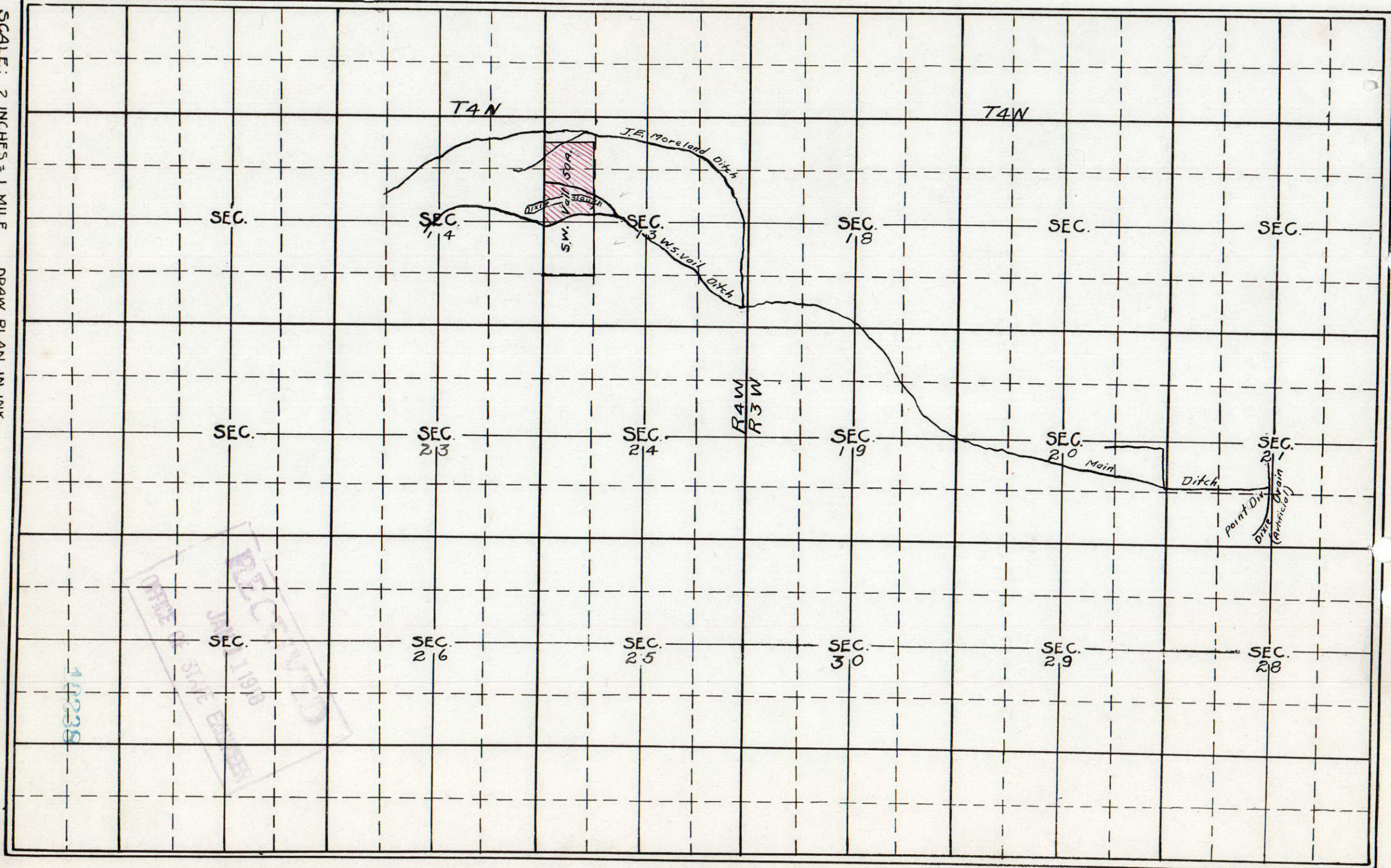


Name of Applicant - S.W. Hall

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

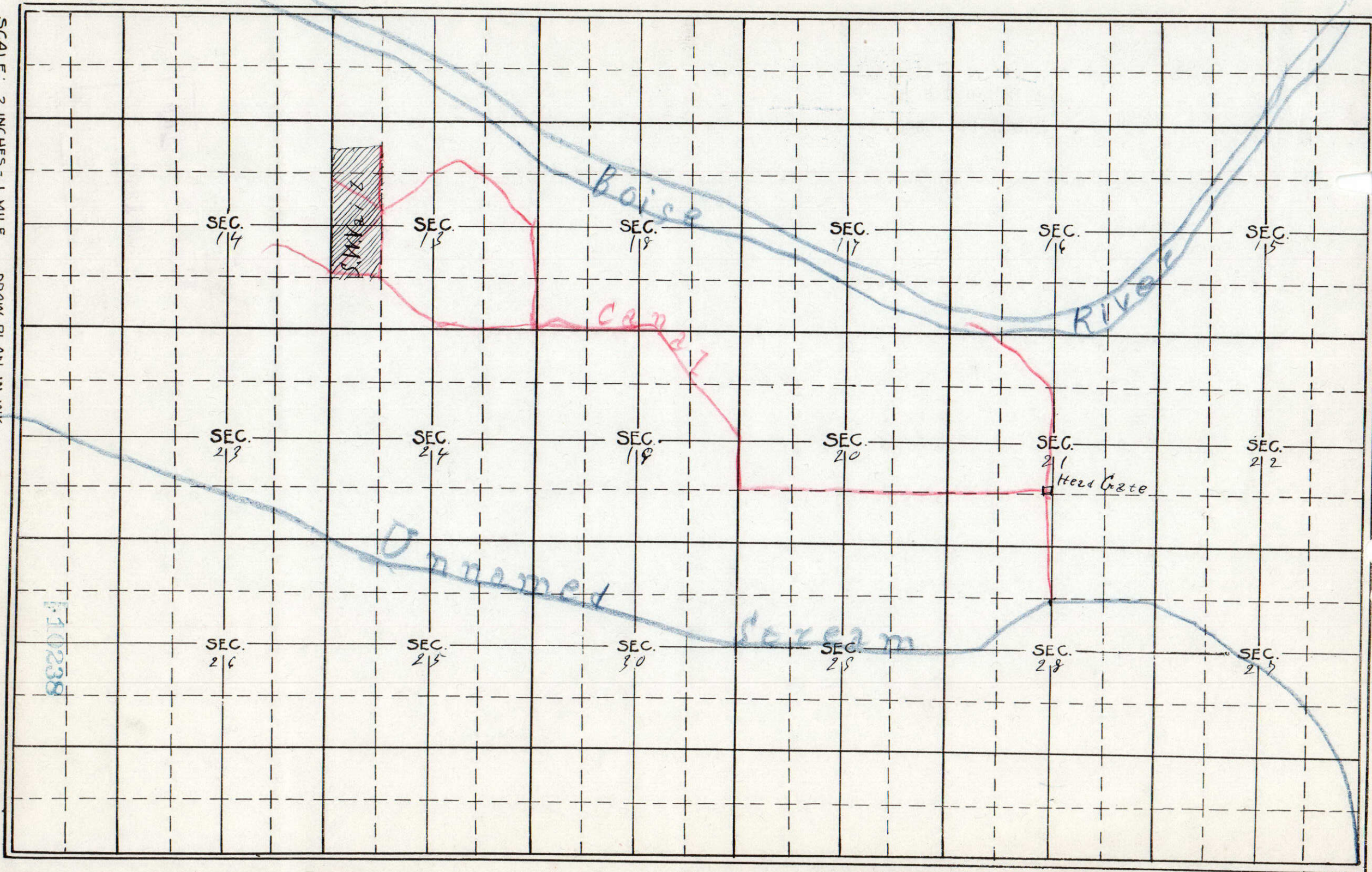


RECEIVED
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OFFICE OF STATE ENGINEER

10238

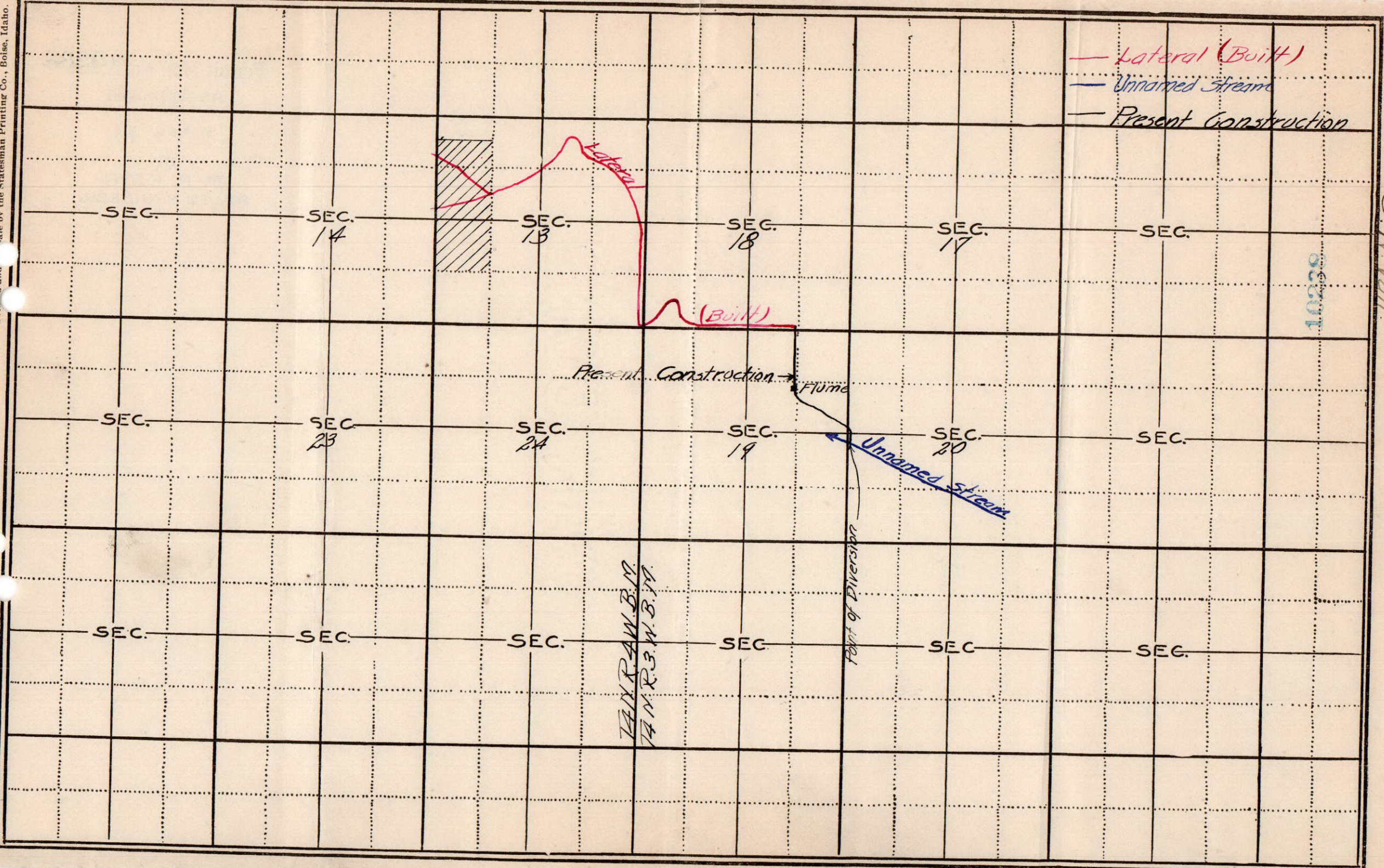
Name of Applicant *Ed. M. Weid*

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



SCALE: 2 INCHES=1 MILE. DRAW PLAIN INK.

Printed and Sold by the Statesman Printing Co., Boise, Idaho.



S. M. Vail

County: Canyon.
 Stream: Unnamed stream.
 Amount: 1 sec. ft.
 Use: Irrigation.
 Priority: 5-18-14.
 District No. 12-A.

STATE OF IDAHO

Water License No. 10238.
 Water District No. 12-A.

WHEREAS, On the 18th day of May, A. D. 1914, S. W. Vail,

of Caldwell, County of Canyon, State of Idaho, duly made application (No. 15177) to me for a permit to use two (2) cubic feet per second of the waters of an unnamed stream in Water District No. 12-A, County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 28th day of May, A. D. 1914, Permit No. 10238 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 28th day of May, A. D. 1915, and for the application to beneficial use of said water on or before the 28th day of May, A. D. 1916, and,

WHEREAS, On the 2nd day of June, A. D. 1915, the time for completion of works under said permit was extended to the 1st day of April, A. D. 1917, and,

WHEREAS, On the 16th day of May, A. D. 1916, S. W. Vail,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of two (2) cubic feet per second of said waters, as evidenced by my Certificate No. 10238 dated February 5, 1917, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two (2) cubic feet per second of said water, with date of priority of May 18, 1914, and

WHEREAS, On the 31st day of August, A. D. 1916, S. W. Vail,

the holder of said permit, duly made proof of the application to beneficial use of one (1) cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to
 S. W. Vail.

of Caldwell, County of Canyon, State of Idaho, the holder and owner of said Permit No. 10238, a perpetual right, dating from May 18, 1914, to the use of one (1) cubic foot per second of the waters of an unnamed stream,

in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point, in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 21, T. 4 N., R. 3 W., B. M.,

and conducted to and upon 50 acres of land, divided as follows: 30 acres in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and 20 acres in S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13, T. 4 N., R. 4 W., B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this 11th day of February, A. D. nineteen hundred and eighteen.

(Seal)

J. H. Smith,
 State Engineer.

No. 15177

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: S. W. Vail

Postoffice address: Caldwell

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 Two (2) cubic feet per second.

3. Source of water supply: Unnamed Stream

4. Location of point of diversion: 50 ft. South of $W\frac{1}{4}$ Cor. Sec. 20 T. 4 N. R.
3 W.B. M.

County of Canyon

5. To be used for: Irrigation

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 100 acres.
 (b) In the following legal subdivisions: $NW\frac{1}{4}$ of $SW\frac{1}{4}$; $SW\frac{1}{4}$ of $NW\frac{1}{4}$; $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$
 all in Sec. 13, T. 4 N. R. 4 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: \$385.00

7. Description of works for diversion:

I. Kind of works: Ditch -- Flume

II. Dimensions of works:

[a] Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction:

[b] Capacity of reservoir

acre feet.

(c) Size of headgate, width

feet,

Height

feet.

(d) Conduit

Ditch

width at bottom

8

feet,

width at water line

14

feet, depth of water

2

feet; diameter of pipe

inches; average grade per mile is 5.2 feet. Length of conduit is 3400 feet, and it crosses the following quarter sections: SW and NW Sec. 20, NE Sec. 19 SE and SW 18; T. 4 N. R. 3 W. B. M.; SE; NE and NW Sec. 13, T. 4 N. R. 4 W.B.M.

8. The time required for the completion of the construction of such work is one years.

9. Time required for the complete application of the water to the proposed use is one 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.

S.W. Vail

Applicant.

By

Guy C. McGee

Agent.

Date of first receipt at office of State Engineer 9:00 A. M. May 18, 1914.

Returned to applicant for correction May 19, 1914.

Corrected application received May 21, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10238

Recorded in Book 34 Page 10238 Approved May 28th, 1914.

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 July 27, 1914 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 November 28, 1914.

The whole of said work to be completed on or before May 28, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before May 28, 1916.

Witness my hand this 28th day of May, 1914.

F. P. KING,

State Engineer.

Remarks.

Upon proper request of the holder of the above numbered permit, I have this Second day of June, 1915, extended the time for Proof of completion of works thereunder to the 1st day of April, 1917.

J.H.SMITH, State Engineer.

STATE OF IDAHO)
) SS
County of Canyon)

S. W. Vail, 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. 10238.

That he intends to change the point of diversion, as described in said permit, to the following described point: - - A point 1200 feet S. of the N $\frac{1}{4}$ Cor. Sec. 28, T. 4 N., R. 3 W., B. M., in Canyon County, State of Idaho.

That such change will be made for the following reasons, to wit: For economy in conducting and using the water.

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.

S. W. VAIL

Subscribed and sworn to before me this 15th day of November, 1916.

(S E A L)

G. E. Taylor
Notary Public
Caldwell, Idaho.

My Commission expires June 1, 1919.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M., January 18, 1917.

J. H. SMITH

State Engineer.

Recorded by
Checked by

Proof of completion of works made May 16, 1916.

Certificate of completion of works issued February 5th, 1917.

Permit No. 10238.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that S. W. Vail, of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 10238, issued upon Application No. 15177, bearing date of priority of May 18, 1914, authorizing the diversion of two (2) second feet of the waters of an unnamed stream, 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 two (2) second feet of the waters of an unnamed stream; that the point of diversion of said waters is 1200 feet south of the N $\frac{1}{4}$ Cor. of Sec. 28, T. 4 N., R. 3 W., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13, T. 4 N., R. 4 W., B.M.

Witness my hand this 5th day of February, A. D. 1917.

J. H. SMITH,

License issued for 1 second feet State Engineer of the State of Idaho.

Page 2258

WATER RIGHT NUMBER 63-2241

OWNER LAST NAME - VAIL

ADDRESS LINE 1 -

ADDRESS LINE 3 -

SOURCE - UNNAMED STREAM

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - NESW 21 04N 03W LOT

FROM - TO -

FROM - TO -

USE - IRRIGATION

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE -

DIVERSION MEANS -

FIRST NAME - S. W.

ADDRESS LINE 2 -

CITY - CALDWELL

TRIBUTARY OF - BOISE RIVER

PRIORITY - 05-18-1914

WATER DIST. -

0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE -

USE DIV. RATE -

PLACE OF USE - TWN 04N RNG 04W SEC 13

DATE -

ORIG OWNER -

STATE - ID ZIP CODE - 83605

TOTAL DIV. RATE - 1.0000 -CFS

RIGHT BASIS -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. VOLUME -

USE DIV. VOLUME -

AC 20 TRACT SWNW LOT

AC 30

TOTAL ACRES

50

PERMIT/DENIED -

COND. OF APPROVAL -

PROTESTED -

HEARING -

OLD NO. - 10238

VERIFIED J G

4/1/85

IDENT. NO. 63-2241

WATER RIGHT DATA ENTRY LOG

[illegible]

April 21, 1936

Re: Permits Nos. 10238 & 10222

MR. CLIVE GROOME,
Attorney at Law,
Caldwell, Idaho

Dear Sir:

Reference is made to your letter of April 20th with regard to the above permits.

Permit No. 10238, under which a license has been issued for 1 second foot of water, is held by S. W. Vail.

Permit No. 10222 authorizing the appropriation of 4.6 second feet of water from the same stream is held by Alexander Ballentyne.

The licenses issued under each of these rights constitute the final certificates from the state. Consequently, nothing remains to be done with reference to them, insofar as this office is concerned.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

10238

April 14, 1936

Re: Permits Nos. 10238 & 10222

MR. CLAVE GROOME,
Attorney at Law,
Caldwell, Idaho

Dear Sir:

Reference is made to your letter of April 10th.

Upon examining the records, we find that S. W. Vail filed an application on the 18th day of May, 1914, to appropriate the waters of an unnamed stream in Canyon County. His proofs were made within the required time and a license was issued to him for 1 second foot of water on the 11th day of February, 1918. This water was made appurtenant to the following lands: 30 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T. 4 N., R. 4 W., B. M., making a total of 50 acres.

Alexander Ballentyne also filed an application on the 18th day of May, 1914, to appropriate water from an unnamed stream in Canyon County. He too made the necessary proofs within the required time and on the 11th day of February, 1918, a license was issued to him for 4.6 second feet. This water was made appurtenant to the following described lands: 35 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 4 N., R. 3 W.; 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 35 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ & 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 4 N., R. 4 W., B. M., making a total of 230 acres.

You will note that while application for each of the above permits was filed on the same date and, likewise, the licenses were both issued on the same date, these rights do not constitute a joint appropriation, since they are entirely separate from each other, although they bear the same date of priority.

There are other permits on the stream in question but since you failed to mention any one, other than the above parties, we presume that they are the only one's in which you are interested at the present time.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

10238

February 13, 1918.

Re: Permit No. 10238.

Mr. S. W. Vail,
Caldwell, Idaho.

Dear Sir:

Enclosing herewith Water License issued
under above permit, with receipt for fee.

Very truly yours,

J. H. SMITH,

State Engineer.

By

Enc: WL
R-1598

MB

10238

REPORT OF ENGINEER

1. State name of applicant and number of permit: S.W. Vail, Permit No. 10238.

2. State source of water supply: Dixie Drain.

3. Location of point of diversion: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 21, T. 4 N., R. 3 W.B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____

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

Headgate is 6'8" wide, 30" high, 36" long, Headgate is of concrete, with grooves for splash board. Ditch is 5' on bottom, with a 1-to-1 slope, with a grade of 5/100 to 100 feet. This ditch is about 3 to 5 feet, the first 1/2 mile and then drops into an old slough, and is taken out a short distance below and carried to old ditch, previously used by farmers interested in this ditch. Thence carried by old ditch and its laterals to land of owners. The capacity of this ditch is 600" Approximately

Mr. Vail's laterals from the main ditch are in good shape and will carry sufficient water to irrigate his land.

6. State whether or not water has been turned into works of diversion: Water was used last season for irrigation from this ditch.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty-acre tract. (Describe manner and place of use if for other than irrigation): The S $\frac{1}{2}$ of NW $\frac{1}{4}$, the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 13, T. 4 N. R. 4 W.B.M. The S $\frac{1}{2}$ NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 13 is all in cultivation and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ has 30 acres in cultivation. The NW $\frac{1}{4}$ of SW $\frac{1}{4}$ gets no water from his ditch but is watered from other sources.

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

Remarks: There are five parties take water from this ditch out of the Dixie Drain. They are A. Ballantyne, S.W. Vail, J.Z. Motlow, J.E. Moreland, and D.G. Ruby.

This examination was made on the 9th day of January, 1918.

(Signed) C.H. Wallis

Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's 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 _____ 191__

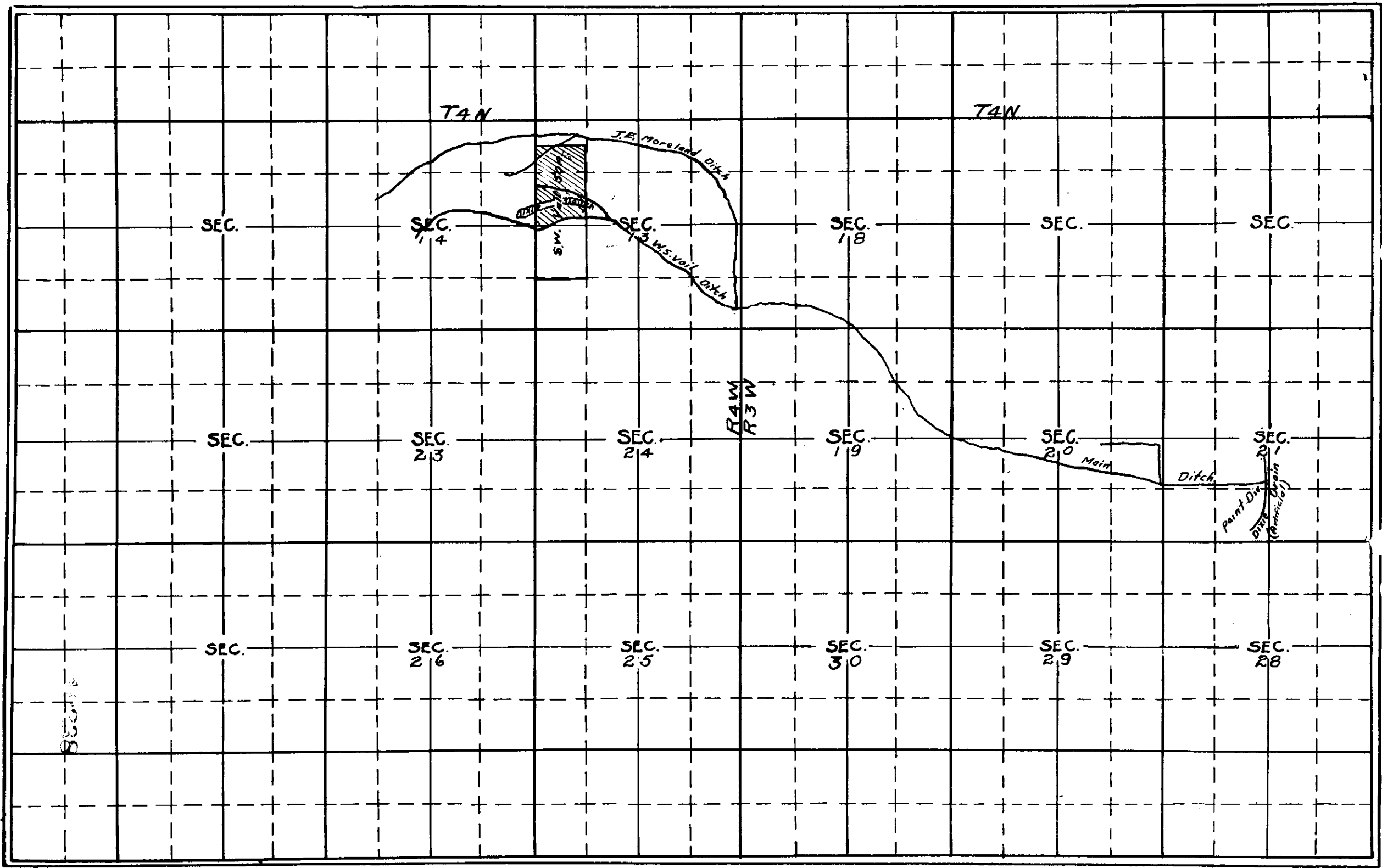
My Commission Expires _____

Notary Public.

10238

Name of Applicant S.W. Hall

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



14238

PERMIT No. 10238

Proof of Application of Water to Beneficial Use**DEPOSITION OF HOLDER**

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

Ans. Name, S. W. Vail; age, 55 years; occupation farmer and stock grower; residence and P.O., Caldwell, Idaho, R.F.D. No. 2.

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. Acting in my own behalf.

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

Ans. Permit No. 10238, dated May 28th, 1914. Date of priority May 28th, 1914.

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

Ans. Source of water supply is from unnamed stream. Point of diversion is 1200 feet south of N $\frac{1}{2}$ Cor. of Sec. 28, T.4 N., R.5 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. Water is diverted through concrete heading and gravity ditch, 6 feet on bottom, sloping sides, depth of water 2 feet, grade from 5 to 10 feet to mile, 4 miles in length, and carrying capacity of more than 50 second-feet.

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

Ans. Water is used for irrigation on NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15, T.4 N., R.4 W., B.M. The first two subdivisions above described contains 40 acres each and the last description contains 20 acres, or 100 acres in the whole description, and the whole or each of said subdivisions has been actually irrigated with said water.

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

Ans. For no other purpose than irrigation.

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

Ans. 100 miners inches, or 2 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. I am the original applicant to whom said Permit No. 10238 was issued.

10238

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

Ans. water diverted under said Permit No. 10238 has been used for irrigation on land described in amount equal to and in excess of 2 second-feet during the irrigating season of each year since date of said permit, and for several years prior thereto.

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. During the irrigating season of 1914, and of each year subsequent thereto, the land described has been supplied with water for irrigation wholly from the source of supply herein described.

(Sign)

J. M. Wal

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 August, A. D. 1917.

J. M. Mumford

Notary Public.

Residence, Caldwell, Idaho.

My Commission expires November, 8th, 1919.

10238

Permit No. 10238.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Name Mr. E. J. Vail, Age 59 years; occupation stock grower and farmer; residence and P.O. address, Caldwell, Idaho, R.F.D. No. 2.

Ques. 2. Are you acquainted with G. W. Vail, the holder of Permit No. 10238? How long have you known him and where does he reside?

Ans. Yes, I have known him 15 years. He resides west of Caldwell about five miles on his farm.

Ques. 3. Have you read or heard read said Permit No. 10238, and are you familiar with its provisions and conditions?

Ans. Yes, I have read the Permit and am familiar with its provisions and conditions.

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. The source of water supply is from an unnamed stream, and the point of diversion is about 1200 feet South from the N $\frac{1}{2}$ Cor. of Sec. 28, T.4 N., R.3 W., B.M.; and the irrigation works consist of a concrete heading and gravity ditch about 4 $\frac{1}{2}$ miles in length.

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. I have seen 1000 miners inches, or 20 second-feet of water, being conducted through said irrigation system, and would estimate their capacity at 30-60 more second-feet.

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. Water is used for irrigation on the following subdivisions: NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, T.4 N., R.4 W., B.M. These subdivisions contain 40 acres each, and water has been used on all of each subdivision. The lands have all been partially cultivated and are growing tame and native grasses, and are being used for pastures and meadows.

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

Ans. Not used for power purposes.

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

Ans. Land is all arid in character, and requires water for irrigation. Water is now being applied for purposes of irrigation, and the land would be worthless without water. Not less than one miner inch per acre is required for properly irrigating the land.

10238

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

Ans. ~~I have no interest in the water or lands above mentioned.~~

~~I am interested in the irrigation works mentioned as part owner.~~

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. ~~On the 31st day of August, 1917, I investigated the entire irrigation system and lands herein described, and have observed them almost continuously, being over and past them every few days during the entire time of their operation under said Permit, and for a long time prior thereto.~~

(Sign)

J. E. W. Selane

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 31st, day of August, A. D. 1917..

J. S. Munford

Residence Caldwell, Idaho. Notary Public.

My commission expires November, 8th, 1919.

Permit No. 10238.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Name A. Ballantyne; Age 41 years; occupation stock grower and farmer; residence and P.O. address, Caldwell, Idaho, R.F.D. No. 2.

Ques. 2. Are you acquainted with S. M. Vail, the holder of Permit No. 10238? How long have you known him and where does he reside?

Ans. Yes, I have known him 15 years. He resides West of Caldwell about five miles on his farm.

Ques. 3. Have you read or heard read said Permit No. 10238, and are you familiar with its provisions and conditions?

Ans. Yes, I have read the Permit and am familiar with its provisions and conditions.

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. The source of water supply is from an unnamed stream, and the point of diversion is about 1200 feet South from the N $\frac{1}{2}$ Cor. of Sec. 28, T.4 N., R.3 W., B.M.; and the irrigation works consist of a concrete heading and gravity ditch about $4\frac{1}{2}$ miles in length.

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. I have seen 1000 miners inches, or 20 second-feet of water, being conducted through said irrigation system, and would estimate their capacity at 30 or more second-feet.

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. Water is used for irrigation on the following subdivisions: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 13, T.4 N., R.4 W., B.M. These subdivisions contain 40 acres each, and water has been used on all of each subdivision. The lands have all been partially cultivated and are growing tame and native grasses, and are being used for pastures and meadows.

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

Ans. Not used for power purposes.

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

Ans. Land is all arid in character, and requires water for irrigation. Water is now being applied for purposes of irrigation, and the land would be worthless without water. Not less than one miners inch per acre is required for properly irrigating the land.

10238

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

Ans. I have no interest in the water or lands above mentioned.

I am interested in the irrigation works mentioned as part owner.

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. on the 31st day of August, 1917, I investigated the entire irrigation system and lands herein described, and have observed them almost continuously, being over and past them every few days during the entire time of their operation under said Permit, and for a long time prior thereto.

(Sign) *C. Ballantyne*

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 31st, day of August, A. D. 1917..

J. D. Manning
Residence Caldwell, Idaho. Notary Public.

My commission expires November, 8th, 1919.

10238

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Mr. S. W. Vail,
c/o F. D. Mumford,
Caldwell, Idaho.
DEAR SIR:

BOISE, IDAHO, August 14, 1917

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. 10238

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 your rights:

1. On ~~August 31, 1917~~, 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 Caldwell before F. D. Mumford, N. P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J. H. Smith,

State Engineer.

10238

February 9th, 1917.

Re Permit No. 10238- S. W. Vail.

Mr. Walter Griffiths,
Attorney at law,
Caldwell, Idaho.

Dear Sir:--

Enclosing herewith certificate of completion of work issued under above permit, with receipt for fees.

Very truly yours,

J. H. SMITH,

CCW.-R77

State Engineer.

BY _____

10238

January 19, 1917.

Re Permits 10222-10222-10222-10238.

Mr. Walter Griffiths,
Attorney at law,
Caldwell, Idaho.

Dear Sir:--

The affidavits for change of points of diversion under above permits have been placed on file in this office. Upon receipt of fees, amounting to \$20.00, the certificates will be issued. The fee for each permit is \$5.00.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

10238

Permit No. 10238.

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Canyon

} ss.

S. W. Vail.

, 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. 10238 and that his postoffice address is Caldwell,
State of Idaho.

Second: That the name of the stream from which said water is to be diverted is not named

Third: That the point of diversion of said water was originally at a point 50 feet S. of $\frac{1}{2}$ Cor. Sec. 20, T. 4 N., R. 3 W., B.M., and was later changed to and is now located at a point 1200 feet S. of $\frac{1}{2}$ Cor. Sec. 4 N., R. 3 W., B.M., Canyon County, State of Idaho.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April, 1st, 1917. 1917

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 ~~not~~ not fully completed and consisted of the following:

I. Kind of works: Ditch - Flume.

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit Ditch width at bottom 10 feet, width at water line 16 feet, depth of water 3 feet; diameter of pipe _____ inches; average grade per mile is 5 feet. Length of conduit is 3 miles.

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

Eighth. That water appropriated under said permit is available for 100 acres of land described as follows: N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13, T. 4 N., R. 4 W., B.M., in Canyon County, State of Idaho.

Ninth. Remarks: That _____

S. W. Vail
(Sign here.)

Subscribed and sworn to before me this 16th day of May, 1916.

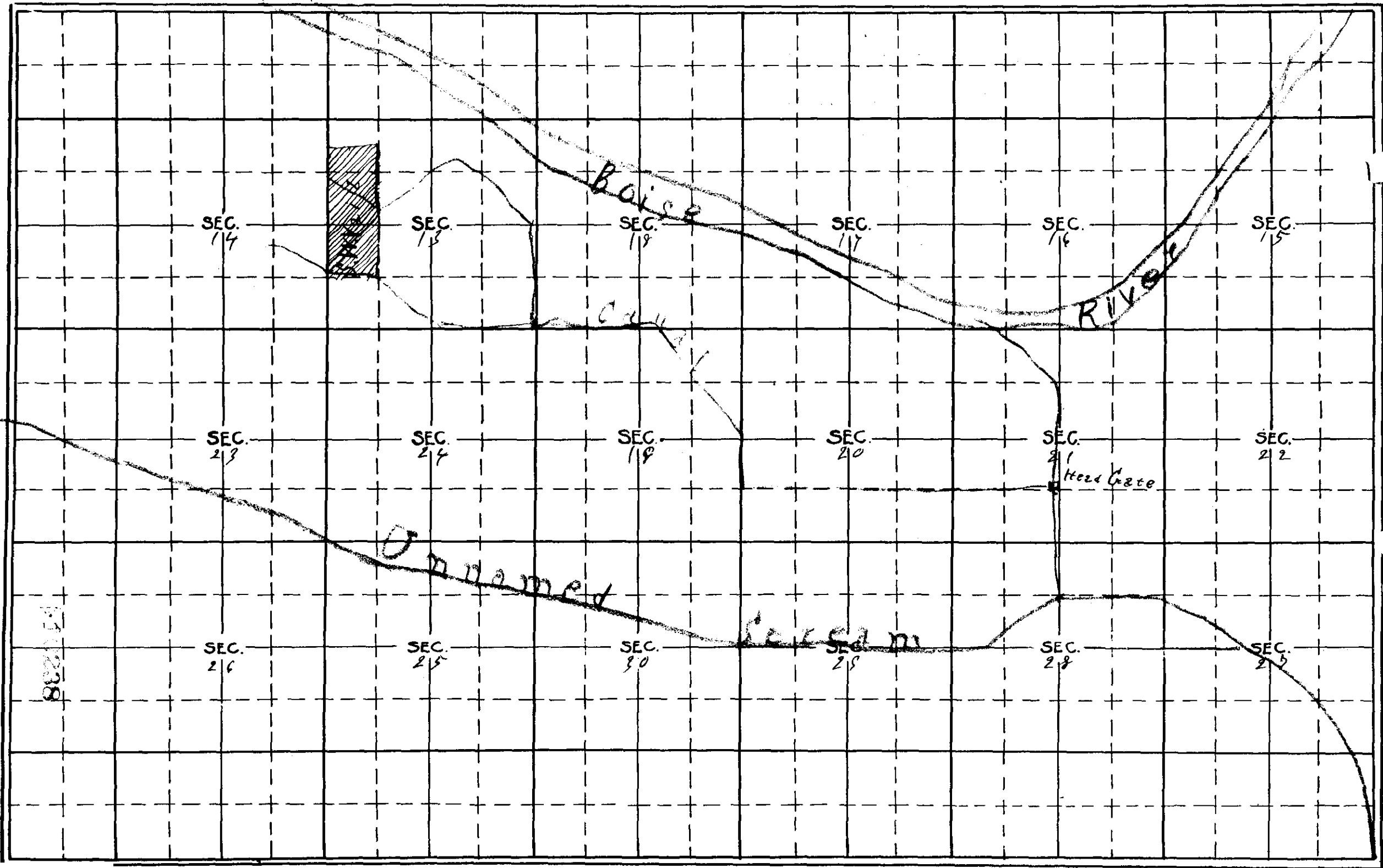
My commission expires June 1, 1918.

Boile, Idaho
Notary Public.

10238

Name of Applicant John M. David

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



800238

STATE OF IDAHO, }
County of ... Canyon } ss.

..... S. W. Vail, ... 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. 10233:.....

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

A point 1200 feet S. of the W₂ Cor. Sec. 28, T.4 N., R.3 W.,
.....
B.M., in Canyon County, State of Idaho, ...

That such change will be made for the following reasons, to-wit: For economy in
conducting and using the water.
.....
.....
.....
.....
.....
.....
.....
.....
.....

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 me this 25th day of Nov., 1916.

My commission expires June 1, 1917. (Over.)

S. W. Vail
.....
G. E. Taylor
Notary Public
Caldwell, Ida

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 land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, 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.

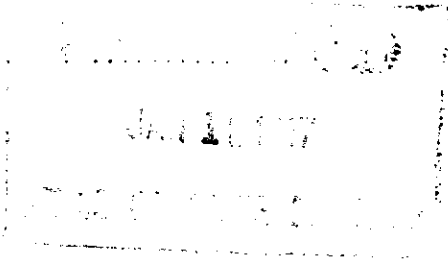
P. O.....

Date.....191...
(Over.)

Received and filed for record in the Office
of the State Engineer at Boise, Idaho, at
9:00 A. M. JAN 18 1917
J. H. Smith
CLERK

Recorded in Book 54 of
Permits, Page 10238.

10238



June 16, 1915.

Permit 10238.

S. W. Vail,
Caldwell, Idaho.

Dear Sir :

Your application for extension of
time has been approved and one copy is here-
with returned to you.

Yours very truly,

J. H. SMITH,

State Engineer

By,

10238

Permit No.

Application for Extension of Time.

S. W. Vail, of Caldwell

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 10238

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by May 28, 1915

That he has heretofore performed the following work described under said permit;

Built heading, bridge over the road, 3/4 miles of main
canal and flume over Riverside Canal.

costing \$ 600.00

THAT he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

The United States Reclamation Service dug a drainage ditch
for the Pioneer Irrigation District and diverted the water held
under this permit so that a new heading will be required.

WHEREFORE, He asks that the State Engineer extend the time for the completion of construc-
tion work under said permit, to April, 1, 1917

And further, deponent saith not

Subscribed and sworn to before me this 26th day of May, 1915

Notary Public.

My commission expires Feb 23-1918

Date of receipt at office of State Engineer May 28th, 1915.

J. H. Smith

APPROVAL OF STATE ENGINEER.

I, J. H. Smith, State Engineer of the State of Idaho, hereby extend the time for the com-
pletion of construction work under Permit to appropriate the Public Waters of the State of Idaho,
No. 10238, to April first, 1917.

Witness my hand this second day of June, 1915

(over)

State Engineer.

10238

Effective April 10, 1911.

STATE ENGINEER'S OFFICE.

*Rules and Regulations for Extension of Time for
Construction of Work Under Permit.*

House Bill No. 123 approved March 9th, 1911, provides that, where the State Engineer has limited time for completion of construction of necessary works under a permit to appropriate the public waters, to less than five years, he may, for good cause shown, extend such time as he may deem necessary.

To obtain such extension of time, the permit holder should fill out and file with the State Engineer two copies of the affidavit found upon the reverse side of this sheet.

(over)

No. 11508

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho.

1. Name of Applicant: S. W. Vail
Postoffice address: Caldwell,
County: Idaho 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) The 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 Two (2) cubic feet per second.

3. Source of water supply: Unnamed stream
County of Canyon.

4. Location of point of diversion: 50 feet South of N. $\frac{1}{4}$ Cor. Sec. 20. T. 4 N. R. 3 W. B. 19.

5. To be used for:

I. Irrigation and domestic use:

- (a) Amount of land to be irrigated: 100 acres.
(b) In the following legal subdivisions: NW $\frac{1}{4}$ of SW $\frac{1}{4}$;
(A list of lands to be irrigated may be appended as a part of this application)
SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 13
T. 4 N. R. 4 W. B. 19

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for: _____
(b) Amount of power to be generated: _____ horse power.
(c) At what point: _____
(d) Is water to be returned to any stream: _____
(e) If so, name stream and locate point of return: _____

6. Estimated cost of works:

\$385.00

7. Description of works for diversion: Divert through Ditch from Natural Channel.

I. Kind of works:

Ditch - Flume.

(Reservoir, dam, ditch, flume, pipes or otherwise)

II. Dimensions of works:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir: acre feet

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

(d) Conduit Ditch, width at bottom 8 feet, width
(State whether ditch, flume or pipe)

at water line 14 feet, depth of water 2 feet,

Diameter of pipe: inches. Average grade per mile is 5.2 feet,

Length of conduit is 3400 feet and it crosses the following

quarter sections: N.E. 1/4 Sec. 19 SW. 1/4 and NW. 1/4
Sec. 20 T. 4 N. R. 3 W. B. M. to ditch
already constructed that leads

to { land described in 5 I (b) above } which is the point of intended use.
~~point described in 5 I (b) above~~

8. The time required for the completion of the construction of such work is ONE year.

9. Time required for the complete application of the water to the proposed use is ONE
additional year.

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.

S. W. Nail

Applicant.

By Agent.

Remarks:

APPROVAL OF STATE ENGINEER.

The number of this permit is.....

Date of first receipt of application.....

Returned to applicant for correction.....

Corrected application received

Recorded in Book.....Page.....Approved

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 grant the same, subject to the following limitations and conditions:

Good and sufficient bond to be filed in the sum of \$.....on or before

Work to begin on or before....., 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.....

The whole of said work to be completed on or before

The time for proof of beneficial use of water appropriated in accordance herewith, extended to

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

10288 State Engineer.

INSTRUCTIONS.

Application will not be accepted nor permit granted thereunder, unless the following instructions are carefully carried out in preparing application blank and maps.

As to Application Blank.

Section 1. Insert name of applicant. Also post-office address and county of residence. Subdivisions "I" and "II" are to be filled in only when applicant is a corporation.

Sec. 2. State the quantity of water claimed in second-feet, one second foot being the maximum allowed for 50 acres, except in very unusual cases. One second foot is considered as the equivalent of 50 miners' inches measured under a 4-inch pressure.

Sec. 3. Give name of stream or lake from which water is claimed. If a spring is the source of supply, give legal description of 40-acre tract in which it is situated. Where two or more sources are claimed, name or describe each separately and specify amount claimed from each.

Sec. 4. If point of diversion is on surveyed land, locate same by giving legal description of 40-acre tract in which it is situated. If upon unsurveyed land, give approximate distance to mouth of the stream from which water is claimed, or to the mouth of some creek putting into said stream in the vicinity. Where there is to be more than one point of diversion, number and describe each separately, and place such diversion numbers on the maps. In cases of springs on unsurveyed land, tie to some prominent and permanent land mark.

Sec. 5. Fill in Subdivision "I" if the water applied for is to be used for irrigation and domestic use. If intended for other purposes, fill in Subdivision "II."

Sec. 6. Give estimated cost of all construction works necessary to conduct water to place of use, including dams, ditches, flumes, etc. This should not include installation of machinery for power.

Sec. 7. In Subdivision "I" state generally what diversion works will be constructed. In Subdivision "II" give the dimensions of the works as indicated by the various blanks and give legal descriptions of quarter sections crossed by conduit.

Sec. 8. Indicate time desired within which to

complete the diversion works, not exceeding five years.

Sec. 9. Indicate the time considered necessary to put water to beneficial use after the completion of the works, not exceeding four years.

As to Maps.

(A) Before permit will be granted applicant must file two maps showing the following details: (a) source or sources of supply; (b) point or points of diversion; (c) route of ditch or ditches delivering water within one mile of each 160-acre tract of the land to be irrigated; (d) lands to be irrigated to be shown by cross-hatching or outlining. If for power purposes, etc., the maps must show (a) source or sources of supply; (b) point or points of diversion; (c) route of ditch or ditches; (d) point or points of use; (e) point of return to stream after use.

(B) If the application is for more than 25 second-feet, the maps must be prepared from actual survey and must be certified to by engineer in charge of survey, certificates to contain (1) engineer's name and postoffice address; (2) date of survey.

General.

(C) A filing fee of \$1.00 for the first second foot appropriated and ten cents additional for each additional second foot or fraction must be paid by applicant before permit will issue.

(D) Application will be accepted temporarily provided application blank be filed containing the information required in Sections 1 to 4, inclusive, and the statement as to purpose for which water is claimed, whether for irrigation, or power, etc. Applicant will then have 60 days from the date application is returned to him for completion within which to run surveys (where required), prepare maps and pay filing fee. However, it is best to submit maps and fees when application is filed, in all cases where a survey is not required, that is where the amount claimed is not more than 25 second-feet.

(E) The space in the blank under the head of "Remarks" is to be used for matter strictly pertaining to the application. It must not be used for letter writing.

No.	PERMIT	County, Idaho.	Date of first receipt at office of State Engineer <i>9 AM MAR 13 1914</i>	Returned to applicant for correction <i>MAR 16 - 1914</i>	Corrected application received	Recorded in Book	Page	Approved	Work to begin	Bond to be filed	One-fifth of work to be completed	Whole work to be completed	Final proof of use of water	Fees, \$ <i>1.00</i>	Statesman Printing Co., Boise, Idaho. 1-10-2000
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10238

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

S. W. Vail,
Caldwell, Idaho.

BOISE, IDAHO, **March 10, 1915.**

DEAR SIR:

Under the terms of your permit No. **10238**, you are required to complete your diversion works on or before **May 28, 1915**. 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, ~~Secretary~~
State Engineer.

10238

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit No. 10238

BOISE, IDAHO. May 28, 1914.

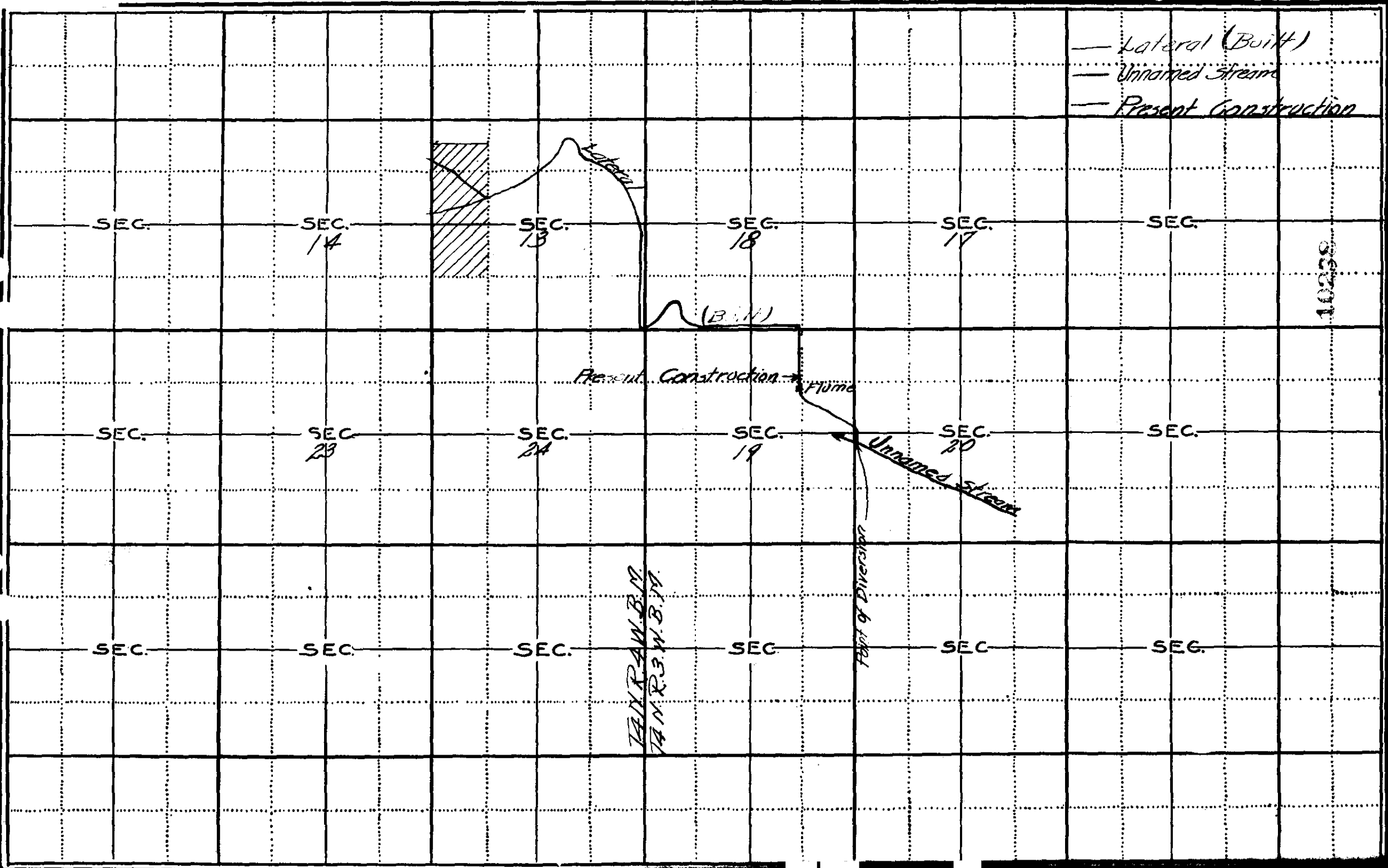
Mr. Guy C. McGee,
Caldwell, Idaho.

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,
State Engineer.

10238



Boise, Idaho, May 19, 1914.

App. 15177-Vail.

Mr. Guy C. McGee,
Caldwell, Idaho.

Sir:--

Above application received out of time
and refiled under the above number. Same
is returned herewith for correction in the
following particular: Paragraph four of the
blank does not agree with the maps as to
section numbers.

Very truly yours,

F. P. KING,

State Engineer.

By _____

Enc. App. 15177 and FFR 8996.
W/L

10238