

95-27
Caldwell, Idaho.

Sept 5, 1920.

Mr W. G. Swendsen, Commissionere of Rec'n.

Boise, Idaho.

Dear Sir:-

Your late letter received; I note that you are likely to be able to send an examiner to look afet and to report upon our water proof upon Jump Creek the latter part of the month. It has grown so late in the season, and then on account of our getting moved and settled in our new home in Caldwell, I will be so very much engaged that I can't well get away, and daughter will be away teaching; It is impottent that one of us go with the examiner.

You have the report of the examiner upon construction. I was over just a short time ago (we have had a renter for the last three years) and found that the head of the ditch would not be recognized now as the ditch that was reported upon. The ditch was constructed long before there was a County road near there. But a road now crosses the ditch some 200 feet from the headgate. A small cement pipe; I should say 16" has been placed in the ditch and the earth graded up to it. Then just amediately above the road, some irrigator allows his wast to run in the ditch, it was running in when I was there. The ditch I found washed full to the level of the ground, nothing but the bank above, the ditch so filled that the water flowed back and run in the creek.

I will get over and look after this as soon as I can. Will you now kindly defer the matter untill say after the 15th of Oct? Daughter and I were both near used up three years ago and just had to quit the ranch. We have both well recovered. She so she will go teaching again for a time and I so (help being short) I made a hand with the younger boys in the hayfield, then the farmer that I was helping wished me to stay on at \$100. the month. I stayed as long as I could well having our own affairs to look after.

And while this will not interest you will say: I only lack 2½ months of being 75; The dear old wife and I were married 50 years ago to day.

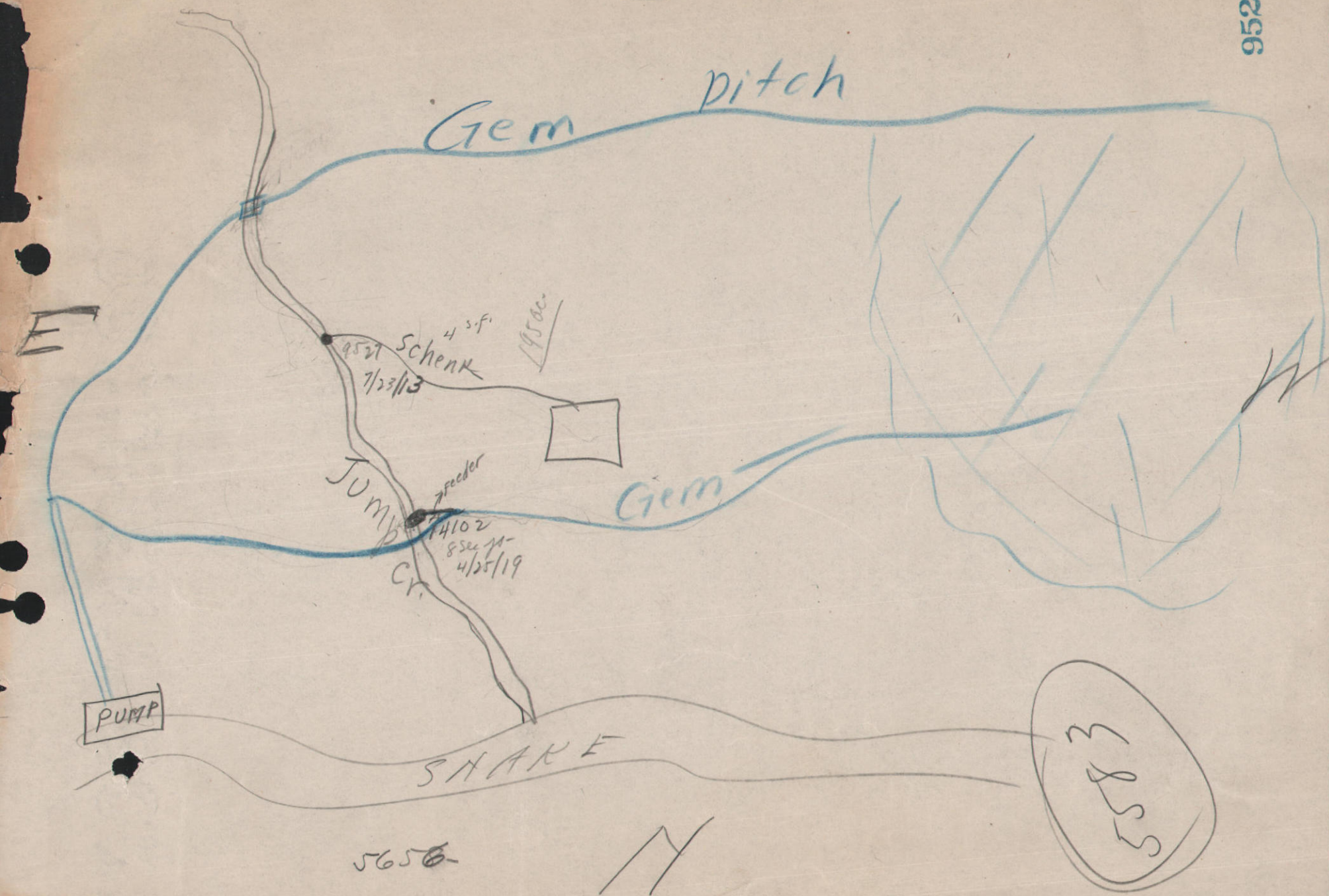
Very respectfully Submitted.

W. H. Schenck.

We live on a little short street in the west part of town called Aven st.

9527





Caldwell, Idaho.

August the 29, 1920.

Assistant Attorney General of Idaho.

Boise, Idaho.

Dear Sir:-

I met a gentleman in Caldwell yesterday, one J. S. Crockett of Homedale. He informed me that he had been in Boise looking up my water filing upon Jump Creek in Owyhee County, near Homedale. He said he had acquired land covered by the ditch diverting the water under my permit. I haven't my memoranda at this time where I can get at it but there was near 30 acres of the 40 he claims that was irrigated through the ditch. There is doubtless no record as yet in the Engineers office of the proof of beneficial use; but the proof was submitted in the early spring of 1919. No certificate has been issued under this proof but we have the certificates of proof of construction.

The facts are that the Gen District is butting in every where and simply trying to annoy me and use me up. They have cut our ditches at will; constructed ditches regardless of ours, have had me arrested for rebuilding our ditches where cut by them, have enjoined me from diverting water from a draw west of our place; in fact left nothing undone. Even squandered thousands of dollars as I can show to beat me. But so far I have held my own everywhere.

In case of the proof offered upon the use of the water; any such proof; the Stat. provides that the State Engineer shall make his report at the time proof is offered. Well on to two years has lapsed since this proof was offered, no report has been made, not even examined. The time passed for making the examination before the proof was offered; from the fact that a report could not be made with the proof unless the examination had been made. I therefore claim it is but the duty of the Engineer to issue the proper document at once regardless of the examination. I know the district filed a protest. They did the same when we made proof of construction. The then engineer told me of it (the man from the office) when he examined the ditch. You will find a good report from him. I know we have a perfect right to this water. Have used it since 1905.

You see the facts are this: We were there when the district was formed. They tried to force us in. I went before the Commissioners and got 1000 acres in this tract known as the Schenck tract set out. This hurt the bunch.

Mr Crockett said you was willing to look after the thing. I know of course this is none of your official duty. I know it is the plain duty of the Engineer to issue our licence. Now if you can get the kinks out of him and we get our rights, I am willing to pay you a fair fee for your services. These things annoy me. I have reached the age of 75 years and am trying to get all my affairs cleared up. One week from today wife and I have been traveling together for 50 years; we have but the one child left. (Ida)

We are in Middleton now but will begin moving to our new home in Caldwell tomorrow.

Very respectfully yours.

J. E. Schenck.

P. S.

You see I was in bad shape two years ago. They expected me to die any time. Then they had but the girl to fight. But I picked up and took a new holt and made a full hand in the hay and harvest as well as with the shovel and the water. (This season taking down

\$100.00 per month with house and garden
milk in, 9527

Notus, Idaho.

March 3, 1920.

Mr W. G. Swendsen, Commissioner,

Boise, Idaho.

Dear Sir:-

It is now something like a year since my daughter made proof of beneficial use of the waters of Jump Creek in Owyhee County, under a certain permit issued from your office. Up to this date we have not recieved the Certificate of proof; Neither this or my proof upon the Mule Creek proof. Will you kindly send our certificates at once? It is very necessary that we have them.

It seems by a letter from your office during your absence in the east that no inspection had been made. I can't see that this is at all necessary in this case as the records of your office will show no adwers filings, and they will show that the ditch was constructed and in good shape.

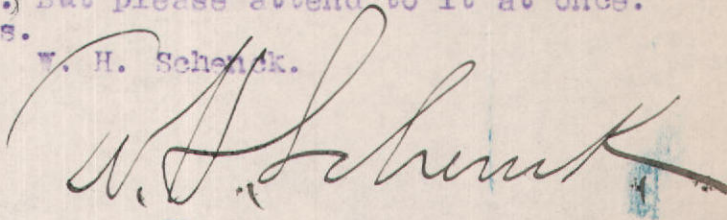
I have a right to presume you would consider an inspection unnecessary for the same reason. And for further proof of this that it was not made, (quoteing the Stat.) "On or before the date set for receiving such proof". 2 "Engineer shall, on or before the date set for such final proof, examine, or cause to be examined,"

1. Sec. 3258. 2. Sec 3260. The latter is for final proof.

Kindly let me hear from you at once. I can make the trip to Boise to confer with you if you wish, you makeing a date that is early. I must go to Oregon soon for some weeks. Wish this off my mind before I go. Or I can meet you in Caldwell any day. (If you should wish to go over, I will arraing to take you.) But please attend to it at once.

Very respectfully yours.

W. H. Schenk.



9527



Notus, Idaho.

Jan 20, 1920.

Mr W. G. Swendsen, State Engineer,

Boise, Idaho.

Your Sir:-

Your letter by Mr Brown of, the 10th inst received.

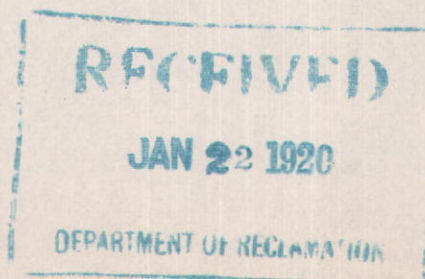
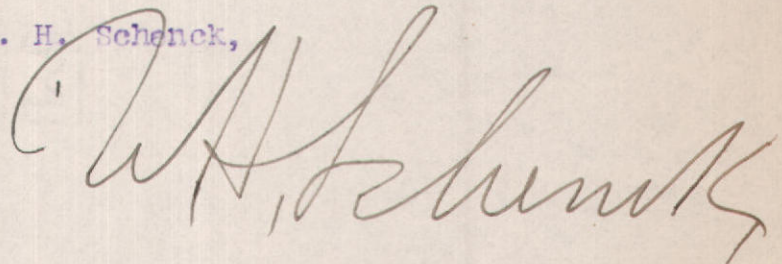
I wish to be informed as to the date of the party going to inspect matters as to the proof and use of water under permit No. 9527. Jump Creek. We have been the only users of this water for all these years. (Since 1905.) We included in our proof all the land and as exact as we well could ALL the land that we had used water upon. First to last. But on account of the intermitent flow we had to cut some of it out.

I wish to make sure to be on deck with your party. I of course know of the protest and the fact that the Gen attorney called up our attorney at the time (just before) we offered proof, told him they intended to carry the thing to Silver City. Dureing the 17 years that I have worked in that vacinity, I have learned those people well if not favorably. We just want our own. Nothing more.

I presume it will be well to furnish a special affidavit of some facts in the case that the examiner may take in with his report.

Very respectfully yours.

W. H. Schenck,



9527

Notus, Idaho.

Jan 9, 1920.

State Engineer,

Boise, Idaho.

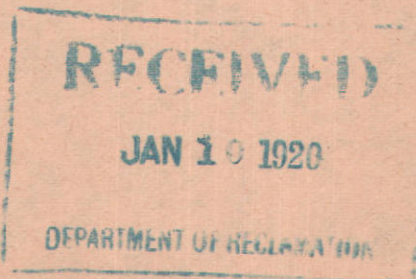
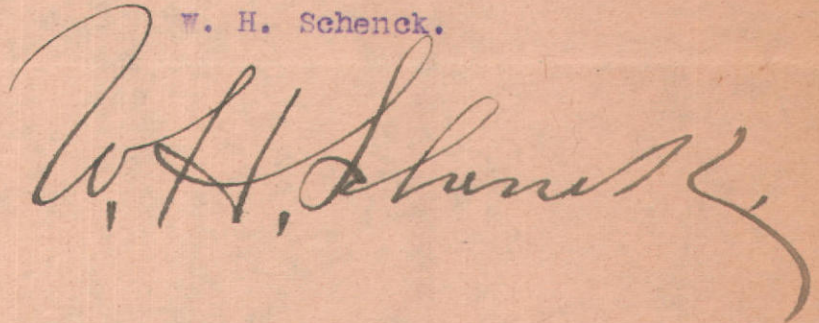
Dear Sir:--

Several months ago proof of beneficial use was submitted upon
or under two permits. Viz: Permit 9527. Jump Creek; ^{Permit} 10361. Mule Creek.

If my memory serves me correctly we have; my daughter and I,
filled all the requirement a long time ago, and that I was notified
that you would take action as soon as some one from the office (or
words to that effect) made his report. Since then we have heard nothing.
Kindly let me hear from you.

Very respectfully yours.

W. H. Schenck.



9527

Avalanche

CERTIFICATE OF PUBLICATION

STATE OF IDAHO,
County of Canyon, } ss.

I, James R. Keith, being first duly sworn, deposes and says:
That he is the editor of the Avalanche newspaper published at Nampa, in the County of Canyon, State of Idaho; that said paper is in general circulation in the County aforesaid, and in the vicinity of Nampa; that the advertisement, a copy of which is attached hereto, was published in said newspaper every week for

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 26th day of April, 1919, at Caldwell, County of Canyon, State of Idaho, before the Probate Judge of Canyon County, proof will be submitted of the application to beneficial use of the equivalent of a continuous flow of six cubic feet per second of the waters of Jump Creek in accordance with the terms and conditions of Permit No. 9527 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Ida Schenck, Caldwell, Idaho.

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

3. The place where said water is used (if for irrigation, give full and

accurate description of the lands irrigated) SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; 25 Acres in the East Half of the SW $\frac{1}{4}$ Sec. 14; T. 3 N., R. 5 W., B. M.

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

5. The right to take water from such works is based upon Permit No. 9527.

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

7. The date of the priority which said user is prepared to establish is July 23, 1913.

W. G. SWENDSEN,

M. 22 4t. State Engineer.

four consecutive weeks in the regular and entire issue of every number of said paper during the period and time of publication, and was printed in the newspaper proper and not in a supplement. Such notice was published

in the issue beginning with March

22 1919, and ending with the issue of April 1919

Subscribed in my presence and sworn to before me, this 25 day

of April 1919.

9527

Publication Fee \$12.50

F. A. Hagelin
Notary Public for State of Idaho
Residence, Nampa, Idaho.

Caldwell, Idaho.

May 7, 1919.

Mr W. G. Swendsen, Commissioner,

Boise, Idaho.

Dear Sir:-

Yours of the 3rd inst, received. I mailed an other letter to the Avalanche yesterday in regard to the publication of the notice. You of course know that other than I selecting the paper in the county, all other goes through the State Engineers office. I have no doubt but he sent it to the paper named, yet I have no evidence whatever that he did or that it was published except that I learned from the Probate Judge. He sent my daughter notice that he was to take the proof upon a certain date, and that the protest had been filed.

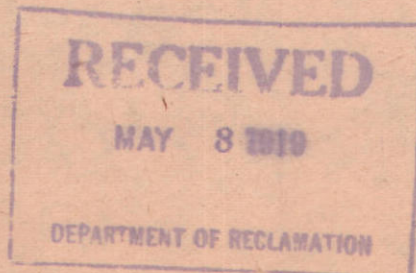
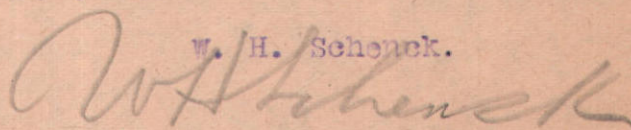
The District people will do any thing to injure us. They will head off the notice if they can. They have been annoying us in every way they could from the conception of the district. The management has spent thousands of dollars to this date injure us and brake us down. And I might say up as well. We were there when the district was conceived of. All was done that could be to force us in the district; but because we had water we got out and took some other lands with us. In all 1000 acres. Had we not have been there there can be no doubt but that the district would (and it should have) have been irrigated from an other source. Our ditches has ben damed by them and the water turned out in the sage brush, a more times than one. Ditches washed full and broken from brakes in their ditches and they have ever refused to repair them. Had me arrested for rebuilding one of our latterls where they had destroyed it in building one of theirs. But I will bother you with no more of this but there is much more.

But will mention an occurence since the proof was made. Their attorney J. M. Tompson, called up Mr J. A. Elson, presuming he would act for us knowing that he had represented us in other cases. Asking him if he was our attorney. Elson informed him that he had acted for us. Tompson informed him that they intended to follow it up, take it to Silver City ect. They well know we have the rights. They know our property is of little value without this water. They know we must put up our own hard cash while they can tax the people of the Gem District and get pay for going to Silver City.

I have very serious doubts about getting the affidavit of publication. I know the people I am up aganst. I would be pleased to have you make inquiry of the State Engineer and learn what you can of the facts in the case. I directed the collection be sent to the Commercial bank at Caldwell. Would gladly remit the paper if I knew any thing about it. (if it has been published.)

Very respectfully yours.

W. H. Schenck.



9527

No. 2.

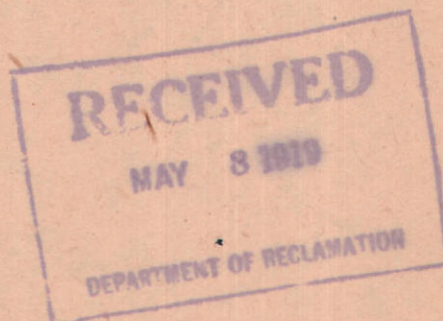
Mr Swendsen:-

There was an other matter that I had intended to ask you about but it left my mind.

There is a place just south of daughters place, (her homestead) on State Land; a small basin; that has become very boggy and wet. There is quite a little water ; several inches draining out from this, and flows out on her land, can go no where else without ditching. I am of the opinion that if some work was done; either dredging or sinking pipes for the water to come up through instead of forceing its way out through the soil, perhaps 15 to 25 inches might be developped. May be more; no telling. In mid summer we are away short on water.

How can we secure this water and the right to develop it and by so doing redeem the land? Any thing larger than a dog bogs up in it. Sheep get right down and can not get out.

W. H. Schenck.



Copy
Caldwell, Idaho.

May 6, 1919,

Avalance Editor,

Murphy, Idaho.

Dear Sir:-

I mailed you a letter on April 26 asking about the publication of a water proof notice of my daughter Ida Schenck, so far I have learned nothing; I have a letter from the reclamation Commission stating he had not received it yet.

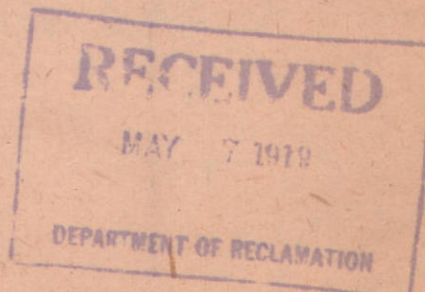
You know of course that these matters have to pass to you via of State Engineers office. The party at interest has no way knowing much about it except through the publisher. Let me hear from you at once.

Very truly yours,

W. H. Schenck.

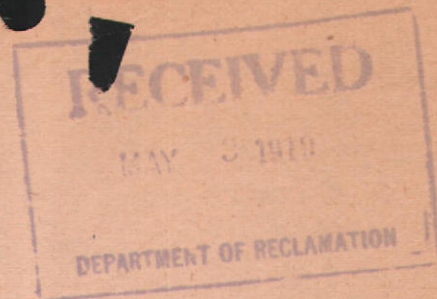
W. H. Schenck

9527



Caldwell, Idaho.

May 2, 1919.



Mr Wilkie, State Engineer,

Boise, Idaho.

Dear Sir:-

Daughter made her proof on the 26th as I had aimed to provide for, but neither of us had learned any thing from the publication of the notice. Not even have recieved a printers proof. But I mailed the Avalanche a letter on the morning of the 26th, asking about it. I felt sure you had sent it in but had no evidence of that .

I wrote the paper that if it had been published, to either send it to you and a bill to me, or if they preferred to send the affidavit to the Commercial bank Caldwell, together with a copy with sight draft. I was at the ~~PD~~ yesterday and will go again to day. But to this date have learned nothing.

Very respectfully yours.

W. H. Schenck.

P S.

An other thing. It seemed the Judge had learned that our proof (I presume the right to divert at all) would be conteated. This from what the Gem District people have been doing heretofor was what I expected. It occured to me that it might be necessary to furnish proof more extensive and more in detail. But: we aimed to cover the case as well as we could under the circumstances.

Our ditch is large, was constructed with a 9foot bottom from Mule Creek. 9 or 10 feet, not just sure which as it has been so long. Any way; it was wide enough to work a large (the largest) Western elivating grader in as that is what we used to construct it with.

A 20 horse machine.

S.

9527

Caldwell, Idaho.

April 20, 1919.

State Engineer,

Boise, Idaho.

Dear Sir:-

Kindly send me a set of blank affidavits for proof of water in the case of my daughter Ida, to be used in the proof before the Probate Judge in Caldwell on the 26 of the month. Daughter is away but will be on hand for the proof. It is quite a saving for us to have these all ready when we go before the Judge.

Very respectfully yours.

W. H. Schenck.



9527

(P. O.)

(Date)

Nampa Idaho
March 22-1919

State Engineer, Boise.

Dear Sir:

I have your letter of *March 18-1919* enclosing Notice of Proof of ~~Completion of Works and Beneficial Use~~ of Water under Permit No. *9527* which will be published as you request, beginning with our issue of *March 21-19*

RECEIVED

MAR 25 1919

OFFICE OF STATE ENGINEER

Joe R. Keith
(Per wife)

9527

Caldwell, Idaho.

March 1, 1919.

Mr Fred A. Wilkie, State Engineer,

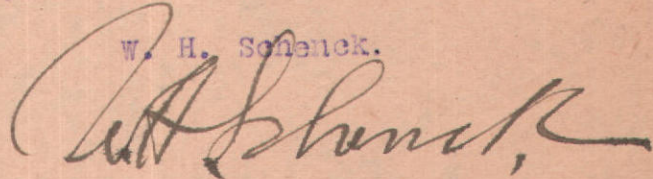
Boise, Idaho.

Dear Sir:-

Enclosed you will find application notices for proof under permit No. 9527. I believe I have all in good shape. But kindly check up and make any corrections needed. I am very much incapacitated; the weight of years and a strenuous life is likely to have had some thing to do with bringing this about. My daughter is now in Boise taking treatment. The work at the ranch seems to have been too heavy.

Very respectfully yours.

W. H. Schenck.



9527

February 28, 1919.

Re Permit 9527.

Mr. W. H. Schenck,
Caldwell, Idaho.

Dear Sir:--

Replying to your letter of the 26th inst. would say that the assignment on record under the above permit transfers the entire right to Ida Schenck and the proof will have to be made in her name. Your name will, therefore, be eliminated from the notice.

As to the date of priority would say that under the statutes, the date of priority under a permit right is the date of the first receipt of the application in this office, unless the proof of beneficial use of water is made later than the date specified in the permit, in which case the date of priority will have to be brought down accordingly.

If you will fill out the blanks sent you as to the date and place of proof and name of officer, and describe the land you desire to include in the proof, we can complete the notice from our records.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

9527

Caldwell, Idaho.

Feb 26, 1919.

Mr Fred A. Wilkie, State Engineer,

Boise, Idaho.

RECEIVED

FEB 28 1919

OFFICE OF STATE ENGINEER

Dear Sir:-

I am enclosing application for Mr Jessee; you may make returns to him at Homedale. He will be there by that time.

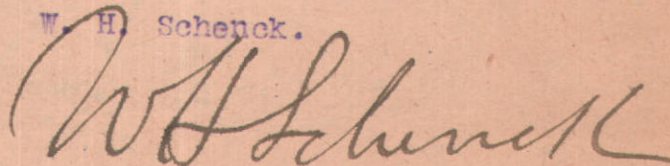
But there is two points in my application for proof of use under my permits that I am not sure of. Can't see that it makes any difference to me; but wish to be sure that I have it si it will meet with your approval when done.

You ~~XXXXXX~~ intimate upon the face of the returned publication notice; that Ida Schenck should be made a party. Now is this? I prefer she be left out. Or that one or the other be left out as no one here now know any thing about useing this water except in a general way. We two have been right there all the time untill last season. I of course did the irrigating. I need her as a witness.

The date of priority. While the date upon this permit; No. 9527 is July 23, 1913; the application for this permit calls for the same water and it gets the same water as no one else is in between; as permit No. 1920. Approver April 14, 1906. It seems to me that I should use the 1906 date; but I wish to use the one you can & approve. Please advise me.

Very respectfully yours.

W. H. Schenck.



9527

February 25, 1919.

Re Permit 9527. 10361.

Mr. W. H. Schenck,
Caldwell, Idaho.

Dear Sir:--

Replying to yours of the 22nd inst. would say that the statutory fee of \$5.00, for proof of completion of works under Permit No. 9527, was received January 25th. The certificate of completion of works will be mailed to you soon. The affidavit of publisher for proof of beneficial use of water under Permit No. 10361 was received a few days ago. License will be held under this permit pending the examination by our engineer later in the spring.

As to notice of proof of use of water under Permit 9527 would say that the notices were returned to you in order that the description of the land might be made clearer. Each legal subdivision of 40 acres should be set off by a comma, thus: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and so on. Where the letters are all run together without punctuation, it is impossible for us to separate the land for publication. The amount of water should be cut down to conform with the acreage to be included in the proof. Am enclosing another set of blanks to be filled out.

Am also sending blank application, per your request. You may make the application, in the other parties name, by you, as agent.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

F10-11-F1

9527

Caldwell, Idaho.

Feb 22, 1919.

Mr Frob A. Wilkie, State Engineer,

Boise, Idaho.

Dear Sir:-

Enclosed please find a letter that speaks for itself. What of it?

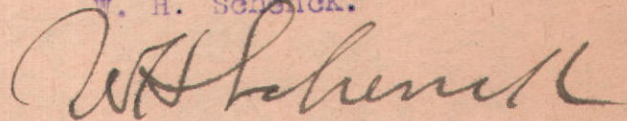
Some weeks ago I sent you finally the affidavit of publication together with the fee of \$5.00 as required of your office for proof of construction of our ditch from Jump Creek. Please let me hear from this.

Some time ago I made application for proof of the use of the water conveyed through the Jump Creek ditch; application returned to me for some corrections. I wrote you for some information upon the matter. Would be pleased to hear from this that I may proceed correctly.

Kindly send me a set of blanks for application for a permit to divert water. Mr W. H. Jessee wishes me to make up a set for him; also make the application for him as his agent if I can.

Very respectfully yours.

W. H. Schenck.



RECEIVED

FEB 24 1919

OFFICE OF STATE ENGINEER

9527

Caldwell, Idaho.

Jan 31, 1919.

Mr Fred A. Wilkie, State Engineer,

Boise, Idaho.

Dear Sir:-

I find in going over my Permits and arrainging my proof for tomorrow upon permit 10361, that I should have offered proof upon permit No 9527 on or before August 20, 1918. This had sliped my mind entirely and the other was also gone if I had not been notified.

Please send me blanks for the proof publication for 9527.

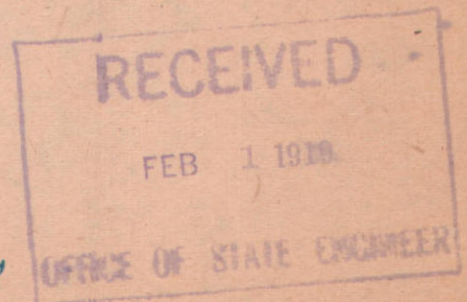
I have been in quite bad shape for some time, went clear to the bottom last spring. That is why my daughter and I are not on the "Schenck" ranch to day. I may never get clear back. My 73 years make aganst me doubtless to some extent.

Very respectfully yours.

W. H. Schenck.

7-10-11

9527



Homedale, Idaho.

January the 23, 1919.

*cash
5.00*

State engineer, Boise, Idaho.

Dear Sir:-

Enclosed you will find Mr Frank E. Trotters affidavit of publication of notice of proof of construction under Permit 9527.

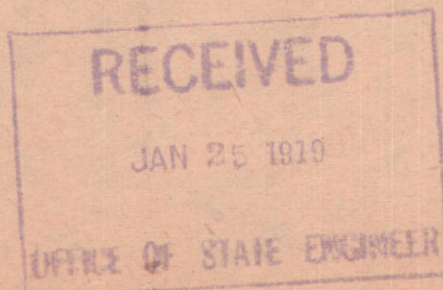
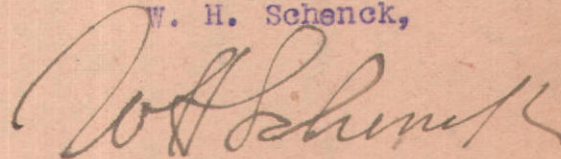
This was first delayed by Mr Trotter being away; then it went out of my mind. Later on in looking over my files I discovere a letter from your office stateing the requirements befor the issuing a certificate of proof of construction. Then I went after Mr Trotter and gined him up but it was months and months before I could get it. Since I got the affidavit the principal ^{was} I have not sent it in I have been all this time very short of the cash. But we have been useing the water right along and presume all is well. Hope so at least.

The water I am to make proof upon Feb 1st mingles with the water of Jump Creek. Is used upon the same land. Mule Creek is but a tributary of Jump Creek and that filing was a precautionary measure.

Find enclosed the fee of \$5.00,.

Very respectfully yours.

W. H. Schenck,



9527

Notice of Publication.

Notice is hereby given that at 2 P. M., on the 10th day of October, 1914, at Homedale, County of Owyhee, State of Idaho, before L. B. Yaden, Notary Public, Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Jump Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

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

2. The postoffice address of such person or principal place of business of such corporation is Homedale, County of Owyhee, State of Idaho.

3. The number of such Permit is 9527, and the date set for the completion of such work is August 20th, 1914.

4. Said water to be used for Irrigation and Domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place intended for use, in accordance with the plans accompanying the application for such permit is 20 cubic feet per second.

6. The amount of lands for which said water is available is 1000 acres, particularly described as follows: W1-2, E1-4 Sec. 10, W1-2 and SE 1-4 of NE1-4, NW 1-4, SW 1-4 SE 1-4 Sec. 15: SW 1-4 Sec. 14: E 1-2 of E 1-2 of Sec. 16: T. 3 N R. 14 W, B. M.

F. P. KING,

I, Frank E. Trotter, Publisher of the Homedale Empire Press, published weekly at Homedale, Idaho, do solemnly swear that a copy of the attached notice was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for six consecutive weeks, commencing with the issue dated September 30th, 1914, and ending with the issue dated October 8th, 1914.

Frank E. Trotter

Subscribed and sworn to before me this 7th day of June, 1918.

Philo L. Nye
Notary Public.

9527

RECEIVED

JAN 25 1919

OFFICE OF STATE ENGINEER

April 19, 1916.

Re Permit 9527.

Mr. W. H. Schenck,
Homedale, Idaho.

Sir:--

Returning herewith your affidavit for change of point of diversion, with duplicate map, the same having been placed on record in this office.

You are proceeding within your rights in putting in the pumping plant for the underflow that passes under your land.

Very truly yours,

J. H. SMITH,

State Engineer.

APD-M

By _____

9527

SCALE: 2 INCHES = 1 MILE.

DRAW PLAN IN INK

T 3 N R 5 W B. M.

SEC.

SEC.

SEC.

15

14

SEC.

SEC.

SEC.

22

23

SEC.

SEC.

SEC.

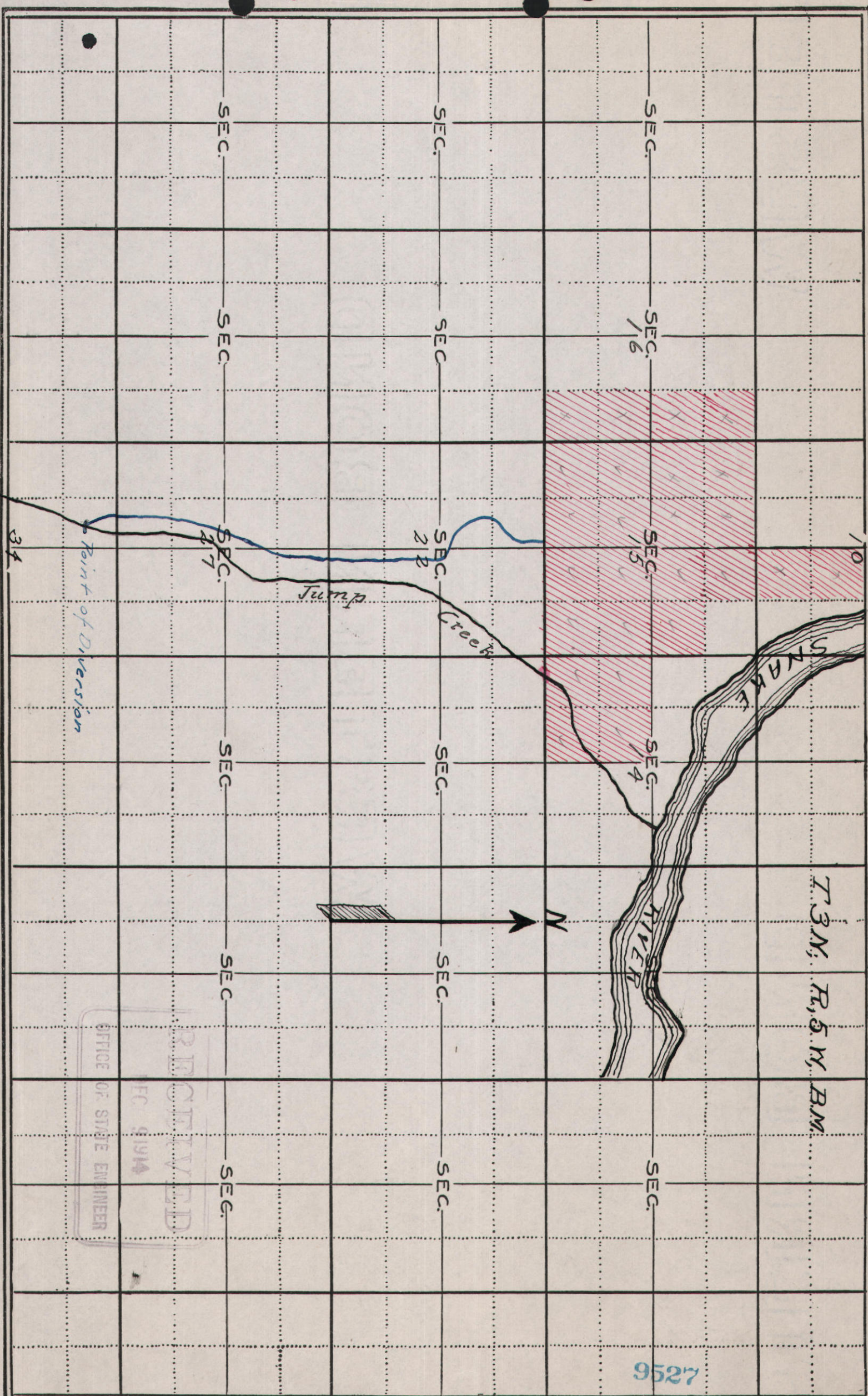
27

26

JUMP CREEK
DITCH

RECEIVED
APR 15 1907
OFFICE OF STATE ENGINEER

9527



QWYHEE COUNTY DEVELOPMENT COMPANY, Ltd.

Information furnished upon
Irrigated Land and water
Rights.

DEALERS IN AND IMPROVERS OF CHOICE FARM LANDS

A few Choice Tracts of Land
Always For Sale.

Homedale, Idaho,

Nov the 15th, 1914.

State Engineer,

Boise, Idaho.

Dear Sir:-

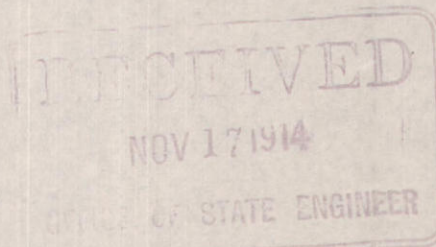
I recieved your letter stating that some one would be down to look over the ditch from Jump Creek some time, please let me know a few days ahead, I wish to be here when he comes. If I do not know the timw I may be away, will sure be away on the 23rd of the month. There is ^a matter that I wish to particularly confer with him upon. An obstruction placed in our ditch by the Gem Irrigation District people. Then too, I will send in the proof in a few days that will be due Jan the 8th, 1915.

Very truly yours,

W. H. Schenck

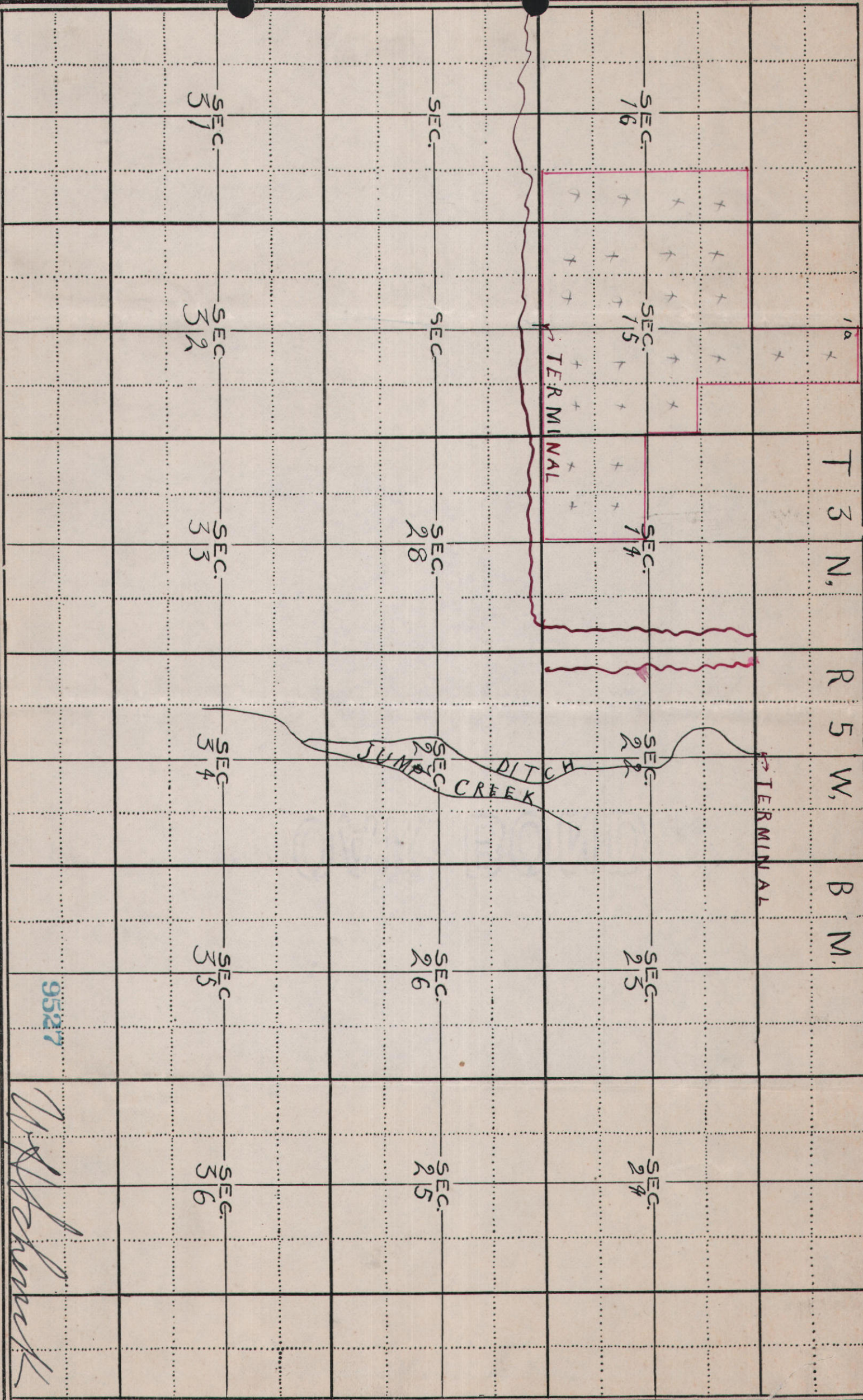
9527

10-26-1914



9527

Name of Applicant



9527

W. Schumack

State of Idaho License and Certificate of Water Right

Water License No. 9527

Amount 3.7 sec.ft.

Water District No. 51

Priority 11/13/13

THIS IS TO CERTIFY that **W. H. SCHENCK** of **Homedale, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **July 23, 1913**; that Permit No. **9527** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **20 second feet**, was issued thereunder on **February 28, 1919**, showing that said works were completed on the **24th day of October, 1914**; and that on the **26th day of April, 1919**,

IDA SCHENCK, of **Homedale, State of Idaho**, made proof to the satisfaction of the **Commissioner of Reclamation of Idaho**, of the right to use the waters of **Jump Creek**, a tributary of **Snake River**, for the purpose of **irrigation and domestic use**, under Use Permit No. **9527** of the **State Engineer** 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 Commissioner of Reclamation of Idaho and entered of record in **Volume 5** of Licenses, at page **2791**, on the **22nd day of March, 1921**;

The right hereby confirmed dates from **November 13, 1913**;

The Point of Diversion is located in the **NE 1/4 NW 1/4 Sec. 34, Tp. 3 N., R. 5 W., B. M.**

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 **3.7 cubic feet per second**.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 E.	5 N.	10	W 1/2 SE 1/4	))	

No. 14299.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: **W. H. Schenck.**Postoffice address: **Homedale**County: **Owyhee**State: **Idaho.**

I. If applicant is a corporation, give

(a) Date and place of incorporation.

(b) The amount of capital stock.

(d) Names and addresses of directors.

(c) The amount paid in.

II. The financial resources of the applicant are: (a) Cash on hand.

(b) Treasury stock.

(c) Bonds to be issued.

(d) Other resources.

2. The quantity of water claimed is **twenty** cubic feet per second.3. Source of water supply: **Jump Creek.**4. Location of point of diversion: **NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34. T. 3 N., R. 5 W.B.M.**County of **Owyhee.**5. To be used for: **irrigation and domestic use.**I. Irrigation and domestic use: (a) Amount of land to be irrigated: **one thousand** acres.(b) In the following legal subdivisions: **W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 10; W $\frac{1}{2}$ & SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 15, SW $\frac{1}{4}$ Sec. 14; E $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 16; T. 3 N., R. 5 W.B.M.**

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under ft. head.[c] Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: **\$2,000.00**7. Description of works for diversion: **Cement headgate. Check in the Creek of Sage brush and rock.**I. Kind of works: **Ditch.**

II. Dimensions of works:

[a] Height of dam feet, length of dam at top feet,length of dam at bottom feet. Material used in construction:[b] Capacity of reservoir acre feet. [c] Size of headgate, width **six** feet,Height **four** feet. (d) Conduit **Ditch** width at bottom **six** feet,width at water line **ten** feet, depth of water **1.2** feet; diameter of pipe**inches; average grade per mile is 2.64 feet. Length of conduit is 2.5 miles, and it crosses the following quarter sections: After leaving Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, T. 3 N., R. 5 W.B.M.**8. The time required for the completion of the construction of such work is **one** years.9. Time required for the complete application of the water to the proposed use is **four** additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

W. H. Schenck.

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 A.M. July 23, 1913.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 9527.

Recorded in Book 31 Page 9527 Approved August 20, 1913.

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 October 19, 1913, 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 February 20, 1914.

The whole of said work to be completed on or before August 20, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before August 20, 1918.

Witness my hand this 20th day of August, 1913.

M.P. King,
State Engineer.

Remarks:

This application is made to cover a portion of the same water applied for in Permit No. 1920. Approved April 14, 1906. The ditch was constructed in due time from the point named in the first application: But changed conditions made it necessary to change the point of diversion. Bad weather stopped the work so it could not be done, and the proof was rejected. The teams are now at work and the ditch will soon be finished. I am using the ditch as first constructed as a part of my Succor Creek system.

*On proper request of the holder of the above numbered permit
I have this 3rd day of September 1914, extended
the time for completion of work thereunder to the 5th day
of December 1914.*

J. P. KING, State Engineer

THIS INDENTURE, Made this 12th day of April, in the year of our Lord One thousand nine hundred and fifteen, between W. H. Schenck, of Homedale, County of Owyhee, State of Idaho, the party of the first part, and Ida Schenck, of the same place, party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE DOLLAR, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, together with other valuable considerations, do by these presents, remise, release and forever QUITCLAIM, unto the said party of the second part, and to her heirs and assigns, forever, all his rights, title and interest in and to twenty cubic feet per second of time of the waters of Jump Creek, as per permit NUMBER 9527, dated August 20th, 1913. Also the equivalent of a continuous flow of six cubic feet per second of time of the waters of Mule Creek, as per permit NUMBER 10361, dated July the 8th, 1914, and all the rights acquired therewith, and all the ditches and other works constructed thereunder. All of which are situated in Township three north of Range five west of the Boise Meridian.

TOGETHER, With all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Recorded by

Checked by

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances unto the said party of the second part and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

W. H. Schenck.....(SEAL)

State of Idaho,)
) ss.
County of Owyhee.)

On this 13th day of April, in the year 1915, before me , L. D. Hyslop, ... in and for said County, personally appeared W. H. Schenck, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he subscribed to the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.

L. D. Hyslop.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho. at 9.00 a.m. Apr. 21, 1915.

J. H. Smith,
State Engineer.

STATE OF IDAHO,)
 : SS.
County of Owyhee.)

W. H. Schenck, 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. 9527.
That he intends to change the point of diversion, as described in said permit, to the following described point: for five (5) second feet of the water subject to diversion under the said permit:
Location of point of diversion: in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27 T 3 N., R 5 W. B. M.
That such change will be made for the following reasons, to-wit: there is a heavy body of coarse sand and much water passes through this that we are not able to divert, much of this water comes to the surface below that we can get in the lower ditch. We can reach the bed of the creek at the lower point, some thing that was not practicle above, but it takes the higher point to reach the highest point of the land to be supplied with water under the permit.
That no one will be injured by such change and that deponent will make such change at his own risk.
And further deponent saith not.

W. H. Schenck.

NOTARIAL SEAL. Subscribed and sworn to before me this 14th day of April, 1916.

L. D. Hyslop,
Notary Public.
Residing at Homedale, Idaho.

My commission expires July
23, 1918.

Received and filed for record in the office of the
State Engineer at Boise, Idaho, at 9:00 A. M. April 15, 1916.

J. H. Smith,
State Engineer.

Proof C.W.-10-24-14.

Permit No. 9527.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Ida Schenck of Homedale, County of Owyhee, and State of Idaho, the holder of Permit No. 9527, issued upon Application No. 14299 bearing date of priority of July 23, 1913, authorizing the diversion of 20.0 second feet of the waters of Jump Creek, 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 20.0 second feet of the waters of Jump Creek; that the point of diversion of said waters is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, T. 3 N., R. 5 W., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 10; W $\frac{1}{2}$ & SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 15, SW $\frac{1}{4}$ Sec. 14; E $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 16; T. 3 N., R. 5 W., B.M.

Witness my hand this 28th day of February, A. D. 1919.

Fred A. Wilkie,
State Engineer of the State of Idaho.

License issued for 3.7 second feet

Page 2791

9527

RICHARD B. EISMANN
Attorney-At-Law
HOMEDALE, IDAHO
January 17, 1953

RECEIVED
JAN 20 1953
Department of Reclamation

Department of Reclamation
Capital Building
Boise, Idaho

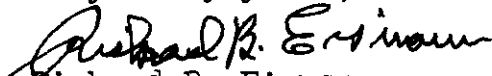
Re: Mansisidor Misc.

Gentlemen:

Enclosed herewith please find my check in the sum of \$1.50 to cover the costs of certifying permit #9527 which sum you billed to J. R. Cornell under your letter dated January 9, 1953.

Thank you very much.

Very truly yours,


Richard B. Eismann

RBE/imp
Enclosure:

R25435

9527

January 9, 1953

RE: Permit No. 9527

Mr. J. R. Cornell
c/o First National Bank
10th and Idaho Streets
Boise, Idaho

Dear Mr. Cornell:

In reply to the telephone request, we enclose a certified copy of License No. 9527 in the name of Ida Schenck.

The cost for making this is \$1.50, for which you may send us your check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

JA/vog
Encl.

Delivered 10

Deik Eismann

1-9-53

9527

✓
January 6, 1953

RE: Permit No. 9527

Mr. Ernest Anderson
Attorney at Law
Parr, Idaho

Dear Mr. Anderson:

In reply to your letter of January 2, 1953, in regard to a water right in Jump Creek.

Our records show License No. 9527, with priority of November 13, 1913, issued to Ide Schenck for 3.7 second feet of water from Jump Creek for use on 195 acres of land located in the $W\frac{1}{2}$ $SE\frac{1}{4}$ Section 10, $NW\frac{1}{4}$, $SW\frac{1}{4}$, $S\frac{1}{2}$ $NE\frac{1}{4}$, and $SE\frac{1}{4}$ Section 15, $SW\frac{1}{4}$ Section 14, and the $E\frac{1}{2}$ $E\frac{1}{2}$ Section 16, Township 3 North, Range 5 West, B.M.

I cannot understand how we overlooked this when you were in the office recently, as it is plainly listed in our stream index of filings on Jump Creek.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

9527

ERNEST ANDERSON
ATTORNEY AT LAW
PARMA, IDAHO

RECEIVED
JAN 5 1953
Department of Reclamation

January 2, 1952.

Department of Reclamation,
State of Idaho,
Boise, Idaho,

Dear Sirs:

You will recall that about two weeks ago I was in your office inquiring about a water right or water filing for the following lands in Owyhee County, Idaho, to-wit:-

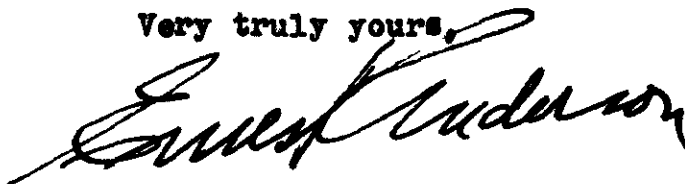
SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Township 3 North, Range 5 West of the Boise Meridian.

On Jump Creek, a tributary of Snake River, and you replied that you could not find in the record applicable.

To-day I am in receipt of a letter from Mr. Kenneth G. Downing, Clerk of the District Court, at Murphy, Idaho, in which he informs me that a Water Right calling for 3.7 cubic feet per second of the waters of Jump Creek, a tributary of Snake River for domestic and irrigation use under Use Permit No. 9527, has been issued by the State Engineer for use on the said lands.

This letter is for your records and information.

Very truly yours,



9527

L 9527-11/13/13
3.7 Dan Schenck-
NW $\frac{1}{4}$ Sec 10
NW $\frac{1}{4}$ - SW $\frac{1}{4}$ - SE $\frac{1}{4}$ 15
SW $\frac{1}{4}$ 14
E $\frac{1}{2}$ E $\frac{1}{2}$ 16
195 acres
11-13-22-21

9527

✓

December 31, 1948

Mr. Jack D. Corman
Box 581
Caldwell, Idaho

Dear Mr. Corman:

We enclose certified copy of Water License
No. 9527 which you requested this morning.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

Enc.

9527

April 15, 1921.

Re: Permit 9527.

Mr. W. H. Schendk.
Caldwell, Idaho.

Dear Sir:-

Enclosing herewith water license issued under the
above numbered permit.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

L

9527

March 29, 1921.

Re: Permit 9527.

Mr. W. H. Schenck,
Saldwell, Idaho.

Dear Sir:-

Replying to yours of the 28th inst. would say that you misunderstood the conversation relative to the change of point of diversion under the above permit as we stated to you the time you were in the office the affidavit for change of point of diversion had been recorded ~~in the~~ permit book under the record of the permit exactly as the affidavit read that you showed us. A "note" is never made upon our records of such changes but the entire affidavit recorded, as we stated to you the day you were here taking up the matter. We also told you that a certified copy of the record of the affidavit could be furnished you for \$1.00.

Trusting that we have been able to make this plain to you,
I am,

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

9527

Caldwell, Idaho.

March 28, 1921.

Reclamation Office,

Boise, Idaho.

RE To whom this may come:-

I was in the office a few day ago and made inquiry as to the transfer of a portion of the water of Jump Creek in Owyhee County, covered by permit No. 9527. The application to transfer had been recorded, and I was informed that but a note of this fact had been made upon the permit.

Now will you kindly give me in a letter just what the note is? Word for word.

Very respectfully yours.

W. H. Schenck,
W. H. Schenck

9527



March 21, 1921.

Re: Permit 9527.

Mr. J. H. Lowell,
Caldwell, Idaho.

Dear Sir:—

Fees for proof of beneficial use of water under above permit have been received and license will be issued under the above numbered permit in regular order.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

9527

March 7, 1921.

Re: Permit 9527- W.H.Schenck.

Mr. J. H. Lowell,
Caldwell, Idaho.

Dear Sir:—

Relative to proof under the above numbered permit would say that the license will not be issued until statutory fees in the sum of \$18.00 have been received. On December 14, 1920, a letter was sent to the holder advising him that such fees were due but as yet no reply has been received from him.

Very truly yours,

W. G. STENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

Rec'd - 6632

9527

December 14, 1920.

Re: Permit 9527. Ida Schenck.

Mr. W. M. Schenck,
Caldwell, Idaho.

Dear Sir:--

The report of our examining engineer, for proof of beneficial use of water under above permit, shows parts of nine forty acre tracts under cultivation and irrigation. The statutory fees will, therefore, amount to \$18.00 and, upon receipt of same, license will issue.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

9527

December 7, 1920.

Permit 9527. ✓

Messrs. Thompson & Bicknell,
Attorneys-at-Law,
Caldwell, Idaho.

Gentlemen:

After careful consideration of your protest filed against the issuance of a license under the above numbered permit, you are advised that this Department has decided to deny said protest and issue the license to the permit holder.

The Schenk application was made filing upon the waters of Jump Creek and no mention was made in said application of the waters to be appropriated being waste water from the "Vichline Canal of the Gem Irrigation District. The license as issued will read "the waters of Jump Creek" with a date of priority of July, 1913, the date of the filing.

While we do not doubt the claim of the district to the water wasting from the Vichline Canal and which can be and are picked up and re-used by the district due to the fact that the water so released has not been abandoned, yet the right to the use of this water and the claim therefor has not been established before this Department. This point involved must be decided by the Courts.

An appeal from our decision may be taken as provided by Section 5583 of the Compiled Statutes.

Very truly yours,

W. G. SWEIDSEN,
Commissioner of Reclamation.

By

STB:WB

Assistant.

9527

7527--

Caldwell, Idaho.

Sep. 5, 1920.

Mr W. G. Swendsen, Commissioner of Recl'n.

Boise, Idaho.

Dear Sir:-

Your letter received; I hope that you are likely to be able to send an examiner to look after and to report upon our water proof upon the 1st of the 1st of the month. It has grown so late in the season, and then on account of our getting moved and settled in our new home in Caldwell, Idaho, we are so very much engaged that I can't well get away, and daughter will be away teaching; It is important that one of us go with the examiner.

You have the report of the examiner's examination. I was over just a short time ago (we have had a water for the last three years) and found that the head of the ditch could not be recognized now as the ditch that was reported upon. The ditch was constructed long before there was a road. But a road now crosses the ditch some 200 feet from the headgate. A small cement pipe; I should say 16" has been placed in the ditch and the earth graded up to it. Then just immediately above the road, some irrigation ditch was made to run in the ditch, it was running in when I was there. The ditch I found washed full to the top of the grade, but the bank above, the ditch so filled that the water flowed back and run in the creek.

I will do my best to do as good as I can. Will you now kindly defer the matter untill say after the 15th of Oct? Daughter has been near used up three years ago and just had to quit the school. We have both well recovered. She so she will go teaching again for a time and I so (help being short) I made a hand with the younger boys in the hayfield, then the farmer that I was helping wished me to stay at \$100. the month. I stayed as long as I could well having our own affairs to attend to.

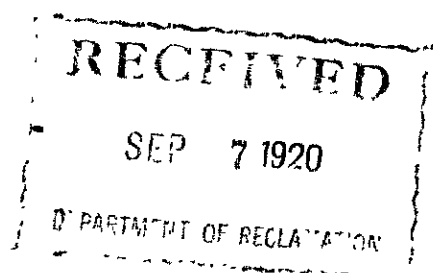
Best you will say: I only lack 27 months of being 75; The dear old wife and I were married 50 years ago to day.

Very respectfully Submitted.

W. H. Schenck.

We live on a little short street in the west part of town called Aven st.

9527



REPORT OF ENGINEER

This proof is for Ben. use.In Water District No. 51.

1. State name of applicant and number of permit: Ida Schenk, Permit 9527.
2. State source of water supply: Jump Creek.
3. Location of point of diversion: #1 NE⁴ NW⁴ Sec. 34, T. 3 N. R. 5 W. B.M.
#2, Sec. 27, 3 N. 5 W.
4. Describe works as they exist, giving dimensions and capacities of same:

#1, - E. and lumber dam, 7' H. 40' L.
Conc. H.G. 6' B. 4' H. Ditch, 6' B. 1' D. Cap. 4 S.F.

#2, - E. dam, 3' H. 75' L. Wood H.G. 2.5' B. x 1' D.
Ditch, 3' B. 1' D. Cap. 4 S.F.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location 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 for other than irrigation): SE⁴ SE⁴, SW⁴ SE⁴, NW⁴ SE⁴, S2 NE⁴ SE⁴, SE⁴ NW⁴, N2 NW⁴ NW⁴, NE⁴ SW⁴, Sec. 15, 25 A. in E2 SW⁴ Sec. 14, T. 3 N. R. 5 W. B.M.
SE⁴ SE⁴, 30 A. cult. SW⁴ SE⁴, 30 A. NW⁴ SE⁴, 30 A. S2 NE⁴ SE⁴, 10 A. SE⁴ NW⁴, 20 A. N2 NW⁴ NW⁴, 10 A. NE⁴ SW⁴, 20 A. cult. (Sec. 15.)
NE⁴ SW⁴, 10 A. SE⁴ SW⁴, 15 A. (Sec. 14)
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? One.
9. Give names and amount of each right:
10. What large stream would the water here appropriated finally reach? Snake River.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: from land to Jump Creek, to Snake River.

Remarks:

This examination was made on the 10th day of October 1920.

(Signed)

L. R. Amett
L. R. Amett.9527 Examiner.

(This report must be sworn to when not made by an attache of the office)

STATE OF IDAHO,

County of.....

ss.

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this.....day of.....19.....

My commission expires.....

Notary Public.

DIST. 51.

Ida Schenk.

Caldwell.

Permit 9527.

Instructions to Examiners.

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same
3. Find out how many parties own right in the ditch or canal and give their names and amount of right
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same
5. 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
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. 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.

S

Cem Pitch

9527

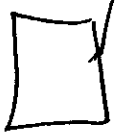
5658

SHAKE

PUMP

2/21 Schenk
4 s.f.
7/31/3

COMB
10/2
8 sec 14
11/19



5583

Ida G. Henk. # 9525



9527
10000

Boise, Idaho

Sept. 3, 1920.

Re: Water Permits.

Mr. W. H. Schenck,
Caldwell, Idaho.

Dear Sir:

Your letter of August 29th addressed to the Attorney General of Idaho has been referred to this Department. In reply, would say that our Examining Engineer will be upon the ground to make the examination and reports on Beneficial Use of Water, sometime the latter part of this month.

Yours very truly,

W. G. SWENDESEN.

Commissioner of Reclamation.

By _____

9527

ROY L. BLACK
ATTORNEY GENERAL

DEAN DRISCOLL
JAMES L. MOONE
ASSISTANTS

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL
BOISE

September 1, 1920

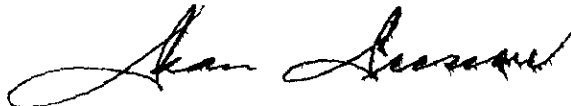
Hon. W. G. Swendsen,
Commissioner of Reclamation,
Building.

Dear Sir:

I am enclosing herewith a letter from
Mr. W. H. Schenck of Caldwell, Idaho, together
with copy of my reply thereto.

Kindly have the matter looked up and
see if it cannot be adjusted.

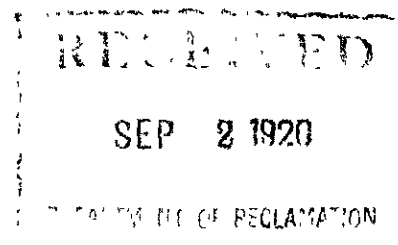
Yours very truly,



DD L

First Assistant.

9527



September 1, 192

Mr. W. M. Schenck,
Caldwell, Idaho.

Dear Sir:

This will acknowledge receipt of your letter of August 27th. Mr. Crockett was mistaken in saying that we could look after the matter of the waterright referred to in your letter, as it is a matter left to the Engineer and not to our office.

We did advise him to take it up with his own private attorney, who was Mr. Alfred Stone of Caldwell. Neither would the Attorney General's office be permitted to accept a fee for services rendered as attorney general.

However, we will refer your communication to the Engineer's office and ask them to report to you on the matter.

Yours very truly,

DD L

First Assistant.

9527

Caldwell, Idaho.

August the 29, 1920.

Assistant Attorney General L. F. Idaho.

Idaho. Idaho.

Dear Sir:-

I met a gentleman in Caldwell yesterday, one J. C. Crockett of Homedale. He informed me that he had been in Boise looking up my water filing upon land in Cassia County, near Homedale. He said he had acquired land covered by the ditch diverting the water under my permit. I have my memoranda at this time where I can get at it but there was near 30 acres of the 40 he claiming was irrigated through the ditch. There is doubtless no record as yet in the Engineering office of the State Engineer. The proof was submitted in the early spring of 1919. No certificate had been issued under the provisions of the act of construction.

The facts are that the district is butting in every where and simply trying to annoy me and use me up. They have cut our ditches at will; constructed ditches regardless of ours, have had me arrested and have enjoined me from diverting water from a draw rest of our place; in fact left nothing where. They are as bad as I can show to beat me. But so far I have held my own everywhere.

In case of the proof offered upon the use of the water; any such proof; the Stat. provides that the State Engineer shall make his report at the time proof is offered. Well on to two years has lapsed since this proof was offered, no report has been made, not even examined. The time period for examination before the proof was offered; from the fact that a report could not be made with the proof unless the examination had been made. I therefore claim it is but the duty of the Engineer to issue the proper document at once regardless of the examination. I know the district filed a protest. They did the same when we made proof of construction. The then engineer told me of it (the man from the office) when he examined the ditch. You will find a good many of them. I know we have a perfect right to this water. Have used it since 1905.

You see the State is this: We were there when the district was formed. They tried to force us in. I went before the Commissioners and got 1000 acres in this tract known as the Schenck tract set out. This hurt the bunch.

Mr Crockett said you was willing to look after the thing. I know of course this is none of your official duty. I know it is the plain duty of the engineer. Now if you can get the kinks out of him and we get our rights, I am willing to pay you a fair fee for your services. These things annoy me. I have reached the age of 75 years and am trying to get all my affairs cleared up. One week from today wife and I have been traveling together for 50 years; we have but the one child left. (Ida)

We are in line for a new home in Caldwell tomorrow.

Very respectfully yours.

J. C. Schenck

P. S.

You see I was in bad shape two years ago. They expected me to die any time. Then they had but the girl to fight. But I picked up and took a new hold and made a full hand in the hay and harvest as well as with the shovel and the water. (This season taking down

\$100.00 per month with house rent garden & milk in, 9522

March 8, 1920.

Re: Permits ¹¹³⁶¹9527-10861

Mr. W. H. Schenck,
Notus, Idaho.

Dear Sir:--

Replying to yours of the 4th inst. would say that, in view of the fact that the statutes require an examination to be made on final proof before issuing the license, we could not consider an inspection unnecessary under the above permits. It will be several weeks yet before these can be attended to so there is no reason why you should not make your trip to Oregon. It is possible for a man to be sent at present for this work.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

March 7, 1920.

Mr. J. S. Schenck, Commissioner,

Boise, Idaho.

Dear Sir:-

It is not something like your inquiry as to have proof of beneficial use of the waters of Jump Creek in Owyhee County, under a certain patent issue. Up to this date we have not received the certification of proof; Neither this or any other of the all the proof. Will you kindly send our certification at once? It is very necessary that we have them.

It seems by a letter from your office that you are of the opinion that no inspection had been made. I can't see that this is at all necessary in this case as the records of your office will show all adverse filings, and they will show that the ditch was constructed in an S shape.

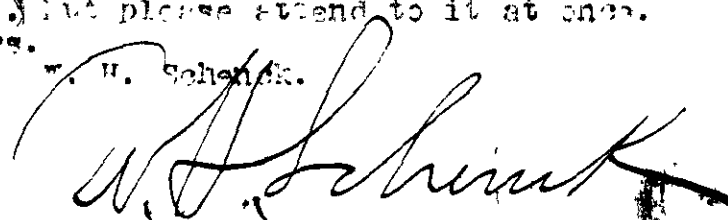
I have a right to presume you would consider any such other unnecessary for the same reason. The law further provides that it was not made, (Stat. 1917, § 1000) "On or before the date set for receiving such proof, or on or before the date set for such final proof, or on or before the date to be examined,"

1. Sec. 1000. 1. Sec. 1000. The latter is the final proof.

Kindly let me hear from you at once. I can make the trip to Boise to confer with you if you wish, you making a date that is early. I must be in Oregon soon for some weeks. Wish this of my mind before I go. Or I can meet you in Caldwell any day. If you should wish to go over, I will arrange to pick you up but please attend to it at once.

Very respectfully yours.

W. H. Schenck.



RECEIVED

MAR 4 - 1920

DEPARTMENT OF REVENUE

9527

9527
10361

Idaho.

Jan 20, 1920.

Mr. J. J. Granger, State Engineer.

Boise, Idaho.

Dear Sir:-

Your letter by Mr. Brown of the 10th inst received.

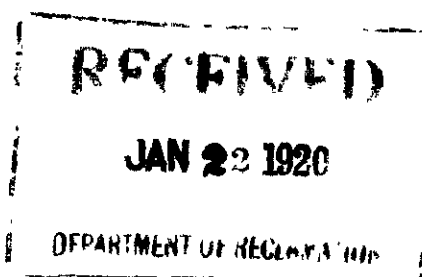
I wish to be informed as to the date of the party going to inspect matters as to the proof and use of water under permit No. 9527. Pump Creek. We have been the only users of this water for all these years. (since 1905.) We included in our proof all the land and as exact as we well could. All the land that we had used water upon. First to last. But on account of the intermittent flow we had to cut some of it out.

I wish to make sure to be on deck with your party. I of course know of the protest and that it was called up our attorney at the time (just before) we offered proof, told him they intended to carry the thing to Silver City. During the 17 years that I have worked in that vicinity, I have learned those people well if not favorably. We just want our own. Nothing more.

I presume it will be well to furnish a special affidavit of some facts in the case that the examiner may take in with his report.

Very respectfully yours.

W. H. Schuch, Jr.



9527

January 10, 1920.

Re Permit 9527.

Mr. W. H. Schenck,
Notus, Idaho.

Dear Sir:--

Replying to yours of the 9th inst. would say that an examination by a representative from this department will be made for proof of use of water under the above permit as soon as possible in the spring. Just how soon this can be done, we are unable to say at this time. No action will be taken, either for or against the proof, until the report of our engineers has been made, at which time you will be further advised in the matter.

Very truly yours,

W. G. SWENHEDSEN,

Commissioner of Reclamation.

By _____

9527

Idaho, Idaho.

Jan 9, 1920.

State Engineer,

Boise, Idaho.

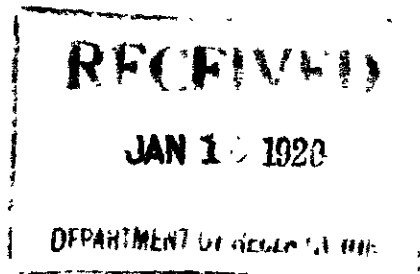
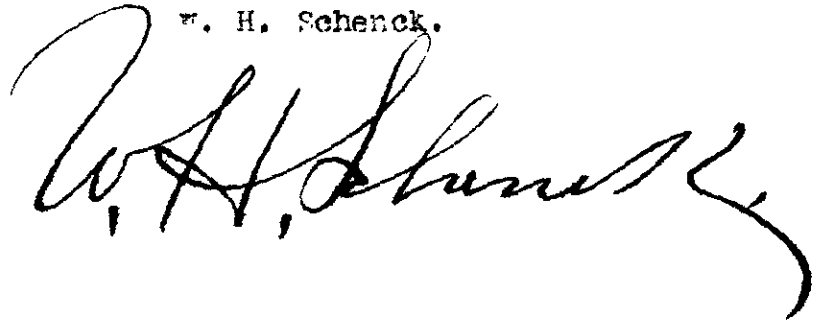
Dear Sir:-

Several months ago a report of beneficial use was submitted upon
or under the permits. Viz: Permit 9527. Jump Creek; ^{Idaho} 20001. Little Creek.

If my memory serves me correctly we have; my daughter and I,
filled all the requirements a long time ago, and that I was notified
that you would take action as soon as some one from the office (or
some one in that effect) made his report. Since then we have heard nothing.
Kindly let me hear from you.

Very respectfully yours,

W. H. Schenck.



9527

August 12, 1919

In re: Permit #9527

W. H. Schenck,
Caldwell, Idaho:

Dear Sir:

Replying to your letter of inquiry of the 8th, relative to the above numbered permit, you are advised that our files show that affidavit showing proof of publication relative to the final proof submitted under the permit, has been filed in this office.

Yours very truly,

W. G. SANDHAM

Commissioner of Recreation

By

LHM

9527

June 11, 1919.

In Re Permit 9527.

Messrs. Thompson & Bicknell,
Attorneys-at-law,
Caldwell, Idaho.

Gentlemen:

In reply to your letter of June 9th in regard to the protest of the Gem Irrigation District against issuing a license on the proof of beneficial use of Ida Schenck, you are advised that this protest will be taken up when examination is made by this department under the proof, and that you will be duly advised.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

RFL/MB

By

9527

THOMPSON & BICKNELL

TORNEYS AND COUNSELLORS

ROOMS 19-20-21 COM. BANK BLDG

CALDWELL, IDAHO

J M THOMPSON

WM C BICKNELL

June 9, 1919.

RECEIVED

**State Reclamation Department,
Boise, Idaho.**

DEPARTMENT OF RECLAMATION

Gentlemen:

Whenever the protest of the Gem Irrigation District against Ida Schenck under water right application #9527 is to be heard, will you kindly let us know. There is no hurry about this, but we merely wish to be notified when it is heard.

Yours respectfully,

John J. Thompson

JMT-K.

9527

CERTIFICATE OF PUBLICATION

STATE OF IDAHO,
County of Canyon, ss.

I, *James R. Keith*

That he is the *editor* of the *Owyhee Avalanche* newspaper published at *Nampa*, in the County of *Canyon*, State of Idaho; that said paper is in general circulation in the County aforesaid, and in the vicinity of Nampa; that the advertise-

ment, a copy of which is attached hereto, was published in said newspaper every week for *four* consecutive weeks in the regular and entire issue of every number of said paper during the period and time of publication, and was printed in the newspaper proper and not in a supplement. Such notice was published in the issue beginning with *March*

22 191*9*, and ending with the issue of *April* 191*9*

James R. Keith X

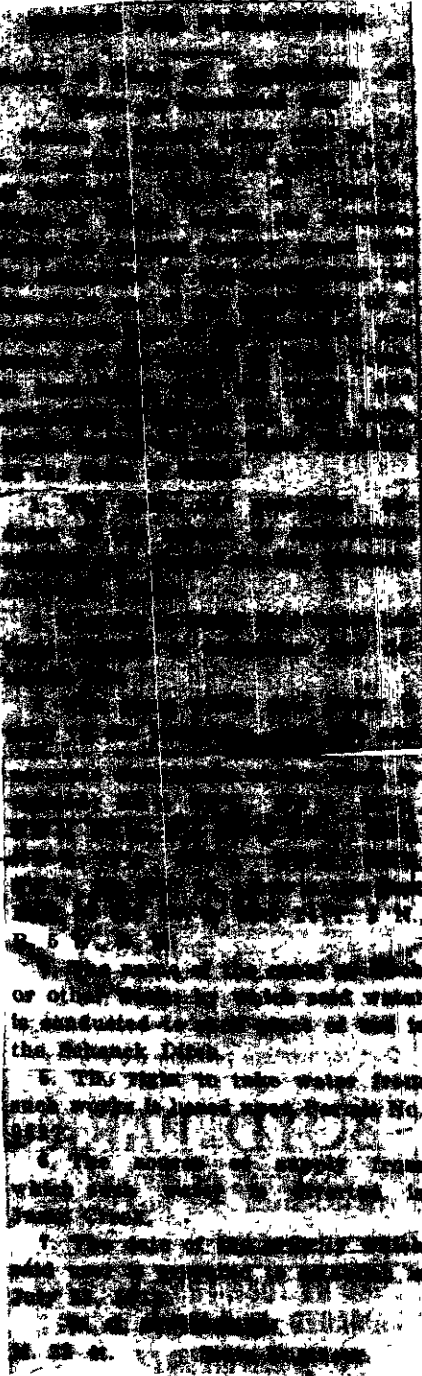
Subscribed in my presence and sworn to be-

fore me, this *25* day of *April* 191*9*.

9527

Publication Fee *\$12.50*

F. A. Hagelin
Notary Public for State of Idaho,
Residence, Nampa, Idaho



May 8th
1919

W. B. Schenck,
Caldwell, Idaho.

In re: Permit: 9527

Dear sir:

This will acknowledge receipt of your letters under day of May 7th, you are advised that the water flowing from the bog described in your letter may be filed upon under the regular procedure laid down by this Department.

I would suggest that you take up the matter of the affidavit of publication under permit 9527 personally with the Mr. James R. Keith of Nampa, the publisher of the paper to which the notice by sent by this office.

Yours very truly,

W. G. Swendsen,
Commissioner of
Reclamation.

By:

9527

3. 7. 1954

7-11-1947

Yours of the 7th inst. received. I am sorry that the avalanche tendency in regard to the character of the paper. You of course know that even the selecting a paper in a certain office or a State Engineer of Idaho. I have no doubt but he sent it to a paper named, and I have in evidence whatever and I did in that I published a report that I had been by the Probate Judge. He sent my register notice that he was to take the ore for a certain date, and that the protest had been filed.

The big thing is the will of any thing to injure us. They will have notice if they can. They have been surveying to in every way they could from the conception of the district. The management has spent thousands of dollars so this estate injure us and broke us down. And I might say up as well. We were there when the district was conceived of. All was done that could be to force us on the district; because we had water to grow on some other lands with it. In all 1000 acres. Had we not have been there there can be no doubt that the district would (and it should have) have been irrigated from an other source. Our water has come on them and the water has got in the brush, more times than one. Ditchers have been broken from breaks in their ditches and they have ever refused to repair them. Had we arrested for rebuilding one of our latterle where they had destroyed it in building one of theirs. But I will bother you with no more of this; but I am much more.

But will mention an occurrence since the proof was made. Their attorney J. M. Thompson, 1114 17th St. S. Albuq., presuming he would act for us knowing that he had represented us in other cases, told us that he was our attorney. Elston & Forward hired him and acted for us. Thompson informed him that they intended to follow it up, take it to Silver City etc. They had taken away the rights. They know our property is of no value without this water. They know we must put up our own head gate which will cost tax the people of the Gem District and get away from going to Silver City.

I have very serious doubts about getting the affidavit of publication. I know the people I set up against. I would be pleased to have outside inquiry. Call the State Engineer and learn what you can of the facts in the case. I directed the collection be kept in the National Park at Laurel. Would gladly lend the papers, and answer any thing about it. (a) If the collection is needed.

Very respectfully yours,

W. H. Seibert

0 3 2 1 A4 2 0 1 1

9527

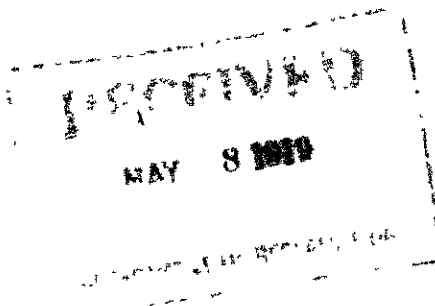
No. 1

There is an other system that I have seen
and it is out but it left my mind.

There is a place just south of my farm place (I am located
in White Land; a small basin; that has become very boggy and wet. There
is quite a little water; several inches draining out from this, and
flows out in a line. I can go there all the way without ditching. I am of
the opinion that if some work was done; either dredging or sinking
pipes for the water to come up through instead of flowing, and
through the soil, perhaps 15 to 20 inches might be developed. May
be more; no telling. In this water is very short of water.

How can we secure this water and the right to develop it and by
so doing redeem the land, by thing larger than a bog bogs up in it.
Sheep eat right down and can not get it.

J. H. Schaefer,



Col. H. L. Lister.

May 1, 1918.

Wilmington, N. C.

Mr. W. L. Lister.

Dear Sir:-

I am sorry to hear of your trouble about the publication of a letter from the office of the Surgeon General, so far I have heard of it; I have a letter from the Surgeon General, but it has not been received at yet.

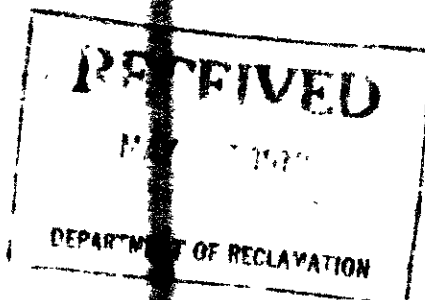
It is of course that these matters have to go to you and to the State Department of the. The party at interest has no way to go about it except through the publisher. Let me hear from you at once.

Very truly yours,

E

W. L. Lister.

9527



May 3rd,
1919

In re: Permit: 9527

W. H. Schenck,
Caldwell, Idaho.

Dear sir:

This will acknowledge receipt of your letter under date of May 2nd, in re the above permit.

To date hereof, there has been received no affidavit of publication.

There has been a protest filed against the granting of license under the above permit, by the 4th Irrigation District, but nothing will be done with said protest until after an examination by an engineer from this office.

Mine very truly,

W. G. Swendsen,
Commissioner of
Reclamation.

By:

Calvin, Idaho.

July 1, 1919.

Mr. Wicks, Co. Engineer,

Boise, Idaho.

Dear Sir:-

Laughter was my portion on the 26th as I had aimed to provide for. But neither of us had learned how to bring the matter to the notice. Not even have received a printer's proof. But I mailed the Avalanche on the 26th, asking about it. I am sure it is in but had no evidence of that.

I wrote the paper that if it had been published, to either send it to you or to me, or if they preferred to send the affidavit to the General District Court. I will try to get it with me at the time of the 26th and will go again to day. But to this date have learned nothing.

Very respectfully yours,

W. H. Shurtliff

On the 26th. It seems the Judge had learned that our proof (I presume the right to divert at all) would be contested. This from what the Gem District people have been doing heretofore was what was expected. It seemed to me that it might be necessary to furnish proof more extensive and more in detail. But we aimed to cover it.

Our ditch, which was constructed with a 10 foot bottom and 12 feet top, 9 or 10 feet deep just sure which as it has been so long. The way; it was for about 1/2 mile (the largest) Western elevating grade in as that is what we used to construct it with.

OFFICE OF STATE ENGINEER,
Boise, Idaho.

Filed -
Apr. 26, 1919

Received
Apr. 23, 1919

IN THE MATTER OF THE APPLICATION)
OF IDA SCHENCK TO MAKE PROOF OF)
BENEFICIAL USE OF WATERS OF JUMP)
CREEK, IN OWYHEE COUNTY, IDAHO,)
UNDER WATER RIGHT APPLICATION NO.)
9527.)

P R O T E S T.

COMES NOW the Gem Irrigation District, an irrigation district organized and existing under and by virtue of the irrigation laws of the State of Idaho, through its attorneys Thompson & Bicknell, of Caldwell, Idaho, and protests to the granting of a license to Ida Schenck confirming any right to use water for beneficial purposes under Jump Creek, excepting the amount of the natural flow of said stream;

That the State Engineer is without jurisdiction to issue a license to said Ida Schenck for the reason that there is no water during any irrigation season in Jump Creek, excepting the water that is brought there at great expense by the Gem Irrigation District, as set forth in the affidavits of J. W. Shepperd, Mark Price, and Frank Myler, annexed to this protest and by reference made a part hereof;

That the said Ida Schenck has not reclaimed any portion of the lands described in said notice, to-wit, SE $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$, of Section 15, and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 14, all in Township 3 North, Range 5, West of Boise Meridian, with the natural flow of waters of Jump Creek, for the reason

that there is no water in Jump Creek with which she could reclaim the lands and get a license for beneficial use, excepting that turned into Jump Creek by the Gem Irrigation District, brought to that point by the Gem Irrigation District at great expense;

That protestant asks that an examination be made and a hearing be had upon the issues in this matter, and that said Ida Schenck be denied a license confirming her right to use any amount of the waters of Jump Creek for the irrigation of her lands, or any portion thereof, above described.


Attorneys for Protestant,
Residing at Caldwell, Idaho.

OFFICE OF STATE ENGINEER,

Boise, Idaho.

IN THE MATTER OF THE APPLICATION)
OF IDA SCHENCK TO MAKE PROOF OF)
BENEFICIAL USE OF WATERS OF JUMP)
CREEK, IN OWYHEE COUNTY, IDAHO,)
UNDER WATER RIGHT APPLICATION NO.)
9527.)

A F F I D A V I T.

STATE OF IDAHO,)
County of Canyon,) ss.

W. C. BICKNELL, being first duly sworn, deposes and says: That he is one of the attorneys for the Gem Irrigation District, an irrigation district organized and existing under and by virtue of the irrigation laws of the State of Idaho, and that he makes this affidavit for and on behalf of said Gem Irrigation District;

That this affidavit is supported by the affidavit of J. W. Shepperd, the Engineer of said District, and the affidavit of Mark Price, and the affidavit of Frank Myler, Secretary of the said District, attached hereto and by reference made a part hereof;

That affiant, as one of the attorneys for the Gem Irrigation District, assisted in preparing the affidavits of said J. W. Shepperd, Mark Price and Frank Myler, and that the same were prepared for and on behalf of the Gem Irrigation District.

Subscribed and sworn to before me this 26th day of April, 1919.

W. C. Bicknell
J. M. Thompson
Notary Public for Idaho,
Residing at Caldwell, Idaho.

OFFICE OF STATE ENGINEER,

Boise, Idaho.

-- -- -- --

IN THE MATTER OF THE APPLICATION)
OF IDA SCHENCK TO MAKE PROOF OF)
BENEFICIAL USE OF WATERS OF JUMP)
CREEK, IN OWYHEE COUNTY, IDAHO,)
UNDER WATER RIGHT APPLICATION NO.)
9527.)

A F F I D A V I T.

-- -- -- --

STATE OF IDAHO,)
County of Canyon,) ss.

J. W. SHEPPERD, being first duly sworn, deposes and says: That he is now, and for fifteen years last past has been, a licensed engineer of the State of Idaho, and as such has practised his profession of engineer during said time; that he is at the present time the engineer of the Gem Irrigation District of Owyhee County, Idaho;

That he is acquainted with the following described lands, to-wit: $SE\frac{1}{4}$ of $SE\frac{1}{4}$, $SW\frac{1}{4}$ of $SE\frac{1}{4}$, $NW\frac{1}{4}$ of $SE\frac{1}{4}$, $S\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$ of $NW\frac{1}{4}$, $N\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$, and $NE\frac{1}{4}$ of $SW\frac{1}{4}$, of Section 15, and $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 14, all in Township 3 North, Range 5, West of Boise Meridian;

That during the last week he has examined the above described lands, and from such examination states that there is only ninety-two acres of said land that has been put into cultivation, and upon which water has been used for the reclamation thereof; that water has not been applied for a beneficial use upon a greater portion of the above described land than ninety-two acres, as above set forth, and that the examination that

this affiant made of the above described land consisted of his surveying the portions thus reclaimed, and upon which water has been applied for a beneficial use;

That affiant is acquainted with the creek known as "Jump Creek", and that the said creek is an intermittent stream, and at the present time there is not more than ten inches of natural flow in said stream;

That affiant has made examination of the bed of Jump Creek from where Ida Schenck diverts water from Jump Creek to and above the point where the "A" canal of the Gem Irrigation District crosses the bed of Jump Creek; that the said "A" canal of the Gem Irrigation District crosses the bed of Jump Creek about two miles up the said stream from where said Ida Schenck diverts water for the portion of the lands herein described, and that the amount of water now running in Jump Creek above where the said "A" canal crosses said Jump Creek does not exceed ten inches;

That the amount of water in Jump Creek, where the said diversion works of Ida Schenck divert water from said stream, varies, depending upon the amount delivered into it from the works of the Gem Irrigation District and wasted from irrigation of land within the Gem Irrigation District;

That the Gem Irrigation District diverts water into the "A" canal by means of a lift of 175 feet out of Snake River, at great expense, and the District is in need of all the water that it diverts by means of said pump out of Snake River, and intends to use the same for the irrigation of lands within the Gem Irrigation District;

That the water that said applicant Ida Schenck is attempting to prove she has appropriated to a beneficial use has been brought to Jump Creek at great expense to the owners of

land within the Gem Irrigation District, and had it not been that such water was brought by said Gem Irrigation District to this point, Ida Schenck at this date would not have had more than ten inches of water flowing in Jump Creek;

That affiant is now the Superintendent of distribution for the Gem Irrigation District, and is acquainted with the irrigation system owned and operated by the Gem Irrigation District; that the water which is being permitted to waste into Jump Creek from the irrigation works of the Gem Irrigation District is required and will necessarily be used by the Gem Irrigation District for the irrigation of the lands within said Gem Irrigation District, and that unless the said Gem Irrigation District is allowed to use all of the water so pumped and diverted into its works and wasted from its works and collected by means of said works constructed by the Gem Irrigation District for the irrigation of lands within the Gem Irrigation District, some of the lands within the Gem Irrigation District will have to go without sufficient water for irrigation;

That the said license, if any, granted to the said Ida Schenck should be limited to the natural flow of said Jump Creek above where the said "A" canal of the Gem Irrigation District crosses the bed of said Jump Creek, and no license should be granted to the said Ida Schenck to divert any water pumped at great expense by the landowners of the Gem Irrigation District into the irrigation works of said District and permitted to flow down the bed of Jump Creek for the purpose of diverting the same from Jump Creek to other lands within the Gem Irrigation District, which lands are taxed for the purpose of diverting water from Snake River into the works of said Gem Irrigation District and

carried by said works to the point where the same can be turned into Jump Creek and taken therefrom for the irrigation of such lands;

That affiant has examined the works of the Gem Irrigation District, and said works are not constructed with sufficient capacity to carry water for the irrigation of lands within the Gem Irrigation District with sufficient waste to water the lands of Ida Schenck.

J. W. Shepperd

Subscribed and sworn to before me
this 26th day of April, 1919.

J. M. Thompson
Notary Public for Idaho,
Residing at Caldwell, Idaho.

OFFICE OF STATE ENGINEER,

Boise, Idaho.

- - - - -

IN THE MATTER OF THE APPLICATION)
OF IDA SCHENCK TO MAKE PROOF OF)
BENEFICIAL USE OF WATERS OF JUMP)
CREEK, IN OWYHEE COUNTY, IDAHO,)
UNDER WATER RIGHT APPLICATION NO.)
9527.

A F F I D A V I T.

- - - - -

STATE OF IDAHO,)
) ss.
County of Canyon,)

MARK PRICE, being first duly sworn, deposes and says:
That he is now, and for forty years last past has been, a resi-
dent of Owyhee County, Idaho;

That he has been personally acquainted with the creek
known as "Jump Creek", in Owyhee County, Idaho, for forty years
last past; that the said creek is an intermittent stream, and
that the natural flow of said stream two miles below the canyon
is insufficient during any portion of the irrigation season to
irrigate any land; that during the greater portion of the irri-
gation season the said stream is dry, and there is no natural
flow whatever in said stream during the irrigation season of each
and every year; that affiant makes this affidavit upon his know-
ledge of said stream, having been intimately acquainted with
same for forty years, as above set forth;

That prior to the construction of the Gem Irrigation
District's works in the year 1913, said stream was practically
dry during the entire irrigation season along its entire course
from a point two miles below the canyon to its mouth;

That the "A" canal of the Gem Irrigation District intersects the channel of Jump Creek about four miles below the canyon, and the point on Jump Creek where the said Ida Schenck diverts water from Jump Creek into the irrigation works for the irrigation of her lands in Sections 14 and 15, in Township 3 North, Range 5, West of Boise Meridian, is about two miles below where the said "A" canal of the Gem Irrigation District crosses the bed of Jump Creek; that said "A" canal is a part of the works of the Gem Irrigation District, and the same was constructed during the year 1913; that at the point where the said Ida Schenck is now diverting water from said Jump Creek, prior to the construction of the irrigation works of the Gem Irrigation District in 1913, there was not sufficient water to constitute an irrigation head for the irrigation of any lands;

Waste water from the works of the Gem Irrigation District has produced a constant flow of water in the bed of Jump Creek from the point where the said "A" line siphon crosses said Jump Creek; that the diversion works of Ida Schenck, where the water is diverted from Jump Creek to the lands owned by Ida Schenck, as set forth in said application for beneficial use, are two miles down Jump Creek from where said "A" flume crosses the bed of said Jump Creek, and the water so diverted by said diversion works to the lands of Ida Schenck is accumulated waste water from the works of the Gem Irrigation District;

That during the summer of 1906 this affiant, with one Charles Parsons, dug holes in the bed of Jump Creek to bedrock for the purpose of ascertaining whether or not there was an underflow of water at bedrock; that this construction work was done at different times during the season, and excavation was made to points between six and nine feet below the bed of the stream,

and the result of said excavation proved that there was no under-flow under the bed of said Jump Creek; that the point where the above mentioned investigation was made was at or near the point of the diversion works of said Ida Schenck, where she now diverts water from Jump Creek for the irrigation of the lands hereinbefore mentioned;

That affiant is sixty-six years old and has lived in an irrigated country all of his life, and has each and every year, with the exception of the present year, since he was twenty years of age, raised crops by irrigation.

Mark Price

Subscribed and sworn to before me
this 26th day of April, 1919.

J. M. Thompson
Notary Public for Idaho
Residing at Caldwell, Idaho.

OFFICE OF STATE ENGINEER,

Boise, Idaho.

IN THE MATTER OF THE APPLICATION)
OF IDA SCHENCK TO MAKE PROOF OF)
BENEFICIAL USE OF WATERS OF JUMP)
CREEK, IN OWYHEE COUNTY, IDAHO,)
UNDER WATER RIGHT APPLICATION NO.)
9527.)

A F F I D A V I T.

STATE OF IDAHO,)
County of Canyon,) ss.

FRANK MYLER, being first duly sworn, deposes and says:
That he is now, and for one year last past has been, Secretary
of the Board of Directors of the Gem Irrigation District; that
as such Secretary he is the custodian of all the minutes and re-
cords and files of said Board;

That he is now, and for fifteen years last past has
been, a resident of Owyhee County, State of Idaho; that during
all of said time he has been acquainted with the creek known as
"Jump Creek", the waters of which Ida Schenck is attempting to
make proof of beneficial use;

That from 1904 to 1913 affiant was a rancher and stock-
raiser near Homedale, Idaho, and was intimately acquainted with
the said stream; that during all of said years this affiant
states that there was not an irrigation head of water in Jump
Creek at any time during any irrigation season, with the excep-
tion that at infrequent intervals cloudbursts have produced a
flow of water lasting for a few hours' time only, but that at
other times the stream was dry.

Frank Myler

Subscribed and sworn to before me this 26th day of April, 1919.

J. M. Thompson

Notary Public for Idaho
Residing at Caldwell, Idaho.

OFFICE OF
Probate Judge
OF CANYON COUNTY

S. BEN DUNLAP
JUDGE

CALDWELL, IDAHO.

April 26th., 1919.

Hon. W. G. Swendsen,
Comissioner of Reclamation,
State Engineering Department,
Boise, Idaho.

Dear Sir:

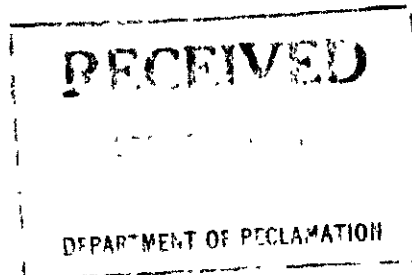
I am enclosing herewith depositions of Ida Schenck, W. H. Schenck and W. S. Jenkins relative the proof of application of water to beneficial use, by Ida Schenck the holder of permit No. 9527.

Miss Schenck wished me to advise you that she had sent for her publication of notice of hearing, and the affidavit of publication by the editor, and that she would forward same to you within the course of a few days.

Very truly yours,

A. Ben Dunlap

9527



PERMIT No. 9527

Proof of Application of Water to Beneficial Use**DEPOSITION OF HOLDER**

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

Ans. Ida Schenck, age 43 years, residence Homedale, Owyhee County, Idaho, occupation housekeeper, Postoffice Address, Homedale, Idaho.

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

Ans. Am not acting in behalf of corporation.

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

Ans. Number of permit, 9527; Dated Aug 20th., 1913- Date of priority I propose to establish, July 23rd., 1913.

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

Ans. Source of water supply is Jump Creek; Location of point of diversion, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 T 3N, R 5W, B. M. County of Owyhee, Idaho.

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

Ans. Works of diversion consists of diversion dam, which is a crib dam five feet high, the width of Jump Creek, headgate of concrete 6 feet wide, also ditch. Amount of water works are capable of conveying from point of diversion to place of use, 6 second feet at least. The ditch by which water is conducted to place of use is known as and is named the "Schenck Ditch."

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 irrigating land hereinafter described, and is used on the same subdivisions hereinafter described, they being described as follows, together with the no. of acres in each subdivision-10 A of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and 10 A. of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 14, 40 A of SE $\frac{1}{4}$ of SE $\frac{1}{4}$; 20 A of NE $\frac{1}{4}$, SE $\frac{1}{4}$; 30 A of SW $\frac{1}{4}$ of SE $\frac{1}{4}$; 30 A of NW $\frac{1}{4}$, SE $\frac{1}{4}$; 20 A NE $\frac{1}{4}$, SW $\frac{1}{4}$; 20 A SE $\frac{1}{4}$ of NW $\frac{1}{4}$; 5 A of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec 15, all being in T 3N, R 5W, B.M. Owyhee Co. All is cultivated, complete system of laterals on all; practically all SE $\frac{1}{4}$ of Sec 15 is alfalfa land.

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

Ans. Used for irrigation exclusively.

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

Ans. The equivalent of a continuous flow of Four (4) second feet.

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. By assignment from W. H. Schenck.

9527

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

Ans. ~~Part of land irrigated in 1905. Lands in Section 14 watered in~~ year of 1911 or 1912. Part of land in NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec 15, irrigated in 1908 and 1909. ~~Part of land in NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec 15 irrigated about 1910 and 1911. Water has been used on SE $\frac{1}{4}$ of Sec 15 each year, with increasing acreage from 1905 up to present time, excepting year 1908. Water used on NW $\frac{1}{4}$ sec 15, in year 1917. Water applied to land by ordinary irrigation, in amounts from very little water to as much as 10 second feet.~~

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. Up to three years ago I diverted water from Succor Creek in Ore

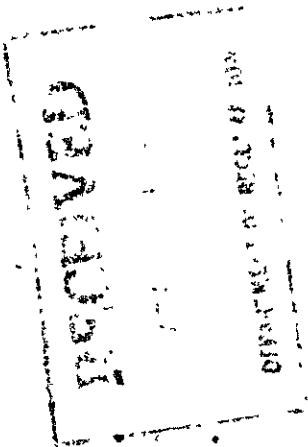
and intermingled it with Jump Creek waters and used same on lands above ~~Ans. described, during flood seasons. Obtained about 3 or 4 second feet~~ from Succor Creek. Flow very intermittant. I use Succor Creek waters under W. H. Jesse's filing. ~~Water rights in this stream have never been decreed by~~ Court. Waters above mentioned used from year 1909 to 1916. I claim 6.2 Second feet from Succor creek under Jesse's filing. Claim water under W. H. Schenck filing on Mule Creek, a record of which is now on file in State Engr's office. Mule Creek is tributary to Jump Creek.

(Sign) *Ida Schenck*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe ^{her} ~~him~~ to be the person ^{she} ~~he~~ represents ^{herself} ~~himself~~ to be, and that said testimony was subscribed and sworn to before me, at my office in Caldwell County of Canyon State of Idaho, on this 26th day of April A. D. 1912.

P. B. Malap
Probate Judge-Canyon County, Idaho.
Residence, Caldwell, Idaho.

9527



Permit No. 9527

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. K. L. Jenkins; Age 69 years; residence Caldwell, Idaho; occupation, retired; Postoffice address, Caldwell, Idaho.

Ques. 2. Are you acquainted with Ida Schenck the holder of Permit No. 9527? How long have you known ^{her}~~him~~ and where does ^{she}~~he~~ reside?

Ans. About 40 years acquaintance with Ida Schenck, she now resides at Homedale, Owyhee County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9527, and are you familiar with its provisions and conditions?

Ans. Yes I have read above mentioned permit and am familiar with its conditions.

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. Source of water supply is Jump Creek; Location of diversion is NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec 34 T 3N, R 5W B. M. Owyhee County, Idaho. Works of diversion consist of diversion dam five feet high, the width of Jump Creek at point of diversion, headgate of concrete 6 feet wide, also ditch used for conveying water to place of use.

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? Estimate works will convey approximately 10 second feet. I have seen water being used, and the effects of irrigation, cannot say as to amount.

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. Water is used for irrigating land described as follows, to-wit;

Ans. Part of SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec 14; All of SE $\frac{1}{4}$ of SE $\frac{1}{4}$; Part of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; Part of SW $\frac{1}{4}$ of SE $\frac{1}{4}$; Part of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; Part of NE $\frac{1}{4}$ of SW $\frac{1}{4}$; Part of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; Part of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 15, all in Township 3 North, Range 5 West B.M. Owyhee County, known as the Schenck Ranch.

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

Ans. Water is used for irrigation.

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. Land was sage brush land originally. I estimate that amount of water required, to be from five to ten second feet.

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

Ans I have no interest in works, water or land above mentioned.

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 been on the lands above described at various times and have witnessed the effects of irrigation in the way of crops, alfalfa, etc.

(Sign) W. S. Jenkins

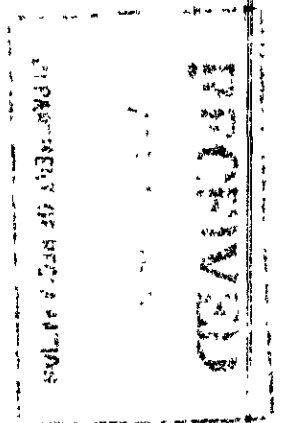
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell County of Canyon State of Idaho, on this 26th day of April A. D. 1919.

R. B. Sunlap

Probate Judge - Canyon County, Idaho

My residence, Caldwell, Idaho.

9527



Permit No. 9527

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. W. H. Schenck; Age 74 years, residence, Caldwell, Idaho-
Postoffice Address, is Caldwell, Idaho.

Ques. 2. Are you acquainted with Ida Schenck the
her
holder of Permit No. 9527? How long have you known her and where does she reside?

Ans. Have known her since birth, and she resides at Homedale,
Idaho.

Ques. 3 Have you read or heard read said Permit No. 9527, and are you familiar with its provisions and conditions?

Ans. I have read permit No. 9527 and am familiar with its conditions

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. Source of water supply is Jump Creek, Location of point of
diversion; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 34, T. 3N, R. 5W, B.M. Owyhee County, Idaho. Works
of diversion consist of diversion dam, 5 feet high. the width of Jump Creek
at point of diversion, headgate of concrete six feet wide, also ditch used
for conveying water to place of use,

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?

I estimate works will safely convey to place of use, 10 second feet of
 Ans. water. I have seen fully 10 second feet being 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. Water is used for irrigating land, described as follows, to-wit;
 10 acres of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and 10 acres of NE $\frac{1}{4}$, of SW $\frac{1}{4}$, Section 14-40 acres of
 Ans. SE $\frac{1}{4}$ of SE $\frac{1}{4}$; 20 acres of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, 30 acres of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 30 Acres of
NW $\frac{1}{4}$ of SE $\frac{1}{4}$; 20 ACRES of NE $\frac{1}{4}$ of SW $\frac{1}{4}$; 20 acres of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; 5 acres of NW $\frac{1}{4}$
of NW $\frac{1}{4}$, Section 15, all being in Township 3 North, Range 5 West, B.M.,
Owyhee County.

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

Ans. Water is used for 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. Sagebrush land has been reclaimed, sandy loam. I estimate that
the equivalent of 1 second foot continuous flow for each fifty acres.

9527

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

Ans. I have not at this time any interest in the works, water or lands above mentioned.

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 seen water at all times during irrigation season from 1908 to 1917 inclusive, excepting the year of 1908. I was the principal irrigator during that time, and have seen water from a very small amount to as much as 20 second feet from Mule Creek to the ranch. At times of normal flow of creek land took all the water in said creek, and still there was insufficient amount at times.

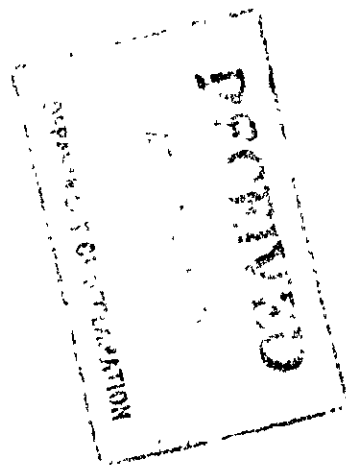
(Sign) *W. H. Schenck*

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 26th day of April A. D. 19 19

P. Ben Hurley
Probate Judge-Canyon
County, Idaho. ~~Notary Public~~

~~My commission expires~~
Residence, Caldwell, Idaho.

9527



Galveston, Texas.

April 20, 1918.

State Engineer,

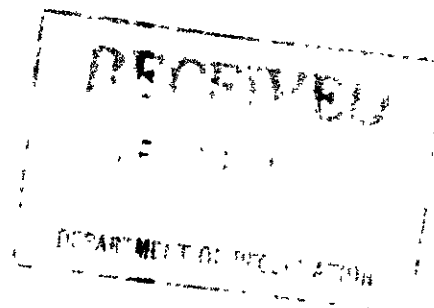
Galveston, Texas.

Dear Sir:-

Kindly send me a copy of the order for proof of value
in the case of the daughter Ida, to be used in the proof before the
Probate Judge in Galveston on the 26th of the month. Daughter is away but
will be at home for the proof. It is quite a favor for us to have
these all ready when we go before the Judge.

Very respectfully yours.

J. H. Cheneck.



State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO,

April 7th
1919

Ida Schenck,
Care: Probate Judge of Canyon County,
Caldwell, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. **9527**-----

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights.

1 On April 26th, 1919-----, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at the office of the Probate Judge of Canyon County, Idaho, at Caldwell, Idaho-----

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. Swendsen,
Commissioner of Reclamation.
~~XXXXXXXX~~

9527

(P. O.)

Naupaka Edils

(Date)

March 22 - 1919

State Engineer, Boise.

Dear Sir:

I have your letter of *March 18-1919* enclosing Notice of Proof
of ~~Completion of Work and~~ Beneficial Use of Water under Permit No. *9527* which
will be published as you request, beginning with our issue of *March 21-19*

RECEIVED

MAR 22 1919

OFFICE OF STATE ENGINEER

See file 101-111
9527

March 4, 1919.

Re-Permit No. 9527.

Mr. J. H. Schenck,
Homedale, Idaho.

Dear Sir:

Enclosing herewith Certificate
of Completion of Works issued under the
above numbered permit with receipt for
fee.

Very truly yours,

FRED A. WILKIE,

State Engineer.

BY _____

9527

Calaveras, Idaho.

March 1, 1919.

Mr Fred A. Wilkie, State Engineer,

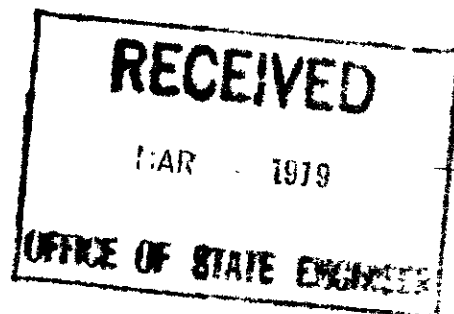
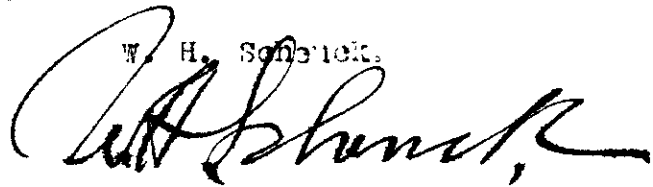
Boise, Idaho.

Dear Sir -

Enclosed you will find application notices for proof under 17 permit No. 9527. I believe I have all in good shape. But kindly check up and make any corrections needed. I am very much incapacitated; the weight of years and a strenuous life is likely to have had some thing to do with bringing this about. My daughter is now in Boise taking treatment. The work at the ranch seems to have been too heavy.

Very respectfully yours.

W. H. Scherick.



9527

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 1, 1919

(P. O.) Caldwell, Idaho.

TO THE STATE ENGINEER,

Boise, Idaho.

DEAR SIR:

You are hereby authorized to have the attached notice published at my expense in the
Boise of Murphy, Idaho., published in the
county in which the works are situated.



(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.

9527

February 28, 1919.

Re Permit 9527.

Mr. W. W. Schenck,
Caldwell, Idaho.

Dear Sir:--

Replying to your letter of the 26th inst. would say that the assignment on record under the above permit transfers the entire right to Ida Schenck and the proof will have to be made in her name. Your name will, therefore, be eliminated from the notice.

As to the date of priority would say that under the statutes, the date of priority under a permit right is the date of the first receipt of the application in this office, unless the proof of beneficial use of water is made later than the date specified in the permit, in which case the date of priority will have to be brought down accordingly.

If you will fill out the blanks sent you as to the date and place of proof and name of officer, and describe the land you desire to include in the proof, we can complete the notice from our records.

Very truly yours,

FRANK A. MILLER,

State Engineer.

By _____

9527

Caldwell, Idaho.

Feb 26, 1913.

Mr Fred A. Wipkie. State Engineer,

Boise, Idaho.

STATE OF IDAHO

Dear Sir:-

I am enclosing application for Mr Jessen; you may see returns to him at Homedale. He will be there by that time.

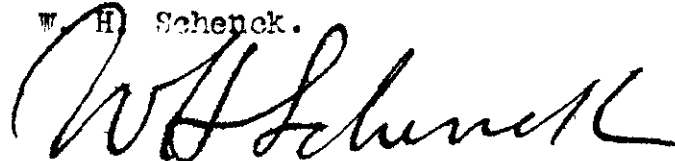
But there is two points in my application for proof of use under my permits that I am not sure of. Can't see that it makes any difference to me; but wish to be sure that I have it as it will meet with your approval when done.

You ~~XXXXXX~~ intimate upon the face of the returned publication notice; that Ida Schenck should be made a party. Now is this? I prefer she be left out. Or that one or the other be left out as no one here nor know any thing about using this water except in a general way. We two have been right there all the time until last season. I of course did the irrigating. I need her as a witness.

The date of priority. While the date upon this permit; No. 9527 is July 23, 1913; the application for this permit calls for the same water and it gets the same water as no one else is in between; as permit No. 1920. Approver April 24, 1906. It seems to me that I should use the 1906 date; but I wish to use the one you can & as you please advise me.

Very respectfully yours.

W. H. Schenck.



9527

February 25, 1919.

Re Permit 9527. 10361.

Mr. J. H. Schenck,
Caladwell, Idaho.

Dear Sir:--

Replying to yours of the 22nd inst. would say that the statutory fee of \$5.00, for proof of completion of works under Permit No. 9527, was received January 25th. The certificate of completion of works will be mailed to you soon. The affidavit of publisher for proof of beneficial use of water under Permit No. 10361 was received a few days ago. License will be held under this permit pending the examination by our engineer later in the spring.

As to notice of proof of use of water under Permit 9527 would say that the notices were returned to you in order that the description of the land might be made clearer. Each legal subdivision of 40 acres should be set off by a comma, thus: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and so on. Where the letters are all run together without punctuation, it is impossible for us to separate the land for publication. The amount of water should be cut down to conform with the acreage to be included in the proof. Am enclosing another set of blanks to be filled out.

Am also sending blank application, per your request. You may make the application, in the other parties name, by you, as agent.

Very truly yours,

FR D A. ILKIN,

State Engineer.

By _____

F10-11-F1

9527

Manila, I.L.,
Feb 17, 1919.

Mr. W. H. Schenck,
Waldwell, Idaho.

Dear Sir: - Yours of Feb 12 received.
In reply will say that I have spoken to
printer and your certificate was mailed
to State Engineers office today.
The printer had such
inconvenience but the shop was being
moved at the time and was just
overlooked and I supposed was attended to
when attention of printer was called to the
matter upon receipt of money.

Yours truly
Geo P. Keith.
per wife.

9527

OFFICE OF STATE ENGINEERS

Nampa Idaho.
Feb 17, 1919.

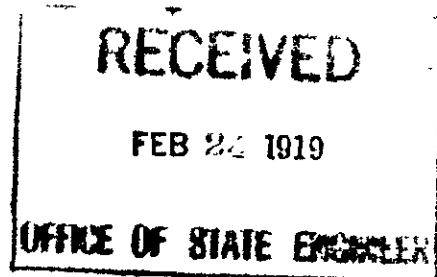
Mr. W. H. Schenck,
Caldwell, Idaho.

Dear Sir: - Yours of Feb 12 received.
In reply will say that I have spoken to
printer and your certificate was mailed
to State Engineers office today.

Very sorry you were but to such
inconvenience but the shop was being
moved at the time and was just
overlooked and I supposed was attended to
when attention of printer was called to the
matter upon receipt of money.

Yours truly
Geo P. Keith.
per wife.

9527



Chilwell, Ind. 2.

Feb. 1, 1919.

Mr. A. Wilkie, State Engineer,

Boise, Idaho.

Dear Sir:

I have please find a letter that speaks for itself. What
about it?

Some time ago I sent you finally the affidavit of publication
together with the fee of \$5.00 as required of your office for proof of
construction of our ditch from Jump Creek. Please let me hear from
this.

Some time ago I made application for proof of the use of the water
conveyed through the Jump Creek ditch; application returned to me for
some corrections. I have you the information upon the matter.
Would be pleased to hear from this that I may proceed correctly.

Kindly send me a set of blanks for application for a permit to
divert water. Mr. W. H. Jesser wishes me to make up a set for him; also
make the application for him as his agent if I can.

Very respectfully yours.

W. H. Schorck.



RECEIVED

FEB 12 1919

9527

Caldwell, Idaho.

Feb 13, 1919.

Mr Fred A. Wilkie, State Engineer,

Boise, Idaho.

Dear Sir:-

Referring to your letter by Mr Brown of the 11th inst. will say it will be best not to have the examiner to make an examination under permit No. 10361, untill the proof is in under No. 9527. The waters mingle at all times, and are uses as one. The affidavit of publication was to have been mailed on the 31st of Jan.

Now refering to No. 9527. I am at a loss as to matters raised by Mr Brown; I am writing for a little information and will likely make some explanations.

I made an application for the 20 second feet as the entire tract to be irrigated embraced that amount of land. I presumed I should give the amount as per the permit in my proof but knowing it would not be allowed as I would offer proof of course only upon the land that had been irrigated. There is not water for the 1000 without storage.

Date of priority. If you will refer to your records; you will find that permit No. 9527; covering application No. 14299; calls for the same appropriation or priority as No. 1920. Approved April 14, 1906. Now the question is; which shall I use? The one to us is just as good as the other. No one has attempted to use the water of Jump Creek at this time. The thing is to get off upon the right foot.

Then on the 15th day of April 1916; by application I was permitted to change the point of diversion of a part of the water further down the creek; to a point in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, 3, 5. What of this?

Then I notice that you have indicated that my daughters name should be inserted together with my name. What and how of this? I did not know that I had transferred the permit to her; yet I do intent to transfer all or a part of it to her. I wish to be sure I make no MISTAKE mistake.

I believe my punctuations are correct, do not understand that there should be punctuations between 40s in the same quarter Sec. However; I believe I can make it plain.

Very respectfully yours,

W. H. Schenck.

9527

February 11, 1919.

Re Permit 9527.

Mr. W. H. Schenck,
Caldwell, Idaho.

Dear Sir:--

In checking the notices for final proof under the above permit I am unable to determine the lands to be irrigated as the descriptions have been so run together without punctuation. This should be corrected and a clear, definite description given of the lands to be included in the proof. I also note that you have given 20 second feet of water as the amount upon which you are to offer proof. This would require an acreage of 1000 acres to be watered. The amount of water should be cut down to conform with the land to be irrigated.

I am returning herewith the notices sent in, with fresh blanks to be filled out. You will also note the change in date of priority. The priority being the date of the first receipt of the application in this office.

Very truly yours,

FRED A. STANLEY.

State Engineer.

By _____

Enc.

9527

February 1, 1919.

Re Permit No. 9527.

Mr. W. H. Schenck,
Caldwell, Idaho.

Dear Sir:

As per your request of the 21st ult.,
I enclose herewith blank notices for final proof
under the above permit. These should be filled
out and returned to us in time for notice to be
published four weeks prior to the date set for
proof.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

CB*NC

9527

Caldwell, Idaho.

Jan 31, 1919.

Mr Fred A. Miller, State Engineer,

Boise, Idaho.

Dear Sir:-

I find in going over my Permits and arranging them for publication tomorrow upon permit 10361, that I should have offered proof upon permit No 9527 on or before August 20, 1918. This had slipped my mind entirely and one other was also gone if I had not been notified.

Please send me blanks for the proof publication for 9527.

I have been in quite bad shape for some time, went clear to the bottom last spring. That is why my daughter and I are not on the "Schenck" ranch to day. I may never get clear back. My 73 years make against me doubtless to some extent.

Very respectfully yours.

W. P. Schenck.

9527

Homedale, Idaho.

January 23, 1919

State engineer, Boise, Idaho.

Dear Sir:-

Enclosed you will find Mr Frank E. Trotter's affidavit of publication of notice of proof of construction under Permit 9527.

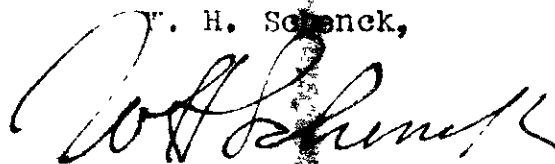
This was first delayed by Mr Trotter being away, then it went out of my mind. Later on in looking over my files I discovered a letter from your office stating the requirements before the issuing a certificate of proof of construction. Then I went after Mr Trotter and gined him up but it was months and months before I could get it. Since I got the affidavit the principal, ^{W. H. Schenck} I have not sent it in I have been all this time very short of the cash. But we have been using the water right along and presume all is well. Hope so at least.

The water I am to make proof upon Feb 1st mingles with the water of Jump Creek. Is used upon the same land. Mule Creek is but a tributary of Jump Creek and that filing was a precautionary measure.

Find enclosed the fee of \$5.00,.

Very respectfully yours.

W. H. Schenck,



9527

Notary in Charge, given this 20th day of May, 1906, on the 12th day of October, 1905, at Home-
dale, County of Owyhee, State of Idaho,
before L. E. Faden, Notary Public, Home-
dale, Idaho, proof will be submitted of the
completion of work for the duration of 20
cents per acre of the water of Jump
Creek in accordance with the terms and
conditions of a certain permit heretofore is-
sued by the State Engineer of the State of
Idaho.

1. The name of the person or corporation holding said patent is W. F. Schenck.

3. The principal address of each person or principal place of business of such corporation is Homedale, County of Oswego, State of New York.

3. The number of such Permits is 9527, and the date set for the completion of such work is August 20th, 1914.

Said water to be used for Irrigation and domestic purposes.

That matter of diversion will be fully considered by the State for such completion and the amount of water which said water are capable of conducting to the pipe intended for use, in accordance with the plans accompanying the application for such permit will be duly determined.

5. The amount of lands for which said water is available is 1000 acres, portion-
ally described as follows: W 1/2 of 14

Sec. 10, W-2 and SE 1-4 of NE 1-4 NW
 Sec. 15, SW 1-4 SE 1-4 Sec. 15: SW 1-4 Sec.
 Sec. 1-2 of E 1-2 of Sec. 10: T. 3 R.

SECRET

I, the undersigned, do hereby certify that the above is a true and correct copy of the original as the same appears in the records of the Department of the Interior, at Washington, D. C., this 10th day of October, 1914.

Frank E. Trotter

of June, 1910. *Ed M*

Phos L. Nye

9527

RECENCO

100-443886-10

April 19, 1916.

Re Permit 9527.

Mr. W. H. Bohench,
Homedale, Idaho.

Sir:--

Returning herewith your affidavit for change
of point of diversion, with duplicate map, the same
having been placed on record in this office.

You are proceeding within your rights in putting
in the pumping plant for the underflow that passes
under your land.

Very truly yours,

J. H. SMITH,

State Engineer.

APD-M

By _____

9527

Homedale, Idaho.

April the 14, 1916.

Mr J. H. Smith, State Engineer,

Boise, Idaho.

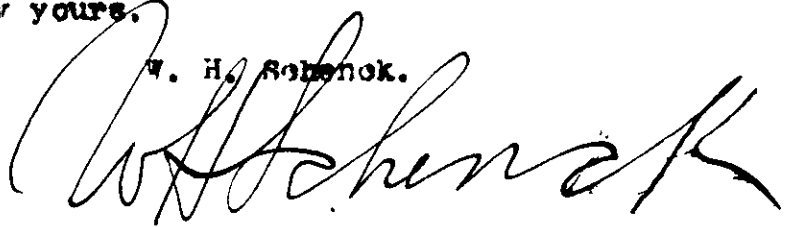
Dear Sir:-

Enclosed you will find affidavit for the change for a portion of the water under permit No 8527.

I find there is an underflow that passes under our land. Doubtless a flow from Jump Creek. We are working upon this and will install a pump. Here is where we must get our late water. I presume we have a perfect right to do this without any permit. How is it?

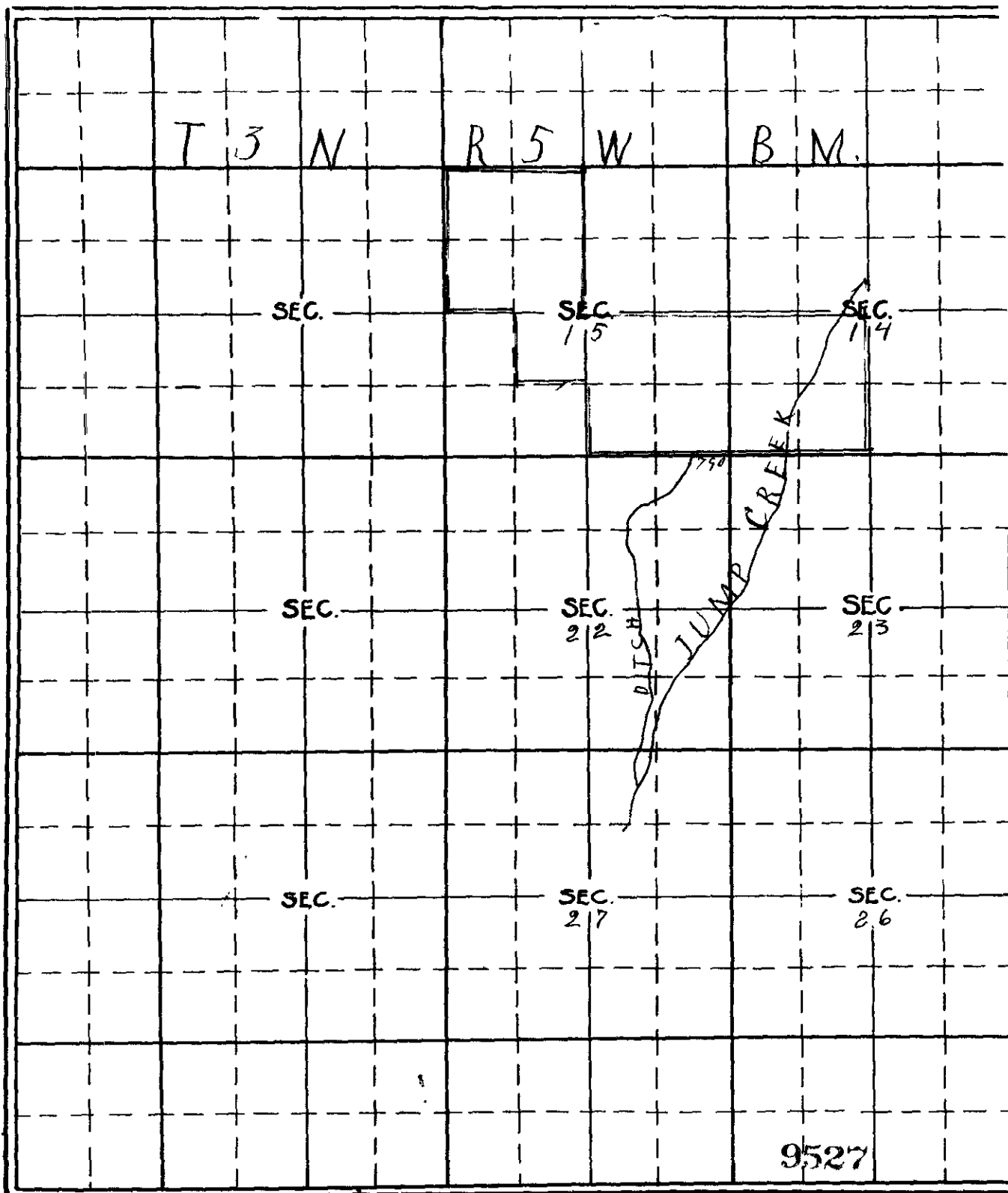
Very respectfully yours.

W. H. Schenck.



9527

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



April 12, 1916.

Permit 9527.

Mr. W. H. Schenck,
Homedale, Idaho.

Sir:--

Enclosed you will find affidavit form for change
of point of diversion. The affidavit should be supported
by maps, in duplicate.

Very truly yours,

J. H. SMITH,

State Engineer.

F13-2MF

By _____

9527

Homedale, Idaho.

April 11, 1916.

State Engineer, Boise, Idaho.

Dear Sir:-

I find it will be greatly to our advantage to change the point of diversion for a portion of the water we will divert under permit No 9527 to a point about one mile below the present point of diversion. While we have a tight dam and no water going through, a half mile below is a fair irrigation head, a fine head a mile below. There are no ditches below ours at all, in fact but one other diverting water below the canyon. We wish to divert five second feet at the lower place.

Is it necessary to make any formal application for this? If so please advise me fully.

Very respectfully yours.

W. H. Schenck.



713-2-7

9527

May 12, 1915.

Permit 9527.

Mrs. Ida Schenck,
Homedale, Idaho.

Madam:

Am herewith returning you assignment of
above permit, with receipt for recording fee.

Very truly yours,

J. H. SMITH,

State Engineer.

D-R7379

By _____

9527

MO #2750
#1.00

Homedale, Idaho,

April 17, 1916.

State Engineer,
 Boise, Idaho.

Dear Sir,

I am enclosing a paper which
I wish recorded and ~~one~~ money
order for one dollar as part pay-
ment of the recording fee. Please
record & send me bill for balance
due & I shall remit at once. I am

Respectfully yours,

Ida Schenck,

Homedale,

Idaho.

December 9, 1914.

Permit 9527.

Mr. Wm. H. Schenck,
Homedale, Idaho.

Sir:

The report of the examining engineer on completion of works under above permit has just been filed and is satisfactory. Upon receipt of fees in the sum of \$6.00, together with the affidavit of publication, the certificate will be issued.

Very truly yours,

Herbert Wing,

Acting State Engineer.

H. W. _____

9527

REPORT OF ENGINEER

- 1 State name of applicant and number of permit: W.H. Schenck # 9527
 2 State source of water supply: Jump Creek
 3 Location of point of diversion: N.E. 1/4 NW 1/4 Sec 34 T3N R5W BM.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

They are

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 6.0'
 (b) Width at water line: 10.0'
 (c) Depth of water: 1.5'
 (d) Grade per mile: 2.64'
 (e) Capacity of ditch: 25 second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

It Has. About 10 second feet.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 82.7 Acres in Sec. 10

160 " " " 14

600 " " " 15

160 " " " 16

T3N R5W BM.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The above stated Capacity of ditch does not take into consideration an obstruction, in the form of the Gem. irrigation Districts "B" Line Siphon, which crosses this ditch, the bottom of pipe being about on grade of bottom of ditch which necessitates the water boiling under the pipe thus retarding the flow to Considerable extent.

Examined Dec. 4-14

RECEIVED

T. L. Bantz

STATE OF IDAHO,

County of _____

OFFICE OF STATE ENGINEER

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

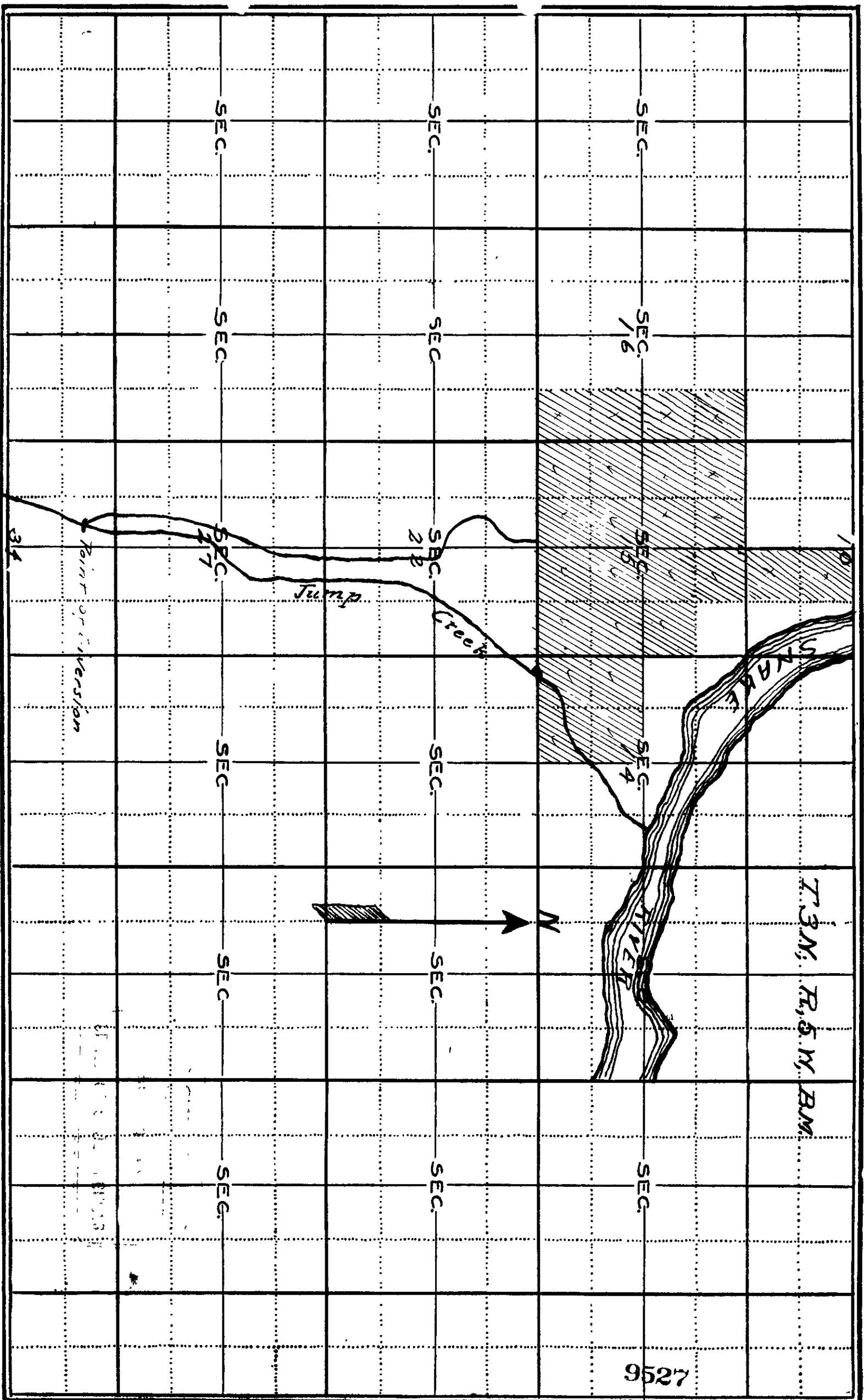
My Commission Expires _____

Notary Public.

9527

Name of Applicant W.H. Senck

9527



December 2, 1914.

Re examination-Permit 9527.

Mr. W. H. Schenck,
Homedale, Idaho.

Sir:

Mr. Bantz, an engineer from this office, will leave here tomorrow morning for your place to make the examination of works under above permit. Please meet him at Homedale or have a conveyance ready for him.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

9527

OWYHEE COUNTY DEVELOPMENT COMPANY, Ltd.

Information furnished upon
Irrigated Land and water
Rights

DEALERS IN AND IMPROVERS OF CHOICE FARM LANDS

A few Choice Tracts of Land
Always For Sale

Homedale, Idaho,

Nov the 15th, 1914.

State Engineer,

Boise, Idaho.

Dear Sir:-

I received your letter stating that some one would be
out to look over the ditch from Jump Creek some time, please
let me know a few days ahead, I wish to be here when he comes.
If I do not know the time I may be away, will sure be away on the
23rd of the month. There is ^a matter that I wish to particularly
confer with him upon. A situation placed in our ditch by the
Gem Irrigation District people. Then too, I will send in the
prop. in a few days that will be due Jan the 8th, 1915.

Very truly yours.

W H Schenck

9527

October 26, 1914.

Permit 9527.

Mr. J. C. Stevens,
Pres.Pro Tem Gem Irr.Dist.,
Homevale, Idaho.

Sir:

We are just in receipt of protest against proof
under the above permit. No action will be taken
on this proof until the report of our examining
engineer has been made, at which time your protest
will be considered.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

9527

IN THE MATTER OF PROOF OF COMPLETION OF WORKS
BY W. H. SCHENCK ON THE PERMIT NUMBER 9527.

The Gem Irrigation District protests against the allowance of completion of works by W. H. Schenck under Permit No. 9527 for the reason that there is no actual water supply in Jump Creek to be diverted by said works during the irrigation season of any year except such as is supplied by waste water and seepage supplied by the works of the Gem Irrigation District and the said Gem Irrigation District does not consent that any waste water or seepage water which has its source from the works of said Gem Irrigation District and supplied at great cost to said District shall be diverted to any man outside the boundaries of said District.

And said District protests against the allowance of any Certificate by the State Engineer on said grounds and on the further grounds that said works if operated by said W. H. Schenck or his assigns are intended to and will divert water belonging to said Gem Irrigation District for use upon land situated outside of that District.

Dated this 24th day of October, 1914.

RECEIVED
1914 OCT 26

By J. C. Stevens
President *Protem*

Attest
OFFICE OF STATE ENGINEER
By W. W. Peter
Secretary.

9527

Homedale, Idaho, Oct, 24th, 1914.

This is to certify that this protest was filed with, me, L. B. Yaden, a Notary Public in and for Owyhee County, Idaho, at my office in Homedale, at 2 O'Clock P.M. Oct, 24th, 1914, and subscribed and sworn to before me by J. C. Stevens, President Protem, Gem Irrigation District and W. W. Peter Secretary of said District, known by me to be the persons and officers whose names are hereto attached.

L. B. Yaden
My commission expires Apr, 17-1916. Notary Public.

October 26, 1914.

Permit 9527.

W. K. Schenck,
Homedale, Idaho.

Sir:

Am just in receipt of your letter enclosing depositions in the matter of proof of completion of works under above permit. As soon as the report of the examining engineer has been made, you will be further advised in the matter.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

9527

OWYHEE COUNTY DEVELOPMENT COMPANY, Ltd.

Information furnished upon
Irrigated Land and water
Rights

DEALERS IN AND IMPROVERS OF CHOICE FARM LANDS

A few Choice Tracts of Land
Always For Sale.

Homedale, Idaho,

Oct the 24th, 1914.

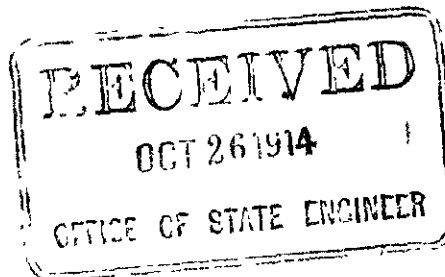
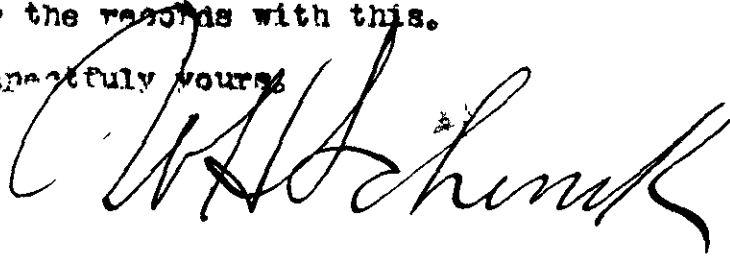
State Engineer,

Boise, Idaho.

Dear Sir:-

Enclosed find proof of Completion of work under permit
No 9527. Have been using the ditch from Mule Creek for a long
time, but have never diverted water from Jump creek. The works are
complete, except I have not put the gate in place. The creek is
about dry, not enough water than any can be diverted, and the
forms are still in place. The cement forms. I did not think it
worth while to encumber the ranch with this.

Very respectfully yours,



9527

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. W. H. Schenck, age 65 years, at present farmer.

Homedale, Owyhee County, 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. XXXXXX.

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

Ans. No 9527, date August 20th, 1913. Twenty cubic feet per second of time. NE 1/4 NW 1/4 Section 34 T 3 N, R 5 W, B M.

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

Ans. Irrigation and domestic. 1000 acres. NE 1/4 Sec 10; W 1/2 & SE 1/4 of NE 1/4, NW 1/4, SW 1/4 & SE 1/4 Sec 15; SW 1/4 Sec 14; E 1/2 of E 1/2 of Section 16: T 3 N, R 5 W, B M.

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

Ans. Has not.

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

Ans. They are fully completed. Do not fully comply with 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. The check in the creek is constructed by using willows, sage brush, and gravel and sand, instead of sage brush and rock as called for in the permit.

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

Ans. Cement headgate six feet wide, four feet high; the first 1500 feet, or from Jump Creek to Mule Creek, six feet on bottom, bank enough to carry 1.5 depth of water, next 500 ft, 3 ft bottom, this from Mule Creek to old ditch, from this point to the end, 10 ft bottom. About \$2000.00. (Sign here.) *W. H. Schenck*

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 Homedale., County of

Owyhee

OFFICE STATE ENGINEER, on this 24th

October

A. D. 1914.

L. B. Yaden

Notary Public.

My Commission expires

Apr. 17/1916

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

PERMIT NO. _____

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Walter E. Magill, 25 yrs. Homedale, Idaho,
farming, Homedale, Idaho

Ques. 2. Are you acquainted with W. H. Schenck, the
holder of Permit No. 9527, authorizing the diversion of twenty second-feet of the waters of
Jump Creek at a point in N. E. 1/4 N. W. 1/4 Sec. 34
for irrigation & domestic purposes? How long have you known him, and where does he reside?

Ans. Eight or nine years. Homedale, Idaho

Ques. 3. Have you read or heard read said Permit No. 9527, 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. W 1/2 S. E. 1/4 Sec. 10; W 1/2 & S. E. 1/4 of N. E. 1/4, N. W. 1/4, S. W. 1/4
& S. E. 1/4 Sec. 15; S. W. 1/4 Sec. 14, E. 1/2 of E. 1/2 of Sec. 16 T. 3 N.
R. 5 W. B. M. Sandy loam. One miner's inch per acre.

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

Ans. Yes.

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

Ans. Cement head gate 6 ft. wide, 4 ft. high the first 1500
feet or from Jump Creek to Mule Creek; 6 ft on bottom,
bank enough to carry 1.8' depth of water; next 500 ft
8 ft. bottom, this from Mule Creek to old ditch; from
this point to the end 10 ft. bottom. About 22 second feet.
(Sign here.) Walter E. Magill

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 Homedale, County

of Owyhee, State of Idaho, on this Twenty-fourth day of
October A. D. 1914

L. B. Yoder
Notary Public

9527

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

PERMIT NO. _____

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Ida Schenck, 39 yrs. Homedale, Idaho,
Housekeeper, Homedale, Idaho.

Ques. 2. Are you acquainted with W. H. Schenck, the
holder of Permit No. 9527, authorizing the diversion of twenty second-feet of the waters of
Jump Creek at a point, at N.E. 1/4 N.W. 1/4 Sec 37
for domestic purposes? How long have you known him, and where does he reside?

Ans. Thirty nine years, Homedale, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9527, 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. W 1/2 S. E. 1/4 Sec 10; W 1/2 S. E. 1/4 of N. E. 1/4,
N. W. 1/4, S. W. 1/4, S. E. 1/4 Sec. 15; S. W. 1/4 Sec. 14. E. 1/2 of E. 1/2 of
Sec. 16; T. 3 N., R. 5 W. B. M. Sandy loam, One miner's inch
per acre.

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

Ans. Yes.

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

Ans. Cement headgate 6 ft wide, 4 ft. high; the first
1500 feet or from Jump Creek to Mule Creek, 6 ft. on bottom
bank enough to carry 1.8' depth of water; next 500 ft, 8 ft
bottom, this from Mule Creek to old ditch, from this
point to the end, 10 ft. bottom, about 25 second feet.

(Sign here.) Ida Schenck

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 Homedale, County

of Payson, State of Idaho, on this Twenty-fourth day of
October A. D. 1914

L. B. Yaden
Notary Public

October 13, 1914.

Permit 9527

W. H. Sehenok,
Homedale, Idaho.

Sir:

Am enclosing herewith deposition blanks to be
used in proof of completion of works under above
permit.

Very truly yours,

HERBERT WING,

Deputy State Engineer.

DBCW

By _____

9527

September 29, 1914.

Permit 9527.

Mr. W. H. Schenck,
Homedale, Idaho.

Sir:

Replying to your letter of the 25th would say that we understod from your letter of the 20th that the date mentioned in the notice for completion of the works, August 20, 1914, was wrong and should be changed to give the date of the extension, December 5, 1914, and this correction was sent to the paper. It was necessary, therefore, to change the date for making proof in order that the corrected notice might run the full length of time required. The corrected notice will no doubt appear in the next issue of the paper.

Very truly yours,

T. P. KING,

State Engineer.

By _____

OWYHEE COUNTY DEVELOPMENT COMPANY, Ltd.

Information furnished upon
Irrigated Land and water
Rights.

DEALERS IN AND IMPROVERS OF CHOICE FARM LANDS

A few Choice Tracts of Land
Always For Sale.

Homedale, Idaho,

Sent the 25th, 1914.

Mr T. P. King, State Engineer,

Boise, Idaho.

My Dear Sir:-

I see by your letter of the 23rd inst that I did not make myself plain. The date set for proof was all right, that is insofar as finishing the work ~~on~~ any thing on my part. But: The notice states that the date set for finishing is the 20th day of August 1914. This is the date set by the permit. Not the date set in the extension given me. And: it will not be the date of finishing, nor will it be the date it is finished as it was not finished at that date, we finish the dam to day, and if the threshers do not bother us too much will do the headgate the first of the week. A six foot gate is a small job.

I enclose the notice, notice sections No 3 and No 5.

I have to be very particular in matters here, the people have

was been against me from the time I drove the first stake eleven years ago. And 4 years acquiring the right of way from the Department, A pretest was entered, this is still kept up, made proof upon a desert claim, an other pretest, this was two years ago. Just got the final certificate yesterday. Offered proof upon this ditch some time ago. Could not finish on account of the weather, here an other pretest.

to a new filing
Respectfully yours.

W H Schenck

September 23, 1914.

Permit 9527-Schenck.

Editor Empire Express,
Homedale, Idaho.

Sir:

Please make the following changes in the notice
now being published under the above permit:

Under paragraph 3, change the date "August 20, 1914,"
to read "December 5th, 1914", and the number of the
permit should be "9527" instead of "14295".

Change the date for making proof to October 17th, in
order to allow time for four more weeks publication.
If this letter fails to reach you in time for your
issue of this week, make the date for proof read
October 24th, 1914, and advise us of same.

Very truly yours,

F. F. KING,

State Engineer.

By _____

9527

September 23, 1914.

Permit 9527.

Mr. J. H. Schenck,
Homedale, Idaho.

Sir:

In reply to your letter of the 20th would say that the date for making proof can be changed to October 17th and the notice corrected and run the required four weeks. I am today writing the publisher of the paper to this effect. If October 17th is not satisfactory to you, please advise us at once and set another date.

Very truly yours,

F. P. KING,

State Engineer.

By _____

P. S. - In case our letter fails to reach the publisher of the paper in time for this week's issue, I have advised him to set the date for proof to October 24th and run the notice the required four weeks and advise us of same.
F.P.K.

9527

Notice of Publication.

Notice is hereby given that at 2 P. M., on the 10th day of October, 1914, at Homedale, County of Owyhee, State of Idaho, before L. B. Yaden, Notary Public, Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Jump Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

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

2. The postoffice address of such person or principal place of business of such corporation is Homedale, County of Owyhee, State of Idaho.

3. The number of such Permit is 9527, and the date set for the completion of such work is August 20th, 1914.

4. Said water to be used for Irrigation and Domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place intended for use, in accordance with the plans accompanying the application for such permit is 20 cubic feet per second.

6. The amount of lands for which said water is available is 1000 acres, particularly described as follows: W1-2 SE1-4 Sec. 10, W1-2 and SE 1-4 of NE1-4, NW 1-4, SW 1-4 SE 1-4 Sec. 15; SW 1-4 Sec. 14; E 1-2 of E 1-2 of Sec. 16; T. 3 N, R. 5 W, B. M.

F. P. KING,
State Engineer.

OWYHEE COUNTY DEVELOPMENT COMPANY, Ltd.

Information furnished upon
Irrigated Land and water
Rights.

RECEIVED
DEALERS IN AND IMPROVERS OF CHOICE FARM LANDS

A few Choice Tracts of Land
Always For Sale.

SEP 23 1914

OFFICE OF STATE ENGINEER Homedale, Idaho,

Sept the 20th, 1914.

Mr W. P. King, State Engineer,

Boise, Idaho.

Dear Sir:-

I notice in the Homedale paper the publication of my notice of proof upon Permit No 9527, Jump Creek. I fear this is not as it should be. On August the 20th in an application for the extension of time I made affidavit that the entire earth work was completed, but not the other work. There is still just a little work to do. But this will be done before the date set for proof. But not as the notice states, upon the 20th of August. You see the proof will not accord with the notice.

I had intended to write you but have been so very much exersized, my wife was thrown from the rig in a runaway and nearly killed, in the hospital for weeks. Require much attention yet.

After the delay I thought it well to make proof upon the Mule Creek PermitXXXXXXXXXX No 10561, the same ditch covers each Permit.

Very respectfully yours,



9527

(P. O.) Homedale, Idaho

(Date) Sept. 16, 1918

State Engineer, Boise.

Dear Sir:

I have your letter of Sept. 10, 1918 enclosing Notice of Proof of Completion of Works under Permit No. 9527 which will be published as you request, beginning with our issue of Sept. 17, 1918

THE HOMEDALE EMPIRE PRESS

By F. E. Trotter

9527

Boise, Idaho, Sept. 4, 1914.

Permit No. 9527

Mr. W. H. Schenck,
Homedale, Ida.

Sir:--

Your application for extension of
time has been approved and duplicate copy of
same is herewith returned.

Very truly yours,

F. P. KING,

State Engineer.

By _____

Erc. A.
L

9527

OWYhee COUNTY DEVELOPMENT COMPANY, Ltd.

Information furnished
Irrigated Land and
Rights

DEALERS IN AND IMPROVERS OF CHOICE FARM LANDS

A few Choice Tracts of Land
Always For Sale

Homedale, Idaho,

August the 18th, 1914,

State Engineer, Boise, Idaho.

Dear Sir:-

Enclosed find application for the extension of time for finishing my Jump Creek ditch. I should perhaps have gotten these in sooner, but have been very much engaged. Mrs Schenck got mixed up in a pinaway some three weeks ago. Got her sholder broken, I have where had my hands full. Go to Caldwell tomorrow, will make the affidavit there.

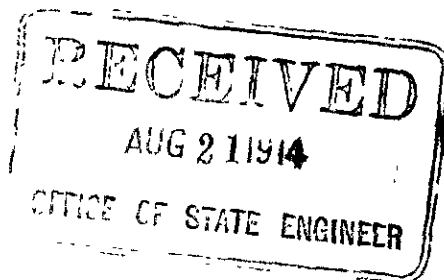
Very respectfully yours,



August 20th,

Could not get away as I expected, will go before the J P here, then forward the applications from Homedale.

W. H. Schenck,



9527

Permit No. 9527

Application For Extension of Time

For Completion of Works

W. H. Schenck, of Homedale
State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 9527

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by August 20th, 1914

That he has heretofore performed the following work described under said permit: Completed the entire earth work.

costing \$ 2000.00 (about)

THAT he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

That he had it in mind that Oct 20th was the date that the work was to be finished, that when the error was discovered, the time was too short to finish the work and give proper notice of proof of the completion of the work.

WHEREFORE, He asks that the State Engineer extend the time for the completion of construction work under said permit, to December the 5th, 1914.

And further, deponent saith not

Subscribed and sworn to before me this 20 day of August, 1914.

My commission expires

Date of receipt at office of State Engineer

W. H. Schenck

J. S. Fletcher

Notary Public.

Aug 21 1914

APPROVAL OF STATE ENGINEER.

I, F. P. King, State Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. _____, to _____, 1914.

Witness my hand this _____ day of _____, 1914.

(over)

F. P. King

State Engineer.

9527

Effective April 10, 1911.

STATE ENGINEER'S OFFICE.

*Rules and Regulations for Extension of Time for
Construction of Work Under Permit.*

House Bill No. 123 approved March 9th, 1911, provides that, where the State Engineer has limited time for completion of construction of necessary works under a permit to appropriate the public waters, to less than five years, he may, for good cause shown, extend such time as he may deem necessary.

To obtain such extension of time, the permit holder should fill out and file with the State Engineer two copies of the affidavit found upon the reverse side of this sheet.

(over)

August 10, 1914.

Permit 9527.

W. H. Schenek,
Homedale, Idaho.

Sir:

We are just in receipt of your letter enclosing notices for proof of completion of works under above permit. In reply would say that you should make application for extension of time, in duplicate, upon the enclosed forms.

Very truly yours,

F. P. KING,

State Engineer.

2F4

By _____

9527

OWYHEE COUNTY DEVELOPMENT COMPANY, Ltd.

Information furnished upon
Irrigated Land and water
Rights

DEALERS IN AND IMPROVERS OF CHOICE FARM LANDS

A few Choice Tracts of Land
Always For Sale.

Homedale, Idaho,

August the 7th, 1914.

Mr F. P. King, State Engineer,

Boise, Idaho.

Dear Sir:--

I feel as though I might be in some what of a hole from a technical point of view. I misread or at least got the wrong impression from your letter enclosing the blanks for publication. Kept the bunch laying upon my machine table to make sure that I would not forget to send them in before August the 20th. Did not discover my error untill to day when I set down to fill out the blanks. The work is all right, except I have not constructed the dam and the headgate, this I am going to do next week, but we have been using the ditch all the season.

I trust I will not have to make a new application, if so kindly send me a set of blanks.

Very respectfully yours.



9527

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August the 7th, 1914.

(P. O.) Homedale, Idaho.

To the State Engineer,

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Homedale Empire Express, of Homedale, published in the
county in which the works are situated.



(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.

Notice of Publication

Notice is hereby given that at 2 O'P M., on the 10th day of October 1914, at Homedale County of Owyhee, State of Idaho, before L. E. Yaden, Notary Public, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Jump Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

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

2. The postoffice address of such person or principal place of business of such corporation is Homedale, County of Owyhee, State of Idaho.

3. The number of such Permit is 14293, and the date set for the completion of such work is August 5th, 1914 9527

4. Said water to be used for Irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place intended for use, in accordance with the plans accompanying the application for such permit is 20 cubic feet per second.

6. The amount of lands for which said water is available is 1000 acres, particularly described as follows: W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 10: W $\frac{1}{2}$ & SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 15: SW $\frac{1}{4}$ Sec 14: E $\frac{1}{2}$ of E $\frac{1}{2}$ of Sec: T 3 N, R 5 W, B M.

F. P. KING, State Engineer.

9527

Form 1

STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

W. A. Schenok,
Homedale, Idaho.

BOISE, IDAHO, **May 1, 1914.**

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. **9527.**

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof **MUST** be made on or before **Aug. 20, 1914.**

Upon receipt of this blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a Notary Public or other officer authorized to administer oaths.

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,

F. P. KING,
State Engineer.

9527

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON,
STATE ENGINEER

Permit No. 9527.

W. H. Schenck,
Homesdale, Idaho.

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

~~W. H. SCHENCK~~
A. E. ROBINSON,

State Engineer.

9527

Name of Applicant

