

RECEIVED

DEC 3 1971

AFFIDAVIT OF PUBLICATION

Department of Water Administration

NOTICE OF EXISTING WATER
PERMIT

Notice is hereby given that Donald A. & Paula W. Wilson, Notus, Idaho, have received an approved Permit No. 23199/63-2910 issued by the Idaho Department of Water Administration authorizing the diversion of 1.30 cubic feet per second of water from an unnamed stream, tributary to the Boise River. The priority to be established under this permit is July 20, 1970, and the permit was approved November 6, 1952.

Water is to be diverted by ditches and headgate from a point within the NE 1/4 NE 1/4 (Lot 3), Sec. 12, T. 4N, R. 4W, B.M., Canyon County, to be used for irrigation and domestic purposes in the NW 1/4 NE 1/4 and NE 1/4 NW 1/4, Sec. 12, T. 4N, R. 4W, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on July 27, 1971. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON

Director

August 26, September 2, 1971

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

Jeanne Bruner

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

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

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

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

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

4. That said notice was published the following dates:

August 26, September 2nd, 1971

Jeanne Bruner
Subscribed and sworn to before me this 2nd

day of September, 19 71

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

My Commission Expires June 23, 1975

63 2910

R 4 W

63 2210

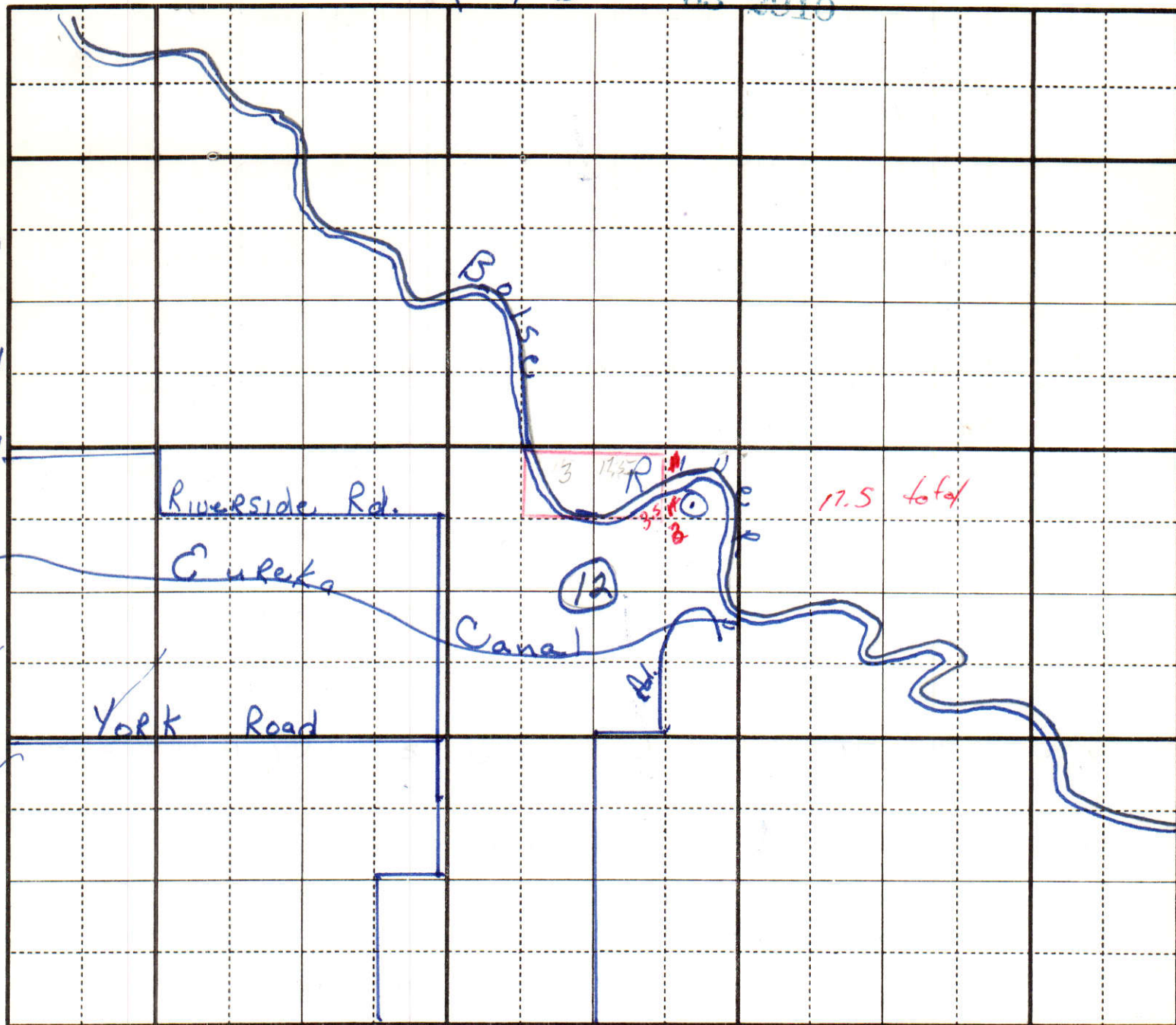
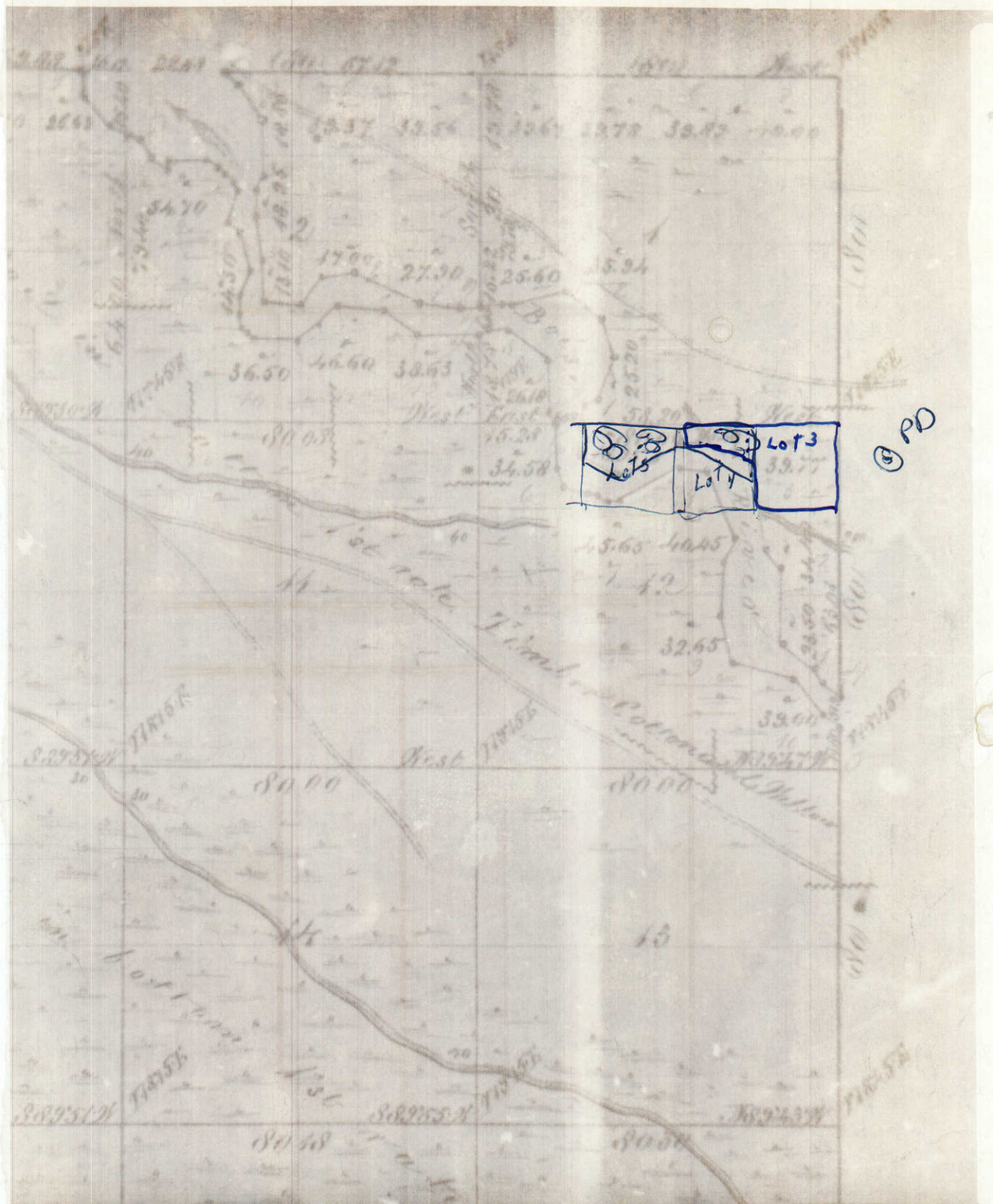


Diagram of System

DATE	EXAMINATION RECORDS
_____	_____
_____	_____ by: _____
_____	_____
_____	_____ by: _____
_____	_____
_____	_____ by: _____
_____	_____
_____	_____ by: _____



RECEIVED

OCT 16 1964

THIS INDENTURE, Made this 6th day of August, 1964, Department of Registration, between

in the year of our Lord one thousand nine hundred and Fifty-Six
GEORGE M. HOWTON and BESSIE M. HOWTON, husband and wife,
of Caldwell, County of Canyon, State of Idaho,

the parties of the first part, and

DONALD A. WILSON and PAULA W. WILSON, husband and wife,
of Caldwell, County of Canyon, State of Idaho,

the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of FIVE THOUSAND FIVE HUNDRED & NO/100 (\$5,500.00)-----DOLLARS, lawful money of the United States of America,

to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in County of Canyon, State of Idaho, to-wit:

Lots 4 and 5, North of River, Section 12, Township 4 North, Range 4 West of the Boise Meridian.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

23199

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

George M. Howton [Seal]

Bessie M. Howton [Seal]

[Seal]

[Seal]

STATE OF IDAHO,

COUNTY OF CANYON

ss.

On this 6th day of August in the year 1956, before me

the undersigned, a Notary Public

in and for said State, personally appeared

GEORGE M. HOWTON and BESSIE M. HOWTON, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Lucille Pentecost

Notary Public for the State of Idaho,
Residing at Caldwell, Idaho.



WARRANTY DEED

George M. Howton

Bessie M. Howton

Dated _____, 1956

STATE OF IDAHO,

COUNTY OF Canyon

I hereby certify that this instrument was filed

for record at _____

_____ day of _____, 1956

at _____, Idaho

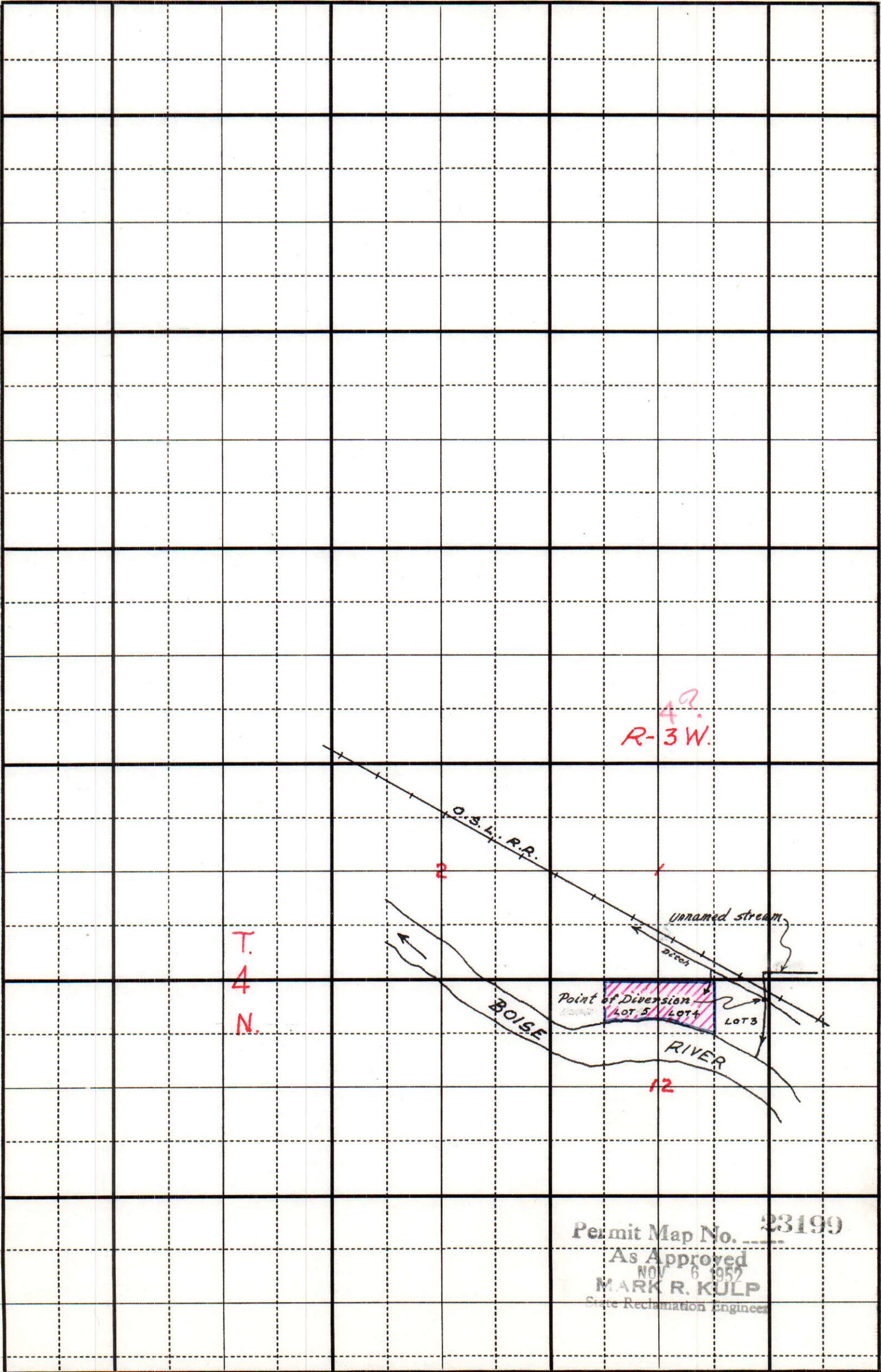
in my official capacity recorded in Book _____

at page _____

23199

NAME OF APPLICANT WALTER I. HOWTON

Form No. 0



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

23199

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 23199/63-2910 Priority July 20, 1970 Amount 0.44 cfs

THIS IS TO CERTIFY, that Donald A. & Paula W. Wilson
of Caldwell, Idaho, have ~~not~~ complied with the terms and conditions of Permit
No. 23199/63-2910 issued pursuant to Application for Permit dated October 30, 1952,
and has submitted proof to the Department of Water Resources on July 27, 1971 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.32 cfs of water from an unnamed stream (drain ditch)
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u>	at <u>0.44</u> cfs and	<u>99 acre feet or</u>
	from _____	cfs and	<u>4.5 af per acre</u>
	from _____	at _____ cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.44 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
99 acre feet per year, said waters to be diverted within the NW¹/₄ NW¹/₄ of Sec. 7,
Twp. 4 N, Rge. 3 W, B. M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NW	NW	SW	SE	NW	NW	SW	SE	NW	NW	SW	SE	NW	NW	SW	SE	
4 N	4 W	12					4												22

Total number of acres irrigated 22

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 2/ day of
March, 19 75.

NOTED

Director

APPLICATION FOR PERMIT 63-2910

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 30970
PERMIT No. 23199
DISTRICT No.

1. Name of Applicant: **WALTER I. HOWTON**

Postoffice address: **224 Dearborn St., 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:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: **65 inches or 1.30**

cubic feet per second.

3. Source of water supply: **An un-named stream (Drain ditch)** which is a tributary of **Boise River**

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 3)**

of Section **12** , T. **4 N.** , R. **4 W.** , B. M., County of **Canyon**

5. Water is to be used for **Irrigation and domestic purposes**

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: **\$ 600.00**

8. Kind of works: **Ditches and headgate**

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom **4**

feet; width at water line

12

feet; depth of water

2

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit **One**

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is **One**

years.

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

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: **None**

*Assigned to
Jes. M. Howton
224 Dearborn
Caldwell
Idaho*

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.

WALTER J. HOWTON Applicant.

By GEO. M. HOWTON Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. October 30, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 23199
Recorded in Book 82 Page 3199 Approved November 6, 1952
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 he 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 January 6, 1953 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 May 6, 1953
The whole of said work to be completed on or before November 6, 1953
Beneficial use of water appropriated in accordance herewith, to be made on or before November 6, 1953

WITNESS My hand this 6th day of November, 1952

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, 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 6th day of November, 1952.
Countersigned:
(SEAL) By IRA H. MASTERS Secretary of State.
By LEN JORDAN Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 N.	4 W.	12	25				40												65
A S S I G N M E N T																			
For value recieved, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 23199 to GEORGE M. HOWTON of 224 Dearborn, Caldwell, Idaho.																			
<u>WALTER I. HOWTON</u> Permit Holder																			
<u>NONE</u> Wife of Permit Holder.																			
State of Idaho)))) (ss County of Canyon))																			
On this 18th day of February, 1954, before me, a Notary Public for the State of Idaho, residing at Caldwell, Idaho personally appeared WALTER I. HOWTON, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he 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.																			
(SEAL)																			
FRANK E. MEEK Notary Public, residing at Caldwell, Idaho																			

COPIES ISSUED FOR 44 SEC. 1
10-15-54 PAGE NO.

COPIES ISSUED FOR 44 SEP. 1954
PAGE NO.

My commission expires May 21, 1955.

Received and filed for record in the State Department of Reclamation
at Boise, Idaho, February 19, 1954.

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. 23199 Under the Provisions of) ORDER REINSTATING PERMIT
Section 42-311, Idaho Code)

WHEREAS, Permit No. 23199 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: November 6, 1953; and,

WHEREAS, On the 10th day of February, 1954 notice to show cause why said permit should not be canceled, under the provisions of Section 42-311 Idaho Code, was duly served on the holder of said permit; and,

WHEREAS, On the 15th day of February, 1954 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 24th day of February, 1954 depositions of the holder and two witnesses were 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 depositions, 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. 23199, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 23199 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 24th day of February, 1954.

MARK R. KULP
State Reclamation Engineer

By _____
Assistant

Permit No. 23199

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that GEORGE M. HOWTON of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 23199 issued upon Application No. 30970 bearing date of priority of October 30, 1952, authorizing the diversion of 1.30 second feet of the waters of an un-named stream, tributary of Boise River, County of Canyon, State of Idaho for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.30 second feet of the waters of said un-named stream; that the point of diversion of said waters is in Lot 3 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 12, 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: Lot 4 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and Lot 5 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 12, Township 4 North, Range 4 West, B.M.

Witness my hand this 24th day of February, A.D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made February 18, 1954
Certificate of Completion of Works issued February 24, 1954.

SEE DEED IN FILE FROM GEORGE M. HOWTON AND BESSIE M. HOWTON to DONALD A. WILSON and

PAULA W. WILSON in file"

Identification No. _____

Permit No. _____

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

[Department of Reclamation]

1. a) Name of Permit Holder Donald A. & Paula W. Wilson
b) Post Office Address Notus, Idaho
2. Permit Number 23199/63-2910
3. Date of Priority that you are prepared to establish 10-30-52
4. a) Source from which water was appropriated unnamed stream (drain ditch)
b) Location of the point of diversion: NE 1/4 NE 1/4, Section (Lot 3) 12
Township 4 N, Range 4 W, Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
amount 1.30 for irrigation purposes from April 1 to Oct. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.30 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Self

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
N/A
c) Give well drillers name and address and date the well was completed _____

*Exam Typed
12/16/71
C.S.*

63 2910

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use domestic

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

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	
4N	4W	12		25			40												65

Total number of acres irrigated 65

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

7-27-1971
(Date)

Paula W. Wilson Donald H. Wilson
(Signature)

State of Idaho
County of Ada ss.

On this 27 day of July, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Donald H. Wilson
Notary Public residing at Boise Idaho

My commission expires 2-14-1974

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 23199/63-2910)
in the name of DONALD A. & PAULA W. WILSON)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 23199 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 30th day of July, 1971.



C. STEPHEN ALLRED
Deputy Director

OF THE
STATE OF IDAHO

ORDER

63 2910

DEC 5 1971

Department of Water Administration

63 2910

WATER RIGHT NUMBER 63-2910

OWNER LAST NAME - HOWTON
OWNER LAST NAME - WILSON
OWNER LAST NAME - WILSONFIRST NAME - WALTER I.
FIRST NAME - DONALD A.
FIRST NAME - PAULA W.ORIG OWNER - 0
ORIG OWNER -
ORIG OWNER -

ADDRESS LINE 1 - RT. 5 ✓

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CALDWELL

STATE - ID ZIP CODE - 83605 ✓

SOURCE - UNNAMED STREAM

TRIBUTARY OF - BOISE RIVER ✓

STAGE - LICENSE

STATUS -

PRIORITY - 07-20-1970

COUNTY - CANYON

TOTAL DIV. RATE -

.4400 -CFS

TOTAL DIV. VOLUME -

99.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNW 07 04N 03W LOT

REDIV -

272.0 312.0 25.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.1

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

USE DIV. RATE -

.4400 CFS

USE DIV. VOLUME -

99.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 04W SEC 12 TRACT NWNE LOT

AC 18 TRACT

NENW LOT

AC 04

DECREE NAME -

DATE -

TOTAL ACRES

22 ✓

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 23199 ✓

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED J G
5/30/85

3/79

IDENT. NO. 63-2910

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

WATER RIGHT DATA ENTRY LOG

[illegible]

March 21, 1975

Re: Permit No. 63-2910

Donald &/or Paula Wilson
Route 5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

RECEIVED

INTER-DEPARTMENT MEMO — 1

DATE 3/18/75

FROM Darlene

TO Mr. Higginson

SUBJECT Permit 63-2910 (issuance of water license)

We have tried off and on since Feb. 8, 1973, to get the permit holders to submit an amendment which was required prior to issuance of the water license. They paid the fee, however, have refused our requests to return the application for amendment.

The field examiner has indicated that the permit holders agree with the amendment and also they agreed during a phone conversation with Bob Fleenor, therefore, since the fee has been paid, I hereby recommend that the license be issued. Can we do this?

RECORDED
FILMED

YES
THE FEE IS APPLICATION
EVIDENCE OF THE AMENDMENT
FOR THE AMENDMENT
RKH

SIGNATURE

July 17, 1974

Permit #
454-2937

Donald A. & Paula W. Wilson
Route # 5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

A representative of this Department has made a re-examination of the works covered by your Permit No. 23199/63-2910 and the Department is prepared to issue a water license as follows:

Quantity: 0.44 cfs Source: unnamed stream (drain ditch)

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7, Twp. 4 N, Rge. 3 W, B.M.,
Canyon County

Beneficial use: Irrigation of 22 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 12, Twp. 4 N, Rge. 4 W, B.M.

Priority date established: July 20, 1970

Please sign and return the enclosed application for amendment in order that we may issue your water right license. If you should have any questions regarding this matter, please contact us within 10 days of the date of this letter.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enclosure: App for amendment
Copy of aerial photo

D

I have examined this permit and contacted the owner. He agrees that the point of diversion is, as I have stated, in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 7 T4N R3W.

An amendment is required as stated on the claim sheet. Please send a copy of the aerial photo with me so he will understand.

Everything else remains as is. I believe you already have a draft license for this baby.

Jim

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder DONALD A. & PAULA W. WILSON 459-2937
Post office address Notus, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed stream
1 Tributary to Boise River (name spring, stream, etc.)

3. Water will be used for the following purposes:

Amount 1.30 c.f.s. for irrigation & domestic
_____ AF/Annum (nature of use)

Period of Use: from April 1 to October 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 1.30 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Lot #3
Township 4N N/S, Range 4W E/W, B.M., Section 12, Subdivision NE $\frac{1}{4}$ NE $\frac{1}{4}$, Canyon
County
amendment Required

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____

should be Township 4 N/S, Range 3 E/W, B.M., Section 7, Subdivision NW $\frac{1}{4}$ NW $\frac{1}{4}$, Canyon
County

Other Points of Diversions: _____

Description of diverting works: ditches and headgate

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	4W	12		25			40												65

63 2910

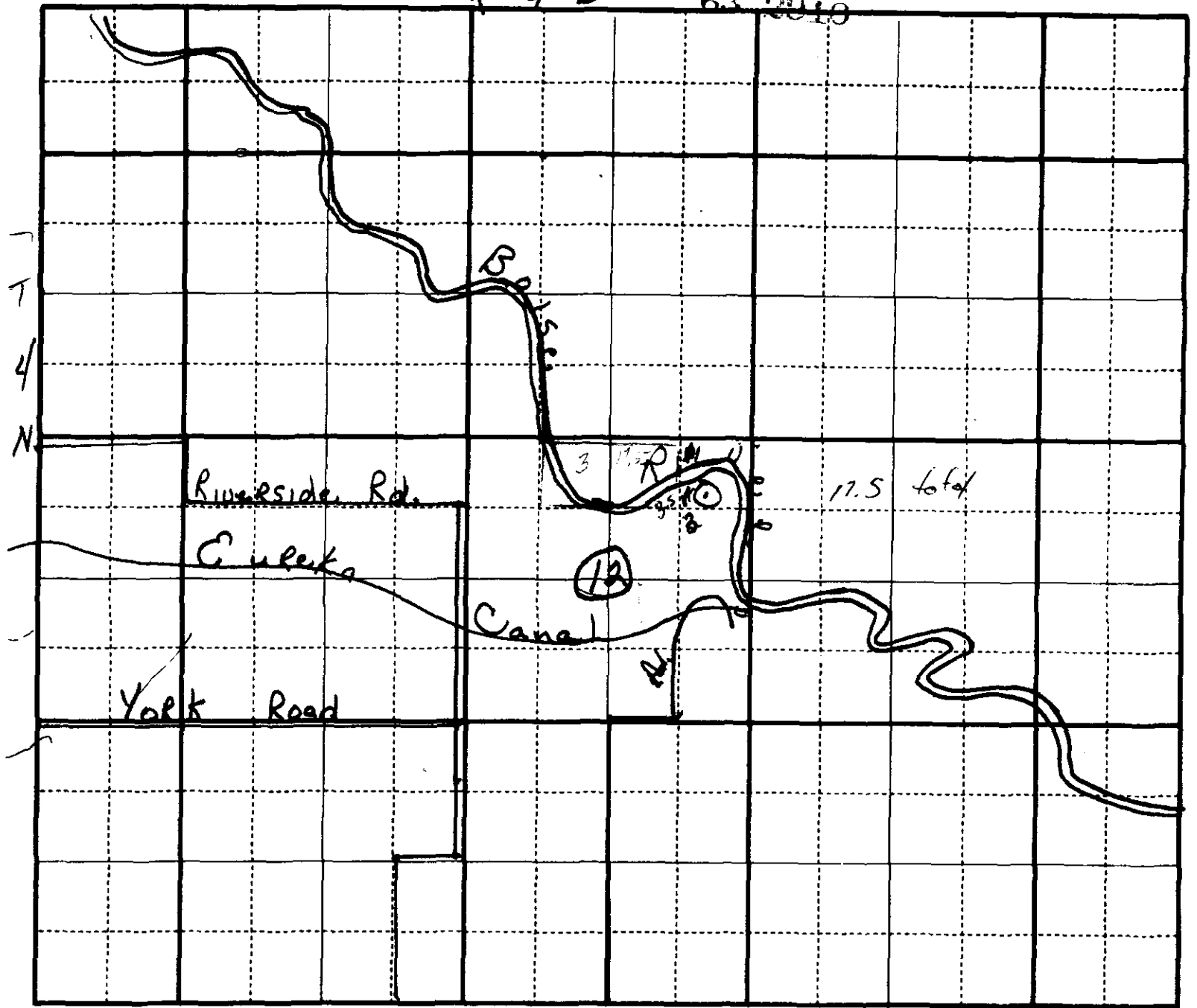
TOTAL ACREAGE

65

Permit No. 63-2910
Examination for Beneficial Use

R 4 W

63 2210



DATE

EXAMINATION RECORDS

Diagram of System

by:

by:

by:

by:

DATE OF EXAM 4/26/72

ACREAGE
Found 20.5 Acres
Recommended 20.5

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 0.41 c.f.s. V = 92.25 AF/Ann. from Mar 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: Unnamed Stream (drain - ditch?)
twp. 4 N/S, Rge 4 E/W B.M., Sec. 12, Sub. NE 1/4 NE 1/4 County
Lot 3

Exchange? yes _____ no ✓ NW 1/4 NW 1/4 Sec 7 T4N R3W

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 2.32 CFS Method of measurement Pygmy Meter 748

Total Q recommended 0.41 Meter No. 748 Type Pygmy Condition Excellent

Total V recommended 92.25 Ac Ft/season

Recommended Amendments:

P.D. Amendment draft enclosed for P.D.
~~Place of Use~~ ~~Place of use should include lot 3 Sec 12 T4N R3W~~
Other _____
None Place of use is OK

MEASUREMENT CALCULATION:

See enclosed Meas Sheet.
Q_{meas} = 2.32 CFS Allow .41 CFS
V = (4.5)(20.5) = 92.25 Ac Ft/season

SYSTEM DESCRIPTION:

This is a gravity irrigation system with a headgate installed for diversion. All ditches are earth with concrete tile under roads.

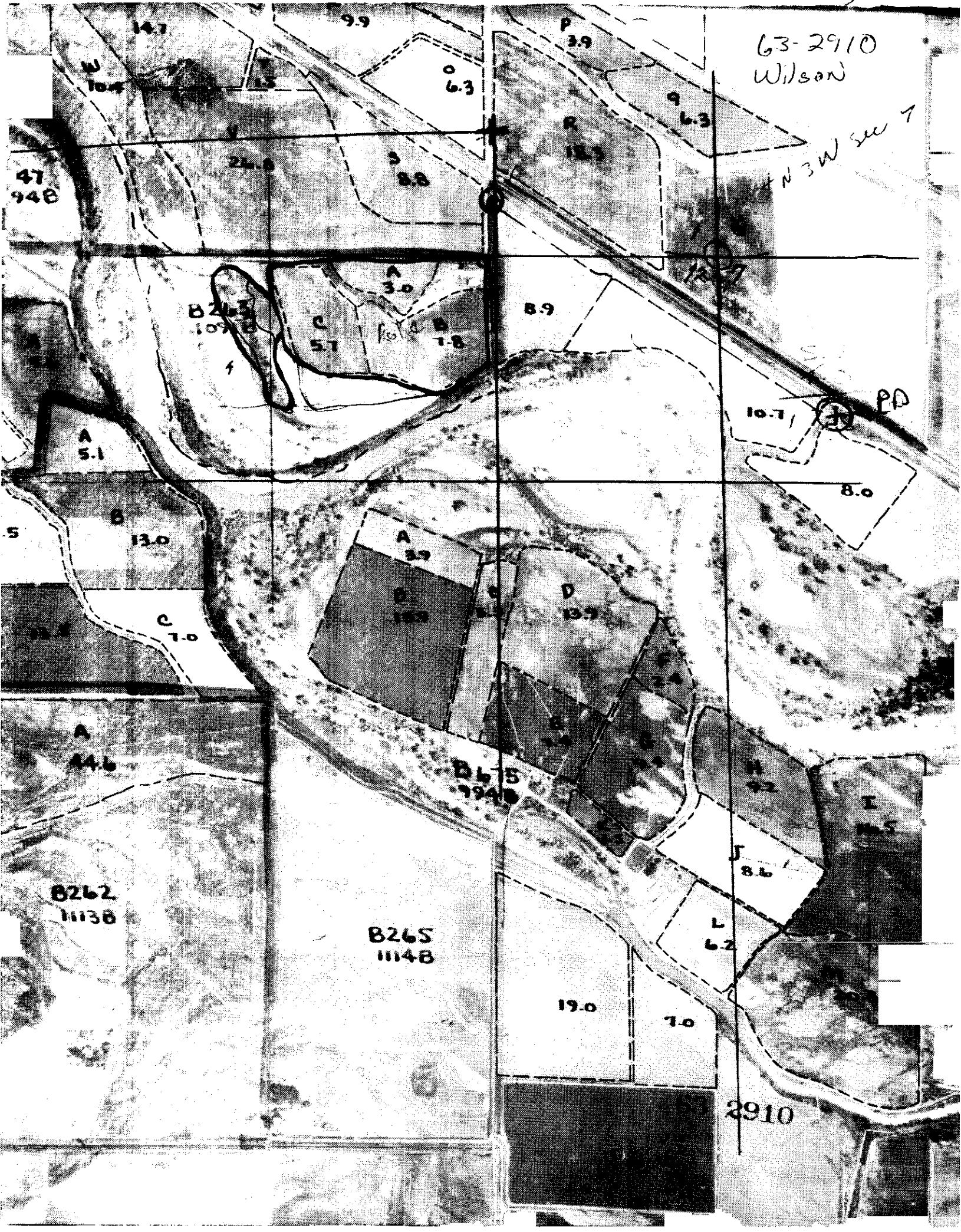
REMARKS:

Owner states that he requires the large Q to irrigate this property as the soil is very sandy and rocky.

Examiner's Signature James B. Baker Date 28 April 72

Checked by 10XAM James B. Baker June 14 Date _____

Approved by _____ Date _____



Don Wilson

STATE OF IDAHO 63
DEPARTMENT OF RECLAMATION
501 Wilson Avenue

63-2940

Date 4/26, 1972 DISCHARGE MEASUREMENT NOTESDevian Clay

River at

[illegible]

No. _____ of _____ Sheets. Comp. by _____ Chk. by 461

Chk. by 441

March 26, 1974

Re: Permit No. 23199/63-2910

Donald A. & Paula W. Wilson
Route 5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

Enclosed you will find a copy of our letter of March 13, 1973 along with an application for amendment.

Please be advised that the water license for this permit cannot be issued until the amendment is signed and returned to this office.

We urge you to return the completed amendment form within 10 days in order that we might issue your license and avoid cancellation of this permit.

If you have any questions, contact us within the 10 day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jfr

Enc: Copy of 3-13-73 letter
Amendment form

63 2910

March 13, 1973

Donald A. & Paula W. Wilson
Route # 5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

A representative of this Department has made a re-examination of the works covered by your permit No. 23199/63-2910 and has found the following:

Quantity of water diverted: 2.32 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.44 cfs

The maximum quantity diverted shall not exceed 99 acre feet per year.

Beneficial use: Irrigation of 22 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (18), NE $\frac{1}{4}$ -NW $\frac{1}{4}$ (4), Sec. 12, Twp. 4 N, Rge. 4 W, B. M.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Twp. 4 N, Rge. 3 W, B. M.

Priority date established: July 20, 1970 (late proof)

If you concur with these findings, please sign and return the enclosed application for amendment within 10 days of the date of this letter in order that we may issue your water license as set forth above.

If you have any questions, please contact us within the 10-day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

63 2910

BDF:DR
Enclosure

April 13, 1973

Re: Permit No. 23199/63-2910

**Donald A. & Paula W. Wilson
Route # 5
Caldwell, Idaho 83605**

Dear Mr. & Mrs. Wilson:

We wish to remind you that the water license in connection with the above referenced permit is still pending.

Enclosed you will find a copy of our March 13th letter in which we forwarded a proposed application for amendment. We would appreciate hearing from you regarding this matter as soon as possible.

Sincerely,

**BOBBY D. FLEENOR
Assistant Director**

**BDF:DR
Enclosure**

63 2910

February 8, 1973

Donald A. & Paula W. Wilson
Route # 5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

A representative of this Department has made an examination of the works covered by your Permit No. 23199/63-2910 and has found the following:

Quantity of water diverted: 2.32 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.41 cfs

The maximum quantity diverted shall not exceed 92 acre feet per year.

Beneficial use: Irrigation of 20.5 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$ (17.5), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (3), Sec. 12, Twp. 4N, Rge. 4W, B.M.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 3), Sec. 12, Twp. 4N, Rge. 4W, B.M.

Priority date established: July 20, 1970 (late proof)

The lands found being irrigated by our field examiner differ from those lands listed under your permit, therefore, it will be necessary for you to amend the permit before a license can be issued. We have enclosed a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 10 days of the date of this letter in order that we may issue your water license as set forth above.

If you do not concur with these findings, please contact us within the 10-day limit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Amendment form

File # 9985

63 2910

December 3, 1971

Re: Permit No. 23199/63-2910

Donald A. & Paula W. Wilson
Route #5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than you should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

63 2-10

November 10, 1971

Re: Permit No. 23199/63-2910

Donald A. & Paula W. Wilson
Route #5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

As of this date, we have not yet received the affidavit of publication which was to have been submitted in connection with the above referenced permit. The legal notice was to have been published in the News-Tribune, Caldwell, Idaho, on August 26th and September 2nd, 1971.

In order to keep this permit in good standing, please obtain the affidavit from the above mentioned newspaper and submit it to this office as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

2310

August 17, 1971

Re: Permit No. 23199/63-2910

Donald A. & Paula W. Wilson
Route #5
Caldwell, Idaho 83605

Dear Mr. & Mrs. Wilson:

The legal notice for the above-referenced permit is being published in the
News-Tribune, Caldwell, Idaho on August 26th
and September 2nd, 1971.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

63 291

August 17, 1971

Re: Permit No. 23199/63-2910 - Donald A. & Paula W. Wilson

News-Tribune
P. O. Box 1179
Caldwell, Idaho 83605

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Donald A. & Paula W. Wilson,
Route #5, Caldwell, Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

63 2910

Enc: legal notice

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Donald A. & Paula W. Wilson, Notus, Idaho,

have not received an approved Permit No. 23199/63-2910 issued by the Idaho Department of Water Administration authorizing the diversion ~~storage~~ of 1.30 cubic feet per second ~~acre feet~~ ~~per annum~~ of water from an unnamed stream, tributary to the Boise River.

The priority to be established under this permit is July 20, 1970,

and the permit was approved November 6, 1952.

Water is to be diverted by ditches and headgate from a point within the NE¹/₄NE¹/₄ (Lot 3), Sec. 12, T. 4N, R. 4W, B.M., Canyon County,

to be used for irrigation and domestic purposes in the NW¹/₄NE¹/₄ and NE¹/₄NW¹/₄, Sec. 12, T. 4N, R. 4W, B.M.

Proof of the application of the water to beneficial use was ~~is to be~~ submitted to the Department on ~~or before~~ July 27, 1971. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice ~~or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.~~

R. KEITH HIGGINSON

Director

Published in the News Tribune, Caldwell, Idaho, on August 26th and September 2nd, 1971.

Permit No. 23199/63-2910

Director:

You are hereby authorized to have the above notice published at my expense in the News Tribune of Caldwell, Idaho; published in the county in which the works are situated.

Donald A. Wilson
(Signature)

Route 5 Caldwell Ida
(Address)

Aug 16/71
(Date)

Paula W. Wilson 63 2910

August 2, 1971

Re: Permit No. 23199/63-2910

Donald A. & Paula W. Wilson
Notus,
Idaho 83656

Dear Mr. & Mrs. Wilson:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed you will find an Order which advances the priority under this permit.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof of beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. If you will complete and return the enclosed advertising authorization, we will cause the notice to be published.

If you have any questions or if we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Orders (2)

Adv. authorization

63 2210

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

31547

1

Paula Wilson

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

JUL 17 1971

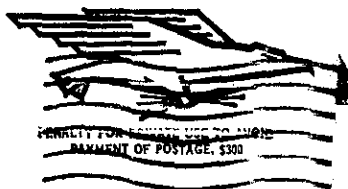
SHOW WHERE DELIVERED (*only if requested*)

3

63 2910

POD Form 3811 Apr. 1969 CS-16-71348-11

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

**RETURN
TO**

63 2910

July 15, 1971

CERTIFIED MAIL

#31547

Re: Permit No. 23199 (New No. 63-2910)

Donald A. Wilson and Paula W. Wilson
Notus,
Idaho 83656

Dear Mr. & Mrs. Wilson:

It appearing to the Department of Water Administration that the terms and conditions of Permit 23199/63-2910 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on November 6, 1953, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before August 24, 1971, why said permit should not be cancelled.

Permit 23199/63-2910 claims the use of 1.30 cubic feet per second of water from an unnamed stream (drain ditch) tributary to Boise River, the point of diversion was to be located within the NE 1/4 (lot 3), Sec. 12, T. 4N, R. 4W, B.M. and the permit was approved Nov. 6, 1952.


R. KEITH HIGGINSON
Director

63-2910

Office.no.. 9-422

GEO. M. HOWTON
Real Estate Broker

224. dearborne. st.

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
CALDWELL, IDAHO

TELEPHONE 9-2185

October 21, 1964

RE: Permit No. 23199
Walter I. Horton

Farmers Home Administration
715 Albany Street
Caldwell, Idaho

Enclosed is the copy of the above numbered permit you requested.

Departmental receipt No. 32500 in the amount of \$2.25 covering
the fee for the copy was given to you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rile
Chief Clerk

EPR:mr

Enc. copy of permit

23199

October 19, 1964

Re: Permit No. 23199

Donald A. Wilson
~~Address~~ Route #5
Caldwell, Idaho

Dear Mr. Wilson:

Enclosed is Departmental Receipt No. 32482, in the amount of \$0.50 covering fee for recording of deed showing an assignment to you from George M. Howton.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:sw

Enc. receipt

P. S. We do not have a proper address for you and would appreciate your mailing us one for future correspondence.

23199

RECEIVED

OCT 16 1964

Department of Parliament

23199

23199

✓
February 26, 1954

RE: Permit No. 23199

Mr. George M. Howton
710 Arthur Street
Caldwell, Idaho

Dear Mr. Howton:

We return the Assignment of Permit No. 23199 from Walter I. Howton to you, which has been recorded in this department.

Your proof of completion of works has been filed and the permit reinstated and we enclose Certificate of Completion of Works for the diversion of 1.3 second feet of water from an un-named stream with point of diversion in Lot 3 Section 12, Township 4 North, Range 4 West B.M., for irrigation and domestic use on Lots 4 and 5 of said section 12.

We also enclose departmental receipt No. 26507 for \$5.50, which includes fifty cents fee for recording the Assignment and \$5.00 for Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

23199

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 23199 Under the
Provisions of Section ~~5594~~ ~~Idaho~~
~~Compiled Statutes~~ 42-311, Idaho Code

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 23199 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 November 6, 1953; and,

WHEREAS, On the 10th day of February, 1954 notice to show cause why said permit should not be canceled, under the provisions of Section ~~5594~~ 42-311 ~~Idaho~~ Code ~~Compiled Statutes~~ was duly served on the holder of said permit; and,

WHEREAS, On the 15th day of February, 1954 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 24th day of February, 1954 depositions of the holder and two witnesses were 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 depositions, the ~~Commissioner~~ Engineer ~~of the State of Idaho~~ State Reclamation, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 23199, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 23199 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 24th day of February, 1954.

Mark R. Kulp
~~Commissioner of Reclamation~~
State Reclamation Engineer
By _____ Assistant

23199

PERMIT NO.: 23199

Proof of Completion of Works

RECEIVED
FEB 19 1954
Department of Reclamation

DEPOSITION OF HOLDER

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

Ans. GEORGE M. HOWTON, 224 Dearborn, Caldwell, Idaho,
Real Estate Broker

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. None

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

Ans. 23199 - November 6, 1952 - 1.3 cu. ft. per sec. - drain
ditch - Lot 3, Section 12, Township 4 North, Range 4 WBM

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

Ans. Irrigation - 60 acres - Lots 4 and 5, Section 12, Town-
ship 4 North, Range 4 West of the Boise Meridian.

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

Ans. Yes - April, 1952 - Used fully.

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

Ans. Yes - Fully completed.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. None

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

Ans. Ditch from diversion to land - headgate - 150 inches -
total cost \$1,400.00.

(Sign here.)

George M. Howton

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 18th

day of February A. D. 1954

Frank J. [Signature]

Notary Public.

My Commission expires May 21, 1955

23199

Permit No. 23199

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. GEORGE M. HOWTON, 224 Dearborn, Caldwell, Idaho,
Real Estate BrokerQues. 2. Are you acquainted with WALTER I. HOWTON, the
holder of Permit No. 23199, authorizing the diversion of 1.3 second-feet of the
waters of an un-named stream (drain ditch), at
for irrigation purposes? How long have you known him, and where does he reside?

Ans. Forty Years

Ques. 3. Have you read or heard read said Permit No. 23199, and are you familiar
with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to
be irrigated under said permit? If so, describe same, state its character, and give your
estimate of the amount of water required for its profitable cultivation.

Ans. Yes.

60 acres

150 inches

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

Ans. Yes

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

Ans. Ditch from diversion to land - headgate - 150 inches

(Sign here.) *George M. Howton*I hereby certify that the foregoing testimony was read to the above subscriber before
its signing, that I believe him to be the person he represents himself to be, and that said
testimony was subscribed and sworn to before me, at my office in Caldwell,

County of Canyon, State of Idaho, on this 14th

day of February, A. D. 1954

Frank R. Wood

23199

Permit No. 23199

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. JOHN W. ESTEP, 2114 Locust, Caldwell, Idaho, Auctioneer

Ques. 2. Are you acquainted with GEORGE M. HOWTON, the holder of Permit No. 23199, authorizing the diversion of 1.3 second-feet of the waters of an un-named stream (drain ditch), at for irrigation purposes? How long have you known him, and where does he reside?

Ans. 15 years - 224 Dearborn, Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 23199, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes.

60 acres

150 inches

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

Ans. Yes - the works were completed prior to November 6, 1953.

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

Ans. Ditch from diversion to land - headgate - 150 inches

(Sign here.)

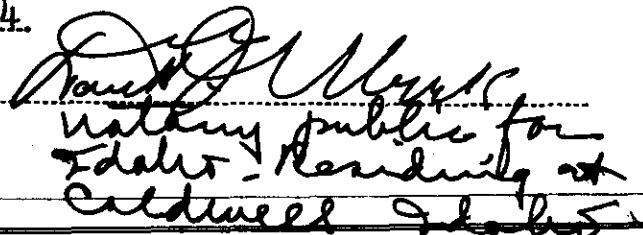


JOHN W. ESTEP

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

County of Canyon, State of Idaho, on this 22

day of February, A. D. 1954.



Notary Public for
Idaho - Residing at
Caldwell Idaho

23199

Permit No. 23199**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. JOHN W. ALSUP Route 1, Caldwell, Idaho,

Ques. 2. Are you acquainted with GEORGE M. HOWTON, the holder of Permit No. 23199, authorizing the diversion of 1.3 second-feet of the waters of an un-named stream (drain ditch), at _____ for ~~irrigation~~ purposes? How long have you known him, and where does he reside?

Ans. Fifteen Years

Ques. 3. Have you read or heard read said Permit No. 23199, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes.60 acres150 inches

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

Ans. Yes - works were completed prior to November 6, 1953.

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

Ans. Ditch from diversion to land - headgate - 150 inches(Sign here.) *John W. Alsup*

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

County of Canyon, State of Idaho, on this 18th day of February, A. D. 19 54.

23199

*Notary Public for Idaho
Caldwell Ida*

✓
February 19, 1954

RE: Permit No. 23199

Mr. George M. Howton
224 Dearborn Street
Caldwell, Idaho

Dear Mr. Howton:

We acknowledge receipt of the Assignment from Walter I. Howton to you under Permit No. 23199 also depositions offered in proof of completion of works on this permit.

However, you have executed deposition as holder and also as witness. If the proof is to be made in your own name, you should furnish deposition of another witness. On the other hand, if the proof is to be made by Walter I. Howton, he should execute the deposition as holder.

The depositions of the witnesses should also state under Question 5 that the works were completed prior to November 6, 1953, the date set for such proof.

We hold to your credit your check for the \$5.00 fee in connection with completion of works, but there is also a fifty cent fee required for recording the assignment.

Very truly yours,

MARK R. KULF
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

23199

Form 3811
Rev. 1-32

RETURN RECEIPT

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

1 Walter H. Houston
(Signature or name of addressee)

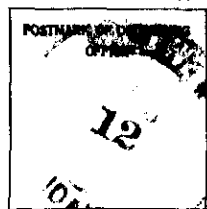
2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery FEB 12 1954, 1954

23199

Post Office Department
OFFICIAL BUSINESS

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



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Return to **BOISE, IDAHO**

Street and Number,
or Post Office Box,

(NAME OF SENDER)

107 State House

REGISTERED ARTICLE

No. _____

INSURED PARCEL

BOISE,

No. _____

23199

IDAHO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 10

1954

Re: Permit No. 23199

To Mr. Walter I. Howton
No. 224 Dearborn St.
Caldwell, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 23199
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of work November 6, 1953

42-311

you are hereby notified in compliance with Sec. 42-311, Idaho Code annotated that said Permit No. 23199
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. 23199 claims the use of 1.3 cubic feet per second of the
waters of an un-named stream (drain ditch) with point of diversion located
in Lot 3, Section 12, Twp. 4 North, Range 4 West, B. M. and
was approved November 6, 1952.

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

10th day of February, 1954

Mark R. Kulp

State Reclamation Engineer.

By

Assistant.

23199

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Mr. Walter I. Howton
224 Dearborn Street
Caldwell, Idaho

BOISE

September 1, 1953

Dear Sir:

Under the terms of your permit No. 23199 you are required to complete your diversion works and make proof of beneficial use on or before November 6, 1953.

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 November 6, 1953, 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

23199

November 18, 1952

RE: Permit No. 23199

Mr. George M. Howton
224 Dearborn Street
Caldwell, Idaho

Dear Mr. Howton:

We enclose Permit No. 23199 in the name of Walter I. Howton and direct his attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 25069 for the \$5.25 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

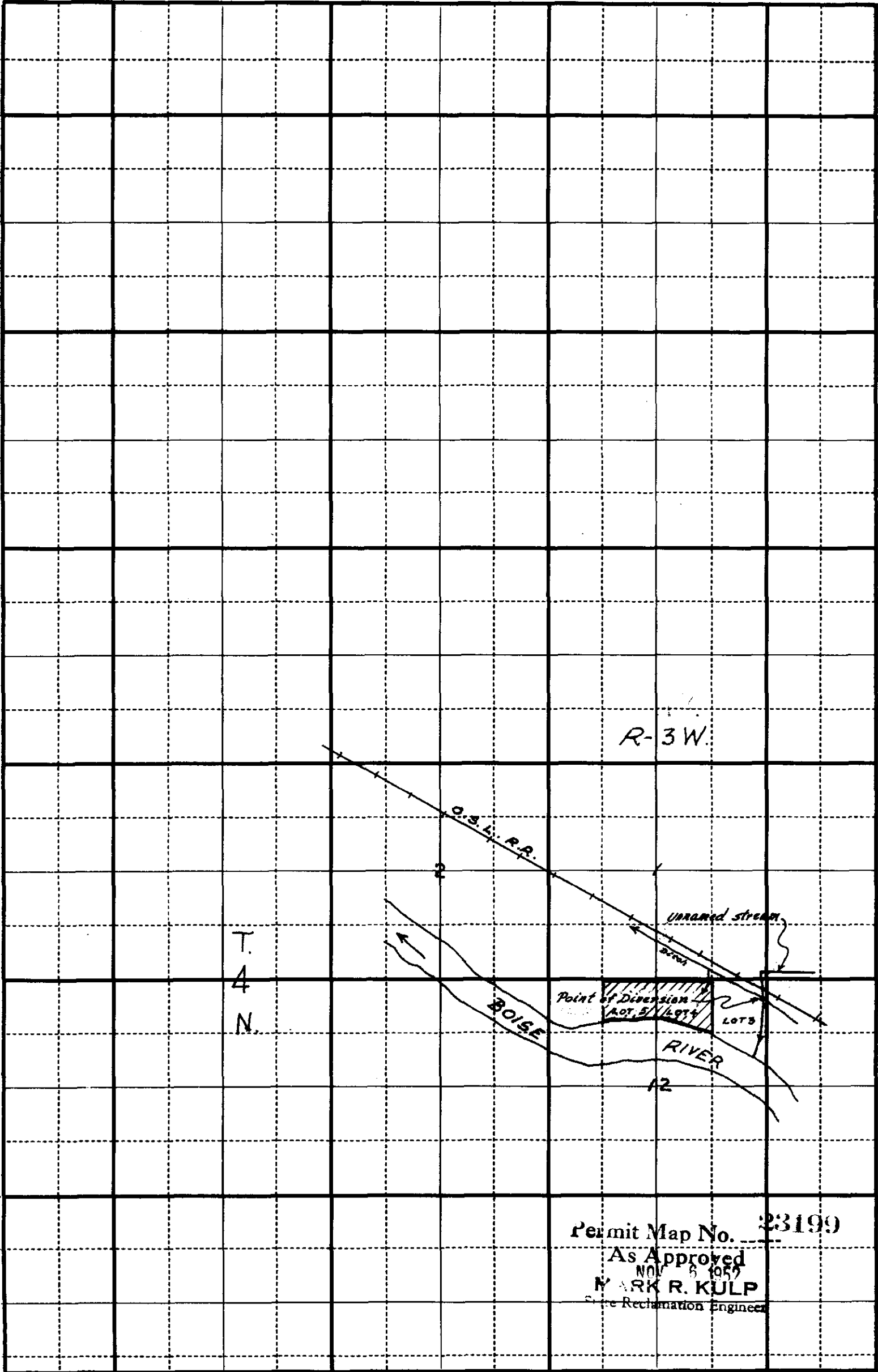
Chief Clerk

A:fg
Enc.

23199

NAME OF APPLICANT WALTER I. HOWTON

Form No. 0



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

23199