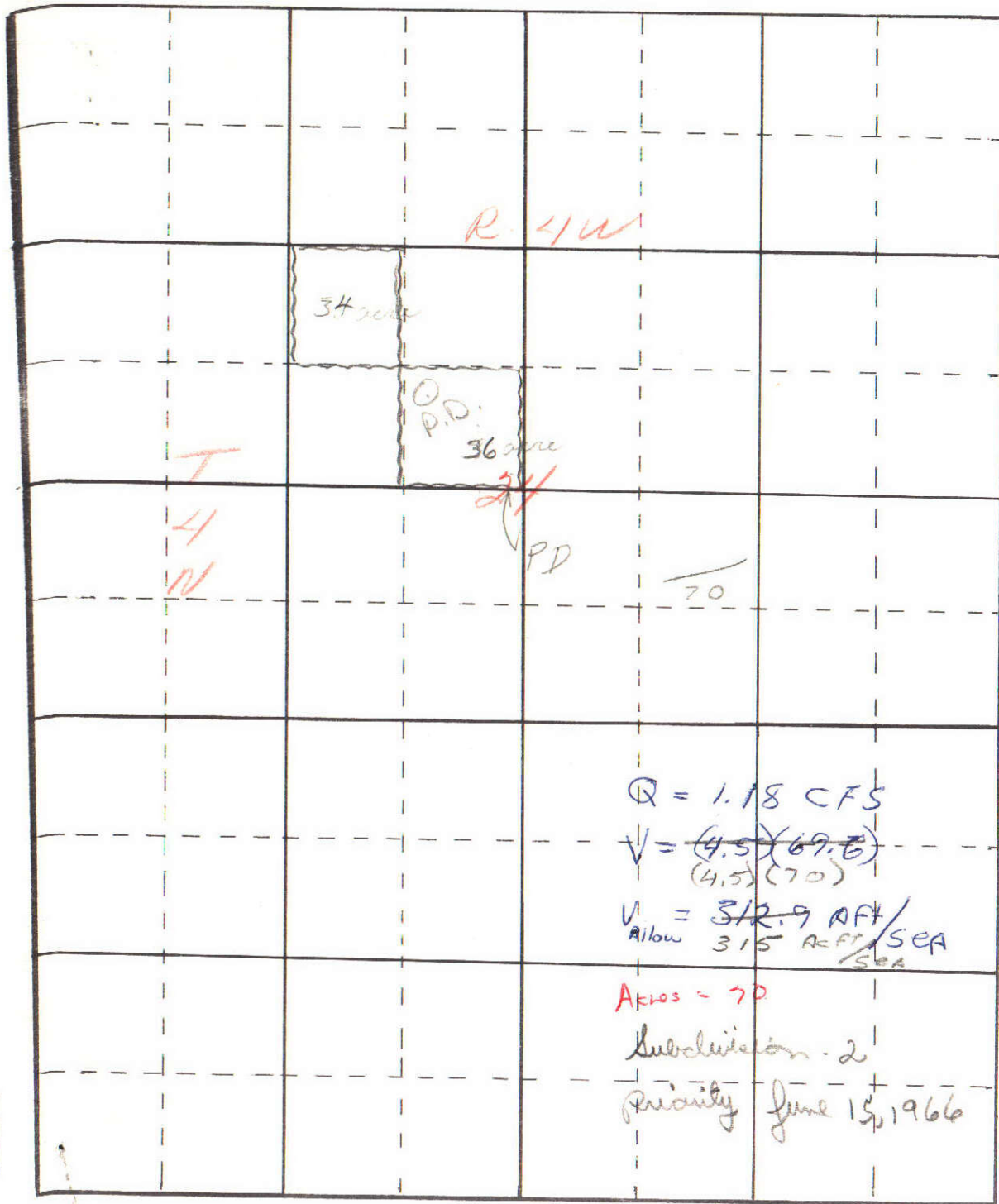




Permit No. 63-3371 31430 b/u only 337-3825
 Name of Applicant John Landa, Homedale, Idaho
 Source of Water unnamed drain
 a tributary of Boise River
 Location of P.D. SE1/4NW1/4, sec. 24, T. 4 N, R. 4 W, B.M., Canyon County

Water is used for irrigation
 Quantity of water claimed: Permit 1.4 c.f.s. Depositions 1.4 c.f.s.
 Type of measuring device installed or method of measurement and general description of diversion works pump and open ditch

GEMotor 5 HP 1750 RPM 220/440 Volts
 25 BCORXP Cascade Pump #5637

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
4 N	4 W	24	NW1/4NW1/4, SE1/4NW1/4

Total acreage 70

Filed - October 11, 1963

Made - June 20, 1968

Due - October 16, 1965

Priority - June 15, 1966

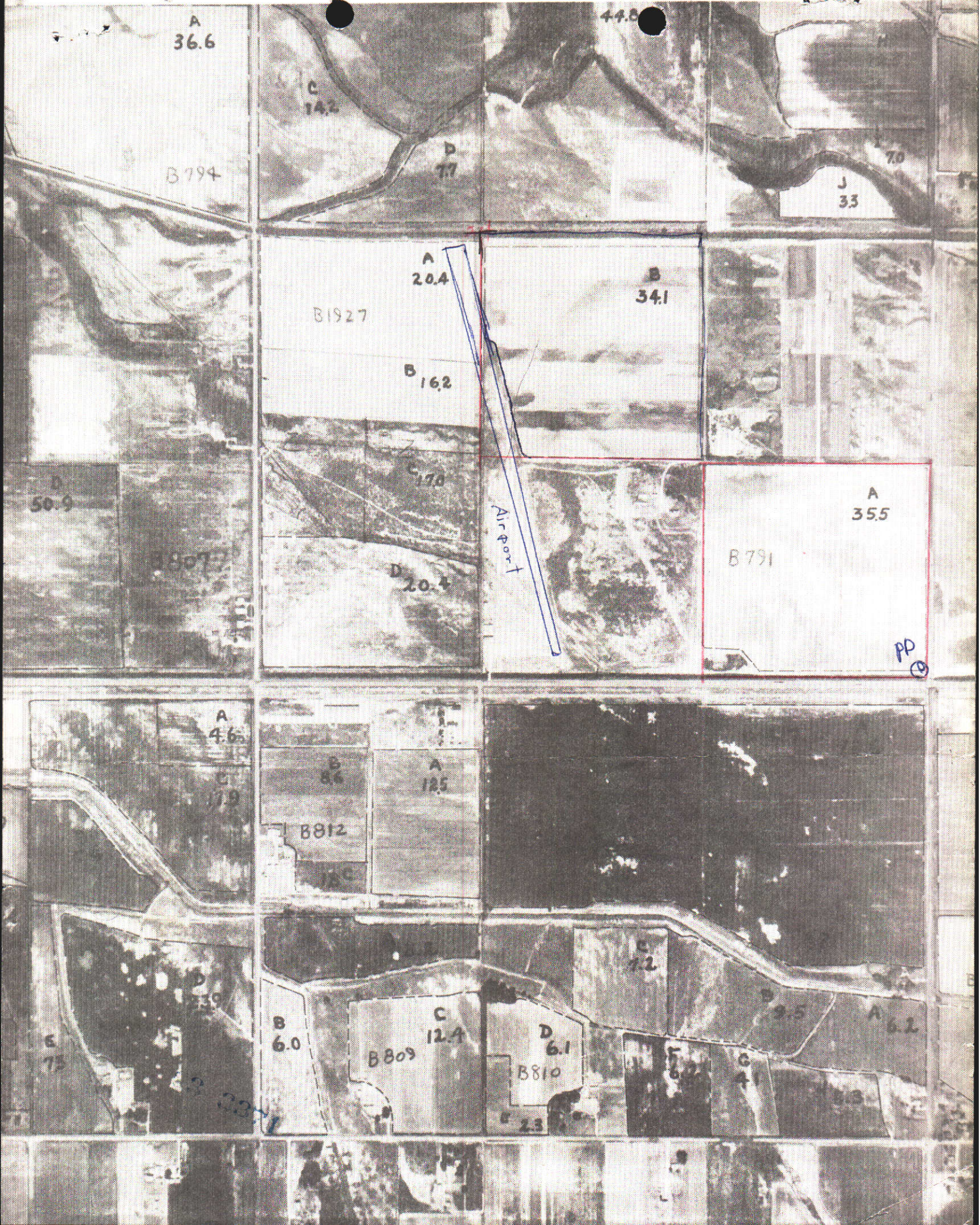
Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

water permit issued for well on lands herein described but
 well never developed by prior owners and abandoned.

System
 SHUT DOWN
 POWER OFF
 LANDA ASKED
 US TO COME
 IN SPRING
 1980

Plot
 24

Lands



RECEIVED

JUN 25 1968

Department of Reclamation

AFFIDAVIT OF PUBLICATION

NOTICE OF PROOF OF AP-
PLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that on June 20, 1968 at Homedale, County of Owyhee, State of Idaho, before notary public Iris M. Parker, 112 Idaho Street, Homedale, Idaho, proof will be submitted of the diversion of 1.4 c.f.s. of the waters of an unnamed drain, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 31430, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is John Landa, Homedale, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.4 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 1.4 c.f.s.

4. The point of diversion of said water is SE 1/4 NW 1/4, Sec. 24, T. 4 N, R. 4 W, B.M., Canyon County.

5. The place where said water is used is NW 1/4 NW 1/4, SE 1/4 NW 1/4, Sec. 24, T. 4 N, R. 4 W, B.M.

6. The date of priority which said user is prepared to establish is October 11, 1963 (Subject to late proof).

R. KEITH HIGGINSON

State Reclamation Engineer
May 25; June 1, 8, 15, 1968

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

Jeanne Bruner

of Nampa, 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 Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 Nampa, 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:

May 25, June 1, 8, 15, 1968

Subscribed and sworn to before me this

15th day of June, 19 68

Adam & Son
Notary Public, Residing at Nampa, Idaho

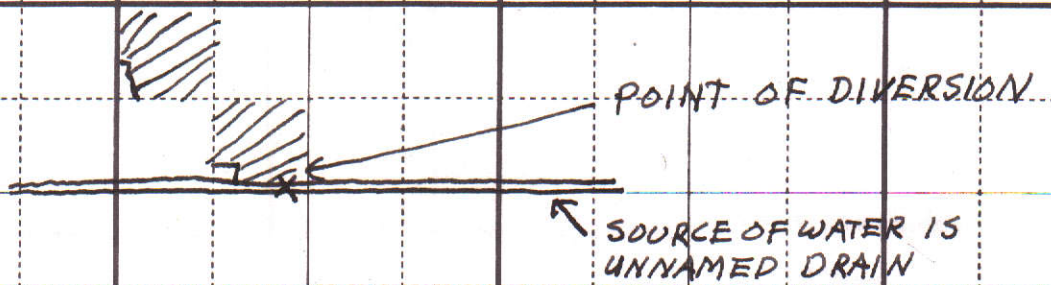
MY COMMISSION EXPR. JUNE 23, 1971

31430

NAME OF APPLICANT JOHN LANDA

Form No. 0

NORTH



SECTION 24, Twp 4N, R4W, BM

Permit Map No. 31430
As Approved
OCT 16 1963
CARL E. TAYLOR
State Reclamation Engineer

\$ 31430

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 63-3371 Priority 6-15-66 Amount 1.18 c.f.s.
(late proof)

THIS IS TO CERTIFY, that JOHN LANDA
of Homedale, Idaho, has complied with the terms and conditions of Permit
No. 63-3371 issued pursuant to Application for Permit dated 10-11-63,
and has submitted proof to the Department of Water Administration on 6-25-68,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.18 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed drain
tributary of Boise River, is hereby confirmed in the following amounts:

Amount 1.18 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.18 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SE¹/₄ NW¹/₄ Sec. 24, T. 4 N., R. 4 W., B.M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 315 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

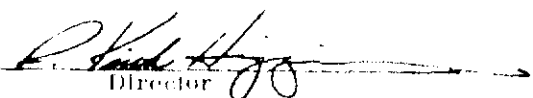
TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
4 N	4 W	24						34		36									70

Total number of acres irrigated 70

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8th day of

DECEMBER, 19 70.


Director

63 3371

62-3311

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

APPLICATION No. 39540
PERMIT No. 31430
DISTRICT No.

1. Name of Applicant: John Landa

Postoffice address: Homedale

County: of Owyhee

State: of 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: 1.4

cubic feet per second.

3. Source of water supply: Unnamed drain flowing along
South side of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T4N, R4W, B.M.,
Canyon County, Idaho

which is a tributary of Boise River

4. Location of point of diversion: West 30 feet
of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

feet distant from the Southeast

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

of section 24, T. 4N., R. 4W., 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: \$ 1,000.00

8. Kind of works: Pump and open ditch for irrigation

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 feet; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

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

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: water permit issued
for well on lands herein described but well never developed by prior owners and abandoned.

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

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

/s/ John Landa

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:30 A.M. October 11, 1963

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 31430

The number of this permit is 31430
Recorded in Book 110 Page 31430 Approved October 16, 1963

Recorded in Book 110 Page 51450 Approved October 13, 1909
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 December 16, 1963 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 April 16, 1964

The whole of said work to be completed on or before October 16, 1964

Beneficial use of water appropriated in accordance herewith, to be made on or before October 16, 1965

WITNESS My hand this 16th day of October, 1963

CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, W. E. DREVLON, Acting _____, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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 16th _____
day of October, 19 63. STATE OF IDAHO

STATE OF IDAHO

Countersigned:

(SEAL)

By /s/ ARNOLD WILLIAMS
Secretary of State.

By/s/ W. E. DREVLON
Acting Governor.

REMARKS: While Completion of Works Proof can be accepted in order to keep Permit in good standing, license cannot be issued until determination is made that the water claimed is public water.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N.	4W.	24					34				36								70
TO ALL WHOM IT MAY CONCERN:			Permit No. 31430 CERTIFICATE OF COMPLETION OF WORKS																
			This is to certify that JOHN LANDA of Homedale, County of Owyhee, and State of Idaho, the holder of Permit No, 31430 issued upon Application No. 39540, bearing date of priority of October 11, 1963, authorizing the diversion of 1.4 second feet of waters of Unnamed Drain, 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 1.4 second feet of the waters of Unnamed Drain, tributary of Boise River; that the point of diversion of said waters SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 4 N., R. 4 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:																
			NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 4 N., R. 4 W., B. M.																
			Witness my hand this 21st day of October, A. D. 1964.																
Proof of Completion of Works Made: October 12, 1964			s/ RALPH W. THOMAS, Deputy State Reclamation Engineer																
			LICENSE ISSUED FOR 1.18 SEC. FT. LICENSE PAGE NO. _____																

WATER RIGHT NUMBER 63-3371

OWNER LAST NAME - LANDA

FIRST NAME - JOHN

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - HOMEDALE

STATE - ID ZIP CODE - 83628

SOURCE - UNNAMED DRAIN

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 06-15-1966 COUNTY - CANYON

TOTAL DIV. RATE - 1.1800 -CFS

TOTAL DIV. VOLUME - 315.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENW 24 04N 04W LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE -

1.1800 CFS

USE DIV. VOLUME -

315.00 AFA

USE - IRRIGATION

PLACE OF USE - T4N 04N R4G 04W SEC 24 TRACT N4NW LOT AC 34 TRACT SENW LOT AC 36

DECREE NAME -

DATE -

TOTAL ACRES 70

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 31430

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

December 8, 1970

Re: Permit No. 63-3371 (31430)

C

O

Mr. John Landa
Homedale,
Idaho 83628

Dear Mr. Landa:

P

Enclosed herewith is your Water License issued on the above numbered permit. Also enclosed is departmental receipt No. 5246 in the amount of \$4.

Very truly yours,

Y

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures

63 3371

October 15, 1970

Re: Permit No. 63-3371 (31430)

Mr. John Landa
Homedale,
Idaho 83628

Dear Mr. Landa:

A representative of this department has made an examination of the works covered by your Permit No. 63-3371 and has found the following:

Quantity of water diverted: 1.18 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 1.18 c.f.s.

The maximum quantity of water diverted shall not exceed 315 acre feet per season.

Beneficial Use: Irrigation of 70 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 24, T. 4 N., R. 4 W., B.M.

The priority date established is : June 15, 1966 (late proof)

A fee totaling \$ 4.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

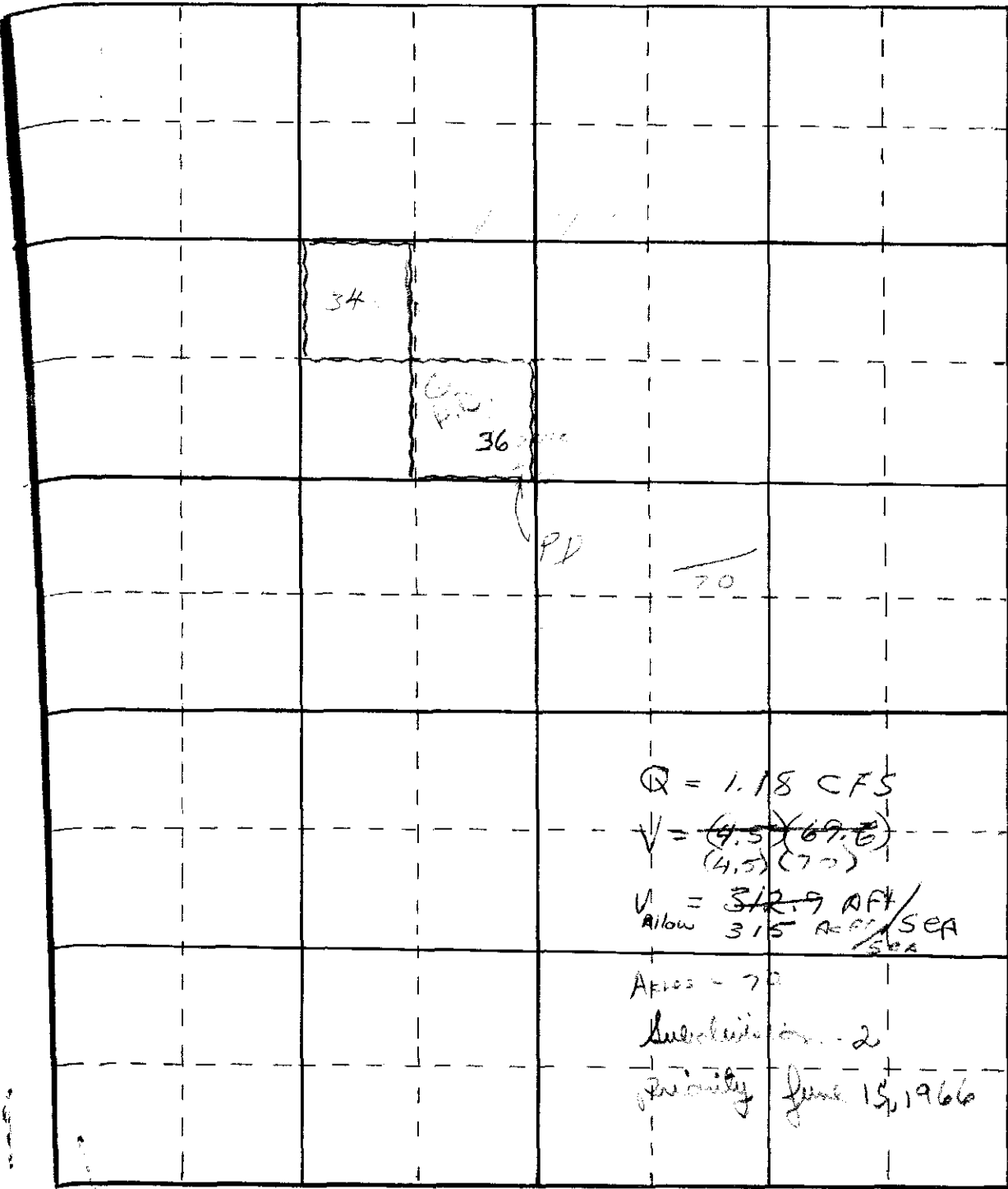
Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

cc. Mr. Richard B. Elsmann
P.O. Box 36
Homedale, Idaho 83628

63 3371



Q = 1.18 CFS

V = $\frac{4.5 \times 69.6}{(4.5)(70)}$

V = $\frac{312.9 \text{ AFT}}{315 \text{ AFT/SEC}}$

AFTS = 70

Subdivision - 2

Priority June 15, 1966

337-3825

Permit No. 63-3371 31430 b/u only

Name of Applicant John Landa, Homedale, Idaho

Source of Water unnamed drain

a tributary of Boise River

Location of P.D. SE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 24, T. 4 N, R. 4 W, B.M., Canyon County

Water is used for irrigation

Quantity of water claimed: Permit 1.4 c.f.s. Depositions 1.4 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works pump and open ditch

GEMotor 5 HP 1750 RPM 220/440 Volts

25 BCORXP Cascade Pump #5637

Land to be irrigated or place of use:				Description
TWP.	RGE.	SEC.		
4 N	4 W	24		NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Total acreage 70

Filed - October 11, 1963 Made - June 20, 1968

Due - October 16, 1965 Priority - June 15, 1966

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.

water permit issued for well on lands herein described but well never developed by prior owners and abandoned.

Source of supply ~~Ground~~ UNNAMED drain
a tributary of _____

Location of P.D.(s) SE 1/4 NE 1/4 Sec 24 4N 4W

Water is used for irrigation

Quantity of water found _____

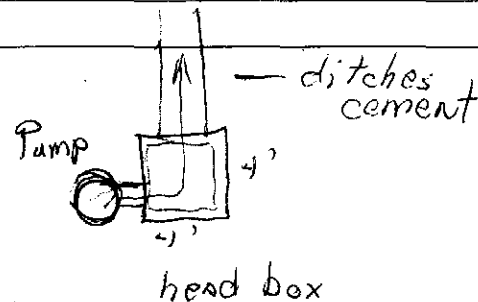
How was the measurement made? Pygmy

Measurement calculations attached 1.18 CFS
measured in concrete ditch

$$\begin{aligned} Q &= 1.18 \quad V = (1.18)(2)(210) \\ &= (2.36)(210) \\ &= 495.6 \text{ AC/Ft/Sec} \\ &= 312.9 \text{ Allowable} \end{aligned}$$

Diversion works description and diagram

Pump to headbox
8" Pipe 2 1/2' long
Headbox empties
into concrete
ditches for irrigation



Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 69.6 Acres

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

All land is planted in Alfalfa and is irrigated from cement and earth ditches

Who represented the permit holder at the examination?

Recommended allowance for licensing 1.18

Description of required amendments. Comments.

Evidently all water pumped from this drain is wastewater rather than NATURAL flow

I don't know about this note

Report checked? _____

Examination date 1 June 70

Signature

James E Booker

AD 7/2/70

63 3371

R-378

Date 12 Jun, 1970 **DISCHARGE MEASUREMENT NOTES**

Date _____

1504

DISCHARGE MEASUREMENT NOTES

River at



.10

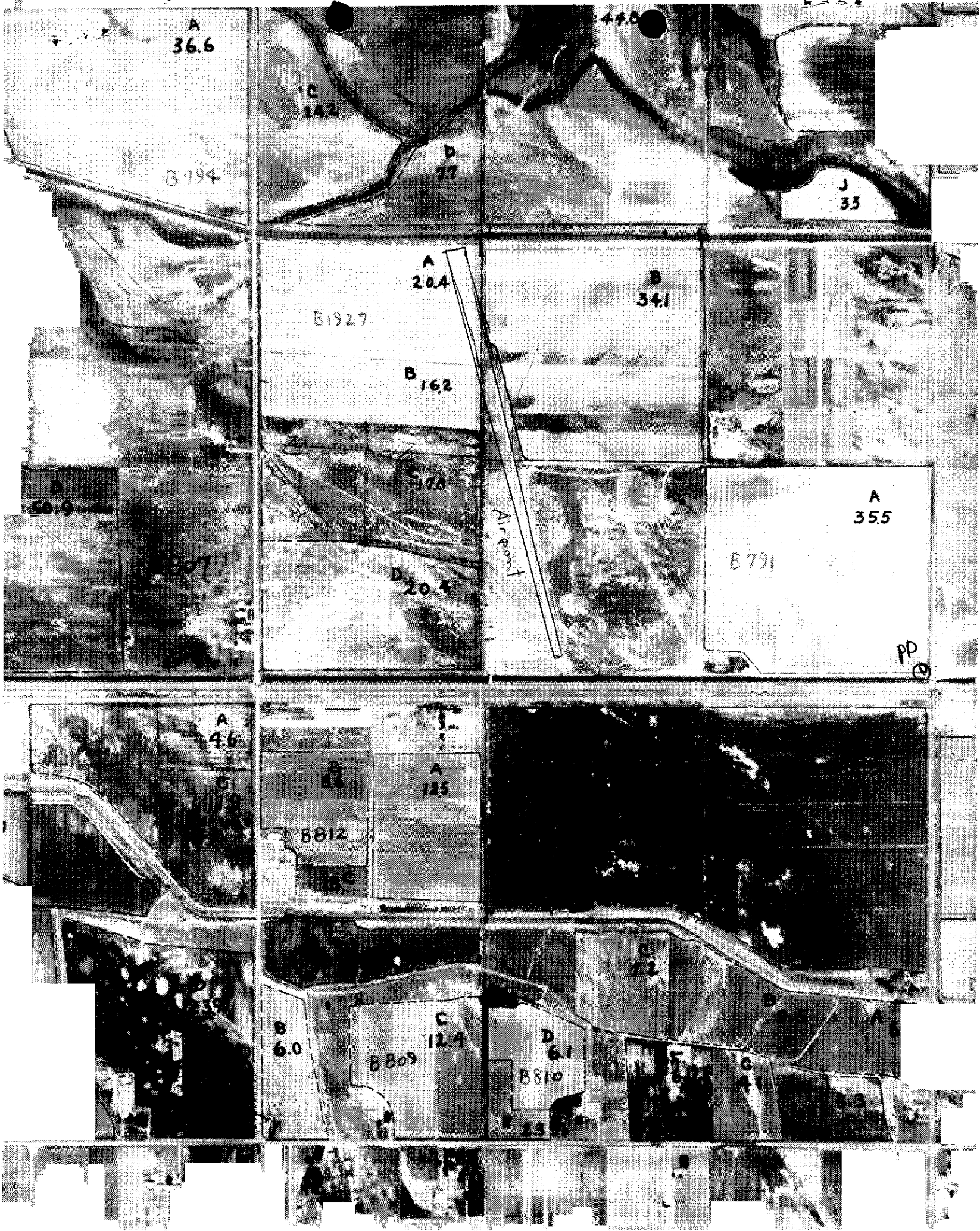
20

30

40

50

Lands



June 26, 1968

Re: Permit No. 31430

John Landa
Homedale, Idaho 83628

Dear Mr. Landa:

We acknowledge receipt of the depositions and affidavit of publication in the
Idaho Free Press submitted as proof of completion of works and beneficial use on Permit 31430.

Before a certificate and license of water right can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

*Exam made
June 1, 68
31430*

RECEIVED
JUN 25 1968
Department of Reclamation

AFFIDAVIT OF PUBLICATION

NOTICE OF PROOF OF AP-
PLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that on June 20, 1968 at Homedale, County of Owyhee, State of Idaho, before notary public Iris M. Parker, 112 Idaho Street, Homedale, Idaho, proof will be submitted of the diversion of 1.4 c.f.s. of the waters of an unnamed drain, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 31430, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is John Landa, Homedale, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.4 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 1.4 c.f.s.

4. The point of diversion of said water is SE 1/4 NW 1/4, Sec. 24, T. 4 N, R. 4 W, B.M., Canyon County.

5. The place where said water is used is NW 1/4 NW 1/4, SE 1/4 NW 1/4, Sec. 24, T. 4 N, R. 4 W, B.M.

6. The date of priority which said user is prepared to establish is October 11, 1963 (Subject to late proof).

R. KEITH HIGGINSON

STATE OF IDAHO,

County of Canyon.

ss.

Jeanne Bruner

of Nampa, 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 Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 Nampa, 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:

May 25, June 1, 8, 15, 1968

Subscribed and sworn to before me this

15th day of June, 1968

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRE JUNE 23, 1971

B31430

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
JUN 27 1963
Department of Reclamation

Permit No. _____

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

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

JOHN LANDA, farmer, Homedale, 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:

22430

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

31430, October 16, 1963

Ques. 4. State source of water supply: unnamed drain flowing along south
Give location of point of diversion, showing subdivision, section, township and range
side of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, R4W. B. M. Canyon County, Idaho.

Ques. 5. Describe your works of diversion: pump and open ditch

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 1.4 ; Give name of canal or ditch or other works by which water is conducted to such place of use: pump in open 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: for 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:

34 acres in NW $\frac{1}{4}$ and 36 acres in SE $\frac{1}{4}$ in Section 24, T4N, R4W. B. M.

631430

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

all lands now irrigated

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: not applicable

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

not applicable

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: 1.4 cubic feet per second - Time used since first use:

the water was first used in October of 1963

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

not applicable

(sign)

John Landa
John Landa

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

Homedale

, County of Owyhee

State of Idaho, on this 20th day of June, A. D. 1968.

My commission expires: 6/10/71

John Parker

§ 31430

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 31430

* * * * *

RECEIVED
JUN 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

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

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

Frank J. Matteson, Homedale, garage and service station operator
and owner

Ques. 2 Are you acquainted with John Landa, the holder of
Permit No. 31430? How long have you known him and where does he reside?

I have known John Landa for more than 15 years and he resides at
Homedale, Idaho.

Ques. 3. Have you read or heard said Permit No. 31430 read, and are you familiar
with its provisions and conditions: Yes x No.

Ques. 4. State source of water supply: unnamed drain, tributary to Boise River

Give location of place of diversion, showing subdivision, section, township and range
SE $\frac{1}{4}$ NW $\frac{1}{4}$
West 30 feet Distant from the SE corner of Section 24, T4N, R4W. B. M.

Describe works for conveying water to place of use: pump and open ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 1.4 How much water have you seen being so
conveyed? 1.4

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

34 acres in the NW $\frac{1}{4}$ and 36 acres in the SE $\frac{1}{4}$ all in Section 24,
T4N, R4W. B. M.

31430

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

not applicable

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.

loam one inch per acre

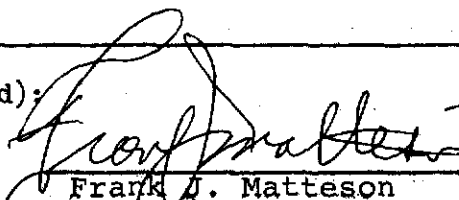
Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? in the late fall of 1963

Other times you have seen such use: by driving by the premises frequently

(Signed):


Frank J. Matteson

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, State of Idaho, on
this 20th day of June, A. D. 19 68



Notary Public for the State of Idaho

Residing Homedale, Idaho

My commission expires 6/10/71

31430

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 31430

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

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

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

Forest J. Parker, P. O. Box 568, Homedale, Idaho, Truck Driver

Ques. 2 Are you acquainted with John Landa, the holder of
Permit No. 31430 ? How long have you known him and where does he reside?

I have known John Landa for about 16 years and he resides at Homedale, Idaho

Ques. 3. Have you read or heard said Permit No. 31430 read, and are you familiar
with its provisions and conditions: Yes x No.

Ques. 4. State source of water supply: unnamed drain, tributary to Boise River
Give location of place of diversion, showing subdivision, section, township and range
West 30 feet distant from the SE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24,
T4N, R4W. B. M.

Describe works for conveying water to place of use: pump and open ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 1.4 How much water have you seen being so
conveyed? 1.4

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

34 acres in the NW $\frac{1}{4}$ and 36 acres in the SE $\frac{1}{4}$ all in Section 24, T4N,
R4W. B. M.

\$ 31430

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

not applicable

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.

Loam. one inch 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? in the late fall of 1963

Other times you have seen such use: I drive by the premises at least twice a week.

(Signed):

Forest J. Parker
Forest J. Parker

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, State of Idaho, on this 20th day of June, A. D. 1968

Forest J. Parker

Notary Public for the State of Idaho

Residing Homedale, Idaho

My commission expires 6/10/71

§ 31430

TELEPHONE 337-3135
AREA CODE 208

RICHARD B. EISMANN
ATTORNEY AT LAW
HOMEDALE, IDAHO
June 21, 1968

POST OFFICE BOX 36
ZIP CODE 83628

Department of Reclamation

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

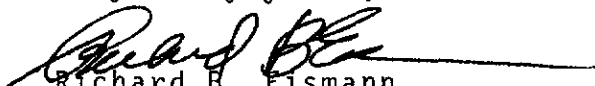
Re: Permit No. 31430, John Landa

Gentlemen:

Enclosed please find the following instruments in the above entitled matter.

1. Original deposition of holder, John Landa.
2. Original deposition of witness, Forest J. Parker.
3. Original deposition of witness, Frank J. Matteson.
4. Original affidavit of publication therein.

Very truly yours,


Richard B. Eismann
RBE/imp
Enclosure:

31430

The Idaho Free Press

Published Daily Except Sunday

P. O. BOX 88 NAMPA, IDAHO, 83651

AREA CODE 208
466-7891

May 20, 1968

RECEIVED
MAY 21 1968
Department of Reclamation

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on June 20, 1968 at Homedale, County of Owyhee, State of Idaho, before notary public Iris M. Parker, 112 Idaho Street, Homedale, Idaho, proof will be submitted of the diversion of 1.4 c.f.s. of the waters of an unnamed drain, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 31430, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is John Landa, Homedale, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.4 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 1.4 c.f.s.

4. The point of diversion of said water is SE 1/4 NW 1/4, Sec. 24, T. 4 N, R. 4 W, B.M., Canyon County.

5. The place where said water is used is NW 1/4 NW 1/4, SE 1/4 NW 1/4, Sec. 24, T. 4 N, R. 4 W, B.M.

6. The date of priority which said user is prepared to establish is October 11, 1963 (Subject to late proof).

R. KEITH HIGGINSON
State Reclamation Engineer
May 25, June 1, 8, 15, 1968

Above is a proof of your copy as it will appear in our paper beginning May 25, 1968, unless we hear from you prior to that time concerning any corrections or changes.

Faye Bever
Faye Bever
Legal Desk

Adam J. Kolb
Publisher

31430

Re: Permit No. 31430

May 17, 1968

Richard B. Eismann
Attorney At Law
P. O. Box 36
Homedale, Idaho 83628

Dear Mr. Eismann:

This acknowledges receipt of the notice of intent to make proof of ~~com-~~
~~pletion of works and~~ application of water to beneficial use for permit No.
31430.

We have mailed the notice to the Idaho Free Press to be
published once a week for four consecutive weeks prior to June 20, 1968,
which is the hearing date when the permit holder _____
John Landa
and two disinterested witnesses must appear before _____
Iris M. Parker, notary public, to complete
the enclosed depositions. The witnesses must be familiar with the works and
permit.

After the hearing, the depositions and an affidavit of publication must be
submitted to this office. The affidavit may be obtained from the newspaper
when the advertising bill is paid by Richard B. Eismann.
Be sure all the forms have the notary's seal and are signed. Please feel free
to contact us if we may be of any assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Depositions

cc: Notary

31430

May 17, 1968

Re: Permit No. ³¹⁴³⁰~~34130~~
John Landa

Idaho Free Press
Nampa, Idaho 83651

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to June 20, 1968. The expense of the publication is to be paid by Richard B. Eismann, Attorney At Law,
P. O. Box 36, Homedale, Idaho 83628

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

31430

May 13, 1968

C
Re: Permit No. 31430
John Landa

O
Richard B. Eismann
Attorney At Law
Homedale, Idaho 83628

Dear Mr. Eismann:

P
Please find enclosed the Department of Reclamation's Form 11,
authorization to publish the legal notice which has not been signed.

We would appreciate your signing the authorization and returning
the same promptly so that we may proceed with the advertising of the
above referenced permit.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DJ

Enc: Form 11

Y
31430

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

Department of Reclamation

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Idaho Free Press of Nampa, Idaho 83651; published in the county in which the works are situated.

x 
(signature) Richard B. Eismann
Attorney for John Landa
P. O. Box 36, Homedale, Idaho
(address)
May 6, 1968
(date)

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 when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

b 31430

**NOTICE OF PROOF OF ~~COMPLETION OF WORKS AND~~
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that on June 20, 1968 at Homedale,
County of Owyhee, State of Idaho, before notary public (name & address) _____
Iris M. Parker, 112 Idaho Street, Homedale, Idaho, proof will be
submitted of the ~~completion of works for the~~ diversion of 1.4 c.f.s. of the waters
of an unnamed drain, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit 31430, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is John Landa, Homedale, Idaho
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
1.4 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 1.4 c.f.s.
4. The point of diversion of said water is SE~~1~~4NW~~1~~, Sec. 24, T. 4 N, R. 4 W,
B.M., Canyon County
5. The place where said water is used is NW~~1~~4NW~~1~~, SE~~1~~4NW~~1~~, Sec. 24, T. 4 N,
R~~xxxx~~ R. 4 W, B.M.
6. The date of priority which said user is prepared to establish is October 11,
1963 (Subject to late proof).

R. KEITH HIGGINSON

State Reclamation Engineer

31430

TELEPHONE 337-3135
AREA CODE 208

RICHARD B. EISMANN
ATTORNEY AT LAW
HOMEDALE, IDAHO

POST OFFICE BOX 36
ZIP CODE 83628

May 6, 1968

RECEIVED
MAY 7 1968
Department of Reclamation

Department of Reclamation
State of Idaho
107 State House
Boise, Idaho
Attention: Mr. Donald J. Watts

Dear Mr. Watts:

Enclosed herewith please find the notice of proof of application of water for beneficial use and the request for publication which I have signed.

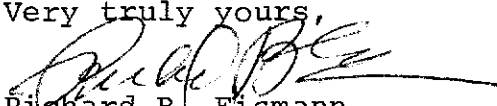
I call your attention particularly to the fact that the notary we will use is situated in Homedale, Owyhee County, Idaho, which is a more convenient place for all of the parties concerned.

The date that has been selected should allow plenty of time for publication.

Please forward the affidavit so that we may have them prepared and ready for signature at the date indicated.

Thank you very much.

Very truly yours,


Richard B. Eismann
RBE/imp
Enclosure:

31430

May 1, 1968

C Re: Permit No. 31430
John Landa

O Richard B. Eismann
Attorney At Law
Homedale, Idaho 83628

Dear Mr. Eismann:

P Pursuant to your recent telephone request forms are enclosed to
initiate the beneficial use proof procedure on Permit No. 31430.

Receipt of these forms by May 15 will be deemed as sufficient
cause not to cancel Mr. Landa's permit.

Very truly yours,

Y Donald J. Watts, P. E.
Engineer

DJW:dj

Enc: Forms 36, 11 & 36A

531430

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to 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.

19868

1

2

INSURED NO.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

4/6/68

D 31430

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300POSTMARK OF
DELIVERING OFFICE

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.**



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

B31430

April 5, 1968

Re: Permit No. 31430

John Landa
Homedale, Idaho

Dear Mr. Landa:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 31430 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit proof of beneficial use of water due October 16, 1965,

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 15, 1968, why said permit should not be cancelled.

Permit 31430 claims the use of 1.4 c.f.s. of water. The point of diversion was to be located SE1/4NW1/4, Sec. 24, T. 4 N, R. 4 W, B.M., Canyon County,

and the permit was approved October 16, 1963.

State Reclamation Engineer

B 31430

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. **31430 - John Landa**

Date: Aug. 2, 1965

Richard B. Rismann
Attorney at Law
Homedale, Idaho

Dear **Mr. Rismann:**

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. **31430** is due not later than **Oct. 16, 1965**. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

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

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

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

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

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

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

Enc. **Form 30 and 11**

cc: **John Landa, Homedale, Idaho**

31430

October 21, 1964

Re: Permit No. 31430

Mr. John Landa
Homedale, Idaho

Dear Mr. Landa:

Enclosed is the Certificate of Completion of
Works which has been issued on the above numbered permit.

Departmental Receipt No. 32487, in the amount
of \$5.00 was mailed to Mr. Eismann, together with a copy
of this letter.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate

cc: Richard B. Eismann
Attorney at Law
Homedale, Idaho

31430

RICHARD B. EISMANN
ATTORNEY AT LAW
HOMEDALE, IDAHO
October 16, 1964

RECEIVED
OCT 18 1964
Department of Reclamation

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

Re: Permit 31430 John Landa

Gentlemen:

Enclosed please find my check in the sum of \$5.00 to cover the fee for filing the proof of completion of works concerning the above permit.

Thank you very much.

Very truly yours,



Richard B. Eismann

RBE,imp

Enclosure:

31430

Permit No. 31430

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Owyhee }

ss.

JOHN LANDA

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 31430, and that his postoffice address is Homedale State of Idaho.

Second: That the name of the stream from which said water is to be diverted is unnamed drain flowing along South side of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T4N, R4W, B. M. Canyon County, Idaho tributary to Boise River.

Third: That the point of diversion of said water is west 30 feet distant from SE CORNER course of SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T4N, R4W. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 16, 1964.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: pump and open ditch for irrigation

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water line _____ feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

(STATE WHETHER DITCH, FLUME OR PIPE)

Seventh: That said works are capable of conducting to the place of intended use _____

1.4 second feet of water.

Eighth: That water appropriated under said permit is available for 80 70 acres of land described as follows: 34 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 36 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ all in Section 24, T4N, R4W, B. M. Canyon County, Idaho

Ninth: Remarks:—That _____

(SIGN HERE)

Subscribed and sworn to before me this _____ day of October, 1964

NOTARY PUBLIC

My commission expires 6/10/67

31430

October 14, 1964

PERMIT 31430
John Landa

Richard B. Eismann
Attorney at Law
Homedale, Idaho

Dear Mr. Eismann:

Receipt is acknowledged for Proof of Completion of Works for the above referred permit. The proof was found in good order, however, further processing must be delayed until receipt of the \$5.00 fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:ct

31430

RICHARD B. EISMANN

ATTORNEY AT LAW

HOMEDALE, IDAHO

October 13, 1964

OCT 14 1964

Department of Reclamation

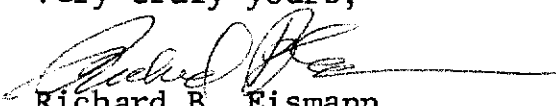
State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Re: John Landa, Permit No. 31430

Gentlemen:

Enclosed please find Proof of Completion of Works
duly executed and acknowledged by John Landa, being
permit No. 31430.

Very truly yours,


Richard B. Eismann

RBE/imp

Enclosure:

31430

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

July 31, 1964

RE: Permit No. 31430

John Landa
Homedale, Idaho

Dear Mr. Landa:

Under the terms of your Permit No. 31430 you are required to complete your diversion works on or before October 16, 1964. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Very truly yours,

State Reclamation Engineer

cc: Richard B. Eissmann

631430

November 13, 1963

Re: Permit 31430
John Landa

Richard B. Eisman
Attorney at Law
Homedale, Idaho

Dear Mr. Eisman:

Your letter of November 12 requests us in the last paragraph to advise you as to the method which we will use in determining if the water claimed in the subject permit is public water.

Ralph W. Thomas, Deputy State Reclamation Engineer, wrote you on September 20th, explaining the attempt this office has made to identify the source of water claimed by Mr. Landa. Also in the last paragraph he suggested that the County Recorder might be able to establish the ownership of the drain. Any evidence of ownership of the drain submitted by Mr. Landa should be notarized for recording in permanent permit records in this office.

The limitation quoted in your letter does not affect the right to complete the works stated in the application and make Completion of Works Proof. This would establish a "Use Right" which with proper evidence of beneficial use of water would lead to a court decree confirming holder's right to a certain amount of water and a priority date. See Idaho Code, Chapter 2, Sec. 42-201.

We are enclosing letter quoting the Attorney General's recent ruling relating to Proof of Completion of Works and/or Beneficial Use.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

H. PETRI
State Water Rights Clerk

HP:ew

Enclosure: Attorney General's
opinion

31430

RICHARD B. EISMANN

ATTORNEY AT LAW

HOMEDALE, IDAHO

November 12, 1963

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

Re: Permit No. 31430 John Landa

Gentlemen:

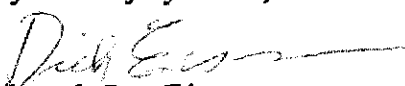
This will acknowledge receipt of your letter of November 4, 1963 in connection with the above permit. The permit provides as follows:

"Upon completion of works proof can be accepted in order to keep permit in good standing, a license cannot be issued until determination is made that the water claimed is public water."

Would you please advise as to the method which you will use in determining the above and further any records which we can produce for your office which will expedite this determination.

Thank you very much.

Very truly yours,


Richard B. Eismann
RBE/imp

31430

November 4, 1963

Re: Permit No. 31430
John Landa

Mr. Richard B. Eisman,
Attorney at Law,
Homedale, Idaho.

Dear Mr. Eisman:

We enclose Permit No. 31430 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 31856 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

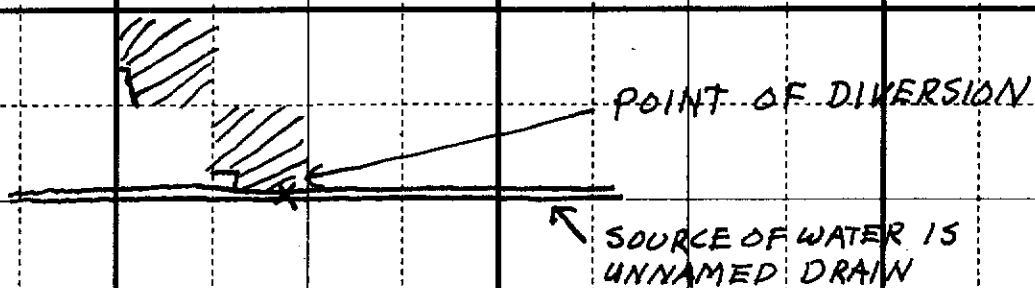
Encl. - Permit
Receipt
EPR:pmk
cc: John Landa
Homedale, Idaho

31430

NAME OF APPLICANT JOHN LANDA

Form No. 0

NORTH



SECTION 24, Twp 4N, R4W, BM

31430

DEC 14 1953

State of Illinois, Department of Agriculture

Ownership of Drain along
S. side N² Sec 24 - 4N-4W
not determined.

Drainage District
Bureau of Reclamation
Irrigation District
Board of Control
County for R./W.
All contacted - No results

Ralph Thomas

10-11-63

631430

RICHARD B. EISMANN

ATTORNEY AT LAW

HOMEDALE, IDAHO

October 8, 1963

RECEIVED
OCT 11 1963
Department of Reclamation

Department of Reclamation
Capitol Building
Boise, Idaho

Gentlemen:

Enclosed herewith please find the application of John Landa for a water permit together with my check in the amount of \$5.25 to cover the fee therefor.

I have previously corresponded with you concerning this permit. You advised me that consent would be necessary from someone who claims ownership of the drain involved.

I am still unable to find anyone who claims ownership thereof. You suggested in a letter recently that we check the county records to determine what right of way was granted for the drain. The Abstract and Title Company at Caldwell, Idaho, has done this and no right of way is of record for the drain. All of the drain bordering on the property here in question comes off of the property of the applicant.

If you have any further requirements or suggestions, please advise and we shall do the best we can with them.

Very truly yours,



Richard B. Eismann

RBE/jee
Enclosures

31430

September 20, 1963

Re: Application for Permit

Richard B. Eismann
Attorney at Law
Homedale, Idaho

Dear Mr. Eismann:

The drain ditch you refer to as West End Drain is a drain for which we do not have a name, which apparently runs west from the center of Section 21, T. 4 N., R. 3 W., to empty into the West End Drain in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 4 N., R. 4 W., B. M. The West End Drain empties into the Riverside Canal which uses part or all of the water, any excess being diverted into the Dixie Slough. There are probably other users of the water.

You show that the Drainage District does not claim this drain. The Boise Project Board of Control reports that it is not under their jurisdiction. The Bureau of Reclamation does not know who constructed or who owns this drain.

The County Recorder could probably find a record of the easement for the drain. Possibly the County constructed the drain.

You may submit the application to divert water from an unnamed drain and we will accept it with the proviso that water license would not be issued unless it is determined that the water is public water.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

631430

RICHARD B. EISMANN
ATTORNEY AT LAW
HOMEDALE, IDAHO

September 17, 1963

RECEIVED
SEP 18 1963
Department of Reclamation

State Department of Reclamation
Capital Building
Boise, Idaho

Gentlemen:

I have a client who intends to appropriate approximately 80 inches of water from a drain known as "The West End Drain" where it runs along the south side of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, T4N, R4W, B. M., Canyon County, Idaho.

The water is to be appropriated for use on the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T4N, R4W, B. M.

I called your office sometime ago and was advised that this drain ditch was situated in drainage district no. 6. I contacted drainage district no. 6 and they said they would give consent to this appropriation. However, after they investigated the matter, they found that the ditch was not in their boundaries and therefore they feel they have no authority to consent to this appropriation.

If you are going to require a consent, would you please advise as to whose consent will be necessary.

Please also forward to me four sets of forms necessary for filing a water right.

Thank you very much.

Very truly yours,


Richard B. Eismann
RBE/imp

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