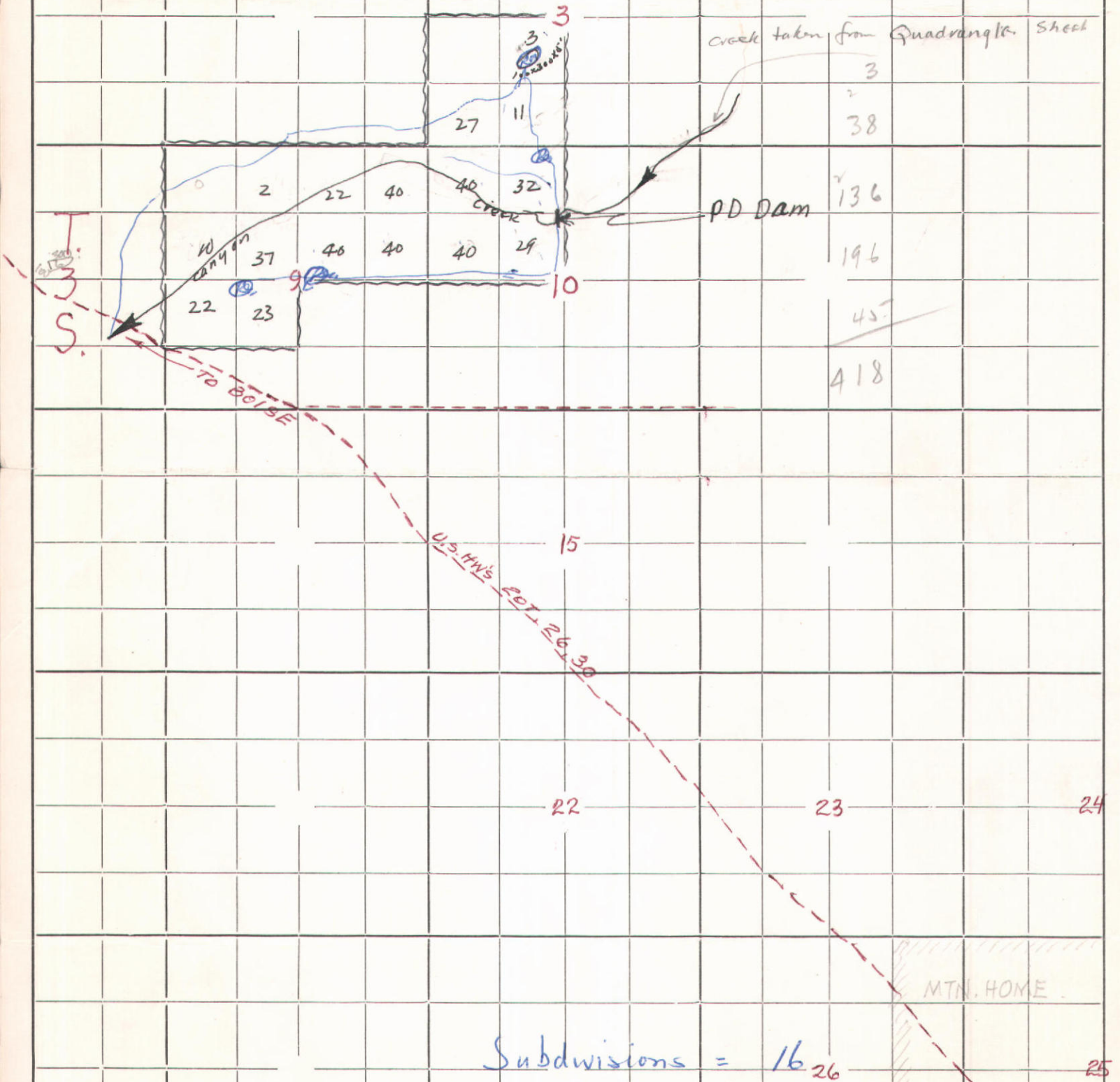


R-6 E.



Subdivisions = 16₂₆

AREA = 418

Allow 9 836 ft of 418 inches

Aquired Sons

1/4 Co

3

38

3 2
10 11

136

196
stake

45

418



26790

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
DEC 9 1965

Department of Reclamation

Domingo M. 510 N. 3 E. East.
Aguirre & Sons
Mt. Home, Idaho
Permit No. 26790
No due in town to showland per Mrs. Aguirre
Completion of Works 5-25-60

Examination for and Beneficial Use

County *Elmore*

Sec. 10 T. 3S R. 6E

Quantity: *9.0 c.f.s.* 10T 30

Source: *Canyon Cr.* Pull #12

P.D.: *SE. NW., Sec. 10, T. 3S. - R. 6E BM*

Use: *Irrigation & Stock*

Filed: *March 6, 1957*

Due: *March 15, 1962*

Extension: _____

Completion of Works: _____

Other Rights: *none*

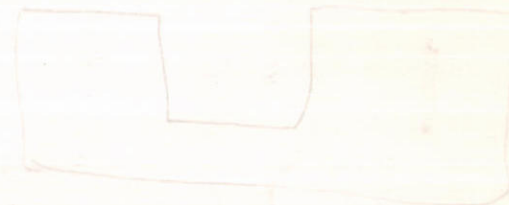
Domingo - 305 S 3W 587.3089
Domingo Jr 315 E 5N 587.3604

Concrete dam



set on lava rock

*2 - 6' x 3' ch
head gals.*



MAR 16 1962

Department of Reclamation

Affidavit of Publication

County of Elmore {
STATE OF IDAHO { ss.

I, Lloyd S. Gates do
solemnly swear that I am the foreman, the publish-
er of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, publish-
ed once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of the proof of publication thereof, was published in

said newspaper for 4 consecutive weeks, the
first publication having been made on the 8th

day of February, 1962, and the

last publication having been made on the 1st day

of March, 1962; every
number of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninterru-
ptedly published in said Elmore County during
a period of 78 consecutive weeks prior to the first
publication of the attached notice.

Subscribed and sworn to me this 5th day

of March, 1962.

Spencer Caldwell
Notary Public

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at
10 a.m. on the 9th day of March,
1962, at Boise, County of Ada,
State of Idaho, before Harley M.
McDowell, 329 Idaho Bldg., Boise,
Idaho, proof will be submitted of
the application to beneficial use
of 9.0 cubic feet per second of
the waters of Canyon Ck. in ac-
cordance with the terms and con-
ditions of Permit No. 26790 here-
tofore issued by the Idaho Depart-
ment of Reclamation of the State
of Idaho.

The name and postoffice address
of the person or corporation hold-
ing said permit are Aguirre &
Sons, Mountain Home, Idaho.

The use to which said water
has been applied is stock water
and irrigation.

The amount applied to beneficial
use is 9.0 cfs.

The place where said water is
used (if for irrigation, give full
and accurate description of the
lands irrigated) SW $\frac{1}{4}$, Sec. 3;
NW $\frac{1}{4}$, Sec. 10; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T
3 S - R 6 E., B. M., Idaho.

The name of the canal or ditch
or other works by which said wa-
ter is conducted to such place of
use is private ditch.

The right to take water from
such works is based upon Permit
No. 26790.

The source of supply from which
such water is diverted is Canyon
Ck. SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T3S-R6E.

The date of priority which said
user is prepared to establish is
3/6/57.

GEO. N. CARTER

State Reclamation Engineer.

First publication Feb. 8, 1962.

Last publication March 1, 1962.

26790

RECEIVED
MAY 5 1961

Department of Reclamation

Affidavit of Publication

County of Elmore {
STATE OF IDAHO { ss.

I, Keith V. Lifford do
solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in

said newspaper for 4 consecutive weeks, the first publication having been made on the 23rd day of March, 1961, and the last publication having been made on the 13th day of April, 1961; every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Keith V. Lifford

Subscribed and sworn to me this 14th day

of April, 1961.

J. E. Banner

Notary Public

NOTICE FOR PUBLICATION FOR COMPLETION OF WORKS

Notice is hereby given that at 10 a.m., on the 28th day of April, 1961, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, proof will be submitted of the completion of works for the diversion of 9 cubic feet per second of the waters of Canyon Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Aguirre & Sons, Mountain Home, Idaho.

2. The postoffice address of such person or principal place of business of such corporation is Mountain Home, County of Elmore, State of Idaho.

3. The number of such permit is 26790, and the date set for the completion of such work is March 15, 1961.

4. Said water is to be used for irrigation and stock water 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 9 cubic feet per second.

6. The amount of lands for which said water is available is 450 acres, particularly described as follows: T3S-R6E, Sec. 9, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 10, NW $\frac{1}{4}$; Sec. 3, SW $\frac{1}{4}$.

GEO. N. CARTER

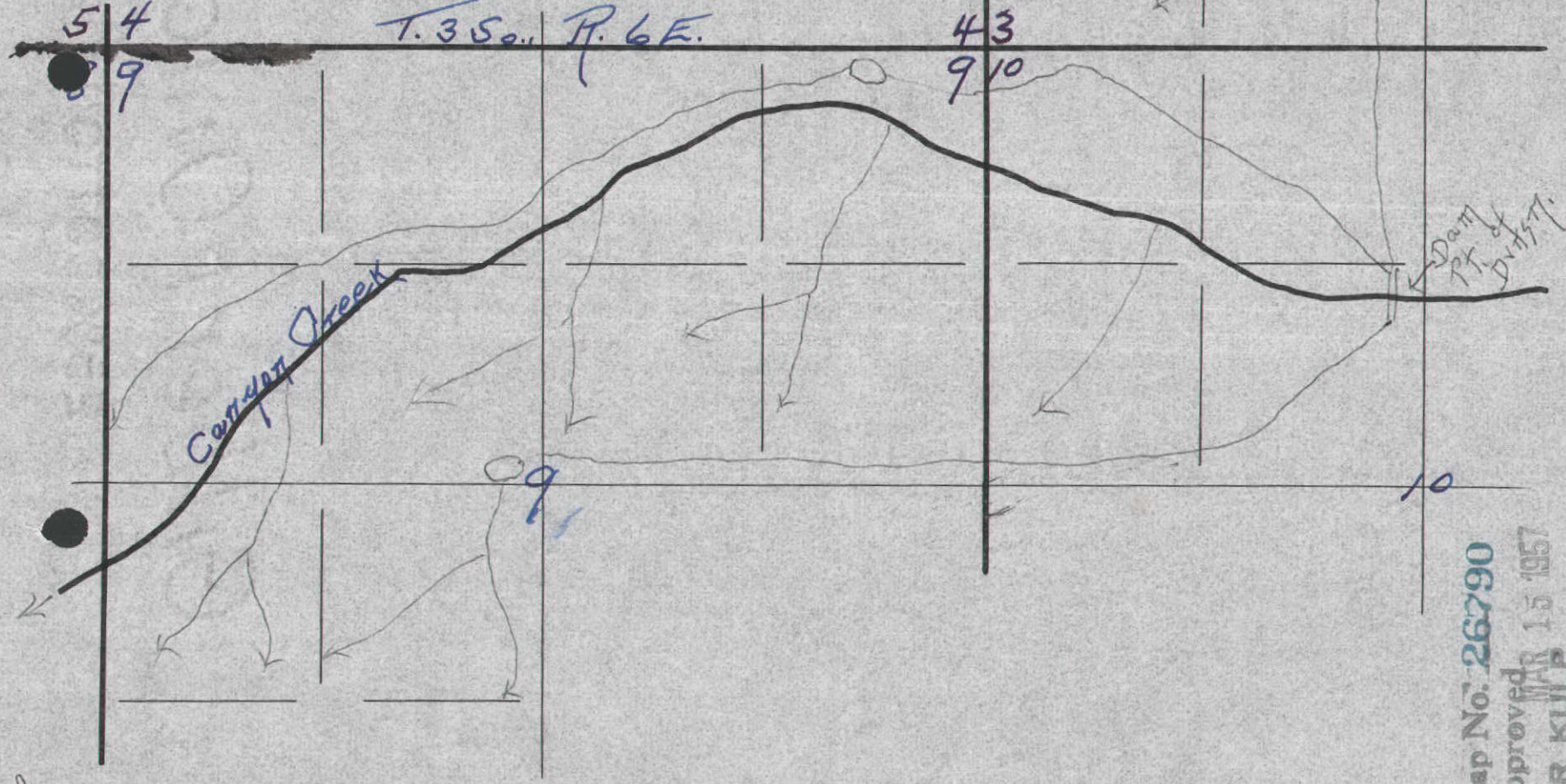
State Reclamation Engineer

First publication March 23, 1961.

Last publication April 13, 1961.

26790

26790



Permit Map No. 26790

As Approved MAR 15 1957

MARK R. KULP

State Reclamation Engineer

Aguirre & Sons, Applicant.

State of Idaho
License and Certificate of Water Right

Water License No. 26790 Amount 8.36 c.f.s.
Water District No. Priority March 6, 1957

THIS IS TO CERTIFY that Aguirre and Sons
of Mountain Home, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 6, 19 57 ; that Permit No. 26790
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
8.36 second feet, was issued thereunder on December 30, 19 65, showing that said works
were completed on the 28th day of April, 19 61 ; and that on the 9th
day of March, 19 62, Aguirre and Sons

of Mountain Home, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Canyon
Creek, a tributary of Snake River, for the purpose of irrigation and
Stock water, under Use Permit No. 26790 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8433, on the 30 day of December, 19 65 ;
The right hereby confirmed dates from March 6, 19 57 ;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 10, Tp. 3S, R. 6E, B. M. Elmore County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 8.36 cubic feet per second.

Description and location of use:

Twsp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3S	6E	3	NE 1/4 SW 1/4	35	3
			SW 1/4 SW 1/4	15	27
			SE 1/4 SW 1/4	35	11
		9	NE 1/4 NE 1/4	30	40
			NW 1/4 NE 1/4	25	22
			SW 1/4 NE 1/4	30	40
			SE 1/4 NE 1/4	30	40
			NE 1/4 NW 1/4	5	2
			SW 1/4 NW 1/4	30	10
			SE 1/4 NW 1/4	30	37
		10	NE 1/4 SW 1/4	35	23
			NW 1/4 SW 1/4	35	22
			NE 1/4 NW 1/4	15	32
			NW 1/4 NW 1/4	30	40
			SW 1/4 NW 1/4	30	40
			SE 1/4 NW 1/4	25	29

Total number of acres to be irrigated: 418
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
30th day of December, 19 65

(SEAL) /s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. G-22137 Amount 1.56 c.f.s.
Water District No. Priority June 4, 1951

THIS IS TO CERTIFY that HAROLD O. CHELINE - assignee - JOHN LELAND ROBINSON of Wendell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 4, 19 51 ; that Permit No. G-22137 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.8 second feet, was issued thereunder on December 30, 19 65, showing that said works were completed on the 15th day of June, 19 56 ; and that on the 15th day of June, 1956, HAROLD O. CHELINE - Assignee - JOHN LELAND ROBINSON

of Wendell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation and domestic use, under Use Permit No. G-22137 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8434, on the 30 day of December, 19 65 ; The right hereby confirmed dates from June 4, 19 51 ;

The Point of Diversion is located in the SE ¼ SW ¼, Sec. 20, Tp. 8 S, R. 15 E, B. M. Gooding County That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.56 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S	15 E	20	NW¼ SW¼	10	10
			SW¼ SW¼	35	35
			SE¼ SW¼	18	18
			NW¼ NW¼	40	15
		29	Total number of acres to be irrigated: 78		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 30th day of December, 19 65 .

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

61-
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34702
PERMIT No. 26790
DISTRICT No.

1. Name of Applicant: AGUIRRE & SONS

Postoffice address: Mountain Home

County: Elmore

State: Idaho

- I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

- II. The financial resources of the applicant are:
(b) Treasury stock:
(d) Other resources:

- (a) Cash on hand:
(c) Bonds to be issued:

2. Quantity of water claimed: 9 cubic feet per second.

3. Source of water supply: Canyon Creek which is a tributary of Snake River

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 10 , T. 3 S , R. 6 E , B.M., County of Elmore

5. Water is to be used for irrigation and stock water.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$

8. Kind of works: dam and ditches

9. Height of dam 6 feet; length of dam at top 150 feet; length of dam at bottom 52
feet; material used in dam: earth fill and concrete core

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom 5 feet; width at water line 9 $\frac{1}{2}$ feet; depth of water 1 $\frac{1}{2}$ feet;

dimensions of flume:

Diameter of pipe inches; length of conduit #1 1 $\frac{1}{2}$ mi)
#2 1 $\frac{1}{2}$ mi) 3-3/4 miles.
#3 3/4 mi)

Average grade per mile 10 $\frac{1}{2}$ feet.

12. The time required for the completion of such work is 4 years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

AGUIRRE & SONS

Applicant.

By s/ Dominge M. Aguirre

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M., March 6, 1957

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26790

Recorded in Book 94

Page 26790

Approved Mar 15, 1957

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 approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before May 15, 1957

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 **Mar 15, 1959**

The whole of said work to be completed on or before **March 15, 1961**

Beneficial use of water appropriated in accordance herewith, to be made on or before March 15, 1962

WITNESS My hand this 15th day of March, 1957

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE,

ROBERT E. SMYLIE

_____, Governor of the State of Idaho,

and JAS. H. YOUNG

, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th

day of March, 19 57 .

STATE OF IDAHO

Countersigned:

By ROBERT E. SMYLIE

Governor.

(SEAL)
By JAS. H. YOUNG

Secretary of State.

REMARKS: In NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, will be two small ($\frac{1}{2}$ ac.) stock water ponds. Also in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, will be stock water pond (1 ac.).

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
3S	6 E	9	30	25	30	30	5		30	30	35	35						250	
		10					15	30	30	25								100	
		3									35	15	15	35				100	
Total no of acres to be irrigated																		450	
Permit No. 26790 ✓																			
CERTIFICATE OF COMPLETION OF WORKS ✓																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that Aguirre and Sons of Mountain Home, County of Elmore and State of Idaho the holder of Permit No. 26790 issued upon Application No. 34702 bearing date of priority of March 6, 1957, authorizing the diversion of 9.0 second feet of waters of Canyon Creek County of Elmore, State of Idaho, for irrigation and stock water 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 8.36 second feet of the waters of Canyon Creek which is a tributary of Snake River that the point of diversion of said waters SE ¹ / ₄ NW ¹ / ₄ , Section 10, T 3 S., R 6 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to wit; NE ¹ / ₄ SW ¹ / ₄ , S ¹ / ₂ SW ¹ / ₄ , Section 3, NE ¹ / ₄ , E ¹ / ₂ NW ¹ / ₄ , SW ¹ / ₄ NW ¹ / ₄ , N ¹ / ₂ SW ¹ / ₄ , Section 9, NW ¹ / ₄ , Section 10, T 3 S., R 6 E., B.M.																			
Witness my hand this 30th day of December, A.D. 1965.																			
/s/ RALPH W. THOMAS, Deputy State Reclamation Engineer																			
Proof of Completion of Works made: April 28, 1961																			
LICENSE ISSUED FOR 8.36 SEC. FT. LICENSE PAGE NO. 8433																			

December 30, 1965

RE: Permit No. 26790

Aguirre and Sons
Mountain Home, Idaho

Dear Sirs:

Enclosed are the Certificate of Completion of Works and
License and Certificate of Water Right on the above permit.

Also enclosed is departmental receipt No. 33948 in the
amount of \$32.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

(Mrs.) Edna P. Rule
Chief Clerk

EPRejw
Encl: Certificates
License
Receipt

26790

December 10, 1965

Re: Permit No. 26790

**Aguirre & Sons
Mountain Home, Idaho**

Dear Sirs:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 26790 shows the dam & ditches are ~~is~~ capable of conveying 418 miner's inches, or 8.36 c.f.s. of water for the irrigation of 418 acres.

Upon receipt of the statutory fee of \$ 32.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of March 6, 1957 to the use of 8.36 second feet of surface water with the point of diversion in the SE1/4NW1/4, Sec. 10 for irrigation of 418 acres in the NE1/4SW1/4, S1/4SW1/4, Sec. 3; NE1/4, NE1/4NW1/4, S1/4NW1/4, N1/4SW1/4, Sec. 9; NW1/4, Sec. 10, T. 3 S., R. 6 E., B.M.

Very truly yours,

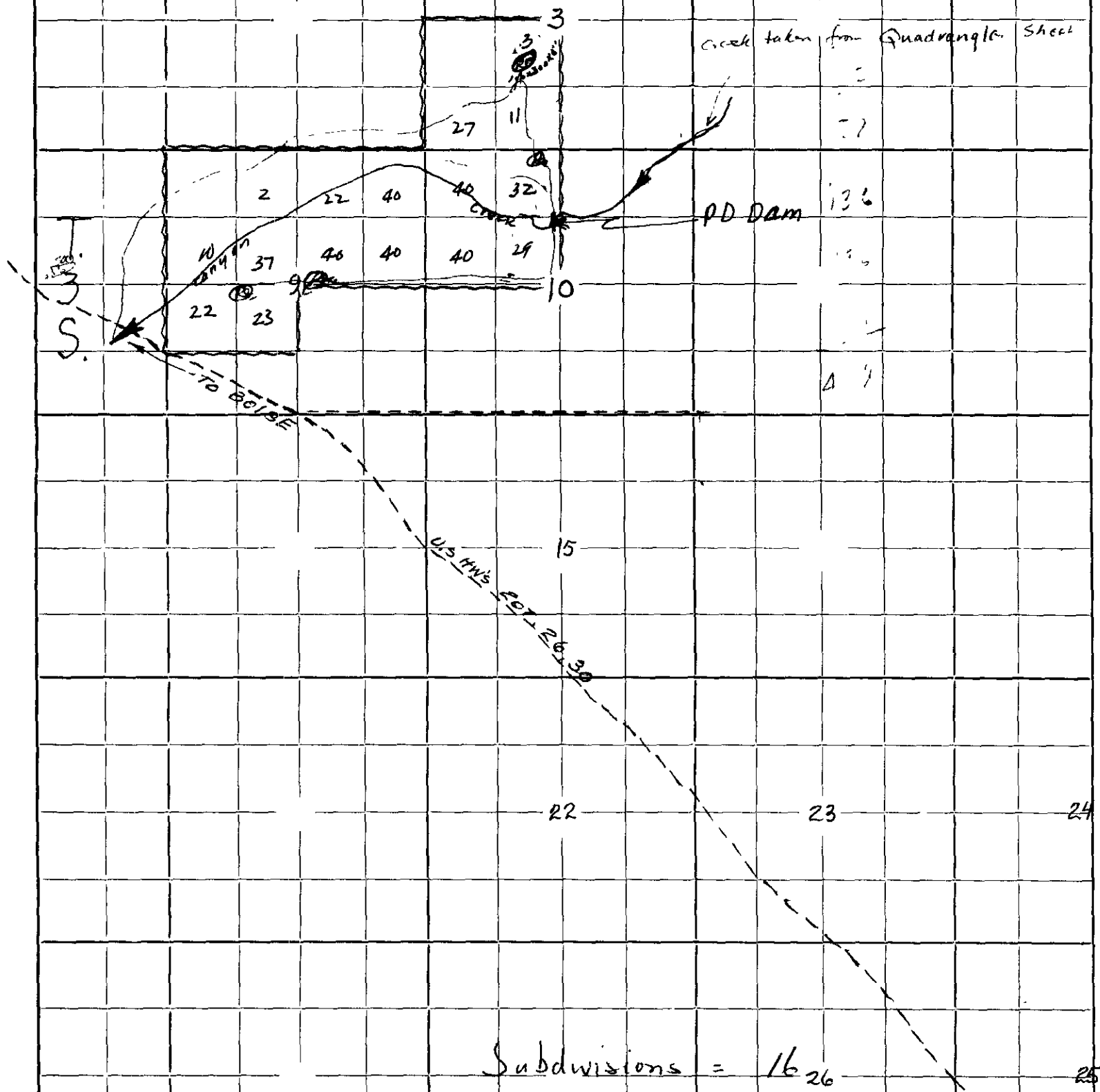
**CARL E. TAPPAN
State Reclamation Engineer
By**

**(Mrs.) Edna P. Rule
Chief Clerk**

EPR:mr

26790

R-6 E.



Subdivisions = 16₂₆

AXET = 418

Allow 9 836 of 418 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26790

Aguirre & Sons
Mt. Home, Idaho

REPORT ON PROOF OF Beneficial Use and Completion of Works.

26790

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 26790

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Aguirre & Sons, Mountain Home, Idaho

2. Source of water supply: Canyon Creek

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10

T. 3 S. R. 6 E. County of Elmore

4. Describe works as they exist, giving dimensions and capacities of same: Reinforced Concrete dam set on solid lava rock across creek channel. 50' long x 7' high x 8" thick crest width. There is a 2' deep x 32' long notched spillway in structure situated in the center of stream channel. Spillway crest 5' above ^{bottom} downstream creek channel. Diversion ditches each side with 6' bottom width x 10' top width x 3' deep. Controlled by a Concrete check with a 3' x 6' opening with flush boards to open ditch.

5. Water is used for: irrigation and stock water

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9; NW $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$, Sec. 3, T. 3 S., R. 6 E.

This is a recorded pasture plat. last spring there was adequate water for total irrigation.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Domingo Aguirre Jr. along

The spring flood water filled the channel above the dam level full with creek bed gravel. also washed into each diversion ditch to check gate.

This examination was made on the 8th day of December, 19 65

(Signed) Lez Johnson Examiner.

26790

Donningo - 305 S 3W 587.3084
Donningo Jr 315 E 5N 517.3604

Examination for and Beneficial Use

County Elmore

Sec. 10 T. 38 R. 6E

Quantity: 9.0 c.f.s. 10T 30

Source: Tallon, p. 128

P.D.: SE. NW., Sec. 10, T. 3 S., R. 6 E. BM.

Use: Drivageon & Stock

Filed: Nov. 6, 1957

Due: March 15, 1962

Extension:

Completion of Works:

Other Rights: None.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised

RECEIVED
DEC 9 1965

Department of Reclamation

26790

March 19, 1962

Re: Permit No. 26790

Aguirre & Sons
Mountain Home, Idaho

Gentlemen:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Mountain Home News, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

26790

RECEIVED

MAR 15 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 26790

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. ✓ Aguirre & Sons by Domingo M. Aguirre; residence, Mt. Home, Idaho; occupation, farming; postoffice address, Mt. Home, Idaho.

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

Ans. Partnership

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

Ans. Permit 26790; date of permit, 3/15/57; date of priority, 3/6/57.

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

Ans. ✓ Canyon Ck. is the source of the water and point of diversion, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T3S-R6E.

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Works consist of dam 6' high, 150' long at top, 52' at bottom; earth fill, concrete core. 7 miles of ditches with 5' bottom, 9 $\frac{1}{2}$ ' deep; 5 stock water reservoirs as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, 300' long, 100' wide, 6' deep; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, 300' long, 100' wide, 6' deep; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, 250' long, 100' wide, 6' deep; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, 250' long, 100' wide, 6' deep; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, 250' long, 100' wide, 6' deep. All in T3S-R6E.

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.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for stock water and irrigating following lands: NE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres, Sec. 3. NE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$, 50 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres, Sec. 9. NE $\frac{1}{4}$ NW $\frac{1}{4}$, 15 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres, Sec. 10, T3S-R6E. The land is irrigated and all improvements have been made as a direct result of said use. I have spent about \$6,000 on this development.

26790

TB

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

Ans. None.

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

Ans. All the amount being used is necessary for this purpose.

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. Yes.

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

Ans. Completion of works was made on this 4/28/61. The dam was constructed in 1956 and the ditching was completed in 1957.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None.

(Sign) ACQUIRRE & SONS
Donna M. Guerin

I hereby certify that the foregoing testimony was read to the above subscribed 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 Boise County of Ada

State of Idaho, on this 9th day of March, A. D. 1962.

Harley L. L. S. Donnell
Notary Public for the State of Idaho

My commission expires 10/11/63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

MAR 15 1967
Department of Reclamation

PERMIT NO. 26790

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Robert M. Ford; age, 47; residence, Mt. Home, Idaho; occupation, farming;
postoffice address, Mt. Home, Idaho.

Ques. 2. Are you acquainted with Aguirre & Sons, the holder of Permit No. 26790? How long have you known him and where does he reside?

Ans. I have known them 41 years and know they reside at Mt. Home, Idaho.

Ques. 3. Have you read or heard read said Permit No. 26790, and are you 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. The source of the water is Canyon Ck. with a point of diversion in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T3S-R6E. Works consist of a dam in Canyon Dk., 5 stock water reservoirs and about 7 miles 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. 450". I have seen this much so conveyed.

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.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for stock and for irrigation. The following subdivisions are irrigated; T3S-R6E, Sec. 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres. Section 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$, 5 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres. Sec. 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$, 15 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres. There is no natural meadow. All improvements have been made as a direct result of said use.

26790

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

Ans. Irrigation and stock water.

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. This is a clay loam soil. All of this water is necessary.

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

Ans. No.

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

Ans. I have done work on all of these improvements and have seen them frequently since development was started.

Robert M Ford

(Signed)

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 in Boise, County of Ada, State of Idaho, on this 9th day of March, A. D. 19 62.

Harley L. L. D. D. D.

Notary Public.

My commission expires 10/11/63.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

MAR 15 1951
Department of Reclamation

PERMIT NO. 26790

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Walter F. Ford; age, 30; residence, Mt. Home, Idaho; occupation, farming;
postoffice address, Mt. Home, Idaho.

Ques. 2. Are you acquainted with Aguirre & Sons, the holder of Permit No. 26790? How long have you known him and where does he reside?

Ans. I have known them all my life. I know they reside at Mt. Home, Idaho.

Ques. 3. Have you read or heard read said Permit No. 26790, and are you 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. Water comes from Canyon Ck. Place of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T3S-R6E. Works consist of about 7 miles of ditch, a dam 6' high and five stock water reservoirs.

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. 450". I have seen this much so conveyed.

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.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for stock watering and irrigation. Lands irrigated are as follows: T3S-R6E, Sec. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres. Section 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$, 15 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres. Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$, 5 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$, 35 acres. There is no natural meadow land and all the improvements were made as a direct result of said use.

26790

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

Ans. None.

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. The soil is clay loam and this land and the ponds need the 450" applied for.

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

Ans. No.

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

Ans. I have witnessed this development since it was started in 1956 at frequent intervals.

Walter F Ford

(Signed)

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 in Boise, County of Ada, State of Idaho, on this 9th day of March, A. D. 1962.

Harley L. L. Donnell

Notary Public.

My commission expires 10/11/63.

Affidavit of Publication

County of Elmore

STATE OF IDAHO

ss

I, Lloyd J. Waters do solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in

said newspaper for 4 consecutive weeks, the

first publication having been made on the 8th

day of February, 1962, and the

last publication having been made on the 1st day

of March, 1962; every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd J. Waters

Subscribed and sworn to me this 5th day

of March, 1962.

Spencer Caldwell
Notary Public

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**
Notice is hereby given that at 10 a.m. on the 8th day of March, 1962, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, 829 Idaho Bldg., Boise, Idaho, proof will be submitted of the application to beneficial use of 9.0 cubic feet per second of the waters of Canyon Ck. in accordance with the terms and conditions of Permit No. 26790 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.
The name and postoffice address of the person or corporation holding said permit are Aguirre & Sons, Mountain Home, Idaho.
The use to which said water has been applied is stock water and irrigation.
The amount applied to beneficial use is 9.0 cfs.
The place where said water is used for irrigation, give full and accurate description of the lands irrigated, BWM, Sec. 3, T14N, R10E, S1E, IDAHO, BWM, Sec. 3, T14N, R10E, S1E, IDAHO.
The name of the canal or ditch or other works by which said water is conveyed to such place of use is ...
The source of said water from ... upon Permit No. ...
The place of origin from which said water is derived is Canyon Ck. ...
The ... which said ...
Last publication March 1, 1962.

26790

February 12, 1962

Re: Permit No. 26790
Aguirre & Sons

Mountain Home News
Mt. Home, Idaho

Gentlemen:

On January 31, 1962 we mailed you Notice of Publication on the above numbered permit, requesting that a copy or tear sheet be mailed to us for checking purposes.

To date we have not received such copy and ask that one be mailed to this office as soon as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

26790

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE
January 31, 1962

Re: Permit No. 26790
Aguirre & Sons

Mr. Harley M. McDowell,
Idaho Land & Appraisal Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

This acknowledges the Notice of Proof of ~~completion of works and~~ Application of Water to Beneficial Use under Permit No. 26790, in the name of Aguirre & Sons. Final Proof is to be made before you, as Notary on the 9th day of March, 1962, ~~xxxx~~ at 10:00 o'clock A.M., at 329 Idaho Bldg, Boise, Idaho.

As of this date we have mailed the Notice to the News, Mountain Home, Idaho with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule
(Mrs.) Edna P. ~~Kennedy~~
Chief Clerk

Encl.

EPR:Pk
cc: Applicant

26790

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Date: Jan. 31, 1962

Re: Permit No. 26790
Aguirre & Sons

The News,
Mountain Home, Idaho
Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **March 9, 1962** the date set for proof; the expense of the publication is to be paid by the applicant.

Idaho Land and Appraisal Service

of **Box 2161, Boise, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

26790

Form No. 11
2M - 10/60

JAN 33 1962
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 22, 1962
(P. O.) Mountain Home, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

News of Mountain Home, Idaho published in
Idaho State
the county in which the works are situated.

IDAHO LAND & APPRAISAL SERVICE WILL GUARANTEE PAYMENT OF PUBLICATION CHARGES. PLEASE
SEND AFFIDAVIT AND STATEMENT OF CHARGES TO US AT PO BOX 2161, BOISE, IDAHO.

Aguirre & Sons

By Domagoj M. Aguirre

(In case of 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 attached notice are true.

Engineer.

26790

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. M. on the 9th day of March, 19 62,
at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, 329 Idaho Bldg., Boise, Ida., proof will be submitted of the
application to beneficial use of 9.0 cubic feet per second of the waters of Canyon Cr.
in accordance with the terms and conditions of Permit No. 26790
heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

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

Aguirre & Sons, Mountain Home, Idaho

The use to which said water has been applied is stock water and irrigation

The amount applied to beneficial use is 9.0 cfs.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

SW¹/₄, Sec. 3; NW¹/₄, Sec. 10; NE¹/₄, E¹/₂NW¹/₄, SW¹/₄NW¹/₄, N¹/₂SW¹/₄, Sec. 9,

T 3 S - R 6 E., B.M., Idaho

The name of the canal or ditch or other works by which said water is conducted to such place of use is

private ditch.

The right to take water from such works is based upon Permit No. 26790

The source of supply from which such water is diverted is Canyon Cr. SE¹/₄NW¹/₄, Sec. 10, T3S-R6E.

The date of priority which said user is prepared to establish is 3/21/57

Geo. H. Carter

State Reclamation Engineer.

26790

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. **26790 - Aguirre & Sons**

Date: **Jan. 3, 1962**

Harley M. McDowell
Boise, Idaho

Dear **Mr. McDowell:**

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 26790 is due not later than March 15, 1962. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated - by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 - 11
cc: **Aguirre & Sons**
Mt. Home, Idaho

26790

May 5, 1961

Re: Permit No. 26790

Agalawa & Sons
Mt. Home, Idaho

Dear Sirs:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Mountain Home News, all submitted in proof of completion of works ~~under~~ on Permit No. 26790.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Harley M. McDowell
P. O. Box 2161
Baino, Idaho

26790

PERMIT No. G-26790.

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. Aguirre & Sons; Mt. Home, Idaho; our occupation is ranching and agriculture and our postoffice address is Mt. Home, 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. Aguirre & Sons, Mt. Home, Idaho. This is a partnership consisting of Domingo Aguirre, Domingo M. Aguirre and Felipe Aguirre.

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

Ans. Permit #G-26790- 3/15/57. 9.0 cfs out of Canyon Ck. in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T3S - R6E.

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 have reclaimed or intend to reclaim.

Ans. This is for stock water and irrigating lands in T3S - R6E, Sec. 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ (35), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (15), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (15), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (35); Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (30), NW $\frac{1}{4}$ NE $\frac{1}{4}$ (25), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (30), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (30), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (5), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (30), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (30), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (35), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (35); Sec. 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$ (15), NW $\frac{1}{4}$ NW $\frac{1}{4}$ (30), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (30), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (25). - 450 ac.

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. This has been turned out: 1957 - turned out 9.0 cfs from at least 30 days varying from 3/15 to 4/30, same in 1958, 1959 and 1960.

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

Ans. This was fully completed on March 25, 1957 and complied in all respects with the permit.

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. They comply fully.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on... March 25, 1957, and give cost of same.

Ans. Dam - 6' high, top - 150' long, 52' at bottom, earth fill, concrete core... costing approx. \$2,000; 3 mi. of ditches completed 3/25/57 & 4 mi. completed 6/10/57 - 5' at bottom; without water - 9 $\frac{1}{2}$ ', depth of water - 2'; \$1,500.-- 4 reservoirs completed 6/10/57; 1 completed 9/30/57 for livestock water; (small stock ponds 2 ac/ (sign here.) \$2,350.00

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, in Boise, County of

Ada, State of Idaho, on this 28th day of April, A. D. 1961.

My Commission expires 10/11/63.

Harley M. McDowell

Notary Public.

26790

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. G-26790.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. My name is Robert Ford, I live 7½ mi. NW of Mt. Home, Idaho, my occupation is ranching and construction and my postoffice address is Mt. Home, c/o Rocky Bar Stage.

Ques. 2. Are you acquainted with.....Aguirre & Sons....., the

holder of Permit No. G-26790 authorizing the diversion of.....9.0.....second-feet of the waters of Cannon Creek....., at SE¼NW¼, Sec. 10, T3S-R6E. for.....stock water.....purposes? How long have you known him, and where does he reside?

Ans. I have known him (Domingo Aguirre) all his life and know that he (Domingo Aguirre) lives in Mt. Home, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-2679, 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. The land is good clay loam, Class I. For full cropping it takes 1 miner's inc./ac. and for pasture, it needs all 9.0 cfs.

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? If so, when were they so completed?

Ans. Yes....They were completed 3/25/57.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Dam - 6' high, 150' long, 52' at bottom, earth fill, concrete core
Ditches - 7 mi., 5' at bottom, 9' deep, water stands at 2'. I did all the construction except the concrete work.

(Sign here.)

Robert M. Ford

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 Boise....., County of Ada....., State of Idaho, on this 28th..... day of April..... A. D. 1961.

My Commission expires...10/11/63

Harley M. McDowell
Harley M. McDowell Notary Public.

26790

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT NoG-26790..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. John D. Bermensola, I live 1 mi. north of Mt. Home, Idaho, my occupation is real estate and agriculture and my postoffice address is Mt. Home, Idaho

Ques. 2. Are you acquainted with..... Aguirre & Sons....., the

holder of Permit No. G-26790.. authorizing the diversion of... 9.0..... second-feet of the waters of Canyon Creek....., at SE 1/4 NW 1/4, Sec. 10, T3S-R6E. for... irrigation & stock water... purposes? How long have you known him, and where does he reside?

Ans. ... I have known him (Domingo Aguirre) for 35 years and know that he (Domingo Aguirre) lives at Mt. Home, Idaho

Ques. 3. Have you read or heard read said Permit No.... G-26790...., 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. ... The land is a good clay loam soil and for pasturing, it needs all 9.0 cfs of water.

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? If so, when were they so completed?

Ans. Yes. They were completed March 25, 1957

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Dam - 6' high, 150' long, 52' at bottom, earth fill, concrete core.
Ditches - 7 mi. of ditches, 5' at bottom, 9 1/2' deep, water is 2' deep.

(Sign here.)

John D. Bermensola

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 Boise....., County of

..... Ada....., State of Idaho, on this 28th..... day of April..... A. D. 19 61..

My Commission expires..... 10/11/63.....

Harley M. McDowell

Notary Public.

26790

DECLARATION

I, John C. Lafford do
solemnly swear that I am the foreman, the publish-
er of the

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Keith V. Gifford

of June, 1961.

Notary Public

26790

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

March 17, 1961

Re: Permit No. 26790

DEPOSITIONS SET OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

**Aguirre & Sons,
Mountain Home, Idaho.**

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 26790. The proofs are to be made at 10:00 o'clock A.M., on the 28th day of April, 1961, 1959, before Harley M. McDowell, Boise, Notary Public.

As of this date we have mailed the Notice to the Mountain Home News with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ~~McDowell~~
Chief Clerk

Encl,
EPR: ~~mak~~
cc: Notary

26790

FORM 8

Notice for Publication

for COMPLETION OF WORKS

Notice is hereby given that at 10 A. M., on the 20th day of April Department of Reclamation

1961, at Salmon, County of Ada, State of Idaho,

before Harley M. McDowell proof will be submitted of the completion of works

for the diversion of 2 cubic feet per second of the waters of Canyon Cr.

in accordance with the terms and conditions of a certain permit heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

1 The name of the person or corporation holding said permit is Agustin & Sons, Mountain Home,

Idaho.

2 The postoffice address of such person or principal place of business of such corporation is

Mountain Home, County of Blaine, State of Idaho.

3 The number of such permit is 26790, and the date set for the completion of such work is

March 15, 1961

4 Said water is to be used for irrigation and stock water 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 2 cubic feet per second.

6 The amount of lands for which said water is available is 450 acres, particularly described as follows:

T3N-R6E, Sec. 9, NE1/4, NE1/4, NE1/4, NE1/4, Sec. 10, NE1/4, Sec. 3, SW1/4

Geo. H. Carter

Commissioner of Reclamation
State Reclamation Engineer

26790

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

26790

Form No. 11
2M - 10/60

RECEIVED
MAR 17 1961
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 15, 1961
(P. O.) Mountain Home, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

The Mountain Home News of Mountain Home, Idaho published in
the county in which the works are situated. Elmore Co.

Aguirre & Sons
by Domingo M. Aguirre

(In case of 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 attached notice are true.

Engineer.

26790

March 10, 1961

Re: Permit No. 26790

Aguirre & Sons
Mountain Home, Idaho

Gentlemen:

Upon checking our files we find that the forms mailed to you for making completion of works on the above numbered permit were wrong. Such proof must be preceded by publication of a legal notice for four weekly issues of a paper printed in the County wherein the works are situated.

The two copies of the notice should be mailed so it would be in this office at least one week prior to the first publication, also complete the Form 11 and enclose with the notice. Under the terms of the permit you are required to complete your diversion works on or before March 15, 1961.

We are enclosing an instruction sheet with the forms which should be made up and returned to this office as soon as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

HT:ew

Enc. Forms 8 - 11 - instructions

26790

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

Re: Permit No.
26790

Jan. 3, 1961

Aguirre & Sons
Mountain Home, Idaho

Dear Sir:

Under the terms of your permit No. 26790 you are required to complete your diversion works on or before March 15, 1961. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

Geo. N. Carter

STATE RECLAMATION ENGINEER

Enc. Form 6

26790

April 15, 1957

Re: Permit No. 26790

Aguirre & Sons
Mountain Home, Idaho

Gentlemen:

We enclose Permit No. 26790 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental receipt No. 28483 was issued covering payment in the amount of \$7.00, and is enclosed herewith.

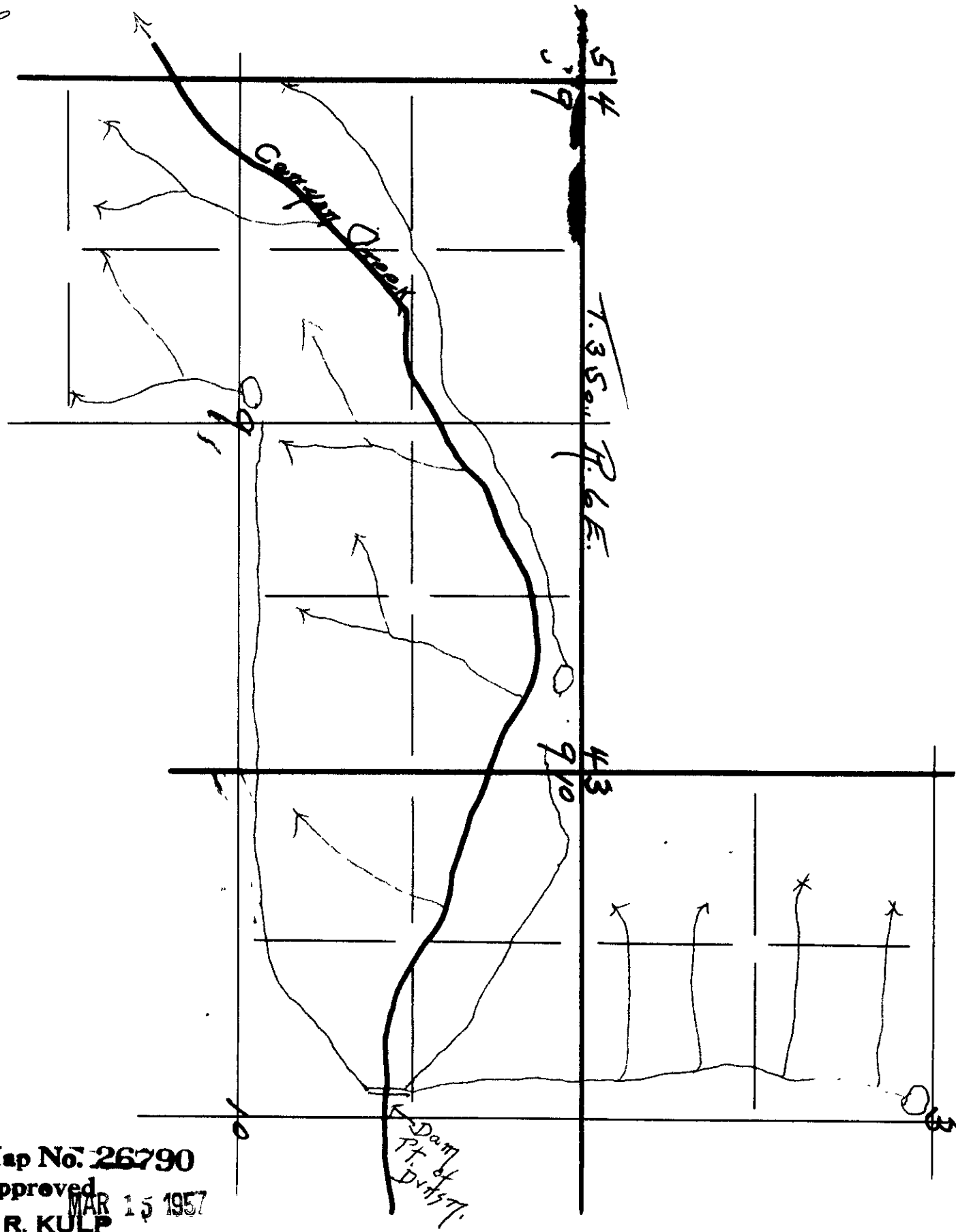
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:d
Enclosures

26790



Permit Map No. 26790
As Approved
MARK R. KULP
 State Reclamation Engineer

MAR 15 1957

Aguirre & Sons, Applicant.

**NOTICE FOR PUBLICATION
FOR COMPLETION OF WORKS**

Notice is hereby given that at 10 a.m., on the 28th day of April, 1961, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, proof will be submitted of the completion of works for the diversion of 9 cubic feet per second of the waters of Canyon Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Aguirre & Sons, Mountain Home, Idaho.

2. The postoffice address of such person or principal place of business of such corporation is Mountain Home, County of Elmore, State of Idaho.

3. The number of such permit is 26790, and the date set for the completion of such work is March 15, 1961.

4. Said water is to be used for irrigation and stock water 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 9 cubic feet per second.

6. The amount of lands for which said water is available is 450 acres, particularly described as follows: T3S-R6E, Sec. 9, NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 10, NW $\frac{1}{4}$, Sec. 3, SW $\frac{1}{4}$.

GEO. N. CARTER

State Reclamation Engineer

First publication March 23, 1961

Last publication April 13, 1961.