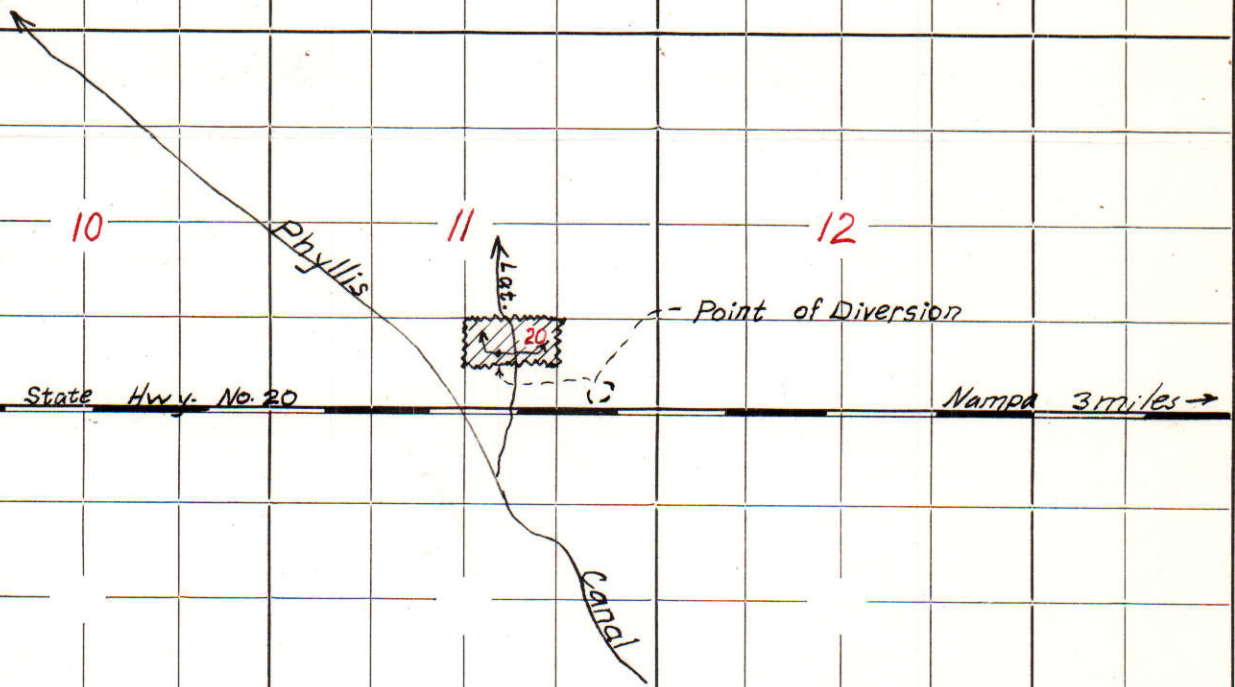




AFFIDAVIT OF PUBLICATION

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

Juanita Stanton,
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. That I am the Principal Clerk
of the IDAHO FREE PRESS, a daily, (except Sunday)
newspaper published in the City of Nampa, in the
County of Canyon, State of Idaho; that the said news-
paper is in general circulation in the said County
of Canyon, and in the vicinity of Nampa, and has been
uninterruptedly published in said County during a
period of seventy-eight consecutive weeks prior to
the first publication of the notice, a copy of which
is hereto attached.

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

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

4. That said notice was published the follow-
ing dates: August 30, 1949

September 6, 13, 20, 1949

Juanita Stanton

Subscribed and sworn to before me this _____

20th day of September, 1949.

Howard L. Reinhardt
Notary Public, Residing at Nampa, Idaho.

NOTICE FOR PUBLICATION
Notice of Proof Application of Water
To Beneficial Use

Notice is hereby given that at 10:00
a.m. on the 22nd day of September,
1949, at Nampa, County of Canyon,
State of Idaho, before Earl E. Reed,
Notary Public, proof will be submitted
of the application to beneficial use of
0.4 cubic foot per second of the waters
of a well in accordance with the terms
and conditions of Permit No. 21038
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 Masao Yamashita, Route
3, Caldwell, Idaho.

The use to which said water has
been applied is irrigation and domes-
tic purposes.

The amount applied to beneficial
use is 0.4 cubic foot per second.

The place where said water is used
is N $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 11, Township
3 North, Range 3 West, B. M.

The right to take water from such
works is based upon Permit No. 21038.

The source of supply from which
such water is diverted is a well in
the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, Twp.
3 North, Range 3 West, B. M.

The date of priority which said user
is prepared to establish is April 26,
1949.

MARK R. KULP
State Reclamation
Engineer.

August 30, Sept. 6, 13, 20.

21038

NAME OF APPLICANT MAS. YAMASHITA

FORM NO. 0

N 1/2 SW 1/4 SE 1/4 Sec 11 Twp 3N R 3W

N
N 1/2 SW 1/4 SE 1/4 Sec 11
Twp 3N R 3W

W • LOCATION OF DIVERSION WELL

S

Permit Map No. **21038**
As Approved
MAY 4 1949
MARK R. KULP
State Reclamation Engineer

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

SCALE 2 in. = 80 rods

21038

State of Idaho
License and Certificate of Water Right

Water License No. 21038

Amount 0.4 second foot

Water District No.

Priority April 26, 1949

THIS IS TO CERTIFY that MASAO YAMASHITA
of Route 3, Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 26, 1949; that Permit No. 21038
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.4 second foot, was issued thereunder on August 13, 1949, showing that said works
were completed on the 12th day of August, 1949; and that on the 22nd
day of September, 1949,
MASAO YAMASHITA

of Caldwell, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of subterranean
flow ~~participation~~ from a well, for the purpose of irrigation and domestic
use, under Use Permit No. 21038 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 4585, on the 4th day of May, 1950;

The right hereby confirmed dates from April 26, 1949;

The Point of Diversion is located in the Northwest corner of the
in the SW 1/4 SE 1/4, Sec. 11, Tp. 3 N., R. 3 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 0.4 cubic foot 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.	11	N 1/2 SW 1/4 SW 1/4	20	20

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
4th day of May, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

63 2767

State of Idaho

License and Certificate of Water Right

Water License No. 21035Amount 0.76 second foot

Water District No. _____

Priority March 31, 1949

THIS IS TO CERTIFY that JESSE L. RHODEHOUSE
 of Route 2, St. Anthony, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 31, 1949; that Permit No. 21035
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.3 second feet, was issued thereunder on May 19, 1949, showing that said works
 were completed on the 11th day of May, 1949; and that on the 4th
 day of August, 1949,

JESSE L. RHODEHOUSE

of St. Anthony, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed
 stream ~~as tributary of~~ (seepage water), for the purpose of Irrigation
, under Use Permit No. 21035 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 4586, on the 4th day of May, 1950;
 The right hereby confirmed dates from March 31, 1949;

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 8, Tp. 7 N., R. 40 E., B. M. Fremont 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 0.76 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	40 E	17	NE $\frac{1}{4}$ SW $\frac{1}{4}$)	130	--
			NW $\frac{1}{4}$ SW $\frac{1}{4}$)		18
			SW $\frac{1}{4}$ SW $\frac{1}{4}$)		20
			SE $\frac{1}{4}$ SW $\frac{1}{4}$)		--
			Number of Acres Actually Irrigated	--	38

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
4th day of May, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

63-2767

APPLICATION No. 28697
 PERMIT No. 21038
 DISTRICT No.

1. Name of Applicant: MASAO YAMASHITA

Postoffice address: Rt. 3, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 20 inches or 0.4

cubic feet per second.

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

of Section 11 , 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: \$

8. Kind of works: Pipe, 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 Two (2) years.

13. The time required for the complete application of the water to the proposed use is Two (2) 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: Right in Pioneer Irrigation District

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

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

MASAO YAMASHITA *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. April 26, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21038

Recorded in Book 75

Page 21038

Approved May 4, 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 July 4, 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 **May 4, 1950**

The whole of said work to be completed on or before May 4, 1951

Beneficial use of water appropriated in accordance herewith, to be made on or before May 4, 1953

WITNESS My hand this 4th day of May, 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 4th

day of May, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By.

C. A. ROBINS

By J. D. "CY" PRICE

Governor,

Secretary of State.

REMARKS: Supplemental supply to the existing water right in Pioneer Irrigation District, which is inadequate.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 N.	3 W.	11					Permit No. 21038 CERTIFICATE OF COMPLETION OF WORKS								N ½				20
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that Messrs. Yamashta of Route 3, Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 21038, issued upon Application No. 28697 bearing date of priority of April 26, 1949, authorizing the diversion of 0.4 second foot of the waters of subterranean flow from a well, 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 0.4 second foot of the waters of said well; that the point of diversion of said waters is in the NW¼ SW¼ SE¼ Section 11, 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: N¼ SW¼ SE¼ Section 11, Township 3 North, Range 3 West, B.M.																			
Witness my hand this 13th day of August, A. D. 1949.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made August 12, 1949. Certificate of Completion of Works issued August 13, 1949.																			
LICENSE ISSUED FOR 0.4 SEC. FE. p. 4585																			

WATER RIGHT NUMBER 63-2767

OWNER LAST NAME - YAMASHITA

FIRST NAME - MASAO

ORIG OWNER -

ADDRESS LINE 1 - RT. 3

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CALDWELL

STATE - ID ZIP CODE - 83605

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 04-26-1949

COUNTY - CANYON

TOTAL DIV. RATE -

.4000 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND -

WATER DIST. - 63

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSE 11 03N 03W LOT

REDIV -

0.0

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 -

.4000 -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 11

TRACT SWSW LOT

AC 20

DECREE NAME -

DATE -

TOTAL ACRES

20

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 21038

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED JDC

WATER RIGHT NUMBER 63-2767

WATER RIGHTS EDIT REPORT

08/24/79

PAGE 26

ACT
ION

N OWNER LAST NAME - YAMASHITA
N ADDRESS LINE 1 - RT. 3

FIRST NAME - MASAO

CITY - CALDWELL

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - LICENSE

PRIORITY - 04-26-1949 COUNTY - CANYON

TOTAL DIV. RATE - .4000CFS

N DIVERSION POINT - SWSE 11 03N 03W

USE - IRRIGATION

USE DIV. RATE - .4000CFS

USE - DOMESTIC

N USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 03W SEC 11 TRACT SWSW

AC 20

OLD NO. - 21038

3/79

IDENT. NO. 63-2767

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 21038 1 63-2767
 Old No. New No.

Record

1. Original Owner: Masao Yamashita

Present Owner: _____

2. Address: Rt. 3

3. City: Caldwell State: ID Zip: _____

4. 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: 4-26-1949

D. County: 27

E. Total Diversion Rate: .4

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>SW SE</u>	<u>11</u>	<u>3N</u>	<u>3W</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from _____ to _____ for A purposes. Amount .4
 (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 _____

82079

[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: 21038

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

✓
May 5, 1950

Re: Permit No. 21038

Mr. Masao Yemashita
Route 3
Caldwell, Idaho

Dear Mr. Yemashita:

We enclose License and Certificate of Water Right issued under Permit No. 21038, confirming your right to the use of 0.4 of a second foot of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, Township 3 North, Range 3 West, B.M., with priority of April 26, 1949, for irrigation and domestic use on the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 11.

We also enclose Departmental Receipt No. 22309 for the \$2.00 fee paid in connection with Beneficial Use Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21038

✓
April 18, 1950

Re: Permit No. 21038

Mr. Masao Yamishita
Route 3
Caldwell, Idaho

Dear Mr. Yamishita:

We now have on file the report of our Field Engineer on examination for Beneficial Use under your Permit No. 21038.

This report shows that you have irrigated 20 acres of land in the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, Township 3 North, Range 3 West, B.M.

Therefore, upon receipt of the statutory fee of \$2.00, a License will be issued for .4 of a second foot of water from a well located on said land for irrigation and domestic use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

2 1038

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

Permit No. 21038

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Masao Yamishita, Route 3, Caldwell, Idaho
2. Source of water supply: Subterranean (well)
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11
T. 3 North R. 3 West County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: _____
Well drilled 90' from surface. Equipment sets in concrete sump 5' square, and
9' deep. 7 $\frac{1}{2}$ H.P. Fairbanks Morse motor directly connected to pump. 4" inlet and
and 4" discharge.
5. Water is used for: Irrigation and domestic purposes
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):
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, Township 3 North, Range 3 West, B. M.

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

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

Remarks: _____

"Approximately 12 feet to water table"

This examination was made on the 19th day of October, 1949

(Signed)

F. A. Tolman

Examiner.

21038

140
Masao Yamashita
Rt. 3, Caldwell, Idaho

Permit No. 21038

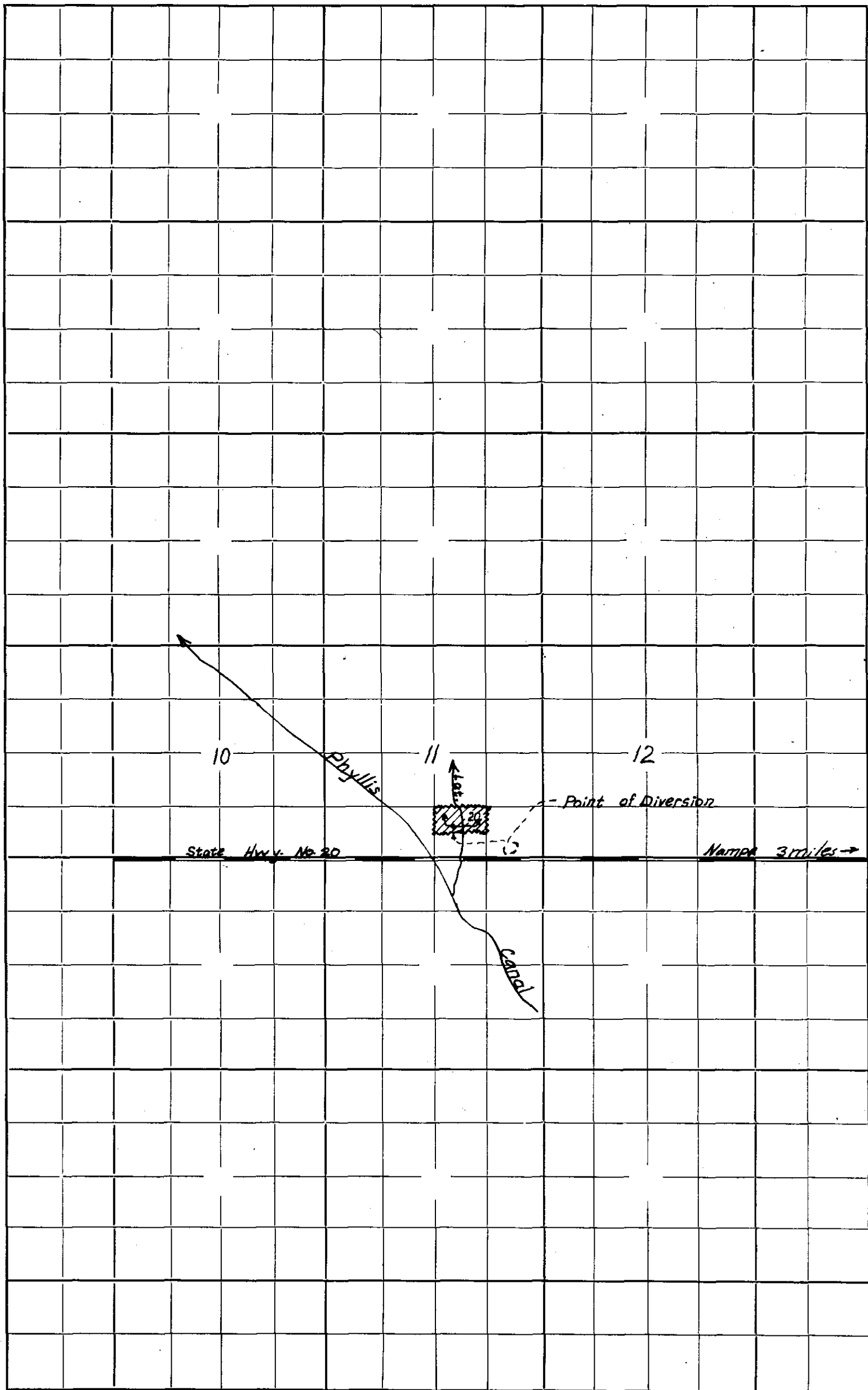
Examination for Beneficial use

County Canyon

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
APR 17 1950
Department of Reclamation



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

21038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21038

REPORT ON PROOF OF Beneficial use

*L of
SMAK*

app. 0.4 cfs

20 acres

21038

October 3, 1949

Mr. Masao Yamashita
Route 3
Caldwell, Idaho

Dear Mr. Yamashita:

We have received from Mr. Earl E. Reed, Notary Public, the depositions of yourself and two witnesses, also Affidavit of Publication in the Idaho Free Press, all submitted in Proof of Beneficial Use under Permit No. 21038.

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

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact you at the time he makes the examination in order that you may arrange to show him over the grounds.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

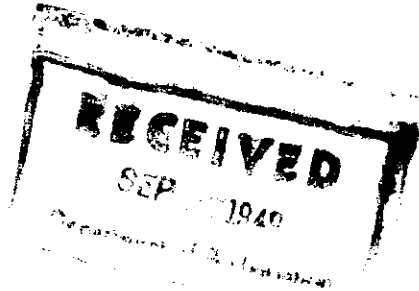
CC: Mr. Earl E. Reed

21038

REED & SCHMITT
ATTORNEYS AT LAW
DEWEY SCALES BUILDING
NAMPA, IDAHO

EARL E. REED
MARY SCHMITT

September 23, 1949



State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Re: Permit No. 21038

I am enclosing herewith the affidavit of publication, the deposition of the permit holder and depositions of two disinterested witnesses in the matter of the application of Masao Yamashita for beneficial application of water rights. I presume that this is in proper form, however if there is anything that needs to be corrected please advise us.

Very truly yours,

REED & SCHMITT

By

EER:js
Enclosures.

21038

AFFIDAVIT OF PUBLICATION

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

Juanita Stanton,
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. That I am the Principal Clerk
of the IDAHO FREE PRESS, a daily, (except Sunday)
newspaper published in the City of Nampa, in the
County of Canyon, State of Idaho; that the said news-
paper is in general circulation in the said County
of Canyon, and in the vicinity of Nampa, and has been
uninterruptedly published in said County during a
period of seventy-eight consecutive weeks prior to
the first publication of the notice, a copy of which
is hereto attached.

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

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

4. That said notice was published the follow-
ing dates: August 30, 1949

September 6, 13, 20, 1949

Juanita Stanton

Subscribed and sworn to before me this

20th day of September, 1949.

Harmon L. Reinhardt
Notary Public, Residing at Nampa, Idaho.

21038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21038

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Masao Yamashita, Route 3, Caldwell, Idaho, Farmer

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

Ans. Self

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

Ans. Permit No. 21038, May 4, 1949, August, 1944

4-2-44

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

Ans. Subterranean flow from well located in the Northwest Quarter of Southwest Quarter of Southeast Quarter, Section 11, Township 3 North, Range 3 West of the Boise Meridian, 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.

Ans. Subterranean well, pumped by 7½ horse centrifical pump. for domestic and irrigation purposes used on North Half of Southwest Quarter of Southeast Quarter Section 11, Township 3 North, Range 3 West Boise meridian, Canyon County, Idaho.

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. Domestic and irrigation. Used for North Half of Southwest Quarter Southeast Quarter of Section 11, Township 3 North, Range 3 West B. M. 20 acres have actually been irrigated by this well. All row crop land.

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

Ans. Domestic purposes only aside from irrigation.

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Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 0.4 second feet of water.

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

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. August, 1944, all water taken from weel has been used for domestic or irrigation purposes.

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. Holder has the regular Pioneer Irrigation Company water rights for this same land.

(Sign) Masao Yamashita

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 22nd day of September, A. D. 1949.

Ray E. Reed

My commission expires April 24, 1950.

21038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21038

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. David Herdt 34 R. F. D. #3 Caldwell, Idaho, Farmer

Ques. 2. Are you acquainted with Masao Yamashita, the holder of Permit No. 21038? How long have you known him and where does he reside?

Ans. Five years, R. F. D. #3 Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 21038, 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. Subterranean well on NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 11 T 3 N, R 3 W. B. M.

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. 0.4 Second feet of water

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

Ans. Domestic and Irrigation. for 20 acres row crop on NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11 T. 3 N, R 3 W. B. M. This is supplemental to regular water allotment of Pioneer Irrigation District Water.

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

Ans. None

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

Ans. Supplimental water to regular Pionerr Irrigation District Water

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

Ans. None

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

Ans. 0.4 second feet of water used regularly since well pub down in 1944.

(Signed) David - W. W. W. W.

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 22nd day of Sept, A. D. 19 49.

Earl E. Reed
Notary Public.

My commission expires April 24, 1950

21038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21038

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. Lloyd Bigham, 44 years, Caldwell R. F. L. # 3 Farmer

Ques. 2. Are you acquainted with Masao Yamashita, the holder of Permit No. 21038? How long have you known him and where does he reside?

Ans. Five years, Caldwell R. F. L. # 3

Ques. 3. Have you read or heard read said Permit No. 21038, 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. Subterranean Well, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T 3, N. R. 3 W. B. M. Pumped by well pump

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. 0.4 second feet

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

Ans. Domestic and Irrigation, 20 acres located N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11 T 3 N, R 3 W. B. M. All row crop land.

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

Ans. *****

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

Ans. Row crop land. This water is supplimental to Pioneer Irrigation District water to this land.

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

Ans. None

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

Ans. I have observed his use of the water ever since the well was put down. I would estimate that there is about 0.4 second feet of water used when the well is being pumped. Use has been regular since the installation of the well.

(Signed)

Lloyd Bigham

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 22nd day of Sept.,

A. D. 19 49.

Eugene E. Reed
Notary Public.

My commission expires April 24, 1950

21038

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 21038
Masao Yamashita

BOISE, IDAHO, September 12, 1949

Mr. Earl L. Reed
Notary Public
Dewey Scales Bldg.
Nampa, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 21038

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On September 22, 1949, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Nampa, Idaho before Earl L. Reed, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

MARK R. KUTP

Commissioner of Reclamation.

21038

✓
August 30, 1949

Re: Permit No. 21038

Idaho Free Press
Nampa, Idaho

Gentlemen:

We return proof of Notice of Beneficial
Use Proof to be made under Permit No. 21038 in the
name of Masao Yamashita, with one correction noted.
Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21038

August 27, 1949

Re: Permit No. 21038

Mr. Masao Yamashita
Route 3
Caldwell, Idaho

Dear Mr. Yamashita:

In accordance with the information given us by telephone yesterday by Mrs. Yamashita, we have set September 22, 1949, at 10:00 A. M. as the time for making Beneficial Use Proof under Permit No. 21038. A copy of the notice has been sent to the Idaho Free Press at Nampa, with instructions to publish it once a week for four consecutive weeks prior to that date and to send you the Affidavit of Publication, together with statement of costs.

We shall send Mr. Earl E. Reed, Notary Public, the necessary forms of deposition, consisting of one for yourself and one for each of two witnesses so that he may have them in time for the proof.

At the time set, you should appear before Mr. Reed together with two disinterested witnesses who are familiar with the terms of your Permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21038
Masao Yamashita

Date: August 27, 1949

Idaho Free Press

Nampa, Idaho

Gentlemen:

Enclosed you will find notice for publication once
a week for four consecutive weeks prior to September 22, 1949,
the date set for proof, the expense of the publication to be
paid by the applicant, Masao Yamashita, Route 3, Caldwell,
Idaho of
, 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

21038

Form 10

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

Notice is hereby given that at 10:00 A. M. on the 22nd day of September, 1949,
at Nampa, County of Canyon, State of Idaho, before
Earl E. Reed, Notary Public, proof will be submitted of the
application to beneficial use of 0.4 cubic foot per second of the waters of A well
in accordance with the terms and conditions of Permit No. 21038
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.....
Massao Yamashita, Route 3, Caldwell, Idaho.

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

The amount applied to beneficial use is 0.4 cubic foot per second

The place where said water is used ~~if for irrigation, give full and accurate description of the~~
~~lands irrigated~~ N¹/₄ SW¹/₄ SE¹/₄ Section 11, Township 3 North, Range 3 West, B. M.

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

The right to take water from such works is based upon Permit No. 21038

The source of supply from which such water is diverted is a well in the NW¹/₄ SW¹/₄ SE¹/₄ Section 11,
Twp. 3 North, Range 3 West, B. M.

The date of priority which said user is prepared to establish is April 26, 1949

MARK R. KUIP

State Reclamation Engineer.

21038

August 27, 1949

Re: Permit No. 21038

Mr. Masao Yamashita
Route 3
Caldwell, Idaho

Dear Mr. Yamashita:

We enclose Certificate of Completion of Works issued under Permit No. 21038 for the diversion of 0.4 second foot of water from a well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, Township 3 North, Range 3 West, B.M. for irrigation and domestic use on the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section.

We also enclose Departmental Receipt No. 21732 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21038

21038

August 19, 1949

Mr. Masao Yamashita
Route 3
Caldwell, Idaho

Dear Mr. Yamashita:

Confirming our telephone conversation, all that is necessary now is for you to give me the date when you can take your two witnesses before the Notary Public to make Beneficial Use Proof.

We will then send notice to the paper and at the time set, you should take your two witnesses before Mr. Reed to execute the depositions in proof of beneficial use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Aibh

Sept. 22

21038

Permit No. 21038STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada } ss.Masao Yamashita, 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. 21038, and that his postoffice address is Rt. 3, Caldwell,State of IdahoSecond: That the name of the stream ^{FROM} which said water is to be ~~diverted~~ ^{DIVERTED} is subterranean flow from a wellThird: That the point of diversion of said water is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11
Twp. 3 N., Range 3 W., B.M.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 4, 19 51.Fifth: That the use for which said water is intended is irrigation and domesticSixth: That on the date above mentioned, the works constructed under said permit were (~~substantially~~) fully completed and consisted of the following:I. Kind of works: Well, pump, ditches

(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.....
0.4 second feet of water.Eighth: That water appropriated under said permit is available for 20
acres of land described as follows: N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, Twp. 3 N., Range 3 W., B.M.Ninth: Remarks: That Well about 90 feet deep, 8 inch casing. Electric
pump, about 5 H. P.Masao Yamashita
(Sign Here)Subscribed and sworn to before me this 12 day of August, 19 49My commission expires March 25-51Will Edison
Notary Public.

21038

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 12, 1949
(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
Idaho Free Press of Nampa, Idaho published in
the county in which the works are situated.

Masao Yamashita

(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.

21038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21038

Date May 9, 1949

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.

Masao Yamashita
Route 3
Caldwell, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 21467

21038

N 1/2 SW 1/4	E 1/4 Sec 11	Twp 31N	R 3E
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N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 11
Twp 3N R 3W

W. LOCATION OF DIVERSION-Well

Permit Map No. **21038**
As Approved
 MAY 2 1949
MARK R. KULP
 State Reclamation Engineer

April 18, 1949

Mr. M. Yamashita
Route 3
Caldwell

Dear Mr. Yamashita:

In reply to your telephone request, we enclose a form of Application for Permit to Appropriate the Public Waters of the State of Idaho, together with a pamphlet giving regulations and instructions in regard to filing same.

Very truly yours,

MARK R. KUIP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

210-38