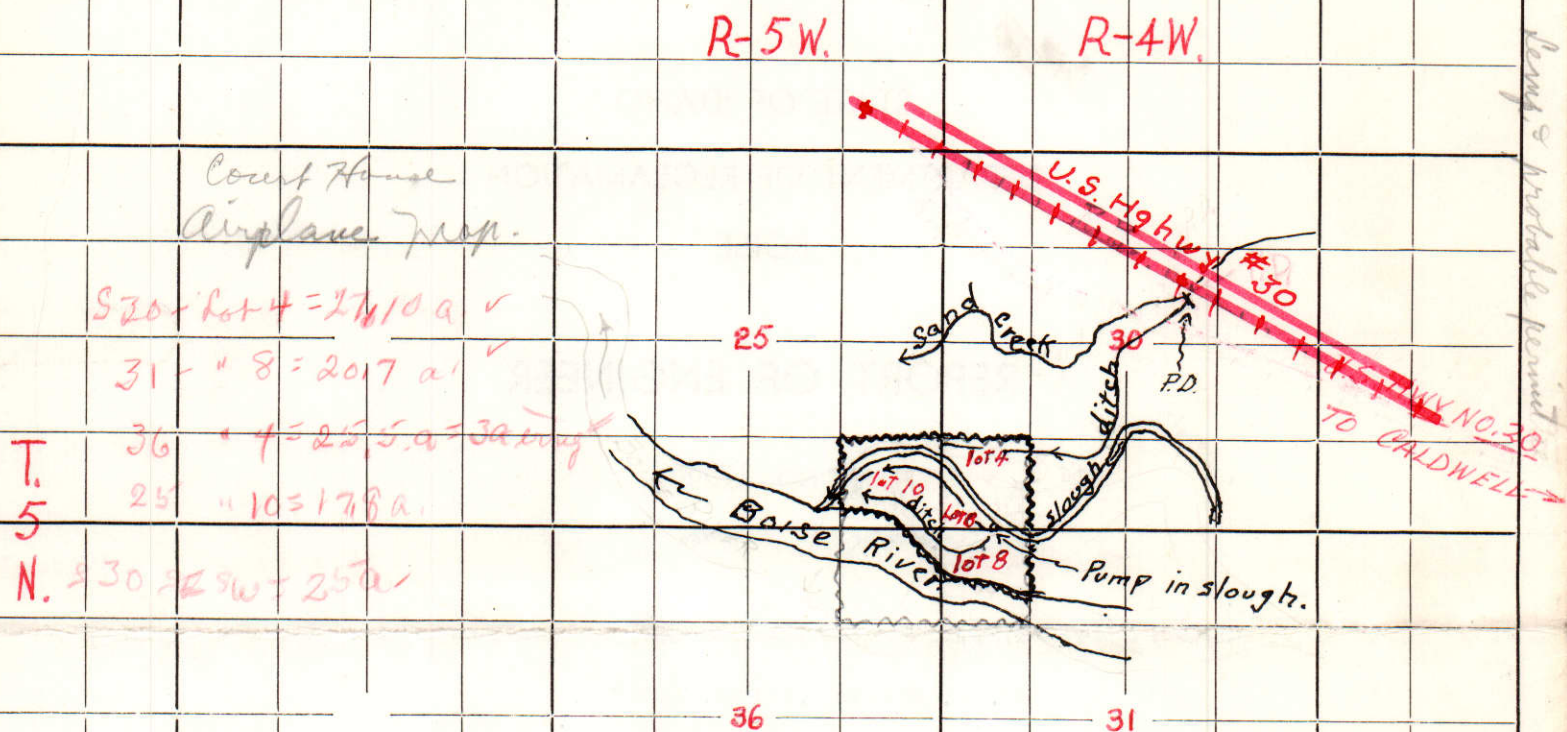


Use Tractor on Main Water Pipe Approx. 4" Pipe line



Lot 10 = 30 a.
 Lot 4 = 30 a.
 Lot 8 = 20 a.
 80 a.

SW SW = 30 a.
 SE SW = 15 a.

Subdivisions = Four

Area S 30, SW $\frac{1}{4}$ SW $\frac{1}{4}$ = 2 acres.
 S 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ = 17.8 acres.
 S 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$ = 3.0 acres.
 S 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ = 27.1 acres.
 49.9 acres.

Q = 1 cfs.

See License P. 2802
 in name of Lemp.

Affidavit of Publication.

STATE OF IDAHO,

County of Canyon

ss.

Virgil Grey

, being first duly sworn, deposes and says;

That he is the *foreman* of **WESTERN IDAHO PUBLISHERS, INC.**, publisher of **The 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 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

Saturday

issue of The

News-Tribune for *4* consecutive weeks

beginning with the issue of *December 17*

19 *55* and ending with the issue of *January*

7, 19 *56*

Virgil Grey

Subscribed and sworn to before me this *7*

day of *January*, 19 *56*

H. G. Cochran

Notary Public for Idaho
Residing at Caldwell, Idaho

17588

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2 p.m. on the 20th day of January, 1956, at Caldwell, County of Canyon, State of Idaho, before V. E. Graves, Notary Public, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Sand Creek, in accordance with the terms and conditions of Permit No. 17588 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 C. A. Rodgers, Parma Idaho Rt. 2.

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

The amount applied to beneficial use is 1.0 cubic feet per second.

The place where said water is used SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36 Twp. 5N. Range 5W. and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Twp. 5N. Range 4W.B.M.

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

The right to take water from such works is based upon permit No. 17588.

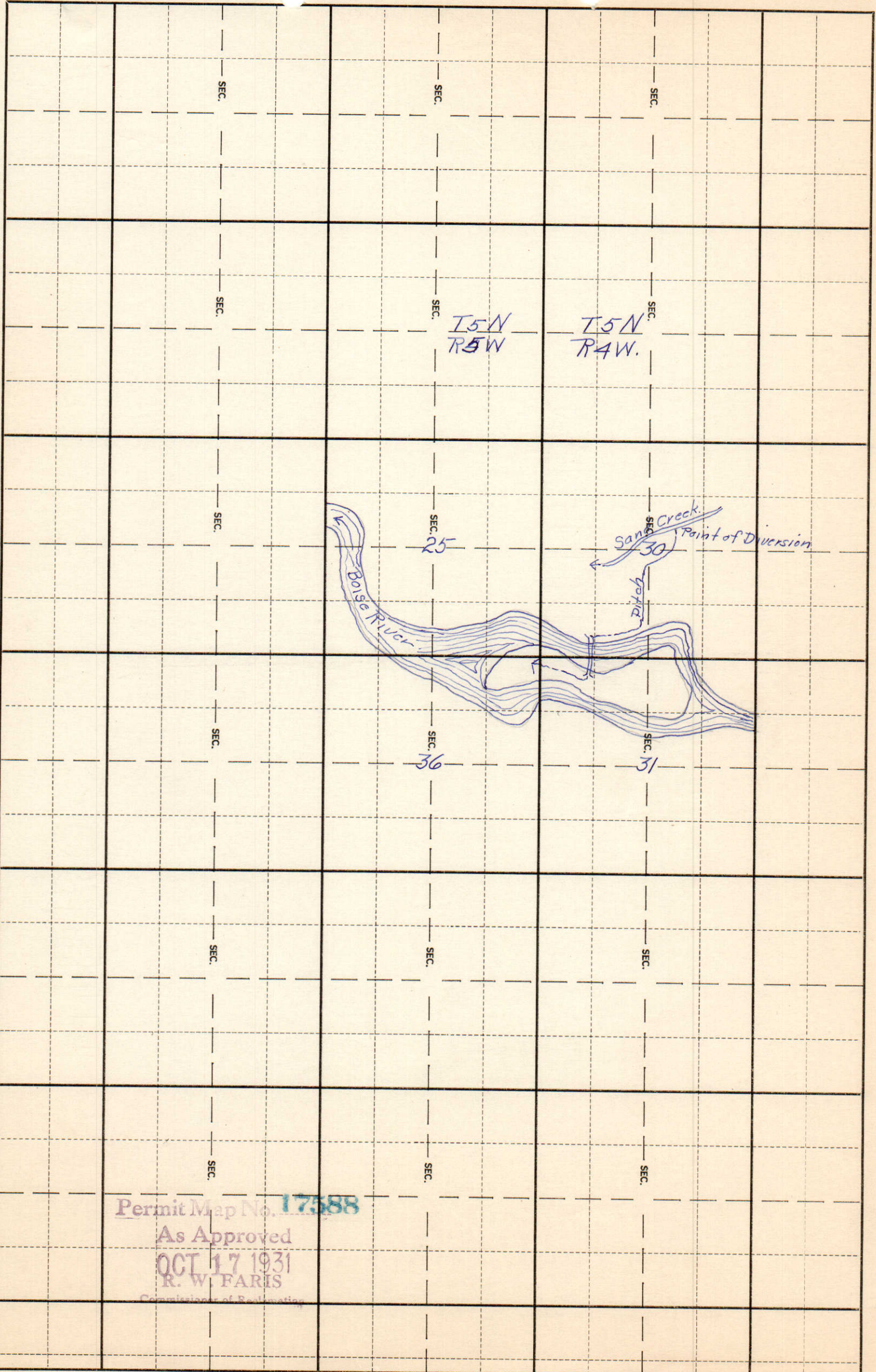
The source of supply from which

such water is diverted is Sand Creek.

The date of priority which said user is prepared to establish is January 1, 1945.

MARK R. KULP,
State Reclamation Engineer

No. 5—Dec. 17-24-31; Jan. 7



Permit Map No. 17588
As Approved
OCT 17 1931
R. W. FARIS
Commissioner of Reclamation

State of Idaho

License and Certificate of Water Right

Water License No. 17588

Amount 1 second foot

Water District No.

Priority January 20, 1945

THIS IS TO CERTIFY that Helen G. Mack
 of Pittsburgh, Pennsylvania, made application for a permit to appropriate the
 public waters of the State of Idaho, dated October 15, 1931; that Permit No. 17588
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 1 (one) second foot was issued thereunder on October 22, 1936, showing that said works
 were completed on the 21st day of October, 1936; and that on the 20th
 day of January, 1956,

C. A. RODGERS, Assignee of Helen G. Mack
 of Parma, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Sand Creek
 a tributary of Boise River, for the purpose of irrigation
 under Use Permit No. 17588 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
 9 of Licenses at page 5663, on the 29th day of February, 1956;
 The right hereby confirmed dates from January 20, 1945;

The Point of Diversion is located
 in the SW 1/4 NE 1/4, Sec. 30, Tp. 5 N., R. 4 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 1 (one) cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	4 W.	30	SW ¹ / ₄ SW ¹ / ₄	3.8	2
		31	NW ¹ / ₄ NW ¹ / ₄	20.7	27.1
	5 W.	25	SE ¹ / ₄ SE ¹ / ₄	17.8	17.8
		36	NE ¹ / ₄ NE ¹ / ₄	25.5	<u>3.0</u>
	Total Number of Acres Actually Irrigated				49.9

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
 29th day of February, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 2482

63-2462

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

Application No. **24694**
Permit No. **17588**
District No.

1. Name of Applicant: **Helen G. Mack**

Postoffice address: **Pittsburgh** County: **Allegheny** State: **Pa.**

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: **One** cubic feet per second.

3. Source of water supply: **Sand Creek** which is a tributary of **Boise River**

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the **SW 1/4**

of Section **30**, T. **5 N**, R. **4 W**, B. M., County of **Canyon**

5. Water is to be used for: **Irrigation & 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: \$ **100.00**

8. Kind of works: **Dam, Ditch, flume**

9. Height of dam **3** feet; length of dam at top **8** feet; length of dam at bottom **5**
feet; material used in dam: **Earth**

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: **2 x 2 x 200**

Diameter of pipe inches; length of conduit **1** miles.

Average grade per mile **10** feet.

12. The time required for the completion of such work is **Five** years.

13. The time required for the complete application of the water to the proposed use is **Six** 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.

Helen G. Mack

Applicant.

By

Lillian G. Lemp

Agent.

Payette, Idaho

Date of first receipt at Department of Reclamation: 11:00 A. M., October 15, 1931

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **17588**

Recorded in Book **63** Page **17588** Approved **October 17, 1931**

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 **December 16, 1951** 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 **April 16, 1954**

The whole of said work to be completed on or before **October 16, 1936**

Beneficial use of water appropriated in accordance herewith, to be made on or before **October 15, 1942**

send notice to John G. Mack
Box 303 - Caldwell

Witness my hand this 17th day of October, 1931

R. W. FARIS
Commissioner of Reclamation.

Remarks:

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		
5 N.	5 W.	25	25.5															17.8		
5 N.	5 W.	36																		
5 N.	4 W.	30																		
5 N.	4 W.	31																		
Total Number of Acres to be Irrigated																			67.8	
Permit No. 17588																				
CERTIFICATE OF COMPLETION OF WORKS																				
TO ALL WHOM IT MAY CONCERN:																				
This is to certify that HELEN G. MACK of Pittsburgh, County of Alleghany, and State of Pennsylvania, the holder of Permit No. 17588, issued upon Application No. 24694 bearing date of priority of October 15, 1931, authorizing the diversion of one second feet of the waters of Sand Creek, 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 one second feet of the waters of Sand Creek; that the point of diversion of said waters is in the SW¼ NE¼, Sec. 30, T. 5 N., R. 4 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE¼ SE¼, Sec. 25; NE¼ NE¼, Sec. 36; T. 5 N., R. 5 W., B. M.; SW¼ SW¼, Sec. 30; NW¼ NW¼, Sec. 31, T. 5 N., R. 4 W., B. M.																				
Witness my hand this 22nd day of October, A. D. 1936.																				
R. W. FARIS Commissioner of Reclamation																				
Proof of Completion of Works made October 21, 1936 Certificate of Completion of Works issued October 22, 1936																				
LICENSE ISSUED FOR 1.0 SEC. F1 Page 5663																				

INSTRUMENT NO. 311446
 Book 164 Page 152
 Deed Records, Canyon County, Idaho.

WARRANTY DEED

THIS INDENTURE, Made this 4th day of May, in the year of our Lord one thousand nine hundred and forty-six, between HELEN G. MACK and J. J. MACK, wife and husband, of Berkeley, County of Alameda, State of California, the parties of the first part, and C. A. RODGERS and FLORENCE M. RODGERS, husband and wife, of Dixon, County of Solano, State of California, the parties of the Second Part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$100.00 One Hundred Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

(U. S. REVENUE)
 ()
 (\$26.40)

Lot Ten (10) of Section Twenty-five (25), Township Five (5) North, Range Five (5) West, Boise Meridian, Lots Eight (8), Nine (9) and Ten (10) of Section Thirty-one (31), Township Five (5) North, Range Four (4) West Boise Meridian; Lots Three (3), Four (4), Five (5), Six (6), Eight (8), and Nine (9), and all that portion of the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) lying South of the Southwest-erly boundary line of the right of way of the Oregon Short Line Railroad Company, all in Section Thirty (30), Township Five (5) North, Range Four (4) West, Boise Meridian;

Excepting from the above described land, the Right-of-Way of the Oregon Short Line Railroad Company, as now located and constructed over and across said premises and now being used as a Right-of-Way;

Also excepting the rights and privileges conveyed in instruments recorded December 31, 1930 at 9:4 A.M. Book 118, Deeds, Page 384; April 4, 1931 at 4:10 P.M. Book 118 Deeds, Page 516; June 20, 1931 at 8:34 A.M. Book 115 Deeds Page 253; April 12, 1933 at 1:40 P.M. Book 121 Deeds Page 585, and, on April 30, 1937 at 2:50 P.M. in Book 131 of Deeds Page 361, records of Canyon County, Idaho.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Helen G Mack (SEAL)

J. J. Mack (SEAL)

STATE OF CALIFORNIA)
) ss.
 COUNTY OF Alameda)

On this 4th day of May, in the year 1946, before me, Nancy M. Evans, a Notary Public in and for said State, personally appeared HELEN G. MACK and J. J. MACK, wife and husband, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Nancy M. Evans

Notary Public for State of
California

Residing at Berkeley, Calif.

My Commission expires

Aug 15, 1946

STATE OF IDAHO)
) ss.
County of Canyon)

I hereby certify that this instrument was filed for record at the request of CANYON ABST. & TITLE CO. May 27, 1946 at 38 minutes past 11 o'clock A. M.

S. S. FOOTE, Ex Officio Recorder

Fee \$1.60 (COMPARED)

By H. Powell, Deputy

State of Idaho)
) ss.
County of Canyon)

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED Dec. 16, 1955

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

LAVONA SAYRE

Deputy

(SEAL)

WATER RIGHT NUMBER 63-2462

OWNER LAST NAME - MACK FIRST NAME - HELEN G. ORIG OWNER - 0
OWNER LAST NAME - RODGERS FIRST NAME - C. A. ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - PARMA STATE - ID ZIP CODE -
SOURCE - SAND CREEK TRIBUTARY OF - BOISE RIVER
STAGE - LICENSE STATUS - PRIORITY - 01-20-1945 COUNTY - CANYON TOTAL DIV. RATE - 1.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWNE 30 05N 04W LOT REDIV - 272.0 312.0 11.0 0.0 0.0 0.0 0.0 0.0 0.0 1.2
FROM - TO - USE - IRRIGATION USE DIV. RATE - 1.0000 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 05N RNG 05W SEC 36 TRACT NENE LOT AC 03
USE - IRRIGATION PLACE OF USE - TWN 05N RNG 05W SEC 25 TRACT SESE LOT AC 18
USE - IRRIGATION PLACE OF USE - TWN 05N RNG 04W SEC 31 TRACT NWNW LOT AC 27
USE - IRRIGATION PLACE OF USE - TWN 05N RNG 04W SEC 30 TRACT SWSW LOT AC 02
DECREE NAME - DATE - TOTAL ACRES 50
REMARKS - AC. IRR.=49.9.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 17588
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

IDENT. NO. 63-2462

WATER RIGHT
DATA ENTRY LOG

[illegible]

February 29, 1956

RE: Permit No. 17588

Mr. C. A. Rodgers
Parma
Idaho

Dear Mr. Rodgers:

We enclose License and Certificate of Water Right issued under Permit No. 17588 confirming your right to the use of 1 second foot of water from Sand Creek, with priority of January 20, 1945, and point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, Township 5 North, Range 4 West, B.M. for irrigation of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, Township 5 North, Range 4 West; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Township 5 North, Range 5 West.

We also enclose departmental receipt No. 27851 for the \$8.00 License Fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:hll
Enc.

17588

February 27, 1956

Re: Permit No. 17588

Mr. C. A. Rodgers
Parma, Idaho

Dear Mr. Rodgers:

Report has been turned in by our field engineer that you have under irrigation 49.9 acres of ground relating to the above captioned Permit.

Accordingly upon receipt of the statutory fee of \$8.00 a License will be issued for 1.0 c.f.s. of water to be used on the following land:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36 both in Twp. 5 North, Range 5 W., B.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 30, both in Twp. 5 N., Range 4 W., B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

17588

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17588

REPORT ON PROOF OF BENEFICIAL USE

C. A. Rodgers, Parma, Idaho

1. c/s
Priority Jan 20, 1945
mex

att. 1.5
Sub-4
0120-485

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
FEB 24 1956

Department of Reclamation

C. A. Rodgers
Parma,
Idaho
Permit No. 17588

Examination for BENEFICIAL USE

County Canyon

Q = 1.0 c.f.s.

30-5N.-4W

S = Sand Creek

P.D. = SW, NE, Sec. 30, T. 5N. - R. 4W

Fannell A. Tractor

Use = Irrigation & Domestic

Filing date = Oct. 15, 1931
Date = Oct. 16, 1942

C/W = 10-22-36

License 2802
2.1 cfs. date 9/16/13.
to Herbert Lemp.

P.D. = SW NE S 30 5N. 4W.

for.

5N 4W-S 30 NWSW. - 30 acres
NE SW - 30 "
SW SW - 25 "
SE SW - 20 "

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

Permit No. 17588

This proof is for Beneficial Use In Water District No.

1. Name of applicant C. A. Rodgers, Parma, Idaho
2. Source of water supply: Sand Creek
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30
T. 5 North R. 4 West, B.M. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Point of diversion is just below the Railroad right-of-way and consists of a small plank dam against a pole across Sand Creek for purpose of diversion. There is a large ditch 2' to 3' wide in the bottom leading from the point of diversion to the place of use. The Railroad Co. has notified Mr. Rodgers that the point of diversion must be moved down stream because as presently operated, it is eroding the Railroad imbankment that supports the Railroad tracks. There is a spill from the ditch into the slough where the ditch first extends along the slough and water is picked up out of the slough with a Parma Water lifter operated by a tractor. Belt driven. Height of lift is approximately 8' through 50' of 8" pipe into the ditch on the South side of the slough. (can't below)
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp. 5 North, Range 5 West, B.M. - 17.8 acresNE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, " " " " " " " " - 25.5NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, Twp. 5 North, Range 4 West, B.M. - 20.7SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, " " " " " " " " - 3.8

Total 67.8

See the map

(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: #4 can't. There is a ditch of sufficient capacity on the North side of the slough to irrigate the land indicated on the map.

The 40's that are Lots laying along the West side of Sections 30 and 31 and against the Range line are approximately half size even though not shown that way. Since the extension of the Black Canyon Project by the Pumping Division, Sand Creek has become much larger than it was previously.

This examination was made on the 22nd day of Feb, 1936

(Signed) E. N. Humphrey, Examiner.

17588

Original Priority 10/16/31 ?

B.W. Due 10/16/42

B.W. Made 1/20/56

Late 3 mo 4 days 13 yrs

10 16 31

13 20 44

Jan 20 1945

17588

SEC. 9. EXAMINATION OF APPLICATION.

On receipt of application for permit to appropriate ground waters, it shall be the duty of the State Reclamation Engineer to make endorsement thereon of the date and hour of its receipt and to make a record of such receipt in some suitable book in his office. It shall be the duty of the State Reclamation Engineer to examine said application and ascertain if it is in due form, as above required. If, upon such examination, the application is found defective, it shall be the duty of the State Reclamation Engineer to return the same for correction within thirty days from receipt of the application, and the date of such return with the reason therefor shall be endorsed on the application and a record made thereof in a book kept for recording the receipt of such applications. A like record shall be kept of the date of the return of corrected applications, but such corrected applications shall be returned to the State Reclamation Engineer within a period of sixty days from the date endorsed thereon by the State Reclamation Engineer; and if any such application be returned after such period of sixty days, such corrected application shall be treated in all respects as an original application. All applications which shall comply with the provisions of this act and with the regulations of the Department of Reclamation shall be numbered consecutively and shall be recorded in a suitable book kept for that purpose.

After an application has been duly filed with the State Reclamation Engineer, as in this act provided, it shall be the

February 14, 1956

RE: Permit No. 17588

Mr. C. A. Rodgers
Parma
Idaho

Dear Mr. Rodgers:

We acknowledge receipt of depositions of yourself and two witnesses, also affidavit of publication in the Caldwell News Tribune all in proof of Beneficial Use on Permit No. 17588.

This completes your proof, but before final action is taken the law requires that a field examination be made by an engineer of this Department.

We cannot say just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination in order that you may arrange to show him over the ground.

We return your statement for cost of publication which you will doubtlessly want to keep for your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:cu
Enc.

17588

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

Dear Sir:-

Answering your letter of Jan.25th,
I enclose Deposition of another witness, Mr. Patrick
J. Sullivan, who has personal knowledge of the
beneficial use of the water on the lands in question.

Mr. Joe Woodland, one of the witnesses used on
January 20th, does not have or has not at any time had
any interest in this ranch or the land described in
the permit, or in the water covered thereby.

I trust this covers the points you mentioned
in your letter.

Yours very truly,

L. A. Rodgers.

RECEIVED
FEB 7 1956

Department of Reclamation

17588

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. C.A. Rodgers, Canyon County, Rancher, Parma, Idaho.

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

Ans. -----

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

Ans. 17588 October 17, 1931, - October 16, 1942.

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

Ans. Sand Creek SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, T. 5N R. 4W E. 1M, County of Canyon, 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. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Dam; Ditch to Slough; second dam in slough and pumping plant irrigating land covered in Application.

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

Ans. Irrigation of cultivated land in

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, 17.8 acres.

N. E $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 36, 25.5 "

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 20.7 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30 3.8 "

67.8 "

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

Ans. -----

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

Ans. Amount designated in permit.

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

Ans. Acquired by purchase of the property from permittee

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

Ans. Flume across slough to above described land had been destroyed; in 1950 we built a dam across said slough, inst alled a Parma Water Lifter and have since pumped the water and irrigated the lands above described, after conducting the water from Sand Creek through our ditch into said slough at a point about half a mile above the dam.

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 appropriated for above operation.

(Sign)

B.A. Rodgers

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 20th day of January, A. D. 1956.,

Mary Stiles

My commission expires 9-6-59

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

PERMIT NO. 17588

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. Patrick J. Sullivan - 50- Nyssa, Oregon, livestock operator, Nyssa, Ore.

Ques. 2. Are you acquainted with C.A. Rodgers, the holder of Permit No. 17588? How long have you known him and where does he reside?

Ans. Yes. About fifteen years, - Parma, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17588, 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. Sand Creek; ~~S.W. 1/4~~ Sec. 30 T.5N, R4W B.M.

Dam in Sand Creek; ditch from Sand Creek to slough adjoining land to be irrigated.
Dam across slough, and pumping plant to lift the water onto said land.

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. At least a hundred inches. Same,

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

Ans.	Sec. 25 T5N R5W BM	17.5 acres
	" 36 T5N R5W "	25.5 "
	" 30 T5N R4W "	3.8 "
	" 31 T5N R4W "	20.7
		<u>67.5 "</u>

17588

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

Ans. -----

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

Ans. ~~good river bottom soil; probably the amount covered by permit~~
is sufficient.

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

Ans. No interest.

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 helped build the dam in the slough and install t he pumping plant
and irrigated the ground in quastion myself in 1951 and after that, as
I was employed by Mr. Rodgers for several years.

(Signed)

Patrick J. Susman

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 Mallum, Ontario,
County of Mallum, Oregon, State of Oregon on this 6 day of Feb,
A. D. 19 56.

My commission expires

Jan 2 1957

Earl Blumby
Notary Public.

Oregon

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Donna A. Rodgers, Canyon County, - ranching, Parma, Idaho.

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

Ans. -----

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

Ans. 17588 October 17th 1931; October 16th 1942.

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

Ans. Sand Creek. [?] SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30 T. 5N R. 4W E.M., Canyon County, Idaho.
Sand

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. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Dam. Ditch to slough; water flows through slough to dam constructed across said slough, where a pumping plant is installed to raise the water upon said land, for irrigation.

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

Ans. Irrigation of cultivated land in

✓ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 25,	17.8	acres.
✓ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 36	25.5	"
✓ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 31	20.7	"
✓ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 30	3.8	"
		67.8	"

17588

RAT

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

Ans. -----

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

Ans. Amount designated in permit.-----

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

Ans. Acquired by purchase of the property from permittee.-----

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

Ans. ~~Present owner began using water on above described lands in 1950, by building a dam across the slough adjacent to said lands, bringing the water from Sand Creek through ditch to said slough about half a mile above said slough dam, and pumping same from the slough upon said lands.~~

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.-----

(Sign) Danna A. Rodgers

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe ^{her} him to be the person ^{her} she represents herself 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 20th day of January, A. D. 19 56.

Mary Strain

My commission expires 9-6-57

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Joe Woodland, Canyon County, Farming, Parma, Idaho.

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

Ans. -----

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

Ans. 17588 Oct. 17th 1931; Oct. 16th 1942.

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

Ans. Sand Creek SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30 T5N R4WBM, County of Canyon, 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. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Dam; Ditch to Slough; second dam in slough, and pumping plant irrigating land covered in application.

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

Ans. Irrigation of cultivated land in

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25,	17.8	acres.
--	------	--------

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36	25.5	"
---	------	---

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31	20.7	"
---	------	---

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30.	3.8	
--	-----	--

	67.8	"
--	------	---

17588

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

Ans. -----

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

Ans. Amount designated in permit.

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. Acquired by purchase from permittee.

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

Ans. Present owner began using water on said lands in 1950. A dam was built across the slough by said lands and water pumped from the slough to said lands, after being conducted from Sand Creek through ditch to said slough, some distance above said slough dam.

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. None.

(Sign)

Joe Horkland

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 20th day of January, A. D. 1956.

Mary Strick

My commission expires 4-6-57

No interest in this permit - see letter from E.A. Rodgers
of "no date", rec. in this
office Feb. 7, 1956

January 25, 1956

RE: Permit No. 17588

Mr. C. A. Rodgers
Route # 2
Parma, Idaho

Dear Mr. Rodgers:

We wish to acknowledge your proofs of Application of Water to Beneficial Use one for the owner of said Permit and one each for the two witnesses. Due to some unknown reason we inadvertently gave you the wrong forms for the witnesses as we gave you three forms for the Holder and none for the Witnesses. However, we think that we can accept the depositions of the witnesses which are made out on the depositions of Holders forms providing you can furnish us with the following information.

The questions are on the Form that should have been signed by the Witnesses and that does not appear under any of the questions under the Holder Forms are "Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?"

The other question is "State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said Permit."

Both witnesses should be non-interested parties of the Permit Holder, therefore, if you can furnish us satisfactory evidence that both witnesses were non-interested parties this will be satisfactory to this Department, otherwise it may be necessary to have another disinterested witness fill out a deposition to complete your proof.

Please let us hear from you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu

1-2-1956

Mr. Roy H. Thompson
Dept. of Reclamation
Capital Bldg.

RECEIVED
JAN 23 1956
Department of Reclamation

Boise -
Dear Mr. Thompson:

I now enclose the three
affidavits - Proof of application
of water to beneficial use -
together with News Tribune affidavit
of Publication.

The witnesses were sworn and
the acknowledgments taken at 2¹⁵
p.m. today in the office of V.E. Graves -
of Caldwell Idaho.

Yours very truly
L. A. Rodgers.
Parma Idaho.
Rt 2

175-88

Affidavit of Publication.

STATE OF IDAHO,

County of Canyon

ss.

Virgil Grey

, being first duly sworn, deposes and says;

That he is the *Gorman* of WESTERN IDAHO PUBLISHERS, INC., publisher of The 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 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

Saturday

issue of The

News-Tribune for *4* consecutive weeks

beginning with the issue of *December 17*

19*55* and ending with the issue of *January*

7, 1956
Virgil Grey

Subscribed and sworn to before me this

day of *January*, 19*56*

H. G. Cochran

Notary Public for Idaho
Residing at Caldwell, Idaho

17588

January 17, 1956

Permit No. 17588

Mr. C. A. Rodgers
Route # 2
Parma, Idaho

Dear Mr. Rodgers:

We are in receipt of your letter stating that you will not be able to execute your proofs on your Water Right on January 20 as per publication notice.

You state that you will not be able to make these proofs on the set date on account of one of your witnesses not being available. We suggest that the proofs be made on the date specified, if possible by obtaining some other witness.

If the proof is delayed and not made on the date as set in the publication notice and made at a later time this causes more or less trouble as you will have to furnish an Affidavit from the Notary, before whom you were going to appear to make your depositions, stating that said Office was open on that date and that no one appeared to Protest said proofs, therefore, if it is possible we think that proofs should be executed on the date set for publication and not delayed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu

17588

1/5/1956

Mr. Mark R. Kuep. -
State Reclamation Engineer

Statehouse
Boise Idaho.

Dear Sir:

RECEIVED
JAN 17 1956

Department of Reclamation

I have a hearing to prove
up on a water permit scheduled
as advertised for January 20 in
Baldwell.

Due to the absence of one witness
I expect to use, it may be necessary
to adjourn the hearing till
sometime in February - as he
is in New York somewhere & not
expected back for another two or
three weeks.

Such an adjournment could
not in any way prejudice any
one's rights, but if you know of
any objection to it kindly advise
me.

Respectfully

L.A. Rodgers

Parma Idaho

Rt 2.

17588

**APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 2 p.m. on the 20th day of January, 1956, at Caldwell, County of Canyon, State of Idaho, before V. E. Graves, Notary Public, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Sand Creek, in accordance with the terms and conditions of Permit No. 17588 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 C. A. Rodgers, Parma Idaho Rt. 2.

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

The amount applied to beneficial use is 1.0 cubic feet per second.

The place where said water is used SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, NE $\frac{1}{4}$ -NE $\frac{1}{4}$ Section 36 Twp. 5N. Range 5W. and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Twp. 5N. Range 4W.B.M.

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

The right to take water from such works is based upon permit No. 17588.

The source of supply from which such water is diverted is Sand Creek.

The date of priority which said permit is prepared to establish is January 1, 1945.

MARK R. KULP,
State Reclamation Engineer
p. 5—Dec. 17-24-31, Jan. 7.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 17588

Date: December 15, 1955

Caldwell News-Tribune

Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 20, 1956 the date set for proof, the expense of the publication to be paid by the applicant, C. A. Rodgers of Route 2 Parma, 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, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

17588

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 15, 1955

(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 Tribune, of Caldwell, Idaho. published in

the county in which the works are situated.

L. A. Rodgers

(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.

17588

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

Notice is hereby given that at 2 P. M. on the 20th day of January, 1945
at Caldwell, County of Canyon, State of Idaho, before
V.E. Graves ^{Public} ~~Notary, Caldwell, Idaho~~, proof will be submitted of the
application to beneficial use of 1.0 cubic feet per second of the waters of Sand Creek,
in accordance with the terms and conditions of Permit No. 17588
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 _____

C.A. Rodgers, Parma Idaho Rt. 2,

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

The amount applied to beneficial use is 1.0 cubic feet per second,

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

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36 Twp. 5.N. Range 5.W. and

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Twp. 5.N. Range 4.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 _____

Private ditch,

The right to take water from such works is based upon Permit No. 17588

The source of supply from which such water is diverted is Sand Creek,

The date of priority which said user is prepared to establish is January 1, 1945

MARK. R. FULP.

State Reclamation Engineer.

17588

THE
SERVING IDAHO'S
NEWS
FARM MARKET
TRIBUNE

SINCE 1882

BOX 491 - PH. 9-4664

CALDWELL, IDAHO

RECEIVED
DEC 19 1955
Department of Reclamation

December 16, 1955

State of Idaho
Department of Reclamation
Boise, Idaho

Dear Sir:

This is to acknowledge receipt of the notice for
publication for C. A. Rodgers, Permit #17588. It
will be published December 17, 24, 31 and January
7.

Yours truly,

By H. G. Cochrane
H. G. Cochrane
Business Manager

gaw

17588



GRAYDON W. SMITH
ATTORNEY GENERAL
STATE OF IDAHO
BOISE

RECEIVED
DEC 27 1955
Department of Reclamation

December 22, 1955

Mr. Mark R. Kulp
State Reclamation Engineer
B U I L D I N G

Attention: Mr. Roy W. Thompson,
Supervisor of Water Distribution

Dear Sir:

Your letter of December 20th concerning water permit No. 17588 on file in your Department in the name of Helen G. Mack, now deceased, inquires concerning the status of the present owner of the water right, Mr. C. A. Rodgers, to make final proof of beneficial use of the water.

It seems that he procured a warranty deed of the land from the deceased owner, a copy of which deed accompanies your letter and is returned herewith, but the deed did not mention the water rights appurtenant to the land.

However, the deed does contain the usual grant of "all and singular the * * * appurtenances thereunto belonging or in anywise appertaining,". This is thought sufficient to constitute a conveyance of the water right. A water right is necessarily appurtenant to the land on which it is used; it is itself real estate, and while it may be separable from the land if the owner should see fit, still a conveyance of the land such as above quoted from includes the water right. This is made very plain in Hunt v. Bremer, 47 Idaho 490, 493 (1,2).

Therefore I see no reason why Mr. Rodgers may not make the final proof above mentioned. It is not thought his priority of use would thereby date back so as to fall ahead of other users whose proof has heretofore been made, but this would have nothing to do with his right of presently making proof.

Yours very truly,

R. R. Smead
R. R. SMEAD
Assistant Attorney General

JRS:dm
encl.

17588

December 20, 1955

Mr. Graydon W. Smith
Attorney General
B U I L D I N G

Dear Mr. Smith:

Our records show Water Permit No. 17588 on file in the Department of Reclamation in the name of Helen G. Mack, deceased.

Permit is for 1.0 cubic feet per second from Sand Creek. The records show that Completion of Works proof was made on said Permit by Helen G. Mack, however, Beneficial Use proof was never made.

The present owner, Mr. C. A. Rodgers, wishes to make final proof on said Water Right. Mr. Rodgers not being able to get an Assignment of this Permit has furnished the Department with a copy of a Warranty Deed signed by Helen G. Mack, however, the Deed does not mention the transfer of any Water Right especially the Water Right in question.

Our question, Can this Department, on the strength of the wording of this Deed, accept same for the purpose of making a final proof on said Permit in lieu of an Assignment to Mr. Rodgers by the original Applicant, Helen G. Mack?

Copy of Warranty Deed is enclosed herewith.

Your opinion will be appreciated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

17588

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

INSTRUMENT NO. 311446
Book 164 Page 152
Deed Records, Canyon County, Idaho.

WARRANTY DEED

THIS INDENTURE, Made this 4th day of May, in the year of our Lord one thousand nine hundred and forty-six, between HELEN G. MACK and J. J. MACK, wife and husband, of Berkeley, County of Alameda, State of California, the parties of the first part, and C. A. RODGERS and FLORENCE M. RODGERS, husband and wife, of Dixon, County of Solano, State of California, the parties of the Second Part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$100.00 One Hundred Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

U.S. REVENUE
\$26.40

Lot Ten (10) of Section Twenty-five (25), Township Five (5) North, Range Five (5) West, Boise Meridian, Lots Eight (8), Nine (9) and Ten (10) of Section Thirty-one (31), Township Five (5) North, Range Four (4) West, Boise Meridian; Lots Three (3), Four (4), Five (5), Six (6), Eight (8), and Nine (9), and all that portion of the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) lying South of the Southwesterly boundary line of the right of way of the Oregon Short Line Railroad Company, all in Section Thirty (30), Township Five (5) North, Range Four (4) West, Boise Meridian;

Excepting from the above described land, the Right-of-Way of the Oregon Short Line Railroad Company, as now located and constructed over and across said premises and now being used as a Right-of-Way;

Also excepting the rights and privileges conveyed in instruments recorded December 31, 1930 at 9:4 A.M. Book 118, Deeds, Page 384; April 4, 1931 at 4:10 P.M. Book 118, Deeds, Page 516; June 20, 1931 at 8:34 A.M. Book 115 Deeds Page 253; April 12, 1933 at 1:40 P.M. Book 121 Deeds Page 585, and, on April 30, 1937 at 2:50 P.M. in Book 131 of Deeds Page 361, records of Canyon County, Idaho.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Helen G Mack (SEAL)

J. J. Mack (SEAL)

STATE OF CALIFORNIA }
COUNTY OF Alameda } ss.

On this 4th day of May, in the year 1946, before me, Nancy M. Evans, a Notary Public in and for said State, personally appeared HELEN G. MACK and J. J. MACK, wife and husband, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.

(SEAL)

Nancy M. Evans

Notary Public for State of
California

My Commission expires

Residing at Berkeley, Calif.

Aug 15, 1946

STATE OF IDAHO

County of Canyon

} ss.

I hereby certify that this instrument was filed for
record at the request of CANYON ABST. & TITLE CO. May 27, 1946
at 38 minutes past 11 o'clock A. M.

Fee \$1.60

COMPARED

S. S. FOOTE, Ex Officio Recorder

By H. Powell, Deputy

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.

Dec. 16, 1955

S. S. Foote, District Court
and Ex Officio Recorder.

Lavona Payne
Deputy

December 16, 1955

Mr. Clarence T. Ward
608 Idaho Building
 Boise, Idaho

Dear Mr. Ward:

We enclose herewith Certified copies of the following instruments.

License and Certificate of Water Right No. 9728.

Permit No. 17588.

Decree in the case of the Farmers Co-operative Ditch Company,
vs., Riverside Irrigation District, et al.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

CC: Mr. C.A. Rodgers

Mr Thompson-

Please send certified copies of application
Reams etc on Rogers water to Clarence J. Ward
attorney, 608 Idaho Building

R. W. Meyer
12/15/55

17588

December 16, 1955

RE: Permit No. 17588

Mr. C. A. Rodgers
Route # 2
Parma, Idaho

Dear Mr. Rodgers:

We have sent to the Caldwell News-Tribune notice for proof of Beneficial Use to be made January 20, 1956, on the above numbered Permit for which we understand you will send for record, copy of the Deed transferring Helen G. Mack's interest in this Permit to you.

At the time set you should appear before Mr. V. E. Graves, Notary Public, at Caldwell, Idaho, together with two disinterested witnesses who are familiar with the terms of the Permit and the works done thereunder for the purpose of executing the depositions which were handed you when in the Office yesterday.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

17588

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Helen G. Mack
Caldwell, Idaho

August 19, 1942

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. ~~17588~~, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is ~~October 16, 1942~~, 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,

E. V. BERG
Commissioner of Reclamation

17588

October 26, 1936

Re: Permit No. 17588
Helen G. Mack

MRS. LILLIAN G. LEMP, Agent
Payette, Idaho

Dear Mrs. Lemp:

You will find enclosed herewith, Certificate of Completion of Works issued under the terms of the above permit to a capacity of one second foot.

This certificate has been prepared in accordance with the affidavit filled out by you as Mrs. Mack's agent.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

by
Ass't Chief Clerk

cj
encl

17588

October 9, 1936

Re: Permit No. 17588,
Helen G. Mack.

Mrs. Lillian G. Lemp, Agent
Parsa, Idaho

Dear Mrs. Lemp:

We have your letter of October 7th in which you say that due to your physical condition it will be impossible to make proof of completion of works under this permit by October 16th, the date when such proof is due.

As you know from the notice we mailed you some time ago, it will not be necessary to make a publication in connection with this matter. Therefore the only thing to do is to go before a Notary Public, execute the affidavit which we mailed you and return it to this office with a fee of five dollars. It will not be necessary for you to make a trip to Boise to offer this proof unless you particularly wish to do so, since the affidavit can be filled in from your permit and from the works as they have actually been constructed.

If the affidavit, with your fee, is filed in this office by October 25th, we can accept it; but it cannot be accepted at any later date, nor is it possible for us to grant an extension of time without having publication, a hearing, etc.

Very truly yours,

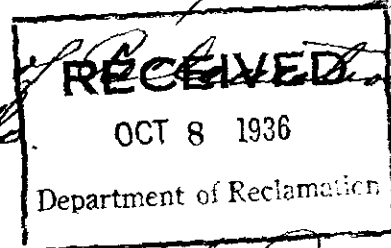
Chief Clerk & Office Engineer

PLH:jl

17588

Carrie Idaho
Oct. 7"/36

Commissioner of Reclamation
Boise Idaho.



Dear Sir;

I am referring to Permit
No. 17588.

I note that Oct. 16"/36 is
when I am to make five
year proof. I am ready
to make final proof since
we have completed the
work and used the water.
Will you please grant
me more time in mak-
ing my showing in your
office? I have been ill
and because of my heart
condition must rest for

17588

a week or ten days be-
fore I expect myself.
Just as soon as I feel
able to drive to Boise
I will give this my
attention.

Thanking you in ad-
vance, I am,

Very Respectfully
William G. Leach
Agent for Helen G. Wark

Permit No. 17588

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Ada

} SS

Lillian G. Leach, being first duly sworn, upon his oath deposes and says:

First: That she is the holder and owner of Permit to appropriate the Public Waters of the state of Idaho, No. 17588, and that her postoffice address is Payette State of Idaho

Second: That the name of the stream from which said water is to be diverted is Sand Creek

Third: That the point of diversion of said water is in the SW 4 NE 4 Sec 30, Twp 5 N, Rge 4 W, B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct 16, 1936

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

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: Dam Ditch Flume
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 4 feet, length of dam at top 100 feet, length of dam at bottom 800 feet. Material used in construction Dirt and timbers

(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 2 ft feet, width at water line 2 ft feet, depth of water 2 ft feet; diameter of pipe _____ inches, average grade per mile is 10 feet. Length of conduit is 200 miles. ft.

Seventh: That said works are capable of conducting to the place of intended use 1 Second ft. second feet of water.

Eighth: That water appropriated under said permit is available for 67.8 acres of land described as follows:

SE 4 SE 4, SEC 25, & NE 4 NE 4, SEC 36, T 5 N, R 5 W, B.M.
SW 4 SW 4, SEC 30, & NW 4 NW 4, SEC 31, T 5 N, R 4 W, B.M.

Ninth: Remarks: That _____

Lillian G. Leach

(Sign here)

Subscribed and sworn to before me this 21st day of October, 1936

My commission expires Oct 26 - 1939

Donny M. Chang

Notary Public.

17588

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

AUG 5 - 1936

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Lillian G. Lamp, Agt.
Helen G. Mack
Payette, Idaho
Dear Sir:—

Boise, Idaho,

Under the terms of your permit No.....**17588**.....you are required to complete your diversion works on or before.....**October 18, 1936**..... 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.

17588

March 2, 1936

Re: Permit No. 17588
Helen G. Mack

LILLIAN G. LEMP, Agent
Owyhee Hotel,
Boise, Idaho

Dear Madam:

In reply to your letter of February 28th, we wish to advise you that you are correct in your understanding that proof of completion of works will not be due under this permit until October 16, 1936.

If the works were fully completed proof could be offered immediately, but no loss of right will result from the fact that proof cannot be offered until fall.

No publication will be required in connection with this proof and the proper form will be mailed to you about 60 days prior to October 16th, with the necessary instructions for its completion.

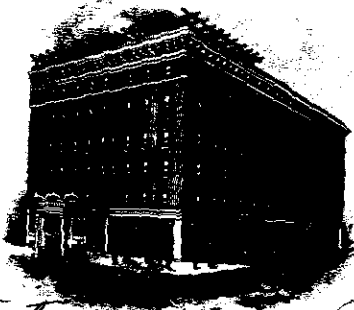
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

17588



Hotel Owyhee

FEB 28 1936

DEPARTMENT OF RECLAMATION

Boise, Idaho.

Feb. 28/36

Attention of Mr. Paul Henry
Office of Reclamation
Boise, Idaho
Dear Sir;

Permit No. 17588

Because of an extended illness I am unable to come to the office.

We have completed the work under this application including the building of the 200 ft. flume and have used the water for irrigation of lands. Will it be necessary for me to do any more detail at present. It appears to me I have until Oct. 1936 to make my final report; if so I should rather wait until my health permits me to be up and doing. I will leave for Calif and a lower altitude soon. I am only wanting to be certain I am in the clear in this matter.

Respectfully

Lillian G. Lemp

Agent for Helen G. Wood, Owyhee Hotel
Boise

17588

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17588

October 21, 1931

Boise, Idaho,

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.

R. W. FARIS

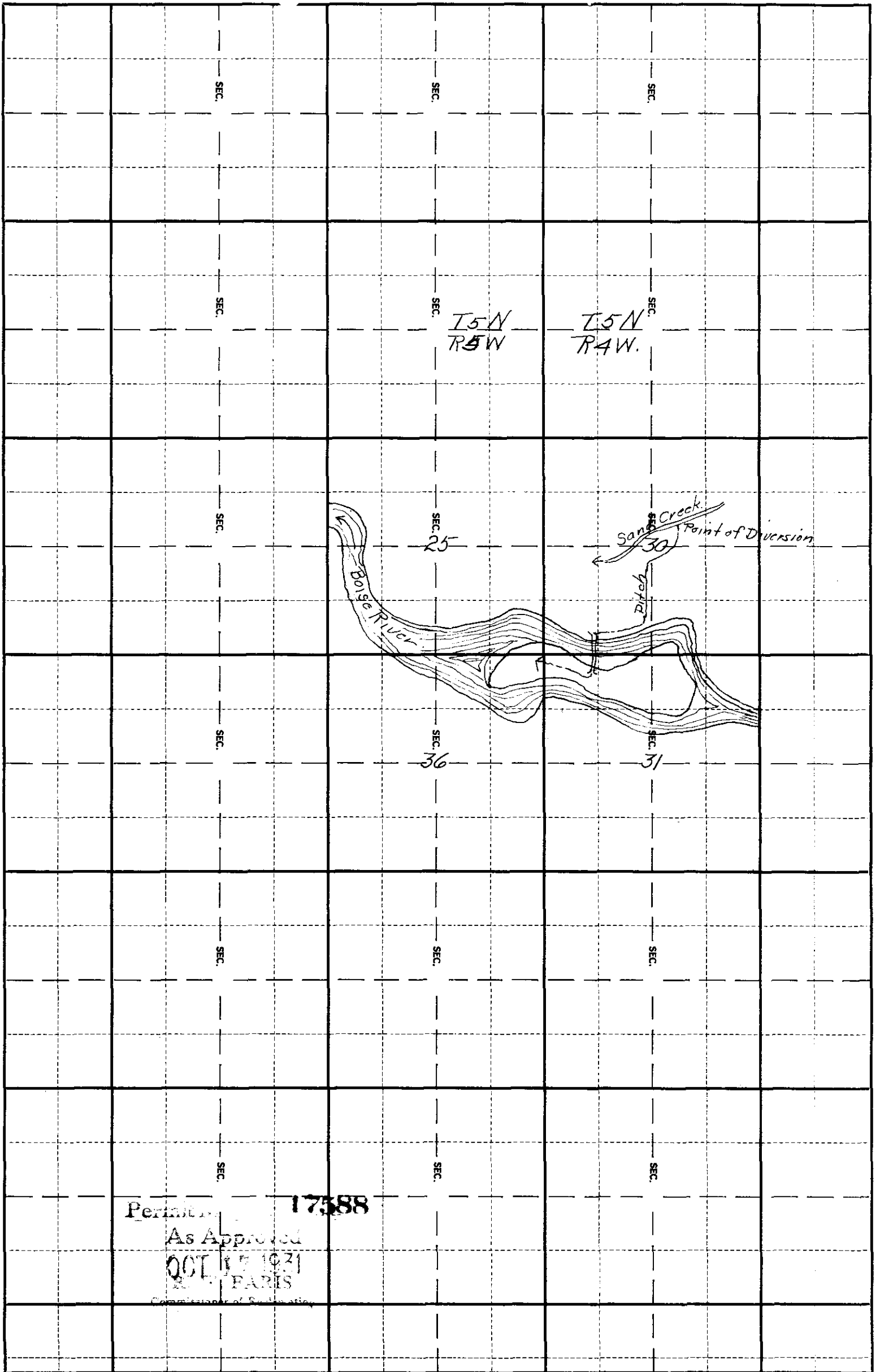
Commissioner of Reclamation.

Lillian G. Lomp
Payette, Idaho

17588

NAME OF APPLICANT Helen G. Mack.

FORM No. 0



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

17588

SYMS-YORK CO., BOISE 106888