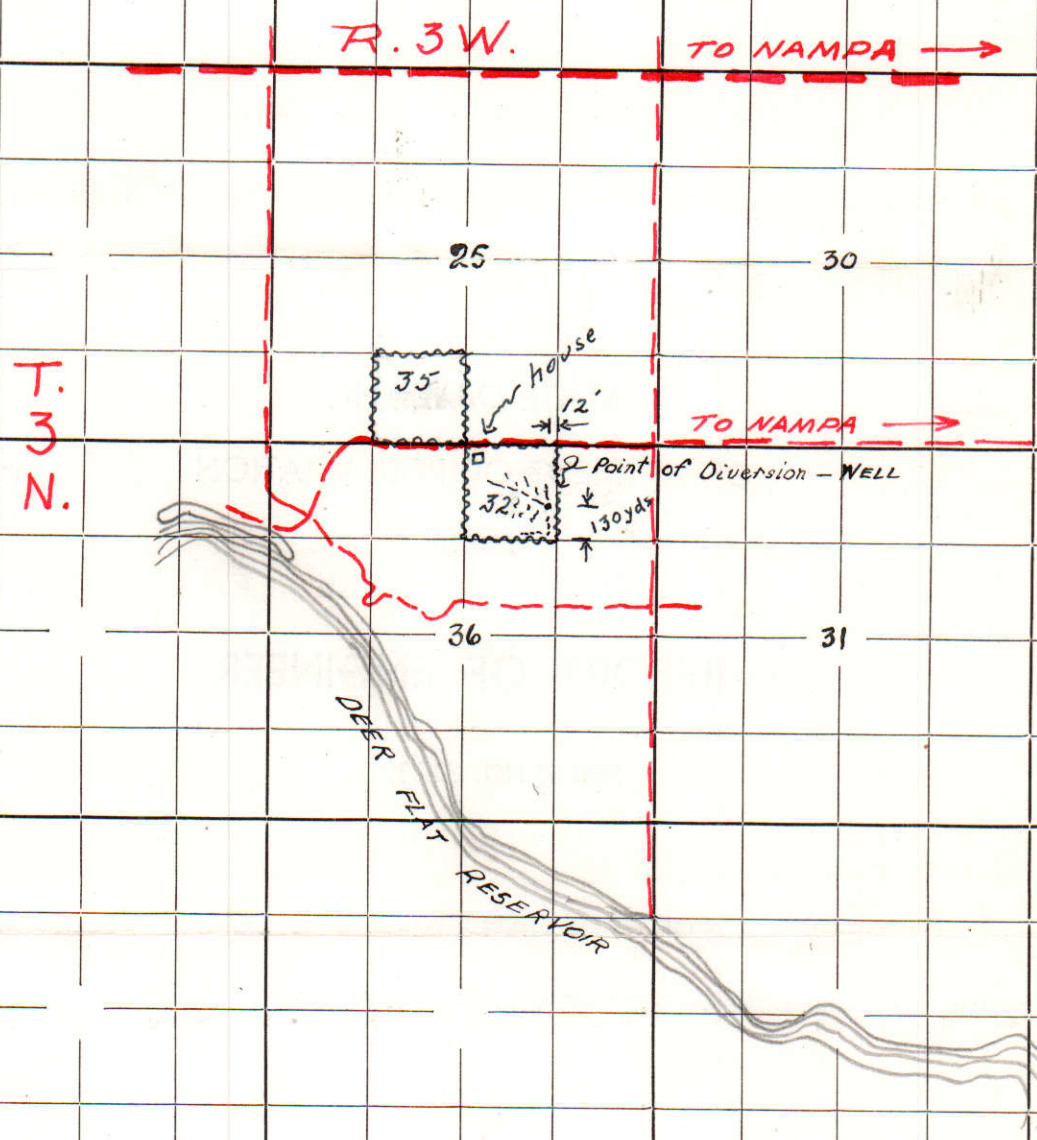


Bigge Kuna
 7.8 miles from Nampa Meridian



Area = 32 acres - primary water on NW NE S 36
 = 35 " - supplemental " " SE SW S 25

Supplemental water is actually the overflow or waste and is carried in the regular irrig. system it being on higher ground. (Pump)

$T = 53^{\circ}F$

$Q = .73 \text{ cfs or } 36\frac{1}{2} \text{ inches}$
 measured over V notch weir $H = .61$

Affidavit of Publication

STATE OF IDAHO,

County of Canyon

ss.

H. G. Cochrane

....., being first duly sworn, deposes and says;

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

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 P. M. on the 1st day of August, 1952, at Nampa, County of Canyon, State of Idaho, before James Schiller, Notary Public, proof will be submitted of the application to beneficial use of One cubic foot per second of the waters of a well in accordance with the terms and conditions of Permit No. 21239 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Hyrum Babcock, Route 1, Nampa, Idaho.

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

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The right to take water from such works is based upon Permit No. 21239.

The source of supply from which such water is diverted is subterranean from a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The date of priority which said user is prepared to establish is September 19, 1949.

MARK R. KULP,
State Reclamation Engineer.
No. 744—July 5, 12, 19, 26.

Saturday issues of The Caldwell News-Tribune for *4* consecutive weeks

beginning with the issue of *July 5*

1952 and ending with the issue of *July*

26, 1952.

H. G. Cochrane

Subscribed and sworn to before me this *26*

day of *July*, 1952.

John L. Skysen

Notary Public for Idaho
Residing at Caldwell, Idaho

21239

NAME OF APPLICANT Hyru Babcock,

FORM No. 0

Twp. 3.N. R. 3.W

25



Point of Diversion, Well,

36

Map No. 21239

Approved

OCT 16 1949

MARK R. KULP

Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 21239

Amount 0.73 second foot

Water District No. 12A

Priority September 19, 1949

THIS IS TO CERTIFY that HYRUM BABCOCK
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 19, 1949; that Permit No. 21239
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on February 22, 1952, showing that said works
were completed on the 21st day of February, 1952; and that on the 1st
day of August, 1952,

HYRUM BABCOCK

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
~~contributory~~ (subterranean flow), for the purpose of irrigation and
domestic use, under Use Permit No. 21239 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
8 of Licenses at page 5070, on the 23rd day of April, 1953;
The right hereby confirmed dates from September 19, 1949;

The Point of Diversion is located
in the NW 1/4 NE 1/4, Sec. 36, Tp. 3 N., R. 3W., B. M. Canyon
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 0.73 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.	3 W.	36	NW 1/4 NE 1/4	40	35
			SE 1/4 SW 1/4	40	32
		25	Number of Acres	Actually Irrigated -	67

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
23rd day of April, 1953.

Mark R. Kulp
State Reclamation Engineer

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 20772 Amount 0.86 second feet
Water District No. 12A Priority November 29, 1948

THIS IS TO CERTIFY that JOHN R. BABCOCK
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 29, 1948; that Permit No. 20772
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on June 29, 1950, showing that said works
were completed on the 29th day of June, 1950; and that on the 1st
day of August, 1952,

JOHN R. BABCOCK
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
~~tributary of~~ (subterranean flow), for the purpose of irrigation and
domestic use, under Use Permit No. 20772 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
8 of Licenses at page 5069, on the 23rd day of April, 1953;
The right hereby confirmed dates from November 29, 1948;

The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 36, Tp. 3 N., R. 3E., B. M. Canyon
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 0.86 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.	3 W.	36	NE 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	10
			Number of Acres Actually Irrigated -		50

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
23rd day of April, 1953.
Mark R. Kulp
State Reclamation Engineer
(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

63-2784

APPLICATION No. 28917
 PERMIT No. 21239
 DISTRICT No.

1. Name of Applicant: HYRUM BABCOCK

Postoffice address: Rt. 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:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 1.60

cubic feet per second.

3. Source of water supply: Subterranean flow (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 NW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 36 , T. 3 N. , R. 3 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: \$5,000.00

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 2 feet; width at water line 4 feet; depth of water 0.5 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: Full water right for the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25 for 35.6 acres under the Boise-Kuna Irrig. Dist. and for 7.8 acres of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36 under Nampa-Meridian Irrig. Dist.

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.

HYRUM BARCOCK

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:00 A. M. Sept. 19, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21239

Recorded in Book 76

Page 21239

Approved October 6, 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before December 6, 1949

and to continue diligently and uninterruptedly to completion.

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 6, 1952

The whole of said work to be completed on or before October 6, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before October 6, 1954

WITNESS My hand this 6th day of October, 1949

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 6th

day of October 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By _____ C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS: This filing is for supplemental water to existing water rights.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3 N.	3 W.	25 36	40								40								40 40
Total Number of Acres to be Irrigated - -																	80		
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that HYRUM BABCOCK of Rt. 1, Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 21239, issued upon Application No. 28917 bearing date of priority of September 19, 1949, authorizing the diversion of 1.60 second feet of the waters of a well (subterranean flow) County of Canyon, State of Idaho, for irrigation and domestic purpose, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.60 second feet of the waters of said well; that the point of diversion of said waters is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; Township 3 North, Range 3 West, B.M.																			
Witness my hand this 22nd day of February, A.D. 1952.																			
Proof of completion of works made February 21, 1952.																			
Certificate of completion of works issued February 22, 1952.																			
MARK R. KULP State Reclamation Engineer																			
LICENSE ISSUED FOR 0.23 SEC. FT. Page 5070																			

WATER RIGHT NUMBER 63-2784 ✓

OWNER LAST NAME - BABCOCK

FIRST NAME - HYRUM

ORIG OWNER -

ADDRESS LINE 1 - RT. 1 ✓

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - NAMPA

STATE - ID ZIP CODE - 83651

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 09-19-1949 COUNTY - CANYON

TOTAL DIV. RATE - .7300 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNE 36 03N 03W LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

.7300 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 03W SEC 25 TRACT SESW LOT

AC 32

USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 03W SEC 36 TRACT NWNE LOT

AC 35

DECREE NAME -

DATE -

TOTAL ACRES 67

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 21239 ✓

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED JDC

ACTION

N OWNER LAST NAME - BABCOCK

FIRST NAME - HYRUM

N

CITY - NAMPA

STATE - ID ZIP CODE - 83651

N SOURCE - GROUNDWATER

N STAGE - LICENSE

PRIORITY - 09-19-1949 COUNTY - CANYON

TOTAL DIV. RATE - .7300CFS

N DIVERSION POINT - NWNE 36 03N 03W

N USE - IRRIGATION

USE DIV. RATE - .7300CFS

N USE - DOMESTIC

N USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 03W SEC 36 TRACT NWNE

AC 35

N USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 03W SEC 25 TRACT SESW

AC 32

N

OLD NO. - 21239

3/79

IDENT. NO. 63-2784

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 21239 163-2784
OTd No. New No.

Record

1. Original Owner: Hyrum Babcock

Present Owner: _____

2. Address:

3. City: Nampa State: ID Zip: 836514. A. Source of Water: GW

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 9-19-1949D. County: 21E. Total Diversion Rate: .13

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWNE</u>	<u>36</u>	<u>3N</u>	<u>3W</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount .73
(cfs or AC-FT/yr)from _____ to _____ for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8-20-79

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: 21239

F. Proof Made (P or blank):

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

H. Conditions of Approval:

14. Diversion Means (brief narrative):

0

See our letter of 6/13/66 to
Clerk of Dist. Court.

Canyon Co. Court House, Caldwell
requesting copy of decree in

Babcock vs Handysell

in jacket for P-21372

Case dismissed - no action

63-2784/21239

April 24, 1953

RE: Permit No. 21239

Mr. Hyrum Babcock
Route 1
Nampa, Idaho

Dear Mr. Babcock:

We enclose License and Certificate of Water Right issued under Permit No. 21239, confirming your right to the use of 0.73 second foot of water from a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M., with priority of September 19, 1949, for irrigation and domestic use on the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, Township 3 North, Range 3 West, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21239

April 4, 1953

RE: Permits Nos. 20772 and 21239

Messrs. Van de Steeg & Schiller
Attorneys at Law
Nampa, Idaho

Dear Sirs:

We enclose copies of Dismissals of Protests of Walter S. Houdyshell against the issuance of licenses under Permit No. 20772 to John R. Babcock and under Permit No. 21239 to Hyrum Babcock.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

21239

April 3, 1953

RE: Permit No. 21239

Mr. Hyrum Babcock
Route 1
Nampa, Idaho

Dear Mr. Babcock:

We enclose Dismissal of Protest of Walter S. Houdyshell, against the issuance of a license under your Permit No. 21239.

Upon receipt of the statutory fee of \$4.00, a license will be issued for 0.73 second foot of water from your well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg
Enc.

212 391

✓
April 3, 1953

RE: Permit No. 21239

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We enclose herewith copy of Dismissal of Protest against the
issuance of a license under Permit No. 21239 to Hyrum Babcock.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

21239

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of
Walter S. Houdynshell, against the
issuance of a license to
Hyrum Babcock, under Permit No. 21239.

DISMISSAL OF PROTEST

Permit No. 21239 was issued to Hyrum Babcock on October 6, 1949, to appropriate 1.6 cubic feet per second of the unappropriated subterranean waters of the State of Idaho, by the State Department of Reclamation.

Certificate of Completion of Works was issued on February 22, 1952.

Notice of proof of application to beneficial use was published in the Caldwell News-Tribune on July 5, 12, 19, and 26, 1952.

Protest against issuance of a license was filed by Walter S. Houdynshell through his attorneys, Anderson and Kaufman, alleging discrepancy in amount of water produced, acreage irrigated, insufficiency of and deficiencies in the published notice, and trespass.

Inspection was made by the Department of Reclamation and the acreage irrigated and the amount of water produced determined for purposes of limiting a license.

The published notice was prepared by the Department of Reclamation and therefore considered as meeting the requirements of law.

The question of trespass is not a matter that can be determined administratively and in addition the Department considers, in the case of a well located on the land irrigated, that the diversion works consist of the well, the pump and the power unit to operate the pump.

The protest is hereby dismissed and on payment of the statutory fees, license will issue to Hyrum Babcock under Permit No. 21239, confirming his right to the use of 0.73 cubic foot per second of the subterranean waters of the State of Idaho for irrigation and domestic purposes on 32 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec-36, and 35 acres of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, both in Township 3 North, Range 3 West, B.M., for primary and supplemental irrigation with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 3 North, Range 3 West, B.M., and priority date of September 19, 1949.

If the protestant feels himself aggrieved by the dismissal of this protest, or the issuance of the license, he may appeal to the District Court, as outlined in Section 42-224, Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 3rd day of April, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of
Walter S. Houdyshell, against the
issuance of a license to
Hyrum Babcock, under Permit No. 21239.

DISMISSAL OF PROTEST

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The protest is hereby dismissed and on payment of the statutory fees, license will issue to Hyrum Babcock under Permit No. 21239, confirming his right to the use of 0.73 cubic foot per second of the subterranean waters of the State of Idaho for irrigation and domestic purposes on 32 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec-36, and 35 acres of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, both in Township 3 North, Range 3 West, B.M., for primary and supplemental irrigation with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 3 North, Range 3 West, B.M., and priority date of September 19, 1949.

If the protestant feels himself aggrieved by the dismissal of this protest, or the issuance of the license, he may appeal to the District Court, as outlined in Section 42-224, Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 3rd day of April, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

April 3, 1953

RE: Permits Nos. 20772 and 21239

Messrs. Anderson & Kaufman
Idaho Building
Boise, Idaho

ATT: Mr. A. C. Kiser

Dear Mr. Kiser:

We enclose copies of Dismissal of Protests of Walter S. Houdyshell against the issuance of licenses under Permit No. 20772 to John R. Babcock and under Permit No. 21239 to Hyrum Babcock.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

21239

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

Permit No. 21239

This proof is for Beneficial use In Water District No. _____1. Name of applicant Hyrum Babcock, Route 1, Nampa, Idaho2. Source of water supply: Subterranean from a well3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: For shelter, there is an aluminum roof 4' by 6' on posts above the motor. Motor is Fairbanks Morse, 15 h.p., 1800 r.p.m., 3 phase, 220 V. 35.8 amps., Serial No. 127765. Pump is Western pump with Berkeley bowls, 4 stage. Switches and controls are G.E. and Square D, mounted on poles near the pump. Meter is 240 V. G.E., No. 30101459. Delivery is to the South through a 6" pipe into a 5" pipe into a small concrete sump. Water temp. was 53° Fahrenheit. Q=36 $\frac{1}{2}$ inches. Well is 10" in diameter, depth uncertain. Pump column 105'.

5. Water is used for: Irrigation and domestic purposes6. 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):

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 North, Range 3 West, B.M.

The operator of the well drill drilled this well and takes the first three crops as pay for well and pump.

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

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

Remarks: _____

Sketch on Lester place has been abandoned and another on the opposite side of fence will be constructed. Can actually irrigate place without use of ditch in question in protest. Some of the land in this 40 is under a Nampa-Meridian ditch and no well water is claimed for it.

This examination was made on the 23rd day of March, 19 53.(Signed) E. H. Humphrey Examiner.

21239

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.

Hyrum Babcock
Rt. 1, Nampa, Idaho

Permit No. 21239

Examination for Beneficial use

County Canyon

S. 36 - 3N - 3W

Q = 1.6 cfs.

S = Well

P.D. = NW. NE. Sec. 36, T. 3N. - R. 3W.

Use = Irrigation & Domestic

T = 53°F

Q = 36 1/2 inches

Al roof 4' x 6' on posts for cover

Fairbanks mm

15 hp 1800 rpm

3 ph. 220V. #127765

35.8 amps

240V meter G.E. # 30101 459

Western pump
Berkeley bowls

4 stages

G.E. & Sq. D. switches

10" d. x 105 col.

Priority - Sept. 19, 1949
Due - Oct. 6, 1954.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21239

REPORT ON PROOF OF Beneficial use

HYRUM BABCOCK, Route 1, Nampa, Idaho

73 a/s
mark

app. 1.6 cfs

32 a. near
35 a. Sump.

2-40's

August 5, 1952

Re: Permits Nos. 20772 and 21239

Messrs. Van de Steeg & Schiller
Attorneys at Law
Nampa, Idaho

Dear Sirs:

We acknowledge receipt of your letter of August 2, 1952, enclosing the designated instruments submitted in proof of Beneficial use under the above numbered permits, in the name of John R. Babcock and Hyrum babcock respectively.

On August 1, 1952, protests were filed against the issuance of a license under both of these permits by Walter S. Houdyshell, and before final action is taken the matter will be investigated and given full consideration by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

21239

VAN DE STEEG & SCHILLER

ATTORNEYS AT LAW
NAMPA, IDAHO

August 2, 1952

GEO. H. VAN DE STEEG
JAMES E. SCHILLER

RECEIVED
AUG 4 1952
Department of Reclamation

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

Dear Sir:

Enclosed you will find the proof of application of water to beneficial use, one in the matter of John R. Babcock, who holds permit #20772, and the other in the matter of Hyrum Babcock who holds permit #21239.

It will be necessary for your office to measure the well of Mr. Hyrum Babcock. However, as you are aware, the well of Mr. John R. Babcock has been measured by Mr. C. E. Tappan, a special engineer from your office. This well was measured by Mr. Tappan in connection with the action Mr. John R. Babcock is maintaining against Mr. Walter Houdyshell.

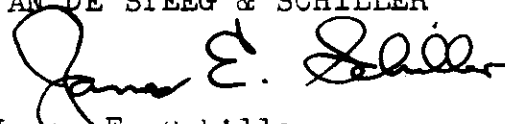
Mr. Tappan has measured the John R. Babcock well as to delivering 43 miner's inches, however, due to the interference of the Houdyshell well, the Babcock well is only delivering approximately 37 inches. Naturally, we are desirous of proving up on the full 43 inches, which Mr. Tappan himself has measured and has seen applied to beneficial use.

Since Mr. Tappan is an official of your office in this matter, we feel that the measurements made in this matter could be used in the proof upon John R. Babcock's well.

Sincerely yours,

VAN DE STEEG & SCHILLER

By


James E. Schiller

JES:mt
enclosures

21239

Affidavit of Publication

STATE OF IDAHO,

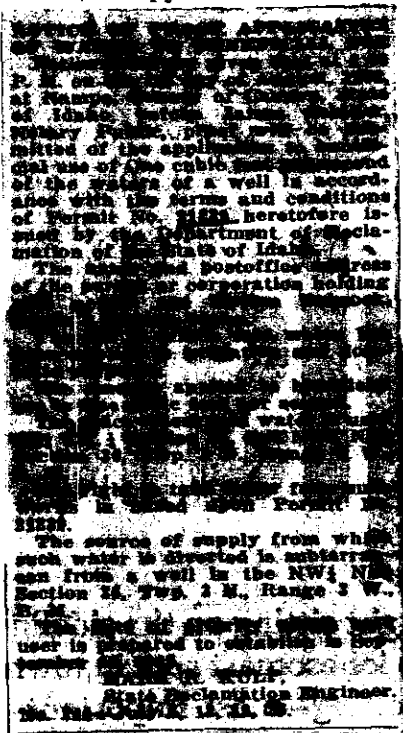
County of Canyon

ss.

H. G. Cochrane

, being first duly sworn, deposes and says;

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



Saturday issue of The Caldwell News-Tribune for 4 consecutive weeks

beginning with the issue of July 5, 1933 and ending with the issue of July

26, 1932.

H. G. Cochrane

Subscribed and sworn to before me this 26 day of July, 1932.

J. L. Shygen

Notary Public for Idaho
Residing at Caldwell, Idaho

21239

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21239

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Hyrum Babcock, Route 1, Nampa, Canyon County, Idaho; farmer

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

Ans. Acting in my own behalf

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

Ans. #21239 dated September 19, 1949; priority date, September 19, 1949.

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

Ans. A well (subterranean flow); in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 3 North, Range 3 West of the Boise Meridian.

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.

Ans. Well- depth 120' ; 110 foot of casing and 10" casing; depth to water 89 feet. Discharge of pump is 45 inches measured by weir. Water diverted from the well to agriculture use by private ditch.

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

Ans. Water used for land irrigation. Applied to beneficial use on SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 25 and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, all in Twp. 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho--80 acres. Have actually irrigated 30 acres in Sec. 25, and 15 acres in Sec. 36. Land in Sec. 36 was taken out of sage brush, and use in Sec. 25 was to supplement actual cultivation.

21239

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

Ans. not used for other purposes.

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

Ans. 45 inches

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. the original permit holder.

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

Ans. Water has been applied to beneficial use for irrigation purposes from May, 1951, through present date, and in the full amount of 45 inches.

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. Other water has been constantly used for 35.6 acres for the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25 under the Boise Canal Irrig. Dist., and for 7.8 acres for NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, all in T 3 N. R. 3 WBM.

(Sign)

Myron Babcock

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 1st day of August,

A. D. 1952.,

James E. Schier

My commission expires 11/16/53

21239

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Permit No. 21239

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. James E. Davis, age 37, Davis Avenue, Nampa, Idaho, well-driller

Ques. 2. Are you acquainted with Hyrum Babcock, the holder of Permit No. 21239? How long have you known him and where does he reside?

Ans. I have known him three and one-half years (3½), and he does reside at Route 1, Nampa, Canyon County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21239, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Well - in NW¼NE¼ Sec 36, T3N, R3W BM, Canyon County, Idaho, for use on said NW¼NE¼ and SE¼SW¼ Sec. 25, same Twp. and Rg.

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

Ans. 45 miner's inches can be safely conducted, and I have seen such water being conveyed.

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. 45 miner's inches, measured by weir.

21239

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. Used for irrigation in said NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$; 15 acres irrigated in former and 30 acres irrigated in latter. The former was taken out of sage brush and the water was supplemental on the latter, which was partly cultivated.

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

Ans. Used for no other purposes but irrigation.

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. Sage brush land reclaimed. 45 miner's inches needed from well for profitable cultivation.

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 interest

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. I have witnessed all of the application for water.

(Signed) James E Davis

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 1st day of August, A. D. 19 52.

James E. Sloan
Notary Public.

My commission expires 11/16/53.

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Permit No. 21239

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. John R. Babcock, age 36, Route 1, Nampa, Canyon County, Idaho;
farmer.

Ques. 2. Are you acquainted with Hyrum Babcock, the
holder of Permit No. 21239? How long have you known him and where does
he reside?

Ans. I have known him all my life and he does reside at Route 1,
Nampa, Canyon County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21239, 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. Well-in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 36, T3N, R3WBM, Canyon County, Idaho, for use
on said NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, same Twp and Rg.

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. 45 miner's inches can be safely conducted, and I have seen such
water being conveyed.

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. 45 miner's inches, measured by weir.

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. Used for irrigation in said NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$; 15 acres irrigated in former and 30 acres irrigated in latter. The former was taken out of sage brush and the water was supplemental on the latter, which was partly cultivated.

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

Ans. used for no other purposes but irrigation.

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. Sage brush land recalimed. 45 miner's inches needed from well for profitable cultivation.

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 interest

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. I have witnessed all of the application for water.

(Signed)

John R. Babcock

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 1st day of August,
A. D. 19 52.

James E. Schick
Notary Public.

My commission expires 11/16/53

August 1, 1952

RE: Permits Nos. 20772 and 21239

Messrs. Anderson & Kaufman
Idaho Building
Boise, Idaho

ATT: Mr. A. C. Kiser

Dear Mr. Kiser:

We acknowledge receipt of your letter of August 1, 1952, enclosing protest of Walter S. Houdyshell in connection with the issuance of licenses under the above numbered permits in the names of John R. Babcock and Hiram Babcock, respectively.

These have been placed on file and the entire matter will be given careful consideration before final action is taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21239

Anderson and Kaufman
Lawyers
Idaho Building Boise, Idaho

Eugene H. Anderson
Samuel Kaufman, Jr.
A. C. Kiser

August 1, 1952

Mr. Mark R. Kulp
State of Idaho
Dept. of Reclamation
Boise, Idaho

Dear Mr. Kulp:

I hand to you herewith Protest made by Walter S. Houdyshell protesting the issuance of a water license under State of Idaho Permit #20772 held by John R. Babcock.

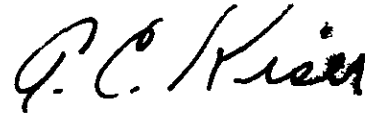
I also hand to you herewith Protest of Walter S. Houdyshell protesting the issuance of a water license on State of Idaho Permit #21239 in the name of Hyrum Babcock.

A Brief of the law pertaining to this matter will be filed upon request.

Yours very truly,

ANDERSON AND KAUFMAN

By



A. C. Kiser

ACK:pho
Enclosures

21239

RECEIVED
AUG 1 1952

Department of Reclamation

STATE OF IDAHO, DEPARTMENT OF RECLAMATION

WALTER S. HOUDYSHELL,

Protestant,

-VS-

HYRUM BABCOCK,

Applicant,

P R O T E S T

COMES NOW Walter S. Houdyshell and protests the issuance of a water license to Hyrum Babcock for one cubic foot of water per second of time or for any amount whatsoever, for irrigation of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 3 North, Range 3 West, Boise Meridian.

The reasons for said protest are as follows:

1. Protestant irrigates and has the right to irrigate the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 3 North, Range 2 West, Boise Meridian from a well situate thereon and approximately one-half mile from the well of applicant named in the above captioned matter.

2. That said Hyrum Babcock has not heretofore pumped or applied to a beneficial use one cubic foot of water per second of time. That the well and pumping facilities of said Hyrum Babcock are inadequate to supply such quantity of water. That said applicant has been irrigating no more than 28 acres. That 1 miner's inch per acre is a sufficient quantity of water to properly irrigate such lands.

3. That the notice submitted by applicant to the State of Idaho, Department of Reclamation as required by Section 42-217 of the Idaho Code was deficient in that same did not give the name of the canal or ditch or other works, or describe same, by which such water is conducted to the place of use.

4. That the notice of proof of application of water to beneficial use published in The Caldwell News-Tribune is deficient in that same does not describe applicant's diversion works nor does same adequately name the place where such proof will be received..

5. That applicant has placed diversion works on lands situate in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 3 North, Range 3 West, Boise Meridian. That applicant did not comply with Section 58-601 of the Idaho Code nor did said applicant make any arrangements with the owners of said lands for installation of said works and that such installation of applicant's diversion works is a trespass on lands which are being purchased under contract from the State of Idaho by W. L. Lester. That by reason of said trespass applicant's permit #21239 to appropriate public waters of the State of Idaho is void.

For the reasons hereinbefore set forth it is respectfully submitted that the State of Idaho, Department of Reclamation is without jurisdiction to issue a license confirming the water right claimed by said Hyrum Babcock or any water right whatsoever, and it is further submitted that applicant has no rights whatsoever under and by virtue of State of Idaho Permit #21239 for appropriation of water.

ANDERSON AND KAUFMAN

By *A. C. Kiser*
Attorneys for Protestant,
504 Idaho Bldg., Boise, Idaho.

STATE OF IDAHO)
)
COUNTY OF ADA) ss

Walter S. Houdyshell, being duly sworn, deposes and says: That he is the Protestant in the above-entitled action; that he has read the foregoing protest and knows the contents thereof; that the same is true of his own knowledge, except as to those matters which are therein stated on his information or belief, and as to those matters that he believes it to be true.

Walter S. Houdyshell

Subscribed and sworn to before me this 31st day of July, 1952.

A. C. Kiser
Notary Public for the State of Idaho
Residing at Boise

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21239

Date: June 30, 1952

Caldwell News-Tribune

Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 1, 1952**, the date set for proof, the expense of the publication to be paid by the applicant, **Hyrum Babcock** 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.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

21239

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 30, 1952

(P. O.) Boise, 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
Caldwell News-Tribune of Caldwell, Idaho published in
the county in which the works are situated.

Hyrum Babcock by
John R. Babcock

(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.

21239

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

Notice is hereby given that at 2:00 P. M. on the 1st day of August, 1952,
at Nampa, County of Canyon, State of Idaho, before
James Schiller, Notary Public, proof will be submitted of the
application to beneficial use of One cubic feet per second of the waters of a well
in accordance with the terms and conditions of Permit No. 21239
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Hyrum Babcock, Route 1, Nampa, Idaho.

The use to which said water has been applied is One cubic foot per second irrigation and domestic
purposes.
The amount applied to beneficial use is One cubic foot per second

The place where said water is used ~~(if for irrigation, give following description of the lands irrigated)~~
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B.M.

~~The name of the canal or ditch or other works by which said water is conducted on such place as is so~~

The right to take water from such works is based upon Permit No. 21239

The source of supply from which such water is diverted is subterranean from a well in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B.M.

The date of priority which said user is prepared to establish is September 19, 1949

MARK R. KULP

State Reclamation Engineer.

21239

February 28, 1952

RE: Permit No. 21239

Mr. Hiram Babcock
Route 1
Nampa, Idaho

Dear Mr. Babcock:

We enclose certificate of completion of works issued under Permit No. 21239 for the diversion of 1.6 second feet of water from a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M., for irrigation and domestic use on the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, Township 3 North, Range 3 West, B.M.

We also enclose departmental receipt No. 24189 for the \$5.00 fee paid in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Aifg
Enc.

21239

Permit No. 21239STATE OF IDAHO
Department of ReclamationJAN 12 1952
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

ss.

Hymen Babcock, being first duly sworn, upon his oath deposes and says:
 First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 21239, and that his postoffice address is Rt. 1 -ampa
 State of Idaho

Second: That the name of the stream which said water is to be directed is

Subterranean

Third: That the point of diversion of said water is a point approx. midway on the East side of NW 1/4 NE 1/4 Sec. 36 T. 3. N. R. 3. W.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct 6, 1954.

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

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

I. Kind of works: Well - Ditches + Pump -

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir.....acre feet.

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

(d) Conduit.....width at bottom.....feet, width at water line.....
 (State whether ditch, flume or pipe)

feet, depth of water.....feet; diameter of pipe.....inches, average grade per mile is.....feet. Length of conduit is.....miles.

Seventh: That said works are capable of conducting to the place of intended use.....
1.6 second feet of water.

Eighth: That water appropriated under said permit is available for 80 acres of land described as follows: 40 acres NW 1/4 NE 1/4 Sec. 36 T. 3. N. R. 3. W. and SE 1/4 SW 1/4 Sec. 25 T. 3. N. R. 3. W.

Ninth: Remarks: That Well is approx. 145 ft. deep - with 12" casing + equipped with electric pump -

Hymen Babcock
 (Sign Here)

Subscribed and sworn to before me this 21st day of January, 1952

My commission expires 3-5-55

W. B. Hamlin

Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21239

Date October 11, 1949

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

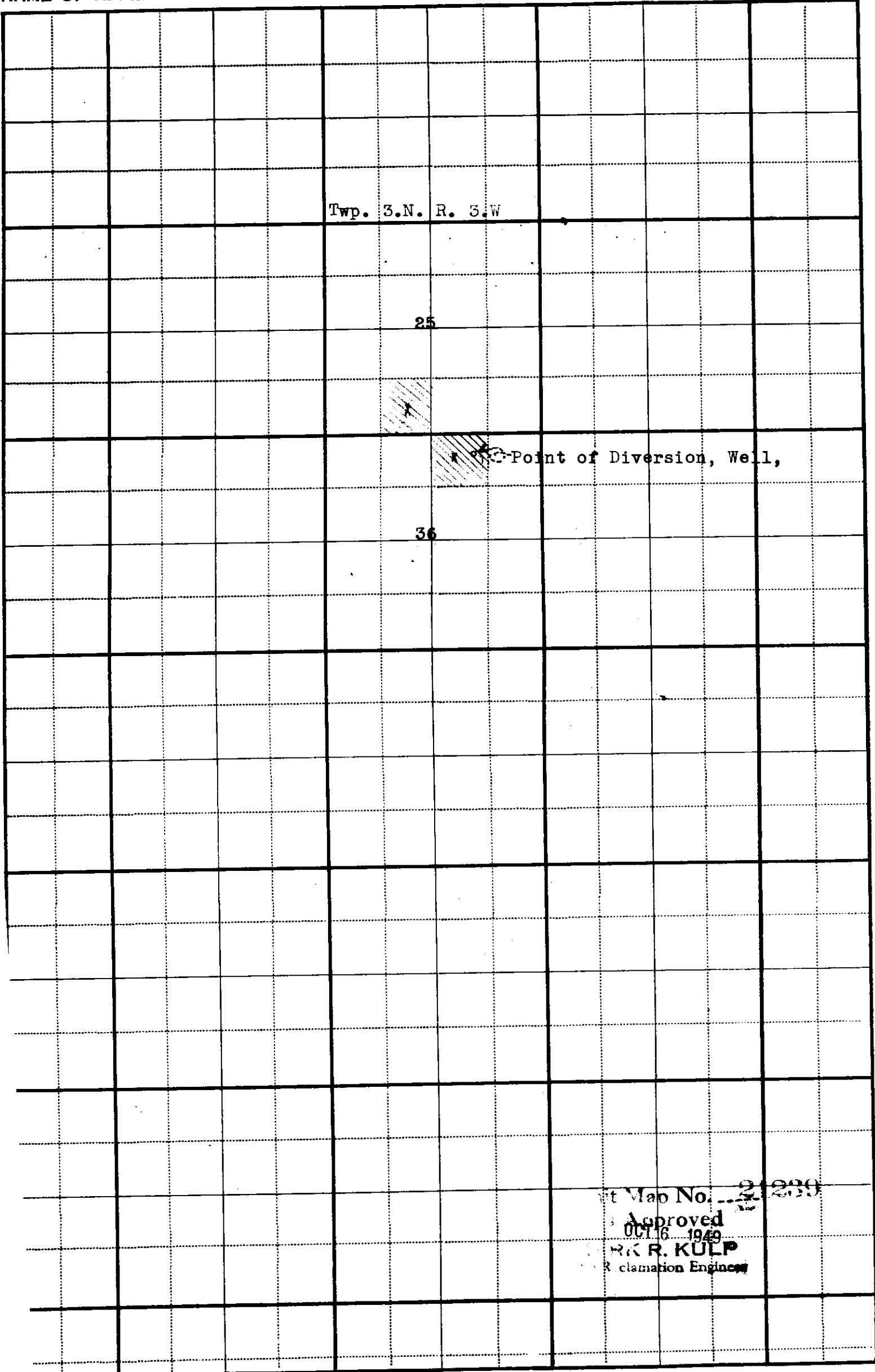
Mr. Hyrum Babcock
Route 1
Nampa, Idaho

MARK R. KULP
State Reclamation Engineer

21239

NAME OF APPLICANT Hyru Babcock,

FORM No. 0



ATTENTION TO BENEFICIAL USE

Notice is hereby given that at 2:00 P. M. on the 1st day of August, 1952, at Nampa, County of Blaine, State of Idaho, before James Schiller, Notary Public, proof will be submitted of the application to beneficial use of One cubic foot per second of the waters of a well in accordance with the terms and conditions of Permit No. 21239 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Hyrum Babcock, Route 1, Nampa, Idaho.

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

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The right to take water from such works is based upon Permit No. 21239.

The source of supply from which such water is diverted is subterranean from a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The date of priority which said user is prepared to establish is September 19, 1949.

MARK R. KULP,
State Reclamation Engineer.
No. 744—(July 3, 12, 19, 26.

OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 P. M. on the 1st day of August, 1952, at Nampa, County Canyon, State of Idaho, before mes Schiller, Notary Public, proof will be submitted of the application to beneficial use of One cubic foot per second of the waters of a well in accordance with the terms and conditions of Permit No. 21239 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Hyrum Babcock, Route 1, Nampa, Idaho.

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

The amount applied to beneficial use is One cubic foot per second.

The place where said water is used SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The right to take water from such works is based upon Permit No. 21239.

The source of supply from which such water is diverted is subterranean from a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The date of priority which said user is prepared to establish is September 19, 1949.

MARK R. KULP,
State Reclamation Engineer.
No. 744 July 5, 12, 19, 26.