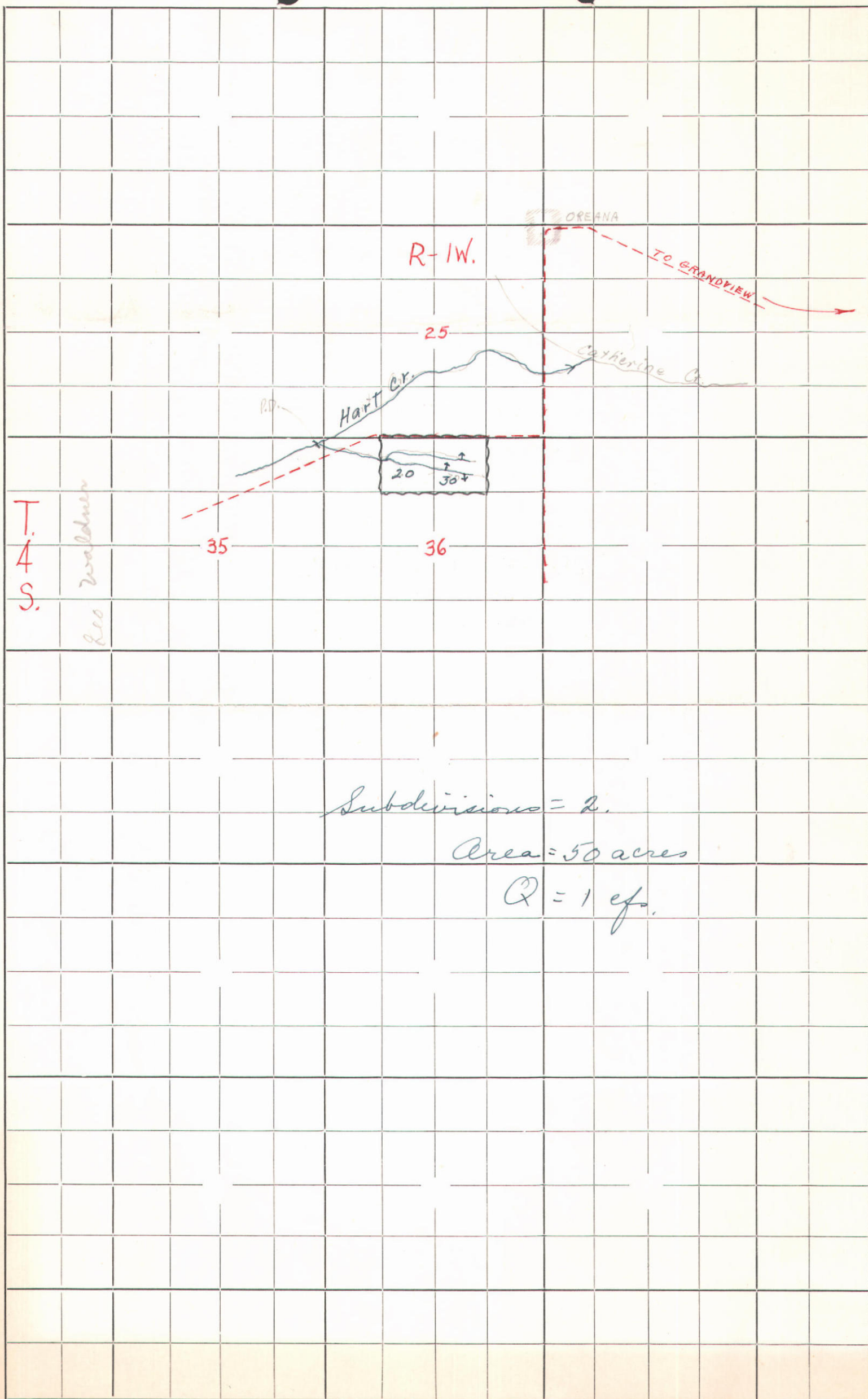




Subdivisions = 2.

Area = 50 acres

Q = 1 cf.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 2:00 p.m. on the 17th day of April, 1958, at Murphy, County of Owyhee, State of Idaho, before Victor C. Ford, Notary Public, proof will be submitted of the application to beneficial use of 1.60 cubic feet per second of the waters of Harts Creek in accordance with the terms and conditions of Permit No. 22047 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Lynn Bachman, Oreana, Idaho.

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

The amount applied to beneficial use is 1.60 c.f.s.

The place where said water is used is NW¼NE¼, NE¼-NW¼ of Section 36., Twp. 4 S., Range 1 W., B. M.

The right to take water from such works is based upon Permit No. 22047.

The source of supply from which such water is diverted is Harts Creek.

The date of priority which said user is prepared to establish is April 20, 1951.

MARK R. KULP,
State Reclamation Engineer.

3-13-4

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

COUNTY OF OWYHEE)

ss.

RECEIVED
APR 2 1 1958

Department of Reclamation

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 printer 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 FOR PUBLICATION

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):

March 13, 1958

March 20, 1958

March 27, 1958

April 3, 1958

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 4th day of April,
A. D., 195 8.

Juan Echevarria

Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires March 20, 195 9

22047

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

RECEIVED
MAR 4 1958
Department of Reclamation

Notice is hereby given that at 2:00 P.M. on the 17th day of April, 1958,
at Murphy, County of Owyhee, State of Idaho, before
Victor C. Ford, Notary Public, proof will be submitted of the
application to beneficial use of 1.60 cubic feet per second of the waters of
Harts Creek in NE¹NE¹, Sec. 35, T. 4 S., R. 1 W. B. M.
in accordance with the terms and conditions of Permit No. 22047
heretofore issued by the Department of Reclamation of the State of Idaho.

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

Lynn Bachman, Oreana, Idaho

The use to which said water has been applied is Irrigation and domestic

The amount applied to beneficial use is 1.60 c.f.s.

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

NW¹NE¹, NE¹NW¹ of Section 36., Twp. 4 S., Range 1 W., B. M.

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

The right to take water from such works is based upon Permit No. 22047

The source of supply from which such water is diverted is Harts Creek

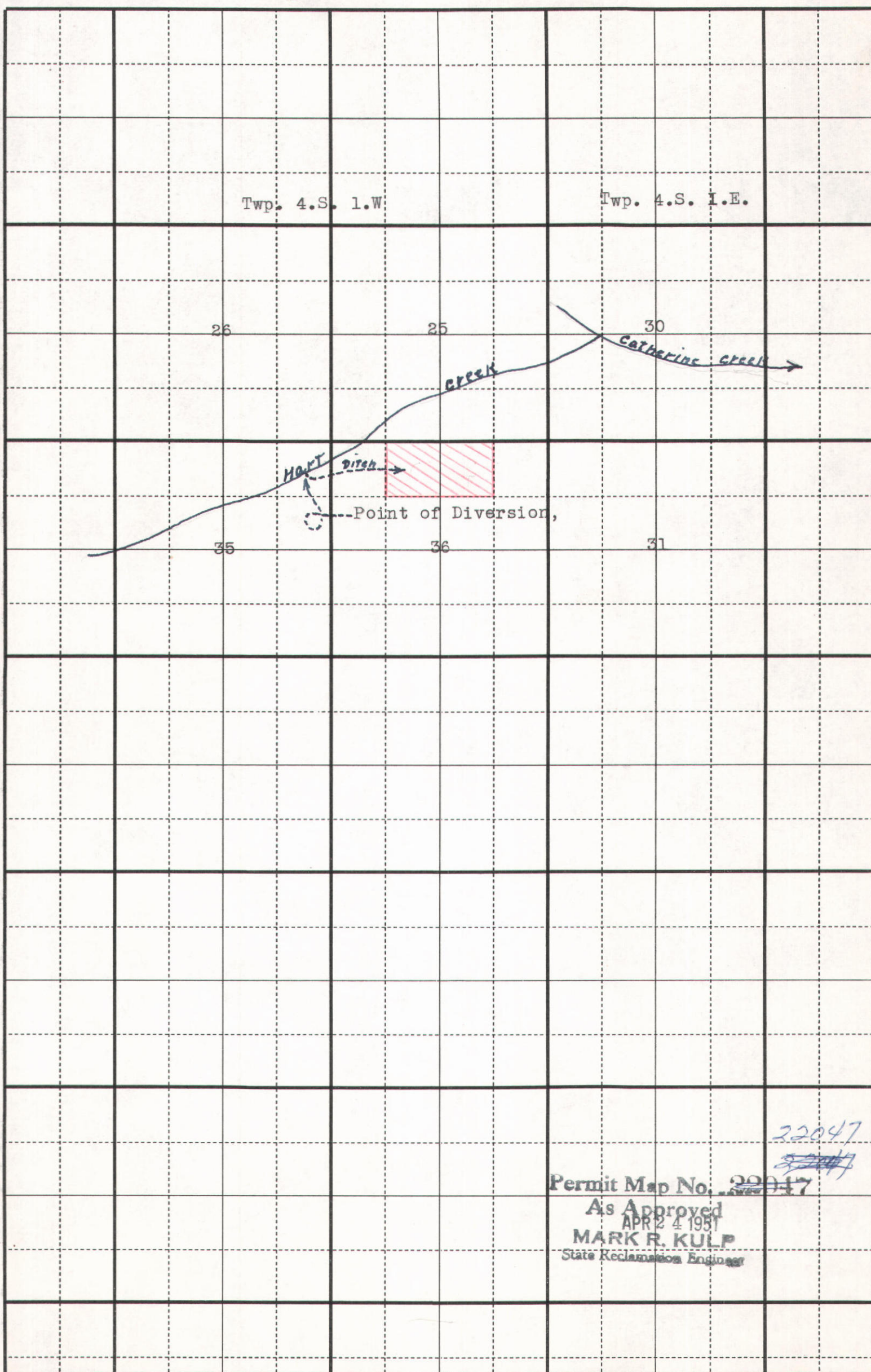
The date of priority which said user is prepared to establish is April 20, 1951

Mark R. Kulp

State Reclamation Engineer.

22047

RM



State of Idaho
License and Certificate of Water Right

Water License No. 22047

Amount 1. c.f.s.

Water District No. _____

Priority April 20, 1951

THIS IS TO CERTIFY that G. C. WALDNER of Oreana, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 20, 19 51; that Permit No. 22047 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.6 second feet, was issued thereunder on February 15, 19 52, showing that said works were completed on the 7th day of February, 19 52; and that on the 17th day of April, 19 58, LYNN BACHMAN

of Oreana, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Harts Creek, a tributary of Catherine Creek thence Snake River, for the purpose of Irrigation and domestic use, under Use Permit No. 22047 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 10 of Licenses at page 6335, on the 23 day of May, 19 58;

The right hereby confirmed dates from April 20, 19 51;

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 35, Tp. 4 S., R. 1 W., B. M. County Owyhee

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. cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	1 W.	36	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	30
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	<u>20</u>
			Total number of acres irrigated - - - 50		

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 23rd day of May, 19 58.

(SEAL)

MARK R. KULP
State Reclamation Engineer.
By /s/ E. N. Humphrey
Deputy

No 22047
57-2199

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

APPLICATION No. 29776
PERMIT No. 22047
DISTRICT No.

1. Name of Applicant: G. C. WALDNER

Postoffice address: Oreana

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) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 1.60 cubic feet per second.

3. Source of water supply: Harts Creek which is a tributary of Catherine Creek, thence into Snake River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 35 , T. 4 S. , R. 1 W. , B.M., County of Owyhee

5. Water is to be used for Irrigation and domestic purposes.

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: \$ 150.00

8. Kind of works: Small dam and ditch

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

feet; material used in dam:

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

11. Ditch: Width at bottom 1 feet; width at water line 6 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 1/2 miles.

Average grade per mile feet.

12. The time required for the completion of such work is One (1) years.

13. The time required for the complete application of the water to the proposed use is Three (3) 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? 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.

G. D. WALDNER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:55 April 20, 1951

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22047

Recorded in Book 79 Page 22047 Approved April 24, 1951

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 June 24, 1951 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 24, 1951

The whole of said work to be completed on or before April 24, 1952

Beneficial use of water appropriated in accordance herewith, to be made on or before April 24, 1955

WITNESS My hand this 24th day of April, 1951

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, Governor of the State of Idaho,

and IRA H. MASTERS

, 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 24th

day of April 19 51 .

STATE OF IDAHO

Countersigned:

(SEAL)

By

LEN JORDAN

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
4 S.	1 W.	36	40	40			80
CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that G. C. WALDNER of Oreana, County of Owyhee, and State of Idaho, the holder of Permit No. 22047, issued upon Application No. 29776 bearing date of priority of April 20, 1951, authorizing the diversion of 1.6 second feet of the waters of Hart's Creek, a tributary of Catherine Creek, thence into Snake River, County of Owyhee, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.6 second feet of the waters of Hart's Creek; that the point of diversion of said waters is in the NE$\frac{1}{4}$ NE$\frac{1}{4}$ Section 35, Township 4 South, Range 1 West, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW$\frac{1}{4}$ NE$\frac{1}{4}$ and NE$\frac{1}{4}$ NW$\frac{1}{4}$ Section 36, Township 4 South, Range 1 West, B.M. Witness my hand this 15th day of February, A.D. 1952. Proof of completion of works made February 7, 1952. Certificate of completion of works issued February 15, 1952.							
						E. N. HUMPHREY Deputy State Reclamation Engineer	

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 22047 to April 24, 1958.

Witness my hand this 24th day of January, 1955.

MARK R. KULP
State Reclamation Engineer

A S S I G N M E N T

✓
For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 22047 to Lynn Bachman of Oreana, Idaho.

/s/ G. C. Waldner
Permit Holder

/s/ Elaine Waldner
Wife of Permit Holder

State of Idaho) ss
County of Owyhee)

On this 3rd day of March, 1958, before me, a Notary Public for the State of Idaho, residing at Murphy, Idaho, personally appeared G. C. Waldner and Elaine Waldner known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

(S E A L)
County
Recorder

/s/ Nich Ihli, Recorder
Josephine Jays, Deputy.

Received and filed for record
in the Department of Reclamation March 4, 1958
MARK R. KULP
State Reclamation Engineer

— LICENSE ISSUED FOR 1.0 SEC. FT.

Page 6335

May 23, 1958

Re: Permit No. 22047

Mr. Lynn Bachman
Oreana
Idaho

Dear Mr. Bachman:

Enclosed is the License and Certificate of Water Right issued under Permit No. 22047 confirming the right with priority of April 20, 1951, to the use of 1. second foot of water from Harts Creek, with the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, for irrigation of 50 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 4 South, Range 1 West, B.M.

Enclosed also is departmental receipt #29111 for \$4.00, issued as receipt of the fee for the license.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ELR:nls
Inc.

22047

May 14, 1958

Re: Permit No. 22047

Mr. Lynn Bachman
Oreana
Idaho

Dear Mr. Bachman:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 22047 shows the works are capable of conveying 50 miners' inches (1. c.f.s.) of water from Harts Creek for irrigation of 50 acres.

Upon receipt of the statutory fee of \$4.00, we will issue the License and Certificate of Water Right confirming the priority right of April 20, 1951, to your use of one (1) second foot of water from Harts Creek, with the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, for irrigation of 50 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 4 South, Range 1 West, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

22047



Subdivisions = 2.

Area = 50 acres

Q = 1 cf.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 22047

REPORT ON PROOF OF BENEFICIAL USE

Lynn Bachman, Oreana, Idaho

1. cfs
mark

Appl. 1.60 c.f.s.
C/W.. 1.60 c.f.s.

Sub- 2
acres-50

Lynn Bachman
Oreana, Idaho

Permit No. 22047

Examination for Beneficial Use

County Owyhee

35-4S. - 1W,

32 1.6 a.c.s.

52 Harts Creek.

NE 2 NE. NE, Sec. 35, T. 4S. - R. 1W

Use = Irrigation & Domestic

Filed - April 20, 1951

Dec = April 24, 1958

2/4 = 2-15-52

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
MAY 8 1958

Department of Reclamation

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

Permit No. 22047This proof is for Beneficial Use In Water District No. _____1. Name of applicant Lynn Bachman, Oreana, Idaho2. Source of water supply: Harts Creek3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35
T. 4 S. R. 1 W. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: This is strictly a high water right. At present outlet into ditch is blocked by use of earth and brush pushed up with a bulldozer. Ditch is quite large - to take water fast when it comes.

5. Water is used for: Irrigation and domestic purposes6. 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):

NW $\frac{1}{4}$ NE $\frac{1}{4}$ (40), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (40) Section 36, Township 4 South, Range 1 West, B.M.

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

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

Remarks: _____

No water thru this ditch for last two years. Only gets water when there is excess.

Field has been partially leveled. Was planted to blue grass. Now shows. Present owner intends to put it into crested wheat.

This examination was made on the 5 day of May, 1958(Signed) E. N. Humphrey Examiner.

22047

April 24, 1958

Re: Permit No. 22047

Mr. Lynn Bachman
Greene
Idaho

Dear Mr. Bachman:

This acknowledges the depositions of Holder and of the two Witnesses, and the affidavit of publication in The Owyhee Chronical in proof of beneficial use under Permit No. 22047.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

22047

The Owyhee Chronicle

Publishing and Printing

20 E. Idaho Avenue
HOMEDALE, IDAHO

March 13, 1958

Mark R. Kulp, Engineer,
Dept. of Reclamation
State House, Room 107,
Boise, Idaho

RECEIVED
MAR 17 1958
Department of Reclamation

Dear Mr. Kulp,

2-22047

We are acknowledging receipt of NOTICE FOR PUBLICATION for Lynn Bachman, Oreana, Idaho, which began publication with our issue of today. Attached is a clipping of the legal notice for your convenience in checking.

The applicant will be billed for the cost of publication and the Affidavit of Publication will subsequently be sent to him.

Sincerely,

THE OWYHEE CHRONICLE
By Evelyn S. Colley
(Mrs. Everett A. Colley)

22047

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 2 1 1958
Department of Reclamation

✓
Permit No. 22047

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Lynn Bachman, Oreana, Idaho, Farmer & Appraiser, Oreana, 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. _____

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

Ans. 22047, April 24th, 1951, April 20th, 1951.

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

Ans. Harts Creek, Owyhee County, Idaho, Is in NE¹/₄NE¹/₄ Sec. 35, T4S, R1W.
B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. 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. Small dam and ditch, 6 cubic feet per second, None

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. Domestic and irrigation, on NW¹/₄NE¹/₄, NE¹/₄NW¹/₄ Sec. 36, T4S, R1W. B. M.
30 acres cultivated and 50 acres pasture

22047

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHORECEIVED
APR 2 11 1958
Department of ReclamationPERMIT NO. 22047**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. Frank Jayo, Jr. 36, Farmer, Oreana, Idaho.Ques. 2 Are you acquainted with Lynn Backman, the holder of Permit No 22047? How long have you known him and where does he reside?Ans 35 years, Oreana, Idaho.Ques. 3 Have you read or heard read said Permit No 22047, and are you familiar with its provisions and conditions?Ans Yes 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. Harts Creek, Owyhee County, Idaho, Is in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, T4S, R1W. B. M.

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 6 cubic feet per second, 4 cubic feet 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 Domestic and irrigation, on NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, T4S, R1W. B. M.
30 acres cultivated and 50 acres pasture.

22047

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 8 1958
Department of Reclamation

PERMIT NO. 22047

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. Silas Fox, 74, Farmer, Oreana, Idaho.

Ques. 2 Are you acquainted with Lynn Badgman, the holder of Permit No. 22047? How long have you known him and where does he reside?

Ans. 35 years, Oreana, Idaho.

Ques 3. Have you read or heard read said Permit No. 22047, and are you familiar with its provisions and conditions?

Ans. Yes 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. Harts Creek, Owyhee County, Idaho, Is in NE1/4NE1/4 Sec. 36, T4S, R1W. B. M.

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. 6 cubic feet per second, 4 cubic feet 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. Domestic and irrigation, on NW1/4NE 1/4, NE1/4NW1/4 Sec. 36, T4S, R1W. S. M.
30 acres cultivated and 50 acres pasture.

22047

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

COUNTY OF OWYHEE)

ss

RECEIVED
APR 2 1958

I, **Everett A. Colley**,
and say:

Department of Reclamation

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 **printer** 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 FOR PUBLICATION**

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):

March 13, 1958

March 20, 1958

March 27, 1958

April 3, 1958

(Signed)

Everett A. Colley

Subscribed and sworn to before me this **4th** day of **April**,
A D, 195 **8**

Julius E. Schuman

Notary Public in and for the State of Idaho.

residing at **Homedale**, Idaho.

My commission expires **March 20**, 195 **9**

52047

March 10, 1958

RE: Permit No. 22047

Mr. Lynn Bachman
Greene, Idaho

Dear Mr. Bachman:

This acknowledges receipt of the Notice of proof application of water to beneficial use under Permit No. 22047, to be made at Murphy, at 2:00 P.M. on the 17th day of April, before Victor C. Ford, Notary Public.

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

In completing the enclosed depositions, it is very important that they be executed by you and two disinterested witnesses, who are familiar with the terms and the work done thereunder, at the time, date and place, and, before the Notary as advertised in the publication Notice, as well as all other necessary information called for.

The signatures and the Notary's seal are essential.

When returning the depositions to this office, please be sure to include the affidavit of publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

Rev
Encl.
cc. Victor C. Ford

22047

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 22047
Lynn Backman

Date: March 10, 1958

Coyne Chronicle
Homedale, Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **April 17, 1958** the date set for proof; the expense of the publication is to be paid by the applicant, **Lynn Backman** of **Oreana, 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 of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edda P. Rutledge (Mrs.)
Chief Clerk

Rvm
Encl.

P.S. Please mail all copies to:-
Department of Reclamation
State House, Room 107
Boise, Idaho

22047

March 5, 1958

Re: Permit No. 22047

Mr. Lynn Bachman
Oreana
Idaho

Dear Mr. Bachman:

Enclosed is the Assignment of Permit No. 22047 to you by G. C. Waldner, permit holder and Elaine Waldner, wife of permit holder. This was acknowledged by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 79 of Permits at Page 22047 and should now be attached to the original permit to which it refers.

Departmental receipt #29002 for 50¢ was issued and handed to you as receipt of the fee for recording the assignment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

22047

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
MAR 4 1958
Department of Reclamation

(Date) March 4, 1958

Address

Oreana, Idaho

City State

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.

Owyhee Co.

By *Signer Bachman*

(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.

22647

Engineer

DECEMBER 10

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

Notice is hereby given that at 2:00 P.M. on the 17th day of April, 1958,
at Murphy, County of Owyhee, State of Idaho, before
Victor C. Ford, Notary Public, proof will be submitted of the
application to beneficial use of 1.60 cubic feet per second of the waters of
Harta Creek in accordance with the terms and conditions of Permit No. 22047
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person ~~by / corporation~~ holding said permit ~~is~~

Lynn Bashman, Oreana, Idaho

The use to which said water has been applied is Irrigation and domestic

The amount applied to beneficial use is 1.60 c.f.s.

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

NW 1/4, NE 1/4 of Section 36., Twp. 4 S., Range 1 W., B. M.

~~The name of the canal, ditch, or other work to which said water is applied to such use is~~

The right to take water from such works is based upon Permit No. 22047

The source of supply from which such water is diverted is Harta Creek

The date of priority which said user is prepared to establish is April 20, 1951

Mark R. Kulp

State Reclamation Engineer.

22047

RMT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RE: Permit No. 22047

Date February 3, 1958

Mr. G. C. Waldner
~~Idaho~~, Idaho
Rt. #3, Nampa
Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 22047 is due not later than April 24, 1958. 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 enclosed Form 10, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, filled out in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the place where the depositions will be executed, and, the name 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 filed on, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--all by legal land description.

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 also 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, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Enc.

22047

✓
January 24, 1955

RE: Permit No. 22047

Mr. G. C. Waldner
Route # 3
Nampa, Idaho

Dear Mr. Waldner:

We enclose approval of the State Reclamation Engineer of your application for extension of time for Beneficial Use proof on Permit No. 22047 to April 24, 1958.

This should be attached to the original Permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

22047

STATE OF IDAHO
Department of Reclamation

Permit No. 22047

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Ada } SS

G.C. Waldner, of Rt. 3, Nampa, Idaho,
State of Idaho, being first duly sworn, upon his oath deposes and says.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 22047

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by April 24, 1955, ~~1955~~

That he has heretofore put to beneficial use 1.6 second feet of water and has irrigated 80 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit:

Unable to make beneficial use at this time due to right-of-way trouble over the use of fedder ditch.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to April 24, 1958, ~~1955~~

Subscribed and sworn to before me this 21 day of January, 1955

My commission expires 3-27-1957

Notary Public.

Date of receipt at office of Department of Reclamation January 21, 1955

State Reclamation Engineer

APPROVAL OF EXTENSION OF TIME FOR PROOF OF BENEFICIAL USE

I Mark R. Kulp

~~State Reclamation Engineer~~

~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 22047, to

April 24, 1958

Witness my hand this 24th day of January, 1955

Mark R. Kulp
State Reclamation Engineer

✓
February 15, 1952

RE: Permit No. 22047

Mr. G. C. Waldner
Route 3
Nampa, Idaho

Dear Mr. Waldner:

We enclose certificate of completion of works issued under Permit No. 22047 for the diversion of 1.6 second feet of the waters of Hart's Creek, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, Township 4 South, Range 1 West, B.M., for irrigation and domestic use on the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 4 South, Range 1 West, B.M.

We also enclose departmental receipt No. 24159 for the \$5.00 fee paid in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22047

✓
February 13, 1952

RE: Permit No. 22047

Mr. G. C. Waldner
Route 3
Nampa, Idaho

Dear Mr. Waldner:

In reply to your inquiry regarding final proof of beneficial use on Permit No. 22047.

This proof is not due until April 24, 1952, but can be made at any earlier date that you are prepared to make the proof.

The statutes require publication of a notice in a county newspaper once a week for four consecutive weeks prior to making the proof. This notice should be made in duplicate on Form 10 enclosed setting time and place and naming the Notary Public before whom proof is to be made. The time should be set sufficiently far ahead to allow for four weeks' publication, and the proof may be made at any place convenient for you and your two witnesses.

Both copies of Form 10 to be returned to this department together with Form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22047

✓
February 8, 1952

RE: Permit No. 22047

Mr. C. C. Waldner
Route 3
Nampa, Idaho

Dear Mr. Waldner:

We return your affidavit submitted in proof of completion of works on Permit No. 22047 for the following corrections:

1. Question 3 should show the point of diversion by legal subdivision, section, township and range.

2. Question 8 describes 80 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, Township 4 South, Range 4 West, B.M., as the place of use, but the permit shows 80 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 4 South, Range 4 West, B.M. Which is correct?

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22047



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

February 8, 1952

RE: Permit No. 22047

Mr. G. C. Waldner
Route 3
Nampa, Idaho

Dear Mr. Waldner:

We return your affidavit submitted in proof of completion of works on Permit No. 22047 for the following corrections:

1. Question 3 should show the point of diversion by legal subdivision, section, township and range. *(NE 1/4 of Sec 35)*

2. Question 8 describes 80 acres in the NE 1/4 NE 1/4 Section 35, Township 4 South, Range 4 West, B.M., as the place of use, but the permit shows 80 acres in the NW 1/4 NE 1/4 and NE 1/4 NW 1/4 of Section 36, Township 4 South, Range 4 West, B.M. Which is correct? —

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk

A:fg
Enc.

22047

WALDNER LAND LEVELING CO.

SPECIALISTS IN ALL KINDS OF DIRT WORK > > > >

G. C. WALDNER

ROUTE 3
NANPA, IDAHO

BULLDOZERS
CARRYALLS
TRUCKS
RIPPERS
TRAILERS
PATROLS
LEVELING
ROADS
FILL
RESERVOIRS

RECEIVED
FEB 8 1952
Department of Reclamation

Sir

Please send information regarding final
proof of beneficial use of water.

Yours

G. C. Waldner

R. 3. Nanpa Idaho,

22647

Permit No. 22047STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Jersey } ss.J. C. Walden, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 22047, and that his postoffice address is OreanaState of IdahoSecond: That the name of the stream which said water is to be diverted is Hart CreekThird: That the point of diversion of said water is Sec 4 & 1 W. 2 S. 2 E. 4 N. 1/4 of NE 1/4 of Sec 36at junction of Hart Creek & Private ditchFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Apr 24, 19 52Fifth: That the use for which said water is intended is Irrigation & DomesticSixth: That on the date above mentioned, the works constructed under said permit were ~~(or are not)~~ fully completed and consisted of the following:I. Kind of works: Brush & stake dam in Hart Creek

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: 14 ft(a) Height of dam 4 feet, length of dam at top 14 ft feet, length of dam at bottom 12 ft feet. Material used in construction Brush & stakes

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir Diversion acre feet.(c) Size of headgate: Width 2 feet, height 2 feet.(d) Conduit Ditch width at bottom 2 feet, width at water line 6 ft

(State whether ditch, flume or pipe)

feet, depth of water 12 feet; diameter of pipe 16 inches, average grade per mile is 1/5 feet. Length of conduit is 3/4 miles.Seventh: That said works are capable of conducting to the place of intended use 80 ft80 ft, second feet of water.Eighth: That water appropriated under said permit is available for 80 ft acres of land described as follows: Sec 36 - T45 R14E at NW 1/4 of NE 1/4

Ninth: Remarks: That

Diversion Point & Dam in conjunction with Ray Johnson Creek

(Sign Here)

Subscribed and sworn to before me this 7th day of February, 19 52My commission expires 4-26-53

Notary Public.

22047

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. G. C. Waldner

Boise, Idaho

February 1, 1952

Oreana, Idaho

Dear Sir:-

Under the terms of your Permit No. ~~22047~~..... you are required to complete your diversion works on or before..... ~~April 24, 1952~~..... I enclose herewith 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 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.

Yours truly,

MARK R. KULP

State Reclamation Engineer

22047

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 22047

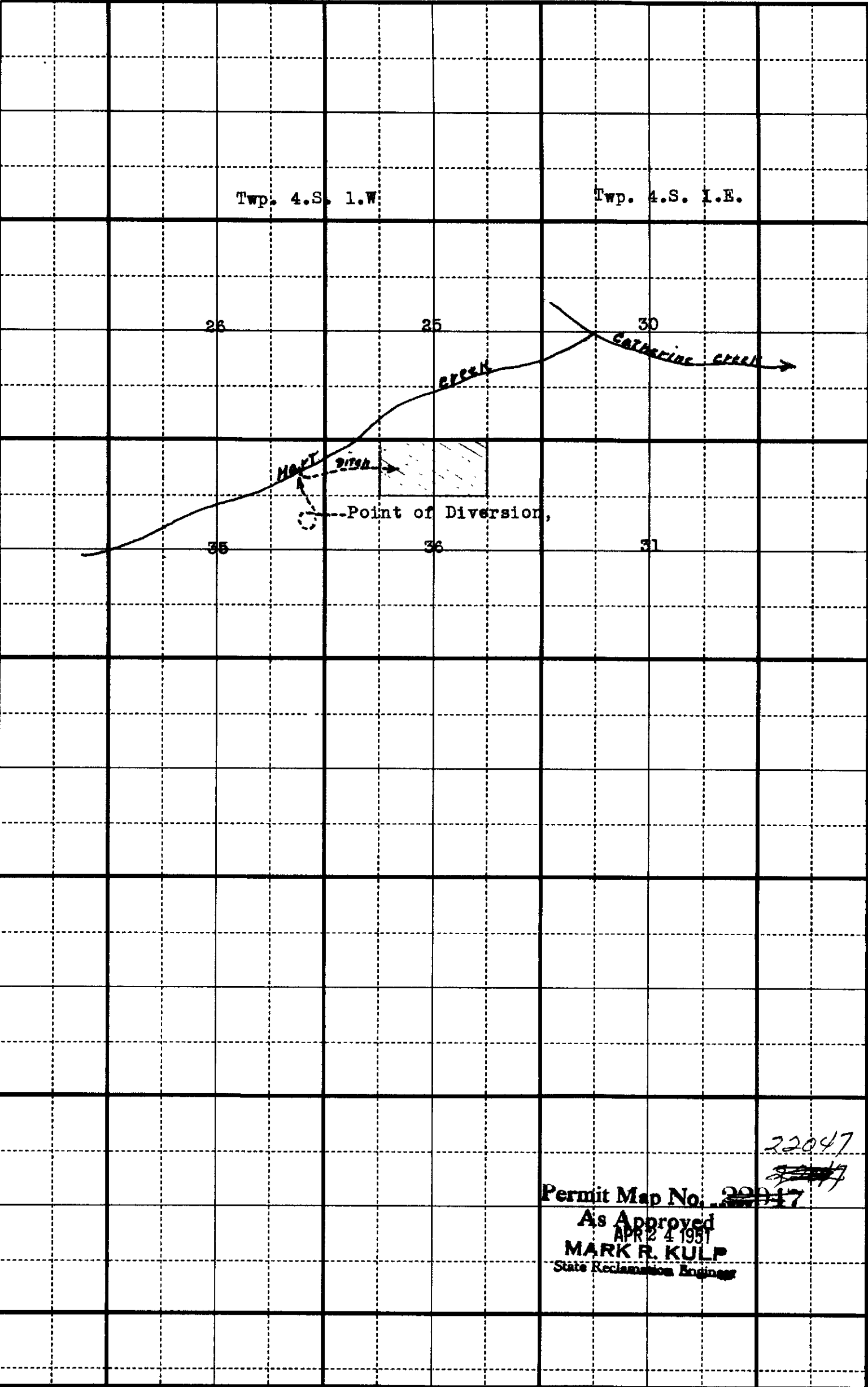
Date May 2, 1951

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SALE as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. O. C. Waldner
Oreana, Idaho

MARK R. KULP
State Reclamation Engineer

22047



22047
~~22047~~

Permit Map No. ~~22047~~
As Approved
APR 24 1951
MARK R. KULP
State Reclamation Engineer

NOTICE FOR PUBLICATION

NOTICE OF PROC APPLICA- TION OF WATER TO BENE- FICIAL USE.

Notice is hereby given that at 2:00 p.m. on the 17th day of April, 1958, at Murphy, County of Owyhee, State of Idaho, before Victor C. Ford, Notary Public, proof will be submitted of the application to beneficial use of 1.60 cubic feet per second of the waters of Harts Creek in accordance with the terms and conditions of Permit No. 22047 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Lynn Bachman, Oreana, Idaho.

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

The amount applied to beneficial use is 1.60 c.f.s.

The place where said water is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 36., Twp. 4 S., Range 1 W., B. M.

The right to take water from such works is based upon Permit No. 22047.

The source of supply from which such water is diverted is Harts Creek.

The date of priority which said user is prepared to establish is April 20, 1951.

MARK R. KULP,
State Reclamation Engineer.

NOTICE FOR PUBLICATION

NOTICE OF PERMIT APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 2:00 p.m. on the 17th day of April, 1958, at Murphy, County of Owyhee, State of Idaho, before Victor C. Ford, Notary Public, proof will be submitted of the application to beneficial use of 1.60 cubic feet per second of the waters of Harts Creek in accordance with the terms and conditions of Permit No. 22047 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Lynn Bachman, Oreana, Idaho.

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

The amount applied to beneficial use is 1.60 c.f.s.

The place where said water is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 36., Twp. 4 S., Range 1 W., B. M.

The right to take water from such works is based upon Permit No. 22047.

The source of supply from which such water is diverted is Harts Creek.

The date of priority which said user is prepared to establish is April 20, 1951.

MARK R. KULP,
State Reclamation Engineer.

3-12-4