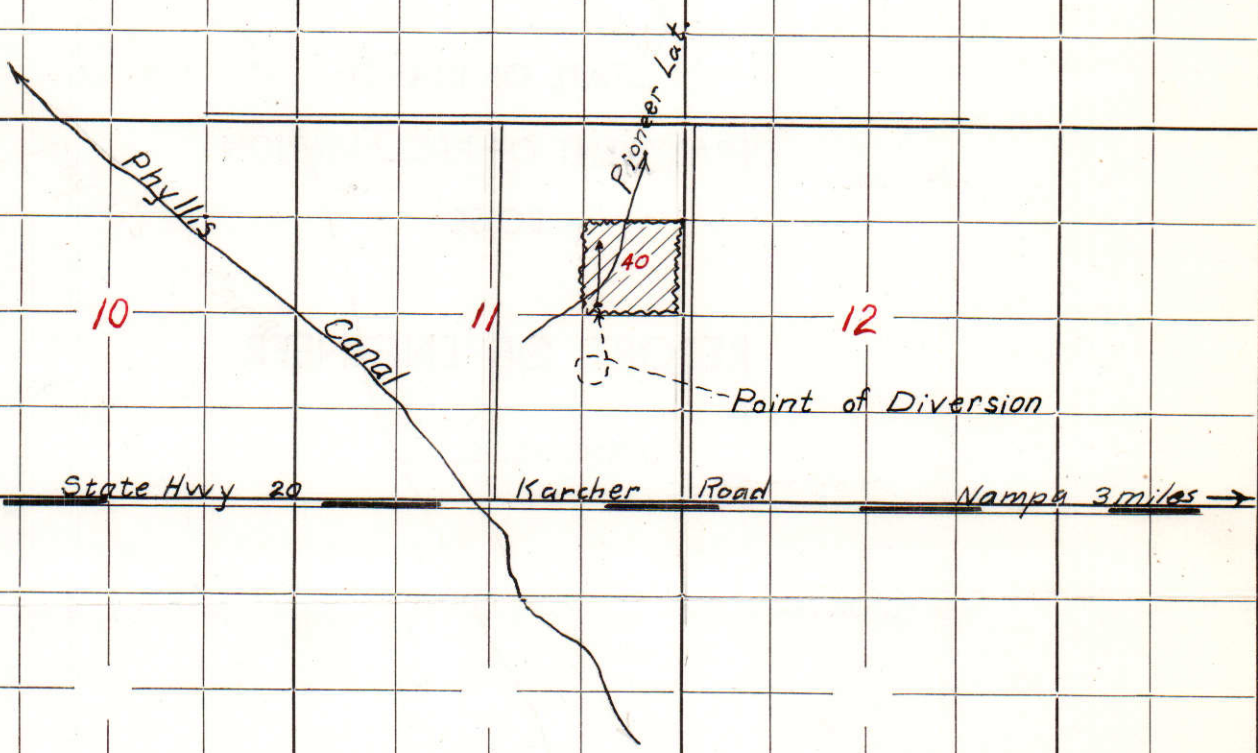




Affidavit of Publication

STATE OF IDAHO,

ss.

County of Canyon

L. L. Shepherd

, being first duly sworn, deposes and says:

That he is the *Soleman* 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 FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 3rd day of June, 1949, at Nampa, County of Canyon, State of Idaho, before R. Baker Young, Notary Public, proof will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of a drilled well in accordance with the terms and conditions with the permit No. 20861 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 D. J. Herdt, 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 0.8 cubic foot per second.

The place where said water is used: SE 1 NE 1 Section 11, Twp. 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 is no name.

The right to take water from such works is based upon Permit No. 20861.

The source of supply from which such water is diverted is a well in the SE 1 NE 1 Section 11, Twp. 3 North, Range 3 West, B. M.

The date of priority which said user is prepared to establish is March 2, 1949.

MARK R. KULP,
State Reclamation Engineer.
No. 342—May 7, 14, 21, 28.

Saturday issue of THE CALDWELL NEWS-TRIBUNE for *Six* consecutive weeks beginning with the issue of *May 7*, 194 *9* and ending with the issue of *May 28*, 194 *9*.

L. L. Shepherd

Subscribed and sworn to before me this *31st* day of *May*, 194 *9*.

Jessie L. Walker
Notary Public for Idaho.
Residing at Caldwell, Idaho.

20861

T. 3N. ~ R. 3W.

Point of Diversion

10

11

12

to Well

Permit Map No. ~~21861~~ 80761

As Approved

JAN 7 1961
MARK R. KULP
State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 20861

Amount 0.8 second foot

Water District No. _____

Priority March 2, 1949

THIS IS TO CERTIFY that D. J. HERDT
of Route 3, Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 4,, 1949 ; that Permit No. 20861
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second feet, was issued thereunder on April 25,, 19 49, showing that said works
were completed on the 25th day of April, 19 49 ; and that on the 3rd
day of June, 19 49,

D. J. HERDT

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
from a ~~spring~~ drilled well, for the purpose of irrigation and domestic use
, under Use Permit No. 20861 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 4594, on the 15th day of May, 19 50 ;

The right hereby confirmed dates from March 2,, 19 49 ;

The Point of Diversion is located in the Southwest corner of the
~~in the~~ SE 1/4 NE 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 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>3 N.</u>	<u>3 W.</u>	<u>11</u>	<u>SE 1/4 NE 1/4</u>	<u>40</u>	<u>40</u>

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 May, 19 50.

MARK R. KULP
State Reclamation Engineer

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 20376

Amount 7 second feet

Water District No.

Priority March 30, 1948

THIS IS TO CERTIFY that KATSEANES & SONS
of Blackfoot, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 30, 1948; that Permit No. 20376
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
7 second feet, was issued thereunder on May 6, 1950, showing that said works
were completed on the 4th day of November 1948; and that on the 19th
day of October 1948,
KATSEANES & SONS
of Blackfoot, 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 from ~~xxxxxx~~ two wells, for the purpose of irrigation
, under Use Permit No. 20376 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 4593, on the 6th day of May, 1950;
The right hereby confirmed dates from March 30, 1948;
The Point of Diversion ^{are} located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$
~~in the xxxxxxxx~~ Sec. 35, Tp. 2 S., R. 33 E., B. M. Bingham 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 3.5 cubic feet per second. for full irrigation, and 3.5 cubic feet per
second for supplemental irrigation.
Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 S.	33 E.	35	SW $\frac{1}{4}$ NW $\frac{1}{4}$		40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$		40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$		15
			NW $\frac{1}{4}$ SW $\frac{1}{4}$		40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$		40
			Full Irrigation on - - - -		175 acres
			NE $\frac{1}{4}$		160
			N $\frac{1}{2}$ NW $\frac{1}{4}$		80
			NE $\frac{1}{4}$ SW $\frac{1}{4}$		25
			N $\frac{1}{2}$ SE $\frac{1}{4}$		80
			Supplemental Irrigation on - - -		345 acres.

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
6th day of May, 1950.

(SEAL)

MARK R. KULP
State Reclamation Engineer

Nº 20861
63-2749

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

APPLICATION No. 28507
PERMIT No. 20861
DISTRICT No.

1. Name of Applicant: D. J. HERDT

Postoffice address: Route 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: 40 inches or 0.8

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 SW corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$
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: \$ 1,016.00

8. Kind of works: Well, electric 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 Completed years.

13. The time required for the complete application of the water to the proposed use is No 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 the 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.

D. J. HERDT *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 2:50 P. M. January 4, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20861

Recorded in Book 75 Page 20861 Approved January 7, 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 April 7, 1949

Beneficial use of water appropriated in accordance herewith, to be made on or before April 7, 1949

WITNESS My hand this 7th day of January, 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 7th

day of January, 1949.

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS Governor.

By J. D. "CY" PRICE
Secretary of State.

REMARKS: The water herein applied for is supplemental to the existing right in the Pioneer Irrigation District, which is inadequate for the proper irrigation of the land.

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
3 N.	3 W.	11	40																40
Permit No. 20861																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that D. J. HERDT, of Route 3, Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 20861, issued upon Application No. 28570 bearing date of priority of January 4, 1949, authorizing the diversion of 0.8 second foot of the waters of 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 0.8 second foot of the waters of said well; that the point of diversion of said waters is in the Southwest corner of the SE ¹ / ₄ NE ¹ / ₄ 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: SE ¹ / ₄ NE ¹ / ₄ Section 11, Township 3 North, Range 3 West, B.M.																			
Witness my hand this 25th day of April, A. D. 1949.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made April 25, 1949. Certificate of Completion of Works issued April 25, 1949.																			
LIENSSES ISSUED FOR 0.8 SEC. FT. p. 4594																			

WATER RIGHT NUMBER 63-2749

OWNER LAST NAME - HERDT

FIRST NAME - D. J.

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 - 03-02-1949

COUNTY - CANYON

TOTAL DIV. RATE -

.8000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENE 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

0.0

0.0

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

.8000 -CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

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

TRACT SENE LOT

AC 40

DECREE NAME -

DATE -

TOTAL ACRES

40

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 20861

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED JDC

WATER RIGHT NUMBER 63-2749

WATER RIGHTS EDIT REPORT

08/24/79

PAGE 8

ACT
ION

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

FIRST NAME - D. J.

N
N SOURCE - GROUNDWATER

CITY - CALDWELL

STATE - ID

N STAGE - LICENSE

PRIORITY - 03-02-1949 COUNTY - CANYON

TOTAL DIV. RATE - .8000CFS

N DIVERSION POINT - SENE 11 03N 03W

USE - IRRIGATION

USE DIV. RATE - .8000CFS

N USE - IRRIGATION

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

AC 40

OLD NO. - 20861

IDENT. NO. 63 2749

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 20861 1 63-2749
 OTd No. New No.

Record

1. Original Owner: W. J. Herdt

Present Owner: _____

2. Address: Rt. 3

3. City: Caldwell State: ID Zip: _____

4. A. Source of Water: SW
 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: 3-2-1949

D. County: 27

E. Total Diversion Rate: .8

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>SENE</u>	<u>11</u>	<u>3N</u>	<u>3W</u>		

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

from _____ to _____ for A purposes. Amount .8
 (cfs or AC-FT/yr)

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. 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: 20861

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 15, 1950

Re: Permit No. 20861

Mr. D. J. Herdt
Route 3
Caldwell, Idaho

Dear Mr. Herdt:

We enclose License and Certificate of Water Right issued under Permit No. 20861, confirming your right to the use of .8 of a second foot of water from a well in the SE 1/4 NE 1/4 Section 11, Township 3 North, Range 3 West, B.M., with priority of March 2, 1949, for irrigation and domestic use on the same subdivision.

We also enclose Departmental Receipt No. 22336 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.

20861

Caldwell Idaho.
May 7, 1950

To Whom it may Concern:
Enclosed is a check for \$2.00 for a
license to be issued on the well
on my 40 acres.

yours truly
Mr D. J. Herdt

20861

RECEIVED
MAY 10 1950
Department of Reclamation

20861

✓
April 18, 1950

Re: Permit No. 20861

Mr. D. J. Herdt
Route 3
Caldwell, Idaho

Dear Mr. Herdt:

We now have on file the report of our Field Engineer on examination for Beneficial Use under your Permit No. 20861.

This report shows that you have irrigated 40 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ 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 .8 of a second foot of water from a well for irrigation and domestic use on the above described tract.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20861

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

Permit No. 20861

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

1. Name of applicant D. J. Herdt, Route 3, Caldwell, Idaho

2. Source of water supply: Drilled well

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11

T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: _____

Vertical centrifugal pump, 5" inlet and 4" outlet, 10" casing. Pump directly
connected to Master Motor, 5 H.P., Serial SK482, 115/230 volts, 1725 R.P.M.,
single phase, pump rating 450 G.P.M. @ 35' head.

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):

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 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: "Q estimated 0.6 c.f.s."

This examination was made on the 12th day of August, 19 49

(Signed) _____

A. A. Dorman
Examiner.

20861

D. J. HERDT

Route 3, Caldwell, Idaho

Permit No. 20861

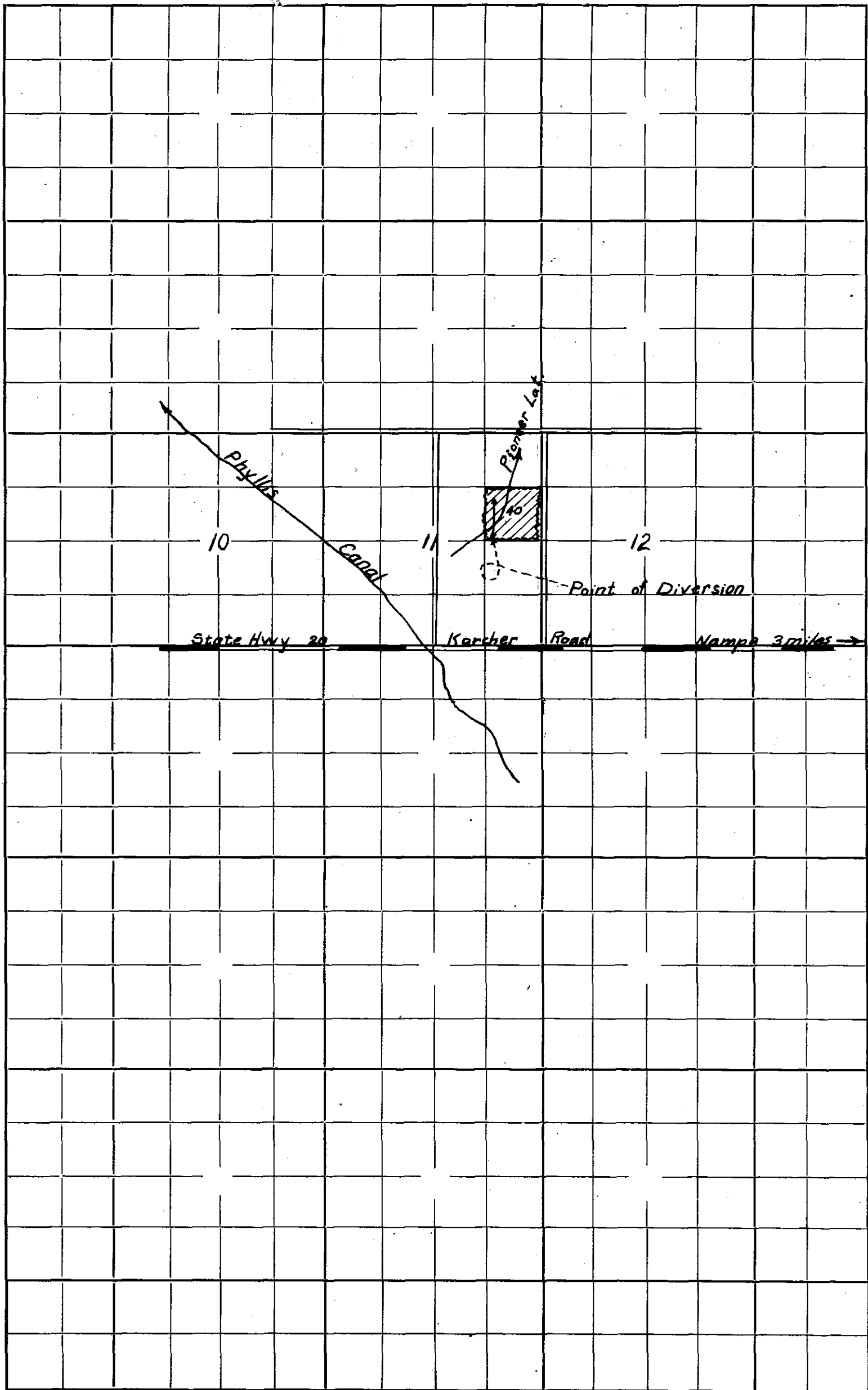
Examination for Beneficial use

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.

20861

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20861

REPORT ON PROOF OF Beneficial use

8 cfs
-mek

atc. 0.8 cfs

40 acres

20861

✓
June 17, 1949

Re: Permit No. 20861

Mr. D. J. Herdt
Route 3
Caldwell, Idaho

Dear Mr. Herdt:

We acknowledge receipt of the corrected depositions of your two witnesses; also Affidavit of Publication in the Caldwell News-Tribune, all in connection with the Proof of Beneficial Use under your Permit No. 20861.

This completes your Proof of Beneficial Use, 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, 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 R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

20861

✓
June 10, 1949

Re: Permit No. 20861

Mr. D. J. Herdt
Route 3
Caldwell, Idaho

Dear Mr. Herdt:

We acknowledge receipt of the depositions of yourself and two witnesses, submitted in proof of beneficial use under your Permit No. 20861.

However, your witnesses have not given the legal description of your place of use as called for under Question 6 and we return them for that purpose.

We also remind you that the Affidavit of Publication is a necessary part of this proof. The Caldwell News-Tribune was instructed to send you this Affidavit, and if you have not received it, we suggest that you take the matter up with them.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

20861

Affidavit of Publication.

STATE OF IDAHO,

ss.

County of Canyon

L. L. Shepherd

, being first duly sworn, deposes and says:

That he is the *owner* 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 PROPOSED APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 2nd day of June, 1949, at Nampa, County of Canyon, State of Idaho, before R. Baker Young, Notary Public, will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of a drilled well in accordance with the terms and conditions of Permit No. 20861 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 D. J. Reist, 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 0.8 cubic foot per second.

The place where said water is used: SE 1/4 NW 1/4 Section 11, Twp. 8 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 is no name.

The right to take water from such works is based upon Permit No. 20861.

The source of supply from which such water is diverted is a well in the SE 1/4 NW 1/4 Section 11, Twp. 8 North, Range 3 West, B. M.

The date of priority which said user is prepared to establish is March 2, 1949.

Saturday issue of THE CALDWELL NEWS-TRIBUNE for *four* consecutive weeks

beginning with the issue of *May 7*

194 *9* and ending with the issue of *May*

28, 1949.

L. L. Shepherd

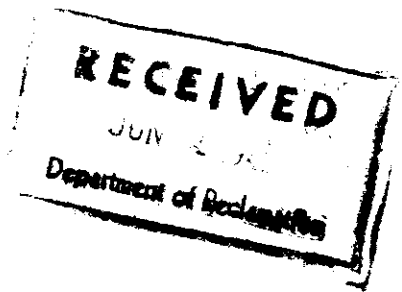
Subscribed and sworn to before me this *31st*

day of *May*, 1949.

Jessie L. Walker
Notary Public for Idaho.
Residing at Caldwell, Idaho.

20861

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 20861

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. D. J. Herdt, farmer, Caldwell, Route 3

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. Farm of Mr. Herdt., no corporation. Owner

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

Ans. 20861 January 1949 Priority from August 15, 1946

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

Ans. Well, SW. corner of D. J. Herdt's farm. Farm legally described; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 11 T 3N. R. 3W. B.M.

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. Forty (40) inches. Used for supplemental irrigation. Conveyed by gravity flow ditches.

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

Ans. ~~Irrigation 40 Acres~~ Cultivated. Irrigation. 40 Acres. 8 inch shallow well, 5 inch centrifugal pump, powered by 5 horse power electric motor.

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

Ans. Irrigation Five (5) horse motor.

20861

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. Forty (40) inches. Supplemental

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. I am the land owner, and the person to whom the permit was issued.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. July 1946, for irrigation. 40 inches. Has been used four crop seasons.

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. For irrigation. Pioneer Irrigation District.

(Sign) D. J. Herdt

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 3rd day of June, A. D. 19 49.

My commission expires 1-20-51

20861

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20861

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. Kenneth Ahrens, 30, Nampa, Route 1, Idaho, farmer

Ques. 2. Are you acquainted with D. J. Herdt, the holder of Permit No. 20861? How long have you known him and where does he reside?

Ans. 5 years, 3/4 of a mile North of my farm.

Ques. 3. Have you read or heard read said Permit No. 20861, 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, SW corner of Herdt's farm, gravity flow 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. 1 3/5 second feet (40) inches.

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. For irrigation, 40 Acres. Land is cultivated.

The well is located in the SW corner of the South East
Quarter of the Northeast Quarter of Section 11, T. 3 N.

R. 3, W.

20861

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

Ans. Water is only used for the purpose of irrigation.

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. Loam soil, 40 inches. Good drainage.

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. Have observed irrigation on this farm this spring.

(Signed)

Kenneth Chrens

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 3rd day of June,

A. D. 19 49.

R. B. Baker
Notary Public.

My commission expires

1-20-51

20861

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20861

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. E. V. Radabaugh, 56, Nampa, farmer, Route 1

Ques. 2. Are you acquainted with D. J. Herdt, the holder of Permit No. 20861? How long have you known him and where does he reside?

Ans. 5 years, his farm adjoins my farm.

Ques. 3. Have you read or heard read said Permit No. 20861, 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. The well is located in the SW corner of the South East Quarter of the Northeast Quarter of Sec. 11, T. 3N. 3. W. Open 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. 1 3/5 second feet (40 inches)

✓ 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, supplementary, of forty acres of cultivated land. 5 inches of centrifugal force. Five horse motor.

The well is located in the SW corner of the South East Quarter of the Northeast Quarter of Section 11, T. 3 N. R. 3. W.

20861

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

Ans. Water is used only for irrigation.

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. Deep loam soil, well drained. 40 inches, supplement.

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

Ans. No.

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 watched the well dug in 1946, and observed the difference in the crops since this supplemental water has been applied to the land.

(Signed) E. V. Radabaugh

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 3 rd day of June,
A. D. 19 49.

My commission expires

1-20-51

R. B. Baxley
Notary Public.

208601

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 20861
D. J. Herdt

BOISE, IDAHO, May 23, 1949

Mr. R. Baker Young
Notary Public
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. 20861

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 June 3, 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 R. Baker Young, 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. KULP

~~Commissioner of Reclamation~~
State Reclamation Engineer

20861

NATIONAL REPRESENTATIVE
WEST-HOLLIDAY CO. INC.

CANYON COUNTY'S OLDEST NEWSPAPER
PUBLISHED IN CALDWELL COUNTY SEAT OF CANYON COUNTY

ASSOCIATED PRESS
FULL LEASED WIRE NEWS SERVICE

THE CALDWELL NEWS-TRIBUNE

J. T. LaFOND, Manager

CALDWELL, IDAHO

May 5, 1949

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

This will acknowledge receipt of permit N
20861, for D. J. Herdt, which we will
publish on May 7, 14, 21, 28.



Very truly yours,

THE CALDWELL NEWS-TRIBUNE

By H. G. Cochrane

20861

✓
May 4, 1949

Re: Permit No. 20861

Mr. J. D. Herdt
Route 3
Caldwell, Idaho

Dear Mr. Herdt:

We are this morning in receipt of Notice of Beneficial Use Proof to be made under your Permit No. 20861 on April 25, 1949. Obviously this is a mistake, as it is now past that date and besides, the notice has to be published once a week for four consecutive weeks.

We have therefore changed the date to June 3, 1949 and have sent a copy of the notice to the Caldwell News-Tribune 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 Cost.

About ten days prior to June 3, we shall send to Mr. R. Baker Young, Notary Public, the necessary forms of depositions, consisting of one for yourself and one for each of two witnesses, so that he may have them in ample time for the proof.

At the time set, you should appear before Mr. Young, 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

20861

_ C O P Y _

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **May 4, 1949**

Re: Permit No. 20861

Caldwell News-Tribune

Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **June 3, 1949**, the date set for proof, the expense of the publication to be paid by the applicant, **D. J. Herdt** of **Rt. 3, Caldwell 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

20861

May 2, 1949

Re: Permit No. 20861

Mr. D. J. Hardt
Route 3
Caldwell, Idaho

Dear Mr. Hardt:

In writing you this morning, enclosing Certificate of Completion of Works under your Permit No. 20861, we failed to remind you in regard to your Beneficial Use Proof under this same Permit.

As you have been informed, this proof requires publication once a week for four consecutive weeks in the county where the well is located. This notice should be made in duplicate on Form 10 enclosed, naming the Notary Public and setting the time and place for making proof. The time should be sufficiently far ahead to allow for the four weeks publication.

Both copies of Form 10 are to be returned to this Department, together with Form 11, which is your authorization for us to have the notice published at your expense in the designated county newspaper.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

20861

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

Notice is hereby given that at 10 A. M. on the 25th day of June, 1949
at NAMPA, County of CANYON, State of Idaho, before
R. BAKER YOUNG, NOTARY PUBLIC proof will be submitted of the
application to beneficial use of 0.8 cubic feet per second of the waters of a drilled well
in accordance with the terms and conditions of Permit No. 20861
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.....

D. J. Herdt, 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 0.8 cubic foot per second

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~land irrigated~~) SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Twp. 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 is no name

The right to take water from such works is based upon Permit No. 20861

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

The date of priority which said user is prepared to establish is March 2
January 4, 1949

MARK R. KULP

State Reclamation Engineer.

20 Feb

✓
May 2, 1949

Re: Permit No. 20861

Mr. D. J. Hardt,
Route 3,
Caldwell, Idaho.

Dear Mr. Hardt:

We enclose Certificate of Completion of Works issued under your Permit No. 20861, for the diversion of 0.8 of a second foot of water from a well located in the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Township 3 North, Range 3 West, for irrigation and domestic use on the same subdivision.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20861

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 2, 1949

(P. O.) Caldwell, Idaho

STATE RECLAMATION ENGINEER

TO THE ~~COMMISSIONER OF RECLAMATION~~:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Caldwell News Tribune of Caldwell, published in
the county in which the works are situated.

L. L. Kent

(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.

208761

Permit No. 20861

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada } ss.

D. J. Herdt, 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. 20861, and that his postoffice address is Rt. 3, Caldwell

State of Idaho

Second: That the name of the stream which said water is to be ~~directed~~ ^{FROM} ~~is~~ ^{DIVERTED} is Subterranean flow from well

Third: That the point of diversion of said water is in the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ 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 April 7, 1949.

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

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: Drilled well, electric pump 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 Ditch 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 0.8 second feet of water.

Eighth: That water appropriated under said permit is available for 40 acres of land described as follows: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Twp. 3 N., Range 3 W., B.M.

Ninth: Remarks: That The well is a drilled well, 54 feet deep, cased for about 35 feet. Electric 5 H P pump.

D. J. Herdt
(Sign Here)

Subscribed and sworn to before me this 25th day of April, 1949

My commission expires Apr. 4, 1951

Miss R. Carroll
Notary Public.

20861

January 12, 1949

Re: Permit No. 20861

Mr. D. J. Herdt
Route 3
Caldwell, Idaho

Dear Mr. Herdt: .

We enclose Permit No. 20861 , also Departmental Receipt No. 21162 for the \$5.00 filing fee.

Your attention is directed to the limitations and conditions of this permit as given on the fourth page under approval of the State Reclamation Engineer.

Since your application states that the works are completed, we have allowed three months or until April 7, 1949, to make the two statutory proofs necessary to complete the water right. These proofs, however, may be made at any time prior to that date.

The first proof or proof of completion of works is made by executing Form 6, enclosed, before a Notary Public, and returning to this Department with a statutory fee of \$5.00, upon receipt and approval of which a certificate of completion of works will be issued.

The final or beneficial use proof requires publication once a week for four consecutive weeks prior to the date set for making proof. Notice should be made in duplicate on Form 10, enclosed, setting the time and place and naming the Notary Public before whom the proof is to be made. Both copies of the notice are to be returned to this Department together with Form 11 which is your authorization for us to have the notice published in the designated newspaper at your expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing, and on the date set you should appear before the Notary Public together with two disinterested witnesses to execute depositions of proof on forms to be furnished by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A/gt
Encls.

Chief Clerk

20 files

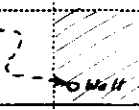
T. 3N. ~ R. 3W.

Point of Diversion

10

11

12



Permit Map No. ~~20551~~ 20551
As Approved
JAN 7 1901
H. R. KULP
U.S. Reclamation Engineer

NOTICE OF PROCEEDING APPLICATION
OF WATER TO BENEFICIAL
USE

Notice is hereby given that at 10:00 A. M. on the 3rd day of June, 1949, at Nampa, County of Canyon, State of Idaho, before R. Baker Young, Notary Public, proof will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of a drilled well in accordance with the terms and conditions of Permit No. 20861 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 D. J. Herdt, 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 0.8 cubic foot per second.

The place where said water is used: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Twp. 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 is no name.

The right to take water from such works is based upon Permit No. 20861.

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

The date of priority which said user is prepared to establish is March 2, 1949.

MARK R. KULP,
State Reclamation Engineer.
No. 342—May 7, 14, 21, 28.