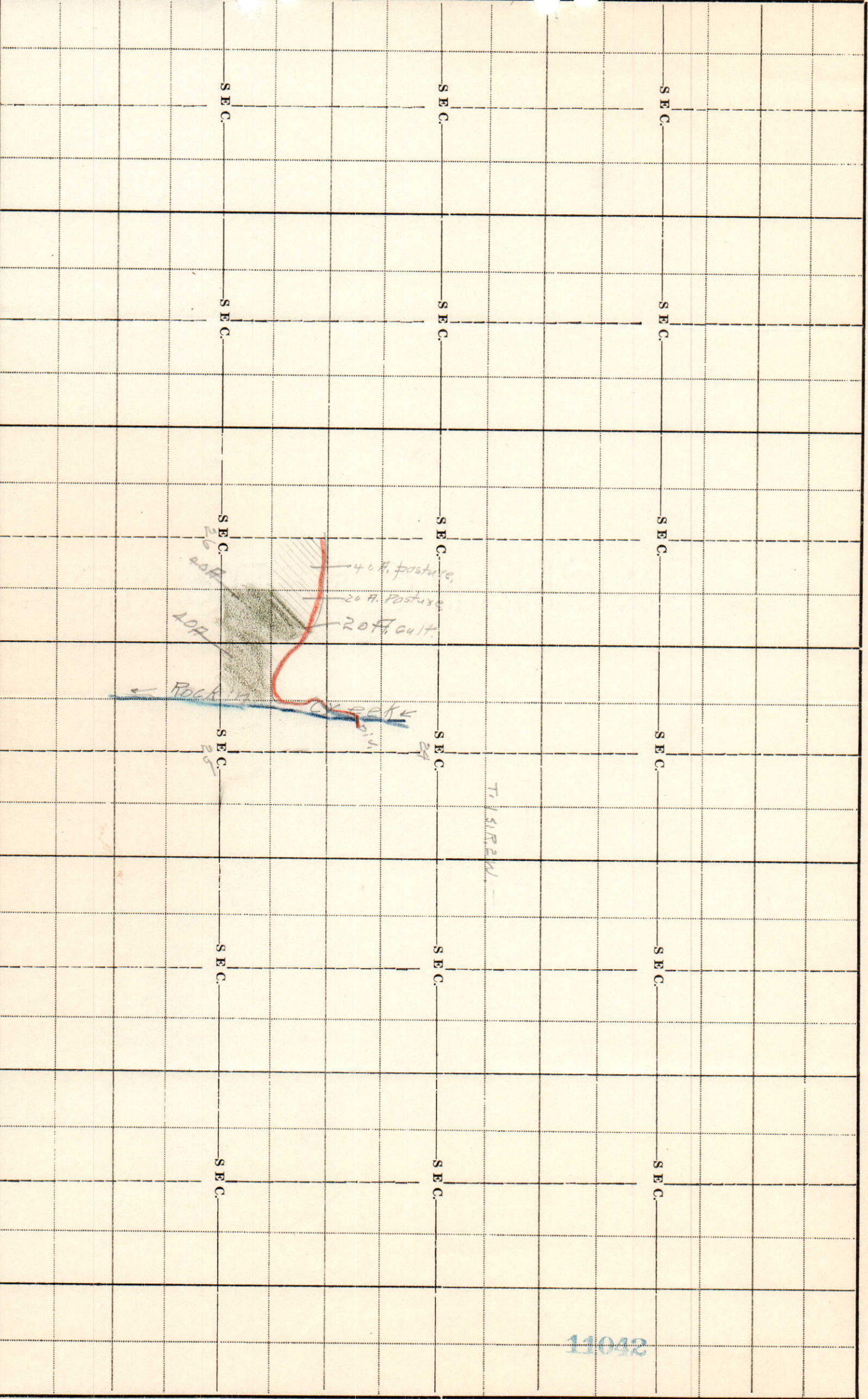


NAME OF APPLICANT J. V. Fittenger Box 11042



11042

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Canyon, } ss.

W. J. Janness, of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:
1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one year, and not a party to the above entitled action.

2. I am the Publisher of the Nampa Leader-Herald, a semi-weekly newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been continuously and uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

That the notice, of which the annexed is a printed copy, was published in said newspaper twice a week for four weeks in the regular and entire issue of each and every number of said paper during the period and time of publication, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published in each { weekly
semi-weekly issue beginning with the issue of Sept 30, 1914, and ending with the issue of Oct 21, 1914.

Subscribed and sworn to before me this 7th day of November, 1919

George W. Lamson
Notary Public.

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water.

Notice is hereby given that at 10 a. m. on the 7th day of November, 1919 at Nampa, county of Canyon, State of Idaho, before G. W. Lamson, notary public, proof will be submitted of the application to beneficial use of 125 inches cubic feet per second of the waters of Rock Creek, in accordance with the terms and conditions of Permit No. 11042 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are J. W. Pittinger, Melba, Idaho.

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

3. The amount applied to beneficial use is 125 inches.

4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 25 and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and North half of NE $\frac{1}{4}$ of Sec. 26, T. 1 South, R. 2 West, Boise Meridian.

5. The date of the priority which said user is prepared to establish is February 1st, 1915.

W. G. SWENDSEN,
Com. of Reclamation.

Sept 30, Oct. 7-14-21

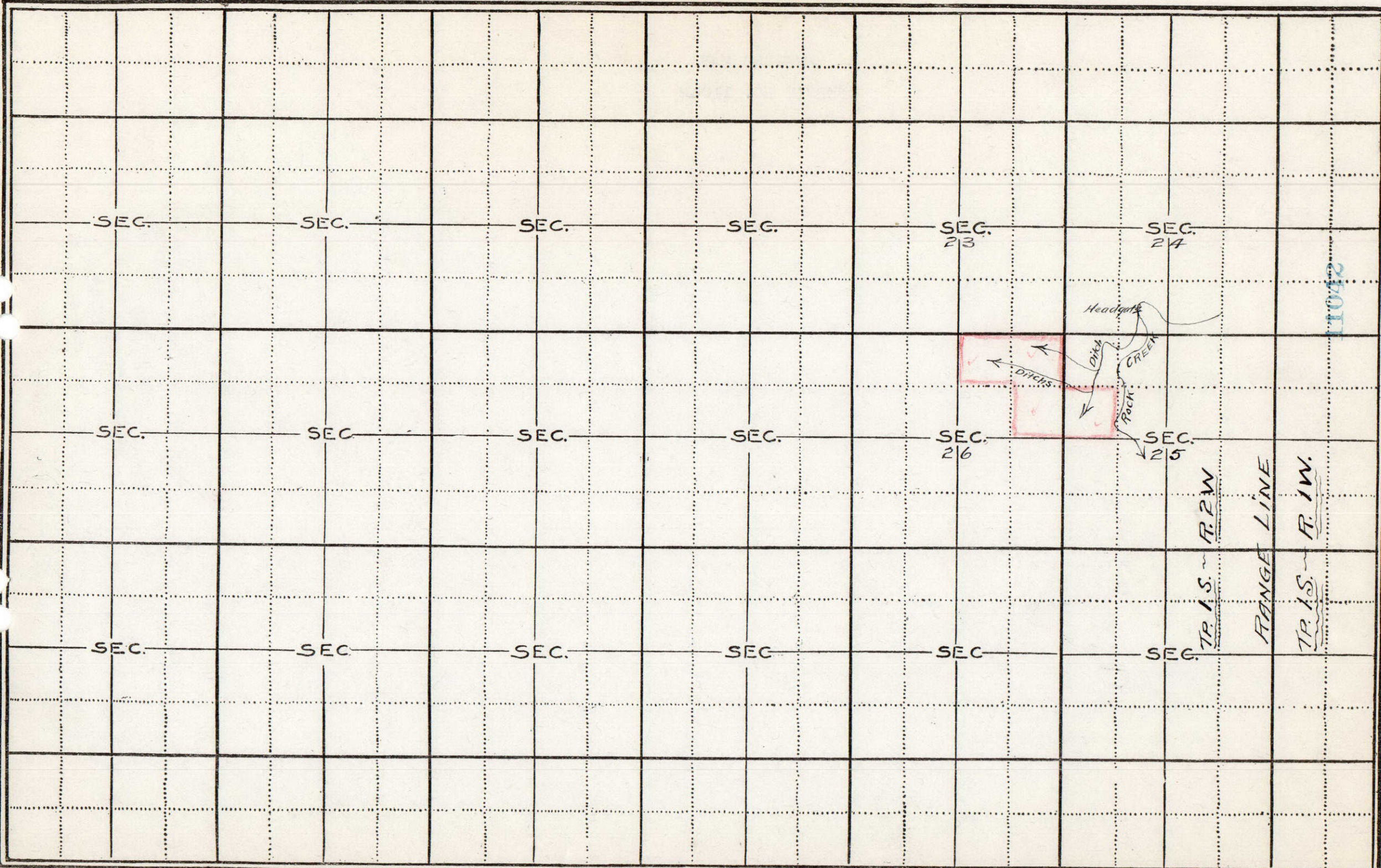
RECEIVED

NOV 20 1919

DEPARTMENT OF RECLAMATION

11042

Name of Applicant



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

11011

Name of Applicant: J. W. Pitte

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.
23

SEC.
24

SEC.

SEC.

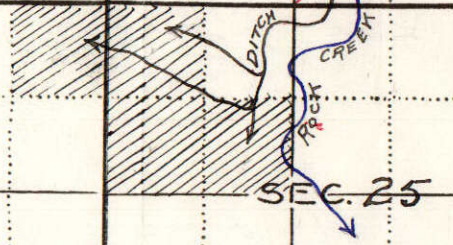
SEC.

SEC.

SEC.
26

SEC. 25

TR. 1 S. - R. 2 W.
TR. 1 S. - R. 1 W.



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 11042/63-2256 Priority Feb. 1, 1915 Amount 2.5 cfs

THIS IS TO CERTIFY, that JOHN W. PITTENGER
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 11042/63-2256 issued pursuant to Application for Permit dated February 1, 1915
and has submitted proof to the Department of Water Administration on November 7, 1919
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.5 cfs and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rock Creek
tributary of _____, is hereby confirmed in the following amounts:

Amount 2.5 for irrigation from Mar. 15 to Nov. 15 (both dates inclusive)

Amount 0.03 for domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 2.5 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, Twp. 1 S, Rge. 2 W, B.M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 630 acre feet per year or _____

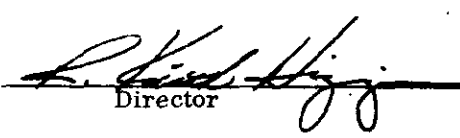
4.5 acre feet per acre. for irrigation use and 0.6 acre feet per year for
domestic use with the total amount not to exceed 630.6 acre feet
Description and location of place of use: _____ per year.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 S	2 W	25							40										40
		26	20	40		40													100
Domestic Use:																			
1 S	2 W	25								X									

Total number of acres irrigated 140

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October, 19 71.


Director

63-2256

No. 16084

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: **John W. Pittenger**Postoffice address: **Nampa**County: **Canyon**State: **Idaho.**

- I. If applicant is a corporation, give
- (a) Date and place of incorporation:
 - (b) The amount of capital stock:
 - (c) The amount paid in:
 - (d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:

2. The quantity of water claimed is **3.2** cubic feet per second.3. Source of water supply: **Rock Creek.**4. Location of point of diversion: **in SW4 SE4 Sec. 24 T. 1 S. R. 2 W. B. M.**County of **Canyon**5. To be used for: **Domestic and irrigation purposes**

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: **160** acres.
 (b) In the following legal subdivisions: **NE4 NE4 Sec. 26, W2 NW4, SE4 NW4 Sec. 25 T. 1 S. R. 2 W. B. M.**

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: **\$200.00**

7. Description of works for diversion:

I. Kind of works: **Dam and ditch**

II. Dimensions of works:

(a) Height of dam **1** feet, length of dam at top **20** feet,
 length of dam at bottom **15** feet. Material used in construction: **earth and stone.**

(b) Capacity of reservoir acre feet. (c) Size of headgate, width **3** feet,Height **2** feet. (d) Conduit **ditches** width at bottom **3** feet,width at water line **5** feet, depth of water **1** feet; diameter of pipe

inches; average grade per mile is **10** feet. Length of conduit is **1** miles,
 and it crosses the following quarter sections: **SW4 SE4 Sec. 24 NW4 NE4, NE4 NW4 Sec. 25**
Town 1 S. R. 2 W. B. M.

8. The time required for the completion of the construction of such work is **1** years.9. Time required for the complete application of the water to the proposed use is **3**
additional years.

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

John W. Pittenger,
Applicant.

By Agent.

Date of first receipt at office of State Engineer 9.00 a.m. February 1, 1915.

Returned to applicant for correction February 9, 1915

Corrected application received February 18, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11042

Recorded in Book 37 Page 11042 Approved March 6, 1915.

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 May 5, 1915 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 September 6, 1915.

The whole of said work to be completed on or before March 6, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 6, 1919.

Witness my hand this 6th day of March, 1915.

Herbert Wing,
Acting State Engineer.

Remarks:

STATE OF IDAHO)
COUNTY OF ADA.) ss.

John W. Pittenger 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. 11042,

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

In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 1 S. R. 2 W. Boise Meridian.

That such change will be made for the following reasons, to-wit:

Owing to a mistake in identifying the corner from which surveys were made in locating the ditch.

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.

John W. Pittenger.

(SEAL) Subscribed and sworn to before me this 27th day of May. Charles E. Winstead.

Notary Public.

Residence, Boise, Idaho.

My commission expires March 11, 1917.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M. May 28th, 1915.

J. H. Smith,

State Engineer;

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

Comes now John W. Pittenger, and represents to the State Engineer of the State of Idaho,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 11042, and requests that the list of lands to be irrigated, as described in said permit be changed to read as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, T. 1 S., R. 2 W., Boise Meridian.

Making a total of 160 acres.

That an additional amount of water is not asked for and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 27th day of May, 1915.

John W. Pittenger.

Date of Receipt at Office of State Engineer May 28th, 1915.

APPROVAL OF STATE ENGINEER.

I, J. H. Smith, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho No. 11042. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 1st day of June, 1915.

J. H. Smith

Proof of Com. of Works made Jan. 8, 1916.

Certificate of Completion of Works issued Jan 27th, 1916.

State Engineer.

Permit No. 11042

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that John W. Pittenger of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 11042, issued upon Application No. 16084, bearing date of priority of February 1, 1915, authorizing the diversion of 3.2 second feet of the waters of Rock 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 3.2 second feet of the water of Rock Creek; that the point of diversion of said waters is near the center of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 24, T. 1 S., R. 2 W. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 25, E $\frac{1}{2}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, T. 1 S., R. 2 W. B. M. containing 160 acres.

J. H. Smith,

State Engineer of the State of Idaho

11042

EXTENSION OF TIME.

Upon proper request of John W. Pittinger, holder of Permit No. 11042, I have, this 10th day of December, 1918, extended the time for beneficial use of water thereunder to March 6th, 1920.

FRED A. WILKIE,
State Engineer.

LICENSE ISSUED FOR 25 SEC. FT.
LICENSE PAG NO.

WATER RIGHT NUMBER 63-2256

OWNER LAST NAME - PITTENGER

FIRST NAME - JOHN W.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MELBA

STATE - ID ZIP CODE - 83641

SOURCE - ROCK CREEK

TRIBUTARY OF - SNAKE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 02-01-1915

COUNTY - CANYON

TCTAL DIV. RATE -

2.5000 -CFS

TOTAL DIV. VOLUME -

630.60 AFA

TRFR/AMEND -

WATER DIST. - 63

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESW 24 01S 02W LOT

REDIV -

272.0 350.2

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

1.4

FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE -

2.5000 CFS

USE DIV. VOLUME -

630.00 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE -

.0300 CFS

USE DIV. VOLUME -

.60 AFA

USE - DOMESTIC

PLACE OF USE - TWN 01S RNG 02W SEC 25 TRACT SENW LOT

AC

USE - IRRIGATION

PLACE OF USE - TWN 01S RNG 02W SEC 26 TRACT NENE LOT

AC 20 TRACT

NWNE LOT

AC 40

USE - IRRIGATION

PLACE OF USE - TWN 01S RNG 02W SEC 25 TRACT SNNW LOT

AC 40

DECREE NAME -

DATE -

TOTAL ACRES

140

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 11042

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED J G
5/10/85

IDENT. NO. 63-2256

WATER RIGHT DATA ENTRY LOG

[illegible]

November 15, 1971

Re: Permit No. 11042/63-2256 - John W. Pittenger

Chrystal R. Evans et al
% E. T. Evans
402 Glen Cove Dr.
Chesterfield, Missouri 93017

Dear Mr. Evans:

Enclosed herewith is the Water License issued on the above referenced permit.

Although this license is not in your name, you control that portion of the license that covers your land. Please note the limits of the water right.

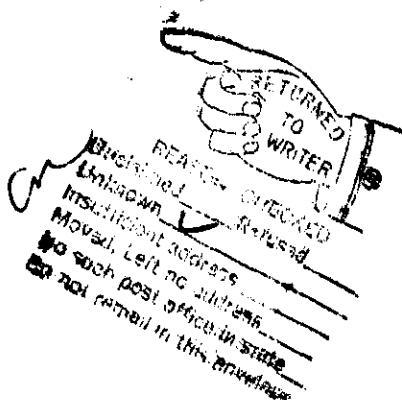
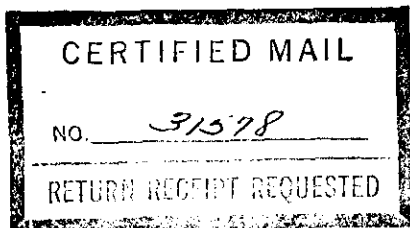
Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License

611 2 2 1

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707



John W. Pittenger
Melba
Idaho 83641

68 2250



PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

31578

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

FED Form 3811 Apr. 1969 CS-16-71249-11

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**



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

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

**RETURN
TO**



DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 9, 1971 CERTIFIED MAIL

Re: Permit No. 11042 (New No. 63-2256)

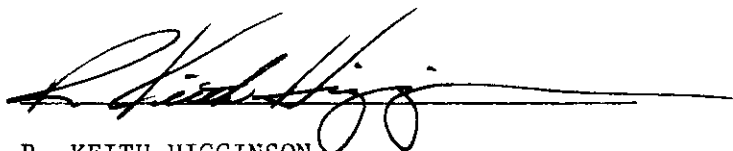
John W. Pittenger
Melba,
Idaho 83641

Dear Mr. Pittenger:

It appearing to the Department of Water Administration that the terms and conditions of Permit 11042/63-2256 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee of \$8.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before Sept. 18, 1971, why said permit should not be cancelled.

Permit 11042/63-2256 claims the use of 3.2 cubic feet per second of water from Rock Creek, the point of diversion was to be located within the SW 1/4 Sec. 24, T. 1S, R. 2W, B.M. and the permit was approved March 6, 1915.


R. KEITH HIGGINSON
Director

63 2256

cc: Chrystal R. Evans et al
% E. T. Evans
402 Glen Cove Dr., Chesterfield, Mo.

August 9, 1971

Re: Permit No. 11042/63-2256 - John W. Pittenger

Chrystal R. Evans et al
E. T. Evans
402 Glen Cove Dr.
Chesterfield, Missouri 93017

Dear Mr. Evans:

We have been advised by the Canyon County Assessor's Office that you own land covered under the above referenced permit as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25; T. 1S, R. 2W, B.M.

Enclosed you will find a copy of the pre-cancellation notice that is on this date being forwarded to the permit holder of record. If you are interested in acquiring the water right for this property, please contact this office within the limits of the pre-cancellation order enclosed.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

62 22 8

Permit No. 63-2256

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25; T. 1S, R. 2W, B.M.
Chrystal R. Evans et al
% E. T. Evans
402 Glen Cove Dr.,
Chesterfield, MO 93017
00 0000

August 9, 1971

CERTIFIED MAIL #31578

Rec'd
#7536

Re: Permit No. 11042 (New No. 63-2256)

John W. Pittenger
Melba,
Idaho 83641

Dear Mr. Pittenger:

It appearing to the Department of Water Administration that the terms and conditions of Permit 11042/63-2256 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee of \$8.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before Sept. 18, 1971, why said permit should not be cancelled.

Permit 11042/63-2256 claims the use of 3.2 cubic feet per second of water from Rock Creek, the point of diversion was to be located within the SW~~1~~SE~~1~~ Sec. 24, T. 1S, R. 2W, B.M. and the permit was approved March 6, 1915.


R. KEITH HIGGINSON
Director

cc: Chrystal R. Evans et al
% E. T. Evans
402 Glen Cove Dr., Chesterfield, Mo.

63 2256

June 4, 1920

Permit 11042.

Mr. J. W. Pittenger,
Helba, Idaho.

Dear Sir:

The report of our examining engineer for proof of beneficial use of water under the above numbered permit has just been filed. Upon receipt of the statutory fee of \$8.00, license will be issued.

Yours very truly,

W. G. Swendsen,
Commissioner of Reclamation.

By:

CMB:MEU

11042

REPORT OF ENGINEER

This proof is for beneficial useIn Water District No. 27

1. State name of applicant and number of permit: J. W. Pittenger, Permit: 11042
 2. State source of water supply: Rock Creek
 3. Location of point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25 T. 16. N. R. 2 W. B. M.

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

Earth dam 100 ft. long and 3 ft. high. Wood head-gate 2' X 2'Ditch 3 ft wide, 2 ft. deep. Capacity 3 sec. ft.

5. State whether or not water has been turned into works of diversion:
- Yes.

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
- SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25; SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 26, T. 16. N. R. 2 W. B. M.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, 40 A. in cultivation.SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, 40 A. "NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26 20 A. " (20 A. pasture.)NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26 40 A. Pasture.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system?
- One

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach?
- Snake River.

11. Describe the various tributaries en-route, from point of diversion to the principal drainage stream:
- Thru drains to Snake River.

Remarks: 100 acres in cultivation. Remained pasture land, not cleared.This examination was made on the 9 day of Apr. 19 20

(Signed)

L. R. Annett.

Examiner.

11042

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

County of.....

} ss.

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this..... day of..... 19.....

My commission expires.....

Notary Public.

11042

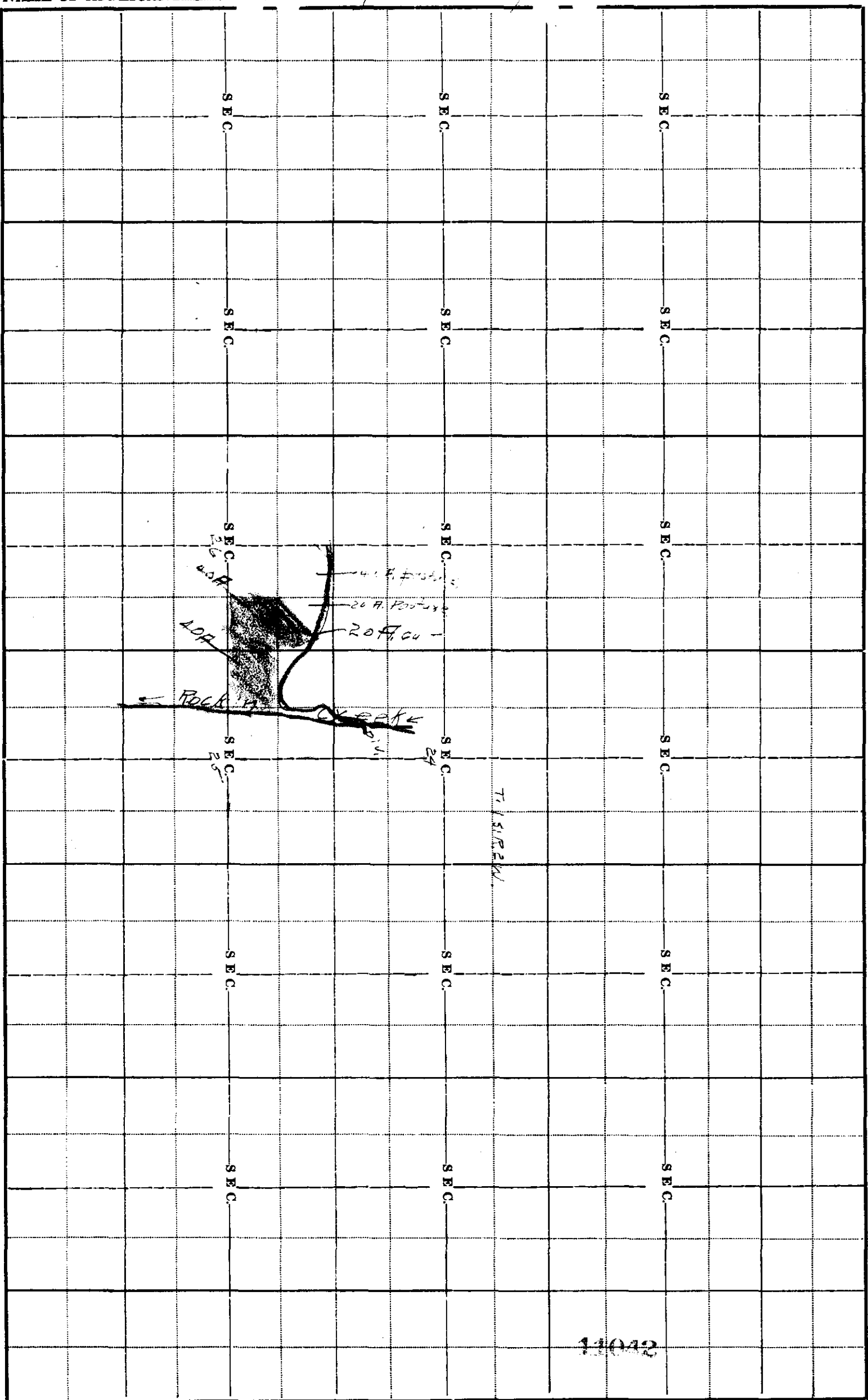
Dist. 1st
J. N. Pittenger,
Melba,
11042

11042

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. 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.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. 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.

NAME OF APPLICANT J. Y. F. Tenger 201-1142



11042

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

December 9, 1919.

Re: Permit 11042.

J. W. Pittenger,
Melba, Idaho.

Dear Sir:

We are in receipt of depositions and affidavit of publication for proof of beneficial use of water, under the above numbered permit. These will be placed on file pending receipt of the report by our examining engineer in the spring, at which time you will be further advised as to fees required before issuing license.

Yours very truly,

W. G. STEENSDEN,

Commissioner of
Reclamation,

By

B/B.

11042

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Canyon, } ss.

N. J. J. J. J., of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:
1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one year, and not a party to the above entitled action.

2. I am the Publisher of the Nampa Leader-Herald, a semi-weekly newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been continuously and uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

That the notice, of which the annexed is a printed copy, was published in said newspaper twice a week for four weeks in the regular and entire issue of each and every number of said paper during the period and time of publication, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published in each { weekly
semi-weekly issue beginning with the issue of Sept 30, 1914, and ending with the issue of Oct 17, 1914

N. J. J. J. J.
Subscribed and sworn to before me this 7th day
of November, 1919

George W. Lamson
Notary Public.

RECEIVED

NOV 20 1919

11042

PERMIT NO. 11042**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. JW Pittenger, 55 years - Melba Idaho - farmer - Melba Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and 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. 11042

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

Ans. Boise River - waste into Rock Creek from Boise Payette Project
about the center of S.E. 1/4 SW 1/4 Sec. 24 T.15 R. 2 West

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. Rock & concrete dam, wood head gate, 2 1/2 x 2 feet
ditch has an depth of 2 1/2 feet runs southwesterly
about 160 Rods to place of use. Named Pittenger Canal
will convey about 150 inches

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 - 35 acres in SW 1/4 of NW 1/4 Sec 25
35 in NW 1/4 NE 1/4 - 35 in SE 1/4 NE 1/4 Sec 26

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

Ans. water stock in addition to irrigation

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

Ans. 175 inches

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

Ans. 11042

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

Ans. Begun in 1915. Constructed present ditch in 1915. Have used for beneficial use all water diverted which has varied from 75 inches to 150 inches. Have increased acres of improved irrigated land from 50 to 125 acres.

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 waters used

(Sign)

J. H. Pottenger.

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Nampa, County of Canyon State of Idaho, on this 7th day of November

A. D. 1917

George W. Lamson
Notary Public

11042

NOV 29 1917

RECEIVED

Permit No.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. William Scudder, 45. Melba, farmer Melba

Ques. 2. Are you acquainted with J. W. Pittenger, theholder of Permit No. 11042? How long have you known him and where does he reside?

Ans. About 7 years — Melba Idaho

Ques. 3. Have you read or heard read said Permit No. 11042, and are you familiar with its provisions and conditions?

Ans. I have and I am

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. Waits from Boise Payette Project into Rock Creek
 Division in Dam of Rock & Concrete & headgate 2 1/2 X 2 feet about
 Center of SE 1/4 SW 1/4 Sec 24 T 15 R 2 W. Ditch runs about
 160 Rods SW. is about 1 foot on bottom and 2 feet on top, & 2 1/2
 feet deep

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. 200 inches

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

Ans. Irrigation — is used on 125 acres improved
 land — 75 acres hay & balance general farming

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. Very sandy & requires all water claimed
 and more

11042

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

Ans. None

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

Ans. In 1915 - about 50 acres irrigated - has been increased every year

(Sign) William Scudder

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 Canyon, County of at Nampa, State of Idaho, on this 7th day of November A. D. 19 19

George W. Hansen
Notary Public.

My commission expires: June 1920

11042

RECEIVED

NOV 30 1919

DEPARTMENT OF RECLAMATION

Permit No.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Austin Rowe age 50 Melba, farmer Melba Idaho

Ques. 2. Are you acquainted with J. W. Pittenger, the holder of Permit No. 11042? How long have you known him and where does he reside?

Ans. Since 1910. Melba Idaho

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

Ans. I have and I am

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. Boise Payette Project
Waste from U.S.R. S. into Rock Creek. Diverted from
Center of S.E. 1/4 of SW 1/4 Sec. 24, Twp 15 R 2 west. Diversion
dam of Rock & Concrete, head gate 2 1/2 feet wide by 2 feet high. Ditch
one foot wide on bottom & 2 1/2 feet deep 3 feet wide at top. Ditch about
160 Rods south west from diversion

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. 200 inches

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

Ans. Irrigation
Irrigates about 125 acres improved land
about 75 acres alfalfa meadow & other land used
for general farming

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

Ans. Irrigation only, except domestic use

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

Ans. Deep sandy loam requires all the water
ditch will carry

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

Ans.

None

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

Ans.

Season of 1915. Irrigated about 50 acres first year and increased every year since.

(Sign)

Austin Bourz

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in *Nampa*, County of *Canyon*, State of Idaho,

on this

7th

day of

November

A. D. 19

19

George W. Lamsan

Notary Public.

My commission expires

June 1920

11042

RECEIVED

NOV 20 1915

DEPARTMENT OF RECLAMATION

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, **October 13, 1919.**

J. W. Pittenger,
c/o L. W. Larpson,
Hampe, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 11042.

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 the permit holder's rights:

1. On November 7, 1919, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at office of L. W. Larpson

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 examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. Swendsen.
Commissioner of Reclamation.
~~State Engineer~~

(P. O.) Trumpa Ida
(Date) Oct 1, 19

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of Sept 26 enclosing notice of proof under
Permit No. 11042 which will be published as you request, beginning with our issue of.....

11042

N. J. Jemness

September 26th
1919

In re: Permit: 11042

J. W. Pittenger
Melba, Idaho

Dear sir:

This will advise you that notice of publication proof of application to water to beneficial use under the above numbered permit will be published in the Leader Herald at Nampa, Idaho, at your expense.

The date of taking the proof is November 7th, 1919, before G. W. Lampson, to whom blanks will be forwarded for use in taking the proof.

Yours very truly

W. G. Swendsen
Commissioner of
Reclamation

By:

Chief Clerk.

11042



D. W. DAVIS, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

mn

September 23d
1919

In re: Permit: 11042

J. W. Pittenger
Melba, Idaho

Dear sir:

I am returning to you herewith notice for publication notice of proof of application of water to beneficial use under the above numbered permit.

It will be necessary for you to designate therein the name of the person before whom you desire to submit final proof.

Yours very truly

W. G. Swendsen
Commissioner of
Reclamation

By:

5731

11042

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 7 day of November, 1919,
at Naupaka County of Canyon, State of Idaho,
before J. W. Lamson, Notary Public, proof will be submitted
of the application to beneficial use of 125 inches cubic feet per second of the
waters of Rock Creek in accordance with the terms and conditions of
Permit No. 11042, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
J. W. Pittenger, Melba Idaho.
2. The use to which said water has been applied is For Irrigation.
3. The amount applied to beneficial use is 125 inches. Or 125 Acres.
4. The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) SW 4th of NW 4th of Sec 25, & SE 4th of NE 4th & North Half
of NE 4th of Sec 26, 1 South and 2 West Of Boise Meridian.
5. The name of the canal or ditch or other works by which said water is conducted to such place
of use is Stoney Longone.
6. The right to take water from such works is based upon Permit No. 11042.
7. The source of supply from which such water is diverted is Rock Creek.
8. The date of the priority which said user is prepared to establish is
Feb. 1st 1915.

SE No - 24-12-2 W. DM.

State Engineer.
11042

September 23d
1919

In re: Permit, 11042

J. W. Pittenger
Melba, Idaho

Dear sir:

I am returning to you herewith notice for publication notice of proof of application of water to beneficial use under the above numbered permit.

It will be necessary for you to designate therein the name of the person before whom you desire to submit final proof.

Yours very truly

W. G. Swendsen
Commissioner of
Reclamation

By:

J. W. PITTENGER

THEO. R. PITTENGER

J. W. PITTENGER, JR.

PITTENGER NURSERIES

PITTENGER & SONS, PROPRIETORS

GROWERS AND PROPAGATORS OF FULL LINE OF RELIABLE NURSERY STOCK

GROWERS AND SHIPPERS OF COMMERCIAL APPLES

ORCHARD TREES FURNISHED, PLANTED AND GROWN ON CONTRACT. EXPERT HORTICULTURAL ADVICE

WRITE US YOUR WANTS NO MATTER HOW SMALL THEY MAY BE.

WE WILL USE OUR BEST EFFORTS TO FILL THEM SATISFACTORILY.

ESTABLISHED 1896. 21 YEARS IN BUSINESS.

NURSERIES AT NAMPA, BOWMONT AND MELBA, IDAHO.

ADDRESS ALL CORRESPONDENCE TO NAMPA.

LONG DISTANCE BELL PHONE 298-J-1.

SALESMEN WANTED.

Nampa, Idaho, Sept 22. 19.

Gentlemen :

I am enclosing Notice of Proof of Application of Water to Beneficial Use . I have filled out the application questions as far as I am able to as I donot find my Permit, But think it is in Lamsons Office at Nampa , We had it there used it in a suit . And dont believe I have had it since . But You will please fill in the last question for me No. 8.

Yours Truly

J. W. Pittenger

SEP 23 1919

11042

State of Idaho
ENGINEERING DEPARTMENT

BOISE

John W. Pittinger,
Nampa, Idaho.

December 3, 1913.

DEAR SIR:

I enclose herewith blank notice of Proof of Application of Water to Beneficial Use under your Permit No. ~~11042~~ _____, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

FRED A. WILKIE,

State Engineer.

11942

January 31, 1916.

Re Permit No. 11042.

John W. Pittenger,
Pampa, Idaho.

Sir:--

Am enclosing herewith certificate of completion of works issued under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

CCW

11042

Permit No. 11042

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Ada

ss.

John W. Pittenger, being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 11042 and that his postoffice address is Nampa, Idaho.
State of Idaho.

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

Rock Creek

Third: That the point of diversion of said water is near the center of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 24, T. 1 S., R. 2 WBM

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 6th 1916.

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

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: Ditch, 2' on bottom, about 3 $\frac{1}{2}$ ' on top, Headgate 2' wide
(Reservoir, dam, ditch, flume, pipe or otherwise)
about 3' high-

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 2 feet, height 3 feet.

(d) Conduit Ditch width at bottom 2 feet, width at water line 3 $\frac{1}{2}$ feet, depth of water 2 feet; diameter of pipe _____ inches; average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh. That said works are capable of conducting to the place of intended use 3.2 second feet of water.

Eighth. That water appropriated under said permit is available for 160 acres of land described as follows: SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, T. 1 S., R. 2 W.

Ninth. Remarks: That _____

(Sign here.)

Subscribed and sworn to before me this 8th day of January, 1916.

My commission expires Aug. 19, 1919.

Clara M. Brown Residing at Boise, Idaho Notary Public.

11042

State of Idaho
ENGINEERING DEPARTMENT
BOISE

STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

John W. Pittenger,
Nampa, Idaho.

Boise, Idaho, December 1, 1915.

Dear Sir:

Under the terms of your permit No. 11042, you are required to complete your diversion works on or before March 6, 1916. 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,

J. H. Smith,

State Engineer.

11042

June 15, 1915.

Permit 11042.

Mr. John W. Pittinger,
Nampa, Idaho.

Sir:

Your application for amendment of above permit has been approved. Same is herewith returned together with the affidavit of change of point of diversion and duplicate map, the same having been placed on record in this office.

Very truly yours,

J. H. SMITH,

State Engineer.

AA-APD-M

By _____

11042

May, 28, 1915.

Re Permit 11042.

Mr. Jno. W. Bittinger,
Nampa, Idaho.

Sir:

Per your request I am enclosing herewith affidavit for for proof of completion of works and blank notice, in duplicate, for final proof under above permit. The date for making final proof should be set far enough ahead to allow for four weeks publication prior to the date of making proof.

Very truly yours,

J. H. SMITH,

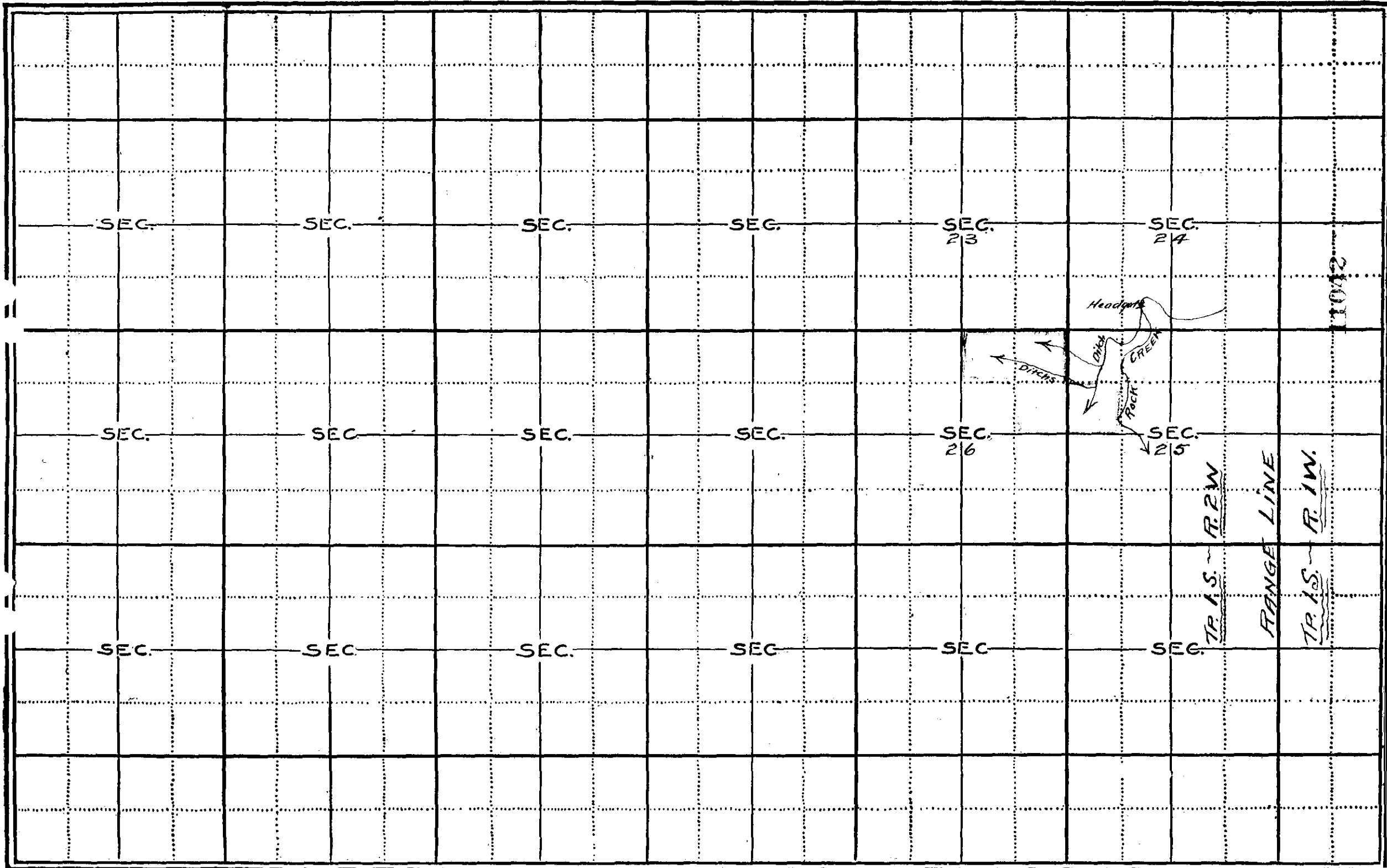
State Engineer.

f5-6-2NU

By _____

11042

Name of Applicant.....



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

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit 11042. Pittenger.
Milton G. Cage,
Boise, Idaho.

BOISE, IDAHO. March 17, 1915.

Dear Sir:

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

~~F. P. KING,~~ J. H. SMITH,
State Engineer.

11042

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

Printed and for sale by the Statesman Printing Co., Boise, Idaho.

Name of Applicant: J. W. Pitte & Co.

11012

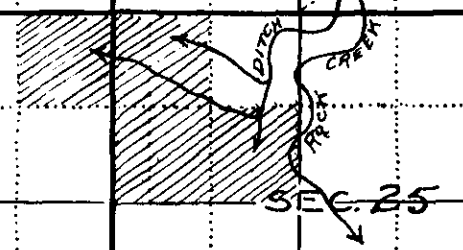
SEC. SEC. SEC. SEC. SEC. SEC.

SEC. SEC. SEC. SEC. SEC. 23

SEC. SEC. SEC. SEC. SEC. 26

SEC. 24

SEC. 25



Boise, Idaho, February 9, 1915.

Application 16084 - Pittenger.

Milton G. Cage,
Boise, Idaho.

Sir:--

The above application received and filed.
Same is herewith returned for completion in the
following particulars:

There appears to be a discrepancy between
the application and the maps as to point of diver-
sion. The maps show the point to be in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$
Sec. 25.

Very truly yours,

HERBERT WING,

Acting State Engineer.

By _____

Enc. A. 16084-FFR.10052.

GB.

11042