



R5W

R4W

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36

31

MERLE PORTNER

PAUL M. TUTTLE

ARLISS HIBBARD

EVERETT J. DAKE

JACK PERKINS

CARLE HERRITT

RAY AUSTIN

DRAIN

L.7

6

5

8

9

10

Rge. 5 W

Rge. 4 W

36

31

Trwp. 5 N.

Trwp. 4 N

6

Rge 5 W

Rge 4 W

Twp. 5 N

Twp. 4 N

316

31

14 19

25 26

14

~~24~~ 32

~~84~~

84

60

46

144

130

6

P.D.

10

Area - ¹³⁰~~144~~ A

Subd - 6

Allow Q = ^{2.60}~~2.40~~ ft

To Wilder



C9 4.7 C6 C7 C8

C 13.8 C1000 C30 A 11.8

not under this 13.8 D 17.1 A 12.4

C 7.3 C799 B 12.2 A 15.7 D 6.8 C 14.4

E 10.9 D 10.6 E 11.3 F 11.4 D 5.6 4.5 2-2 B1879

C33 57.3 A 9.4

M 5.8 C 16.5

134 K J 6.0 3.0 F 5.6 E 8.1

L 6.1 I 3.4 H 7.5 C31

33372

IDD-239



26 25
35 36

48

80



35 36
21

36 37
16

33372

RECEIVED
MAR 15 1967

Department of Reclamation

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

Notice is hereby given that on the 13th day of March, 1967, at Caldwell, County of Canyon, State of Idaho, before Donald E. Downen, Notary Public, at (address) 9th and Dearborn Sts. Caldwell, Idaho, proof will be submitted of the completion of works for the diversion of 4.84 cubic feet per second of the waters of Drain Ditch, Drainage District No. 6, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 33372, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Eureka Ditch Company, C/O Ray Austin, Route # 2, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.84 cubic feet per second.

3. The use of which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.84 cubic feet per second.

4. The point of diversion of said water is SW1/4 NE1/4, Section 10, Twp. 4 North, Range 4 West.

5. The place where said water is used is SE1/4 SW1/4, SW1/4 SE1/4 Section 36, Twp. 5 North, Range 5 West, Boise Meridian; SW1/4 SW1/4, SE1/4 SW1/4, Section 31, Twp. 5 North, Range 4 West Boise Meridian; NE 1/4 NW1/4, NW1/4 NW1/4, Section 6, Twp. 4 North, Range 4 West Boise Meridian, all in Canyon County, State of Idaho.

6. The date of priority which said user is prepared to establish, is January 9, 1967.

R. KEITH HIGGINSON
State Reclamation

Engineer

Feb. 11, 18, 25; March 4, 1967

AFFIDAVIT OF PUBLICATION

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

Jeanne Bruner
of Caldwell, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 11, 18, 25, 1967

March 4, 1967

Jeanne Bruner
Subscribed and sworn to before me this

4th day of March, 1967

Adam D. Fair
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1967

33372

State of Idaho

License and Certificate of Water Right

Water License No. 33372 Priority January 9, 1967 Amount 2.60 c.f.s.

THIS IS TO CERTIFY that Eureka Ditch Company

of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 9, 1967; that Permit No. 33372 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.60 second feet, was issued thereunder on May 9, 1968, showing that said works were completed on the 13 day of March, 1967; and that on the 13 day of March, 1967 Eureka Ditch Company by Ray Austin,

Director
of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Drain Ditch, Drainage Dist. # 6

a tributary of Dixie Drain to Boise River for the purpose of irrigation, under Use Permit No. 33372 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in ~~Volume~~ ~~of Licenses at Page~~ on the 9 day of May, 1968.

The right hereby confirmed dates from January 9, 1967.

The Point of Diversion is located

in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 4 N, R. 4 W, B.M. Canyon County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.60 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N	5 W	36	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	14
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	19
5 N	4 W	31	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	25
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	26
4 N	4 W	6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	32
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	20	14
Total number of acres irrigated:					130

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 9 day of May, 1968.

R. Keith Higgins
State Reclamation Engineer.

33372

63 33372

Address all communications to
Eureka Ditch Co. c/o Ray Austin
P.O. Rt. #2, Caldwell, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41640
Permit No. 33372
District No. _____

RECEIVED
JAN 9 1967
11:40 A.M.
Department of Reclamation

1. Name of Applicant: Eureka Ditch Company
Post Office address: Rt. #2 Caldwell County Canyon State Idaho

If applicant is a corporation, give:

- (a) Date and place of incorporation: _____
(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____
(d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ _____
(b) Treasury stock: _____ (c) Bonds to be issued: _____
(d) Other resources: _____

2. Quantity of water claimed: 4.84 cubic feet per second
3. Source of water supply: Drain Ditch, Drainage Dist. No. 6
which is tributary of Dixie Drain to Boise, River
4. Location of point of diversion: _____ feet distant from the _____ corner
of Section _____, Twp. _____, Rge. _____, B. M., and is in the SW¹ NE¹
of Section 10, Twp. 4 N, Rge. 4 W B.M., County of Canyon
5. Water is to be used for: irrigation

6. If for any non-irrigation purpose, give:

- (a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, B. M.
(b) Amount of power generated: _____ H. P., under _____ feet head.
(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ completed about 20 years
8. Kind of works: Concrete diversion to Eureka Ditch
(Reservoir, dam, ditch, flume, pipe, etc.)
9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____
feet; material used in dam _____
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)
10. Size of headgate: Width _____ feet; Height _____ feet
11. Ditch: Width at bottom 10 feet; Width at water line 15 feet; Depth of water 2.5 feet;
Dimensions of flume _____; Diameter of pipe _____ inches;
Length of conduit 4.5 miles, Average grade per mile _____ feet.

Approval of State Reclamation Engineer

The number of this permit is 33372

Recorded in Book 116 104 Page 33372 Approved

JAN 10 1967

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 before.....

Work to begin on or before March 10, 1967, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 10, 1967

The whole of said work to be completed on or before January 10, 1968

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1969

Witness my hand this 10th day of January, 1967

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON W. SAMUELSON Governor of the State of Idaho,

and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to

be hereunto affixed, this 10th day of January, 1967.

Countersigned:

By

Edson H. Deal
Secretary of State.

STATE OF IDAHO

By

Don Samuelson
Governor.

No. 33372

PERMIT

Date of first receipt at office of State
Reclamation Engineer

January 9, 1967 11:40 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 6.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

33372

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

Remarks: Coarse soil requires about 1.1 miners inches per acre.

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

Eureka Ditch Company
By [Signature] Applicant.
Vice-President, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I,, of, County of, State of, do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit:

and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

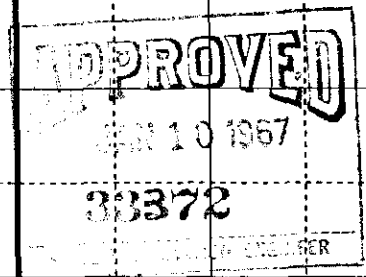
STATE OF IDAHO)
County of) ss.

On this day of, 19....., before me, a Notary Public for the State of Idaho, residing at, personally appeared known to me to be the person.... whose name.... subscribed to the foregoing certificate, and acknowledged to me thathe.... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires Notary Public.

33372



R5W

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PAUL M. TUTTLE
36
MERLE FORTNER
ARLISS HIBBARD
EVERETT J. DALE
JACK PERKINS
L.7
← CARLE HERRITT
← DRAIN RAY AUSTIN

T
4
N

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

33372

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3-12

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

APPLICATION No. 41640
PERMIT No. 33372
DISTRICT No.

Eureka Ditch Company
% Ray Austin, Route #2,
Caldwell, Idaho

1. Name of Applicant: Eureka Ditch Company

Postoffice address: Route #2, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: 4.84 cubic feet per second.

3. Source of water supply: Drain Ditch, Drainage Dist. No. 6 which is a tributary of Dixie Drain to Boise, River

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
of section 10 , T. 4 N , R. 4 W , B. M., County of Canyon

5. Water is to be used for irrigation

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ completed about 20 years

8. Kind of works: Concrete diversion to Eureka Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

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

11. Ditch: Width at bottom 10 fee; width at water line 15 feet; depth of water 2.5 feet;
dimensions of flume:

Diameter of pipe inches; length of conduit 4.5 miles.

Average grade per mile feet.

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

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

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

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	5 W	36											40			40	80		
5 N	4 W	31											40	40			80		
4 N	4 W	6					40	20									60		
Total number of acres to be irrigated:																	220		
PERMIT NO. 33372																			
CERTIFICATE OF COMPLETION OF WORKS ✓																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that Eureka Ditch Company of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 33372, issued upon Application No. 41640 bearing date of priority of January 9, 1967, authorizing the diversion of 4.84 second feet of waters of Drain Ditch, Drainage Dist. # 6 County of Canyon, State of Idaho, for irrigation 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 2.60 second feet of the waters of Drain Ditch, Drainage Dist. No. 6 tributary of Dixie Drain to Boise River that the point of diversion of said waters is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township 4 North, Range 4 West, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp. 5 North, Rge. 5 West, B.M. and S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp. 5 North, Rge. 4 West, B.M. and N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 6, Twp. 4 North, Range 4 West, Boise Meridian																			
Proof of completion of works made: March 13, 1967																			
Witness my hand this 9 day of May, A. D. 1968																			
LICENSE ISSUED FOR 2.60 SEC. FT.																			
LICENSE PAGE NO. 33372.																			
/S/ R. KEITH HIGGINSON																			
State Reclamation Engineer																			

May 9, 1968

Re: Permit No. 33372

Eureka Ditch Company
c/o Ray Austin
Route 2
Caldwell, Idaho 83605

Dear Mr. Austin:

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

Departmental receipt No. 717 in the amount of \$17.00 covering the fees was given to you.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosures: Certificates

C
O
P
Y

33372

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that Eureka Ditch Company
 of Caldwell , County of Canyon , and State of
 Idaho , the holder of Permit No. 33372 , issued upon
 Application No. 41640 bearing date of priority of January 9, 1967 , authorizing the
 diversion of 4.84 second feet of waters of Drain Ditch, Drainage Dist. # 6

County of Canyon , State of Idaho, for irrigation
 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 2.60 second feet of the waters of Drain Ditch, Drainage Dist. ...
 No. 6 tributary of Dixie Drain to Boise River

that the point of diversion of said waters is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township ...
 4 North, Range 4 West, Boise Meridian;

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 5 North, ...
 Range 5 West, Boise Meridian; and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 31, Township 5 North, Range 4 ...
 West, B. M. and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Township 4 North, Range 4 West, Boise Meridian.

Proof of completion of works made: March 13, 1967

Witness my hand this 9 day of May , A. D. 19 .. 68 ..

R. Keith Higgins
 State Reclamation Engineer

33372

Form 23

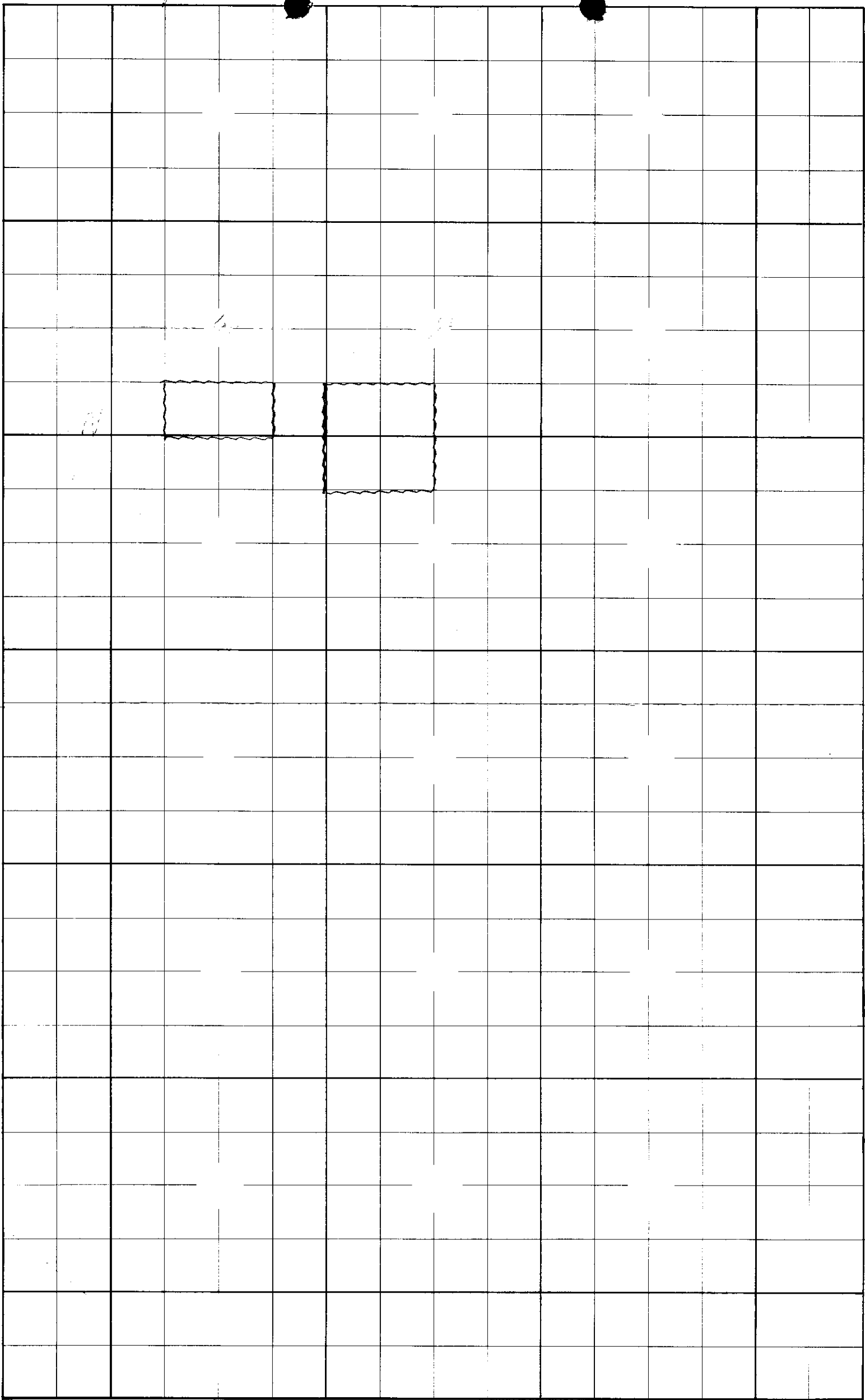
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 33372

REPORT ON PROOF OF Completion of Works & Beneficial Use



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. _____

REPORT ON PROOF OF _____

33372

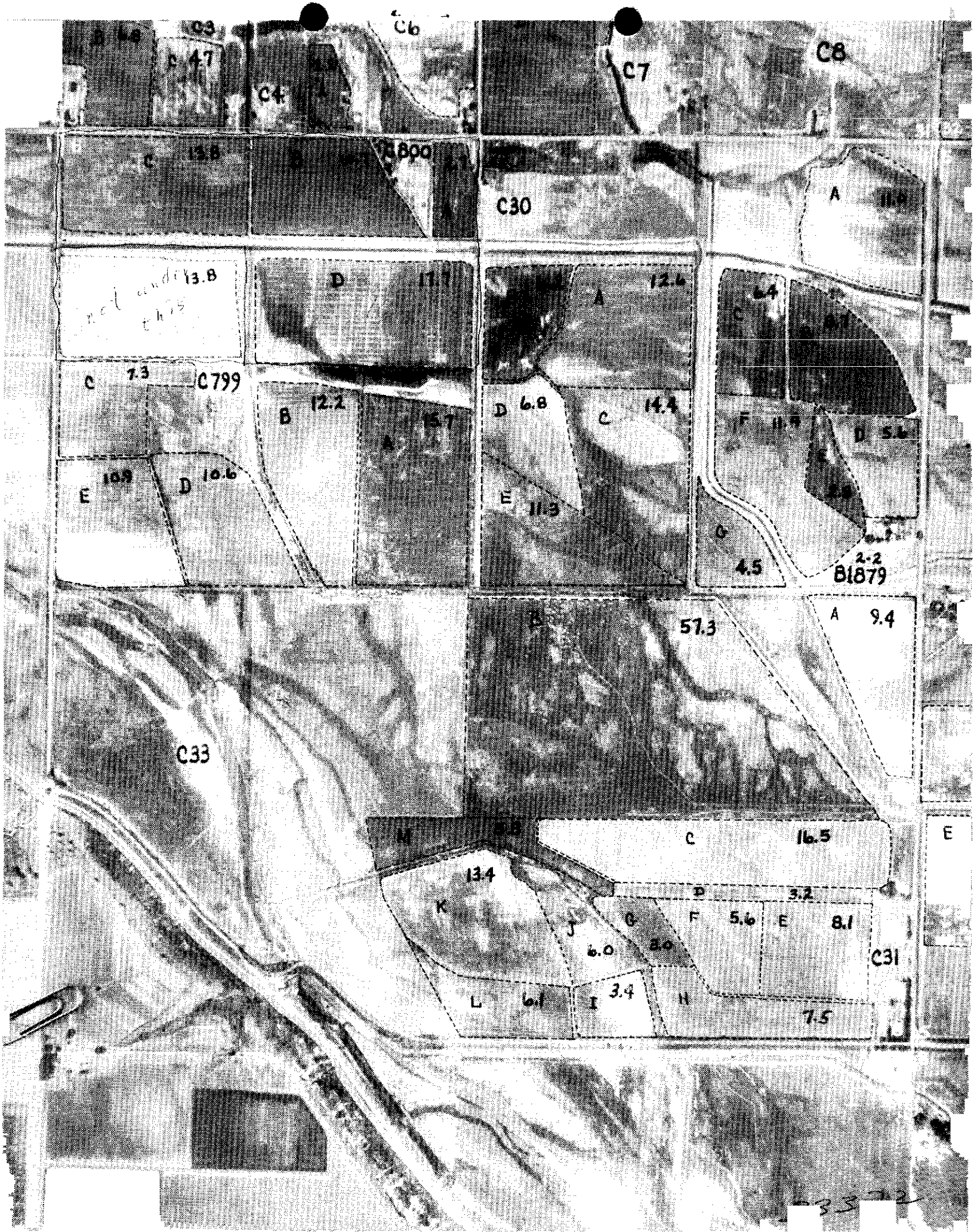
14	19
25	26
14	32
28	

AA
6A
1A A
46
130

9.75

Area - 130
Subd - 6

Alloc. C₁ = ~~2.60~~ 2.60



C8

C7

C6

C3

C47

C4

C30

C799

C33

C31

B1879

red and 13.8
th 175

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C 16.5

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D 11.7

A 12.6

D 6.8

C 14.4

B 12.2

A 15.7

E 10.9

D 10.6

E 11.3

F 11.9

D 5.6

C 6.4

G 4.5

2-2

M 8.8

K

J

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L 6.1

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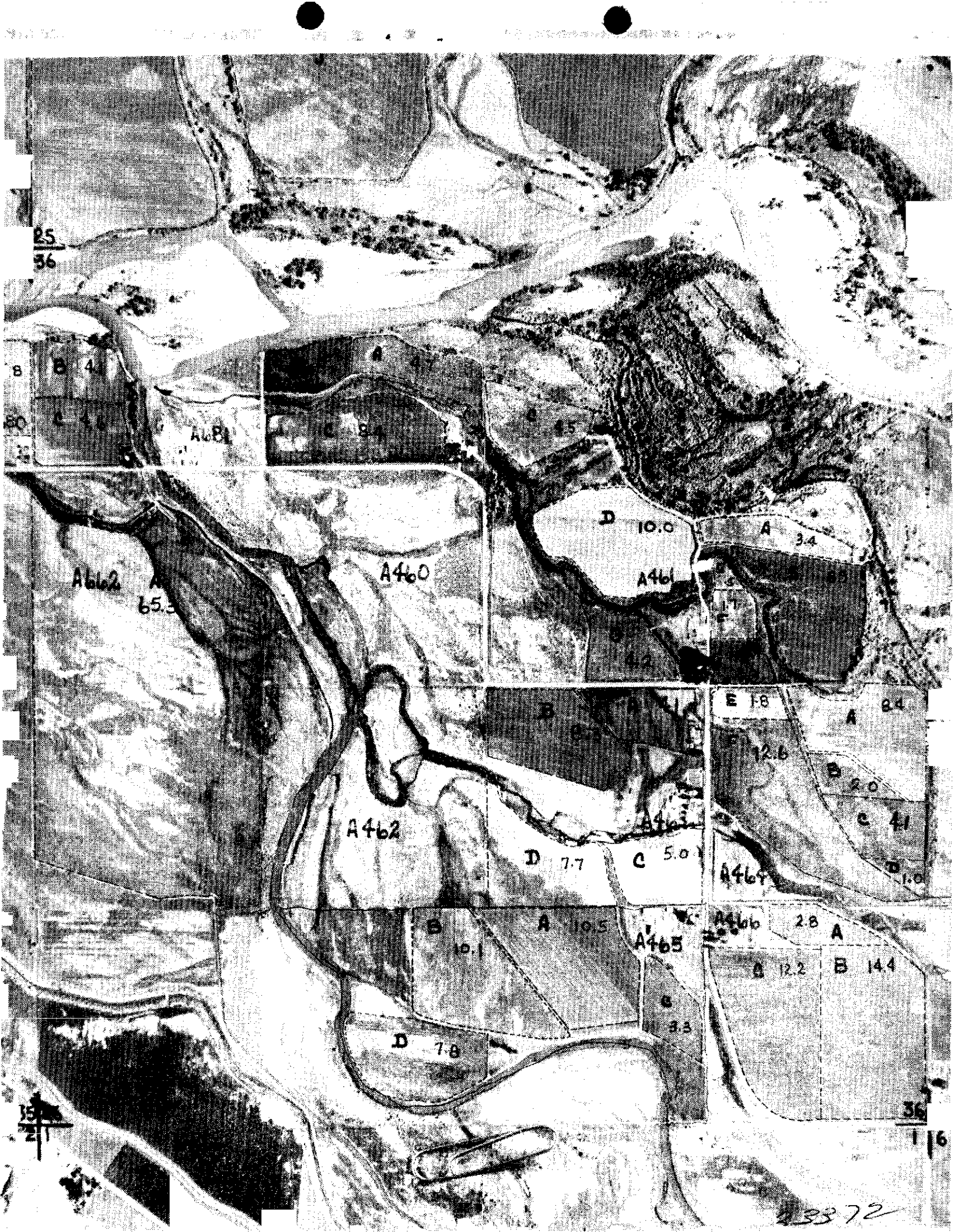
H

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3372

IDD-239





INSTRUCTIONS TO EXAMINERS

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

Eureka Ditch Co. (Ray Austin)
Route #2
Caldwell, Idaho

*Concrete diversion
to Eureka Ditch*

Permit No. 33372

Examination for Comp. of Works & Beneficial Use

County _____ Canyon _____

Quantity: 4.84 Sec. 10 T. 4N R. 4W

63-

Source: Drain Ditch, drainage district No. 6

P.D.: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 4 N, R. 4 W, B.M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: January 9, 1967

Due: January 10, 1968

Made: March 13, 1967

Priority: January 9, 1967

33372

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

Permit No. 33372 /

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

1. Name of applicant Eureka Ditch Company /

2. Source of water supply: drain ditch - drainage district No. 6

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10
T. 4 N R. 4 W County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

Concrete check structure to divert drainage water to the company ditch as required

5. Water is used for: irrigation

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

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 5 N, R. 5 W; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 31, T. 5 N, R. 4 W;
N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 4 N, R. 4 W, B.M. (220 acres)

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

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

Remarks:

Yield from the drain varies seasonally from nothing to an estimated 10 cfs

This examination was made on the 31st day of January, 1968

(Signed) Don Watter Examiner.

33372

DW
Plat $\checkmark$

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show whom, date, and address where delivered

☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3

AR 26 1968

655-16-71548-10 GPO

22372

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

**PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300**



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

22377

March 25, 1968

Re: Permit No. 33372

Eureka Ditch Company
Route # 2
Caldwell, Idaho 83605
Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 33372 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit licensing fees of \$17.00 due March 8, 1968,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before May 6, 1968, why said permit should not be cancelled.

Permit 33372 claims the use of 2.6 c.f.s. of water. The point of diversion was to be located SW1/4, Sec. 10, T. 4 N, R. 4 W, B.M., Canyon County,

and the permit was approved January 10, 1967.

State Reclamation Engineer

Enc: Copy of fee letter

fee paid
3-29-68
147.
33372

February 8, 1968

per # 717
given
3-29-68

Re: Permit No. 33372

Eureka Ditch Co.
Route #2
Caldwell, Idaho

33372

Gentlemen:

A representative of this department has made an examination of the works covered by your permit 33372 and has found the following:

Quantity of water diverted: 2.60 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.60 c.f.s.

Purpose of use: irrigation of 130 acres in
the NE 1/4, sec. 6, T. 4 N, R. 4 W; S 1/2 SW 1/4, sec. 31, T. 5 N,
R. 4 W; and SE 1/4 SW 1/4, SW 1/4 SE 1/4, sec. 36, T. 5 N, R. 5 W,
B.M.

The priority date established is: January 9, 1967.

A fee totaling \$ 17.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

33372

March 17, 1967

Re: Permit No. 33372

Eureka Ditch Company
c/o Ray Austin
Route #2
Caldwell, Idaho

Gentlemen:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the News Tribune, all submitted in proof of completion of works and beneficial use on Permit No. 33372.

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

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

Very truly yours,

M. Russell Bosch
Office Manager

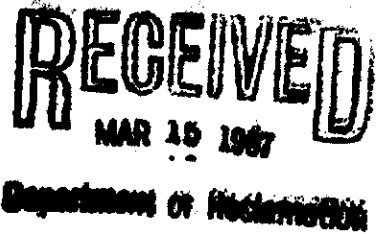
MRB:mw

33372

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33372



PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

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

Rt. #2, Caldwell, Idaho

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

Eureka Ditch Company, Rt. #2, Caldwell, Idaho, Director, authority given
by Board of Directors

Ques. 3. State number, approval date of permit, and date of priority: #33372

January 10, 1967, January 9, 1967

Ques. 4. State source of water supply: Drain Ditch, Drainage District #6

Give location of point of diversion, showing subdivision, section, township and range

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Twp. 4 N, Rge 4 W B.M., County of Canyon, Idaho

Ques. 5. Describe your works of diversion: Concrete diversion to Eureka Ditch

; state amount of water they are capable of con-

veying from point of diversion to place of use: 4.84 Cu.Ft.; Give name of canal or ditch

or other works by which water is conducted to such place of use: Eureka Ditch

; if a well, state depth of well ; depth and size of

casing ; depth to water ; if pump is used,

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

; if sprinkler irrigation, give number and size

of nozzles and operating pressure:

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

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 5N, Rge 5W, B.M. - 80 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, Twp. 5N, Rge 4W, B.M. - 80 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 4 N, Rge 4W, B.M. - 60 acres

33372

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MAR 13 1967

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

~~Construction of all ditches and all land levelled~~

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

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: March, 1935, 4.84 Cu. Ft. Time used since first use:

Used continuously since first use

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None

(sign)

Ray Curtis

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

Caldwell, County of Canyon

State of Idaho, on this 13th day of March, A. D. 1967.

My commission expires: Nov. 20, 1969

Donald E. Dwyer
Notary Public for Idaho
Residing at Caldwell, Idaho

33372

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33372

* * * * *

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MAR 15 1967

Department of Reclamation

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

DEPOSITION OF WITNESS

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

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

Robert Curtis, 46, Rt. 2, Caldwell, Idaho, Farmer

Ques. 2 Are you acquainted with Eureka Ditch Company, the holder of
Permit No. 33372? How long have you known him and where does he reside?

15 years, Caldwell, Idaho

Ques. 3. Have you read or heard said Permit No. 33372 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Drain Ditch, Drainage District #6

Give location of place of diversion, showing subdivision, section, township and range
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 4 N, Rge 4 W. B.M. Canyon County, Idaho

Describe works for conveying water to place of use: Concrete Diversion to Eureka
Ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4.84 How much water have you seen being so
conveyed? 4.84

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 5N, Rge. 5W, B.M. - 80 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, Twp. 5N, Rge. 4W, B.M. - 80 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 4N, Rge. 4W, B.M. - 60 acres

33372

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MAY 13 1967

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.

Coarse soil requires about 1.1 miners inches per acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? 1953

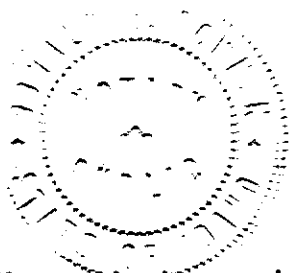
Other times you have seen such use: continuously

(Signed):

Robert C. Caldwell

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 13th day of March, A. D. 1967



Ronald E. Lorenson

Notary Public for the State of Idaho

Residing at Caldwell, Idaho

My commission expires Nov. 20, 1969

33372

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 33372

RECEIVED
MAR 15 1967
Department of Reclamation

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

DEPOSITION OF WITNESS

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

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

Earl Martin, 46, Rt. 1, Parma, Idaho, Farmer

Ques. 2 Are you acquainted with Eureka Ditch Company, the holder of
Permit No. 33372? How long have you known him and where does he reside?

15 years, Caldwell, Idaho

Ques. 3. Have you read or heard said Permit No. 33372 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Drain Ditch, Drainage District #6

Give location of place of diversion, showing subdivision, section, township and range
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 4 N, Rge, 4W. B.M., Canyon County, Idaho

Describe works for conveying water to place of use: Concrete Diversion to Eureka
Ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4.84 How much water have you seen being so
conveyed? 4.84

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 5N, Rge 5W B.M. - 80 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, Twp. 5N, Rge 4W B.M. - 80 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 4N, Rge 4W B.M. - 60 acres

33372

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FBI - IDAHO
MARCH 13 1967

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.

Coarse soil requires about 1.1 miners inches per acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? 1948

Other times you have seen such use: Continuously

(Signed):

Earl Martin

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 13th day of March, A. D. 1967

Donald E. Roever

Notary Public for the State of Idaho

Residing at Caldwell, Idaho

My commission expires Nov. 20, 1969

23372

RECEIVED
MAR 15 1967

Department of Reclamation

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

AFFIDAVIT OF PUBLICATION

Notice is hereby given that on the 13th day of March, 1967, at Caldwell, County of Canyon, State of Idaho, before Donald E. Downen, Notary Public, at (address) 9th and Dearborn Sts. Caldwell, Idaho, proof will be submitted of the completion of works for the diversion of 4.84 cubic feet per second of the waters of Drain Ditch, Drainage District No. 6, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 33372, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Eureka Ditch Company, C/O Ray Austin, Route # 2, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.84 cubic feet per second.

3. The use of which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.84 cubic feet per second.

4. The point of diversion of said water is SW1/4 NE1/4, Section 10, Twp. 4 North, Range 4 West.

5. The place where said water is used is SE1/4 SW1/4, SW1/4 SE1/4 Section 36, Twp. 5 North, Range 5 West, Boise Meridian; SW1/4 SW1/4, SE1/4 SW1/4, Section 31, Twp. 5 North, Range 4 West Boise Meridian; NE1/4 NW1/4, NW1/4 NW1/4, Section 6, Twp. 4 North, Range 4 West Boise Meridian, all in Canyon County, State of Idaho.

6. The date of priority which said user is prepared to establish, is January 9, 1967.

R. KEITH HIGGINSON
State Reclamation

967

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

Jeanne Bruner
of Caldwell, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 11, 18, 25, 1967

March 4, 1967

Subscribed and sworn to before me this

4th day of March, 1967

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1967

33372

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MAR 15 1967

GIGRAY, BOYD & DOWNEN

LAWYERS

9TH AND DEARBORN STS.

CALDWELL, IDAHO 83605

Department of Reclamation

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

AREA CODE: 208
TELEPHONE 459-4624

March 14, 1967

Department of Reclamation
Room 107
State House
Boise, Idaho

Re: Permit No. 33372

Gentlemen:

Enclosed please find the Depositions and the Affidavit of Publication for the proof of completion of works and application of water to beneficial use, under the above-referenced permit.

Very truly yours,

GIGRAY, BOYD & DOWNEN



Donald E. Downen

DED/sec

Enc.

33372

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

Notice is hereby given that on the 13th day of March, 1967, at Caldwell, County of Canyon, State of Idaho, before Donald E. Downen, Notary Public, at (address) 9th and Dearborn Sts. Caldwell, Idaho, proof will be submitted of the completion of works for the diversion of 4.84 cubic feet per second of the waters of Drain Ditch, Drainage District No. 6, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 33372, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Eureka Ditch Company, C/O Ray Austin, Route # 2, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.84 cubic feet per second.

3. The use of which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.84 cubic feet per second.

4. The point of diversion of said water is SW1/4 NE1/4, Section 10, Twp. 4 North, Range 4 West.

5. The place where said water is used is SE1/4 SW1/4, SW1/4 SE1/4 Section 36, Twp. 5 North, Range 5 West, Boise Meridian; SW1/4 SW1/4, SE1/4 SW1/4, Section 31, Twp. 5 North, Range 4 West Boise Meridian; NE 1/4 NW1/4, NW1/4 NW1/4, Section 6, Twp. 4 North, Range 4 West Boise Meridian, all in Canyon County, State of Idaho.

6. The date of priority which said user is prepared to establish, is January 9, 1967.

R. KEITH HIGGINSON
State Reclamation
Engineer

Feb. 11, 18, 25; March 4, 1967

RECEIVED
FEB 1 1967

Department of Reclamation

33372

January 27, 1967

Re: Permit No. 33372

News-Tribune
Caldwell, Idaho 83605

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to March 13, 1967. The expense of the publication is to be paid by Ray Austin of Eureka Ditch Company, Route #2, Caldwell, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

33372

XXXXXX

January 27, 1967

Re: Permit No. 33372

Eureka Ditch Company
c/o Ray Austin
Route #2
Caldwell, Idaho 83605

Dear Mr. Austin:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 33372. The proofs are to be made ~~at~~ at 12:00, on the 13th day of March, 19 67, before Donald E. Downen Caldwell, Idaho, Notary Public.

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

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

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

Very truly yours,

MRB:aw

M. Russell Bosch
Office Manager

Encl.

cc: Notary

33372

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

Department of Reclamation

NOTICE is hereby given that at ~~10:00 A.M.~~, on the 13th day of March, 1967, at Caldwell, County of Canyon, State of Idaho, before Donald E. Downen, Notary Public, at (address) 9th and Dearborn Sts. Caldwell, Idaho, proof will be submitted of the completion of works for the diversion of 4.84 cubic feet per second of the waters of Drain Ditch, Drainage District No. 6, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 33372, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Eureka Ditch Company, C/O Ray Austin, Route #2, Caldwell, Idaho

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.84 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.84 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Twp. 4 North, Range 4 West, ~~of the Boise Meridian, County of Canyon, State of Idaho.~~

5. The place where said water is used is SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Twp. 5 North, Range 5 West, Boise Meridian; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Twp. 5 North, Range 4 West Boise Meridian; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Twp. 4 North, Total 220 acres. Range 4 West Boise Meridian; all in Canyon County, State of Idaho.

6. The date of priority which said user is prepared to establish is January 26, 1947

State Reclamation Engineer

33372

mw

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JAN 27 1967
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 26, 1967

(P. O.) Caldwell, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the NEWS-TRIBUNE of
Caldwell, Idaho Published in
the county in which the works are situated.

Eureka Ditch Co. by
X Ray Austin V.P.

(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

33372

January 19, 1967

Re: Permit No. 33372

Eureka Ditch Company
Route #2
Caldwell, Idaho
% Ray Austin

Dear Mr. Austin:

We enclose Permit No. 33372 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~ Departmental Receipt No. 33579 which was issued covering payment in the amount of \$ 6.00 for the filing fee of the above mentioned permit, which has been given to you at an earlier date.

Very truly yours,

Enc. permit

MRB:ejw

M. RUSSELL BOSCH
Office Manager

Original mailed to Donald E. Downer
9th and Dearborn
Caldwell, Idaho

33372