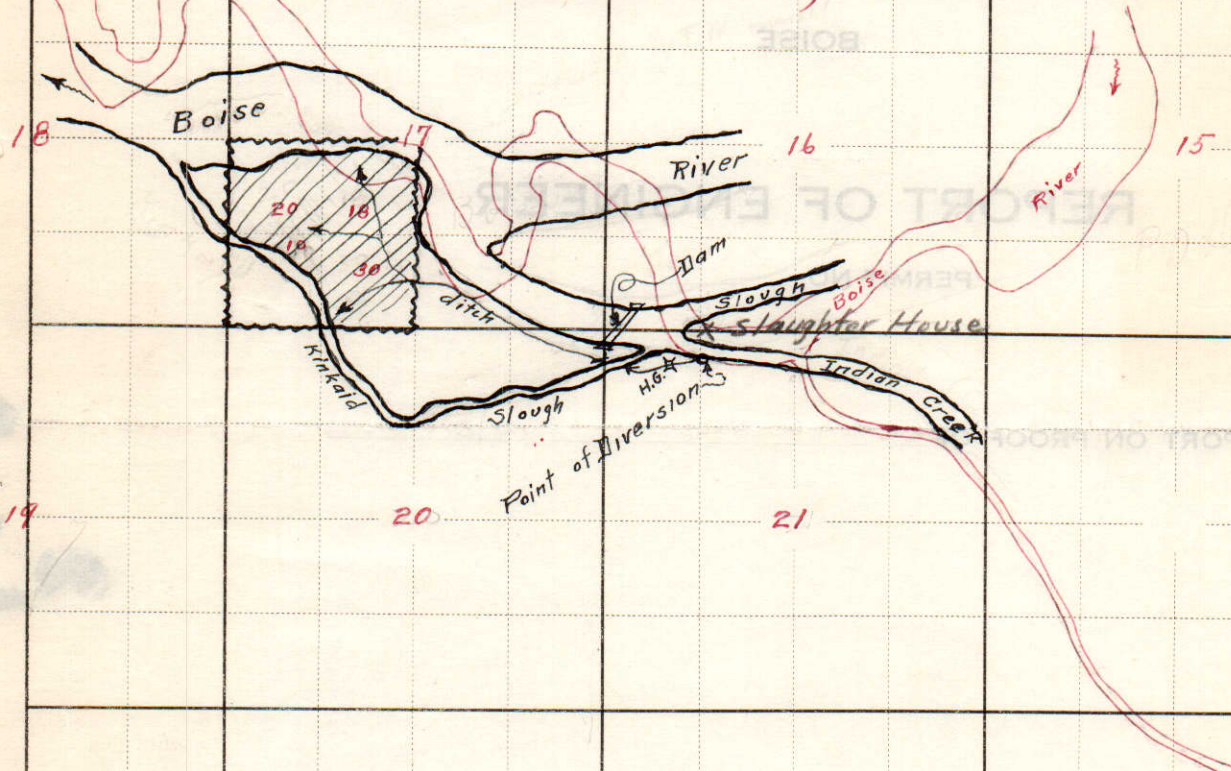
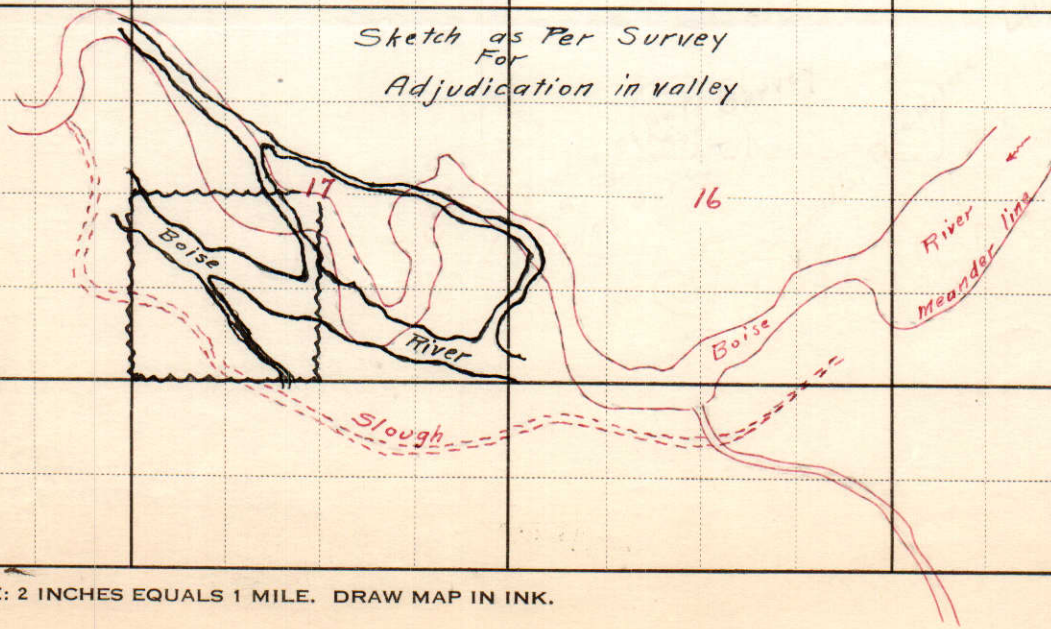


Sketch as Per Survey
By
Fred M. Connell

(Govt. meander in red)



Sketch as Per Survey
For
Adjudication in valley



NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 21st day of January, 1928 at Caldwell, County of Canyon, State of Idaho, before F. D. Mumford, Notary Public, proof will be submitted of the application to beneficial use of three cubic feet per second of the waters of Indian Creek in accordance with the terms and conditions of Permit No. 15943 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 E. L. Shaw, Receiver, ~~Caldwell Commercial Bank~~, Caldwell, Idaho.

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

The amount applied to beneficial use is three second feet.

The place where said water is used NE1-4 of the SW1-4; NW-1-4 of the SW1-4; SW1-4 of the SW1-4 and the SE1-4 of the SW-1-4 Section 17 in Township 4 North, Range 3 West of the Boise Meridian.

The right to take water from such works is based upon Permit No. 15943.

The source of supply from which such water is diverted is Ruark Ditch.

The date of the priority which said user is prepared to establish is January 17, 1924.

Geo. N. Carter,
Commissioner of Reclamation.
D15-J12

Affidavit of Publication

STATE OF IDAHO

County of Canyon

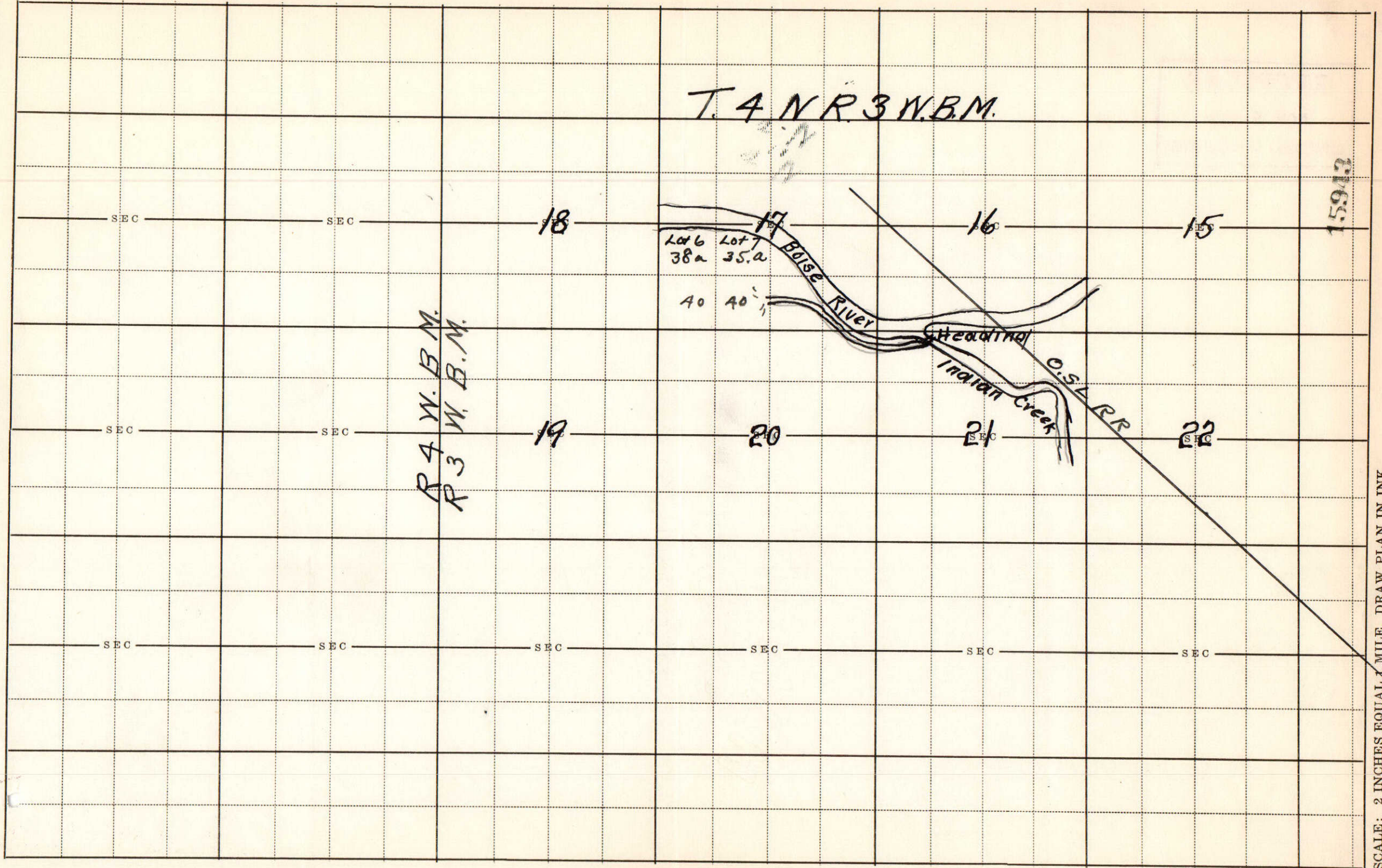
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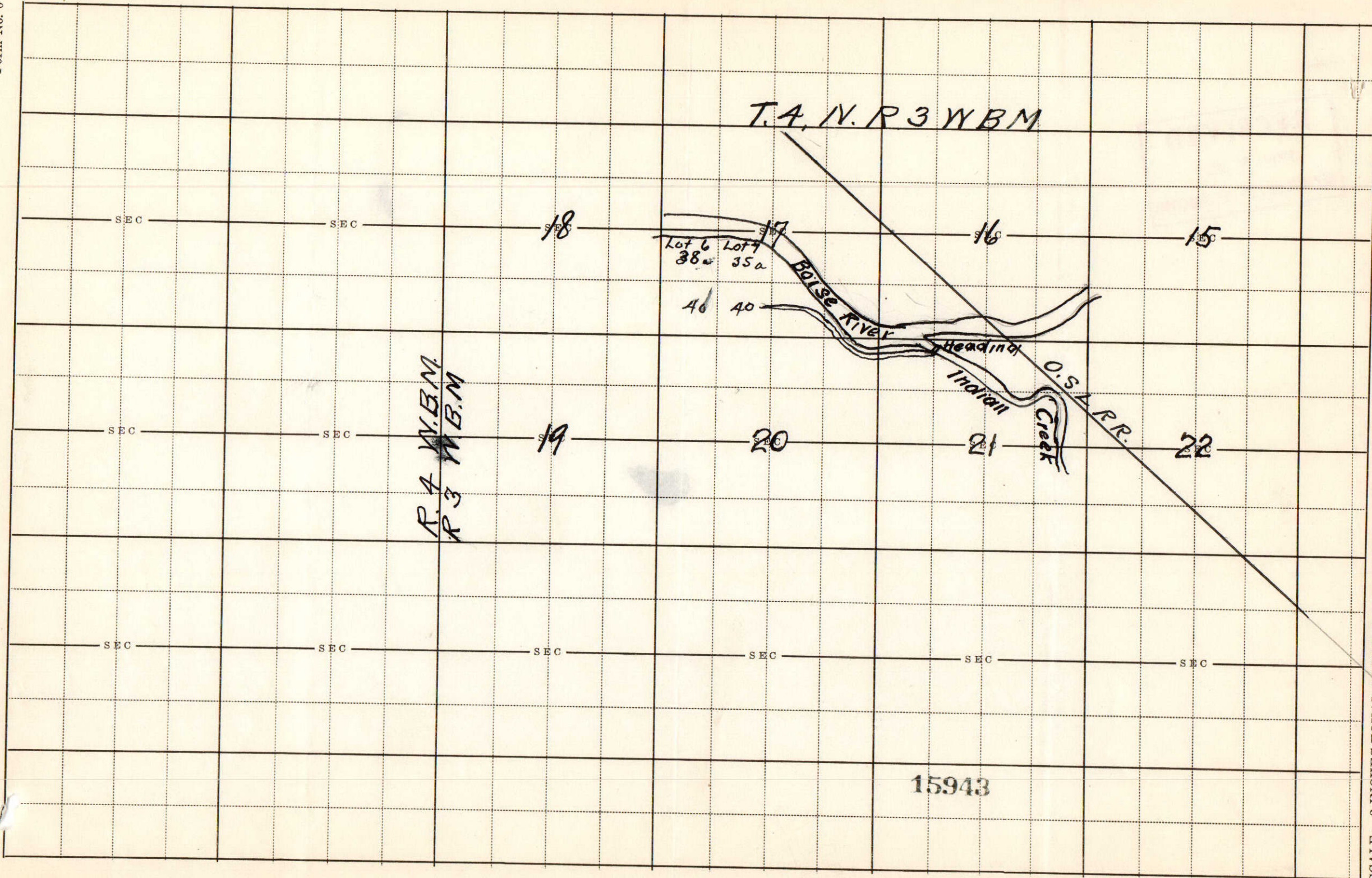
F. H. Michelson being duly sworn, deposes and says that he is Publisher of the CALDWELL NEWS, a weekly newspaper published at Caldwell, Idaho, that the said newspaper is in general circulation in the county aforesaid, and has been continuously and uninterruptedly published in the county aforesaid more than seventy-eight (78) weeks preceding the first publication of this advertisement, a copy of which is attached hereto, was published in the regular edition of the CALDWELL NEWS five consecutive weeks, beginning with the issue of Dec. 15, 1928 and ending with the issue of Jan. 12, 1928

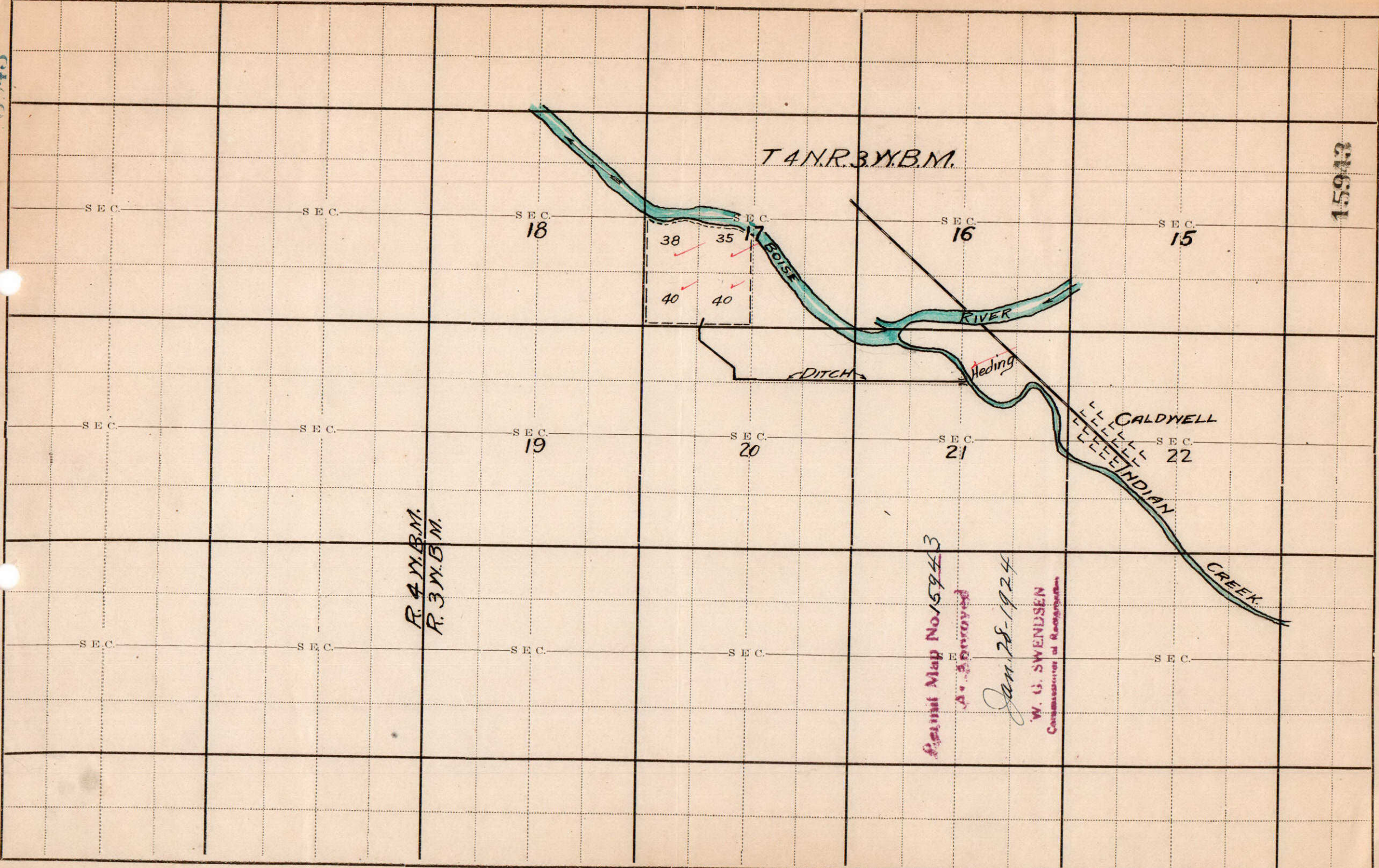
F. H. Michelson
Subscribed and sworn to before me this 14th day of January, 1928.

[Signature]
Notary Public.
Residing at Caldwell.

15943







Reprint Map No 15943

A. A. Binford

Jan. 28-1924

W. G. SWENDSEN
Commissioner of Reclamation

State of Idaho

License and Certificate of Water Right

Water License No. 15943
 Water District No. 12-A

Amount 1.56 sec. ft.
 Priority 1-17-1924

THIS IS TO CERTIFY that Caldwell Commercial Bank,
 of Caldwell, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated January 17, 1924; that Permit No. 15943
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 3.0 second feet, was issued thereunder on December 5, 1927, showing that said works
 were completed on the 28th day of January, 1926; and that on the 21st
 day of January, 1928,

E. L. Shaw, Receiver in foreclosure action,

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 Indian Creek
 , a tributary of Boise River, for the purpose of irrigation and
 domestic use, under Use Permit No. 15943 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 6
 of Licenses, at page 3515, on the 10th day of July, 1928;

The right hereby confirmed dates from January 17, 1924;

The Point of Diversion is located
 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, 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 1.56
 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	17	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35	18
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	38	20
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	10
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	38
					Total 78 ⁸⁶

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 10th day of July, 1928.

GEO. N. CARTER

Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No.

Amount

Water District No.

Priority

THIS IS TO CERTIFY that

of _____, made application for a permit to appropriate the
public waters of the State of Idaho, dated _____, 19____; that Permit No. _____
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
_____ second feet, was issued thereunder on _____, 19____, showing that said works
were completed on the _____ day of _____, 19____; and that on the
day of _____, 19____,

of _____, State of _____, made proof to the satisfaction of the
_____ of Idaho, of the right to use the waters of
_____, a tributary of _____, for the purpose of
_____, under Use Permit No. _____ of the

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
of Licenses, at page _____, on the _____ day of _____, 19____;

The right hereby confirmed dates from _____, 19____;

The Point of Diversion is located
in the _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Sec. _____, T. _____, R. _____, 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
_____ cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 _____ day of _____, 19____

Commissioner of Reclamation

(SEAL)

APPLICATION FOR PERMIT 63 - 2386

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 22641
Permit No. 15943
District No. 12-A

1. Name of Applicant: Caldwell Commercial Bank (A. A. Binford-Vice-President.)
Postoffice address: Caldwell, County: Canyon, State: Idaho.
 I. If applicant is a corporation, give:
 - (a) Date and place of incorporation: 1908, Caldwell, Idaho.
 - (b) Amount of capital stock: \$100,000.00
 - (c) Amount paid in: \$1,000,000.00
 - (d) Names and addresses of directors: John C. Rice, J. H. Lowell, A. A. Binford, E. H. Plowhead, A. Greenlund, J. M. Thompson, A. Ballantyne, Caldwell, Robert Aikman, Boise, and F. O. Chaney, Middleton.
 II. The financial resources of the applicant are:
 - (a) Cash on hand: Sufficient
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: Three (3) cubic feet per second.
3. Source of water supply: Indian 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 NW $\frac{1}{4}$ of NE $\frac{1}{4}$
of Section 21 , T. 4 N. , R. 3 W. , B. M., County of Canyon.
5. Water is to be used for: Irrigation and domestic purposes.
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.
7. Estimated cost of works: \$ 450.00
8. Kind of works: Ditch and flume.
9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam
10. Size of headgate: width four feet; height five feet
11. Ditch: Width at bottom three feet; width at water line four feet; depth of water one
feet; dimensions of flume 42" Metal Flume
Diameter of pipe inches; length of conduit one and one-half miles,
Average grade per mile five feet
12. The time required for the completion of such work is two years.
13. The time required for the complete application of the water to the proposed use is two additional years.
14. The land to be irrigated is described in the following tabulation: See Remarks.

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Caldwell Commercial Bank Applicant.

By A. A. Bimford, Vice President Agent.

Date of first receipt at Department of Reclamation. 9 A. M. January 17, 1924.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15943
Recorded in Book 5657 Page 15943 Approved January 28, 1924.
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 March 27, 1924, 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 January 28, 1925.
The whole of said work to be completed on or before January 28, 1926.
Beneficial use of water appropriated in accordance herewith, to be made on or before January 28, 1928.

Witness my hand this 28th day of January, 1924.

W. G. SWENDSEN.
Commissioner of Reclamation.

Remarks :

14 Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 N.	3 W.	17									35	38	40	40					153
			Total Number of Acres to be Irrigated												153				
STATE OF IDAHO,) County of Canyon.) SS.																			
E. L. Shaw, Receiver, being first duly sworn, upon his oath deposes and says: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 15943. That he intends to change the point of diversion, as described in said decree or permit, to the following point: At or near the East line of the Northwest 1/4 of the Northwest 1/4 of Section 21 in Township 4 North, Range 3 West of the Boise Meridian. That such change will be made for the following reasons, to-wit: It will lessen the cost of construction of ditch to carry water to lands to be irrigated. That no one will be injured by such change and that deponent will make such change at his own risk. And further deponent saith not.																			
Subscribed and sworn to before this 30th day of July 1927. (SEAL)																			
My commission expires Feb. 16, 1928.																			
E. L. SHAW, RECEIVER. F. D. Mumford, Notary Public, Residing at Caldwell, Idaho.																			
Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9.00 a.m. Nov. 2, 1927. Geo. N. Carter, Commissioner of Reclamation.																			

STATE OF IDAHO
DEPARTMENT OF RECLAMATION,

In the Matter of the Reinstatement of)
Permit No. 15943. Under the Provisions)
of Section 5594, Idaho Compiled)
Statutes.)

ORDER REINSTATING PERMIT.

WHEREAS, Permit No. 15943 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: Jan. 28, 1926; and,

WHEREAS, On the 6th day of August, 1926 notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 21st day of June, 1927 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 2nd day of November, 1927 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. 15943, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 15943 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 5th day of December, 1927.

GEO. N. CARTER,
Commissioner of Reclamation,

(SEAL)

Proof of Completion of Works made Nov. 2, 1927.
Certificate issued Dec. 5, 1927.

PERMIT NO. 15943.
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Caldwell Commercial Bank, E. L. Shaw, Receiver, of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 15943, issued upon Application No. 22641 bearing date of priority of January 17, 1924, authorizing the diversion of 3.0 second feet of the waters of Indian 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 3.0 second feet of the waters of Indian Creek; that the point of diversion of said waters is at or near the East line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Twp. 4 North, R. 3 West, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Twp. 4 N., Rge. 3 W., B.M.;

Witness my hand this 5th day of December, A. D. 1927.

GEO. N. CARTER,
Commissioner of Reclamation.

License issued for 1.56 second feet
Pg. 35/5

WATER RIGHT NUMBER 63-2386

OWNER LAST NAME - CALDWELL COMMERCIAL BANK

FIRST NAME - ORIG OWNER - 0

OWNER LAST NAME - SHAW

FIRST NAME - E. L.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CALDWELL

STATE - ID ZIP CODE - 83605

SOURCE - INDIAN CREEK

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 01-17-1924 COUNTY - CANYON

TCTAL DIV. RATE - 1.5600 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 63

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNE 21 04N 03W LOT

REDIV -

272.0 312.0 32.0

0.0 0.0 0.0

0.0 0.0 0.0 0.0 0.2

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

1.5600 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 03W SEC 17 TRACT NESW LOT

AC 18 TRACT NWSW LOT

AC 20

TRACT SWSW LOT

AC 10 TRACT SESW LOT

AC 38

DATE -

TOTAL ACRES

86

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 15943

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED J 0

4/18/85

3/79

IDENT. NO. 63-2386

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

STATE OF IDAHO

Department of Reclamation

July 6, 1928.

IN THE MATTER OF:	)	O R D E R
	)	
PROOF OF BENEFICIAL USE OF WATER)	)	GRANTING
	)	
UNDER PERMIT No. 15943	)	WATER LICENSE.

WHEREAS, Permit No. 15943 has been regularly approved and recorded in the office of the Department of Reclamation at the State House, Boise-Idaho, and Certificate of Completion of Works issued thereon on December 5, 1927, authorizing the diversion of 3.0 cubic feet per second of the water of INDIAN CREEK, a tributary of Boise River, and

WHEREAS, E. L. Shaw, a receiver, regularly appointed by Ed. L. Bryan, Judge of the 7th Judicial District of the State of Idaho in and for Canyon County, has filed his deposition of proof of application of the said water to beneficial use, accompanied by the depositions of two witnesses, all as required by law, and

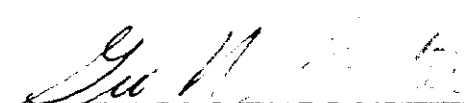
WHEREAS, Protest has been filed by the Pioneer Dixie Ditch Company against the issuance of a water license under said Permit, copy of such protest being filed with proof papers in the case of said Permit No. 15943 in the office of the Department of Reclamation, and

WHEREAS, It appears from the said proofs and from other information available, including an examination of the premises, that the water involved in said Permit has actually been diverted to and beneficially applied upon the lands therein described, and

WHEREAS, Protestant's principal objections seem to be based upon anticipated injury rather than actual damage suffered to date, and for which anticipated injury the courts of the State can grant relief, and there being no ground for protest over which the Department of Reclamation has jurisdiction,

NOW, THEREFORE, IT IS HEREBY ORDERED, That water license issue in conformity to the proof offered and facts ascertained by the Field Examiner;

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Department of Reclamation of the State of Idaho at Boise, Idaho this 6th day of July, 1928.


Commissioner of Reclamation.

July 10, 1928

Re: Permit 15943

Mr. E. L. Shaw, Receiver
Caldwell, Idaho

Enclosed you will find water license issued
under the above numbered permit, together with re-
ceipt for fees paid.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

CB/co
Encl.

15943

CALDWELL NATIONAL FARM LOAN ASSOCIATION
FEDERAL FARM LOANS

E. L. SHAW, SEC'Y-TREAS.

CALDWELL, IDAHO,
July 7, 1928.

Geo. N. Carter, Comm.
Boise, Idaho.
Dear sir:

I am herewith enclosing my check for \$8.00 in payment
of fees in connection with water right license to be issued
under Permit #15943 as per your letter of July 6, 1928.

Yours truly,



Receiver.

15943

July 6, 1928

Re: Permit 15943

Mr. E. L. Shaw, Receiver
Caldwell, Idaho

Dear Sir:

Upon receipt of fees in the sum of eight
dollars (\$8.00) license will be issued under the
above numbered permit.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

CB/co

15943

July 6, 1928.

Re: PERMIT No. 15943.

JOHN W. SNEED,
Caldwell,
Idaho.

Dear Mr. Sneed:

After a thorough consideration of the entire matter of the case of Permit No. 15943 of the Caldwell Commercial Bank and which is being handled by E. L. Shaw, receiver, I am unable to find any statutory authority for denying license.

I fully agree with you regarding the possibility of damage and inconvenience which may be occasioned by further activities of the holder of this permit, especially if he should proceed to construct a check dam across the slough channel immediately below his point of diversion, however, it does not seem to be within the jurisdiction of this Department to take action on expected or anticipated injury of this nature. The fact that a Certificate of Completion of Works has heretofore issued seems to remove further the jurisdiction of this Department to consider your protest favorably and take action in accordance therewith.

I sincerely hope the Pioneer Dixie Ditch Company will not be inconvenienced by the activities of the holder of this Permit. I am quite sure that Mr. Walsh, watermaster on the Boise River, can fully protect you in the matter of taking water after this late right is cut off. As for the matter of damage which you may suffer on account of the construction of a diversion dam: Same appears to be a case which must be handled by the court.

Very truly yours,

15943

Commissioner of Reclamation.

GNC/tp

CALDWELL NATIONAL FARM LOAN ASSOCIATION
FEDERAL FARM LOANS

E. L. SHAW, SECY-TREAS.

CALDWELL, IDAHO.

June 26, 1928.

Department of Reclamation,
Boise, Idaho.
Gentlemen:

Permit #15943

Some time ago your Mr. Tolman was here and made an examination of the above filing on Indian Creek.

I am about to terminate by office as receiver and would like to have this matter completed before I make my report. Can you tell about when the license will be approved or rejected?

In issuing the license please note that I am not receiver for the Caldwell Commercial Bank, but am acting as receiver under a foreclosure proceedings entitled Federal Land Bank of Spokane -vs- James D. Ruark, et al.

Yours truly,



Receiver.

15943

STATE OF IDAHO

Department of Reclamation

July 6, 1928.

IN THE MATTER OF:	)	O R D E R
	)	
PROOF OF BENEFICIAL USE OF WATER)	)	GRANTING
	)	
UNDER PERMIT No. 15943	)	WATER LICENSE.

WHEREAS, Permit No. 15943 has been regularly approved and recorded in the office of the Department of Reclamation at the State House, Boise-Idaho, and Certificate of Completion of Works issued thereon on December 5, 1927, authorizing the diversion of 3.0 cubic feet per second of the water of INDIAN CREEK, a tributary of Boise River, and

WHEREAS, E. L. Shaw, a receiver, regularly appointed by Ed. L. Bryan, Judge of the 7th Judicial District of the State of Idaho in and for Canyon County, has filed his deposition of proof of application of the said water to beneficial use, accompanied by the depositions of two witnesses, all as required by law, and

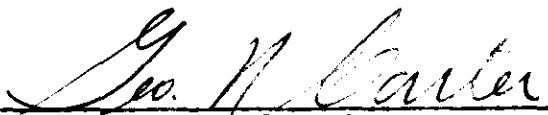
WHEREAS, Protest has been filed by the Pioneer Dixie Ditch Company against the issuance of a water license under said Permit, copy of such protest being filed with proof papers in the case of said Permit No. 15943 in the office of the Department of Reclamation, and

WHEREAS, It appears from the said proofs and from other information available, including an examination of the premises, that the water involved in said Permit has actually been diverted to and beneficially applied upon the lands therein described, and

WHEREAS, Protestant's principal objections seem to be based upon anticipated injury rather than actual damage suffered to date, and for which anticipated injury the courts of the State can grant relief, and there being no ground for protest over which the Department of Reclamation has jurisdiction,

NOW, THEREFORE, IT IS HEREBY ORDERED, That water license issue in conformity to the proof offered and facts ascertained by the Field Examiner;

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Department of Reclamation of the State of Idaho at Boise, Idaho this 6th day of July, 1928.



Commissioner of Reclamation.

June 2, 1928.

Re: Permit No. 15943.

Mr. E. L. Shaw, Receiver,
Caldwell, Idaho.

Dear Sir:

Our field engineer will make the examination
under the above numbered permit sometime next week.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:F.

15943

CALDWELL NATIONAL FARM LOAN ASSOCIATION

FEDERAL FARM LOANS

E. L. SHAW, SECY-TREAS.

CALDWELL, IDAHO.

May 29, 1928.

Bureau of Reclamation,
Boise, Idaho.

Gentlemen:

Some time ago I made proof of completion of works on Permit No. 15943. At that time I was told that the engineer your come in the spring and make a survey of the works and if approved license would be issued.

I have seen nothing of the engineer. I am about to terminate my receivership and should like to have everything complete.

Yours truly,



Receiver.

Bureau of Reclamation
RECEIVED

MAY 31 1928

Boise Project Office
Boise, Idaho.

15943

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

Permit No. 15943This proof is for Beneficial UseIn Water District No. 12-A

1. Name of applicant: E. L. Shaw, Receiver ~~Caldwell Commercial Bank~~
2. Source of water supply: Indian Creek
3. Location of point of diversion: Is in the E line NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21
T. 4 N R. 3 W County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Cent is left bank of Indian Cr. Head gate 270 ft down ditch 4 ft long, 4' high and 3' wide. Siphon 50' long x 14" diam galv pipe under Pioneer-Dixie ditch (Kirkaid Slough) Ditch is 3 ft wide x 2 ft deep

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 for other than irrigation): NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 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: When head gate is closed the ditch discharges into slough above Pioneer-Dixie heading

15943

This examination was made on the 4th day of June 19 28

(Signed)

E. L. Shaw
Examiner.

E.I. Shaw, Receiver ⁶
~~Caldwell Commercial Bank~~

Permit No. 15943.....

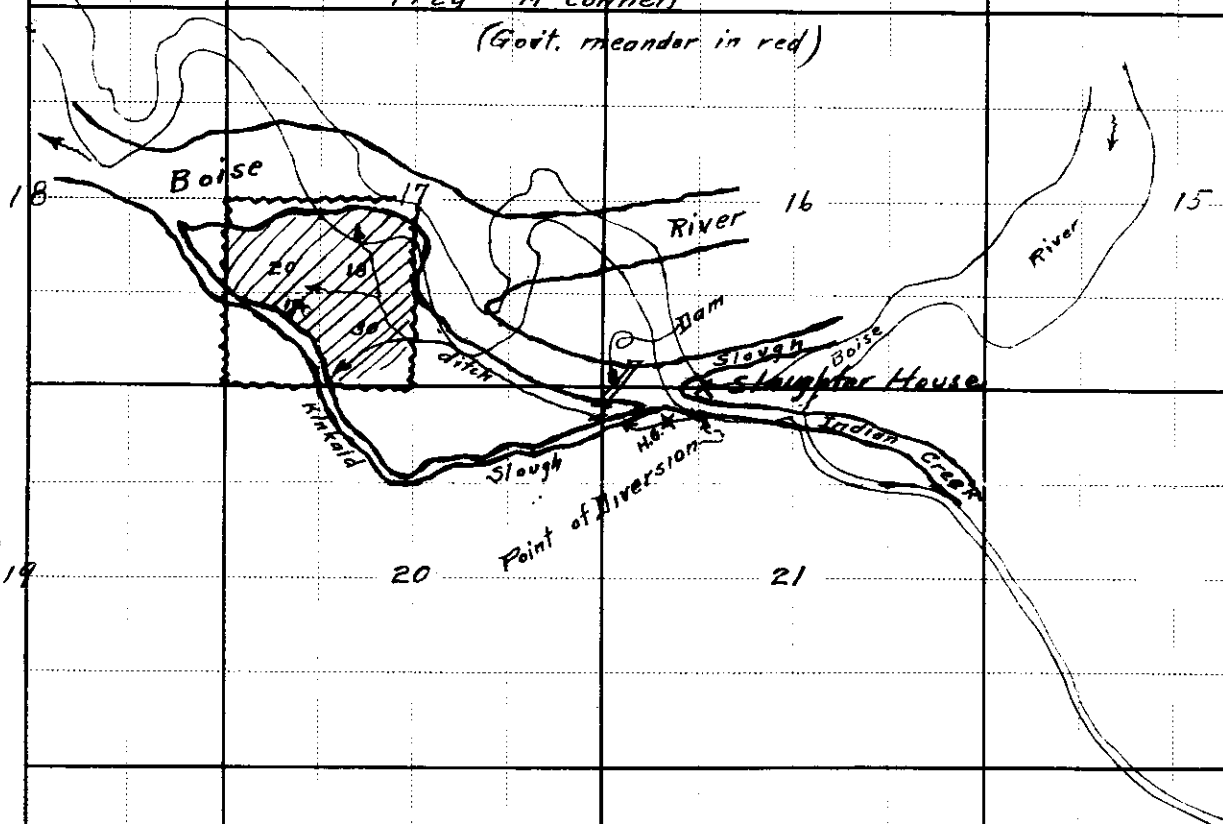
Examination for BEN. USE WATER.....

County CANYON.....

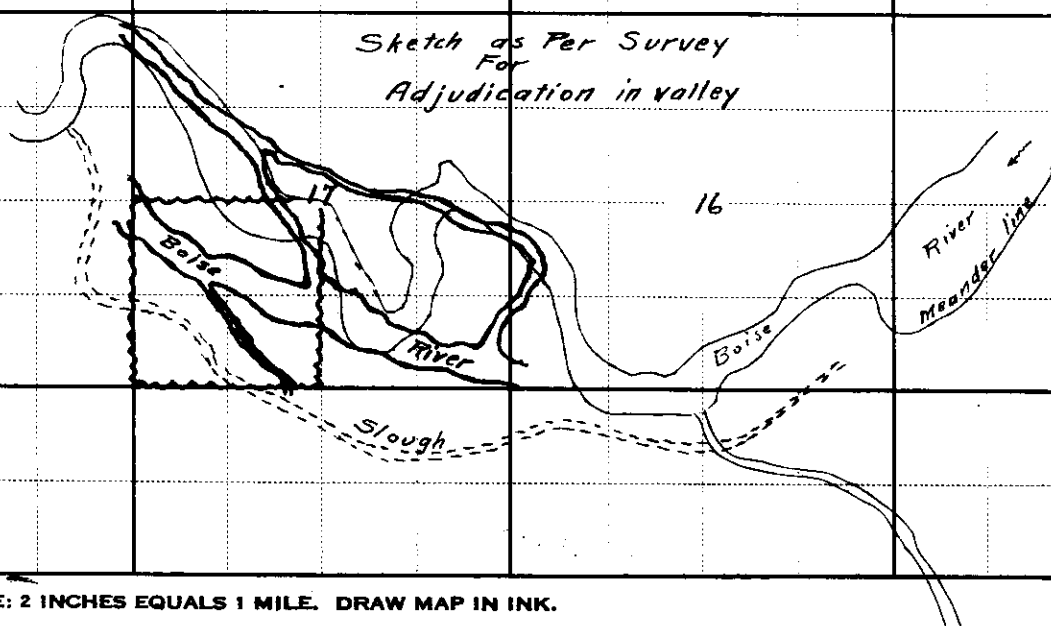
INSTRUCTIONS TO EXAMINERS

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.
-

Sketch as Per Survey
By
Fred M. Connell
(Govt. meander in red)



Sketch as Per Survey
For
Adjudication in valley



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

Affidavit of Publication

STATE OF IDAHO

ss.

County of Canyon

F. H. Michaelson being duly sworn, deposes and says that he is Publisher of the CALDWELL NEWS, a weekly newspaper published at Caldwell, Idaho, that the said newspaper is in general circulation in the county aforesaid, and has been continuously and uninterruptedly published in the county aforesaid more than seventy-eight (78) weeks preceding the first publication of this advertisement, a copy of which is attached hereto, was published in the regular edition of the CALDWELL NEWS five consecutive weeks, beginning with the issue of Dec. 15, 1928 and ending with the issue of Jan. 12, 1928

F. H. Michaelson
Subscribed and sworn to before me this 14th day of January, 1928.

R. M. Dale
Notary Public.
Residing at Caldwell.

15943

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15943

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. E. L. Shaw, 55 years, Caldwell, Idaho, abstractor

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. **I am Receiver in foreclosure action entitled**

Ans. Federal Land Bank of Spokane, -vs- James D. Ruark et al.

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

Ans. No. 15943

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

Ans. Indian Creek, Canyon County, Idaho, point of diversion is at or near the East line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 21 Twp. 4 N. R. 3 W. B. M.

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

Ans. Works of diversion consist of head gate, syphon and ditch capable of carrying three second feet of water

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 purposes and used on the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 17 Twp. 4 N. R. 3 W. B. M., the land is all in cultivation and in crops.

Ques. 7. If for other than for 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. Three second feet

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. By appointment as Receiver by the District Court of Canyon Co.

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

Ans. During the season of 1927 three second feet was used on the
land

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. 150 shares in Pioneer Ditch
Co. and 50 inches of water in actual use

(Sign)

E L Shaw

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 31st day of January A. D. 19 28

J D Merriford

Notary Public for Idaho,
Residing at Caldwell, Idaho

My commission expires Feb. 16, 1928

FILED
JAN 28 1928

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15943

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. J. F. Cole, 36 years, Caldwell, Idaho, farmer.

Ques. 2. Are you acquainted with E. L. Shaw, the holder of Permit No. 15943? How long have you known him and where does he reside?

Ans. Yes. About three years and he resides in Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 15943, 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. Indian Creek, Canyon County, Idaho, at or near the East line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21 Twp. 4 N. R. 3 W. B. M. The works consist of head gate, syphon and ditch

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. Three second feet

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 improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation purposes on NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17 Twp. 4 N. R. 3 W. B. M. The land is all cultivated and in crops

15943

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. The land is a sandy loam and in my estimation
requires three second feet of water.

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

Ans. No

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

Ans. During the season of 1927 I was a renter on the land and
used three second feet.

(Signed) J. F. Cole

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 21st day of January, A. D. 1928.

J. D. Munn
Notary Public.
My commission expires Feb. 14, 1928 Residing at Caldwell, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15943

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. John Graves, 44 years, Caldwell, Idaho, farmer

Ques. 2. Are you acquainted with E. L. Shaw, the holder of Permit No. 15943? How long have you known him and where does he reside?

Ans. Yes, about three years he resides in Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 15943, 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. Indian Creek, Canyon County, Idaho, at or near the East line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21 Twp. 4 N. R. 3 W. B. M. The works consist of head gate, syphon and ditch

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. Three second feet

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 improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation purposes on the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17 Twp. 4 N. R. 3 W. B. M. The land is all cultivated and in crops

15943

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. The land is a sandy loam and in my estimation requires
three second feet of water to irrigate same.

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

Ans. No.

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

Ans. In 1923 and in 1927 I saw three second feet of water
in said ditch used to irrigate the above described lands.

(Signed)

John Graves

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 21st day of January, A. D. 1928.

J. D. Mumford

Residing at Caldwell, Idaho. Notary Public.

My commission expires

Feb. 16, 1928.

-0-

-0-

15943

3. That water cannot be diverted at the proposed point of diversion except when the water is at high tide or flood season without a dam in protestants canal.

4. That the protestant, Pioneer-Dixie Ditch Company, at considerable labor and expense, annually constructs and maintains a dam in said canal some distance below the proposed point of diversion to divert the water of said Company, and said dam holds and backs up the water so that said water will flow out and through the opening made by said permit holder, thereby depriving said ditch Company of a portion of the water to which it is rightfully entitled.

5. That said water sought to be appropriated is what is termed flood water and will not supply water in a sufficient amount to mature crops.

WHEREFORE, Said protestant prays that said permit should be cancelled and that no license for the use of said water be issued.

Dated this the 21st day of January, 1928.

PIONEER-DIXIE DITCH COMPANY,

By

John W. Shurt
President.

All water can cut off

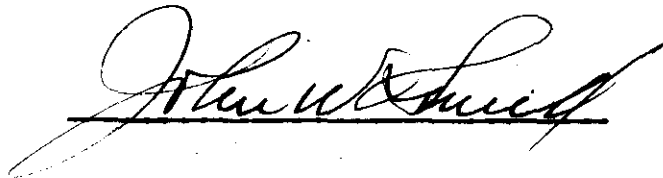
Probably true but does not concern this case.

15943

STATE OF IDAHO,)
 : ss.
County of Canyon)

JOHN SMEED, Being first duly sworn, deposes
and says:

That he is President of the Pioneer-Dixie
Ditch Company, the foregoing protestant, and makes
this verification for and on behalf of said Corp-
oration; that he has read the above and foregoing
Protest and knows the contents thereof and that he
believes the facts stated therein to be true.



Subscribed and sworn to before me this the
21st day of January, 1928.


Notary Public for Idaho,
Residing at Caldwell, Idaho.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, Jan. 14, 1928

E. L. Shaw, Receiver ~~Caldwell Commercial Bank,~~

c/o F. D. Mumford,
Notary Public,
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. ~~15943~~

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 ~~Jan. 21, 1928~~, 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~~ before ~~F. D. Mumford, 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,

~~GEO. H. CARTER,~~

Commissioner of Reclamation.

December 10, 1927.

Re: Permit No. 15943.

Mr. E. L. Shaw, Receiver
Caldwell Commercial Bank,
Caldwell, Idaho.

Dear Sir:-

We are just in receipt of notices for proof of beneficial use of water under the above numbered permit. One copy has today been mailed to the Caldwell News for the required publication prior to January 21, 1928, the date set for proof.

Deposition blanks for holder and two witnesses will be mailed to the notary public in time for proof to be made on the date set.

Very truly yours,
GEO. N. CARTER,
Commissioner of Reclamation.

15943

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 9, 1927

(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 of Caldwell, Idaho, published in the county in which the works are situated.

E. L. Shaw Receiver

(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.

15943

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 31st day of January, 1928
 at Caldwell, County of Canyon, State of Idaho,
 before F. D. Mumford, Notary Public, proof will be submitted
 of the application to beneficial use of three cubic feet per second of the
 waters of Indian Creek in accordance with the terms and conditions of
 Permit No. 15943 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

E. I. Shaw, Receiver, Caldwell Commercial Bank,
Caldwell, Idaho.

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

The amount applied to beneficial use is three second feet

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 17 in Township 4 North, Range 3 West of the Boise Meridian

The name of the canals, ditch or other works by which said water is conducted to each place of use is

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

The source of supply from which such water is diverted is Rumrck Ditch

The date of the priority which said user is prepared to establish is January 17, 1924

Geo. H. Carter,

Commissioner of Reclamation.

E line of NE $\frac{1}{4}$ - 21 - 4 N - 3 W

125a

Canyon

15943

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date Dec. 10, 1927

PUBLISHER THE NEWS,

Caldwell, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 21, 1928, the date set for proof, the expense of the publication to be paid by the applicant, B. L. Shaw, Receiver Caldwell Commercial Bank, 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,

GEO. H. CARTER,

Commissioner of Reclamation.

15943

December 6, 1927.

Re: Permit No. 15943.

Mr. E. L. Shaw, Receiver,
Caldwell, Idaho.

Dear Sir:

We are herewith mailing you Certificate of Completion of Works issued under the above numbered permit, together with receipt for fees paid.

We are also enclosing blank notices for proof of beneficial use of water. These should be filled out and returned to this office in time for notice of proof to be published for five publications prior to the date upon which proof is to be made. Deposition blanks for holder and two witnesses will then be mailed to the notary public, or other officer designated by you, before whom proof is to be made.

An examination on the ground by an engineer from this office is required on proof of beneficial use of water. Such an examination, however, could not be made before spring weather opens, when we will again have an engineer in the field.

Very truly yours,

GEO. H. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:P
Enc.

15943

CALDWELL NATIONAL FARM LOAN ASSOCIATION
FEDERAL FARM LOANS

E. L. SHAW, SECY-TREAS.

CALDWELL, IDAHO

Nov. 30, 1927.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

I am herewith enclosing a copy of my appointment as receiver in the case of Federal Land Bank -vs- Mary L. Ruark et al Defendants.

This is to be used in connection of proof of beneficial use under Permit No. 15943 for three second feet of Indian Creek in Canyon County.

I am also enclosing my check for \$5.00 filing fee.

Please instruct me as to the next step.

Yours truly,



Receiver.

15943

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

The Federal Land Bank of Spokane	:	ORDER APPOINTING RECEIVER.
a corporation, Plaintiff	:	Dated July 26, 1926
-VS-	:	Filed Jul 25, 1926
Mary L. Ruark, a widow, etal	:	
Defendants	:	

The application of the plaintiff in the above entitled action having been filed herein asking for an order of this court appointing a receiver to take charge and control of the lands in said application and hereinafter described, and the court having examined said application, and heard the testimony in support thereof, and being now fully advised in the premises, finds that said lands have been and being permitted to go to waste by reason of failure to farm and irrigate the same to the irreparable injury of the plaintiff, and that it is necessary that a receiver be appointed to protect and preserve the same as prayed in said application.

It is therefore ordered and this does order that E.L. Shaw, of Caldwell, Idaho, be and he hereby is appointed receiver of the lands hereinafter described; and as such receiver he is authorized to take charge of, manage and control the said lands until the further order of this court, provided, however, that said receiver shall not disturb without first obtaining proper authority thereunto, the tenant now in possession under lease in his rights under such lease.

And it is further ordered that said receiver shall be entitled to collect and receive the rents, issues and profits from the said lands, and to take and devise ways and means to provide the necessary facilities to enable the water available for irrigation of said lands to be properly made available thereunto, and generally to any and all such matters and things as may be necessary and proper to protect, preserve reclaim and maintain in a good state of husbandry the said lands and the improvements thereon.

And it is further ordered that said receiver before entering upon his trust herein shall first execute a good and sufficient bond as such receiver in the sum of \$1000 with sufficient sureties as by law required the said bond to be approved by the court, and shall also take the oath as such receiver as in such cases by law required.

The lands hereinabove referred to are situated in Canyon County Idaho, and are more particularly described as follows:

Lots 6 and 7 and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 17, township 4 N.R. 3 W.B.M. together with all water and water rights used upon and appurtenant to the same including 150 shares of stock in the Pioneer Dixie Ditch Company evidenced by certificate #59.

Ed L. Bryan, District Judge.

STATE OF IDAHO,

County of Canyon

} ss.

E. L. Shaw, Receiver

being first duly sworn, upon his

oath deposes and says:

~~That he is the owner of a decreed water right appurtenant to the following described land to-wit:~~~~as evidenced by the decree dated~~~~day of~~~~in the cause entitled~~~~Plaintiff,~~~~vs.~~~~Defendant, brought~~~~in the district court of the~~~~Judicial District of the State of Idaho, or~~

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. 15943

That he intends to change the point of diversion, as described in said decree or permit, to the following point:

At or near the East line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21 in Township 4 North, Range 3 West of the Boise Meridian.

That such change will be made for the following reasons, to-wit: It will lessen the cost of construction of ditch to carry water to lands to be irrigated

That no one will be injured by such change and that deponent will make such change at his own risk.
And further deponent saith not.E. L. Shaw, ReceiverSubscribed and sworn to before me this 30th day of July 1927My commission expires Feb. 16, 1928J. D. Mumford
Residing at Caldwell, Idaho. Notary Public.

(Over)

15943

Received and filed for record in the Department
of Reclamation at Boise, Idaho, at
9:00 M. Nov. 9 - 1927
Geo. W. Lunt
Commissioner of Reclamation

Effective April 10, 1911

STATE ENGINEER'S OFFICE

REGULATIONS AS TO CHANGE OF
POINT OF DIVERSION

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section:

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

- 1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the lands to be irrigated.
 - (f) Lands to be irrigated to be shown by crosshatching, outlining, or coloring.
- 2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

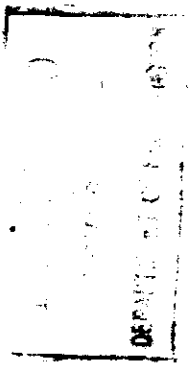
I hereby certify that this map was prepared from an actual survey made by me.....191.... and correctly shows position of points indicated thereon.

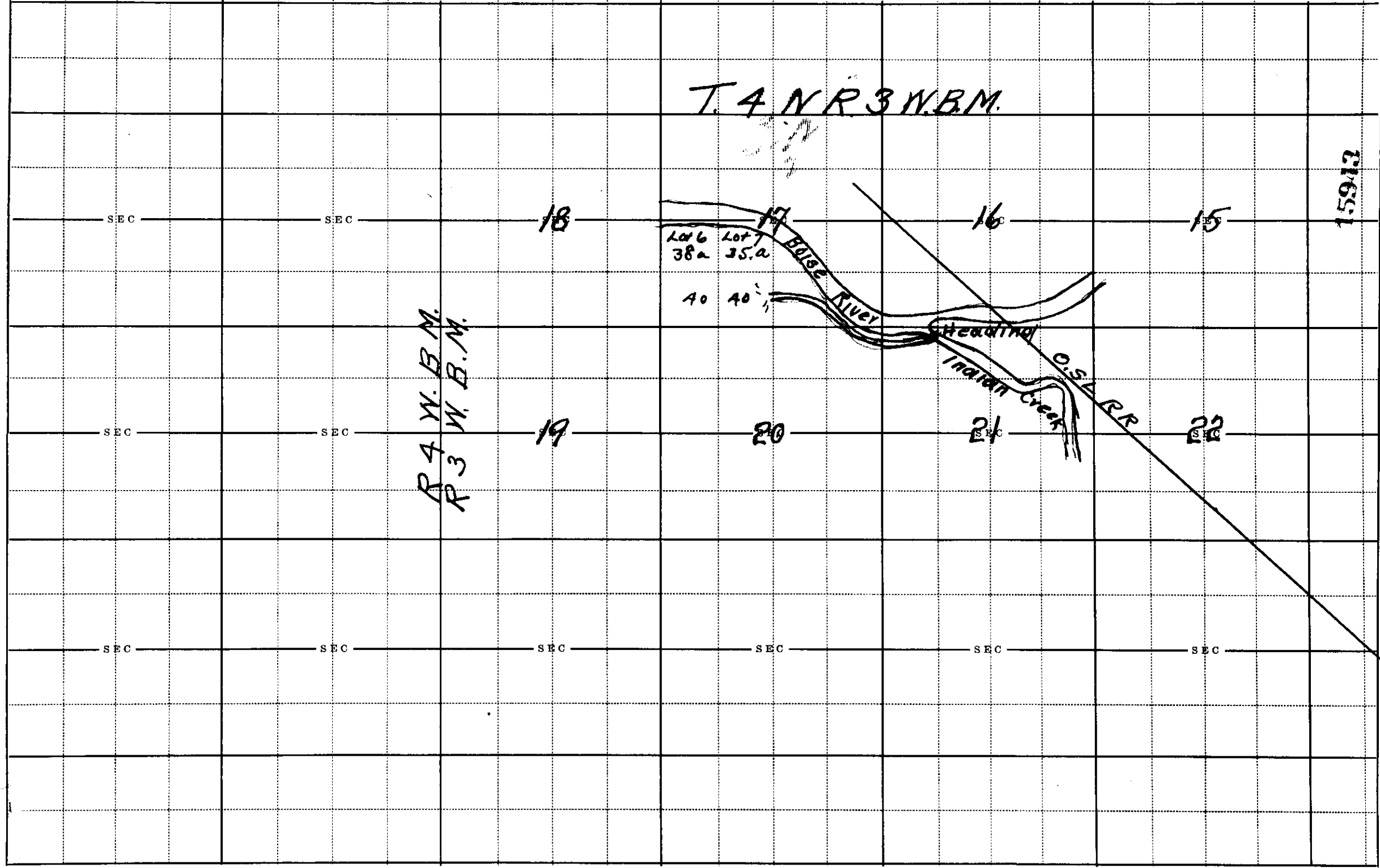
Engineer.

P. O.....

Date.....191.....

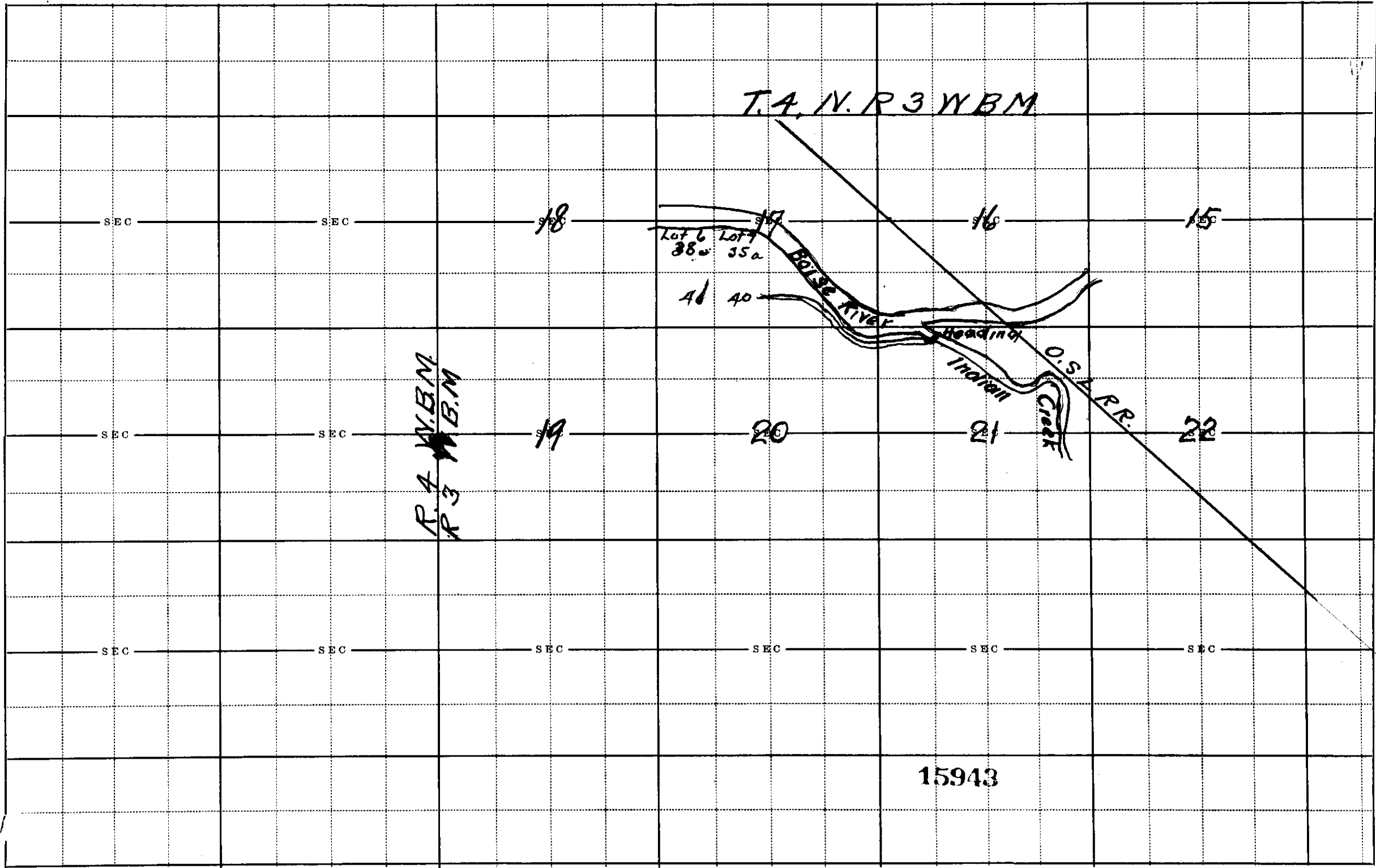
(over.)





NAME OF APPLICANT *E. L. Shaw, Receiver*

Form No. 0



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

PERMIT No. 15943

Proof of Completion of Works

DEPOSITION OF HOLDER

Under Terms of H. B. 53, Laws 1917.

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

Ans. E. L. Shaw, Receiver, age 55, Abstracter, Caldwell, Idaho

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. Federal Land Bank, Spokane, Washington, I am receiver therefor under appointment from the District Court of the Seventh Judicial District in re Federal Land Bank, -vs- James B. Ruark, et al

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

Ans. 15943, January 17, 1924, three cubic feet per second, Indian Creek; NW NW Sec. 21, T. 4 N., R. 3 W., B. 1.

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. Irrigation of S $\frac{1}{2}$ of SW $\frac{1}{4}$ and Lots 6 and 7, Sec. 17 Twp. 4 N. R. 3 W. B. M.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. The water has been turned into works in June and July 1927

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 the terms of the permit.

Ans. They are fully completed and comply with terms of permit

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.

Ans. _____

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on January 28, 1926 ~~June 1,~~ 1927, and give cost of same.

Ans. Headgate: width four feet; height five; Ditch; width at bottom 3 feet; width at water line four feet; depth of water one foot; Syphon; 18 inch. length of conduit $\frac{3}{4}$ miles.

(Sign here.)

E. L. Shaw, Receiver

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

Canyon, County of _____, State of Idaho, on this 2nd day of November A. D. 1927.

My Commission expires

Feb. 16, 1928.

J. H. Mumford

Notary Public.

Residing at Caldwell, Idaho.

15943

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

PERMIT No. 15943

Proof of Completion of Works

DEPOSITION OF WITNESS

Under Terms of H. B. 53, Laws 1917.

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

Ans. J. F. Cole, age 36 years, farmer, Caldwell, Idaho

Ques. 2. Are you acquainted with E. L. Shaw, Receiver, the

holder of Permit No. 15943, authorizing the diversion of three second-feet of the waters of

Indian Creek, at

for irrigation purposes? How long have you known him, and where does he reside?

Ans. two years and he resides at Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 15943, 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, S $\frac{1}{2}$ of S $\frac{1}{4}$ & Lots 6 and 7, Sec. 17 Twp. 4 N. R. 3 W. B.M.

it is a sandy loam and should have at least one inch of water per acre

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. Fully completed and sufficient capacity

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.

Ans. Head gate 4 by 5⁵ feet made of plank

(Sign here)

J F Cole

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 26th day of

October, A. D. 1927.

My commission expires Feb. 16, 1928

J. J. Mumford

Notary Public.

15943

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

PERMIT No. 15943

3. Sec. 17 Indian Creek

Proof of Completion of Works

DEPOSITION OF WITNESS

Under Terms of H. B. 53, Laws 1917.

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

Ans. John Graves, age 44 years, farmer, of Caldwell, Idaho

Ques. 2. Are you acquainted with E. L. Shaw, Receiver, the

holder of Permit No. 15943, authorizing the diversion of three second-feet of the waters of Indian Creek, at

for irrigation purposes? How long have you known him, and where does he reside?

Ans. two years and he resides at Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 15943, 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, S $\frac{1}{2}$ of SW $\frac{1}{4}$ & Lots 6 and 7, Sec. 17 Twp. 4 N. R. 3 W. B.M.

it is a sandy loam and should have at least one inch of water per acre

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. Fully completed and sufficient capacity

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.

Ans. Head gate 4 by 3 feet made of plank

(Sign here)

John Graves

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 26th day of

October A. D. 1927.

My commission expires

Feb. 16, 1928

15943

Ed. Mumford
Notary Public.

NOTICE OF APPEARANCE

To: Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Receipt of notice that Permit No. 15943
is held for cancellation, under the provisions of
Section 5594 Compiled Statutes of Idaho, is acknowl-
edged.

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

Dated at Boise, this 21st
day of June, 1927.

E L Shaw, Receiver
Applicant.

By _____
Agent.

15943

August 6, 1926

MR. E. L. SHAW
Caldwell
I d a h o

Dear Sir:

Our records disclose that Caldwell Commercial Bank holds Permit No. 15943 for three second feet of the waters of Indian Creek, for the irrigation of lands situated in the Southwest quarter of Section 17, Township 4 North, Range 3 West, B. M.

This permit lapsed January 28, 1926 through failure of the applicant to make proof of completion of works on that date. If the works were completed prior to that time, the permit may be reinstated.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By
Chief Clerk

15943

CALDWELL NATIONAL FARM LOAN ASSOCIATION
FEDERAL FARM LOANS

E. L. SHAW, SEC'Y-TREAS.

CALDWELL, IDAHO,

Aug. 5, 1926.

State Engineer,
Boise, Idaho.

Dear sir:

The writer has recently been appointed Receiver under foreclosure for the Lots 6 & 7 and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 17 Twp. 4 N. R. 3 W. B. M.

My understanding is that either A. A. Binford or the Caldwell Commercial Bank made application through your department for appropriation of water from Indian Creek.

Will you please give me the present status of the application, also what is necessary to complete the filing.

Yours truly,



Receiver

15943

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Caldwell Commercial Bank,
A. A. Binford, Vice President, Boise, Idaho,
Caldwell, Idaho

Dear Sir:—

Under the terms of your permit No.. **15943**. . . . you are required to complete your diversion works on or before **January 28, 1926**. 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,

W. G. SWENDSEN
Commissoner of Reclamation.

15943

State of Idaho

DEPARTMENT OF RECLAMATION

Re: Permit No. 15943
Caldwell Commercial Bank,

BOISE

Mr. A. A. Binford,
Caldwell, Idaho.

Boise, Idaho,

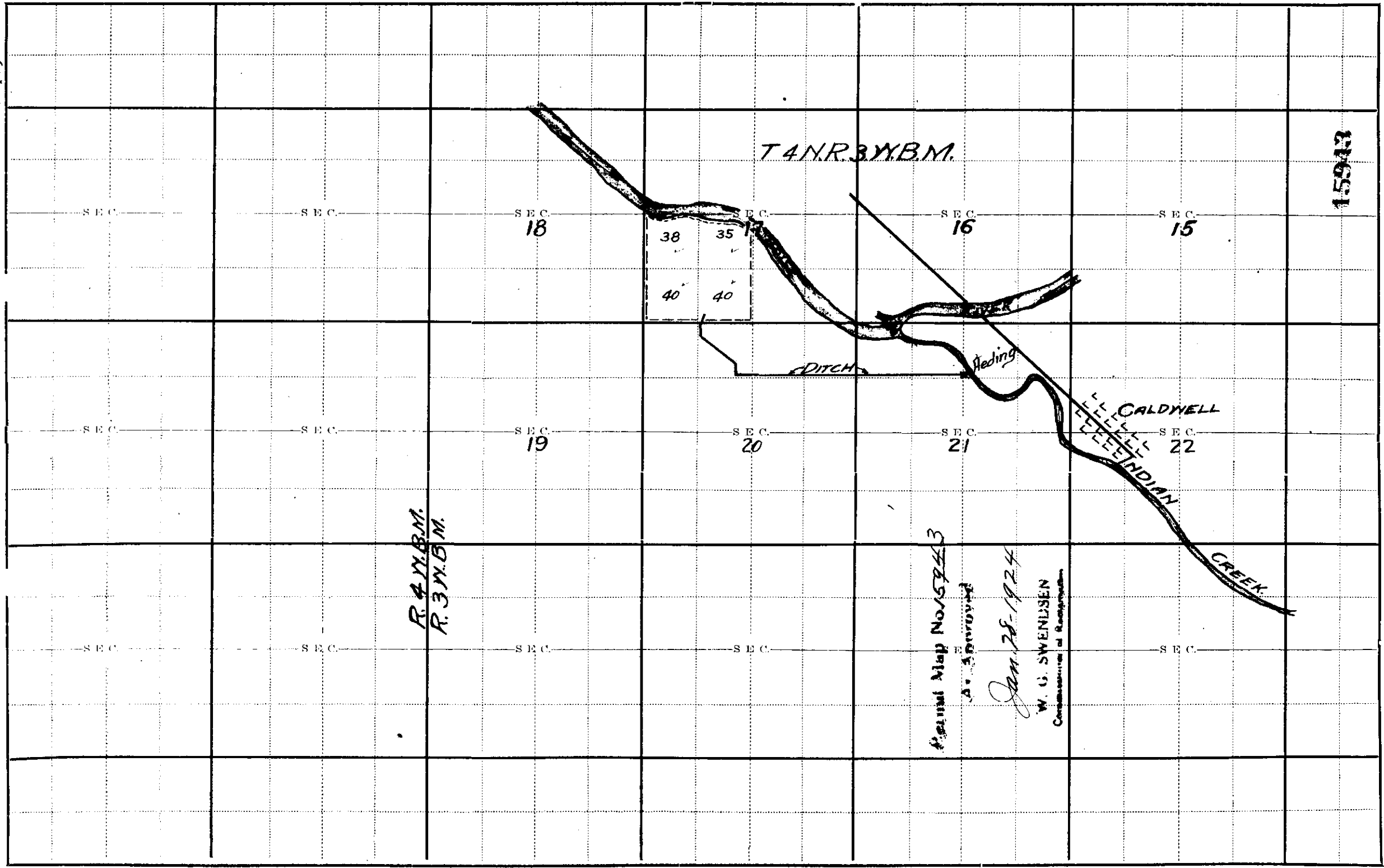
Dear Sir:

January 29, 1924.

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

W. G. SWENDSEN.
Commissioner of Reclamation.

15943



15943

Original Map No. 15943

A. Approved

Jan. 28-1924

W. G. SWENLSEN
Commissioner of Reclamation