

R-3W.

T.
5
N.

dist. = 18" w. & 19" deep



Subdivisions = two

Area = 40 acres

Q = 40 inches

.8 cfs

Affidavit of Publication

RECEIVED
JUL 5 1957
Department of Reclamation

STATE OF IDAHO,
County of Canyon

ss.

Hazel Davis, being first duly sworn, deposes and says;

she

CALDWELL PUBLISHING CO.

That ~~he~~ is the principal clerk of WESTERN IDAHO PUBLISHERS, INC., publisher of The News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The News-Tribune, a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular

Saturday issue of The

News-Tribune for four consecutive weeks

beginning with the issue of April 27,

19 57 and ending with the issue of May

18, 19 57

Hazel Davis

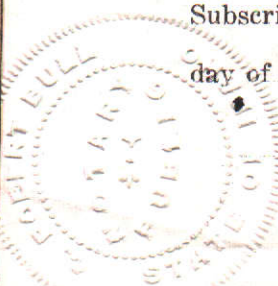
Subscribed and sworn to before me this 18th

day of May, 19 57

Robert Baece

Notary Public for Idaho
Residing at Caldwell, Idaho

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**
Notice is hereby given that at 10 a.m. on the 22nd day of May, 1957, at Caldwell, County of Canyon, State of Idaho, before Peter J. Boyd, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 26374 heretofore issued by the Department of Reclamation of the State of Idaho.
The name and postoffice address of the person or corporation holding said permit are Cecil Montgomery, Route No. 1, Caldwell, Idaho.
The use to which said water has been applied is irrigation.
The amount applied to beneficial use is 2 cubic feet.
The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 5 North, Range 3 west of the Boise Meridian.
The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed stream. Natural drain, waste water.
The right to take water from such works is based upon Permit No. 26374.
The source of supply from which such water is diverted is waste



26374

R-3W.

R2

Point of Diversion

Un-named stream

T.
5
N.



Permit Map No. 26374
As Approved
MARK R. KULP JUN 4 1956
State Reclamation Engineer

63-3081 26374

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34258
PERMIT No. 26374
DISTRICT No.

Assigned to

Blaine C. ...
and Eugene ...
Caldwell
KT #3

1. Name of Applicant: CECIL MONTGOMERY

Postoffice address: Rt. 1, 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:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 2.0

cubic feet per second.

3. Source of water supply: Un-named Stream (Natural Drain, / waste water) which is a tributary of Non-Tributary

4. Location of point of diversion:

feet distant from the

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

of Section 22 , T. 5 N. , R. 3 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 , 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: \$100.00

8. Kind of works: Dam and ditch

9. Height of dam 2 feet; length of dam at top 6 feet; length of dam at bottom 6

feet; material used in dam: Earth

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

11. Ditch: Width at bottom $1\frac{1}{2}$ feet; width at water line 4 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit Ditch $\frac{1}{2}$ miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is None 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 right for 78 acres under the Black Canyon Irrigation District.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

CECIL MONTGOMERY

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 5-P.M. May 31, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26374

Recorded in Book 93 Page 26374 Approved June 4, 1956

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 August 4, 1956 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 September 4, 1956

The whole of said work to be completed on or before December 4, 1956

Beneficial use of water appropriated in accordance herewith, to be made on or before December 4, 1956

WITNESS My hand this 4th day of June, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho,

and JAS. H. YOUNG, 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 4th day of April, 1919.

day of June 19 56

STATE OF IDAHO

Countersigned:

(SEAL)

By ROBERT E. SMYLLIE

Governor.

By JAS. H. YOUNG
Secretary of State.

REMARKS: This filing is supplemental to existing water rights. Filing on waste water within U. S. Government Projects is subject to the following restriction. Completion of works proof can be accepted by the Department of Reclamation, which will keep the permit in good standing. However, License will be withheld until a determination is made by the Department, if said water is public water.

MARK R. KULP

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.	3 W.	27	40								40				40				120
Permit No. <u>26374</u> Certificate of Completion of Works TO ALL WHOM IT MAY CONCERN: This is to certify that CECIL MONTGOMERY of Route # 1, Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 26374, issued upon Application No. 34258 bearing date of priority of May 31, 1956, authorizing the diversion of 2.0 second feet of the waters of an un-named stream (natural drain waste water) - non-tributary 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 2.0 second feet of the waters of un-named stream natural drain waste water that the point of diversion of said waters SW$\frac{1}{4}$SE$\frac{1}{4}$ of Section 22, Township 5 North, Range 3 West of the Boise Meridian and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW$\frac{1}{4}$NE$\frac{1}{4}$, NE$\frac{1}{4}$SW$\frac{1}{4}$, NW$\frac{1}{4}$SE$\frac{1}{4}$ of Section 27, Township 5 North, Range 3 W., B.M. Proof of Completion of Works made: April 15, 1957 Witness my hand this 25th day of April, A.D. 1957 /s/ Mark R. Kulp State Reclamation Engineer Proof of Completion of Works made: April 15, 1957 Certificate of Completion of Works issued: April 25, 1957.																			

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Reinstatement)
of Permit No. 26374 Under the)
Provisions of Section 5594, Idaho)
Compiled Statutes.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 26374 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: December 4, 1956; and,

WHEREAS, On the 3rd day of April, 1956 notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 17th day of April, 1957 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 17th day of April, 1957 deposition of the holder was received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said deposition, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 26374, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 26374 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 17th day of June, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded: June 17, 1957.

A S S I G N M E N T

For value received, we hereby assign all of our right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 26374 to BLAINE OVERMAN and SUZANNE IVERMAN of Route #3, Caldwell, Idaho.

/s/ Cecil Montgomery

/s/ Vesta Montgomery

State of Idaho)
 : ss
County of)

On this 26th day of January, 1966, before me, a Notary Public for the State of Idaho, residing at Caldwell, Idaho, personally appeared Cecil Montgomery and Vesta Montgomery known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

In Witness Whereof I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

My commission expires: 6/1/69

/s/ WAYNE E. DAVIS
Notary Public residing at Caldwell, Idaho

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

THIS IS TO CERTIFY, that Blaine Overman & Suzanne Overman
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 26374/63-3081 issued pursuant to Application for Permit dated May 31, 1956,
and has submitted proof to the Department of Water Administration on June 28, 1957,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use, a right to the use of water from an unnamed stream (waste water)
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.8 for irrigation from March 15 to Nov. 15 (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 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW¹/₄ SE¹/₄ Sec. 22, Twp. 5 N, Rge. 3 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 180 acre feet per year or _____
4.5 acre feet per acre.

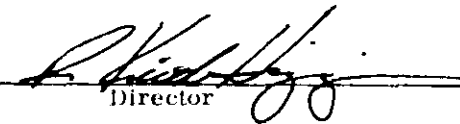
Description and location of place of use:

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	
5N	3W	27			22											18			40

Total number of acres irrigated 40

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 29 day of
October, 19 71.


Director

63 3081

WATER RIGHT NUMBER 63-3081

OWNER LAST NAME - MONTGOMERY

OWNER LAST NAME - OVERMAN

OWNER LAST NAME - OVERMAN

ADDRESS LINE 1 - RT. 3

ADDRESS LINE 3 -

SOURCE - UNNAMED STREAM

STAGE - LICENSE

TOTAL DIV. VOLUME - 180.00 AFA

DIVERSION POINT - SWSE 22 05N 03W LOT

FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE - IRRIGATION

DECREE NAME -

REMARKS - SOURCE IS WASTE WATER.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

FIRST NAME - CECIL

FIRST NAME - BLAINE

FIRST NAME - SUZANNE

ORIG OWNER - 0

ORIG OWNER -

ORIG OWNER -

ADDRESS LINE 2 -

CITY - CALDWELL

STATE - ID ZIP CODE - 83605

TRIBUTARY OF - BOISE RIVER

PRIORITY - 12-23-1956 COUNTY - CANYON

TOTAL DIV. RATE - .8000 -CFS

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE -

.8000 CFS

USE DIV. VOLUME -

180.00 AFA

PLACE OF USE - TWN 05N RNG 03W SEC 27 TRACT SWNE LOT

AC 22 TRACT NWSE LOT

AC 18

DATE -

TOTAL ACRES

40

PROTESTED -

HEARING -

OLD NO. - 26374

November 23, 1971

Re: Water License No. 26374/63-3081

Blaine & Suzanne Overman
Route #3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

Pursuant to our letter of November 15, 1971 in which we enclosed your above referenced water license; we wish to advise you that we have noticed an error on your original license in the place of use.

We request that you return the original license to this Department as soon as possible. We will correct the error and return it to you promptly.

Your assistance in this matter is greatly appreciated.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:CR

*Added section no.
to volume of use on
license
12-3-71
JH*

63 3081

November 15, 1971

C Re: Permit No. 26374/63-3081

O Blaine & Suzanne Overman
Route # 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

O Enclosed herewith is your Water License issued on the above referenced permit.

P Also enclosed is departmental receipt No. 8275 in the amount of \$4.00 covering the fee.

P Sincerely,

Y BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License
Receipt

63 3081

August 20, 1971

Re: Permit No. 26374/63-3081

Blaine & Suzanne Overman
Route 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

A representative from this Department has made an examination of the works covered by your Permit No. 26374/63-3081 and has found the following:

Quantity of water diverted: 0.8 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.8 c.f.s.

The maximum quantity of water diverted shall not exceed 180 acre feet per season.

Beneficial use: Irrigation of 40 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 5N, R. 3W, B.M.

The priority date established is December 23, 1956.

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:DR

63 3081

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

Permit No. 26374

This proof is for Beneficial Use In Water District No.

1. Name of applicant Cecil Montgomery

2. Source of water supply: Un-named stream (Natural drain waste water)

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22

T. 5 N. R. 3 W., B.M. County of Canyon

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

picked up in SW $\frac{1}{4}$ SE $\frac{1}{4}$ as shown. Conveys road in 12" helicon culvert, good ditch on west side of drain on uncultivated land to NW corner of field. Ditch crosses drain on farm access road. Flows to East irrigates South. Field nearly flat. Ditch divides as soon as it crosses the large drain. One branch leads South along East side of drain then East on center section line.

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):

SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 27., Twp. 5 N., Rge. 3 W., B.M.

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

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

Remarks:

This examination was made on the 25 day of Sept, 1957

(Signed) E. M. Humphrey Examiner

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
SEP 26 1957
Department of Reclamation

97997 Cecil Montgomery
Caldwell Rt. #1, Caldwell, Idaho
Permit No. 26374

Examination for Beneficial Use

County Cargon

22-5N.-3W.

Q = 2.0 c.f.s.

S = un-named stream - waste

P.D. = SW. SE., Sec. 22, T. 5N. - R. 3W.

Seminole

Hwy 30 N 2 Mi. 1 M. E. 1/2 E
2 mi. N. Junction

Use = Irrigation

or 2 c.f.s. 1/2 S. 1/2 E.

Filed = May 31, 1956

Due = Dec. 4, 1956 (reinitiated)

C/W. = 4-25-57

R-3 W.

22

(2) Cultures processed

DP
Cultures

date	=	18 th w. 4	19 th day
------	---	-----------------------	----------------------

T.
5
N.

A hand-drawn sketch of a 2x2 grid. The top-left cell contains the number 22, the top-right cell contains 18, the bottom-left cell contains 0, and the bottom-right cell contains 2. The grid is drawn with thick black lines, and the numbers are written in a simple, hand-drawn style.

TO MIDDLETON

Subdivisions = two

Area - 40 acres

$Q = 40$ inches.

8 cf

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26374 63-3081

REPORT ON PROOF OF Beneficial Use

Cecil Montgomery, Rt. #1, Caldwell, Idaho

app. 2 c/s
C/W 2 c/s

40 acres
2.40's

*License for 2 c/s
with held pending
satisfactory proof
that the water
claimed is public.
water, since 9/30/57*

April 22, 1966

RE: Permit No. 26374

Mr. Blaine Overman
Route #3
Caldwell, Idaho

Dear Mr. Overman:

Enclosed is your assignment on the above referenced permit which has been recorded in this office.

Departmental receipt No. 33179 in the amount of \$.50 was given to you at the time you were in our office. This amount covers the fee for recording.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw
Encl: Assignment

26374

April 11, 1966

Re: Permit No. 26374

Mr. Blaine Overman,
Route #3,
Caldwell, Idaho.

Dear Mr. Overman:

We are returning your Assignment in connection
with the above captioned permit.

There is a charge of .50¢ for the recording
fee, which you may remit to this department.

Very truly yours,

DONALD J. WATTS
Office Engineer

Encl. - Assignment
DJW:pmk

26374

See No. 33179 given \$50

ROBERT E. SMYLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

April 11, 1966

Re: Permit No. 26374

Mr. Blaine Overman,
Route #3,
Caldwell, Idaho.

Dear Mr. Overman:

We are returning your Assignment in connection with the above captioned permit.

There is a charge of .50¢ for the recording fee, which you may remit to this department.

Very truly yours,

A handwritten signature in cursive script that reads "Donald J. Watts".

DONALD J. WATTS
Office Engineer

Encl. - Assignment
DJW:pmk

26374

Chas. J. 37179 shown H-50

RECEIVED
APR 11 1966

Department of Conservation

ASSIGNMENT

We
For value received, ~~x~~ hereby assign all of ~~my~~ ^{our} right, title and
interest in and to Permit to appropriate the Public Waters of the State of Idaho,
No. 26374 to BLAINE OVERMAN and SUZANNE OVERMAN of
Route 3, Caldwell, Idaho.

*

Cecil Montgomery
Permit Holder

Vesta Montgomery
Wife of Permit Holder

STATE OF IDAHO)
) ss
County of _____)

On this 26th day of January, 1966, before me, a Notary Public
for the State of Idaho, residing at Caldwell, Idaho,
personally appeared Cecil Montgomery and Vesta Montgomery
known to me to be the person s whose name s ~~xxx~~ subscribed to the within instrument
and duly acknowledged to me that they executed the same.

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

Wagon E. Harris
Notary Public for Idaho
Residing at Caldwell, Idaho

My commission expires: 6/1/69

* If fractional part of permit is to be assigned, the fractional part of the land to
which the assigned fraction is appurtenant should be described by legal subdivisions

26374

October 1, 1957

Re: Permit No. 26374

Mr. Cecil Montgomery
Rt. # 1,
Caldwell, Idaho

Dear Mr. Montgomery:

This permit was issued subject to a condition that license would not be issued until it had been determined that the water claimed was public water subject to appropriation.

The land is in the Black Canyon Irrigation District and the question as to the public character of the water has never been officially determined.

The proofs of completion of works and the application to beneficial use were satisfactory and were confirmed by departmental examination except as to the public character of the water. The records of the department show that the laws have been complied with and that if it can be satisfactorily shown that the water claimed is public water subject to appropriation, a license can be issued for .8 cubic foot per second with a priority of October 20, 1956, on payment of the statutory fees.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw
cc: Peter J. Boyd
Lawyer
Caldwell, Idaho

26374

July 11, 1967

Re: Permit No. 26374

Mr. Cecil Montgomery
Route # 1
Caldwell, Idaho

Dear Mr. Montgomery:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the News Tribune, all submitted in proof of water to beneficial use on Permit No. 26374.

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

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

Very truly yours,

MARK L. KUEHL
State Reclamation Engineer
By

Chief Clerk

SPR:lw

cc: Peter J. Boyd
Lawyer
Caldwell, Idaho

WM. F. GIGRAY, JR.
PETER J. BOYD

GIGRAY & BOYD
LAWYERS
M. H. KING BUILDING
CALDWELL, IDAHO

RECEIVED
JUL 5 1957
Department of Reclamation

TELEPHONE 9-4624

July 3, 1957

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 26374
Cecil Montgomery

Gentlemen:

Enclosed please find Deposition of Holder
and Depositions of two witnesses in the above mat-
ter together with Affidavit of Publication and
Affidavit.

Yours very truly,

GIGRAY & BOYD


Peter J. Boyd

PJB/fb

Encs (5)

26374

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 5 1957
Dept. of Reclamation

Permit No. 26374

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Cecil Montgomery, Route #1, Caldwell, Idaho, Farmer.

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

Ans. _____

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

Ans. Permit #26374, June 4, 1956. May 31, 1956

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

Ans. Un-named stream. (Natural drain, waste water.)

Point of diversion: SW¹/₄ SE¹/₄, Sec. 22, T. 5 N., R. 3 WBM, Canyon County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Drain and ditch. 2 cubic feet per second. Un-named stream.
Laterals.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. Premises described.
SW. NE., NE. SW., NW. SE, Sec. 27, 54 - 24.

26374

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

Ans. _____

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

Ans. 2 cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

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

Ans. All water has been used to irrigate the land.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. This file is supplemental to existing water rights.

(Sign)

Cecil Montgomery

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 28th day of June, A. D. 1957.

My commission expires 5/18/58

Notary Public for Idaho
Residing at Caldwell, Idaho

See Notary's Affidavit

26374

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 17 1957
U.S. DEPT. OF AGRICULTURE

PERMIT NO. 26374**Proof of Application of Water to Beneficial Use****Deposition of Witness**

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

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

Ans. Melvin Zehr, age 49, Route #1, Caldwell, Idaho, Farmer

Ques. 2. Are you acquainted with Cecil Montgomery, the holder of Permit No. 26374? How long have you known him and where does he reside?

Ans. Yes. I have known him for seven years. He resides on
Route #1, Caldwell, Idaho.

Ques. 3. Have you read or heard read said Permit No. 26374, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Un-named stream. (Natural drain, waste water) Point of diver-
sion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T.5N., R.3 WBM, Canyon County, Idaho

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

Ans. Two cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 27, T.5 N., R.3 WBM
Canyon County, Idaho. Have seen all but 40 acres irrigated.

26374

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 2 cubic feet per second.

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

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen water over all but approximately 40 acres in the
years 1955 and 1956.

(Signed) Melvin Gehr

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 28th day of June,
A. D. 1957

My commission expires May 18, 1958

Her Lloyd
Notary Public.

26374

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 26374

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Ellary Simineo, Age 46, Route #1, Caldwell, Idaho.

Farmer.

Ques. 2. Are you acquainted with Cecil Montgomery, the holder of Permit No. 26374? How long have you known him and where does he reside?

Ans. Yes. I have known him for two years. He resides on Route #1, Caldwell, Idaho.

Ques. 3. Have you read or heard read said Permit No. 26374, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Un-named stream. (Natural drain, waste water) Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 5 N., R. 3 WBM, Canyon County, Idaho.

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

Ans. 2 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 27, T. 5N., R3 WBM Canyon County, Idaho. Have seen all but 40 acres irrigated.

26374

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 2 cubic feet per second.

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

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen water over all but approximately 40 acres in the
years 1955 and 1956.

(Signed) Clay M. Linder

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 28th day of June,
A. D. 1957.

My commission expires May 18, 1958

Steve J. Boyle
Notary Public.

26374

1 STATE OF IDAHO }
2 County of Canyon } ss.

3 PETER J. BOYD, being first duly sworn deposes and says:

4 That he is a Notary Public before whom proof of applica-
5 tion of water to beneficial use has been taken; that the notice of
6 said proof of publication in The News-Tribune, Caldwell, Idaho,
7 once a week for four weeks set the date as May 22, 1957; that on
8 said date no one appeared to contest the application; that due to
9 circumstances the witnesses were unable to appear on that date and
10 that proof was made before me on June 28, 1957; that between May
11 22, 1957 and June 28, 1957, no one appeared to contest the applica-
12 tion.

13 Further affiant sayeth not.

GIGRAY & BOYD
ATTORNEYS AT LAW
CALDWELL, IDAHO

14
15
16 *Peter J. Boyd*
17

18 SUBSCRIBED and SWORN to before me this 3rd day of
19 July, 1957.

20
21
22 *Wm. J. Gray, Jr.*
23 Notary Public for Idaho
24 Residing at Caldwell, Idaho
25
26
27
28
29
30
31
32

26374

Affidavit of Publication

RECEIVED
Department of Reclamation

STATE OF IDAHO, }
County of Canyon } ss.

Hazel Davis, being first duly sworn, deposes and says;

she

CALDWELL PUBLISHING CO.

That she is the principal clerk of WESTERN IDAHO PUBLISHERS, INC., publisher of The News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The News-Tribune, a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a.m. on the 22nd day of May, 1957, at Caldwell, County of Canyon, State of Idaho, before Peter J. Boyd, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 26374 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Cecil Montgomery, Route No. 1, Caldwell, Idaho.

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

The amount applied to beneficial use is 2 cubic feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SW 1/4 NE 1/4, NE 1/4 SW 1/4 and NW 1/4 SE 1/4 of Section 27, Township 5 North, Range 3 west of the Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed stream. Natural drain, waste water.

The right to take water from such works is based upon Permit No. 26374.

The source of supply from which such water is diverted is waste

Saturday issue of The News-Tribune for four consecutive weeks beginning with the issue of April 27, 1957 and ending with the issue of May

18, 19 57

Hazel Davis

Subscribed and sworn to before me this 18th day of May, 1957

Robert Buee

Notary Public for Idaho
Residing at Caldwell, Idaho

26374

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 26374 Under the
Provisions of Section 5594, Idaho
Compiled Statutes.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 26374 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit December 4, 1956; and,

WHEREAS, On the 3rd day of April, 1956 notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 17th day of April, 1957 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 17th day of April, 1957 deposition of the holder and two witnesses was received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said deposition, the State Engineer of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 26374, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 26374 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 17th day of June, 1957.

Mark R. Kulp
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
State Reclamation Engineer
By _____ Assistant

26374

Caldwell, Idaho
April 23, 1957

Gentlemen:

This will acknowledge receipt of "Notice of Proof of water to beneficial use" for Cecil Montgomery which will run in our paper April 27, May 4, 11 and 18.

We will send you copy of first publication.

THE NEWS TRIBUNE.

26374



THIS SIDE OF CARD IS FOR ADDRESS

RECEIVED
APR 24 1957

Department of Reclamation

State of Idaho,
Dept. of Reclamation,
Boise, Idaho

26374

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Room 107, State House
BOISE, IDAHO

RE: permit No. 26374
Cecil Montgomery

Final publication date
Date: April 22, 1957

News Tribune
Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 22nd, 1957 the date set for proof, the expense of the publication to be paid by the applicant, Cecil Montgomery, Route #1 of Caldwell Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:vm
Encl. (1)

26374

April 22nd, 1957

RE: Permit No. 26374

Mr. Cecil Montgomery,
Route #1
Caldwell, Idaho

Dear Mr. Montgomery:

We acknowledge receipt of Notice in proof of Beneficial Use on Permit No. 26374 to be made May 22nd, 1957, before Peter J. Boyd, Notary Public.

We shall send a copy of the Notice to the News Tribune with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Mr. Boyd, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:vm
Encl. (3)
CC. Peter J. Boyd
Atty, King B.
Caldwell, Idaho

26374

RECEIVED
APR 17 1957
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) _____

(P. O.) _____

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 Cadwell Id published in

the county in which the works are situated.

Cecil Montgomery

(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.

26374

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

RECEIVED
 ACT 2 1956
 Department of Reclamation

Notice is hereby given that at 10:00 A. M. on the 22nd day of May, 1957,
 at Caldwell, County of Canyon, State of Idaho, before
Peter J. Boyd, Notary Public, proof will be submitted of the
 application to beneficial use of 2 cubic feet per second of the waters of unnamed stream
 in SW. SE. Sec. 22, T. 5 N. - R. 3 W. B. M. In accordance with the terms and conditions of Permit No. 26374
 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are _____

Cecil Montgomery, Route #1, Caldwell, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 2 cubic feet

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

SW. NE. NE. SW. and NW. SE. of Section 27, Township 5 North,
Range 3 West of the Boise Meridian.

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

Unnamed stream. Natural drain, waste water.

The right to take water from such works is based upon Permit No. 26374

The source of supply from which such water is diverted is waste water

The date of priority which said user is prepared to establish is Oct. 20, 1956
~~1957~~

MARK R. KULP

State Reclamation Engineer.

26374

1427

April 25, 1957

Re: Permit No. 26374
Cecil Montgomery

Mr. Peter J. Boyd
Attorney at Law
King Building
Caldwell, Idaho

Dear Mr. Boyd:

Enclosed is "Certificate of Completion of Works" issued under Permit No. 26374 with a priority of May 31, 1956, for the diversion of 2.0 second feet of the water from an un-named stream, with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 3 West B.M., to be used to irrigate land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 5 North, Range 3 W., B.M.

Also enclosed is departmental receipt No. 28554 for \$5.00 issued as receipt of payment of the \$5.00 fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enc;

26374

Permit No. 26374STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Canyon

SS.

RECEIVED
APR 17 1957

Department of Reclamation

Cecil Montgomery, 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. 26374, and that his postoffice address is Route #1, Caldwell State of Idaho.

Second: That the name of the stream from which said water is to be diverted is _____

Unnamed stream natural drain waste waterThird: That the point of diversion of said water is SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Township 5 North, Range 3 West of the Boise MeridianFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 4, 1956.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: Dam and ditch

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

II. Dimensions of work: _____

(a) Height of dam 2 feet, length of dam at top 6 feet, length of dam at bottom 6 feet. Material used in construction earth

(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 1 $\frac{1}{2}$ feet, width at water line 4

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water 1 feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is $\frac{1}{2}$ miles.

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

2 second feet of water.Eighth: That water appropriated under said permit is available for 100 acres of land described as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 5 North, Range 3 West of the Boise Meridian.Ninth: Remarks:—That this filing is supplemental to existing water rights.Cecil Montgomery
(SIGN HERE)Subscribed and sworn to before me this 15th day of April, 19 57Vita J. Bazzie
NOTARY PUBLICMy commission expires May 18, 1958

26374

RMT

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS.—Show name, address and number of article below. Complete "Instructions to Delivering Employee" on other side, when applicable. Moisten gummed ends and securely attach to back of article. Endorse front of article **RETURN RECEIPT REQUESTED.**

RETURN TO



REGISTERED NO.

NAME OF SENDER

Department of Reclamation

CERTIFIED NO.

STREET AND NO. OR P. O. BOX

Roo, 107 State House

INSURED NO.

CITY, ZONE, AND STATE

Boise, Idaho

26374

916-71348-3

orm 3811, Dec. 1955

INSTRUCTIONS TO DELIVERING EMPLOYEE

- ☐ DELIVER ONLY TO ADDRESSEE (20¢ additional)
- ☐ SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE

x Cecil Montgomery

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should enter addressee's name in item 1 above)

3. DELIVERY DATE

APR 5 - 1957

. 19

4.

619-71548-3 GPO

mh

26374

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

April 3, 1957

Re: Permit No. 26374

To Cecil Montgomery
Route #1
Caldwell, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 26374
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

~~Completion of Works & Beneficial Use Proofs were due December 4, 1956~~

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 26374
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 26374 claims the use of 2.0 cubic feet per second of the
waters of unnamed stream (Natural Drain, Waste Water) with point of diversion located
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of S. 22., Twp. 5 N., Rgn. 3 W., B.M., and
was approved June 4, 1956

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

3rd day of April, 1957

State Reclamation Engineer.

By Assistant.

26374

June 13, 1956

RE: Permit No. 26374

Mr. Cecil Montgomery
Route 1
Caldwell, Idaho

Dear Mr. Montgomery:

We enclose herewith Permit No. 26374 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose department receipt No. 27993 for the \$5.25 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:cu
Enc.

26374

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE
October 1, 1956

Mr. Cecil Montgomery
Route 1, Caldwell, Idaho

Dear Sir:

Under the terms of your permit No. 26374 you are required to complete your diversion works and make proof of beneficial use on or before December 4, 1956.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or 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 of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is December 4, 1956, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

26374

R-3W

22

Point of Diversion

Un-named stream

T
5
N

27

Permit Map No. 26374
As Approved
JUN 4 1958
MARK R. KULP
State Reclamation Engineer

NOTICE OF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a.m. on the 4th day of May, 1957, at Caldwell, County of Canyon, State of Idaho, before Peter J. Boyd, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 26374 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Cecil Montgomery, Route No. 1, Caldwell, Idaho.

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

The amount applied to beneficial use is 2 cubic feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 5 North, Range 3 west of the Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed stream. Natural drain, waste water.

The right to take water from such works is based upon Permit No. 26374.

The source of supply from which such water is diverted is waste water.

The date of priority which said user is prepared to establish is Oct. 20, 1956.

State Reclamation Engineer
MARK R. KULP