sand & Gravel Soom facing South
1/8 cubic foot per second

Ques. 5.—Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6.—Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Reservoir and 3 Rods Pipe
Dam 6 ft high 30 ft length on top, 2 ft bottom
Material used earth capacity 2000 ft
Size of Head Gate Width 1 ft Height 1 ft Top & ditch 1 ft
bottom ditch
(Sign here.) Frank J. Waters

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Riverdale County of Quada State of Idaho, on this twelfth day of February, A. D., 1904

J. M. Van Noy
Justice of the Peace

Permit No. 40
To appropriate 1/8 second
feet of water from Spring in
N. 1/4 of Sec. 29, T. 14 S., R. 40 E.,

Quincy County, Idaho.
by Mr. Sarah J. Waters.

Proof of Completion of Works.

DEPOSITION OF WITNESS.

Received and filed Feb. 25, 1904.

27640

Woodale Idaho

Feb: 10/1904

Mr. Wayne Darlington
State Engineer
Boise Ida

Dear Sir

Please find
enclosed Five Dollars and
papers relating to Completion
of Work on Spring
and Bluffs

Yours Respectfully

Sarah A. Waters

Recd
7/13-05

Boise, Idaho, March 11, 1904.

Mrs. Sarah A. Peters,
Riverdale, Oneida Co., Idaho.

Dear Madam:-

I enclose Certificate of Completion of Works under
your Permit No. 40. Please acknowledge receipt.

Yours truly,

State Engineer.

[Faint handwritten notes at the bottom of the page, possibly "10-11-68"]



1870

[illegible]

W. B. Ruggles, Jr.

10-10-68

100

Wm. Brewster

[illegible]

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PERMIT NO. 40

Notice of Proof of Application of Water to Beneficial Use.

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.)

Riverside, Riverside Co., Cal.

(Date)

March 18th / 1913

To the State Engineer of the State of Idaho, Boise, Idaho:

Dear Sir—Notice is hereby given that on the tenth day of June, 1904, at Riverside, County of Orinda, State of Idaho, proof will be submitted of the application to beneficial use of one eighth cubic feet per second of the waters of Spring and Ditch NW 1/4 of Sec 29, T. 14 S., R. 40 E. in accordance with the terms and conditions of Permit No. 40, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are

Sam L. A. Waters, Riverside, Idaho

2. The use to which said water has been applied is irrigation and domestic purposes

3. The amount applied to beneficial use is One eighth second foot

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Six acres in north-east quarter and part of north-west quarter of north-west quarter of section twenty-nine (29) in township fourteen (14) south of range forty (40) east of Boise Meridian

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Sam A. Waters Ditch

6. The right to take the water from such works is based upon Permit No. 40

7. The source of supply from which such water is diverted is The Spring above described

8. The date of the priority which said user is prepared to establish is April 20, 1913

I desire that the above notice be published, according to law, in the Boise Herald of Idaho, published in the county in which said water is to be used; the expense of which publication will be borne by me.

(Sign)

Charles A. Waters

Section 1. On or before the date set for the beneficial use of waters diverted under the provisions of this act, which in no case shall be more than four years from the date set for the completion of any canal or other works designed to divert water for the beneficial purpose for which the diversion of such water was intended. Such user of such water shall first notify the State Engineer that he is prepared to prove that such water has been beneficially applied to the purpose for which it was intended. Such notice to the State Engineer shall state (1) the name and postoffice address of such user, (2) the use to which such water has been applied, (3) the amount used, (4) the place of such use, and (5) for irrigation, the description by legal subdivisions, of the lands so irrigated, (6) the name of the canal or ditch or other works by which such water is conducted to such place of use, (7) the relation or understanding upon which the right to take water from such works is based, (8) the source of supply from which such water is diverted, and, (9) the date of the delivery which such user is prepared to establish.

Such notice and such written proof as may be required to be submitted by such user shall be upon forms furnished by the State Engineer and such statements shall be sworn to by such user and be supported by the affidavits of two disinterested witnesses.

Upon receipt of such notice by the State Engineer, such engineer shall order its publication in some newspaper designated by such user and published in the county in which the major portion of such land is situated, for a period of four weeks, and shall fix a date when such proof shall be submitted and name a place where such proof will be received. Such date shall be subsequent to the completion of such publication, and such engineer shall, on or before the date set for such final proof, examine, or cause to be examined (1) the place where such water is used, and if the use is for irrigation, shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use, (2) the capacities of the ditches or canals or other means by which such water is conducted to such place of use and the quantity of water which has been beneficially applied for irrigation or other purposes. And the State Engineer or the person making such examination under the direction of such engineer shall also, on the date set for such final proof, receive the written statements made by the person or persons submitting such proof and the affidavits of the witnesses, which statements and affidavits, together with a report of the investigation which he is instructed to make, shall be forwarded at once to the State Engineer. Provided, That whenever several of such final proofs shall be offered from the same locality, such engineer shall arrange, whenever practicable, to have such notices for publication combined, and to have such examinations made by the same person and on the same date as near as may be with a view of minimizing the expense of taking such proofs, and such publication shall be at the expense of the person or persons submitting such proof.

Section 2. Upon receipt by the State Engineer of all the evidence in relation to such final proof, it shall be his duty to carefully examine the same, and if he is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, he shall issue to such user or users a license containing such use. Such license shall be issued under the seal of the office of the State Engineer, and such license shall state the name and postoffice address of such user, the purpose for which such water is used, the quantity of water which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied. If such use is for irrigation, such license shall give a description by legal subdivisions of the land which is irrigated by such water.

No. 40

Notice of Proof of Application of Water.

David A. Walters

Received March 21, 1904,

Date of proof June 10, 1904,

Place Decatur, Dakota

Notice sent to Joseph A. Adams,

Michael, Dakota,

for publication on March 21, 1904.

The deposition of two witnesses, on this form, taken separately, required in each case.

PERMIT NO. _____

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. James Barrington Age 53 occupation Rancher
residence Riverdale Idaho oneida countyQues. 2. Are you acquainted with Sarah A Watersthe holder of Permit No. 40? How long have you known him, and where does he reside?Ans. 20 years Riverdale IdahoQues. 3. Have you read or heard read said Permit No. 40, and you are familiar with its provisions and conditions?Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Spring near N.E. corner of NW 1/4 of Sec 29 T. 14
S. R. 40 E water is conveyed by 3 rods of 2 inch
pipe and 10 rods of ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. one eight second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. Irrigation and domestic use on six acres of
land in the N.E. 1/4 and part of N.W. 1/4 of Sec 29 in T. 14
S. R. 40 E. R. 14

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. for domestic use

40

Ques. 8. (If for irrigation) State character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. sege brush land requiring an inch of water per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of the water diverted under said permit.

Ans. *I have seen all the above described water used on said land for irrigation and domestic use for 20 years*

(Sign) *James H. Barrington*
mark

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Riverdale*, County of *Oneida* State of Idaho, on this *10th* day of *June*, A. D. 190*4*

Edward Turner

Commissioner Division No. 1

Permit No. *40*

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed *June 17, 1904*

PERMIT NO. 40

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Ezra Nelson Age 23. Residence Riverside
Idaho Occupation Rancher

Ques. 2. Are you acquainted with Sarah A. Nelson

the holder of Permit No. 40 ? How long have you known him, and where does he reside?

Ans. 12 years resides at Riverside Idaho

Ques. 3. Have you read or heard read said Permit No. 40, and you are familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Spring near the N. E. corner of NW 1/4 of sec 29
T. 14 S. R. 40 E. Water is conveyed by 3 rods of
2 inch pipe and 10 Rods of ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. one eight-second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. Irrigation and domestic use
See acres in the N E 1/4 and part of NW 1/4 of section
(29) in T. 14 S. R. 40 E. T. 14 S.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. domestic use

40

Ques. 8. (If for irrigation) State character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sage brush requiring an inch per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of the water diverted under said permit.

Ans. I have seen all the above described water used on said land for irrigation and domestic use for 12 years

(Sign) Geo. H. H. H.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Riverdale, County of Blaine, State of Idaho, on this 10th day of June, A. D. 1904

Edward J. Turner

Commissioner of the Division

Permit No. 410

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed June 17, 1904

Proof of Application of Water to Beneficial Use.

DEPOSITION OF HOLDER.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Sarah E. Waters age 66 years occupation

Ranching Post Office Address and residence Prindle

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 40. 8 am April 20th 1903

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Spring near the N.E. corner of N.W. 1/4 of Sec 29

Tp 14. S. R. 40. E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Water is diverted from the spring by means of a box and 8 rods of iron 2 inch water pipe and 150 feet of ditch one wide and one foot deep.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.)

Ans. Irrigation and domestic use on 1/2 acre of land in the N.E. 1/4 and part of N.W. 1/4 of N.W. 1/4 of Sec 29 in Tp 14. S. of R. 40. E. B. M.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse-power generated, etc.

Ans. one eighth acre and feet

40

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. One above.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. *I have used all the water from this stream for the past thirteen years for irrigation and domestic use*

(Sign) *Charles H. Waters*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Riverdale*, County of *Blaine*, State of Idaho, on this *10th* day of *June*, A. D. 190*4*

Edward J. Turner
Commissioner Division No. 1

Permit No. *60*

Proof of Application of Water to Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water..... second feet

Source

County

Purpose

Place of use

Date of priority

Received and filed *June 17, 1904*

(Place) Malad, Idaho.

(Date) Mar. 28 1804

State Engineer,

Boise, Idaho.

Dear Sir:

I have your letter of 3/21-04, enclosing Notice of Proof of Application of Water
under Permit No. 40, which will be published as you request, beginning with our issue of

March 24, 1804

J. P. Eck
Editor

WAYNE DARLINGTON, PRESIDENT, BOISE
STATE ENGINEER

J. H. LOWELL, SECRETARY, CALDWELL
COMMISSIONER DIVISION NO. 5

EDWARD J. TURNER, COM.
COMMISSIONER DIVISION NO. 1

FRANK RIBLETT, ALBION
COMMISSIONER DIVISION NO. 2

STATE OF IDAHO
BOARD OF IRRIGATION

Boise, Idaho, Mar. 28, 1904.

Hon. Wayne Darlington,

State Engineer,

Boise, Idaho.

Dear Sir:—

I have your favor of March 21st enclosing copy of notice of proof of application of water under permit No. 40, Sarah J. Waters, also your letter of the 23rd with notice of proof of completion of works under permit No. 53, Frederick Sleight of Ovhi.

I have today forwarded the notices to these applicants instructing them to have same published and advising that I would be on hand to take the proofs on dates set. Kindly advise me what fee and mileage you would suggest as proper to charge for taking these proofs.

Yours truly,

Edward J. Turner
Comm. Div. No. 1.

STATE OF IDAHO
BOARD OF IRRIGATION

Cove Idaho
July 13th 1904

Hon Wmague Darlington
Boise Idaho

Dear Sir

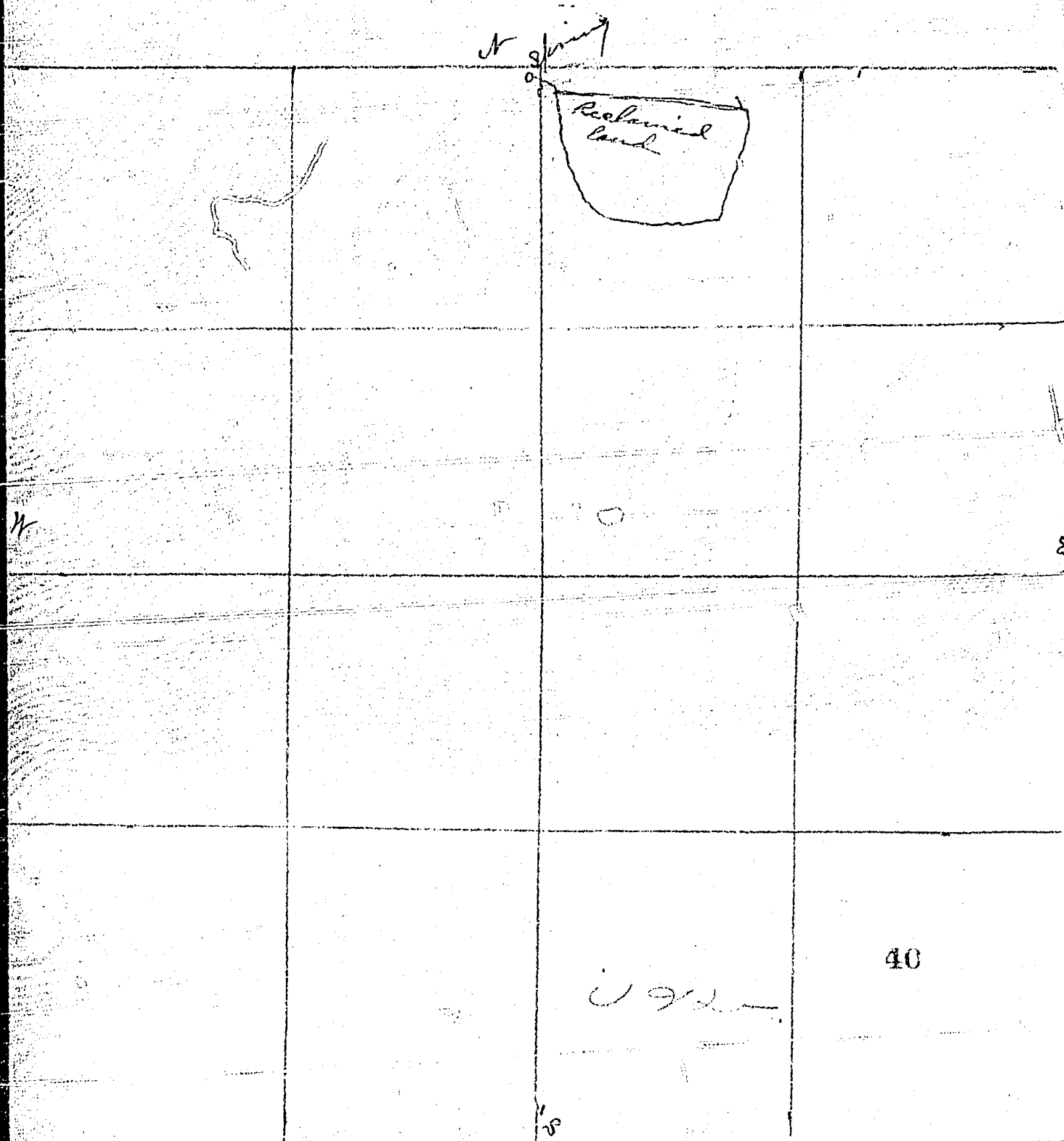
I enclose a rough sketch showing the position of the works and the boundary of the land irrigated by Sarah a water under permit No 40. at Riverdale Idaho embracing six acres of land in the N W $\frac{1}{4}$ of the N E $\frac{1}{4}$ of section 29 Township 14 South Range 40 E. B.M.

I forwarded you a fee of \$2.00 on this on the 11th of June last but you requested report with a map.

I have made an examination of the works of Joseph S. Beesley under Permit No 241 at Driggs Idaho. and taken the depositions as required on the 6th of this month will forward the same to you including my report as soon as Mr Beesley remits the fee of \$5.00 which he has promised to do at an early date.

Yours very truly
Edward J Turner

Map or sketch of Section 29, Township 14 South
Range 40 East B.M. showing the acreage
irrigated by Sarah A. Waters of Riverdale Idaho
in accordance with the conditions of Permit No 40



STATE OF IDAHO
BOARD OF IRRIGATION

Cove, Idaho, June 11, 1904.

Hon. Wayne Darlington, State Engineer,

Boise, Idaho.

Dear Sir:-

I would most respectfully report that I have taken the testimony in the matter of proof of application of water to beneficial use under Permit No. 40, Sarah A. Waters of Riverdale Idaho on the date set, June 10th, 1904. I examined the same and found the works to consist of a dam constructed at the head of spring constructed of earth four feet high and built as described in permit: also three rods of two inch iron pipe and ditch 150 feet in length, one foot wide at bottom 18 inches on top and conveying one eighth second feet of water as described.

I am satisfied the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was intended on six acres of land in alfalfa, garden and orchard. I found the holder of the permit somewhat embarrassed financially and only charged her a fee of \$2.00 which I enclose along with this testimony.

Yours very truly,

Edward J. Turner
Comm. Dist. No. 1.

Lo. 0.125 c.f.s.
Priority 4/24/03

Boise, Idaho, June 20, 1904.

Hon. Edward J. Turner,

Cove, Banrock County, Idaho,

Dear Sir:-

I have your letter of the 11th inst. enclosing depositions of water permit #40, Sarah A. Waters, and Post Office money order for \$2.00.

Section 10 of House Bill #146, provides that a fee of \$2.00 shall be paid the State Engineer at the time of making these proofs for each 40 acres or fraction thereof to which the water is applied. In this case the water seems to be applied to about 6 acres of land, but the description includes eight 40's. If you could make a report that would confine the description to sub-division of 40 acres of land the fee of \$2.00 will be sufficient, but if it is necessary to include more than one 40-acre sub-division there is no option about accepting less than \$2.00 for each sub-division.

As a matter of fact in a proof of application the acreage reclaimed or irrigated should be given of each 40-acre sub-division, which kindly do in this case. It would also be well to enclose a *with* report and map, or sketch showing the position of the works and the boundaries of the tracts irrigated.

Yours very truly,

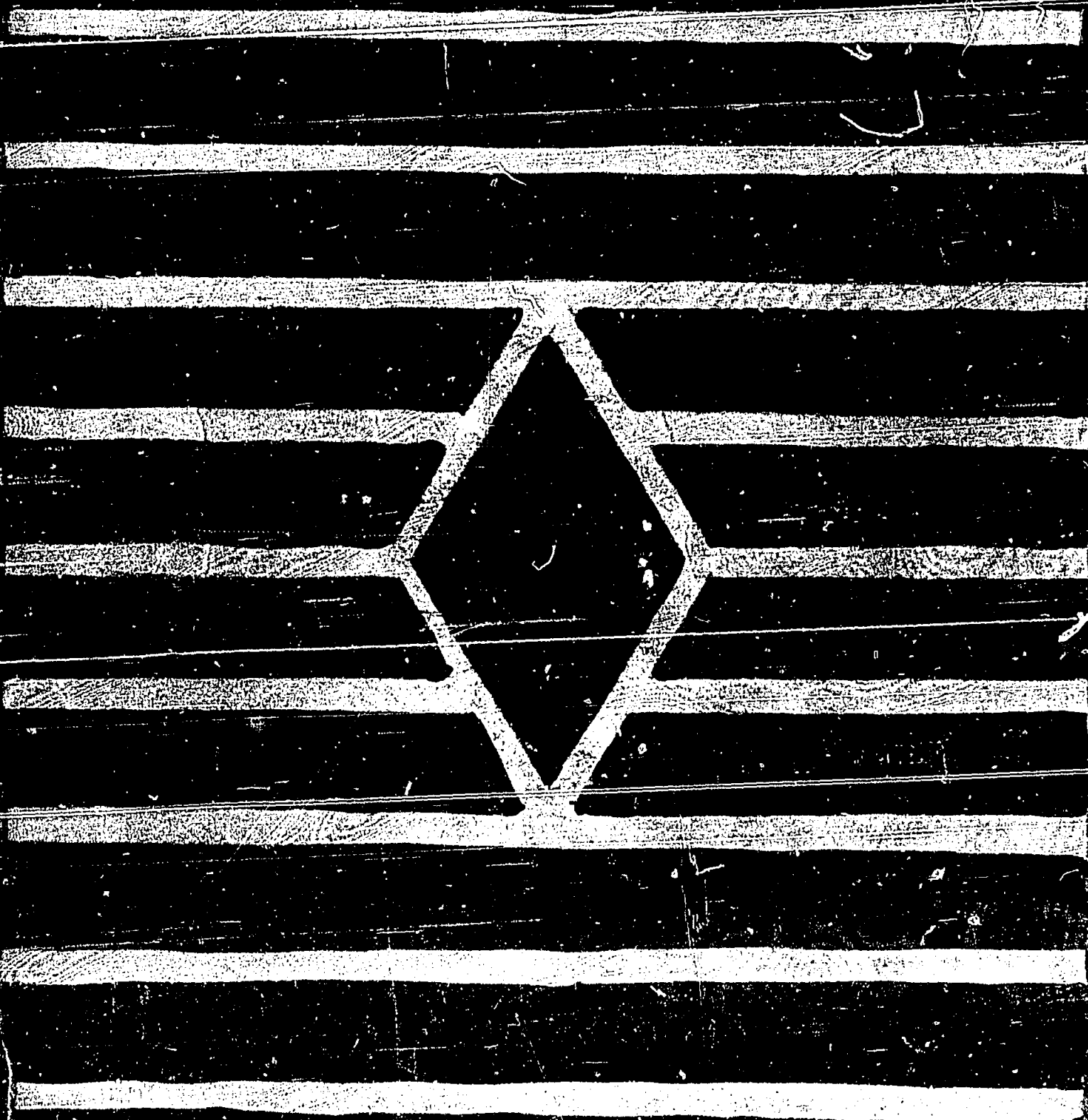
State Engineer

FILMED ON:

| *April* |

| 5 |

| 1960 |



- Brief -

Oneida County *
Spring *
1/8 sec. ft. *
Irrigation *
Priority 4-20-03 *

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

- Water License No. 40. -

WHEREAS, On the 20th day of April, A. D. 1903, SARAH A. WATERS, of Riverdale, County of Oneida, and State of Idaho duly made application (No. 42) to me for a permit to use one eighth of one cubic foot per second of the waters of a spring in N. E. corner of NW $\frac{1}{4}$ of Sec. 29, T. 14 S. R. 40 E., County of Oneida, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the tenth day of June, A. D. 1903, Permit No. 40 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 tenth day of February, A. D. 1904 and for the application to beneficial use of said water on or before the tenth day of June, A. D. 1904; and,

WHEREAS, On the tenth day of February, A. D. 1904, the holder of said permit duly made proof of the completion of adequate works for the diversion of one eighth of one cubic foot per second of said waters as evidenced by my Certificate No. 40, dated March 1, 1904, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use of one-eighth cubic foot per second of water, with date of priority of April 20, 1903, and,

WHEREAS, On the tenth day of June, A. D. 1904 proof was duly made of the application to beneficial use of one-eighth of one cubic foot 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 Sarah A. Waters, of Riverdale, Idaho, the holder and owner of said Permit No. 40 a perpetual right, dating from April 20, 1903, to the use of one-eighth of one cubic foot per second of the waters of that certain spring located in the north-east corner of the north-west quarter of section twenty-nine, in township fourteen south of range forty, east of Boise Meridian, in the County of Oneida and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at said spring and conducted to and upon the north-west quarter of the north-east quarter of section twenty-nine, in township fourteen south of range forty, 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 sixth day of August, A. D. Nineteen Hundred and Four.

Wayne Darlington,

State Engineer.

(Seal)

Recorded August 6, 1904.

- Brief -

Oneida County *
Spring *
1/8 sec. ft. *
Irrigation *
Priority 4-20-03 *

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

- Water License No. 40. -

WHEREAS, On the 20th day of April, A. D. 1903, SARAH A. WATERS, of Riverdale, County of Oneida, and State of Idaho duly made application (No. 42) to me for a permit to use one eighth of one cubic feet per second of the waters of a spring in N. E. corner of NW $\frac{1}{4}$ of Sec. 29, T. 14 S. R. 40 E., County of Oneida, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the tenth day of June, A. D. 1903, Permit No. 40 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 tenth day of February, A. D. 1904 and for the application to beneficial use of said water on or before the tenth day of June, A. D. 1904; and,

WHEREAS, On the tenth day of February, A. D. 1904, the holder of said permit duly made proof of the completion of adequate works for the diversion of one eighth of one cubic feet per second of said waters as evidenced by my Certificate No. 40, dated March 1, 1904, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use of one-eighth cubic feet per second of water, with date of priority of April 20, 1903, and,

WHEREAS, On the tenth day of June, A. D. 1904 proof was duly made of the application to beneficial use of one-eighth of one 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 Sarah A. Waters, of Riverdale, Idaho, the holder and owner of said Permit No. 40 a perpetual right, dating from April 20, 1903, to the use of one-eighth of one cubic feet per second of the waters of that certain spring located in the north-east corner of the north-west quarter of section twenty-nine, in township fourteen south of range forty, east of Boise Meridian, in the County of Oneida and State of Idaho, or so much thereof as may be necessary for the purposes herenbelow mentioned, to be diverted at said spring and conducted to and upon the north-west quarter of the north-east quarter of section twenty-nine, in township fourteen south of range forty, 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 sixth day of August, A. D. Nineteen Hundred and Four.

Wayne Darlington,

State Engineer.

(Seal)

Recorded August 6, 1904.

13 2000