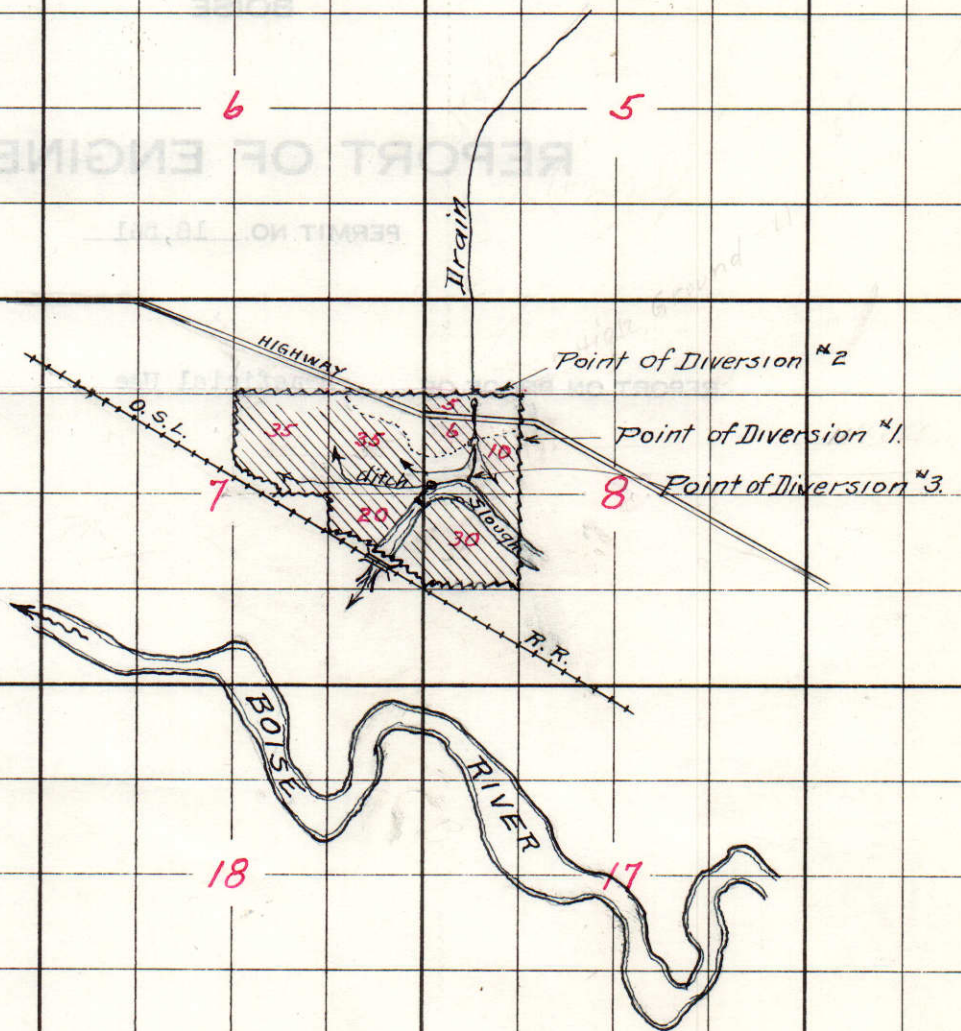
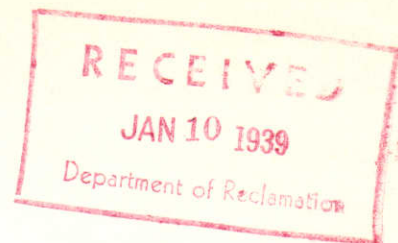


STATE OF IDAHO
DEPARTMENT OF RECLAMATION
REPORT OF ENGINEER
PERMIT NO. 10, 101



Affidavit of Publication



STATE OF IDAHO, }
County of Canyon } SS.

J. J. La Fond

, being first duly sworn, deposes and says:

That he is the *Manager* 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 11 a. m. on the 14th day of January, 1939, at Caldwell, County of Canyon, State of Idaho, before Stewart S. Maxey, a Notary Public, proof will be submitted of the application to beneficial use of four cubic feet per second of the waters of a natural unnamed draw that has been deepened for drainage purposes tributary to Boise River in accordance with the terms and conditions of Permit No. 18561 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. F. Brenne-man, Caldwell, Idaho.

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

The amount applied to beneficial use is Four second-feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) S½NE¼ and NE¼ SE¼ of Section 7, and SW¼ NW¼ and NW¼SW¼ of Section 8, T. 4N., R. 3 W. B. M. in Canyon County, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Canal privately owned by J. F. Brenne-man, unnamed.

The right to take water from such works is based upon Permit No. 18561.

The source of supply from which such water is diverted is An unnamed draw and artificial drain at a point in the SW¼ of the NW¼ of Sec. 8, Twp. 4 N., R. 3 W. B. M. in Canyon County, State of Idaho.

The date of priority which said user is prepared to establish is July 11, 1938.

R. W. FARIS, *18561*
Commissioner of Reclamation.
166-D17-24-31-J7.

Saturday issue of THE CALDWELL NEWS-TRIBUNE for *4* consecutive weeks beginning with the issue of *December 17,* 193*8* and ending with the issue of *January* *7*, 193*9*.

J. J. La Fond

Subscribed and sworn to before me this *9th* day of *January*, 193*9*.

Nell Wilson

Notary Public for Idaho.
Residing at Caldwell, Idaho.

18561

NAME OF APPLICANT

J. H. Zimmerman

FORM NO. 0

SEC. 6	SEC. 5	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.
<i>Drain</i>									
<i>T. 4 N., R. 3 W.</i>									
SEC. 7	SEC. 8	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.
<i>Point of diversion</i>									
SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.
<i>Drain</i>									

Permit Map No. 18561

As Approved
DEC 1 1937

R. W. FARIS
Commissioner of Reclamation

State of Idaho
License and Certificate of Water Right

Water License No. 18561 Amount 2.82 second feet
Water District No. Priority July 11, 1938

THIS IS TO CERTIFY that J. F. BRENNEMAN
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 26, 1937; that Permit No. 18561
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4 second feet, was issued thereunder on December 1, 1938, showing that said works
were completed on the 28th day of July, 1938; and that on the 14th
day of January, 1939,
J. F. BRENNEMAN

of Caldwell, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of a natural unnamed draw
that has been deepened for drainage purposes, a tributary of Boise River, for the purpose of irrigation
, under Use Permit No. 18561 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3964, on the 2nd day of October, 1939;
The right hereby confirmed dates from July 11, 1938;

The Point of Diversion is located S. 1600 ft. and E. 900 ft. from SW corner Sec. 8, T. 4 N., R. 3 W., B.M.
in the SW 1/4 NW 1/4, Sec. 8, Tp. 4 N., R. 3 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.82
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	3 W.	7	SW 1/4 NE 1/4	40	35
			SE 1/4 NE 1/4	40	35
			NE 1/4 SE 1/4	40	20
		8	SW 1/4 NW 1/4	40	21
			NW 1/4 SW 1/4	40	30
			Total Number of Acres Irrigated -		141

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 2nd day of October, 1939

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 18404
Water District No.

Amount 2 second feet
Priority January 20, 1937

THIS IS TO CERTIFY that CLIFFORD HINKLEY
of Riggins, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 20, 1937; that Permit No. 18404
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
Two (2) second feet, was issued thereunder on July 30, 1937, showing that said works
were completed on the 19th day of July, 1937; and that on the 2nd
day of February, 1938,

CLIFFORD HINKLEY
of Riggins, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of French
Creek, a tributary of Salmon River, for the purpose of irrigation and water power for
electric lighting system, under Use Permit No. 18404 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3963, on the 21st day of September, 1939;
The right hereby confirmed dates from January 20, 1937;

The Point of Diversion is located 1500 ft. distant from the S E corner Sec. 13, Twp. 24 N., Range 3 E., B. M.
in the SE 1/4 SE 1/4, Sec. 13, Tp. 24 N., R. 3 E., B. M.

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 Two (2)
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
24 N.	3 E.	13	Lot 8	10	10

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 21st day of September, 1939

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

63-2542

Application No. 25887
Permit No. 18561
District No.

1. Name of Applicant: J. F. Brenneman

Postoffice address Caldwell County: Canyon State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

- (a) Cash on hand:
(c) Bonds to be issued:

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

2. Quantity of water claimed: four cubic feet per second.

3. Source of water supply: A natural draw that has been / deepened for drainage purposes that has no name
which is a tributary of Boise River

4. Location of point of diversion: South 1600 feet and East / 900 feet from the NW corner of
feet distant from the
corner of Section 8, T. 4 N., R. 3 W., B. M., and is in the Southwest quarter of the Northwest quarter,
of Section 8, T. 4 N., R. 3 W., B. M., County of Canyon, State of Idaho.

5. Water is to be used for: Irrigation 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: \$ 500.00

8. Kind of works: Earth and concrete dam and gravity ditch

9. Height of dam 6 feet; length of dam at top 16 feet; length of dam at bottom 12
feet; material used in dam: Concrete and earth

10. Size of headgate: Width 3 feet; height 2 feet.

11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 1
feet; dimensions of flume:

Diameter of pipe inches; length of conduit $\frac{1}{2}$ miles.
Average grade per mile feet.

12. The time required for the completion of such work is 6 months years.

13. The time required for the complete application of the water to the proposed use is no additional years.

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

15. (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 waters of the State of Idaho as herein set forth.

J. F. BRENNEMAN Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 11:00 A. M., Nov. 26, 1937

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18561

Recorded in Book 67 Page 18561 Approved Dec. 1, 1937

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 **January 30, 1938** 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 **March 1, 1938**

The whole of said work to be completed on or before June 1, 1938

Beneficial use of water appropriated in accordance herewith, to be made on or before **June 1, 1938**

Witness my hand this 1st day of December, 1937.

R. W. FARIS
Commissioner of Reclamation.

Remarks: See below

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N.	3 W.	7 8	40 40				40				40				40				120 80
Total Number of Acres to be Irrigated																	200		
Remarks: The water has been diverted from this draw and used for irrigation purposes upon the land described since the year 1900 and when the draw was deepened for drainage purposes an additional dam or check was constructed and the works are all completed and the water is now being used for irrigation purposes upon the land described as it has for the past 37 years.																			
In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto 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 1st day of December, 1937.																			
(SEAL)																			
Countersigned:																			
By IRA H. MASTERS Secretary of State																			
STATE OF IDAHO By BARZILLA W. CLARK Governor																			

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of)
 Permit No. 18561 Under the Provisions)
 of Section 41-311, Idaho Code Annotated.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 18561 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 1, 1938; and,

WHEREAS, On the 16th day of July, 1938, notice to show cause why said permit should not be canceled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said permit; and,

WHEREAS, On the 21st day of July, 1938, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 28th day of July, 1938, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18561, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 18561 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 30th day of November, 1938.

R. W. FARIS
 Commissioner of Reclamation

(SEAL)

By PAUL H. BERG
 Deputy

Permit No. 18561

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that J. F. BRENNEMAN, of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 18561, issued upon Application No. 25887, bearing date of priority of November 26, 1937, authorizing the diversion of four second feet of the waters of a natural unnamed draw that has been deepened for drainage purposes, tributary to the Boise River, County of Canyon, State of Idaho, for irrigation 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 four second feet of the waters of said unnamed draw; that the point of diversion of said waters is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T. 4 N., R. 3 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 4 N., R. 3 W., B. M.

Witness my hand this 1st day of December, A. D. 1938.

R. W. FARIS
 Commissioner of Reclamation

Proof of completion of works made July 28, 1938
 Certificate issued December 1, 1938

LICENSE ISSUED FOR 2.82 SEC. FT.

Page 3964

October 2, 1939

Re: Permit No. 18561
J. F. Brenneman

Mr. H. E. Martin,
No. 122 12th Ave. South,
Nampa, Idaho.

Dear Sir:-

We are enclosing herewith License and Certificate of Water Right issued under the above numbered permit, confirming the right of J. F. Brenneman to use 2.82 cubic feet per second of the waters of a natural unnamed draw, tributary to Boise River, with a date of priority of July 11, 1938, for irrigation of 141 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, All in Township 4 North, Range 3 West, B.M.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

18561

September 11, 1939

Re: Permit No. 18561

Mr. F. J. Branneman,
Caldwell, Idaho.

Dear Sir:-

We have received our Field Engineer's report
on examination for veneficial use under the above
numbered permit.

This report shows that you are irrigating 141 acres
in five legal subdivisions- namely SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8; all in
Township 4 North, Range 3 West, B.M.

Therefore, the fee will amount to \$10.00, upon re-
ceipt of which a license will be issued.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA

BY

Chief Clerk

Fee Paid \$10 issue license.
Mail to H.E. Martin
122 12th Ave South.
Nampa.

18561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18561

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant J. F. BRENNEMAN

2. Source of water supply: Natural draw which has been artificially deepened for drainage and irrigation purposes.

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8

T. 4 N R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same. 2 diversions from draw. Div. #1 is by 4 H.P. gas engine & Parma type of lifter, 6 ft head & 5" galv. pipe. Div. #2 has concrete dam across draw, 6 ft high & 4 ft long & 8" thick. Two ditches therefrom are of 2 ft bottom width and 1 ft depth. A third diversion is from a slough with check dam in NE $\frac{1}{4}$ Sec 7. Headgate in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 8. (Appendix)

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 for other than irrigation): SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7. SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, all in

Township 4 N., R. 3 W., B. M.

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

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

Remarks: Ditches from diversions No. 1 & 3 are more or less disused, the principal irrigation being from diversion point #3 a short distance below the mouth of the drain above mentioned. The ditch from diversion #3 is from 4 to 6 x 8 feet wide and 1 ft in depth

This examination was made on the and 10th 31st day of April August, 1939

(Signed)

Frederick A. Solomon
Examiner.
18561

F. J. Branneman
Caldwell, Idaho

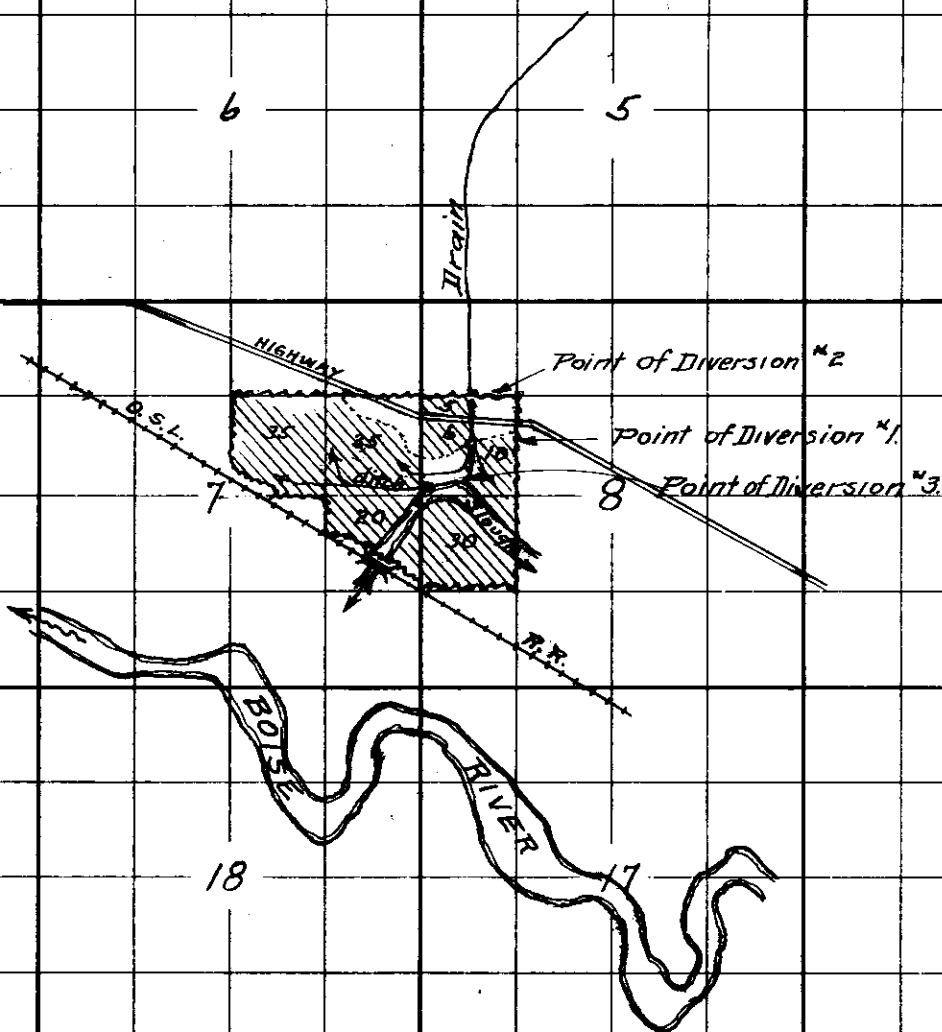
Permit No. 18561

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 a 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.
-



**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE**

REPORT OF ENGINEER

PERMIT NO. 18,561

REPORT ON PROOF OF Beneficial Use

2.82

James Spofford xxxxxxxx

xxxxxxxxxx
C. A. Bottolfsen

January 19, 1939

Re: Permit No. 18561

Mr. F. J. Brennenman,
Caldwell, Idaho.

Dear Sir:-

This will acknowledge deposition of the holder, depositions of two witnesses, and the affidavit of publication from the newspaper, all in connection with beneficial use proof under the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since the department has but one field engineer who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination, so that you may show him over the grounds.

After his report is on file in this office, you will be further notified as to fees before the issuance of your license.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18561

WALTER GRIFFITHS
LAWYER
WESTERN BUILDING
CALDWELL, IDAHO

January 14th, 1939.

Idaho Commissioner of Reclamation,
State Capital Building,
Boise, Idaho.

Re. Permit No. 18,561.

Dear Sir:-

We received your letter of the 12th this morning, and fortunately Mr. Brenneman came in also about the same time.

I am therefor inclosing herewith the proof of application of water to a beneficial use under Permit No. 18,561 in compliance with the notice as published.

I have not heard of any objection or protest to the use of this water by Mr. Brenneman and I think there is none.

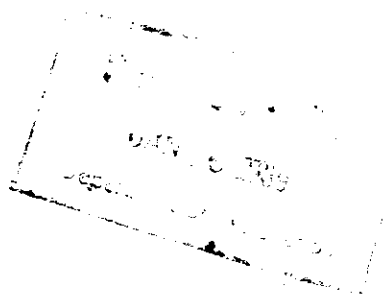
If there is anything in connection with this proof that needs explanation in any way kindly let us know what it is and we will be glad to supply any additional facts that may be necessary and required.

Respectfully,


Walter Griffiths

18561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT No. 18561

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Name, J. F. Brenneman, age 55, residence, Caldwell, Idaho, occupation, 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. Not acting in behalf of corporation.

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

Ans. No. 18561, dated ~~November 26, 1937~~ ^{Dec. 1, 1937}. Date of priority, ~~Nov. 26, 1937~~ ^{April 1, 1900}.

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

Ans. Source of supply is a natural draw which has been artificially deepened for drainage and irrigation purposes. Point of diversion is approximately 1600 ft. south and 900 ft. east from the northwest corner of Section 8, in Township 4 North, Range 3 West from the Boise Meridian.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. The works consist of a diversion dam composed of earth and concrete about 12 ft. long at the bottom and 16 ft. long at the top and about 6 ft. in height, and the ditches carrying the water from the diversion point are gravity ditches made in the earth and are capable of conveying from the point of diversion to the place of use from four to six second-feet of water. There is no name given to the works or irrigation system.

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 cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation purposes upon the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 7, and SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 8, all in Twp. 4 N.R. 3 W.B.M. in Canyon County, Idaho, and of approximately 40 acres in each of the above described subdivisions have been actually irrigated with the said water. The above land is partly bench and partly bottom land, on the north side of Boise River and is used for general farm crops and pasture for dairy herds and has upon it average farm residence and buildings and has been brought to present state of cultivation as direct result and with use of the water from above source for irrigation purposes.

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

Ans. Water is not used for other than irrigation purposes, except for domestic and watering live stock.

J. F. Brenneman 18561

CIVIL SERVICE

OFFICE OF THE ATTORNEY GENERAL

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

Ans. Four second-feet for all of said purposes.

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. Not for use by corporation.

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

Ans. Water has been used each irrigation season since 1900, and has been used for irrigation purposes upon the land above described and in the amount and to the extent of four second-feet.

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 right claimed thereunder.

Ans. Water was originally diverted from Boise River through the Siebenberg Canal and used upon the above described lands. In the year 1900 water was diverted and used for irrigation purposes upon the above described land and the water diverted from Boise River through the Siebenberg Canal was thereafter used upon other lands under said canal and the ditches from said canal to the above described land were not kept in repair and were discontinued for use for irrigation purposes.

(Sign) J. F. Brenneman

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 Caldwell, County of Canyon

State of Idaho, on this 14th day of January, A. D. 19 39

Stewart S. Maxey

Notary Public for Idaho,

Residing at Caldwell, Idaho.

My Commission expires on the 4th day of January, 1942.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18561

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. W. H. Rogers, age 65 years, occupation-farmer, residence and
postoffice address: Caldwell, Idaho

Ques. 2. Are you acquainted with J. F. Brenneman, the holder of Permit No. 18561? How long have you known him and where does he reside?

Ans. Yes. Have known him for more than three years.

Ques. 3. Have you read or heard read said Permit No. 18561, 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. Source of water supply is a natural draw that has been artificially
deepened for drainage and irrigation purposes. Place of diversion is
approximately 1600 ft. south and 900 ft. east from the Northwest corner of Sec. 8,
Twp. 4 N. R. 3 W. B. M. in Canyon County, Idaho, and is in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of
said Section 8. The diversion works constructed for diverting water for irrigation
from said draw consist of earth and concrete dam and gravity ditches constructed
therefrom to carry the water to the east half of Sec. 7, and the West half of
Sec. 8, in Twp. 4 N. R. 3 W. B. M.

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

Ans. In excess of four second-feet, or 200 to 250 miners inches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Water is used for irrigation purposes upon the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$
the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Sec. 7, and
the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, of Sec. 8, all in Twp. 4 N. R. 3
W. B. M., and the water has been used upon all of the above described subdivisions.
Or approximately on 40 acres in each subdivision or 200 acres in all. The
said land has all been cultivated and has been leveled and prepared for irrigation
and brought to its present state of improvement with the aid of the above
described water for irrigation purposes and has now average farm buildings upon
it and is in an average state of cultivation for farm lands in that locality.

18561

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

Ans. Not for power purposes

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

Ans. The land is composed of a sandy loam soil and requires four second-feet of water for its profitable cultivation.

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

Ans. I have no interest in the irrigation works or the land or the water above described and mentioned.

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

Ans. I live within _____ miles of the above described land and have been over it during the irrigating seasons and have passed along it on the public highway and have observed the actual irrigation of the land and the crops growing thereon at frequent intervals during the above mentioned period.

(Signed) W. H. T. Rogers

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 Caldwell, County of Canyon, State of Idaho, on this 14th. day of January, A. D. 1930

Stewart S. Maxey
Notary Public.

My commission expires Jan 4, 1932

for Idaho, Residing at
Caldwell, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18561

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. Erick Anderson, age 73, occupation-farmer, residence and postoffice address, Caldwell, Idaho.

Ques. 2. Are you acquainted with J. F. Brenneman, the holder of Permit No. 18561? How long have you known him and where does he reside?

Ans. Yes. Have known him for more than twenty-five years.

Ques. 3. Have you read or heard read said Permit No. 18561, 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. Source of water supply is a natural draw that has been artificially deepened for drainage and irrigation purposes. Place of diversion is approximately 1600 ft. south and 900 ft. east from the Northwest corner of Sec. 8, Twp. 4 N. R. 3 W.B.M. in Canyon County, Idaho, and is in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 8. The diversion works constructed for diverting water for irrigation from said draw consist of earth and concrete dam and gravity ditches constructed therefrom to carry the water to the east half of Sec. 7, and the West half of Sec. 8, in Twp. 4 N. R. 3 W. B. M.

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

Ans. In excess of four second-feet, or 200 to 250 miners inches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Water is used for irrigation purposes upon the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Sec. 7, and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, of Sec. 8, all in Twp. 4 N. R. 3 W. B. M., and the water has been used upon all of the above described subdivisions. Or approximately on 40 acres in each subdivision or 200 acres in all. The said land has all been cultivated and has been leveled and prepared for irrigation and brought to its present state of improvement with the aid of the above described water for irrigation purposes and has now average farm buildings upon it and is in an average state of cultivation for farm lands in that locality.

18561

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

Ans. Not for power purposes

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

Ans. The land is composed of a sandy loam soil and requires four second-feet of water for its profitable cultivation.

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

Ans. I have no interest in the irrigation works or the land or the water above described and mentioned.

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

Ans. I live within 2 miles of the above described land and have been over it during the irrigating seasons and have passed along it on the public highway and have observed the actual irrigation of the land and the crops growing thereon at frequent intervals during the above mentioned period.

(Signed) Erick Anderson

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 Caldwell, County of Canyon, State of Idaho, on this 14th. day of January, A. D. 1939.

Stewart S. Maxey
Stewart S. Maxey

Notary Public.

My commission expires Jan 4, 1942.

for Idaho, Residing at
Caldwell, Idaho

January 12, 1939

Re: Permit No. 18561

WALTER GRIFFITHS
Attorney at law
Caldwell, Idaho

Dear Sir:

We have your letter of January 11 in which you state that proof of Beneficial Use under the above-numbered permit must be made on January 14, 1939, however Mr. Brenneman, the holder of the permit, has been called East and will probably not be available at the time proof must be submitted.

It is doubtful that there can be a continuation of the date for this proof without affecting the date of priority under the permit. However, it is permissible for some one to execute the affidavit of holder under a power of attorney. Therefore, if you can have a power of attorney executed by Mr. Brenneman as quickly as possible, it may be that this proof can be made on the date set for proof. If you find that the power of attorney can not possibly be received on this date, you may make a formal application extending the time on which the deposition of the holder is to be taken and the Commissioner of Reclamation will act upon this application.

However, in any event, the depositions of the two witnesses may be taken on the date for such proof.

We trust that this answers your question satisfactorily.

Yours very truly,

JAMES SPOFFORD,
Commissioner of Reclamation

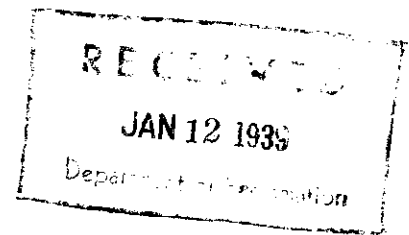
By PAUL H. BERG
Deputy Commissioner

PHB/c1

18561

WALTER GRIFFITHS
LAWYER
WESTERN BUILDING
CALDWELL, IDAHO

January 11th., 1939



Idaho Commissioner of Reclamation,
Boise, Idaho

Dear Sir:

We have notice for proof of application of water to beneficial use under Permit No. 18561, issued to J. F. Brenneman.

This hearing is due to be had on January 14th., 1939. Mr. Brenneman has been called East to Pennsylvania on some matter, and it is probable that he will not get back here by the 14th.

I would like if there is any way it can be done, to have this hearing continued for a period of twenty or thirty days.

Kindly advise me what can be done in this matter, and oblige.

Respectfully,

Walter Griffiths
Walter Griffiths

WG/mn

18561

' Affidavit of Publication

STATE OF IDAHO,

ss.

County of Canyon

J. P. La Fond

, being first duly sworn, deposes and says:

That he is the *Manager* 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 11 a. m. on the 14th day of January, 1933, at Caldwell, County of Canyon, State of Idaho, before Stewart S. Maxey, a Notary Public, will be submitted of the application to beneficial use of four cubic feet per second of the waters of a natural unnamed draw that has been deepened for drainage purposes tributary to the same, in accordance with the terms and conditions of Permit No. 18561 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are J. P. Breneman, Caldwell, Idaho.

The area on which said water has been applied is irrigation purposes. The amount applied to beneficial use is four seconds.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) is NW 1/4 and SW 1/4 of Section 7, and SW 1/4 NW 1/4 and NW 1/4 SW 1/4 of Section 8 T. 1 N., R. 3 W., E. 1 M. in Canyon County, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Canal privately owned by J. P. Breneman, unnamed.

The right to take water from such works is based upon Permit No. 18561.

The source of supply from which such water is diverted is An unnamed draw and artificial drain at a point in the SW 1/4 of the NW 1/4 of Sec. 8, Twp. 4 N., R. 3 W. E. 1 M. in Canyon County, State of Idaho.

The date of priority which said user is prepared to establish is July 11, 1933.

R. W. FARIE

Commissioner of Reclamation.

166-D17-24-31-37.

Saturday issue of THE CALDWELL NEWS-TRIBUNE for *4* consecutive weeks beginning with the issue of *December 17,* 193*8* and ending with the issue of *January* *7*, 193*9*.

J. P. La Fond

Subscribed and sworn to before me this *9th*

day of *January*, 193*9*.

Nell Wilson

Notary Public for Idaho.

Residing at Caldwell, Idaho.

18561

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

BOISE, IDAHO,

January 4, 1939

Re: Permit No. 18561

Mr. Stewart S. Maxey
C/o Walter Griffiths
Caldwell, Idaho
DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18561.....

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On.....January 14, 1939....., the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at.....
.....Caldwell, Idaho.....before.....Stewart S. Maxey, a Notary Public

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

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

Yours truly.

.....JAMES SPOFFORD.....

Commissioner of Reclamation.

18561

18561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date December 15, 1939

CALDWELL NEWS-TRIBUNE
Caldwell, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 14, 1940, the date set for proof, the expense of the publication to be paid by the applicant, J. F. Brannaman, Caldwell, Idaho,

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

18561

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

Notice is hereby given that at 11 A. M. on the 14th day of January, 1939,
 at Caldwell, County of Canyon, State of Idaho, before
Stewart S. Maxey, a Notary Public, proof will be submitted of the
 application to beneficial use of four cubic feet per second of the waters of a natural
unnamed draw that has been deepened for drainage purposes tributary to
Boise River in accordance with the terms and conditions of Permit No. 18561
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

J. F. Brenneman, Caldwell, Idaho

The use to which said water has been applied is Irrigation purposes

The amount applied to beneficial use is Four second-feet

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and
NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 4 N., R. 3 W. B. M., in Canyon County,
State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is Canal privately owned by J. F. Brenneman, unnamed.

The right to take water from such works is based upon Permit No. 18561

The source of supply from which such water is diverted is An unnamed draw and artificial
drain at a point in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 8, Twp. 4 N., R. 3 W. B. M.,
in Canyon County, State of Idaho.

The date of priority which said user is prepared to establish is April 1st., 1900

July 11, 1938

R. W. Faris

Commissioner of Reclamation.

18561

December 13, 1938

Re: Permit No. 18561.

Mr. J. F. Brennan
Caldwell, Idaho

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Caldwell News-Tribune, Caldwell, Idaho, all in connection with Permit No. 18561.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to January 14, 1939. About ten days prior to this date depositions, consisting of one for the holder and one each for two witnesses, will be mailed to Stewart S. Maxey, Notary Public, in care of Walter Griffiths, Caldwell, Idaho, so that he will have them in ample time for the proof.

On the date designated you should appear at Mr. Maxey's office with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

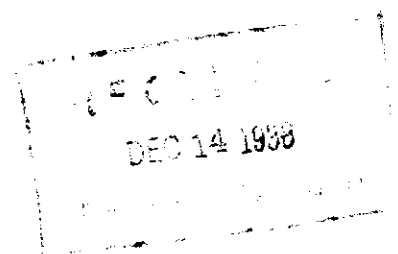
Chief Clerk

jl
cc to Walter Griffiths.

18561

WALTER GRIFFITHS
LAWYER
WESTERN BUILDING
CALDWELL, IDAHO

December 13th., 1938



Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho

Dear Sir:

I have your letter of December 1st., inclosing blanks of notice of proof of application of water to a beneficial use, for use under Permit No. 18561, issued to J. F. Brenneman, and have filled out the notices and had Mr. Brenneman sign the letter authorizing the publication of the notices, and am inclosing and returning them herewith.

If you will kindly send me the blank forms upon which to make the proofs, I will have them prepared for submission at the time proof is offered on the 14th. of January, 1939.

Respectfully,

Walter Griffiths
Walter Griffiths

WG/mn
Incls.

18561

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 12th., 1938

(P. O.) Caldwell, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

J. T. Bremner

(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.

J. T. Bremner

Engineer.

18561

December 1, 1938

Re: Permit No. 18561,
J. F. Brenneman.

Mr. Walter Griffiths
Attorney at Law
Caldwell, Idaho

Dear Sir:

We are herewith enclosing Certificate of Completion of Works issued under the above numbered permit to appropriate the public waters of the State of Idaho. The Department's Receipt No. 16685 for the \$5.00 fee you paid in connection with the completion of works proof under this permit is also enclosed.

The final, or beneficial use proof under this permit was due June 1, 1938. Failure to make this proof when due does not cause the permit to lapse, but the priority date of the right will be advanced by the amount of time that the final proof is late. Therefore, Mr. Brenneman will probably wish to make this proof at an early date. We are herewith enclosing the proper forms for the publication to be made in connection with a beneficial use proof. These forms should be returned to this office at least forty days prior to the date set for proof.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

j1
Encl.
cc to J. F. Brenneman.

18561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 18561 Under the
Provisions of Section ~~5594, Idaho~~
~~Compiled Statutes of Idaho~~ 41-311, Idaho
Code Annotated.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 18561 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: June 1, 1938; and,

WHEREAS, On the 16th day of July, 19238, notice to show cause why said permit should not be canceled, under the provisions of Section ^{41-311,} ~~5594,~~ Idaho Code Annotated, ~~Compiled Statutes of Idaho~~, was duly served on the holder of said permit; and,

WHEREAS, On the 21st day of July, 19238, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 28th day of July, 19238, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18561, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 18561 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 30th day of November, 19238.

R. W. FARIS

Commissioner of Reclamation

By

Paul H. Berg

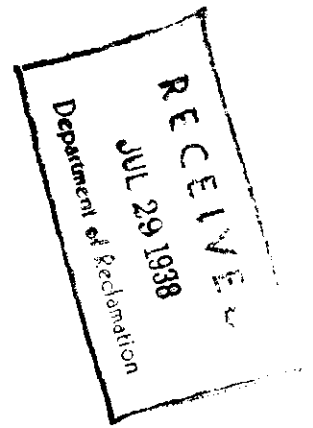
Deputy

~~Assistant~~

18561

WALTER GRIFFITHS
LAWYER
WESTERN BUILDING
CALDWELL, IDAHO

July 29th., 1938



Commissioner of Reclamation,
Boise, Idaho

Dear Sir:

I am inclosing herewith
Proof of Completion of Works by
J. F. Brenneman, under Permit
No. 18561, together with check
for \$5.00, in compliance with your
letter of July 21st., 1938.

I believe this proof complies
with the requirements of the Statute,
and the rules and regulations of your
office, but if there are any corrections
or additional matter to be supplied, kindly
let me know and we will supply whatever is
required.

Respectfully,

Walter Griffiths
Walter Griffiths

WG/mn
Incl.

18561

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. J. F. Brennenman, farmer, Caldwell, Idaho, Rte. 1

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. ... Not acting in behalf of corporation

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 18561, dated December 1, 1937, authorized diversion of four second-feet diverted from main ditch in natural draw tributary to Boise River at point 1600 feet south and 900 feet east from northwest corner of Section 8, Township 4 North, Range 3 West from Boise Meridian.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you have reclaimed or intend to reclaim.

Ans. Waters used for irrigation on Southwest quarter of Northeast quarter Southeast quarter of Northeast quarter, and Northeast quarter of Southeast quarter, Section 7, Southwest quarter of Northwest quarter and Northwest quarter of Southwest quarter, of Section 8, all in Township 4 North, Range 3 West from the Boise Meridian, in Canyon County, Idaho.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent. Water has been turned into diversion works and diverted and used in the spring of 1900 and each year thereafter.

Ans. ...

Ques. 6. State whether or not the works of diversion are fully completed, if so on what date, and whether or not they comply in all respects with terms of the permit.

Ans. Diversion works fully completed April 1, 1900 and comply in all respects with terms of permit thereafter.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance. Diversion works originally consisted of earth dam, later replaced with lumber and still later replaced with concrete and comply in all respects with terms of permit.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on April 1st, 1938, and give cost of same.

Ans. Works consist of concrete dam placed in drainage ditch in bottom of draw, dam approximately 16 ft. in length and 6 ft. in depth, with opening 3 ft. wide and 3 ft. deep. Opening in dam controlled with flash boards to divert water into two gravity ditches each approximately 2 mile in length, 2 foot width at bottom and 3 foot width at water line and 1 foot depth of water, with grades ... feet per mile.

(Sign here.) J. F. Brennenman

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 Caldwell, County of

Canyon, State of Idaho, on this 28th day of July, A. D. 1938.

My Commission expires 1-21-42

June E. Graham
Notary Public for
Idaho, residing at Caldwell, Idaho.

[Signature]

18561

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. **18561** ..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. **Walter J. Anderson, Caldwell, Idaho, Farmer.**

Ques. 2. Are you acquainted with.... **J. F. Brenneman** .., the

holder of Permit No. **18561** authorizing the diversion of... **four** second-feet of the waters

of **Drainage Ditch and natural draw tributary to Boise River at point 1600 feet south and 900 feet east from northwest corner of Sec. 8, Twp. 4 N. R. 3 W. B. M.** purposes? How long have you known him, and where does he reside?

Ans. **years, Caldwell, Canyon County, Idaho.**

Ques. 3. Have you read or heard read said Permit No.... **18561** .., and are you familiar with its terms and conditions?

Ans. **Yes**

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. **Yes. SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 7, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, of Section 8, all in Twp. 4 N. Range 3 W. B. M. in Canyon County, Idaho. Land is volcanic ash and sandy loam and requires one miners inch per acre or four second-feet for profitable cultivation.**

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. **Yes. Works originally completed in 1900, have been replaced and completed, as they now exist in April, 1938.**

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date. Works as existed on April 1, 1900, consisted of concrete dam, approximately **16 feet** in length and **6 feet high**, constructed in drainage ditch **at bottom of draw tributary to Boise River**, with opening **3 feet wide and 3 feet in depth**, controlled with flash boards diverting water into two irrigation ditches approximately **$\frac{1}{2}$ mile in length**, **2 foot width on bottom and 3 foot width at water line and 1 foot in depth**, and grade sufficient to carry **4 second-feet of water in each ditch**.

(Sign here.)

Walter J. Anderson

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, at my office in **Caldwell** .., County of

..... **Canyon** .., State of Idaho, on this **28th** day of

..... **July** A. D. 19**38**.

My Commission expires... **1-21-42** ..

..... **June E. Graham** ..

Notary Public. for

Idaho, residing at Caldwell, Idaho.

18561

PERMIT No. 18561..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. ... Erick Anderson, Caldwell, Idaho, Farmer.

Ques. 2. Are you acquainted with ... J. F. Brenneman ..., the

holder of Permit No. 18561. ... authorizing the diversion of ... four ... second-feet of the waters

of ... Drainage Ditch and natural draw tributary to Boise River at point 1600 feet south and 900 feet east from northwest corner of Sec. 8, Twp. 4 N. R. 3 W. B. M. for ... irrigation purposes? How long have you known him, and where does he reside?

Ans. ... years, Caldwell, Canyon County, Idaho.

Ques. 3. Have you read or heard read said Permit No. ... 18561 ..., and are you familiar with its terms and conditions?

Ans. ... Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 7, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, of Section 8, all in Twp. 4 N. Range 3 W. B. M. in Canyon County, Idaho. Land is volcanic ash and sandy loam and requires one ... miners inch per acre or four second-feet for profitable cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed? Yes. Works originally completed in 1900, have been replaced and completed, as they now exist in April, 1938.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question

5, and give your estimate of their capacity on that date. Works as existed on April 1, 1938, consisted of concrete dam, approximately 16 feet in length and 6 feet high, constructed in drainage ditch in Bottom of draw tributary to Boise River, with opening 3 feet wide and 3 feet in depth, controlled with flash boards diverting water into two irrigation ditches approximately $\frac{1}{2}$ mile in length, 2 foot width on bottom and 3 foot width at water line and 1 foot in depth, and grade sufficient to carry 4 second-feet of water in each ditch.

(Sign here.) Erick Anderson
Erick Anderson

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, at my office in ... Caldwell ... County of

... Canyon ... State of Idaho, on this ... 28th ... day of

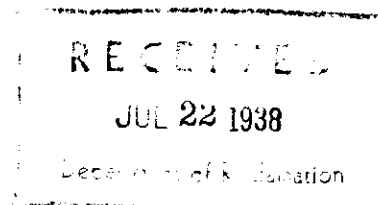
... July ... A. D. 1938..

My Commission expires ... 1-21-42

June E. Graham
Notary Public for
Idaho, residing at Caldwell, Idaho.

18561

WALTER GRIFFITHS
LAWYER
WESTERN BUILDING
CALDWELL, IDAHO



July 21st, 1938.

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

I came away to-day and neglected to return
and get the papers in relation the proof of completion
of works in the water right application of J. F. Brenneman.

If you will kindly mail them down to me I
will be very much obliged. If there are any charges
kindly send a statement of the amount and I will send
you a check for the amount.

Thanking you for the favor, I am.

Respectfully,


Walter Griffiths.

18561

July 21, 1938

Re: Permit No. 18561,
J. F. Brenneman.

Mr. Walter Griffiths, Agent
J. F. Brenneman
Caldwell, Idaho

Dear Sir:

We have just received a notice of appearance in connection with the notice of cancellation under the above-numbered permit.

We are herewith enclosing the necessary forms for making proof of completion of works in accordance with Section 41-311 of the Idaho Code Annotated. Upon receipt of these depositions properly executed, and the statutory fee, which in this case will be \$5.00, this permit will be reinstated and certificate of completion of works will issue.

Very truly yours,

R. W. FARLE
Commissioner of Reclamation
By

Deputy Commissioner of Reclamation

PHB:jl
Encl.

18561

NOTICE OF APPEARANCE

To Commissioner of Reclamation

Boise, Idaho

Dear Sir:

Receipt of notice that Permit No. 78561
is held for cancellation, under the provisions of Section
41-311, Idaho Code Annotated, is acknowledged.

I hereby enter an appearance and will offer proof
to show that the works required thereunder were fully com-
pleted on the date proof of completion of works was due.

Dated at Caldwell, this 21st
day of July, 1938.

J. F. Breunerman
Applicant.

By Walter Griffiths
Agent

78561

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature or name of addressee)

J. F. Breunerman

(Signature of addressee's agent)

Date of delivery, _____, 19

Form 3871

U. S. GOVERNMENT PRINTING OFFICE

18561

Post Office Department

OFFICE BUSINESS

REGISTERED ARTICLE 19

No.

3994

1936
3 P.M.

INSURED PARCEL

No.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

PC

K OF DELIVERING
OFFICE

DEPT. OF MEDICINE.

Return to

STATE HOUSE

Street and Number,
or Post Office Box,

BOISE,

IDAHO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 16, 1938

Re: Permit No. 18561

To J. F. Brennan

Caldwell, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18561, to appropriate the Public Waters of the State of Idaho, have not been complied with as to completion of works, June 1, 1938

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 18561 is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 18561 claims the use of 4 cubic feet per second of the waters of unnamed stream, with point of diversion located SW 1/4, SECTION 8, Township 4 North, Range 3 West, B. M., and was approved December 1, 1937.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 16th day of July, 1938.

R. W. FARIS,

Commissioner of Reclamation.

By Paul H. Berg
Assistant

18561

State of Idaho
DEPARTMENT OF RECLAMATION,
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Walter Griffiths, Agent
J. F. Bremness
Caldwell, Idaho

Boise, Idaho, **April 12, 1933**

Dear Sir:—

Under the terms of your permit No. **18561**.....you are required to complete your diversion works on or before.....**June 1, 1933**..... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00 a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

R. W. FARIS

Commissioner of Reclamation.

18561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Walter Griffiths, Agent
J. F. Brenneeman
Caldwell, Idaho

April 12, 1938

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 18561, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is June 1, 1938, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS
~~SEC. N. CARTER~~

Commissioner of Reclamation.

Note: Proof is to be submitted before a notary public or other officer authorized by law to administer oaths.

18561

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19561

Boise, Idaho, ~~December~~ 7, 1937

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

Walter Griffiths, Agent
J. F. Breckenman
Caldwell, Idaho

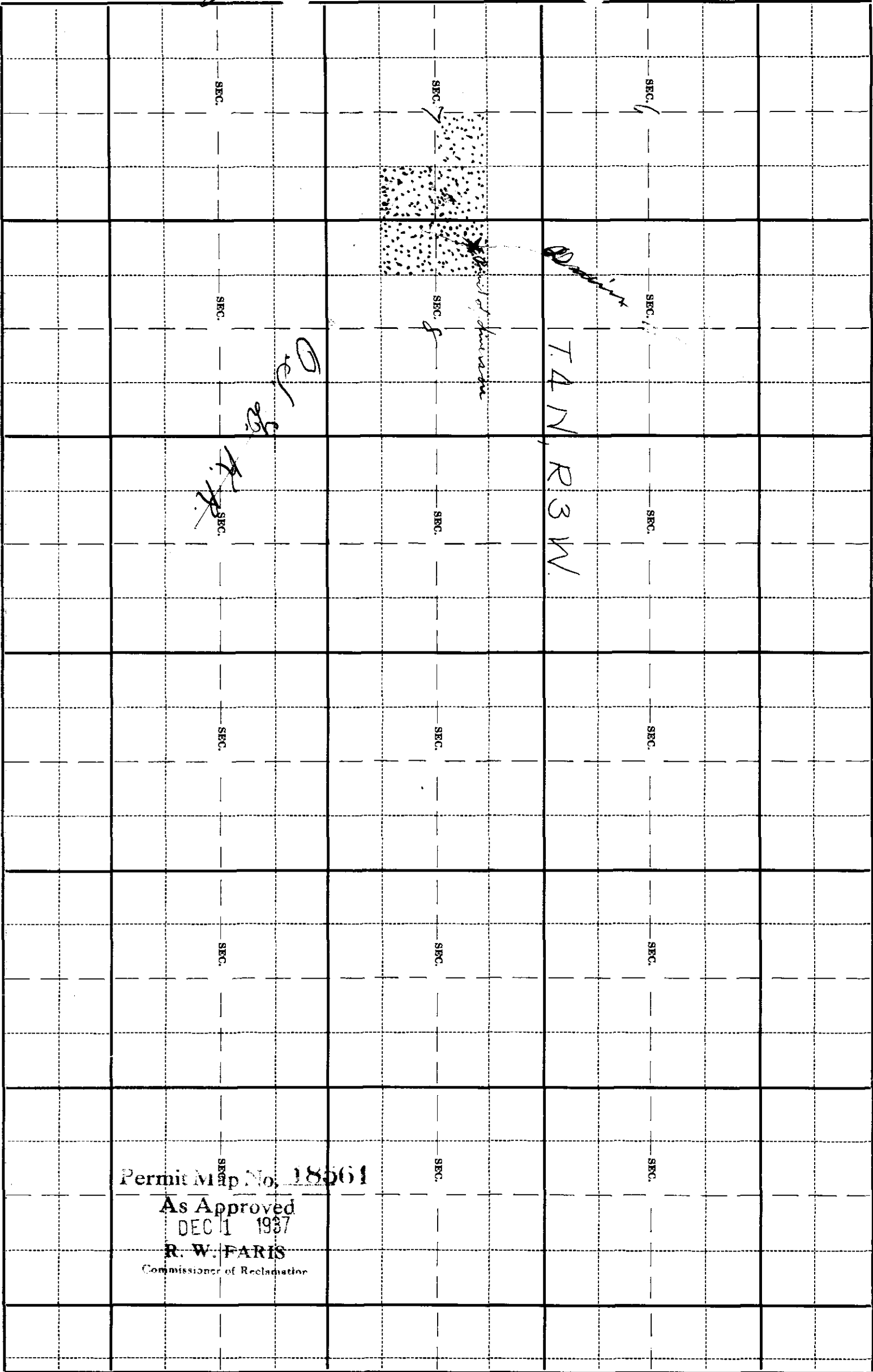
R. W. FARIS
Commissioner of Reclamation.

Encl.
Office Receipt for \$5.75.

18561

NAME OF APPLICANT J. L. H. Remmen

FORM NO. 0



Permit Map No. 18561
As Approved
DEC 1 1937
R. W. FARIS
Commissioner of Reclamation

WALTER GRIFFITHS
LAWYER
WESTERN BUILDING
CALDWELL, IDAHO

November 24th., 1937

18561
25887

Idaho Commissioner of Reclamation,
Boise, Idaho

Dear Mr. Faris:

I am inclosing herewith the application of Mr. J. F. Brennehan, for permit to appropriate four second-feet of water for irrigation purposes out of the drain ditch or draw, about four miles west of Caldwell, on the north side of Boise River.

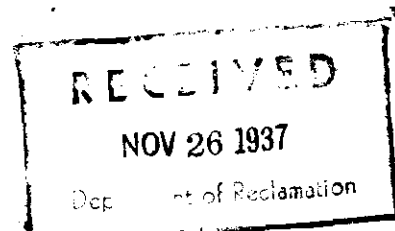
Accompanying the application are two drawings showing the location of the stream, and the point of diversion and the land upon which the water is applied.

I am also inclosing check for \$5.75, which I believe is the required amount for filing the application.

Respectfully,

Walter Griffiths
Walter Griffiths

WG/mn
Incls.



18561