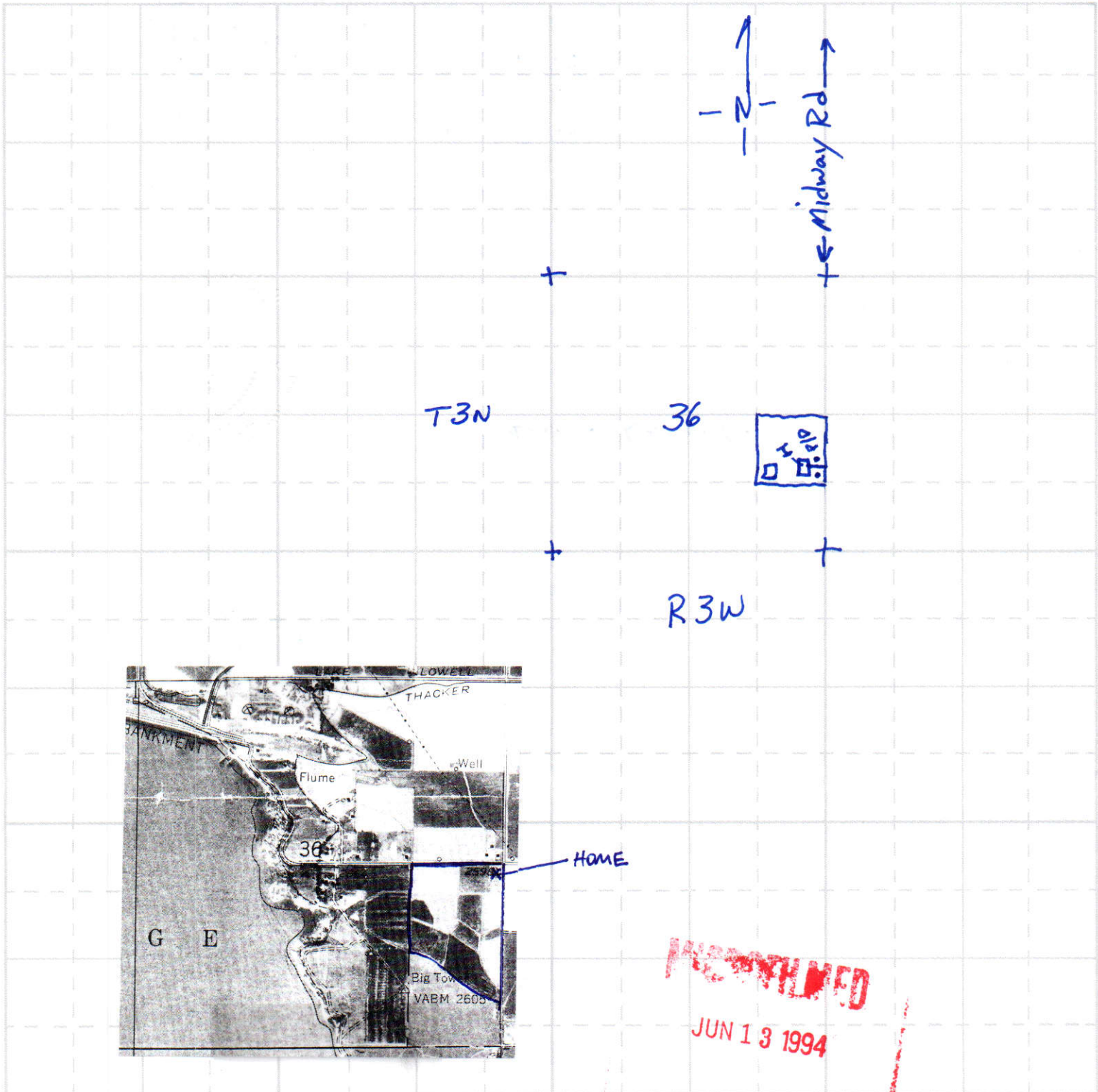


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3N 3W

3N 2W

26 25
35 30

35 30
36 31

30 29
31 32

21239
H Babcock
Hagerman

21252
21745
21746
Lester

21372
Hoody shell

22181
Bruck

22680

20772
Babcock
John
ew

21473
Shawalter

35 36
2 1

36 31
1 6

31 32
6 5

20772

EUGENE DIETZEN CO. NO. 375

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

Permit No. 20772This proof is for Beneficial use In Water District No. _____1. Name of applicant John R. Babcock, Rt. 1, Nampa, Idaho2. Source of water supply: Subterranean from well3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Well is 144' deep by 10" in diameter, cased to the bottom. Perforations are placed at 115' down, bowls are down 120', 4 stage, 10" bowls, 6" column. Static H is 98', draws down to 126'. There is no well house nor protection. Pump is Peerless pump No. 85778. U. S. motor, 20 h.p., 220 V. 50 amps. 3 phase 60 cycle, 1800 r.p.m., No. 849829. Switches and controls are Cutler-Hammer. 240 V. G.E. meter No. 30033021. Meter and controls are mounted on a panel on a post just South of the pump. Delivery is to the East through a 6" by 6' light sheet metal pipe into a concrete heading approx. 5' long by 2' wide by 14" high, then into a ditch. The output has been measured by Mr. Tappen over a 2' cippoletti weir and was 43 inches. (Babcock's statement)

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):

E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36, Twp. 3 North, Range 3 West, B. M.See Map

Water was measured on Mar 23-53 Q = 44 inches
V notch weir used - H = 6.6' = .887 cfs. T = 57°F
LIFT = 122 Feet,
Controversy not yet settled.

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

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

Remarks: Mr. Babcock states that when Houdyshell operates his well continuously, the output of the Babcock well drops a few inches for some time and shuts off completely. He has an automatic cut-off that shuts the motor off when the well is empty. The control mechanism does not start the pump once it is shut off and even though Mr. Houdyshell may close his pump down, Mr. Babcock says the water may be off all night or he may have an irrigation set that is almost complete and has to put water through all the ditches again so that the loss is greater than it might appear.

This examination was made on the 15th day of September, 1952(Signed) E. H. Humphrey Examiner.20772

4840 ac. yds = 1 a.

2172
86

440
86

2640
3520

484/ 57840 8
5872



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.

John R. Babcock
Rt. 1, Nampa, Idaho

Permit No. 20772

Examination for Beneficial use

County Canyon

S. 36 - 3 N - 3 W

Q = 1.6 cfs.

S = Well

R.D. = NE. SE. Sec. 36 - T. 3 N. - R. 3 W.

Use = Irrigation & Domestic

hold until after
court action

43" by Tappan in Jy 1952

Priority = Nov. 29, 1948
Due = Dec. 6, 1953

53 acres in crop on 80

144' deep x 10"

Perforations 115'

bowls down 120' + stage 10"
6" col.

U.S. motor 20 hp. # 849829

220 V. 50 amps 3 ph. 60 cyc.
1800 rpm.

Peerless pump. 85778.

Cutler Hammer safety
controls

G.E. meter 240 V.
30.033 021

Delivery to 8. into 6" x 6" light metal pipe
concrete heading approx.
5' l. x 2' w. x 14" h.
into ditch.

57°F. Lift = 122'

Q = .887
44.35

44 inches

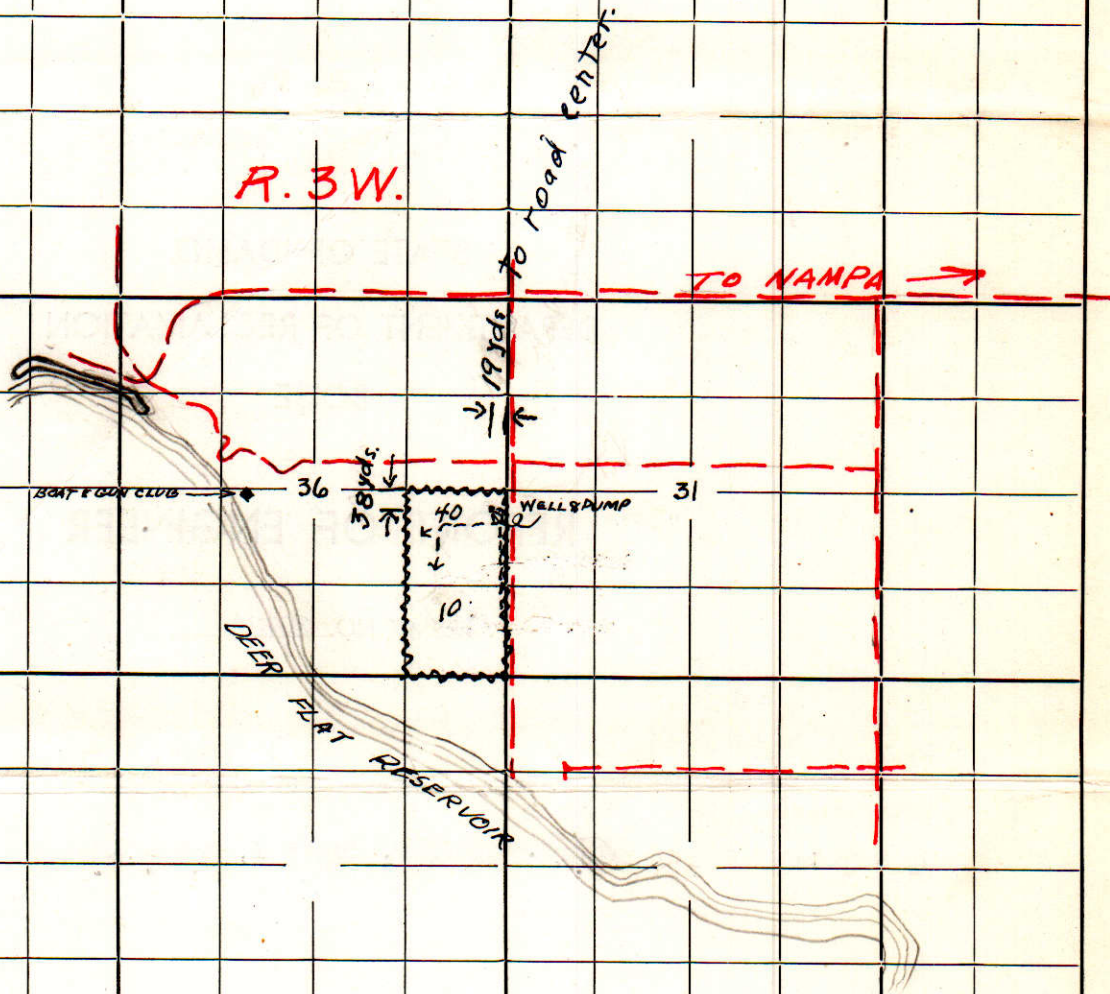
126' left.
98' = h.

43" measured by E. J. over 2' weir.

Area = 50 acres
water = 43"

T.
3
N.

R. 3 W.



Area irrigated = 50 acres

Q = 43 inches or 44 inches

Affidavit of Publication

STATE OF IDAHO,

County of Canyon

SS.

H. G. Cochrane

, being first duly sworn, deposes and says;

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

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 P. M. on the 1st day of August, 1952, at Nampa, County of Canyon, State of Idaho, before James Schiller, Notary Public, proof will be submitted of the application to beneficial use of One cubic foot per second of the waters of a well in accordance with the terms and conditions of Permit No. 20772 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 John R. Babcock, Route 1, Nampa, Idaho.

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

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

The place where said water is used E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The right to take water from such works is based upon Permit No. 20772.

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

The date of priority which said user is prepared to establish is November 29, 1948.

MARK R. KULP,
State Reclamation Engineer.
No. 743—July 5, 12, 19, 26.

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

beginning with the issue of *July 5*

19*52* and ending with the issue of *July*

26, 19*52*
H. G. Cochrane

Subscribed and sworn to before me this *26*

day of *July*, 19*52*.

James L. Shaffer

Notary Public for Idaho
Residing at Caldwell, Idaho

20772

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4337
WATER RIGHT NO. 63-02740

This is to certify that: **CLARA BABCOCK**
12497 MIDWAY RD
NAMPA ID 83686

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.86 CFS	225.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.86 CFS	226.2 AF

SOURCE

GROUNDWATER

Priority: 11/29/1948

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 36, Township 03N, Range 03W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 03W 36	NESE 40	SESE 10		50
		Total number of acres irrigated:		50

PLACE OF USE: DOMESTIC

<u>TWN RGE SEC</u>
03N 03W 36

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

RECORDED

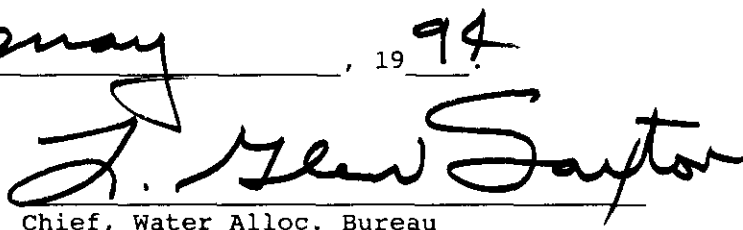
JUN 13 1994

TRANSFER NO. 4337
WATER RIGHT NO. 63-02740

CONDITIONS/REMARKS:

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4337 shall not exceed 0.86 cfs.
7. Two points of diversion are located within NESE, S36, T03N, R03W.
8. Domestic use is for 1 home.

Dated this 27th day of May, 1994


Chief, Water Alloc. Bureau

RECEIVED

JUN 13 1994

Page 1 of 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4337

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Clara Babcock Phone 466-4094
Post Office address 12497 Midway Rd Nampa 83686

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes New P/D Added due to drought in 1992 old well was maintained for domestic use (see DP #63-92-w-668) This transfer is intended to enable applicant to use either well or both wells as required.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 63-02740 Priority 11-29-1948 Amount (cfs/ac-ft) .86 Nature of Use Irrigation Period of Use 3-15 to 11-15
.04 Domestic 1-1 to 12-31
2. Total amount of water being transferred .86 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: 2 pts.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	3N	3W	Canyon	

5. Lands irrigated or place of use: No Change

Twp.	Rge.	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	
3N	3W	36													40				40
																	10		10

Total acres 50

PART 1

6. General Information:

a. Description of diversion system 2 wells and distribution to ditchesb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No Change

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

JUN 13 1994

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-02740

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.86 CFS
DOMESTIC	to	
	Totals	0.86 CFS

SOURCE

GROUNDWATER

Priority: 11/29/1948

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 36, Township 03N, Range 03W
CANYON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 03W 36	NESE 40	SESE 10		50
	Total number of acres irrigated:			50

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

JUN 18 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. Decreed to
in case of vs.
dated in county of
- b. License No. 63-02740 issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water Groundwater tributary to N/A

4. Date or priority 11-29-1948

5. Water is used for the following purpose:

amount .86 for purposes from 3-15 to 11-15
(cfs/ac-ft)
amount .04 for Domestic purposes from 1-1 to 12-31
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right .86 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	3N	3W	Canyon	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	3W	36													40				40
		36															10		10

Total acres 50

9. Describe any other water rights used for the same purpose as described above None

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

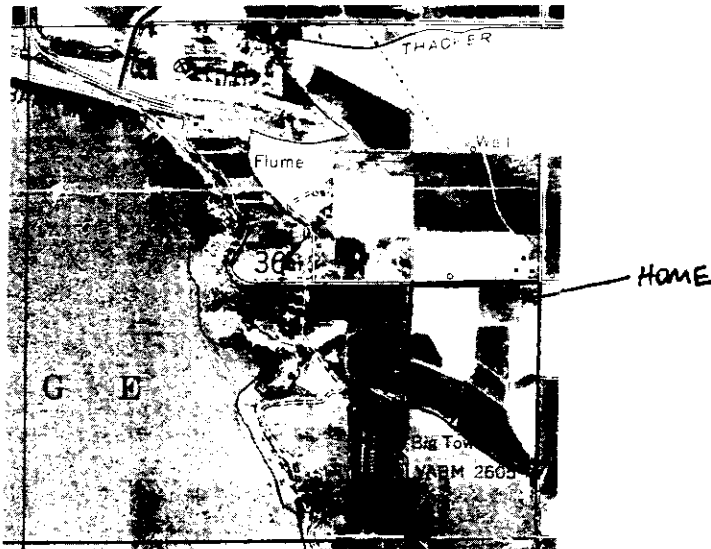
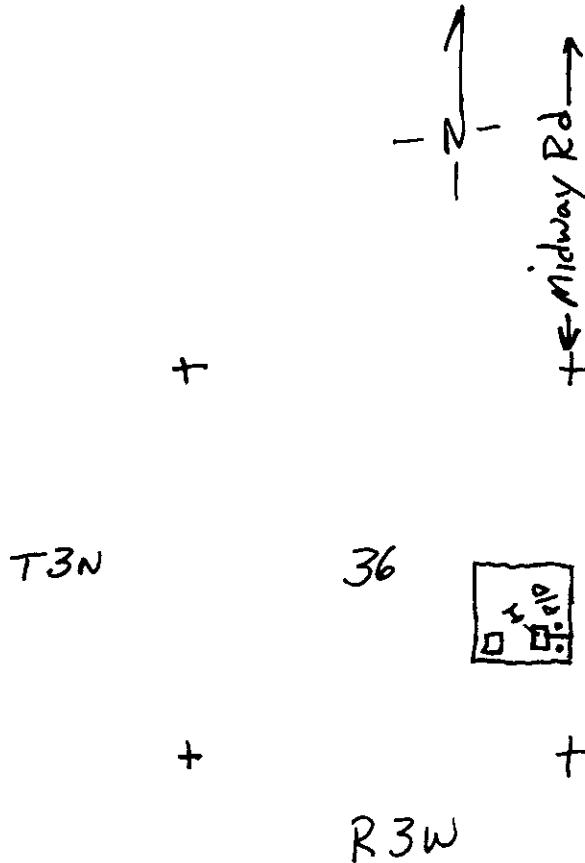
3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



JUN 13 1994

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

x Clara E. Babcock

(Signature of Applicant)

Subscribed and sworn to before me this 28th day of March, 19 94.

Jan Thunke

(Notary Public)

My commission expires 9-14-94**FOR DEPARTMENT USE ONLY**Transfer contains 5 pages and 2 attachmentsReceived by RW Date 3-29-94

Protest filed by _____

Prelim. check by D.B. Fee 50- W017304Receipted by D.B. Date 3-29-94Published in (W017304) Ad Press Trib.

Copies of protest forwarded by _____

Pub. dates 4-20 & 27, 1994

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by DW

Copy of transfer sent to lien holder _____

JUN 13 1994

State of Idaho

License and Certificate of Water Right

Water License No. 20772

Amount 0.86 second feet

Water District No. 12A

Priority November 29, 1948

THIS IS TO CERTIFY that JOHN R. BABCOCK
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 29, 1948; that Permit No. 20772
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on June 29, 1950, showing that said works
were completed on the 29th day of June, 1950; and that on the 1st
day of August, 1953.

JOHN R. BABCOCK

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well

~~tributary~~ (subterranean flow), for the purpose of irrigation and
domestic use, under Use Permit No. 20772 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 5089, on the 23rd day of April, 1953;

The right hereby confirmed dates from November 29, 1948;

The Point of Diversion is located

in the NE 1/4 SE 1/4 Sec. 36, Tp. 3 N., R. 3E., B. M. Canyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.86 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	36	NE 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	10
			Number of Acres Actually Irrigated -		50

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

23rd day of April, 1953.

Mark A. Kulp

State Reclamation Engineer

(SEAL)

63-2740

Nº 20772
63-279

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

APPLICATION No. 28417
PERMIT No. 20772
DISTRICT No.

1. Name of Applicant: JOHN R. BABCOCK

Postoffice address: Route 1, Nampa

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 1.6

cubic feet per second.

3. Source of water supply: Subterranean (tapped by well)

which is a tributary of

4. Location of point of diversion: 1280

feet distant from the Southeast

corner of Section 36, T. 3 N., R. 3 W., B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 36, T. 3 N., R. 3 W., B.M., County of Canyon

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

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

(a) Point of use of water:

feet distant from

corner of Section

T., R., B.M., in the

of Section

, T.

, R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$ 5,000.00

8. Kind of works: Well to be dug, 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 Approximately 3 years.

13. The time required for the complete application of the water to the proposed use is Two (2)

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: State of Idaho Land Sale
Certificate # 22119

16. (a) Is reservoir to be used? No 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.

JOHN R. BABCOCK *Applicant.*

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. November 29, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20772

Recorded in Book 74 Page 20772 Approved December 6, 1948

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 February 8, 1949 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 6, 1950

The whole of said work to be completed on or before December 6, 1951

Beneficial use of water appropriated in accordance herewith, to be made on or before December 6, 1953

WITNESS My hand this 6th day of December, 1948

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th
day of December, 1948.
STATE OF IDAHO

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

By C. A. ROBINS
Governor.

REMARKS: Due to the fact that suitable well casing is at the present time unavailable, and the drilling time unpredictable, the completion date is approximate.

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.	36													40				40	80
			Permit No. 20772 CERTIFICATE OF COMPLETION OF WORKS																	
			TO ALL WHOM IT MAY CONCERN: This is to certify that JOHN R. BABCOCK of Route 1, Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 20772, issued upon Application No. 28417 bearing date of priority of November 29, 1948, authorizing the diversion of 1.6 second feet of the waters of subterranean flow from a well, County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.6 second feet of the waters of said well; that the point of diversion of said waters is in the NE corner of the E ¹ / ₂ SE ¹ / ₄ Section 36, Township 3 North, Range 3 West, B.M. and that the proposed to be irrigated by the use of said water are described as follows, to-wit: E ¹ / ₂ SE ¹ / ₄ Section 36, Township 3 North, Range 3 West, B.M.																	
			Witness my hand this 29th day of June, A. D. 1950.																	
			MARK R. KULP State Reclamation Engineer																	
			Proof of completion of Works made June 29, 1950. Certificate of Completion of Works issued June 29, 1950.																	
			LICENSE ISSUED FOR 0.86 SEC. FT. pg. 5069																	



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 3, 1994

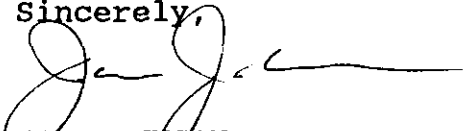
CLARA BABCOCK
12497 MIDWAY RD
NAMPA ID 83686

RE: Transfer of Water Right No. 63-02740

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4337). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure


JUN 13 1994

MEMORANDUM

TO: FILE NO. 63-02740

FROM: PAM SKAGGS/STATE OFFICE *sk*

SUBJECT: TRANSFER NO. 4337

DATE: May 12, 1994

=====

Transfer No. 4337 was filed to add a second point of diversion under Right No. 63-02740.

Recommended conditions include multiple points of diversion limits, measuring device requirement, irrigation overlap and standard transfer conditions.

[Handwritten signature]
JUN 13 1994

TRANSFER REVIEW SHEET

Transfer # 4337

Date Reviewed 5-12-94 28

Right(s) 63-02740 _____

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership NA

Transfer ✓ All of Right _____ Portion of Right (Part B _____)

Resulting Split(s) NONE

Check Transfer Against Right

D/4.5

(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) _____ Volume
(6) ✓ Source (7) _____ P/D (8) ✓ P/U (9) ✓ Proof/Owner (10) ✓ Map
(11) NA Water District (12) NONE Pertinent Conditions (13) NO Expansion

(5) No Vol on License - $50 \times 4.5 = 225 \text{ cfs} < V_{DR}$ 1.2/DOM
(7) Add 2nd P/D same CQ
(8) DOM/1 Home NESE per map
(3) No Season on License - Standard IRR 3-15 to 11-15 DOM 01-01 to 12-31

046 Existing - Drilling Permit 63-92-W-668 - old well used as backup

Transfer Remarks WB4, DOM/1 Home 2 P/Ds NESE

Conditions R32, T07, T08, T09, T17

Database/Processing Notes T file
Database Updated 6-3-94 28

WR0749NP
No. T63-02740

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/12/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLARA BABCOCK 12497 MIDWAY RD NANPA ID 83686 (208) 466-4094	11/29/1948	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	0.86 CFS 0.04 CFS	225.00 AFA 1.20 AFA
TOTAL DIVERSION:					0.86 CFS	226.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T03N R03W S36

NESE

CANYON County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
T R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM
03N 03W 36	:		:		:		:		:		:		:		:		50.0
TOTAL ACRES																50.0	

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE				
T R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	:
03N 03W 36	:		:		:		:		:		:		:		:		:
D																:	

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion and Source:
63-02740

Other Water Rights Listing Overlapping Place(s) of use:
63-02740 63-08914

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4337 shall not exceed 0.86 cfs.

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

4337

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Ly APPLICANT Clara Babcock

1. Right number 63-02740
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change of point of diversion ☒ Add diversion point(s) ☐ Change of place of use
☐ Change nature of use ☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use ☒ SRBA claim
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 63-08914 - same acres, separate P/D
 - j. ☒ SRBA claim. Comments A63-02740, A63-02740 - filed
same as above
 - k. ☒ Is use within Water District? ☐ Yes ☐ No
If yes, what district? _____ Comment letter sent ☐ Yes ☐ No
 - l. ☒ Legal notice electronically transmitted to DWR03::Vault?

FINAL PROCESSING REVIEW BY: DA

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____
4. By DA Date 5/10/1994

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO.
63-02740 & A63-02740**

Notice is hereby given that Clara Babcock of Nampa, ID has applied to the Department of Water Resources to change the following described water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RECORDED
 Water Right No. 63-02740
 Basis License
 Date of Priority 11/29/1948
 Source Ground Water
 Amount .86 cfs
 Use Irrigation/Domestic

Point of Div NESE, Sec 36, T03N, R03W
 Place of Use E1/2SE, Sec 36, T03N, R03W 50 acres total

**WATER RIGHT CLAIMED IN SNAKE
RIVER BASIN ADJUDICATION**

Water Right No. A63-02740
 Basis 63-02740
 Date of Priority 11/29/1948
 Source Ground Water
 Amount .86 cfs
 Use Irrigation/Domestic

Point of Div NENESE, Sec 36, T03N, R03W

Place of Use same as above
**THE FOLLOWING PORTIONS OF
WATER RIGHT 63-02740 AND ADJUDICATION CLAIM A63-02740 P/D TO BE
CHANGED AS FOLLOWS**

Water Right No. 63-02740
 & A63-02740
 Point of Div. NESE, Sec 36, T03N, R03W, (2 pts)
 Place of Use. no change

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before May 9, 1994.

R. KEITH HIGGINSON, Director
 April 20, 27, 1994

324

RECEIVED

APR 28 1994

WATER RESOURCES
WESTERN REGION
MAY 11 1994

JUN 13 1994

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
 County of Canyon)

Mary Scott

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 eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, 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 Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

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

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

4. That said notice was published the following dates:

April 20, 27, 1994

STATE OF IDAHO)
)
 COUNTY OF CANYON)

On this 27th day of April in the year of 1994, before me, a Notary Public, personally appeared Mary Scott, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Janne Sedick
 Notary Public for Idaho
 Residing at Nampa
 MY COMMISSION EXPIRES
 JUNE 21st, 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 13, 1994

PRESS TRIBUNE
PO BOX 9399
Nampa ID 83652

Dear Legal Dept.:

Enclosed you will find two legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before May 9, 1994.

Yours truly,

Sue Taylor
Secretary, Office Coordinator

Enclosure

RECEIVED

JUN 13 1994

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO.
63-02740 & A63-02740

Notice is hereby given that Clara Babcock of Nampa, ID has applied to the Department of Water Resources to change the following described water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RECORDED

Water Right No.	63-02740
Basis	License
Date of Priority	11/29/1948
Source	Ground Water
Amount	.86 cfs
Use	Irrigation/Domestic
Point of Div	NESE, Sec 36, T03N R03W
Place of Use	E1/2SE, Sec 36, T03N, R03W 50 acres total

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION

Water Right No.	A63-02740
Basis	63-02740
Date of Priority	11/29/1948
Source	Ground Water
Amount	.86 cfs
Use	Irrigation/Domestic
Point of Div	NENESE, Sec 36, T03N, R03W
Place of Use	same as above

THE FOLLOWING PORTIONS OF WATER RIGHT 63-02740 AND
ADJUDICATION CLAIM A63-02740 P/D TO BE CHANGED AS FOLLOWS

Water Right No.	63-02740 & A63-02740
Point of Div.	NESE, Sec 36, T03N, R03W, (2 pts)
Place of Use.	no change

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before May 9, 1994.

R. Keith Higginson
Director

Published in the Press Tribune on April 20 and 27, 1994.

JUN 13 1994

NOTE CONDITIONS

on BACK

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Clara E. Babcock

2. Mailing Address 12497 Midway Rd.

City & State ADAMS ID. Zip Code 83688 Telephone 466-4094

☒ Well Owner ☐ Well Operator ☐ Other, specify _____

3. Proposed well location NE 1/4 SE 1/4, or Gov't Lot No. _____

Sec. 36, Twp. 3N, Rge. 3W, County Canyon

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

☒ Non-Domestic: Any beneficial use not included within the definition of domestic. Irrigation

☐ Injection

☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

☐ Other _____
(Describe)

5. Well construction information:

A. ☐ New well ☐ Deepen ☐ Modify ☒ Replace - See Condition 9

B. Proposed Casing Diameter 10" Proposed Maximum Depth 300'

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212° or more (Geothermal well)

6. Construction Start Date 8-24-92 JUN 13 1994

Anticipated Well Driller Sylvan Adams

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Clara E. Babcock Date 8/17/92

Title Owner

(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is

Approval

Date

8/17/92

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

10. If the existing well is used for domestic use, including $\frac{1}{2}$ acre or less of irrigation; condition no. 9 is waived. Under these conditions, the existing well can be used for domestic use but not used to irrigate anything beyond $\frac{1}{2}$ acre in size.
11. If the existing well is not to be used at all, it must be abandoned in compliance with condition no. 9.

Signature of Authorized Department Representative

Steve Lester

Acting Manager, Western Region

Title

Receipt No. W015247

Received by SL

Fee

\$200

Date

8/17/92

EXTENSION OF DRILLING PERMIT

Extension approved by

Approval Date

This extension expires:

JUN 13 1994

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

WELL DRILLING

Name: Leo Lester

Address: Nampa, Idaho

J. E. Davis E. C. Davis
 Davis Ave. Route 5
 Ph _____

L. A. Davis
 273 Davis Ave.
 Ph 1696 R

<u>Top Soil</u>	<u>Diameter</u>	<u>Water Level</u>	<u>Water Depth</u>	<u>Casing</u>	<u>Open Hole</u>	<u>Total Depth</u>
5 ft	12"	80 ft	68 ft	136 ft	12 ft	148 ft
<u>Rock</u>						
93 ft.						
<u>H. Clay</u>						
24 ft.						
<u>Sand</u>						
7 ft.						
<u>J. Clay</u>						
Sandy 19 ft						

20772

WELL DRILLING

Name: Mr. Art Bruck
Address: Nampa, Idaho

J. E. Davis
Davis Ave.
Ph _____

E. C. Davis
Route 5

L. A. Davis
273 Davis Ave.
Ph 1696 R

	Diameter	Water Level	Water Depth	Casing	Open Hole	Total Depth
<u>Top Soil</u>						
2 ft	10 in	87 ft	48 ft	128 ft 4 ft extra casing	7 ft	135 ft
<u>Rock</u>						
110 ft						
<u>H. Clay</u>						
18 ft.						
<u>Sand</u>						
5 ft						

20172

WELL DRILLING

Name: Walt Houdyshell

Address: Nampa, Idaho

J. E. Davis
Davis Ave.
Ph. _____

E. C. Davis
Route 5

L. A. Davis
273 Davis Ave.
Ph 1696 R

<u>Top Soil</u>	<u>Diameter</u>	<u>Water Level</u>	<u>Water Depth</u>	<u>Casing</u>	<u>Open Hole</u>	<u>Total Depth</u>
4 ft.	12 in.	100 ft	72 ft	152 ft	20 ft	172 ft

Rock

3 ft. Cemented gravel up to 4"

J. Clay Joint light tan

Sandy 7 ft. between joint of clay

Sand

5 ft. quartz dy

Rock

61 ft. cemented gravel up to 4"
water level first at 128 ft then rose to 100 ft

J. Clay

172 Sandy 92 ft.

Mr William J. B. M.

*Pipe perforated from 80 ft to bottom
B & M Pipe at Caldwell*

20772

6-Q-57

91300/24

from Mr. Williams of B & M Equip Co of Caldwell

149 of column and shaft

10ft 6" section

3 days 4 ft

6" shaver 2 1/2 ft long

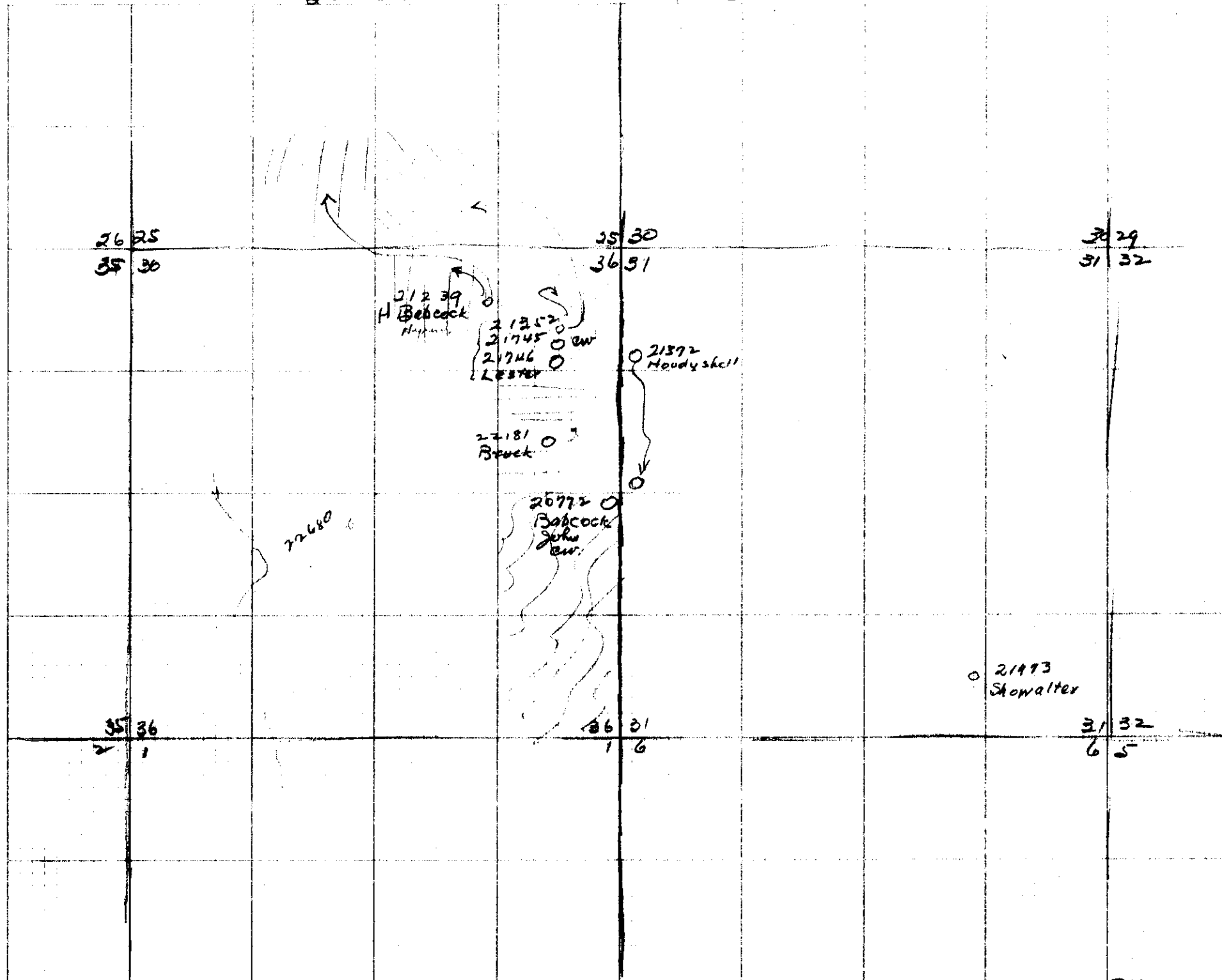
Air line 149 3/4 ft

booster are 11 1/2" outside diameter

135 ft -	620 -	625
150 -	550 -	560

3N 3W

3N 2W



COAST GUARDIAN CO. NO. 10

20 772

Mr R Rulph

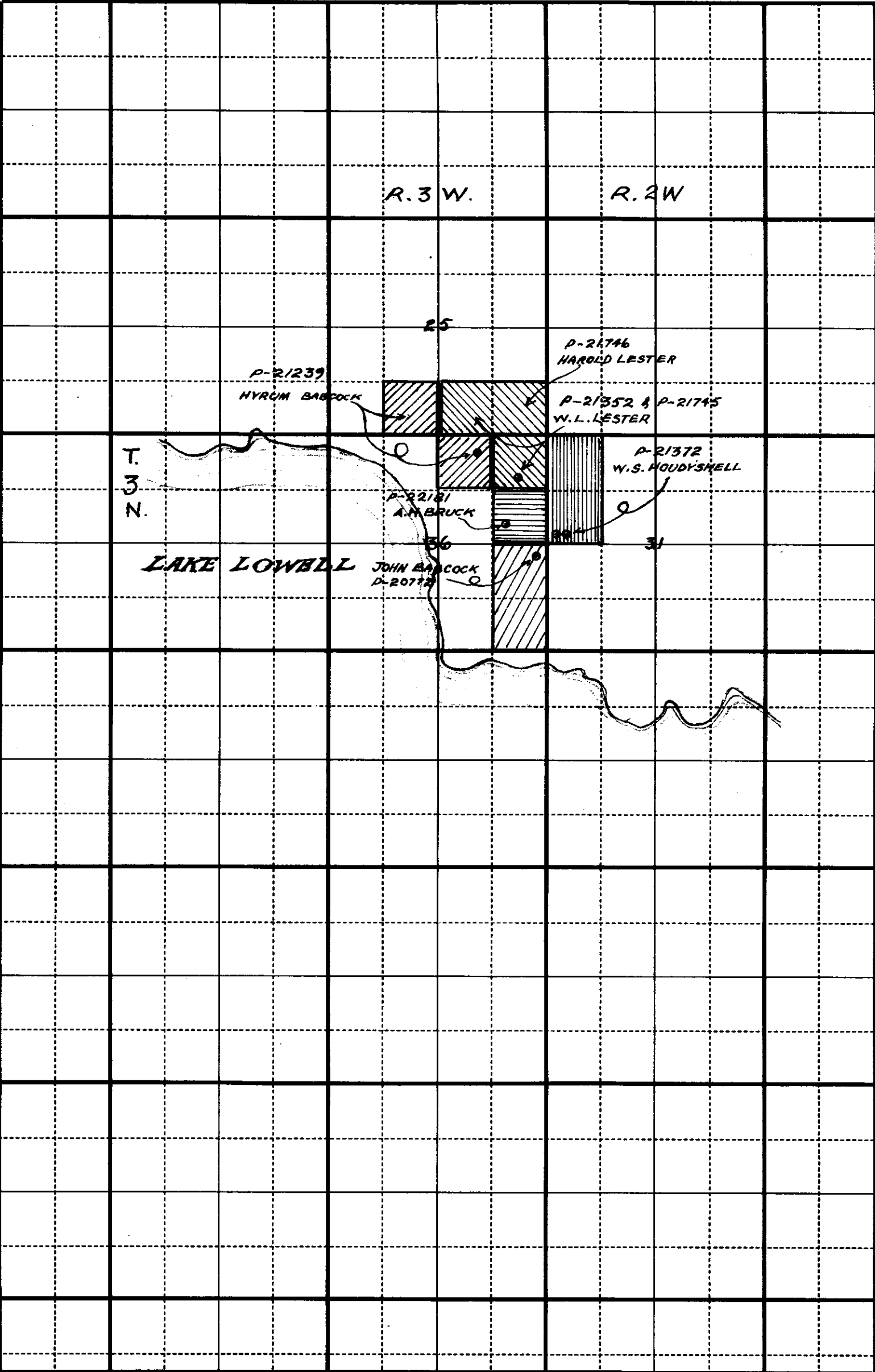
~~My fee for ~~professional work~~ ~~the~~ work~~

My fee for work on the Babcock-Hondysshell well case which consisted in ~~checking~~ interviewing well driller installing wear & gate valves levelling and procuring observations ~~mileage~~ of well operation - mileage and expense incident to such work is as follows

fee professional work June 23 - July 3 - 52	183.75
Mileage (personal Car) 420 @ 8	33.60
expense meals	4.75
Telephone	.63
stenographic work	4.00
Total	\$ 226.73

Very Truly yours

20772



April 24, 1953

RE: Permit No. 20772

Mr. John R. Babcock
Route 1
Nampa, Idaho

Dear Mr. Babcock:

We enclose License and Certificate of Water Right issued under Permit No. 20772, confirming your right to the use of 0.86 second foot of water from a well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M., with priority of November 29, 1948, for irrigation and domestic use on the E $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 36.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20772

April 4, 1953

RE: Permits Nos. 20772 and 21239

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

Dear Sirs:

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

20772

April 3, 1953

RE: Permit No. 20772

Mr. Walter S. Houdyshell
Route 1
Nampa, Idaho

Dear Mr. Houdyshell:

We enclose herewith copy of Dismissal of Protest against the
issuance of a license under Permit No. 20772 to John R. Babcock.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

20772

April 3, 1953

RE: Permit No. 20772

Mr. John R. Babcock
Route 1
Nampa, Idaho

Dear Mr. Babcock:

We enclose Dismissal of Protest of Walter S. Houdyshell against the issuance of a license under your Permit No. 20772.

Upon receipt of the statutory fee of \$4.00, a license will be issued for 0.86 of a second foot of water from your well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg
Enc.

20772

DEPARTMENT OF RECLAMATION

DISMISSAL OF PROTEST

MARK S. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of
Walter S. Houdyshell, against the
issuance of a license to
John R. Babcock, under
Permit No. 20772.

)
)
)
)
)
)

DISMISSAL OF PROTEST

Permit No. 20772 was issued to John R. Babcock on December 6, 1948, to appropriate 1.6 cubic feet per second of the unappropriated subterranean waters of the State of Idaho, by the State Department of Reclamation.

Certificate of Completion of Works was issued on June 29, 1950.

Notice of proof of application to beneficial use was published in the Caldwell News-Tribune on July 5, 12, 19, and 26, 1952, and affidavits of proof were made before James Schiller at Nampa, Idaho, on August 1, 1952.

Protest against issuance of license was filed by Walter S. Houdyshell through his attorneys, Anderson and Kaufman, alleging that the amount of water as advertised had never been produced and deficiencies in the published notice of proof of application to beneficial use.

Examination of the diversion works, the irrigated land and the pump discharge was made by the Department of Reclamation and the proofs were found acceptable.

The law having been complied with by John R. Babcock under Permit No. 20772, the protest of Walter S. Houdyshell is hereby dismissed and on payment of the statutory fees a license will be issued to John R. Babcock under Permit No. 20772, confirming his right to the use of 0.86 cubic foot per second of the subterranean waters of the State of Idaho, for irrigation and domestic purposes with the point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M., with a priority date of November 28, 1948.

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

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

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

April 3, 1953

RE: Permits Nos. 20772 and 21239

Messrs. Anderson & Kaufman
Idaho Building
Boise, Idaho

ATT: Mr. A. C. Kiser

Dear Mr. Kiser:

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

Very truly yours,

MARK A. KULP
State Reclamation Engineer

A:fg
Enc.

20772

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

Permit No. 20772This proof is for Beneficial use In Water District No. _____1. Name of applicant John R. Babcock, Rt. 1, Nampa, Idaho2. Source of water supply: Subterranean from well3. Location of point of diversion: Is in the NE¹ SE¹ of Section 36T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Well is 144' deep by 10" in diameter, cased to the bottom. Perforations are placed at 115' down, bowls are down 120', 4 stage, 10" bowls, 6" column. Static H is 98', draws down to 126'. There is no well house nor protection. Pump is Peerless pump No. 85778. U. S. motor, 20 h.p., 220 V. 50 amps. 3 phase 60 cycle, 1800 r.p.m., No. 849829. Switches and controls are Cutler-Hammer. 240 V. G.E. meter No. 30033021. Meter and controls are mounted on a panel on a post just South of the pump. Delivery is to the East through a 6" by 6' light sheet metal pipe into a concrete heading approx. 5' long by 2' wide by 14" high, then into a ditch. The output has been measured by Mr. Tappen over a 2' cippoletti weir and was 43 inches. (Babcock's statement)

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):

E¹ SE¹ Section 36, Twp. 3 North, Range 3 West, B. M.See Map

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

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

Remarks: Mr. Babcock states that when Houdtshell operates his well continuously, the output of the Babcock well drops a few inches for some time and shuts off completely. He has an automatic cut-off that shuts the motor off when the well is empty. The control mechanism does not start the pump once it is shut off and even though Mr. Houdtshell may close his pump down, Mr. Babcock says the water may be off all night or he may have an irrigation set that is almost complete and has to put water through all the ditches again so that the loss is greater than it might appear.

This examination was made on the 15th day of September, 1952.(Signed) E. H. Humphrey Examiner.20772

John R. Babcock
Rt. 1, Nampa, Idaho

Permit No. 20772

Examination for Beneficial use

County Canyon

INSTRUCTIONS TO EXAMINERS

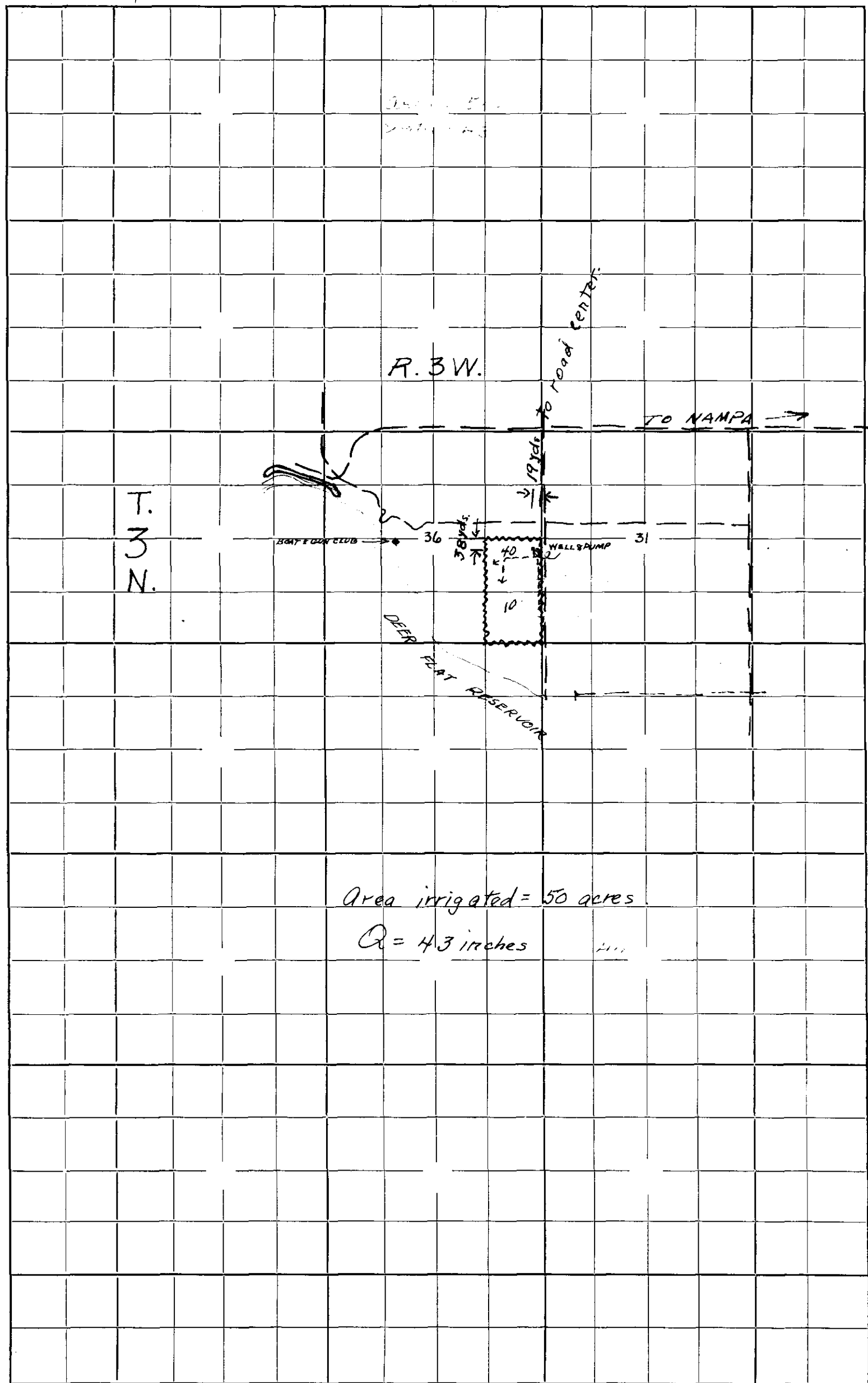
1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated 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.

NE, SE 1/4, 20, T2N, R5E

57°F.

Alt 1100

4720



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20772

REPORT ON PROOF OF Beneficial use

JOHN R. BABCOCK, Route 1, Nampa, Idaho

.86 cfs
work

250.16 cfs

CARL E. TAPPAN
CONSULTING ENGINEER
1320 NORTH TWELFTH ST.
BOISE, IDAHO

August 18, 1952

RECEIVED
AUG 18 1952
Department of Reclamation

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

Dear Sir:

I am attaching a copy of a stipulation entered into by Messrs. Babcock & Houdyshell pursuant to the hearing of July 29, 1952. It is Judge Anderson's idea that the crops of this year be saved and that a final hearing will be held at a later date.

Respectfully yours,

C. E. Tappan
C. E. Tappan

CET:MM
Att.

20772

August 5, 1952

Re: Permits Nos. 20772 and 21239

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

Dear Sirs:

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer

20772

Affidavit of Publication

STATE OF IDAHO,

County of Canyon

ss.

H. G. Cochrane

, being first duly sworn, deposes and says;

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

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 3:00 P. M. on the 1st day of August, 1952, at Nampa, County of Canyon, State of Idaho, before James Schiller, Notary Public, proof will be submitted of the application to beneficial use of One cubic foot per second of the waters of a well in accordance with the terms and conditions of Permit No. 20772 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 John R. Hancock, Route 1, Nampa, Idaho.

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

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

The place where said water is used is $\frac{1}{2}$ Sec. 36, Twp. 3 N., Range 3 W., B. M.

The right to take water from such works is based upon Permit No. 20772.

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

The date of priority which said user is prepared to establish is November 22, 1943.

MARK R. KULP,
State Reclamation Engineer.
No. 743--July 5, 12, 19, 26.

Saturday issues of The Caldwell

News-Tribune for 4 consecutive weeks

beginning with the issue of July 5

1952 and ending with the issue of July

26 1952

H. G. Cochrane

Subscribed and sworn to before me this 26

day of July, 1952.

James L. Shaffer

Notary Public for Idaho
Residing at Caldwell, Idaho

20772

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20772

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. John R. Babcock, Rt. 1, Nampa, Idaho, Farmer.

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

Ans. Acting on my own behalf.

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

Ans. #20772, date-Nov. 29, 1948, date of priority to be established-Nov. 29, 1948.

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

Ans. Well- in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T3n, R. 3 WBM, Canyon County, Idaho.

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

Ans. Well- depth of well 157 feet; depth and size of casing- 144 feet, 10 inch; depth to water- 98 feet; Discharge of pump- 43 inches; measured by C. E. Tappan, special engineer of Idaho State Department of Reclamation, by use of a weir. Water conveyed by private ditch.

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

Ans. Water applied for beneficial use for irrigation upon 55 acres, which was reclaimed from sagebrush, all in E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 36, T # N, R 3 WBM, Canyon County, Idaho. 55 acres of land is now cultivated with water from said well.

20772

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

Ans. Now used for irrigation, and to be also used for domestic purposes.

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

Ans. 43 miner's inches.

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

Ans. Am original permit holder.

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

Ans. 43 miner's inches have been applied to said land for irrigation purposes continuously since May 19, 1950.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other water rights.

(Sign)

John R. Babcock

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Nampa, County of Canyon, State of Idaho, on this 1st day of August, A. D. 1952.,

Jane E. Schell

My commission expires 11-16-53

20772

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20772

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. Hyrum Babcock, age 68, Route 1, Nampa, Idaho; farmer

Ques. 2. Are you acquainted with James E. Davis, the holder of Permit No. 20772? How long have you known him and where does he reside?

Ans. All my life.

Ques. 3. Have you read or heard read said Permit No. 20772, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T3N, R3W BM, Canyon County, Idaho, and conveyed by ditch for use in E $\frac{1}{2}$ SE $\frac{1}{4}$, T3N, R3W BM.

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. Will safely conduct to place of use-50 miner's inches; and I have seen 43 miner's inches being so conveyed.

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

Ans. 43 miner's inches, measured by a weir.

20772

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. 55 acres of land in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, T3N, R3W BM, Canyon County, Idaho, have been actually irrigated from the said well. Land was sage brush prior to use of said water, and now is cultivated land.

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

Ans. No other use at present time.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This land was reclaimed from sage brush. 43 miner's inches are absolutely required for its profitable cultivation.

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

Ans. None

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans.

(Signed)

Myron Babcock

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Nampa, County of Canyon, State of Idaho, on this 1st day of August, A. D. 1952.

James E. Schiller
Notary Public.

My commission expires 11/16/53

70772

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20772

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

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

Ques. 2. Are you acquainted with John R. Babcock, the holder of Permit No. 20772? How long have you known him and where does he reside?

Ans. Known him approximately three and one-half years. Resides- Rt. 1, Nampa, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20772, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T 3 N, R 3 WBM, Canyon County, Idaho, and conveyed by ditch for use in E $\frac{1}{2}$ SE $\frac{1}{4}$, T 3 N, R 3 WBM.

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. Will safely conduct to place of use- 50 miner's inches; and I have seen 43 miner's inches being so conveyed.

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

Ans. 43 miner's inches, measured by a weir.

20772

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. 55 acres of land in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, T 3 N, R 3 WBM, Canyon County, Idaho, have been actually irrigated from the said well. Land was sage brush prior to use of said water, and now is cultivated land.

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

Ans. No other use at present time.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This land was reclaimed from sagebrush. 43 miner's inches are absolutely required for its profitable cultivation.

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

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans.

(Signed) James E. Jones

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Nampa,
County of Canyon, State of Idaho, on this 1st day of August,
A. D. 1952.

James E. Schie
Notary Public.

My commission expires 11-16-53.

20172

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON

JANUARY TERM, A. D., 1952
PRESENT: HON. DONALD ANDERSON

July 29, 1952

JOHN R. BABCOCK,	)	
	)	
Plaintiff,	)	CIVIL #11245
	)	
-vs-	)	
	)	
WALTER S. HOUDYSHELL,	)	
	)	
Defendant.	)	

Plaintiff's Order to Show Cause for Temporary Injunction having, on June 3, 1952, been continued to this time, the plaintiff appeared with his counsel, James Schiller, and the defendant appeared by his counsel, Eugene H. Anderson and A. C. Kiser. Defendant moved the Court that the Court view the well in question, which was agreed to by the plaintiff, with exception that certain testimony be heard prior to viewing the wells. The Court so ~~or~~ dered, and C. E. Tappin was called by the plaintiff and was sworn and examined, cross-examined, re-direct-examined and re-cross-examined. J. W. Beoughan was called by the defendant and was sworn, examined and cross-examined, re-direct-examined, re-cross-examined and re-direct-examined.

Court recessed at 11:25 A. M.

Court reconvened at 12:05 P. M. and the following Stipulation was entered into by and between counsel: "Without prejudice to the rights of either party, it is stipulated that the plaintiff may operate his well continuously for the remainder of the irrigation season and the the defendant, having a crop of beans, shall have the right to use the water to the extent of thirty inches, miner's inches of flow, from his well for irrigation; that he shall have the right to use the water for each irrigation for approximately six days; that if he completes an irrigation in less than six days, five and a half, or five, he will cease using the water in that irrigation; and that if because of unforeseen conditions or any condition he needs that water for a little over six days, say six and a half days or whatever it takes to get over his land, he shall have the right to use it for that period; that the approximate period of time between irrigation will be three days; that if the land needs the water in two and a half days, he may again start irrigating; that if he doesn't need it for three and a half or four days, he will wait that length of time; that after the

STATE OF IDAHO, DEPARTMENT OF RECLAMATION

WALTER S. HOUDYSHELL	)	
Protestant,	(	
	)	
vs	(	PROTEST
	)	
JOHN R. BABCOCK	(	
Applicant,	)	

COMES NOW Walter S. Houdyshell and protests the issuance of a water license to John R. Babcock for one cubic foot of water per second of time or for any amount whatsoever, for irrigation of the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 36, Township 3 North, Range 3 West, Boise Meridian.

The reasons for said protest are as follows:

1. Protestant irrigates and has the right to irrigate the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 3 North, Range 2 West, Boise Meridian from a well situate thereon and approximately 236 feet from the well of applicant named in the above captioned matter and that applicant claims and has filed an action in the District Court of the 7th Judicial District of the State of Idaho, in and for the County of Canyon, alleging that protestant's well diverts water from the same underground body of water as applicant's well, and seeking to enjoin the diversion of water thru protestant's well.
2. That said John R. Babcock has not heretofore pumped or applied to a beneficial use one cubic foot of water per second of time. That the well and pumping facilities of said John R. Babcock are inadequate to supply such quantity of water. That to protestant's best knowledge, information and belief, applicant has at no time pumped or applied to beneficial use more than 43 Miner's inches of water per second of time. That the quantity of water heretofore pumped by applicant has been ample to irrigate applicant's land now and at all times heretofore under cultivation.

3. That the notice submitted by applicant to the State of Idaho, Department of Reclamation as required by Section 42-217 of the Idaho Code was deficient in that same did not give the name of the canal or ditch or other works, or describe same, by which such water is conducted to the place of use.
4. That the notice of proof of application of water to beneficial use published in The Caldwell News-Tribune is deficient in that same does not describe applicant's diversion works nor does same adequately name the place where such proof will be received.

For the reasons hereinbefore set forth including the deficiencies in the notice submitted to the Department of Reclamation and the ambiguity in the published notice with reference to the place where such proof will be submitted, it is respectfully submitted that the State of Idaho, Department of Reclamation is without jurisdiction to issue a license confirming the water right claimed by said John R. Babcock or any water right whatsoever.

Dated this 31st day of July, 1952.

ANDERSON AND KAUFMAN

By


Attorneys for Protestant
504 Idaho Bldg., Boise, Idaho

STATE OF IDAHO)
) ss
COUNTY OF ADA)

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

Walter S. Houdyshell

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

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

July 28, 1952

Anderson and Kaufman, Lawyers
Idaho Building
Boise, Idaho

Dear Mr. Anderson:

I have your letter of July 25, 1952 wherein you express amazement over my letter to Mark R. Kulp in which is my statement of a belief that the Houdyshell well, if pumped as Mr. Houdyshell proposed, would soon cause the water supply of the Babcock well to fail. I do not consider that I have made a definite conclusion in the matter of these two wells, but it might be of interest to note that on July 7 Mr. Babcock found that his pump had "broken suction" and could deliver no more water until sometime later. Also that as of July 28 the Babcock well was yielding about 10 percent less water than on July 2, 1952.

Very truly yours,

C. E. Tappan,
Consulting Engineer

CET:eh

July 25, 1952

Mr. C. E. Tappan
Route 1
Caldwell, Idaho

Dear Mr. Tappan:

It was amazing to me to read copy of your letter of July 9th after my conversation with you here at my office a short time prior to that time. You stated to me then that it was impossible to arrive at a conclusion or an opinion upon such limited and superficial examination as you were able to make. It did not require even an engineer to concur with you in that statement absolutely.

I believe that you know as well as I do that you cannot have an opinion as to either well or the cone of influence of either well worthy of expression until you have made thorough investigation.

I wish you would read your letter of July 9th to Mark R. Kulp and amend it to accord to the definite expression which you made to me to the effect that your examination had not been such as to bring yourself or anyone else to conclusion or opinion in the matter.

Yours very truly,

ANDERSON AND KAUFMAN

By E. H. ANDERSON
Eugene H. Anderson

ELA:pho

20772

July 11, 1952

Hon. Donald Anderson, Judge
District Court of the Seventh Judicial District
In and For State of Idaho
County of Canyon

Dear Sir:

Attached are two reports of Carl E. Tappen, Licensed Civil Engineer of the State of Idaho who was employed for the Department of Reclamation in the matter of Houdynell-Habcock ground water and well investigation. The Department has great confidence in the qualifications and ability of Mr. Tappen.

It was the opinion of the Department of Reclamation that the production of crops to the extent of the available water supply was of paramount importance and that a thorough investigation could not be made without each pump being stopped for a considerable period.

A solution was offered by Mr. Tappen for temporary trial, but was not acceptable. This solution is outlined in Mr. Tappen's letter of July 7, 1952, in which he also suggests deferring final investigation until no crops will be endangered.

I concur in Mr. Tappen's reports and consider his bill for professional services very reasonable and recommend that it be allowed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg

25712

July 11, 1952

Hon. Donald Anderson, Judge
District Court of the Seventh Judicial District
In and For State of Idaho
County of Canyon

Dear Sir:

Attached are two reports of Carl M. Tappen, Licensed Civil Engineer of the State of Idaho who was employed for the Department of Reclamation in the matter of Houdyshell-Hiscock ground water and well investigation. The Department has great confidence in the qualifications and ability of Mr. Tappen.

It was the opinion of the Department of Reclamation that the production of crops to the extent of the available water supply was of paramount importance and that a thorough investigation could not be made without each pump being stopped for a considerable period.

A solution was offered by Mr. Tappen for temporary trial, but was not acceptable. This solution is outlined in Mr. Tappen's letter of July 7, 1952, in which he also suggests deferring final investigation until no crops will be endangered.

I concur in Mr. Tappen's reports and consider his bill for professional services very reasonable and recommend that it be allowed.

Very truly yours,

MARK R. MULL
State Reclamation Engineer

K:fg

20772

CARL E. TAPPAN
CONSULTING ENGINEER
1320 NORTH TWELFTH ST.
BOISE, IDAHO

July 7, 1952

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

Dear Sir:

This, my report, on the Babcock-Houdyshell well case is pursuant to a court order wherein it was agreed to appoint the Reclamation Department of the State of Idaho to make immediate investigation and examination of the water strata intercepted by the well of each the plaintiff and defendant and the extent of the water available in such strata, and the alterations, improvements and additions which may be made to each such well, and the casings and pumps therein to the end that each the plaintiff and defendant may take from such water stratas, and any other water stratas, the full quantity of water to which each such party may place to a beneficial use for irrigation purposes.

My first knowledge of Babcock and Houdyshell wells occurred in your office on June 26, 1952. After considerable discussion it was determined to try to arrange some compromise whereby each Mr. Babcock and Mr. Houdyshell could save their crops this season. After the need for water was past then make the tests and analysis required to fulfill the terms of the court order referred to above.

On June 27, I visited the wells of Mr. Babcock and Mr. Houdyshell and talked with each of them. Then I went to see the well driller who had drilled the Houdyshell well. I acquired the information about each well such as diameter, depth, size of pump casing, length of air line, and kinds of formation drilled through. On June 28 I determined the difference in elevation between the discharge lines using a level and rod. It is 3.05 ft. The difference of elevation in the ground surface is 2.95 ft. Mr. Houdyshell has the lower elevation and is 236 ft. northeasterly from Mr. Babcock's well.

Mr. Babcock stated that he has 55 acres in crop as follows: 33 acres of ladina clover from which he expects to harvest a seed crop, 15 acres of oats of which 12 acres will be a nurse crop for new alfalfa, and 7 acres of pasture.

Mr. Houdyshell stated that he has 25 acres of beans, 10 acres in one field and 15 acres in another.

I spent most of the day trying to get some agreement between Mr. Babcock and Mr. Houdyshell whereby each could produce or save a crop. Finally, Mr. Houdyshell proposed that he run his pump for 13 hours during each 24 and to pump 30 inches; that Mr. Babcock be allowed to run his pump at its then capacity. Mr. Babcock rather hesitantly agreed to this proposal. It was believed that the Houdyshell pump would deliver more than 30 inches of water, and in order to control the discharge a 6 inch gate valve would need to be installed on his pump, as well as a weir to measure the water.

This arrangement was reported to you on Monday, June 30, and you suggested that a further stipulation be made to this effect. Anderson & Kaufman

did not wish to enter a further stipulation suggesting that the present order was sufficient. It was, therefore, agreed to go ahead on the basis of Mr. Houdyshell's proposal. A 6 inch gate valve was procured and installed on July 1. Mr. Houdyshell would not start his pump until after the power meter was read, and we found that the meter would be read on July 2, 1951. On Tuesday, July 2, 1952, the meter was read and the pump started. Then Mr. Houdyshell declared that he was going to pump continuously. His reason for violating his own proposal was that he went over to the Babcock's well in the night and found it not running. I objected to his declared intention, but Mr. Houdyshell was determined on his course.

I asked Mr. Babcock if his pump had been running continuously and he said that it had.

I stayed at the wells and made the following observations:

Date: July 2, 1952

<u>Time</u>	<i>Babcock Well</i>		<i>Houdyshell Well</i>	
	Depth to Water Surface by Air line in Feet	Weir Discharge Inches	Depth to Water Surface by Air Line in Feet	Weir Discharge Inches
9:30 AM	125	43		
9:45			104.5	---
10:20	125	43		
11:30	127	42	117.0	30
Noon	128	42	---	---
12:05 PM	---	---	118.5	29
1:45	---	---	120.0	28
1:50	128 *	42	---	---
3:00	128 *	42		
3:05	---	---	121	29
4:00	---	41		
4:10	---	---	122	28
5:00	---	41		
5:15	---	---	122	30

* Air line not in water

The foregoing tabulation is not to be considered a conclusive test or report on the amount of subterranean water available to these wells.

The readings on the Houdyshell well were made for the purpose of controlling the flow at 30 inches and the readings on the Babcock well were taken to determine if and when water got so low as to endanger the pump.

26772

July 7, 1952

An estimate of expense for analyzing the well problem of this report is more of a guess than an estimate. Some drilling might need to be done to determine the thickness of the aquifers, air lines in wells must be checked and calibrated, standard weirs, or other measuring devices, installed, time must be given to obtain field data, and make analyses. I suggest that the engineering alone will cost at least \$500.00. Drilling and well improvements will be additional.

Very truly yours,

C. E. Tappan

C. E. Tappan

CET:mw

20772

July 9, 1952

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

Dear Sir:

A copy of my report to you concerning the Houdyshell-Babcock well case, dated July 7, 1952, has been handed to Attorneys Anderson & Kaufman and Van de Steeg & Schiller.

Anderson and Kaufman have concluded that no further investigation is necessary until after crops are harvested unless one well or the other fails. Under this program both wells will be pumped as the owners desire.

Van de Steeg & Schiller believe that such pumping will cause a failure of water supply in the Babcock well with a consequent injury to crops, and propose to ask for a hearing before Judge Anderson on July 16 or 17.

Based on my observations of July 2, 1952, and also on the data as follows

	<u>Babcock Well</u>	<u>Houdyshell Well</u>
Depth of Well	153 ft.	172 ft.
Depth of Casing	144 ft. 10 in.	152 ft.
Open Hole	8 ft. 2 in.	20 ft.
Length of Air Line	129 ft. approx.	149 ft. approx.
Perforations	115 ft.	80 to 152
Difference in elevation		3 ft. lower
Distance between wells		236 ft.

I believe that the Houdyshell well cone of influence will soon destroy the Babcock well cone of influence in which event the Babcock well will fail as a source of water until the subterranean supply has made a recovery.

Respectfully yours,

C. E. Tappan

CET:mv

THE CALDWELL NEWS-TRIBUNE

J. T. LAFOND, MANAGER

CANYON COUNTY'S OLDEST NEWSPAPER

CALDWELL, IDAHO

July 1, 1952

RECEIVED
JUL 2 1952

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

We acknowledge publication notices for John A. Babcock, route 1, Nampa and Myrum Babcock, route 1, Nampa. The notices will be published July 5, 12, 19, and 26.

Very truly yours,

THE CALDWELL NEWS TRIBUNE

By

H. G. Cochran

jb

20772

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20772

Date: June 30, 1952

Caldwell News-Tribune

Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 1, 1952**, the date set for proof, the expense of the publication to be paid by the applicant, **John R. Babcock** of **Route 1, Nampa, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20772

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

Notice is hereby given that at 2:00 ~~PM~~ ^{AM} on the 1st day of August, 1952,
at Nampa, County of Canyon, State of Idaho, before
James Schiller, Notary Public, proof will be submitted of the
application to beneficial use of One cubic feet per second of the waters of a well
in accordance with the terms and conditions of Permit No. 20772
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

John R. Babcock, Route 1, Nampa, Idaho

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

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

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

SE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B.M.

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

The right to take water from such works is based upon Permit No. 20772

The source of supply from which such water is diverted is subterranean from a well in the

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B.M.

The date of priority which said user is prepared to establish is November 29, 1948.

MARK R. KULP

State Reclamation Engineer.

20772

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 30, 1952

(P. O.) Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Caldwell News-Tribune of Caldwell, Idaho published in
the county in which the works are situated.

John R. Babcock

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

20772

June 17, 1952

Mr. Carl E. Tappen
1320 No. 12th Street
Boise, Idaho

Dear Mr. Tappen:

This department has been asked to make a check on some wells in Canyon County in regard to which there is a conflict.

We have not the personnel to take care of this at the present time, and we are writing to ask if it would be possible for you to do this.

If so, will you please contact Mr. Kulp either personally or by telephone sometime in the afternoon of Thursday, June 19, 1952. Mr. Kulp is out of town at present, but will be back in the office by noon of that day.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

20772

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON.

JOHN R. BABCOCK,

Plaintiff,

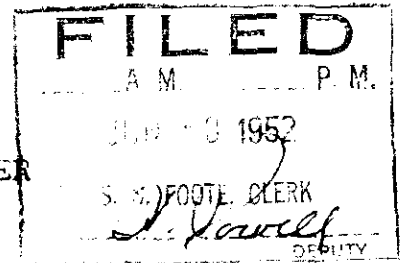
-vs-

WALTER S. HOUDYSHELL,

Defendant.

(
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(
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*
(

ORDER



Upon stipulation of the respective parties through the
attorneys of record made in open court,

IT IS HEREBY ORDERED:

That the Department of Reclamation of the State of Idaho
be and is hereby appointed by the Court and as officers of the
Court with full authority to make immediate investigation and
examination of the water strata intercepted by the well of each
the plaintiff and defendant and the extent of the water available
in such strata and the alterations, improvements and additions
which may be made to each such well and the casings and pumps
therein to the end that each the plaintiff and defendant may
take from such water stratas and any other water stratas the
full quantity of water to which each such party may place to
a beneficial use for irrigation purposes, and that such investi-
gation likewise include the well of Hiram Babcock under applica-
tion No. 21239, the well of W. L. Lester under application No.
29044, and the well of A. H. Bruck under application No. G 29909,
as such applications are numbered by the Department of Reclama-
tion, to determine how or in what manner any such well including
the wells of the plaintiff and defendant affects the others.

It is further ordered that such investigation cover such
period or periods of time as the Department of Reclamation
shall determine, subject to further order of the Court, and
that a certified copy of this order be served upon the State

20 113

Reclamation Engineer of the State of Idaho.

It is further ordered that plaintiff and defendant will bear equally such expense as shall be incurred with the approval of the Court in the making of such investigations, estimates of the expense to be furnished to counsel, Van de Steeg & Schiller, Box 21, Nampa, Idaho, and Anderson[&]/Kaufman, Box 2773, Boise, Idaho, by the Department of Reclamation.

Dated this 3rd day of June, 1952.

Donald Anderson
District Judge.

State of Idaho }
County of Canyon } ss.
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears in this office.

DATED

June 3, 1952
S. S. Foote, Clerk of the District Court
and Ex Officio Recorder.

By

D. Powell
Deputy

June 30, 1950

Re: Permit No. 20772

Mr. John R. Babcock
Route 1
Nampa, Idaho

Dear Mr. Babcock:

We enclose Certificate of Completion of Works issued under your Permit No. 20772 for the diversion of 1.6 second feet of water from a well in the E $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 3 North, Range 3 West, B.M. for irrigation and domestic use on the same subdivision.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20772

Permit No. 20772

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

John R. Babcock

ss.

John R. Babcock, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 20772, and that his postoffice address is Route 1, Nampa

State of Idaho

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

Subterranean flow from a well

Third: That the point of diversion of said water is NE corner of E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36, Twp. 3 North, Range 3 West, B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 6, 1951

Fifth: That the use for which said water is intended is

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

I. Kind of works: Well, 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 1 feet, width at water line 2
(State whether ditch, flume or pipe)

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

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

Eighth: That water appropriated under said permit is available for 80 acres of land described as follows: E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36, Twp. 3 North, Range 3 West, B. M.

Ninth: Remarks: That the well is 157 feet deep, cased 14 ft. Equipped with a turbine pump, 20 H. P.

(Sign Here)

Subscribed and sworn to before me this 29th day of June, 1952

My commission expires Feb 16, 1953

Notary Public.

20772

December 14, 1948

Re: Permit No. 20772

Mr. John R. Babcock
Route 1
Nampa, Idaho

Dear Mr. Babcock:

We enclose Permit No. 20772 together with
Departmental Receipt No. 21050 for the \$5.25 filing fee.

You will note that the amount has been reduced
from the two (2) second feet applied for to 1.6 second
feet, or 80 inches, which is the maximum allowed by
statute for 80 acres of land.

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.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Encls.

20772

December 14, 1948

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State Reclamation Engineer
By

Chief Clerk

A/gt
Encls.

20772

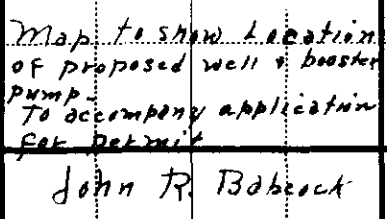
NAME OF APPLICANT

R. Babcock

Sec

Imp 3N R 3W

FORM No. 0



70772

Je 19-52

Called Babcock at 61784ampa and explained that M.K. had been as yet unable to get a good engineer to act in doing the investigation.

Babcock's concern was that he wanted to begin haying and was afraid that it might interfere.

Called J. Anderson's secretary and asked her to tell M.A. that we were attempting to contact Mr Lappan and would advise them re. progress later.

Called Mr Schiller's office and talked to Schiller's partner. Advised him re. status as above.

Trying to contact Mr Lappan ²⁸¹⁷² and have him get in touch with M.R.K. on Thurs.

Call Babcock at 61784 Nampa,
at 9-A.M. June, 17, in regard to
examination of wells,
Babcock vs Hodershell,
Wants to know when examination will be m

20772

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OF WATER TO BENEFICIAL USE**

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

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

The place where said water is used E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 3 W., B. M.

The right to take water from such works is based upon Permit No. 20772.

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

The date of priority which said user is prepared to establish is November 29, 1948.

MARK R. KULP,

State Reclamation Engineer.

No. 743-July 5, 12, 19, 26.

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