

AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Canyon, ss.

Helen C. Norton, of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

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

2. I am the Principal Clerk of the Idaho Free Press, a daily newspaper published in the City of Nampa in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been continuously and uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That Saturday of each week has been designated as the particular day of the week on which legal notices required by law or by order of any Court of competent jurisdiction within the State to be published weekly, will be published in said Idaho Free Press in compliance with the provisions of Section 58-108 I. C. A. 1932, as added thereto by Chapter 154, 1933 Session Laws of Idaho, and the Publisher of this newspaper in conformity with the provisions of said law, does, at the head of the Editorial Column of said paper, and in each issue thereof, announce Saturday of each week as the day of the week on which legal notices required by law or by order of any Court of competent jurisdiction to be published weekly, will be published.

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

5. That said notice was published in each and every Saturday issue, beginning with the issue of April 29, 1950, and ending with the issue of May 20, 1950.

Subscribed and sworn to before me this 22nd day

of May, 1950.

Homer L. Reichardt

Notary Public for Idaho,
Residing at Nampa, Idaho.

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 11:00 a.m. on the 24th day of May, 1950, at Nampa, County of Canyon, State of Idaho, before Edith A. McCain, Notary Public, proof will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of an artesian well in accordance with the terms and conditions of Permit No. 20959 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 Allen Lester McCain, Route 3, Nampa, Idaho.

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

The amount applied to beneficial use is 0.8 cubic foot per second.

The place where said water is used is W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 N., Range 2 W., B.M.

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

The right to take water from such works is based upon Permit No. 20959.

The source of supply from which such water is diverted is an artesian well in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 N., Range 2 W., B.M.

The date of priority which said user is prepared to establish is February 23, 1949.

20959 MARK R. KULP,
State Reclamation Engineer.
April 29, May 6, 13, 20.

20959

NAME OF APPLICANT Mr. Allen Lester McCain,

FORM No. 0

T. 3 N., R. 2 W. B. M.

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← Point of Diversion - Well

34

35

36

Permit Map No. **20959**
As Approved
MAR 3 1949
MARK R. KULP
State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 20959 Amount 0.2 second foot
Water District No. Priority February 23, 1949

THIS IS TO CERTIFY that ALLEN LESTER McCAIN
of Route 3, Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 23, 19 49 ; that Permit No. 20959
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second foot, was issued thereunder on May 31, 19 49 , showing that said works
were completed on the 11th day of May, 19 49 ; and that on the 24th
day of May, 19 50 ,

ALLEN LESTER McCAIN
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 an artesian well
existing in (subterranean flow), for the purpose of irrigation and domestic
use, under Use Permit No. 20959 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 4710, on the 12th day of February, 19 51 ;
The right hereby confirmed dates from February 23, 19 49 ;
The Point of Diversion is located

in the W 1/4 NE 1/4 SE 1/4, Sec. 26, Tp. 3 N., R. 2 W., B. M. Canyon County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	2 W.	26	W 1/4 SE 1/4 NE 1/4	20	--
			W 1/4 NE 1/4 SE 1/4	20	9 1/2
			Number of Acres Actually Irrigated	-	9 1/2

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
15th day of February, 19 51 .

(SEAL) MARK R. KULP
State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 19579 Amount 7.9 second feet
Water District No. Priority December 15, 1944

THIS IS TO CERTIFY that PABLO ARAMBURU
of Cascade, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 15, 1944; that Permit No. 19579
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
8 second feet, was issued thereunder on February 12, 1951, showing that said works
were completed on the 20th day of January, 1948, and that on the 8th
day of January, 1948,
PABLO ARAMBURU and GORDON A. MacGREGOR
of Council, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Fawn Creek
, a tributary of Payette River, for the purpose of irrigation and stock
watering, under Use Permit No. 19579 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 4709, on the 12th day of February, 1951;
The right hereby confirmed dates from December 15, 1944;
The Point of Diversion is located
in the NE 1/4 NW 1/4, Sec. 3, Tp. 1 N., R. 3 E., B.M. Valley 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 7.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	4 E.	30	NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	18.48	40
			NE 1/4 NW 1/4	40	40
			lot 2	38.90	12
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	40
			Lot 3	18.62	18
		31	NW 1/4 SE 1/4	39.50	40
			SW 1/4 SE 1/4	40	40
			NW 1/4 NE 1/4	32.65	35
			SW 1/4 NE 1/4	19.40	20
			SE 1/4 NW 1/4	40	30
			Number of Acres Actually Irrigated -		395

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
12th day of February, 1951.

(SEAL) MARK R. KULP
State Reclamation Engineer

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28612
PERMIT No. 20959
DISTRICT No.

1. Name of Applicant: ALLEN LESTER McCAIN

Postoffice address: Rt. 3, Nampa

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 0.80

cubic feet per second.

3. Source of water supply: Subterranean flow (Artesian well) which is a tributary of

4. Location of point of diversion: 20 ft. North and 15 ft. West feet distant from the Southeast
of ~~W₁NE₁SE₁~~
corner/of Section 26 , T.3 N: , R. 2 W. , B.M., and is in the ~~W₁NE₁SE₁~~
of Section 26 , T. 3 N. , R. 2 W. , B.M., County of Canyon

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

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

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1,200.00

8. Kind of works: Well and ditches (ditches used prior)

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 1 feet; width at water line 4 feet; depth of water .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 Completed years.

13. The time required for the complete application of the water to the proposed use is One 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 Nampa-Meridian
and Government water,

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.

ALLEN LESTER McCAIN Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 11:15 A. M. February 23, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20959

Recorded in Book 75 Page 20959 Approved March 3, 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 Completed 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

The whole of said work to be completed on or before **June 3, 1949**

Beneficial use of water appropriated in accordance herewith, to be made on or before June 3, 1950

WITNESS My hand this 3rd day of March, 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 3rd
day of March, 1949. STATE OF IDAHO

Countersigned:
(SEAL) By J. D. "CY" PRICE
Secretary of State.

By C. A. ROBINS
Governor.

REMARKS: Water in this filing is supplemental to other 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.	2 W.	26	20												20				40	
			Permit No. 20959. CERTIFICATE OF COMPLETION OF WORKS.																	
			TO ALL WHOM IT MAY CONCERN: This is to certify that ALLEN LESTER MCCAIN of Route 3, Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 20959, issued upon Application No. 28612 bearing date of priority of February 23, 1949, authorizing the diversion of 0.80 second foot of the waters of an artesian 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 0.80 second foot of the waters of said well; that the point of diversion of said waters is 20 ft. North and 15 ft. West from the Southeast corner of W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 North, Range 2 West, B.M., and in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 North, Range 2 West, B.M.																	
			Witness my hand this 31st day of May, A. D. 1949.																	
			Proof of Completion of Works made May 11, 1949. Certificate of Completion of Works issued May 31, 1949.																	
			LICENSE ISSUED FOR 0.8 SEC. FT. Page 4710																	
			MARK R. KULP State Reclamation Engineer																	

WATER RIGHT NUMBER 63-2762

OWNER LAST NAME - MC CAIN

FIRST NAME - ALLEN LESTER

ORIG OWNER -

ADDRESS LINE 1 - RT. 3

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - NAMPA

STATE - ID ZIP CODE - 83651

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 02-23-1949 COUNTY - CANYON

TOTAL DIV. RATE - .2000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESE 26 03N 02W 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 -

.2000 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 02W SEC 26 TRACT NESE LOT AC 09

DECREE NAME -

DATE -

TOTAL ACRES 9

REMARKS - AC. IRR.=9.5.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 20959

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED JDC

WATER RIGHT NUMBER 63-2762

WATER RIGHTS EDIT REPORT

08/24/79

PAGE 21

ACT
ION

N OWNER LAST NAME - MC CAIN
N ADDRESS LINE 1 - RT. 3

FIRST NAME - ALLEN LESTER

N
N SOURCE - GROUNDWATER

CITY - NAMPA

STATE - ID

N STAGE - LICENSE

PRIORITY - 02-23-1949 COUNTY - CANYON

TOTAL DIV. RATE -

.2000CFS

N DIVERSION POINT - NESE 26 03N 02W

USE - IRRIGATION

USE DIV. RATE -

.2000CFS

N USE - DOMESTIC

N USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 02W SEC 26 TRACT NESE

AC 10

N REMARKS - AC. IRR.=9.5.

OLD NO. - 20959

3/79

IDENT. NO. 63-2762

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. 20959 1 63-2762
 Old No. New No.

Record

1. Original Owner: Allen Lester McCain

Present Owner: _____

2. Address: Rt. 3

3. City: Nampa 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: 2-23-1949

D. County: 27

E. Total Diversion Rate: .2

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>NESE</u>	<u>26</u>	<u>3N</u>	<u>2W</u>		

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

from _____ to _____ for A purposes. Amount .2
 (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. Ac. irr. = 9.5.
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: 20959

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 11:00 a.m. on the 24th day of May, 1950, at Nampa, County of Canyon, State of Idaho, before Edith A. McCain, Notary Public, proof will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of an artesian well in accordance with the terms and conditions of Permit No. 20959 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 Allen Lester McCain, Route 3, Nampa, Idaho.

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

The amount applied to beneficial use is 0.8 cubic foot per second.

The place where said water is used is $W\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and $W\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 N., Range 2 W., B.M.

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

The right to take water from such works is based upon Permit No. 20959.

The source of supply from which such water is diverted is an artesian well in the $W\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 N., Range 2 W., B.M.

The date of priority which said user is prepared to establish is February 23, 1949.

MARK R. KULP,
State Reclamation Engineer.
April 29, May 6, 13, 20.

February 14, 1951

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

We enclose License and Certificate of Water Right issued under Permit No. 20959, confirming your right to the use of 0.2 of a second foot of water from an artesian well in the W₁NE₄SE₄ Section 26, Township 3 North, Range 2 West, B.M., with priority of February 23, 1949, for irrigation and domestic use in the same subdivision.

We also enclose Departmental Receipt No. 23098 for the \$2.00 fee paid in connection with this Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20959



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

BOISE

February 7, 1951

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

The report of our Field Engineer on examination for beneficial use under Permit No. 20959 shows that you have irrigated $9\frac{1}{2}$ acres in the $W\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ Section 26, Township 3 North, Range 2 West, B.M.

Therefore, upon receipt of the statutory fee of \$2.00, a License will be issued for 0.2 of a second foot (or 10 inches) of water from your well located in the same subdivision.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:bh

RECEIVED
FEB 12 1951
Department of Reclamation

20959

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

Permit No. 20959

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

1. Name of applicant Allen Lester McCain, Route 3, Nampa, Idaho
2. Source of water supply: Subterranean flow from an artesian well.
3. Location of point of diversion: Is in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26
T. 3 N. R. 2 W. County of _____
4. Describe works as they exist, giving dimensions and capacities of same: Artesian well. There is no well house, no curbing, no protection of any kind. Well is 140' deep, cased 40' down to rock. Casing is 8" at top, reduced to 6" in the bottom. Has a home made control valve for shut-off. Water is delivered to the South through one length of old range boiler with one end cut out. Irrigation ditch extends along the fence to the West and the fence to the North and irrigated approximately 9 $\frac{1}{2}$ acres of flat pasture land on the South side of Indian Creek.
5. Water is used for: Irrigation and domestic uses.
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):

W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Twp. 3 North, Range 2 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?

Remarks: _____

The water temperature is 67° F. Mr. McCain states that water production is much higher in the irrigation season in the summertime than it is in the winter season each year. He estimates the flow at at least 40 inches of water in the summertime when open to the full extent. This is a capped well.

This examination was made on the 3rd day of February, 1951.

(Signed) E. H. Humphrey Examiner.

20959

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.

T
Allen Lester McCain
Route 3
Nampa, Idaho
Permit No. 20959

Examination for Beneficial use

County Canyon

26
371 - 244

Q = .8 cfs.

Source = artesian well.

P.D. = $W\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ Sec 26

S.E. cor of Nampa

RECEIVED
FEB 5 1951
Department of Reclamation

Well = 140'

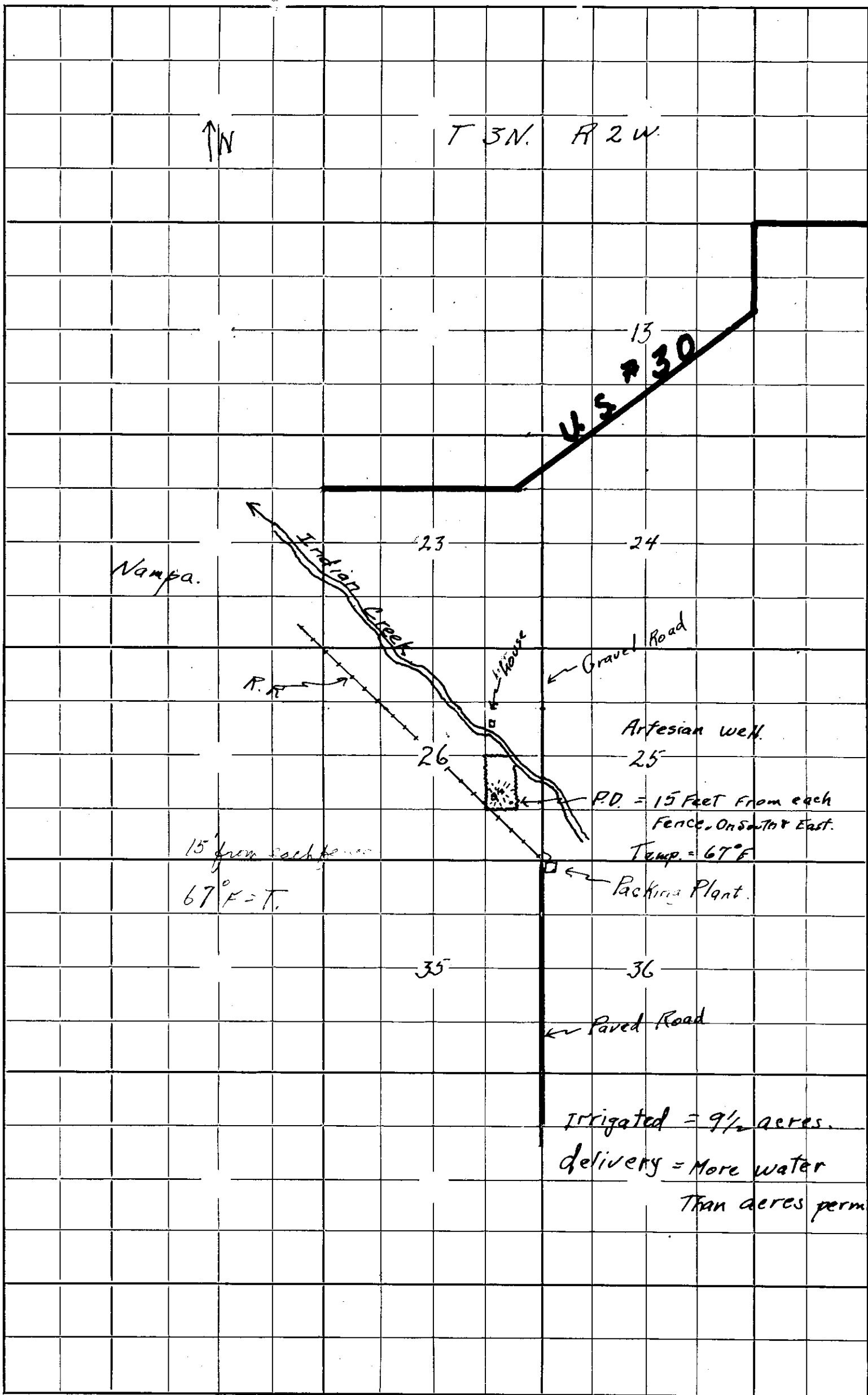
Crd down to rock 40'

est. flow 40' in summer
flow less in spring.

Irrigates 9 1/2 acres.

8" pipe at top.

Capped well.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20959

REPORT ON PROOF OF Beneficial use

.2 cfs
mcr

app. 0.8 c.f.s.

9.5 acres

✓
July 7, 1950

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

We acknowledge receipt of corrected depositions of your two witnesses in Proof of Beneficial Use under Permit No. 20959, also Affidavit of Publication in the Idaho Free Press.

This completes your proof, but 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, the 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 R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20959

AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Canyon, ss.

Helen C. Norton, of Nampa, Canyon County, Idaho, being first
duly sworn, deposes and says:

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

2. I am the Principal Clerk of the Idaho Free Press, a daily newspaper published in the City of Nampa in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been continuously and uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That Saturday of each week has been designated as the particular day of the week on which legal notices required by law or by order of any Court of competent jurisdiction within the State to be published weekly, will be published in said Idaho Free Press in compliance with the provisions of Section 58-108 I. C. A. 1932, as added thereto by Chapter 154, 1933 Session Laws of Idaho, and the Publisher of this newspaper in conformity with the provisions of said law, does, at the head of the Editorial Column of said paper, and in each issue thereof, announce Saturday of each week as the day of the week on which legal notices required by law or by order of any Court of competent jurisdiction to be published weekly, will be published.

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

5. That said notice was published in each and every Saturday issue, beginning with the issue of April 29, 1950, and ending with the issue of May 20, 1950.

Helen C. Norton

Subscribed and sworn to before me this 22nd day
of May, 1950.

Homer L. Reichardt

Notary Public for Idaho,
Residing at Nampa, Idaho.

20959

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 7 1950
Department of Reclamation

PERMIT NO. 20959

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. Geo. H. Hartington Age 65. R3. Nampa Ida
Forming

Ques. 2. Are you acquainted with Allen Lester Mc Cain, the holder of Permit No. 20959? How long have you known him and where does he reside?

Ans. 6 Years

Ques. 3. Have you read or heard read said Permit No. 20959, 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. Artesian well 20 ft N. 15 ft west from south east
corner of W 1/2 NE 1/4 of section 26 T3-N R2 W

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? 8 1/2 sec. feet

Ans. Well & ditches Ditches are about 1" at bottom

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

Ans. Irrigation & domestic at place above in Ans. 4
cultivation

20959

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. Farm land the amount of water required about 35" Thursty five in.

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. 1949 season they had oats on the land and they used forty in. of water

(Signed) Oleo H. Worthington

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

County of Canyon, State of Idaho, on this 24th day of May,

A. D. 1950.

Edith A. McCain

Notary Public.

My commission expires 2/14/51.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20959

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 E. Craig, 62, Route #2 - Nampa, Idaho, Farming.

Ques. 2. Are you acquainted with Allen Lester McCain, the holder of Permit No. 20959? How long have you known him and where does he reside?

Ans. Three years. Route 3 - Nampa, Idaho

Ques. 3. Have you read or heard read said Permit No. 20959, 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. Artesian well, 20' N. x 15' W. from the SE corner of W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, Twp. 3 N, R. 2 W. B.M. and is in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, Twp. 3 N, R. 2 W. B.M., Canyon County, Idaho. Well and ditches

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. 8/10 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. Irrigation & domestic at place shown in Ins. #4
Cultivated.

20959

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. The amount of water specified in question #5 was used on that part of above described land (10 acres) Oats & alfalfa growth in. (40) & seedling were raised

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. 1949 season about 40 in of water to Ten acres.

(Signed) X John D. Craig

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Nampa, County of Canyon, State of Idaho, on this 24th day of May, A. D. 1950.

Edith G. McCain

Notary Public.

My commission expires 2/14/51

20959

✓
July 5, 1950

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

On June 2, 1950, we returned the depositions of your two witnesses offered in Proof of Beneficial Use under Permit No. 20959, for certain corrections.

To date, these depositions have not been received, and it is important that you give the matter your early attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20959

✓
June 2, 1950

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

We return the depositions of your two witnesses submitted in Proof of Beneficial Use under Permit No. 20959 to be completed, as follows:

1. Question 8 should state the amount of water the witnesses estimate to be necessary for profitable cultivation of the land.

2. Question 10 should state in what amount they have seen the water applied to beneficial use.

The Affidavit of Publication should also accompany the proofs.

We return your check for \$5.00, as there is no payment due in this connection at the present time. After a field examination has been made, we shall advise you as to the amount of fees, but it will probably not be more than \$2.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A:bh
Enc.

Chief Clerk

20959

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 1 1950
Department of Reclamation

Permit No. 20959

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Allen Lester McCain, R 3, Nampa, Idaho;
Postman, R 3 Nampa, Idaho

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

Ans. _____

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

Ans. Permit no 20959 date March 3, 1949 Priority date Feb. 23, 1949

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

Ans. subterranean flow (artesian well) 20' N 15' W. from SE corner
W 1/2 NE 1/4 SE 1/4 of section 26 T 3. N R 2 W

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. Well and ditches. Ditches are about 1' at bottom by 4' at
waterside and about .5' water depth. Will carry more than .80
second feet.

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

Ans. Water used for irrigation. All of land described in question 4
which lies south of Indian Creek (10 acres) was irrigated in 1949
A crop of oats was raised and the land was seeded to alfalfa.

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

Ans. _____

20959

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

Ans. 80 cubic feet per second.

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. _____

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

Ans. The amount of water specified in question 8 was used in 1949 to irrigate that part of the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 26 T3N R2W which lies south of Indian creek (10 acres) oats and alfalfa seeding were raised.

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. All the land described in question 4 which lies north of Indian creek is and has been for years irrigated with Nampa meridian water under previously existing water right.

(Sign) Allen Lester McPain

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was

subscribed and sworn to before me, at my office in Nampa, County of Canyon,

State of Idaho, on this 24th day of May, A. D. 1950.

Edith A. McPain

My commission expires 2/14/51

20959

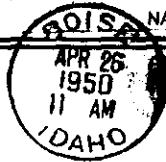
The Idaho Free Press

NAMPA, IDAHO

APR 25

1945

DEAR MADAM:

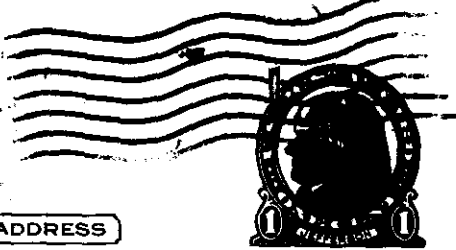


WE RECEIVED NOTICE FOR PUBLICATION FOR
ALLEN LESTER MC CAIN TODAY AND HAVE SCHEDULED
SAME TO RUN APRIL 29, MAY 6, 13, 20.

THE IDAHO FREE PRESS

20959

State House
RECEIVED
APR 27 1950
Department of Reclamation



THIS SIDE OF CARD IS FOR ADDRESS

JEANNE L. ANDERSON
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

20959

✓
April 25, 1950

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

We have sent to the Idaho Free Press, Notice of Beneficial Use Proof to be made under your Permit No. 20959 on May 24, 1950, 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 believe we handed you, when you were in the office recently, the necessary forms of deposition to be used in making this proof, consisting of one for yourself and one for each of two witnesses. However, if that is not the case, please advise us and we shall send the forms to you.

At the time set, you should appear before Edith A. McCain, Notary Public, 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

20959

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

Notice is hereby given that at 11:00 A. M. on the 24th day of May, 1950,
at Nampa, County of Canyon, State of Idaho, before
A. Edith McCain, Notary Public,, proof will be submitted of the
application to beneficial use of 0.8 cubic feet per second of the waters of an artesian well
in accordance with the terms and conditions of Permit No. 20959
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.....
Allen Lester McCain, Route 3, Nampa, Idaho

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

The amount applied to beneficial use is 0.8 cubic foot per second.

The place where said water is used ~~is for irrigation, give full and accurate description of the~~
~~lands irrigated~~ W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 N., Range 2 W., B.M.

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

The right to take water from such works is based upon Permit No. 20959

The source of supply from which such water is diverted is an artesian well in the W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 26, Twp. 3 N., Range 2 W., B.M.

The date of priority which said user is prepared to establish is February 23, 1949

MARK R. KULP

State Reclamation Engineer.

20959

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: April 24, 1950

Re: Permit No. 20959

Idaho Free Press

Nampa, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 24, 1950, the date set for proof, the expense of the publication to be paid by the applicant, Allen Lester McCain of Route 3, 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. GULP
State Reclamation Engineer

By

Chief Clerk

20959

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 14, 1950
(P. O.) Nampa, Idaho Route 3

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.

Allen Lester McCain

(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.

20959

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 1, 1950

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. ~~20959~~. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than ~~June 3, 1950~~, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

20959

June 3, 1949

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

We enclose Certificate of Completion of Works issued under your Permit No. 20959, for the diversion of 0.80 of a second foot of water from an artesian well in the ~~Wentworth~~ ^{Wentworth} Section 28, Township 3 North, Range 2 West, B.M. for irrigation and domestic use on the same subdivision.

We also enclose Departmental Receipt No. 21520 for the \$5.00 fee paid by you in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

20959

Route 3

Nampa, Idaho

May 24, 1949



Department Of Reclamation

State House

Boise Idaho:

Dear Sirs:

In regard to your letter of May 20 to me concerning permit 20959:

Please accept my apologies for the mixup I have caused on this application. I can only plead my unfamiliarity with such matters, in which I have had no previous experience.

I did not realize I was making application for water for the full forty or I would have explained my situation in more detail at the time.

The ten acres on which the well is situated are separated from the balance of my place by Indian Creek. There is at present no way to take water across the creek and any means for doing so would be both expensive to construct and difficult to maintain. That is the reason for putting the well down. I expect to use it only on the ten acres. The rest of the place can be watered from the regular irrigation system.

I regret this blunder exceedingly and hope it may not be too difficult to straighten out. If any action is necessary on my part to correct this please advise me and I will co-operate to the very best of my ability.

Sincerely,

Allen L. McCain

20959

✓
May 20, 1949

Re: Permit No. 20959

Mr. Allen L. McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

In checking your affidavit submitted in proof of completion of works under your Permit No. 20959, we note that you describe the place of use as ten acres in the $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, Township 3 North, Range 2 West, B.M.

Do you mean that that is all the land you intend to irrigate from this source?

Your application is for 40 inches of water for use on 40 acres of land, 20 acres in the $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres in the $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Please advise as to this.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A

Chief Clerk

20959

Permit No. 20959STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works RECEIVED

AFFIDAVIT OF HOLDER

MAY 15 1949

Department of Reclamation

STATE OF IDAHO

County of Canyon

SS.

....., 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. 20959, and that his postoffice address is R. 3 Nampa.
State of Idaho

Second: That the name of the stream ^{FROM} which said water is to be ^{DIVERTED} ~~directed~~ is subterranean flow (artesian well)

Third: That the point of diversion of said water is 20' N. 15' W. from the S.E. corner of section W 1/2 N.E. 1/4 S.E. 1/4 of section 26 T. 3. N. R. 2. W. P.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 3, 19 49.

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

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: 8" artesian well and 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 1' width at bottom.....feet, width at water line 4'
(State whether ditch, flume or pipe)

feet, depth of water 1/2 feet; diameter of pipe.....inches, average grade per mile is.....feet. Length of conduit is 1/8 miles.

Seventh: That said works are capable of conducting to the place of intended use 80 second feet of water.

Eighth: That water appropriated under said permit is available for ten acres of land described as follows: all of the W 1/2 N.E. 1/4 S.E. 1/4 of section 26 T. 3. N. R. 2. W. P.M. which lies south of Indian creek.

Ninth: Remarks: That.....

Allen L. McCain

(Sign Here)

Subscribed and sworn to before me this 11th day of May, 19 49.

My commission expires 2/14/51

Edith A. McCain

Notary Public.

20959

1949

T. 3 N., R. 2 W. B. M.

22

23

24

27

26

25



← Point of Diversion - Well

34

35

36

Permit Map No. 20959
As Approved
MAR 3 1949
MARK R. KULP
State Reclamation Engineer

March 5, 1949

Re: Permit No. 20959

Mr. Allen Lester McCain
Route 3
Nampa, Idaho

Dear Mr. McCain:

We enclose herewith Permit No. 20959.

As your Application states that the Works are completed, we have allowed three months, or until June 3, 1949 within which to make your Proof of Completion of Works.

This proof is made by executing Form 6 enclosed, before a Notary Public and returning to this Department with the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

20959