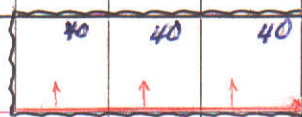
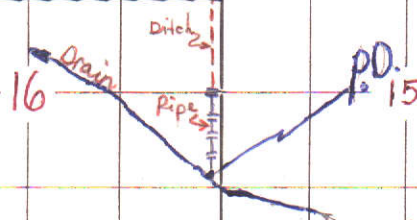


R-4W.

T.
4
N.



150



22' STATE HWY. No. 19
TO NAMPA

C/W 2.4 CFS OR 120 inches

Subdivisions 3

area 120 acres

Allow $\odot$ 2.4 CFS OR 120 inches

PRODUCTION of Ditch

2.97 CFS OR 148 1/2 inches

AFFIDAVIT OF PUBLICATION

RECEIVED
MAY 14 1963

ATTACH CLIPPING
HERE

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

Department of Reclamation

I, Everett A. Colley, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice herein after mentioned, I was and now am the publisher of THE WILDER HERALD, a newspaper of general circulation printed and published weekly, on Friday of each and every week, in the City of Wilder and County of Canyon and State of Idaho.

3. That the said THE WILDER HERALD has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of proof Application of water use

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in four (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

April 19-1963
April 26-1963
May 3-1963
May 10-1963

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 10th day of May,
A. D., 1963

Ernest J. Island
Notary Public in and for the State of Idaho.

residing at Wilder, Idaho.

My commission expires 12/15, 1966

PUBLIC NOTICE

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

Notice is hereby given that at 10:00 A.M. on the 13th day of May, 1963, at Wilder, County of Canyon, State of Idaho, before W. E. Fogg, proof will be submitted of the application to beneficial use of 2.4 cubic feet per second of the waters of Un-named Stream in accordance with the terms and conditions of Permit No. 26373 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Ben Zabala, Rt. No. 1, Wilder, Idaho.

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

The amount applied to beneficial use is 2.4 cubic feet per second.

The point of diversion of said water is NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T4N, R4W BM.

The place where said water is used (legal description) N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T4N, R4W, BM.

The date of priority which said user is prepared to establish is Oct. 11, 1955.

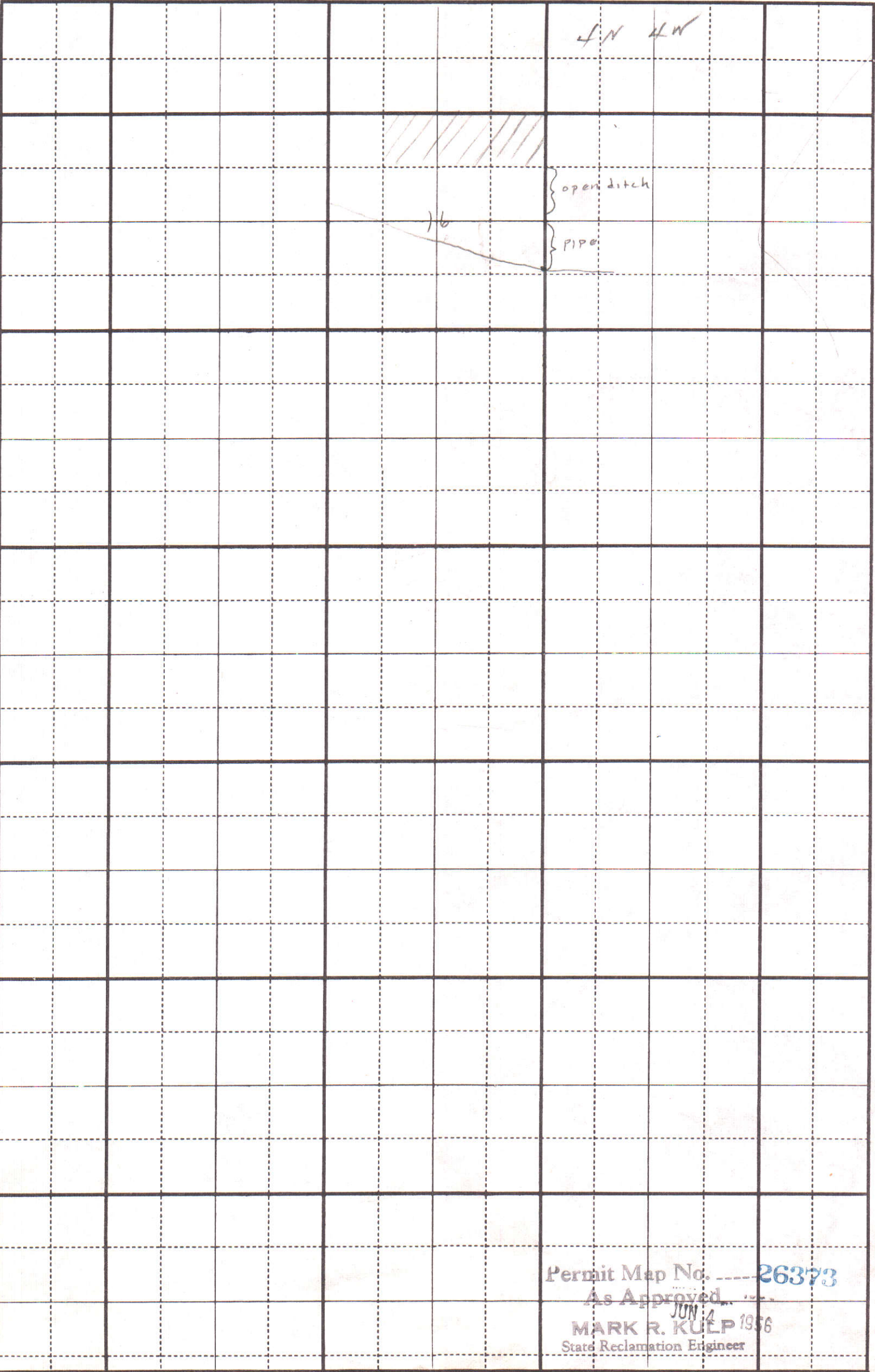
GEO. W. CARTER,
State Reclamation
Engineer

4-19-4t

26373

NAME OF APPLICANT Ben Zabala

Form No. 0



Permit Map No. 26373
As Approved JUN 4 1956
MARK R. KULP
State Reclamation Engineer

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

26373

State of Idaho

License and Certificate of Water Right

Water License No. 26373

Amount 2.4 c.f.s.

Water District No.

Priority October 11, 1955

THIS IS TO CERTIFY that BEN ZABALA
of Wilder, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 11, 1955; that Permit No. 26373
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on April 24, 1958, showing that said works
were completed on the 18th day of April, 1958; and that on the 13th
day of May, 1963,

BEN ZABALA

of Wilder, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho of Idaho, of the right to use the waters of drain
(unnamed stream), a tributary of, for the purpose of irrigation
, under Use Permit No. 26373 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7662, on the 14th day of August, 1963;
The right hereby confirmed dates from October 11, 1955;

The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 16, Twp. 4 N., R. 4 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	4 W.	16	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	40
Total number of acres to be irrigated:					120

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
14th day of August, 1963.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

63 2080

APPLICATION FOR PERMIT 63-3080

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 33893
PERMIT No. 26373
DISTRICT No.

1. Name of Applicant: BEN ZABALA

Postoffice address: Rt. 1, Wilder

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:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 2.4

cubic feet per second.

3. Source of water supply: Drain (Un-named) Un-Named Stream, which is a tributary of

4. Location of point of diversion: 1320 N. feet distant from the SE

corner of Section 16, T. 4 N., R. 4 W., B.M., and is in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$

of Section 16, T. 4 N., R. 4 W., B.M., County of Canyon

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section, 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: \$ 3500

8. Kind of works: Pipe

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 1.75' diameter feet; height feet.

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

dimensions of flume:

Diameter of pipe 21 inches; length of conduit $\frac{1}{4}$ miles.

Average grade per mile 3 feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 5 additional years.

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

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

16. (a) Is reservoir to be used? 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.

BEN ZABALA

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:45 P.M. Oct. 11, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26373

Recorded in Book 93 Page 26373 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 June 4, 1957

The whole of said work to be completed on or before June 4, 1958

Beneficial use of water appropriated in accordance herewith, to be made on or before June 4, 1963

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 June, 19 56. STATE OF IDAHO

Countersigned:

(SEAL)

By JAS. H. YOUNG

Secretary of State.

By ROBERT E. SMYLLIE

Governor.

REMARKS: Water is to be taken from an unnamed drain which is not in any drainage district.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N.	4 W.	16	40	40			40											120	
Permit No. 26373 Certificate of Completion of Works																			
/																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that BEN ZABALA of Wilder, County of Canyon, and State of Idaho, the holder of Permit No. 26373, issued upon Application No. 33893 bearing date of priority of October 11, 1955, authorizing the diversion of 2.4 second feet of waters of Drain (Un-named) Un-named Stream, 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 2.4 second feet of the waters of an un-named stream, that the point of diversion of said waters NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 4 North, Range 4 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 120 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, Township 4 North, Range 4 West, B.M. Proof of Completion of Works made: April 18, 1958																			
Witness my hand this 24th day of April, A.D. 1958																			
/s/ Mark R. Kulp State Reclamation Engineer																			
Proof of Completion of Works made: April 18, 1958 Certificate of Completion of Works issued: April 24, 1958																			
LICENSE ISSUED FOR 2.4 SEC. FT. Page 7662																			

WATER RIGHT NUMBER 63-3080

OWNER LAST NAME - ZABALA

FIRST NAME - BEN

ORIG OWNER -

ADDRESS LINE 1 - RT. 1

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - WILDER

STATE - ID ZIP CODE - 83676

SOURCE - UNNAMED DRAIN

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 10-11-1955 COUNTY - CANYON

TOTAL DIV. RATE - 2.4000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESE 16 04N 04W LOT

REDIV -

272.0 312.0

8.0

9.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

1.1

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

2.4000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - THN 04N RNG 04W SEC 16

TRACT NENE LOT

AC 40 TRACT

NWNE LOT

AC 40

TRACT NENW LOT

AC 40

DECREE NAME -

DATE -

TOTAL ACRES

120

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 26373

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

August 14, 1963

Re: Permit No. 26373

Ben Zabala
Route #1
Wilder, Idaho

Dear Mr. Zabala:

Enclosed is License and Certificate of Water Right
issued on Permit No. 26373.

Also enclosed is departmental receipt No. 31726,
in the amount of \$6.00 covering fees.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

NR:ow

Enc. license
receipt

26373

400 - June 20-62

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

August 6, 1963

Re: Permit No. 26373

Ben Zabala
Rt 1
Wilder, Idaho

Dear Mr. Zabala:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 26373 shows the pipe line and ditch are ~~is~~ capable of conveying 120 miner's inches, or 2.4 c.f.s. of water for irrigation of 120 acres.

Upon receipt of the statutory fees of \$ 6.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of October 11, 1955 to the use of 2.4 second feet of surface water with the point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 4 N., R. 4 W., B.M. from Drain (unnamed stream) for irrigation of 120 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 4 N., R. 4 W., B.M.

Very truly yours,

CAEL E. TAPPAN
Acting State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EIR:mr

26373

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 26373

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Ben Zabala

2. Source of water supply: Drain (un-named stream)

3. Location of point of diversion: Is in the _____ of Section 16

T. 4 N R. 4 W.B.M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: GRAVITY FLOW CONCRETE REMOTE

with 18" gate VALVE into 18" x 1320' concrete pipe line into buried concrete distribution tower 36" x 9" into open ditch, distribution tower has a 18" x 30' concrete pipe for discharge of waste water into a drain ditch into a larger drain into Boise River

Source of water is from NO NAME CANYON West End Drain - See permission from Riverside -

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):

N¹/₄NE¹/₄, NE¹/₄NW¹/₄ Sec. 16., Twp. 4 N., Rge. 4 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: Mr Ben Zabala (owner) participated in examination

Measurement was made with Cippolletti Weir .58 over 2' weir or 148.5 inches

This examination was made on the

27th

day of

July

, 1963

(Signed)

Ray Healy

Examiner.

26373

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
AUG 2 1963

Department of Reclamation

Ben Zabala
Rt. #1, Wilder

Permit No. 26373

Examination for Beneficial Use

County Canyon

Quantity: 2.4 c.f.s. Sec. 16 T. 4 N. R. 4 W. 1/4

Source: Drain

P. D.: NE. SE. Sec. 16. T. 4 N. R. 4 W. 1/4

Use: Irrigation

Filed: Oct. 11, 1955

Due: June 4, 1963

Extension:

Protest:

Completion of Work: 11-24-58

Other Rights: none

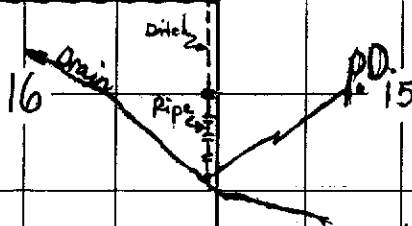
Installation: J. C. JACKSON

R-4W.

T.
4
N.



120



22

STATE HWY NO. 19
TO NAMPA

C/W 2.4 CFS OR 120 inches

Subdivisions 3

area 120 acres

Allow Φ 2.4 CFS OR 120 inches

PRODUCTION OF DITCH

2.97 CFS OR 148 1/2 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26373

REPORT ON PROOF OF ~~Beneficial Use~~

Ben Zabala, Rt. #1, Wilder, Idaho

XXXXXXXXXXXX

July 29, 1963

Re: Permit No. 26373

Ben Zabala
Rt 1
Wilder, Idaho

Dear Mr. Zabala:

This is a follow up of the notice from the Department of Reclamation office that an inspection would be made on your water filing as soon as possible.

I will plan to inspect your permit on or about the week of July 30, 1963.

Please arrange to be on the premises so that you can accompany me over the work.

Very truly yours,
Carl E. Tappan, Acting
~~GEO. N. CARTER~~
State Reclamation Engineer
By

Field Engineer

LHW:mr

26373

1M April 1962

May 16, 1963

Re: Permit No.
26373

Ben Zabala
Route #1
Wilder, Idaho

Dear Mr. Zabala:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Wilder Herald, all submitted in proof of ~~completion of works~~ and beneficial use on Permit No. 26373.

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,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

26373

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 26373

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Ben Zabala Wilder, Idaho, Farmer Route 1

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. DOES NOT APPLY

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

Ans. 26373 October 11, 1955

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

Ans. Drain Ditch The point of diversion of said water is NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T4N, R4W, EM.

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. Gravity flow, 150 inches of water, canal has no name, the ditch which brings me the water is my ditch.

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

Ans. water used for irrigation, The place where said water is used (legal description) NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T4N, R4W, B.M. land is cultivated land, have leveled about 40 acres.

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

Ans. DOES NOT APPLY

26373

✱

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

Ans. used only for irrigation

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

Ans. 120 inches of water

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. this is the original issue of this permit No. 26373

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

Ans. October 11, 1955, for irrigation, 120 inches of water, every year since 1955.

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. NONE

(Sign)

Ben Galbraith

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 Wilder, County of Canyon

State of Idaho, on this 13th day of May, A. D. 1963.

My commission expires

April 4, 1966

Residing @ Wilder, Idaho



26373

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 26373

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. C. E. Naftzger 49, Wilder, Idaho, Farming, Route 1, Wilder, Idaho

Ques. 2. Are you acquainted with Ben Zabala, the holder of Permit No. 26373? How long have you known him and where does he reside?

Ans. I have know him for approximately 30 years. He resides at Route 1 Wilder, Idaho

Ques. 3. Have you read or heard read said Permit No. 26373, 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. Drain ditch, The point of diversion of said water is NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16,
T4N, R4W, B.M. Irrigating ditch.

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. 150 inches. 150 inches of water conveyed.

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

Ans. Irrigation. The place where said water is used (legal description) NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 16, T4N, R4W. B. M. cultivated pasture. Leveled approximately 40 acres.

26373

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

Ans. for irrigation

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

Ans. sagebrush land. 150 acres.

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

Ans. NONE

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. In 1957 I was over there a couple of hours and saw him using approximately 150 inches of water.

(Signed)

C. E. Naftzger

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 Wilder, County of Boise, State of Idaho, on this 13 day of May, A. D. 1963.

Notary Public

My commission expires

April 4, 1966

Residing @ Wilder, Idaho

26373

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 26373

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. Seth Tarr 59 years old, Wilder, Idaho, Farming, Route 2 Wilder, Idaho

Ques. 2. Are you acquainted with Ben Zabala, the holder of Permit No. 26373? How long have you known him and where does he reside?

Ans. Yes, I have know him for about 35 years, He resides at Route 1 Wilder, Idaho

Ques. 3. Have you read or heard read said Permit No. 26373, 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. Source of water supply is drain ditch, The place of diversion of said water is NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T4N, R4W, BM. Irrigation ditch.

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. 150 inches of water can be safely conducted to place of use. 150 inches conveyed.

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

Ans. water used for irrigation. Place where said water is used (legal description) NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 16, T4N, R4W. B. M. cultivated pasture land. leveled about 40 acres.

26373

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

Ans. Just for irrigation

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

Ans. Sage brush land. 120 inches.

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

Ans. NONE

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. In 1955, I helped build the ditch he used to convey the water to his place,
I have seen him irrigate and have assisted in the cleaning of the ditch.

(Signed)

Leth Tarr

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 Wilder, County of Canyon, State of Idaho, on this 13th day of May, A. D. 1963.

W. E. Fogg

Notary Public.

My commission expires April 4, 1966

Residing at Wilder, Idaho

26373

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
COUNTY OF CANYON) ss.

I, Everett A. Colley, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice herein after mentioned, I was and now am the or publisher of THE WILDER HERALD, a newspaper of general circulation printed and published weekly, on Friday of each and every week, in the City of Wilder and County of Canyon and State of Idaho.

3. That the said THE WILDER HERALD has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of proof application of
water use

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in four (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

April 19-1963

April 26-1963

May 3-1963

May 10-1963

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 10 day of May
A. D., 1963

Notary Public in and for the State of Idaho.

residing at Wilder, Idaho.

My commission expires 1964, 1964

ATTACH CLIPPING
HERE

PUBLIC NOTICE

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

Notice is hereby given that at 10:00 A.M. on the 13th day of May, 1963, at Wilder, County of Canyon, State of Idaho, before W. E. Fogg, proof will be submitted of the application to beneficial use of 2.4 cubic feet per second of the waters of Un-named Stream in accordance with the terms and conditions of Permit No. 26373 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Ben Zabala, Rt. No. 1, Wilder, Idaho.

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

The amount applied to beneficial use is 2.4 cubic feet per second.

The point of diversion of said water is NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T4N, R4W BM.

The place where said water is used (legal description) N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T4N, R4W, BM.

The date of priority which said user is prepared to establish is Oct. 11, 1955.

GEO. W. CARTER,
State Reclamation
Engineer

4-19-4t

26373

April 22, 1963

Re: Permit No. 26373
Ben Zabala

Wilder Herald
Wilder, Idaho

Gentlemen:

On April 12th we mailed you a Notice of Publication on the above numbered permit, requesting a copy or tear sheet for checking purposes.

To date we have not received such copy and ask at this time, that one be mailed to this office as soon as possible.

Thank you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

26373

April 12, 1963

Re: Permit No. 26373

Mr. Ben Zabala,
Route #1,
Wilder, Idaho.

Dear Mr. Zabala:

This acknowledges the Notice of Proof of ~~Completion of Work~~ Application of Water to Beneficial Use under Permit No. 26373. The proofs are to be made at 10:00 clock A.M., on the 13th day of May, 19 63 before W. E. Fogg, Wilder, Idaho, Notary Public.

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

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

26373

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. 26373

Date: April 12, 1963

Wilder Herald,
Wilder, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **May 13, 1963** the date set for proof; the expense of the publication is to be paid by the applicant

Ben Zabala

of **Rt. #1, Wilder, 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 or tear sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

26373

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 12, 1963

(P. O.) Wilder, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

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

Ben Zahala

(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

26373

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

Notice is hereby given that at 10:00 A.M. on the 13th day of May, 1963,
at Wilder, County of Canyon, State of Idaho, before
W. E. Foss, proof will be submitted of the
application to beneficial use of 2.4 cubic feet per second of the waters of
Un-named Stream - Drain in accordance with the terms and conditions of
Permit No. 26373 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit
Ben Zabala, Rt. #1, Wilder, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 2.4 cubic feet per second

The point of diversion of said water is NE 1/4 Sec. 16, T1N, R1W

The place where said water is used (LEGAL DESCRIPTION) NE 1/4, NE 1/4 Sec. 16,
T1N, R1W, S1

The date of priority which said user is prepared to establish is Oct. 11, 1955

L. H. Carter
State Reclamation Engineer

26373

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Re: Permit No. 26373

Date: April 1, 1963

Ben Zabala
Route #1
Wilder, Idaho

Dear Mr. Zabala:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 26373 is due not later than June 4, 1963. 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.

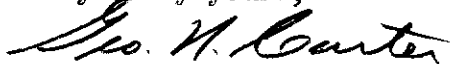
We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the 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 your 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.

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

At the time we send the notice to the newspaper we will 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,



GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 and 11

26373

April 24, 1958

Re: Permit No. 26373

Mr. Ben Zabala
Route # 1
Wilder, Idaho

Dear Mr. Zabala:

Enclosed is the Certificate of Completion of Works issued under Permit No. 26373 for the diversion of 2.4 second feet of water from an un-named stream, with the point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, for irrigation of 120 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, Township 4 North, Range 4 West, B.M.

Enclosed also is departmental receipt #29066 for \$5.00, issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

26373

Permit No. _____

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

Department of Reclamation

County of Canyon

SS.

BEN ZABALA, 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. 26373, and that his postoffice address is Wilder State of Idaho.

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

unnamed streamThird: That the point of diversion of said water is 1320 ft North of SE corner Section 16 T4N R4W NE, SEFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 4, 1958.Fifth: That the use for which said water is intended is IrrigationSixth: That on the date above mentioned, the works constructed under said permit were ~~for~~ were not fully completed and consisted of the following:I. Kind of Works: Pipe & Ditch

(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 _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe 18 inches, average grade per mile is 3 feet. Length of conduit is 1/4 miles.

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

2.4 second feet of water.Eighth: That water appropriated under said permit is available for 120 acres of land described as follows: NE 1/4, NW 1/4 SEC 16 and N 1/2 NE 1/4 SEC 16 T4N R4W B.M.

Ninth: Remarks:—That _____

Ben Zabala
(SIGN HERE)Subscribed and sworn to before me this 18 day of April, 1958

NOTARY PUBLIC

My commission expires April 4, 1962Residing @ Wilder, Idaho

26373

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

BOISE.

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

RE: Permit No. 26373

Boise, Idaho

April 1, 1958

Ben Zabala
Route #1
Wilder, Idaho

Dear Sir:-

Under the terms of your permit No. 26373 you are required to complete you diversion works on or before June 4, 1958. 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,

MARK R. KULP

State Reclamation Engineer

26373

June 13, 1956

RE: Permit No. 26373

Mr. Ben Zabala
Route 1
Wilder, Idaho

Dear Mr. Zabala:

We are enclosing herewith Permit No. 26373 and direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

Departmental receipt for the filing fee was handed you while in our Office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:cu
Enc.

26373

NAME OF APPLICANT Perkins, John

Form No. 0

The image shows a technical drawing on a grid background. The drawing is oriented with 'S' and 'N' at the top. It depicts a cross-section of a ditch and a pipe. The ditch is labeled 'open ditch' and the pipe is labeled 'pipe'. A handwritten note '16' is visible near the pipe. The drawing is oriented with 'S' and 'N' at the top.

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

26373

Riverside Irrigation District, Limited

Parma, Idaho

May, 19, 1956.

Mr. Jim Mills
Wilder, Idaho.

Dear Sir:

The directors of the Riverside Irrigation District, Limited considered your request for permission to obtain water from the West End Drain.

The following motion was passed by the directors: That Mr. Mills be permitted to take water from the West End Drain, provided the water is siphoned under the Riverside canal, at a minimum depth of three feet, the headings back twenty feet from the banks, for maintenance purposes. Permit limited to the use of not more than 120 inches of water. Also that the District will not be held responsible for any future damage that might occur in the maintenance of the canal, or other natural happenings.

Very truly yours,

G. H. Abbott

Secretary

Ben Zabo's

26373



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 21, 1955

RE: Application No. 33893

Mr. Ben Zabala
Route 1
Wilder, Idaho

Dear Mr. Zabala:

We have placed on file your application for permit to appropriate 2.4 second feet of water from a drain ditch, in the NE 1/4 SE 1/4 Section 16, Township 4 North, Range 4 West, B.M.

Please advise whether this is a constructed drain or if the water drains through a natural draw.

If a constructed drain, it will be necessary to furnish permission from the owner of the drain before your application can be approved.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson

Chief Clerk

A:hll

*Mills was told to get
a statement from the
Powerside. Power to
the effect that they had
no objections.
JMK 10/25/55*

26373

October 21, 1955

RE: Application No. 33893

Mr. Ben Zabala
Route 1
Wilder, Idaho

Dear Mr. Zabala:

We have placed on file your application for permit to appropriate 2.4 second feet of water from a drain ditch, in the NE 1/4 Section 16, Township 4 North, Range 4 West, B.M.

Please advise whether this is a constructed drain or if the water drains through a natural draw.

If a constructed drain, it will be necessary to furnish permission from the owner of the drain before your application can be approved.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

26373

PUBLIC NOTICE

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

Notice is hereby given that at 10:00 A.M. on the 13th day of May, 1963, at Wilder, County of Canyon, State of Idaho, before W. E. Fogg, proof will be submitted of the application to beneficial use of 2.4 cubic feet per second of the waters of Unnamed Stream in accordance with the terms and conditions of Permit No. 26373 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Ben Zabala, Rt. No. 1, Wilder, Idaho.

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

The amount applied to beneficial use is 2.4 cubic feet per second.

The point of diversion of said water is NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T4N, R4W BM.

The place where said water is used (legal description) N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T4N, R4W, BM.

The date of priority which said user is prepared to establish is Oct. 11, 1955.

GEO. W. CARTER,
State Reclamation
Engineer

4-19-6t