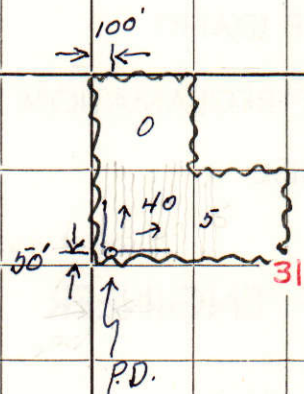


R-2W.



T.
3
N.

Subdivisions = Two

Area = 45 acres.

Q =

Water measured at 30"

Want to know if possible

Pump is not at full capacity.

check Lappan report.

RECEIVED
JAN 12 1955
Department of Reclamation

AFFIDAVIT OF PUBLICATION

State of Idaho, SS.
County of Canyon,

Marlene Breitenbuecher, of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

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

2. I am the Principal Clerk of the Idaho Free Press, a daily newspaper published in the City of Nampa in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been continuously and 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 Saturday of each week has been designated as the particular day of the week on which legal notices required by law or by order of any Court of competent jurisdiction within the State to be published weekly, will be published in said Idaho Free Press in compliance with the provisions of Section 58-108 I.C.A. 1932, as added thereto by Chapter 154, 1933 Session Laws of Idaho, and the Publisher of this newspaper in conformity with the provisions of said law, does, at the head of the Editorial Column of said paper, and in each issue thereof, announce Saturday of each week as the day of the week on which legal notices required by law or by order of any Court of competent jurisdiction to be published weekly, will be published.

4. That the notice, of which the annexed is a printed copy was printed in said Saturday issue of said Idaho Free Press for a period of four successive weeks in the regular and entire issue of each Saturday publication of said paper during the period and time of publication and was printed in the newspaper proper and not in a supplement.

5. That said notice was published in each and every Saturday issue, beginning with the issue of December 18, 195 4, and ending with the issue of January 8, 195 5.

Subscribed and sworn to before me this 8th day
of January, 195 5.

R. D. Allen
Notary Public for Idaho
Residing at Nampa, Idaho

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

Notice is hereby given that at 10:00 A. M., on the 24th day of January, 1955, at Nampa, County of Canyon, State of Idaho, before Lorraine Rand, Notary Public, proof will be submitted of the completion of works for the diversion of one cubic foot per second of the waters of deep well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21372 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Walter S. Houdyshell, address Route No. 1, Nampa, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is one cubic foot per second.

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

4. The place where said water is used is a portion of the S½ of the NW¼ and NW¼ NW¼ of Sec. 31, Twp. 3N, R2W, Canyon County, Idaho, and the well is located in the SW¼ NW¼ of said section.

5. The date of priority which said user is prepared to establish is February 3, 1953.

MARK R. KULP,
State Reclamation Engineer.
Dec. 18, 24, 1954; Jan. 1, 8, 1955.

21372

NAME OF APPLICANT

Walter S. Houdyshell *Walth* FORM No. 0

Twp. 3 N. R. 2 W.

Lake Lowell Ave

V
40R

40R

Owill

31
13

Permit Map No. *21372*
As Approved
FEB 21 1950
MARK R. KULP
State Reclamation Engineer

State of Idaho

License and Certificate of Water Right

Water License No. 21372

Amount 0.6 second foot

Water District No.

Priority February 3, 1950

THIS IS TO CERTIFY that **WALTER S. HOUDYSHELL**
 of **Nampa, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **February 3**, 19 **50**; that Permit No. **21372**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.6 second foot, was issued thereunder on **July 20**, 19 **55**, showing that said works
 were completed on the **24th** day of **January**, 19 **55**; and that on the **24th**
 day of **January**, 19 **55**,

WALTER S. HOUDYSHELL

of **Nampa**, State of **Idaho**, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
~~subterranean~~ (subterranean flow), for the purpose of irrigation and dom-
 estic use, under Use Permit No. **21372** 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
9 of Licenses at page **5526**, on the **20th** day of **July**, 19 **55**;

The right hereby confirmed dates from **February 3**, 19 **50**;

The Point of Diversion is located

in the **SW 1/4 NW 1/4**, Sec. **31**, Tp. **3 N.**, R. **2 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 **0.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	2 W.	31	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	—
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	<u>5</u>
			Number of Acres Actually Irrigated -		

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
20th day of **July**, 19 **55**.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 2799

Nº 21372
62-2799

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29056
PERMIT No. 21372
DISTRICT No.

1. Name of Applicant: WALTER S. HOUDYSHELL

Postoffice address: Route 1, Nampa

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: 1.60 cubic feet per second.

3. Source of water supply: Subterranean from well which is a tributary of

4. Location of point of diversion: feet distant from the

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

of Section 13 , T. 3 N. , R. 2 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: \$ 3,500.00

8. Kind of works: Well, pump and ditches

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

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) 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: No water rights or valid permits on land to be irrigated.

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 S. HOUDYSHELL *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 9:40 A. M. February 3, 1950

Returned to applicant for correction: February 3, 1950

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21372

Recorded in Book 76 Page 21372 Approved February 21, 1950

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 April 21, 1950 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 August 21, 1952

The whole of said work to be completed on or before February 21, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before February 21, 1955

WITNESS My hand this 21st day of February, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 21st

day of February, 19 50.

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

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	
3 N.	2 W.	13					40 40												80
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 21372 Comes now Walter S. Houdyshell, and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21372. That the point of diversion is described in said permit as being located SW1/4NW1/4 Section 13, Twp. 2. N. R. 2. W. That he now requests that the point of diversion be changed to a point, An additional point of diversion, located approx. 800 feet to the East and in the SW1/4NW1/4 Section 13, Twp. 3. N. R. 2. W. That his reasons for desiring to make such change are as follows: That the well now constructed interferes with a neighbor's well and applicant is compelled to drill a second well, That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Boise, Idaho, this 8th day of May, 1952. Date of receipt at Department of Reclamation May 8, 1952. WALTER S. HOUDYSHELL By Mrs. W.S.H. APPROVAL OF STATE RECLAMATION ENGINEER I, Mark. R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21372. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby. MARK R. KULP State Reclamation Engineer																			

APPLICATION FOR CORRECTION
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21372.

Comes now Walter S. Houdyshell, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21372, and requests that the location of the wells and the land to be irrigated be corrected to show their location in Section 31, Township 3 North, Range 2 West, B.M., instead of Section 13, Township 3 North, Range 2 West, B.M.

That his reason for requesting such correction is that the description in the original application and permit was in error.

Signed at Nampa, Idaho, this 22nd day of May, 1952.

MRS. WALTER S. HOUDYSHELL

Subscribed and sworn to before me this 22nd day of May, 1952.

KATHRYN FOGLEMAN Notary Public

My commission expires April 26, 1953.

(SEAL)

Date of receipt at Office of Department of Reclamation May 24, 1952.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21372. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21372

Comes now Walter S. Houdyshell, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21372, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: $W\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Twp. 3 N. Range 2 W. B. M., making a total of approx. 150 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 10th day of December, 1954.

WALTER S. HOUDYSHELL

Date of Receipt at Office of Department of Reclamation December 10, 1954.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21372. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 0.6 SEC. FT.
P. 5526

Permit No. 21372
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that WALTER S. HOUDYSHELL of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 21372, issued upon application No. 29056 bearing date of priority of February 3, 1950, authorizing the diversion of 1.6 second feet of the waters of a well (subterranean flow) 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 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 0.6 second foot of the waters of said well; that the point of diversion of said waters is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Township 3 North, Range 2 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Township 3 North, Range 2 West, B.M.

Witness my hand this 20th day of July, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made January 24, 1955
Certificate of Completion of Works issued July 20, 1955

WATER RIGHT NUMBER 63-2799 ✓

OWNER LAST NAME - HOUDYSHELL

ADDRESS LINE 1 - RT. 1 ✓

ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - SWNW 31 03N 02W LOT

FROM - TO -

FROM - TO -

USE - IRRIGATION

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE -

DIVERSION MEANS -

FIRST NAME - WALTER S. ✓

ADDRESS LINE 2 -

CITY - NAMPA

TRIBUTARY OF -

PRIORITY - 02-03-1950 / COUNTY - CANYON

WATER DIST. - DLE/CAREY ACT -

0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE - .6000 CFS

USE DIV. RATE - .0000 CFS

PLACE OF USE - TWN 03N RNG 02W SEC 31 TRACT SWNW LOT

DATE -

ORIG OWNER -

STATE - ID ZIP CODE - 83651

TOTAL DIV. RATE - .6000 -CFS

RIGHT BASIS -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. VOLUME - .00 AFA

USE DIV. VOLUME - .00 AFA

AC 40 TRACT SENW LOT AC 05

TOTAL ACRES 45

PROTESTED -

HEARING -

OLD NO. - 21372

VERIFIED JDC

ACTION

OWNER LAST NAME - HOUDYSHELL

FIRST NAME - WALKER S.

CITY - NAMPA

STATE - ID

SOURCE - GROUNDWATER

STAGE - LICENSE

PRIORITY - 02-03-1950 COUNTY - CANYON

TOTAL DIV. RATE - .6000CFS

DIVERSION POINT - SWNW 31 03N 02W

USE - IRRIGATION

USE DIV. RATE - .6000CFS

USE - DOMESTIC

USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 02W SEC 31 TRACT SWNW

AC 40 TRACT SENW

AC 05

OLD NO. - 21372

IDENT. NO. 63-2799

WATER RIGHT DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

- | | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u> | <u>Rge.</u> | <u>Gov't
Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|----------------------|----------------------|----------------------|---------------|
| 6. A. Point of Diversion | <u>SW NW</u> | <u>31</u> | <u>3^N</u> | <u>2^W</u> | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- [illegible]

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 21372

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

308

AFFIDAVIT OF PROTEST

State of Idaho)
 : ss.
County of Canyon)

John R. Babcock, being first duly sworn, on his oath does depose and say:

That he now is and has been at all times herein mentioned the owner
and in possession of the following described real property, to-wit:

The East Half of the Southeast Quarter of Section 36,
Township 3 North, Range 3 WBM, Canyon County, Idaho.

That Walter S. Houdyshell is the owner of the following described real
property, to-wit:

The East Half of the Northwest Quarter and Lots 1 and 2,
all in Section 31, Township 3 North, Range 2 West of the
Boise Meridian, in Canyon County, Idaho, excepting there-
from 10.4 acres, more or less, conveyed to the City of
Nampa, Idaho.

That the said Walter S. Houdyshell is now in the process of proving
up on the underground water well located upon the above described real property
owned by the said Walter S. Houdyshell. That in the Notice of the said Walter S.
Houdyshell for proving up on the said well in order to get a license therefor,
that the said Walter S. Houdyshell is claiming that he has appropriated approximately
50 inches of water to beneficial use upon the above described real property owned
by the said Walter S. Houdyshell.

That the affiant does know of his own knowledge that the said Walter S.
Houdyshell has only appropriated approximately 30 inches from the said well onto
the irrigable land above described and owned by the said Walter S. Houdyshell. That
the said quantity of 30 inches was the amount that the said Walter S. Houdyshell did
limit himself to by stipulation and court order in the action entitled John R.
Babcock vs. Walter S. Houdyshell, in the District Court of the Seventh Judicial

2.

District of the State of Idaho, in and for the County of Canyon, which action is still pending in said court.

WHEREFORE, the affiant prays that the Department of Reclamation of the State of Idaho make a thorough investigation as to the claims of the said Walter S. Houdyshell, and in particular as to the amount of water actually applied to beneficial use by the said Walter S. Houdyshell.

JOHN R. BABCOCK

Subscribed and sworn to before me this 21st day of January, 1955.

JAMES E. SCHILLER

Notary Public for Idaho
Residing at Nampa, Idaho

(SEAL)



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
B O I S E

RECEIVED
JUN 17 1960

Department of Reclamation

June 13, 1960

Clerk of the District Court
Canyon County Court House
Caldwell, Idaho

Dear Sir:

We have been informed that there was a case, Babcock vs Walt Houdyshell in District Court in which certain water rights were decreed, two or three years ago.

Kindly send us a certified copy of said decree in conformance with Idaho Code 42-1403.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By

Ralph W. Thomas
Office Engineer

RM:mr

The above entitled case, to which you refer, did not go to judgment. A third amended complaint and Answer thereto were filed and an Order to Show Cause was issued and filed and, on September 21, 1956, the case was dismissed under the rule, there having been no proceedings for over a period of one year.

S. S. FOOTE, Clerk,

By

Deputy.

21372

✓
July 25 , 1955

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued on Permit No. 21372 confirming your right to the use of 0.6 second foot of water from a well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Township 3 North, Range 2 West, B.M. with priority of February 3, 1950 for irrigation and domestic use on the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 31.

We also enclose departmental receipt No. 27451 for the \$9.00 fees in connection with completion of works and license.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21372

✓
July 8, 1955

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We enclose, herewith, copy of Dismissal of Mr. John R. Babcock's protest against the issuance of a License under your Permit No. 21372.

The report of our field engineer on examination for completion of works and beneficial use on your Permit shows that you have irrigated 45 acres in the S¹/₄NW¹/₄ Section 31, Township 3 North, Range 2 West, B.M. from your well in the SW¹/₄NW¹/₄ of said Section.

A Certificate of Completion of Works and License can, therefore, be issued for 0.6 of a second foot of water upon receipt of the statutory fees. These amount to \$5.00 for completion of works and \$4.00 license fee, or a total of \$9.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21372

Abstract

Protest of John R. Babcock
against issuance of License
to Walter S. Houdynishall under
Permit No. 21372.

Dismissal of Protest

A thorough investigation is required by Statute and has been made.

The protest of John R. Babcock is, therefore, dismissed as superfluous.

Given under my hand and the seal of the State Department of Reclamation at Boise, Idaho, this 8th day of July, 1955.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

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

In the Matter of	)	
	(	
Protest of John R. Babcock	)	
against issuance of License	(	Dismissal of Protest
to Walter S. Houdyshell under	)	
Permit No. 21372.	(	
	)	

John R. Babcock filed affidavit of Protest against proofs of application to beneficial use of water under Permit No. 21372 alleging that the amount of water claimed in the said Permit and published notice had not been appropriated and prayed that the Department of Reclamation would make a thorough investigation.

A thorough investigation is required by Statute and has been made.

The protest of John R. Babcock is, therefore, dismissed as superfluous.

Given under my hand and the seal of the State Department of Reclamation at Boise, Idaho, this 8th day of July, 1955.


MARK R. KULP
State Reclamation Engineer

21372

✓
July 8, 1955

RE: Permit No. 21372

Mr. John R. Babcock
Route 1
Nampa, Idaho.

Dear Mr. Babcock:

We enclose, herewith, Dismissal of your protest
against the issuance of a License to Walter S. Houdyshell
under Permit No. 21372.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

I talked with Mr. Houdyshell and to Mr. Babcock regarding the settlement of the dispute over their water. Houdyshell stated that nothing had been done and that he did not know what the status was or what was going to be done.

Babcock said that the whole thing had been turned over to the State Department of Reclamation to be settled, that it was supposed to have been turned over during the fall or early winter of 1954. He stated further that Judge Donald Anderson was now with the State Supreme Court and that there was a new Judge, ~~his name is~~ Shiller and he lives in Nampa. That Houdyshell's lawyer was Anderson & Kaufman. He said the matter was to have been settled before beginning the irrigating season, This year.

Babcock is irrigating between 50 and 60 acres and has what appears to be an excellent crop this year. He stated that a year or two ago he had left one pasture unirrigated for lack of water. Houdyshell says that he thought he was pumping more water and hoped to get License on approximately 35" of water but said that he was getting by.

Houdyshell has good crops also.

E. N. H.

Je 24-53-

21372

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

Permit No. 21372

This proof is for Completion of works & Beneficial Use In Water District No.

1. Name of applicant Walter S. Houdyshell, Route 1, Nampa, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31
T. 3 N. R. 2 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Well is 172' deep by 12" diameter. H=100'. Lift is 126 $\frac{1}{2}$ '. 6" column 154'. 3 stage, 10" bowls, 25 hp U. S. Motor Serial No. 881816, Byron Jackson Turbine Pump Serial No. 252826. Delivery was measured through a Sparling Meter at 28.6", there was a slight leakage. Allow 30" delivered today.

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):

S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31;

Twp. 3 North, Range 2 West, B. M.

See the map

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

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

Remarks: Crops are row crops, hay and grain

This examination was made on the 24th day of June, 19 55

(Signed) E. N. Humphrey

Examiner.

21372

Concrete poured in
Grinder wheel for base
flat roof - no sides

Westinghouse
de-ion line starter

G. E. Meter 240 V.

#30 254 016. ^{OK}

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
JUN 24 1955

Department of Reclamation

Walter S. Houdyshell
Rt. 1, Nampa, Idaho

Permit No. 21372

Examination for Completion of works
and Beneficial Use

County Canyon

31-3N-2W

Q = 1.6 c.f.s.

S = Well

P.A. = SW. NW., Sec. 31, T. 3 N. - R. 2 W.

Use = Irrigation & Domestic

Called on May 19-55

Pump has not yet been
turned on
call after 1st

Priority = Feb. 3, 1950
Due = Feb. 21, 1955

200 y in 5 m 50 sec
250.00 2552
1750 2570
1750 2750
1750

T = 58°F

28.6" allow 30"

172' x 12"

h = 100' lift 126 1/2'
used air line

6" col x 154'

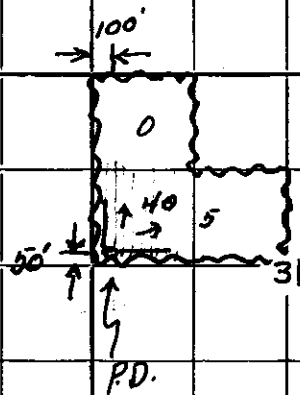
3 stage 10" bowls

25 H.P. W.S. Mole
881816

220V 629. 1800 rpm

Byron Jackson Pump
630 gpm @ 140' head
252826

R-2W.



Subdivisions = Two

Area = 45 acres.

Q =

Water measured at 30"

Want to know if possible

Pump is not at full capacity.

Check Tappan report.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21372

REPORT ON PROOF OF Completion of works & Beneficial Use

WALTER S. HOUDYSHELL, Route 1, Nampa, Idaho

6 ex

app.

*45 acres
2-40's*

January 31, 1955

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route # 1
Nampa, Idaho

Dear Mr. Houdyshell:

We have received from Mr. Donald C. Potter corrected Affidavits which complete your proof of Completion of Works and Beneficial Use on Permit No. 21372.

Before final action is taken an inspection will be made by an engineer from this department and the entire matter including the protest of Mr. John R. Babcock will be given careful consideration.

We can not tell at this time just when this inspection will be made but our engineer will contact both you and Mr. Babcock at the time he makes the inspection.

Very truly yours,

MARK R. KULP
STATE RECLAMATION ENGINEER
By

Chief Clerk

M:CU

cc- Donald C. Potter

21372



POTTER AGENCY
113 - 12TH AVENUE SOUTH
TELEPHONE: 6-4694
NAMPA, IDAHO

GENERAL INSURANCE COMPANY OF AMERICA
FIRST NATIONAL INSURANCE CO. OF AMERICA
GENERAL CASUALTY COMPANY OF AMERICA
SAFECO INSURANCE CO. OF AMERICA
HOME OFFICES—SEATTLE 5, WASHINGTON

January 28, 1955

RECEIVED
JAN 29 1955
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 21372 - Walter S. Houdyshell, Nampa, Idaho

Gentlemen:

In accordance with your letter of January 26th, we have given the exact location of the well as called for in Question 4 on the enclosed depositions of two witnesses and holder.

Mr. Houdyshell informs us that the affidavit of publication from the Idaho Free Press is now in your hands.

We trust the enclosures meet with your approval, if not, please let us know.

Yours truly

POTTER AGENCY

By *Donald C. Potter*
Donald C. Potter

DCP/lr

enc. 3

cc: Walter S. Houdyshell

21372

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21372

Proof of Application of Water to Beneficial Use
and Completion of Works

Deposition of Holder

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

Ans. Walter S. Houdyshell, Route #1, Nampa, Idaho, occupation farming, Route #1,
Nampa, Idaho

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

Ans. _____

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

Ans. Permit No. 21372, date of priority February 3, 1953, Date of Permit ~~2-21-50~~
2-21-50

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

Ans. Deep well with deep water pump on the described land with laterals leading over said
land. Deep well located in the Southwest corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 31,
Twp 3N, Range 2W, B.M. Canyon County, Idaho

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

Ans. Well located Southwest corner of W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Twp 3N,
R2 W., B. M. Canyon County, Idaho, deep well with deep water pump with laterals leading
over said land, amount of water capable of conveying from point of diversion to place of use
40 inches, private lateral, Depth of well 178', depth of casing 154', size of casing 12"
and depth to water 100'. Discharge of pump, one second foot estimated.

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

Ans. Irrigation on land described herein. W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, Twp 3N, R2W, B.M.
Canyon County, Idaho. Cultivated forty acres. Produced crops on forty acres.

21372

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

Ans. not applicable

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

Ans. one inch to the acre.

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. not applicable

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

Ans. To grow crops during the seasons of 1950, 1952, 1953 and 1954

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. No other water available

(Sign)

Walter S. Handysell

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 Nampa, County of Canyon,

State of Idaho, on this 24th day of January, A.D. 19 55,

Lorraine Paul

My commission expires November 22, 1958

21372

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21372

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

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

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

Ans. W. L. Lester, age 59, Route #1, Nampa, Idaho, farming, Postoffice address
Route #1, Nampa, Idaho

Ques. 2. Are you acquainted with Walter S. Houdyshell, the
holder of Permit No. 21372? How long have you known him and where does
he reside?

Ans. Yes, known him for ten years, West of Nampa, Route #1, Nampa, Idaho

Ques. 3. Have you read or heard read said Permit No. 21372, 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 con-
veying water from point of diversion to place of use.

Ans. Deep well with deep water pump on the described land with laterals
leading over said land. Deep well located in the SW corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$,
Sec. 31, Twp 3N, Range 2W, B. M., Canyon County, Idaho

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

Ans. Two second feet, I have witnessed the distribution of forty inches of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. I have witnessed forty inches of water being delivered by the pump. I estimated
this amount by the size of the ditch and compared it to a well that I operate which
delivers approximately the same amount.

21372

Ques. 7. 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 is used to irrigate portions of the W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, Twp 3N, R2W, B. M. Canyon County, Idaho. I have witnessed the growth of forty acres of various crops.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (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. The soil is volcanic ash that is very productive. I estimate that it requires irrigation water in the amount of one inch per acre.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. 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. Irrigation seasons of 1950, 1951, 1952, 1953 and 1954. I observed crops being grown on the land for each of these years. I have witnessed the use of approximately 40 inches of water on the land for the same period.

(Signed) M. L. Lester

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 Nampa, County of Canyon, State of Idaho, on this 24th day of January, A. D. 1955.

Lorraine Rand
Notary Public.

My commission expires November 22, 1958

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21372

Proof of Application of Water to Beneficial Use

Deposition of Witness ^{and Completion of Works}

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. Harold Lester, age 35, residence Route #1, Nampa, Idaho, occupation farming,
postoffice address Route #1, Nampa, Idaho

Ques. 2. Are you acquainted with Walter S. Houdyshell, the
holder of Permit No. 21372? How long have you known him and where does
he reside?

Ans. Known him for ten to twelve years, West of Nampa, Idaho on Route #1.

Ques. 3. Have you read or heard read said Permit No. 21372, 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 con-
veying water from point of diversion to place of use.

Ans. Deep well with deep water pump on the described land with laterals leading over
said land. Deep well located in the Southwest corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 31,
Twp 3N, Range 2W, B.M., Canyon County, Idaho

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

Ans. Two second feet, and I have witnessed the distribution of forty inches of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. I have witnessed forty inches of water being delivered by the pump. I estimated
this amount by the size of the ditch and compared it to a well that I operate which
delivers approximately the same amount.

21372

Ques. 7. 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 is used to irrigate portions of the W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, Twp 3N, R2W, B. M., Canyon County, Idaho. I have witnessed the growth of forty acres of various crops.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (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. The soil is volcanic ash that is very productive. I estimate that it requires irrigation water in the amount of one ince per acre.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. 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. Irrigation seasons of 1950, 1951, 1952, 1953 and 1954. I observed crops being grown on the land for each of these years. I have witnessed the use of approximately 40 inches of water on the land for the same period.

(Signed)

Harold Lester

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 Nampa, County of Canyon, State of Idaho, on this 24th day of January, A. D. 1955.

Lorraine Gand

Notary Public.

My commission expires November 22, 1958

✓
January 27, 1955

RE: Permit No. 21372

Mr. Donald C. Potter
113-18th Avenue South
Nampa, Idaho

Dear Mr. Potter:

In writing you yesterday we over looked the fact that we have already received the Affidavit of Publication from the Idaho Free Press in connection with the above numbered Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

AJOU
cc-Walter S. Houdyshell

21372

21372

January 26, 1955

Mr. Donald C. Potter
113-12th Avenue South
Nampa, Idaho

Dear Mr. Potter:

We have your letter of January 24 enclosing depositions of Walter S. Houdyshell and two witnesses in proof of Completion of Works and Beneficial Use on Permit No. 21372.

However, none of these depositions give the exact location of the well to a forty acre subdivision as called for in question 4 and we return the depositions for the necessary correction. Also, the affidavit of publication is a necessary part of the proof and the Idaho Free Press was instructed to send this affidavit to Mr. Houdyshell. As he has not received it we suggest he take the matter up with them at once.

We are sending a copy of this letter to Mr. Houdyshell and we are also sending him a protest filed by John R. Babcock in connection with his proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.
cc- Walter S. Houdyshell

21372



POTTER AGENCY
113 - 12TH AVENUE SOUTH
TELEPHONE 6-4694
NAMPA, IDAHO

GENERAL INSURANCE COMPANY OF AMERICA
FIRST NATIONAL INSURANCE CO. OF AMERICA
GENERAL CASUALTY COMPANY OF AMERICA
SAFECO INSURANCE CO. OF AMERICA
HOME OFFICES—SEATTLE 5, WASHINGTON

January 24, 1955

RECEIVED
JAN 25 1955
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Attention: Mark R. Kulp, State Reclamation Engineer

Gentlemen:

We are enclosing for Walter S. Houdyshell, Route #1, Nampa, Idaho,
the following:

Deposition of Witness - W. L. Lester, for Permit 21372

Deposition of Witness - Harold Lester for Permit 21372

Deposition of Holder - Walter S. Houdyshell

Yours truly

POTTER AGENCY

By Donald C. Potter
Donald C. Potter

DCP/lr

enc.

21372

Idaho Free Press

January 24, 1955

RE: Permit No. 21372

Mr. James E. Schiller
P.O. Box 21
Hampa, Idaho

RE: Babcock Protest

Dear Mr. Schiller:

Your protest against proofs of Walter S. Houdyshell on what we identify as Permit No. 21372 has been received and will be given full consideration when we have made our statutory inspection and investigation under which we are required to determine the amount of water put to beneficial use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hll

21372

JAMES E. SCHILLER
ATTORNEY AT LAW
P. O. BOX 21
CORWEN BLDG. NO. 1
NAMPA, IDAHO

FORMERLY:
VAN DE STEEG & SCHILLER

January 22, 1955

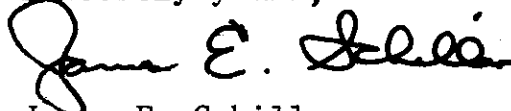
RECEIVED
JAN 24 1955
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State Capitol
Boise, Idaho

Dear Sir:

Enclosed you will find the Affidavit
of Protest of John R. Babcock in connection
with the proving up of well by Walter S.
Houdyshell, which proving up we understand
will take place on the 24th day of January,
1955.

Sincerely yours,


James E. Schiller

JES:rm

Enclosure

21372

JAMES E. SCHILLER
ATTORNEY AT LAW
P. O. BOX 21
CORWEN BLDG. NO. 1
Nampa, IDAHO

FORMERLY:
VAN DE STEEG & SCHILLER

January 21, 1955

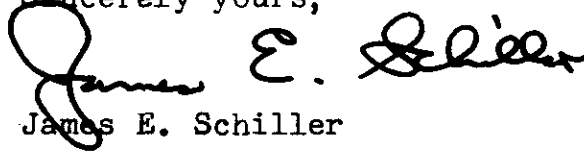
RECEIVED
JAN 22 1955
Department of Reclamation
No enclosure

Mr. Mark R. Kulp
State Reclamation Engineer
State Capitol
Boise, Idaho

Dear Sir:

Enclosed you will find the Affidavit of Protest of John R. Babcock in connection with the proving up of well by Walter S. Houdyshell, which proving up we understand will take place on the 24th day of January, 1955.

Sincerely yours,


James E. Schiller

JES:rm

Enclosure

21372

AFFIDAVIT OF PROTEST

State of Idaho |
 | ss.
County of Canyon |

John R. Babcock, being first duly sworn, on his oath does depose and say:

That he now is and has been at all times herein mentioned the owner and in possession of the following described real property, to-wit:

The East Half of the Southeast Quarter of Section 36, Township 3 North, Range 3 WBM, Canyon County, Idaho.

That Walter S. Houdyshell is the owner of the following described real property, to-wit:

The East Half of the Northwest Quarter and Lots 1 and 2, all in Section 31, Township 3 North, Range 2 West of the Boise Meridian, in Canyon County, Idaho, excepting therefrom 10.4 acres, more or less, conveyed to the City of Nampa, Idaho.

That the said Walter S. Houdyshell is now in the process of proving up on the underground water well located upon the above described real property owned by the said Walter S. Houdyshell. That in the Notice of the said Walter S. Houdyshell for proving up on the said well in order to get a license therefor, that the said Walter S. Houdyshell is claiming that he has appropriated approximately 50 inches of water to beneficial use upon the above described real property owned by the said Walter S. Houdyshell.

That the affiant does know of his own knowledge that the said Walter S. Houdyshell has only appropriated approximately 30 inches from the said well onto the irrigable land above described and owned by the said Walter S. Houdyshell. That the said quantity of 30 inches was the amount that the said Walter S. Houdyshell did limit himself to by stipulation and court order in the action entitled John R. Babcock vs. Walter S. Houdyshell,

2.

in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, which action is still pending in said court.

WHEREFORE, the affiant prays that the Department of Reclamation of the State of Idaho make a thorough investigation as to the claims of the said Walter S. Houdyshell, and in particular as to the amount of water actually applied to beneficial use by the said Walter S. Houdyshell.

John R. Babcock

Subscribed and sworn to before me this 21st day of January, 1955.

James E. Schenck

Notary Public for Idaho
Residing at Nampa, Idaho

January 12, 1955

RE: Permit No. 21372

Idaho Free Press
Pampa
Idaho

Gentlemen:

We acknowledge receipt of your Affidavit of Publication in connection with Permit No. 21372 of Walter S. Houdyshell.

However, the cost of publication is to be paid by Mr. Houdyshell as per office letter sending you the notice and we are therefore forwarding the statement to Mr. Houdyshell .

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou
cc-Mr. Walter S. Houdyshell

21372

RECEIVED
JAN 12 1955
Department of Reclamation

AFFIDAVIT OF PUBLICATION

State of Idaho,
ss.
County of Canyon,

Marlene Breitenbuecher, of Nampa, Canyon County, Idaho, being first
duly sworn, deposes and says:

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

2. I am the Principal Clerk of the Idaho Free Press, a daily newspaper published in the City of Nampa in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been continuously and 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 Saturday of each week has been designated as the particular day of the week on which legal notices required by law or by order of any Court of competent jurisdiction within the State to be published weekly, will be published in said Idaho Free Press in compliance with the provisions of Section 58-108 I.C.A. 1932, as added thereto by Chapter 154, 1933 Session Laws of Idaho, and the Publisher of this newspaper in conformity with the provisions of said law, does, at the head of the Editorial Column of said paper, and in each issue thereof, announce Saturday of each week as the day of the week on which legal notices required by law or by order of any Court of competent jurisdiction to be published weekly, will be published.

4. That the notice, of which the annexed is a printed copy was printed in said Saturday issue of said Idaho Free Press for a period of four successive weeks in the regular and entire issue of each Saturday publication of said paper during the period and time of publication and was printed in the newspaper proper and not in a supplement.

5. That said notice was published in each and every Saturday issue, beginning with the issue of December 18,, 195 4, and ending with the issue of January 8,, 195 5.

Marlene Breitenbuecher
Subscribed and sworn to before me this 8th day
of January, 195 5.

R. D. Allen
Notary Public for Idaho
Residing at Nampa, Idaho

21372

December 20, 1954

RE: Permit No. 21372

Idaho Free Press
Nampa,
Idaho

Gentlemen:

We have checked the notice in connection with Permit No. 21372 of Walter S. Houdyshell appearing in your issue of December 18 and find one slight typographical error as follows:

In line seven, the word cubic is misspelled.

Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21372

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21372

Date: December 15, 1954

Idaho Free Press

Nampa, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **January 24, 1955**, the date set for proof, the expense of the publication to be paid by the applicant, **Walter S. Houdyshell** of **Route 1**, **Nampa, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21372

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

Notice is hereby given that at 10:00 A.M., on the 24th day of January, 1955, at Nampa, County of Canyon, State of Idaho, before Lorraine Rand, Notary Public, proof will be submitted of the completion of works for the diversion of one cubic feet per second of the waters of deep well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21372 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Walter S. Houdyshell, address Route #1, Nampa, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is one cubic feet per second.

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

4. The place where said water is used is a portion of the S₂ of the NW₁ and NW₁ of Sec. 31, Twp 3N, R2W, Canyon County, Idaho, and the well is located in the SW₁ NW₁ of said section.

5. The date of priority which said user is prepared to establish is January 3, 1953.

MARK R. KULP

State Reclamation Engineer

21372

✓
December 14, 1954

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We return your application for amendment to the land list in Permit No. 21372 which has been approved by the State Reclamation Engineer and recorded in this department.

We shall send to the Idaho Free Press copy of notice for Completion of Works and Beneficial Use proof to be made on this Permit January 24, 1955 with instructions to publish it once a week for 4 weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set you should appear before Lorraine Rand, Notary Public, together with 2 disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

21372

December 8, 1954

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We have your letter of December 7 enclosing notice for proof of completion of works and beneficial use on Permit No. 21372 and authorization for us to have the notice published in the Idaho Free Press.

In checking this notice, we see that you have described the place of use as a portion of the S1/4NW1/4 Section 21, Township 3 North, Range 2 West B.M. although your Permit describes a portion of the W1/4NW1/4 of said Section.

If this is an error, we can correct it but if there is a change in the place of use, an application for amendment must be filed and we can send you a form of such application for amendment upon request.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

21372

Chief Clerk

A:hl1

Route #1, Nampa, Idaho

December 7, 1954

RECEIVED
DEC 8 1954
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 21372
Walter S. Houdyshell
Route #1, Nampa, Idaho

Attention: Mark R. Kulp, State Reclamation Engineer

Gentlemen:

In accordance with your letter of December 1st, I am enclosing
Notice of Proof of Completion of Works and Application of water
to beneficial use under the above permit.

Yours truly


Walter S. Houdyshell

21372

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....December 7, 1954.....

(P. O.).....Route #1, Nampa, 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
Idaho Free Press.....of Nampa, Idaho.....published in
the county in which the works are situated.

Walter S. Hendryshell

(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.

21372

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

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

RE: Permit No. 21372 Boise, Idaho
December 1, 1954

Mr. Walter S. Houdyshall
Route 1
Nampa, Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. 21372. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This 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 not later than February 21, 1955.

Very truly yours,

MARK R. WULP
State Reclamation Engineer

21372

May 26, 1952

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We return your application for amendment to Permit No. 21372
which has been approved by the State Reclamation Engineer and re-
corded in this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21372

✓
May 15, 1952

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

In checking the descriptions given on your permit to appropriate water from wells, as recently amended, we note that you describe the location as being in Section 13, Township 3 North, Range 2 West, B.M.

When Mrs. Houdyshell filed the amendment application, she stated that your land was within a quarter of a mile, or such matter, from the lake.

This would seem to indicate that your land is in Section 31, instead of Section 13. Please check the matter and if your application is in error and the description should be Section 31 instead of Section 13, you may execute the enclosed affidavit before a Notary Public and return to this department for approval and record.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21372

✓
May 13, 1952

RE: Permit No. 21372

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We return your application for amendment to the point of
diversion in Permit No. 21372 which has been approved by the State
Reclamation Engineer and recorded in this department.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21372

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

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

B O I S E

Permit No. 21372

Date February 24, 1950

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

MARK R. KULP
State Reclamation Engineer

21372

February 3, 1950

Re: Application No. 29056

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Houdyshell:

We acknowledge receipt of your application for Permit, accompanied by your check for the \$5.25 filing fee for which we enclose Departmental Receipt No. 22060.

We have answered Questions 2, 3, 4, 5, and 8 to the best of our ability from the sketch map which accompanied your application.

However, it is returned herewith so that you may answer questions 7 and 15 and check Question 8 to see if we have filled it in correctly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21322

NAME OF APPLICANT Ma'teo S. Houdye Self Wath FORM NO. 0

FORM No. 0

Temp.	3 N. R	2 H.
-------	--------	------

Lake Lowell Ave

40 R

48R	31
Owll	AB

Permit Map No. 21372
As Approved
FEB 21 1950
MARK R. KULP
State Declaration Engineer

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

Santh

21372

**NOTICE OF ORDER OF COMPLE-
TION OF WORKS
and
APPLICATION WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M., on the 24th day of January, 1955, at Nampa, County of Canyon, State of Idaho, before Lorraine Rand, Notary Public, proof will be submitted of the completion of works for the diversion of one cubic foot per second of the waters of deep well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21372 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Walter S. Houdyshell, address Route No. 1, Nampa, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is one cubic foot per second.

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

4. The place where said water is used is a portion of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31, Twp. 3N, R2W, Canyon County, Idaho, and the well is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said section.

5. The date of priority which said user is prepared to establish is February 3, 1953.

MARK R. KULP,
State Reclamation Engineer.
Dec. 18, 24, 1954; Jan. 1, 8, 1955.