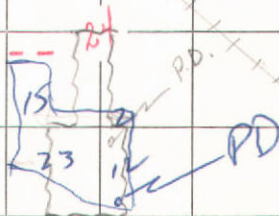


R. S. W.

TO HOMEDALE

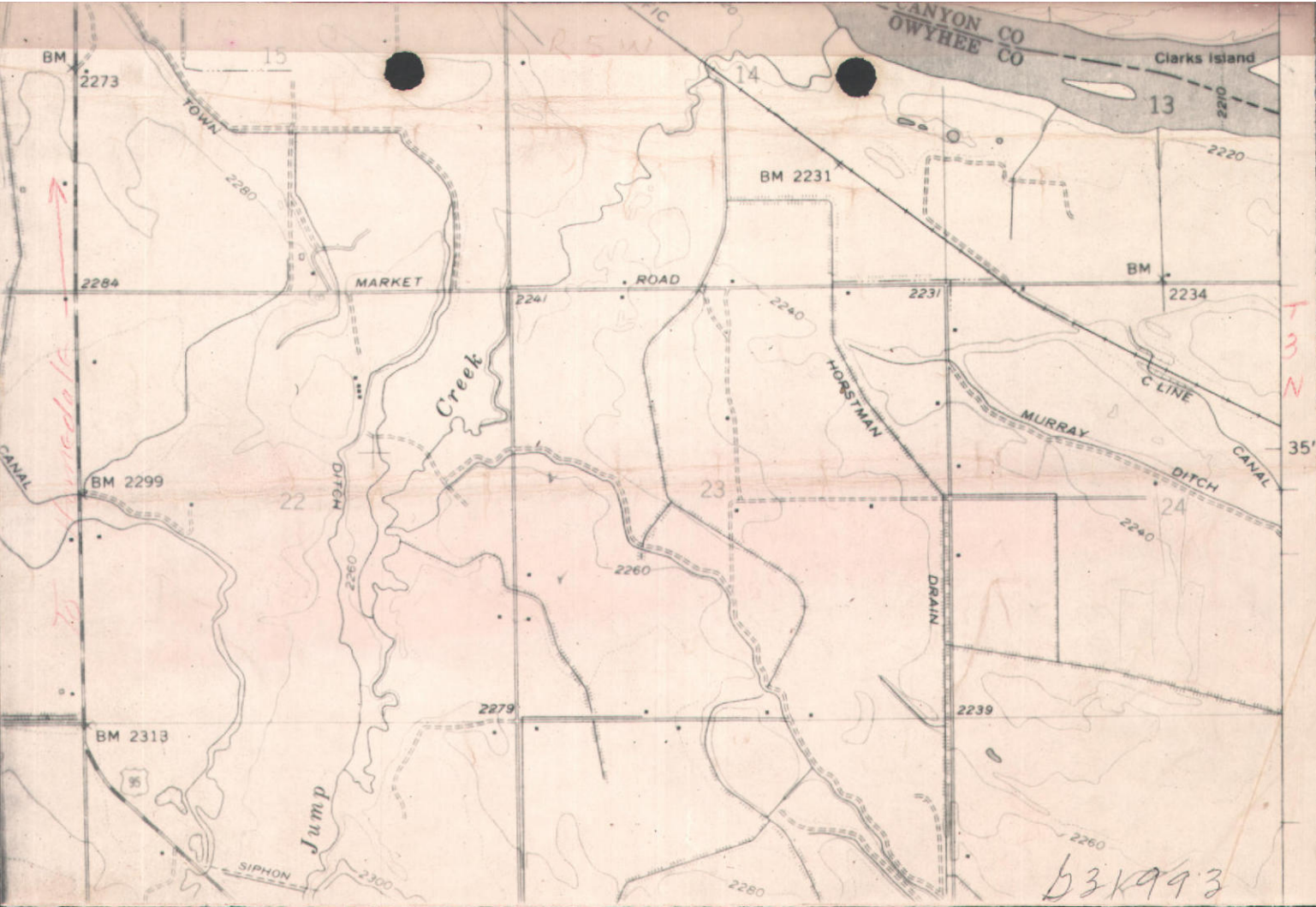
T
3
N



Subdivisions = 4

AREA = 52 acrs.

Allow Q = 1.0 cfs or 50 inches



R 5 W

T
3
N

Mauvray

center 1/4 Cor.
Ditch

24

15

17

35
52

23

12

Drain

PD

Ditch

Horstman Drain

G31993

NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE

NOTICE is hereby given that at 10 A.M., on the 11th day of September 1964, at Caldwell, County of Canyon, State of Idaho, before Peter J. Boyd, Notary Public, at 9th & Dearborn, proof will be submitted of the completion of works for the diversion of 1 cubic feet per second of the waters of Jump Creek and Snake River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 31993, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Ben Kotschevar Rt. 1, Homedale, Ida.

2. 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 conveying to the place of use is 1 cubic feet per second.

3. The use to which said water has been applied is Supplemental Irrigation purposes, and the amount applied to beneficial use is 1 cubic feet per second.

4. The point of diversion of said water is S. 40° 49' W 3149.4 feet distant from the E $\frac{1}{4}$ corner of Sec. 24 T 3N R5 W.B.M. and SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 24 T 3N R5 W.B.M.

5. The place where said water is used is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ —and NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ all in Sec. 24 T3N R5W. Total 50 acres.

6. The date of priority which said user is prepared to establish is July 13, 1964.

CARL E. TAPPAN,
State Reclamation
Engineer.

8-13-4

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF OWYHEE

} ss.

I, Everett A. Colley, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the editor or co-publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO

BENEFICIAL USE--Permit No. 31993

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in four (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

Aug. 13, 1964

Aug. 20, 1964

Aug. 27, 1964

Sept. 3, 1964

(Signed) Everett A. Colley

Subscribed and sworn to before me this 3rd day of Sept.,
A. D., 1964

Roy Vance
Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires May 15, 1965

31993

IDAHO POWER COMPANY
ELECTRIC SERVICE AGREEMENT

FILED
JUL 13 1964
Depot Information

DISTRICT Caldwell RATE SCHEDULE No. 24 ACCT. No. _____

Connected load:

5 H.P. 240 Volts 1 Phase 3 Wire
____ H.P. _____ Volts _____ Phase _____ Wire
____ K.W. _____ Volts _____ Phase _____ Wire

To Dean Moore Ben Katschewsky Rt. #1 Homedale, Idaho
(Name) (Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 5 HP, in the form of single phase alternating current at approximately 60 cycles per second and 240 volts, for Customer's irrigation operations, at or near Homedale, in Owyhee County, State of Idaho for a term of 10 year(s) from and after June 15, 1956, in accordance with and subject to the Company's rules and regulations and Schedule No. 71, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near Caldwell of Section 24 T. 3 N. R. 5 W. M. B.

All payments shall be made at Company's office at Caldwell, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as a part of this agreement.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual payment in the amount of \$ 120.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

Customer shall advance in cash to the Company the excess cost of the extension and facilities required to supply service to the Customer, which at this time, based upon the guaranteed minimum annual payment agreed to in the above paragraph, is in the amount of \$ 703.00. This cash advance payment for excess extension cost may be subject to adjustment upon expiration of 3 years from the date on which service is first supplied to the Customer, provided the average annual billing, under the applicable rate schedule, for service used by the Customer exceeds the minimum annual payment guaranteed by the Customer as agreed to in the preceding paragraph. Dated May 28, 1956.

Attest
Witness

Customer

IDAHO POWER COMPANY,

Attest
Witness

By

Ass't Division Manager

E.R. or W.O. No. 103918

1010-224-4-44

531993

State of Idaho
License and Certificate of Water Right

Water License No. 31993 Amount 1.0 c.f.s.
Water District No. Priority July 13, 1964

THIS IS TO CERTIFY that BEN KOTSCHVAR
of Homedale, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 13, 1964; that Permit No. 31993
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.0 second feet, was issued thereunder on August 3, 1965, showing that said works
were completed on the 11th day of September, 1964; and that on the 11th
day of September, 1964,
BEN KOTSCHVAR

of Homedale, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Drain No. 4
, a tributary of Jump Creek & Snake R. for the purpose of supplemental irrigation
, under Use Permit No. 31993 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 8206, on the 3 day of August, 1965;
The right hereby confirmed dates from July 13, 1964;
The Point of Diversion is located
in the SW 1/4 SE 1/4, Sec. 24, Tp. 3 N, R. 5 W, B. M. Owyhee 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 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N	5 W	24	NE¼ SW¼	12	15
			SE¼ SW¼	24	23
			NW¼ SE¼	1	2
			SW¼ SE¼	13	<u>12</u>
			Total number of acres to be irrigated: 52		

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
3rd day of August, 1965.

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

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-28509 Amount 1.78 c.f.s.
Water District No. Priority February 26, 1960

THIS IS TO CERTIFY that GREEN GIANT COMPANY
of Buhl, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 26, 1960; that Permit No. G-28509
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.78 second feet, was issued thereunder on August 3, 1965, showing that said works
were completed on the 8th day of March, 1965; and that on the 8th
day of March, 1965,
GREEN GIANT COMPANY
of Buhl, 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 Industrial Use,
Food Processing under Use Permit No. G-28509 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 8205, on the 3 day of August, 1965;
The right hereby confirmed dates from February 26, 1960;
The Point of Diversion is located
in the NW 1/4 SW 1/4, Sec. 31, Tp. 9 S, R. 15 E, B. M. County of Twin Falls
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 1.78 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	15 E	31	NW 1/4 SW 1/4 For Industrial Use, Food Processing		

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
3rd day of August, 1965.
/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.
(SEAL)

57-2216

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40124
PERMIT No. 31993
DISTRICT No.

1. Name of Applicant: Mr. Ben Kotschevar

Postoffice address: Route #1, Homedale

County: Owyhee

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:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: One

cubic feet per second.

3. Source of water supply: Drain No. 4

which is a tributary of Jump Creek and Snake River

4. Location of point of diversion: S. 40° 49' W 3149.4

feet distant from the East $\frac{1}{4}$

corner of Section 24, T. 3 N, R. 5 W, B.M., and is in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$

of section 24, T. 3 N, R. 5 W, B. M., County of Owyhee

5. Water is to be used for Supplemental Irrigation

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 of , 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: Headgate, Pump, Pipe, Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

Headgate in Drain Ditch

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

11. Ditch: Width at bottom Two feet; width at water line Three feet; depth of water One feet;
dimensions of flume:

Diameter of pipe inches; length of ~~36 inch~~ pipe 45 feet miles.

Length of Ditch 3900 feet grade 0.1 feet per 100 foot.

Average grade per mile Lift 12 feet feet

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 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:

Water from Gem Irrigation District

August 3, 1965

RE: Permit No. 31993

Ben Kotschevar
Rt 1
Homedale, Idaho

Dear Mr. Kotschevar:

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

Also enclosed is departmental receipt No. 32855 in the
amount of \$13.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ar

Enc. license
certificate
receipt

31993

RECEIVED
AUG 2 1965

Department of Reclamation

Mr. Thomas:

Enclosing check
requested to your letter
of July 28, 1965.

Mrs. Ketchum

631993

July 28, 1965

RE: Permit No. 31993

Ben Kotschevar
Rt 1
Homedale, Idaho

Dear Mr. Kotschevar:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 31993 shows the pump and ditch are capable of conveying 50 miner's inches, or 1.0 c.f.s. of water for irrigation of 52 acres.

Upon receipt of the statutory fees totaling \$13.00 we will issue the Certificate of Completion of Works and License and Certificate of Water Right, confirming the right, with priority of July 13, 1964, to the use of 1.0 c.f.s. of surface water from Drain No. 4, with the point of diversion in the SW/4SE/4, Sec. 24 for supplemental irrigation of 52 acres in the E/4SW/4, W/4SE/4, Sec. 24, T. 3 N., R. 5 W., B.M.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

631993

Other Rights:

Completion of Works:

Project:

Division:

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Section:

Division:

REPORT OF ENGINEER

PERMIT NO. 31993

REPORT ON PROOF OF Completion of Works & Beneficial Use

Ben Kotschevar
Route # 1
Homedale, Idaho

631993

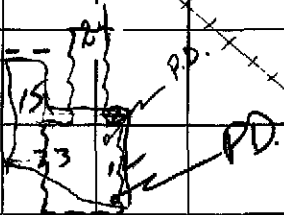
R. S. W

TO HOMERDALE

1

3

N



Subdivisions = 4

AREA = 52 acrs.

Adm'd Q = 1.0 cfs or 50 in/hr

LJ-200
1-63

STATE OF IDAHO DEPARTMENT OF RECLAMATION

Date 7/27/65 DISCHARGE MEASUREMENT NOTES

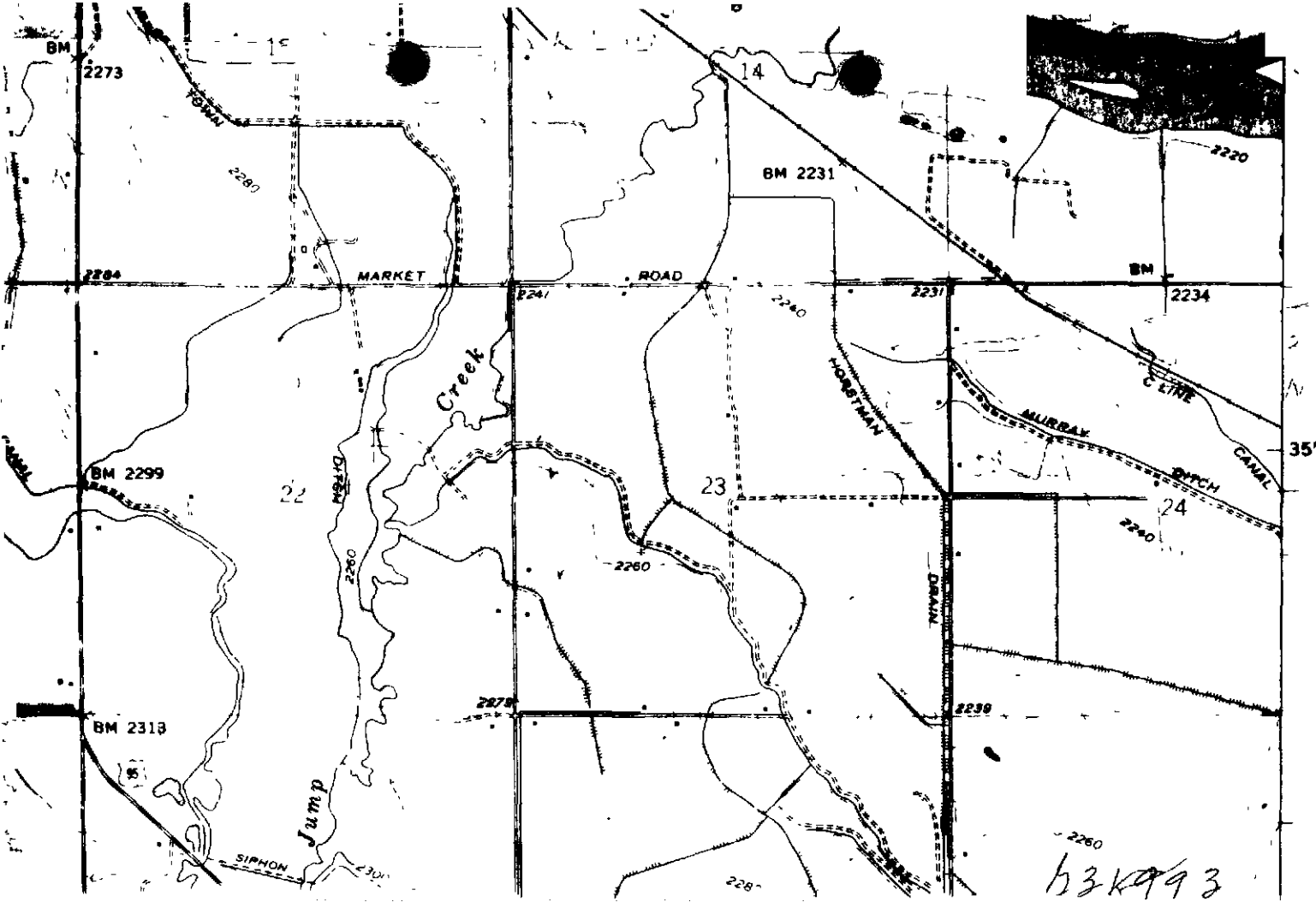
Ben Kitchener River at 31993 40' below bridge

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	2.2	12	0		0	12					
	2.25	25	42		15	41	40			.11	.04
	2.52	38	63		40	40	1.02			.24	.24
	3.00	50	65		80	48	1.46			.33	.55
	3.50	50	72		80	40	1.90			.36	.72
	4.00	37	62		80	49	1.63			.23	.38
	4.25	25	48		40	40	1.02			.12	.12
	4.50	33	30		20	41	.57			.10	.05
	4.90	20	0		0	0				0	
	2.1	290									2.10

No. _____ of _____ Sheets. Comp. by _____

Chk. by Eng

31993





R SW

MURRAY

N

17

24

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 31993This proof is for Comp. of Works & Bene. Use.

In Water District No. _____

1. Name of applicant Ben Kotschevar2. Source of water supply: Drain No. 43. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24T. 3N R. 5W County of Owyhee4. Describe works as they exist, giving dimensions and capacities of same: 5 HP 6000 ft w* ON 5/20/12, 3 shear 5" pulley on motor to a 3 shear 16" pulley on a Parma Water Lift Pump. 8" discharge pipe to open ditch.5. Water is used for: Supplemental Irrigation6. 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):

E $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T3N-R5W Making a total of 50 acres to be irrigated

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

8. What large stream would the water here appropriated finally reach? Snake River and Columbia RiverRemarks: Mr. Ben Kotschevar alongMeasured by pygmy meter #375 Q = 2.10 cfs.This examination was made on the 27th day of July, 1965

(Signed) _____

Examiner.

31993

CD
Ad 7046
Permit No. 31993

Ben Ketschevar
Route # 1
Homedale, Idaho
Permit No. 31993

Examination for Completion of Works & B.U.

County Owyhee
Drain Ditch
Waste Water

Sec. 24 T. 3N R. 5W

Quantity: 1.0

Source: Drain # 4

P.D.: SWSE - 24 - 3N - 5W

Use: Irrigation (Supplemental)

Filed: 13 July 64

Due: 17 July 69

Extension: —

Protest: —

Completion of Works: —

Other Rights: Gen Irrigation District

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
JUL 28 1965
Department of Reclamation

531993

1M April 1962

September 30, 1964

Re: Permit No. **31993**

Ben Ketschevar
Route # 1
Homedale, Idaho

Dear Mr. Ketschevar:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the **OWHEE CHRONICLE**, all submitted in proof of completion of works and beneficial use on Permit No. **31993**

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

et

EPR:
cc: **Gray, Boyd, & Downen**

B 31993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
SEP 25 1964
Department of Reclamation

Permit No. 31993

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

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

Ben Kotschevar, Route #1, Homedale, Idaho, Farmer

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: _____

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; #31993, July 17, 1964, July 13, 1964

Ques. 4. State source of water supply: Drain #4, tributary of Jump Creek & Snake
Give location of point of diversion, showing subdivision, section, township and range: River

S. 40°49' W. 3149.4 feet distant from E $\frac{1}{4}$ corner, Section 24, Township 3 North, Range 5 WBM, in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24, T. 3N, R 5 W.B.M. Owyhee County, Idaho

Ques. 5. Describe your works of diversion: Headgate, pump, pipe, ditch

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 1 cu.ft. per second Give name of canal or ditch or other works by which water is conducted to such place of use: Drain #4.

_____ ; if a well, state depth of well _____ ; depth and size of casing: _____ ; depth to water _____ ; if pump is used,

state discharge of pump: _____ ; tell how it was measured or determined: _____

_____ ; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : 12 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$;

24 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 acre, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 13 acres, SW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 24,

Township 3 North, Range 5 WBM, Owyhee County.

State nature of all improvements which have been made as a direct result of said use:

The 50 acres have come under cultivation.

B31993

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, state purpose and how used: _____

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

2 inches to the acre.

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: _____

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: 1961 Time used since first use: _____

Ques. 11. Describe all other water rights appurtenant to same place of use:

Water from Gem Irrigation District

(sign) Ben Kotschewer

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

Caldwell

County of Carion

State of Idaho, on this 11th day of September, A.D. 1964.

Peter J. Dwyer

My Commission expires: May 18, 1966

531993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

SEP 25 1964

Department of Reclamation

PERMIT NO. 31993

Proof of Application of Water to Beneficial Use
~~and Completion of Works~~
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. Marion Moore, 54, Route #4, Caldwell, Idaho, Farmer.

Ques. 2. Are you acquainted with Ben Kotschevar, the holder of Permit No. 31993? How long have you known him and where does he reside?

Ans. Yes. I've known him for 3 years. He resides at Route #1, Homedale, Idaho.

Ques. 3. Have you read or heard read said Permit No. 31993, 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. Drain No. 4, a tributary of Jump Creek and Snake River; point of diversion: S. 40°49' W. 3149.4 feet from E $\frac{1}{4}$ corner in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 3 North, Range 5 WBM, Owyhee County, Idaho.

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. 1 cubic foot per second

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. Irrigation - 12 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$; 24 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 acre, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 13 acres, SW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 24, Township 3 North, Range 5 WBM; all irrigated.

531993

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

Ans. Irrigation only.

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. Sandy ground - 2 inches to the 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. 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 personally observed the Kotschevar ranch in close detail.

(Signed)

Marion Moore

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 Caldwell, County of Canyon, State of Idaho, on this 11th day of September, A. D. 1964.

Reuben J. Boye

Notary Public.

My commission expires May 18, 1966.

831993

RF - MED
SEP 25 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 31993

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. Nicholas E. George, 70, Homedale, Idaho, Farmer

Ques. 2. Are you acquainted with Ben Kotschevar, the holder of Permit No. 31993? How long have you known him and where does he reside?

Ans. Yes. I've known him for 4 years. He resides at Route #1, Homedale, Idaho.

Ques. 3. Have you read or heard read said Permit No. 31993, 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. Drain No. 4, a tributary of Jump Creek and Snake River; point of diversion: S. 40° 49' W. 3149.4 feet from E $\frac{1}{4}$ corner in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 3 North, Range 5 WBM, Owyhee County, Idaho.

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. 1 cubic foot per second.

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. Irrigation - 12 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$; 24 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$; 1 acre, NW $\frac{1}{4}$ SE $\frac{1}{4}$; 13 acres, SW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 24, Township 3 North, Range 5 WBM; all irrigated.

31993

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

Ans. Irrigation only.

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. Sandy ground - 2 inches to the 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. 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 personally observed the Kotschevar ranch in close detail.

(Signed)

Michael E. George

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 Caldwell, County of Canyon, State of Idaho, on this 11th day of September, A. D. 19 64

Paul J. Boy
Notary Public.

My commission expires May 18, 1966

831993

PUBLICATION RECEIVED

SEP 25 1964

Q31993

CARL E. TAPPAN,
State Reclamation
Engineer.

GIGRAY, BOYD & DOWNEN
LAWYERS

9TH AND DEARBORN STS.
CALDWELL, IDAHO 83605

September 24, 1964

RECEIVED

SEP 25 1964

Department of Reclamation

AREA CODE 208
TELEPHONE 459-4624

WM F GIGRAY, JR.
PETER J BOYD
DONALD E DOWNEN

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

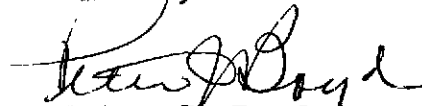
Re: Ben Kotschevar
Permit No. 31993

Gentlemen:

Enclosed find Affidavit of Publication and depositions of Ben Kotschevar, holder, and Marion Moore and Nicholas E. George, witnesses in the above matter.

Yours very truly,

GIGRAY, BOYD & DOWNEN


Peter J. Boyd

PJB, fb
Encs (4)

31993

August 10, 1964

Re: Permit No. 31993

Mr. Ben Kotschevar,
Route #1,
Homedale, Idaho.

Dear Mr. Kotschevar:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. 31993. The proofs are to be made at 10:00 o'clock A.M., on the 11th day of September, 19 64, before Peter J. Boyd, 9th and Dearborn, Caldwell, Idaho, Notary Public.

As of this date, we have mailed the Notice to the Owyhee Chronicle Homedale, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof 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,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

83 1993

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Aug. 10, 1964
(P. O.) Rte. 1 Homedale, 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 Owyhee Chronicle of
Homedale, Idaho published in the
county in which the works are situated.

Ken Kitchener

(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

831993

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10 A. M., on the 11 day of September 1964 at Caldwell, County of Canyon, State of Idaho, before Peter J. Boyd, Notary Public, at (address) 9th & Dearborn, proof will be submitted of the completion of works for the diversion of 1 cubic feet per second of the waters of Jump Creek & Snake River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 31993, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Ben Kotschevar Pte. 1 Homedale, Idaho

2. 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 conveying to the place of use is 1 cubic feet per second.

3. The use to which said water has been applied is Supplemental Irrigation purposes, and the amount applied to beneficial use is 1 cubic feet per second.

4. The point of diversion of said water is S. 40° 49' 24" 3149.4 feet distant from the E. 1/4 corner of Sec. 24, T. 3 N., R. 5 W., B. 1 M. & S.W. 1/4 of the S.E. 1/4 Sec. 24, T. 3 N., R. 5 W., B. 1 M.

5. The place where said water is used is N.E. 1/4 of S.W. 1/4 & S.E. 1/4 of the S.W. 1/4 & N.W. 1/4 of the S.E. 1/4 & S.W. 1/4 of the S.E. 1/4 all in Sec. 24 T. 3 N. R. 5 W. Total 50 acres.

6. The date of priority which said user is prepared to establish is July 13, 1964.

CARL E. TAPPAN

State Reclamation Engineer

31993

Re: Permit No. 31993
Ben Kotschevar

Date: August 10, 1964

Owyhee Chronicle,
Homedale, Idaho

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to September 11, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant Ben Kotschevar
of 9th and Dearborn, Caldwell, 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,

Carl E. Tappan
CARL E. TAPPAN
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

31993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 31993

Date:

Aug 5, 1964

Follow instructions below in

Ben Kotschevar
Route #1
Homedale, Idaho 83628

answer to your letter of August 4, 1964

Dear Mr. Kotschevar:

Under the terms of your Permit No. 31993 you are required to make proofs of completion of works and application of water to beneficial use on or before July 17, 1969

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 in the county.

We enclose Form 36-A 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 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 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, or you may have to readvertise and complete another set of proof forms.

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 36-A

At the time we send the notice to the newspaper we will send 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 the field inspection to have been irrigated at the time of proof.

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

Enc.
cc:

31993

August 4, 1964

Route 1

Homedale, Idaho 83628

Department of Reclamation

Boise, Idaho

Carl E. Tappan

Dear Sir;

In regards to your letter of July 23, 1964 and permit No. 31993, the work has been completed and the water appropriated since March 1956 and is awaiting for your inspection.

I would kindly appreciate it if you would kindly let me know when you would be here, so that I could be at home.

Very truly yours,

Ben Kotschevar

Kotschevar

RECEIVED
AUG 5 1964

Department of Reclamation

Filed 7-13-64
JWB:BB - 7/17/69

31993

July 23, 1964

Re: Permit No. 31993

Mr. Ben Kotschevar,
Route #1,
Homedale, Idaho.

Dear Mr. Kotschevar:

We enclose Permit No. 31993 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 3231 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

31993

May 29, 1964

RE: Application for Permit

Ben Kotschevar
Rt 1
Homedale, Idaho

Dear Mr. Kotschevar:

We received your application for permit without the filing fee of \$5.00 which should accompany the application.

Your land is within the Gem Irrigation District. You must file written permission from the district before your application can be approved.

Kindly obtain the permission, which shows the amount of water and point of diversion, and file it in this office with the application fee.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

831992

RE

JUL 13 1964

Departure Information

In consideration of the mutual agreements and covenants hereinafter stated, the parties hereto agree as follows:

The licensor hereby grants to the licensee a license to construct, erect and maintain an irrigation pump and connecting ditches and facilities for conveying irrigation water in the to as Drain #4 on Application for Permit|
North Diversion Drain of the licensor located in the

Section 24, Township 3 N., Range 3 West of the Boise Meridian, and by means of said pump and connecting ditches and facilities to take water from said Drain to apply for beneficial uses upon the following described real property owned by the licensee:

Approximately 13 acres in the $W\frac{1}{2}SW\frac{1}{2}SE\frac{1}{2}$. 24 Ac.
N. of said drain in the $SE\frac{1}{2}SW\frac{1}{2}$. 12 ac. in $S\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$
1 ac. in SW corner of $NW\frac{1}{2}SE\frac{1}{2}$ all in Sec. 24, T. 3 N. R. 5 W. B. M.

The licensee agrees to install said pump and connecting ditches and facilities in a good and workmanlike manner and so not to obstruct in any manner the flow of water in said Drain or to interfere in any manner whatsoever with the distribution, operation and maintenance of any part of licensor's irrigation or drainage project.

Regarding any pump, connecting ditches or facilities installed, erected and constructed by the licensee, the ownership of the same shall remain the licensee's and the licensor shall be under no duty to maintain or furnish any repairs for said pump, connecting ditches or facilities.

831993

July 10.1964
Route 1
Homedale, Idaho

Dear Mr. Thomas,

In regards to your letter of May 29,1964 , am enclosing
the information that you requested.

Very truly yours,

Ben Kotcheva

RECEIVED
JUL 13 1964

Department of Reclamation

831993

III.

Regarding the installation of said irrigation pump, connecting ditches or facilities by licensee, licensee agrees to install the same in accordance with instructions and requirements of licensor and before operating said pump, connecting ditches and facilities, said licensee will obtain approval of installation from licensor.

Failure to obtain such approval shall automatically terminate said license.

IV.

It is understood and agreed that the license herein given is subject to all provisions and conditions of the licensor's contract with the United States Government for the supply of irrigation water, which contract is recorded September 11, 1952 at 2:30 P.M. in Book 8 of Bonds and Agreements, Page 501, Records of Owyhee County, Idaho.

IN WITNESS WHEREOF, the parties hereto have executed this license agreement the day and year first above written.

Permit Map No. 31993
As Approved JUL 17 1964
CARL E. TAPPAN
State Reclamation Engineer

Water to be pumped - 1 c.f.s

GEM IRRIGATION DISTRICT

By T. A. Cotton

Licensor

Mgr. Gem Irrigation Dist.

Ben Kotchever
Licensee

b31993

**IDaho POWER COMPANY
ELECTRIC SERVICE AGREEMENT**

Dep. Information

DISTRICT Caldwell RATE SCHEDULE No. 24 ACCT. No. _____

Connected load:

5 H.P. 240 Volts 1 Phase 1 Wire
 H.P. Volts Phase Wire
 K.W. Volts Phase Wire

To John H. Hutschewsky Et. Al. Homedale, Idaho
 (Name) (Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 5 HP, in the form of single phase alternating current at approximately 60 cycles per second and 240 volts, for Customer's irrigation operations, at or near Homedale, in Butte County, State of Idaho for a term of 10 year(s) from and after June 15, 1954, in accordance with and subject to the Company's rules and regulations and Schedule No. 72, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near Caldwell of Section 24 T. 1 N. R. 1 E.

All payments shall be made at Company's office at Caldwell, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as a part of this agreement.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual payment in the amount of \$ 120.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

Customer shall advance in cash to the Company the excess cost of the extension and facilities required to supply service to the Customer, which at this time, based upon the guaranteed minimum annual payment agreed to in the above paragraph, is in the amount of \$ 701.00. This cash advance payment for excess extension cost may be subject to adjustment upon expiration of 3 years from the date on which service is first supplied to the Customer, provided the average annual billing, under the applicable rate schedule, for service used by the Customer exceeds the minimum annual payment guaranteed by the Customer as agreed to in the preceding paragraph. May 28, 1956

Attest
Witness

[Signature]

Customer

IDAHO POWER COMPANY,

Attest
Witness

[Signature]

[Signature]
 Asst. Division Manager

E.E. or W.O. No. 91

100-214-01

531993

**NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE is hereby given that at 10 A.M., on the 11th day of September 1964, at Caldwell, County of Canyon, State of Idaho, before Peter J. Boyd, Notary Public, at 9th & Dearborn, proof will be submitted of the completion of works for the diversion of 1 cubic feet per second of the waters of Jump Creek and Snake River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 31993, heretofore issued by the Department of Reclamation of the State of Idaho

1. The name and postoffice address of the person or corporation holding said permit is: Ben Kotschevar Rt. 1, Homedale, Ida.

2. 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 conveying to the place of use is 1 cubic feet per second.

3. The use to which said water has been applied is Supplemental Irrigation purposes, and the amount applied to beneficial use is 1 cubic feet per second.

4. The point of diversion of said water is S. 40° 49' W 3149.4 feet distant from the E $\frac{1}{4}$ corner of Sec. 24 T 3N R5 W.B.M. and SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 24 T 3N R5 W.B.M.

5. The place where said water is used is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ —and NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ all in Sec. 24 T3N R5W. Total 50 acres

6. The date of priority which said user is prepared to establish is July 13, 1964.

CARL E. TAPPAN,
State Reclamation
Engineer