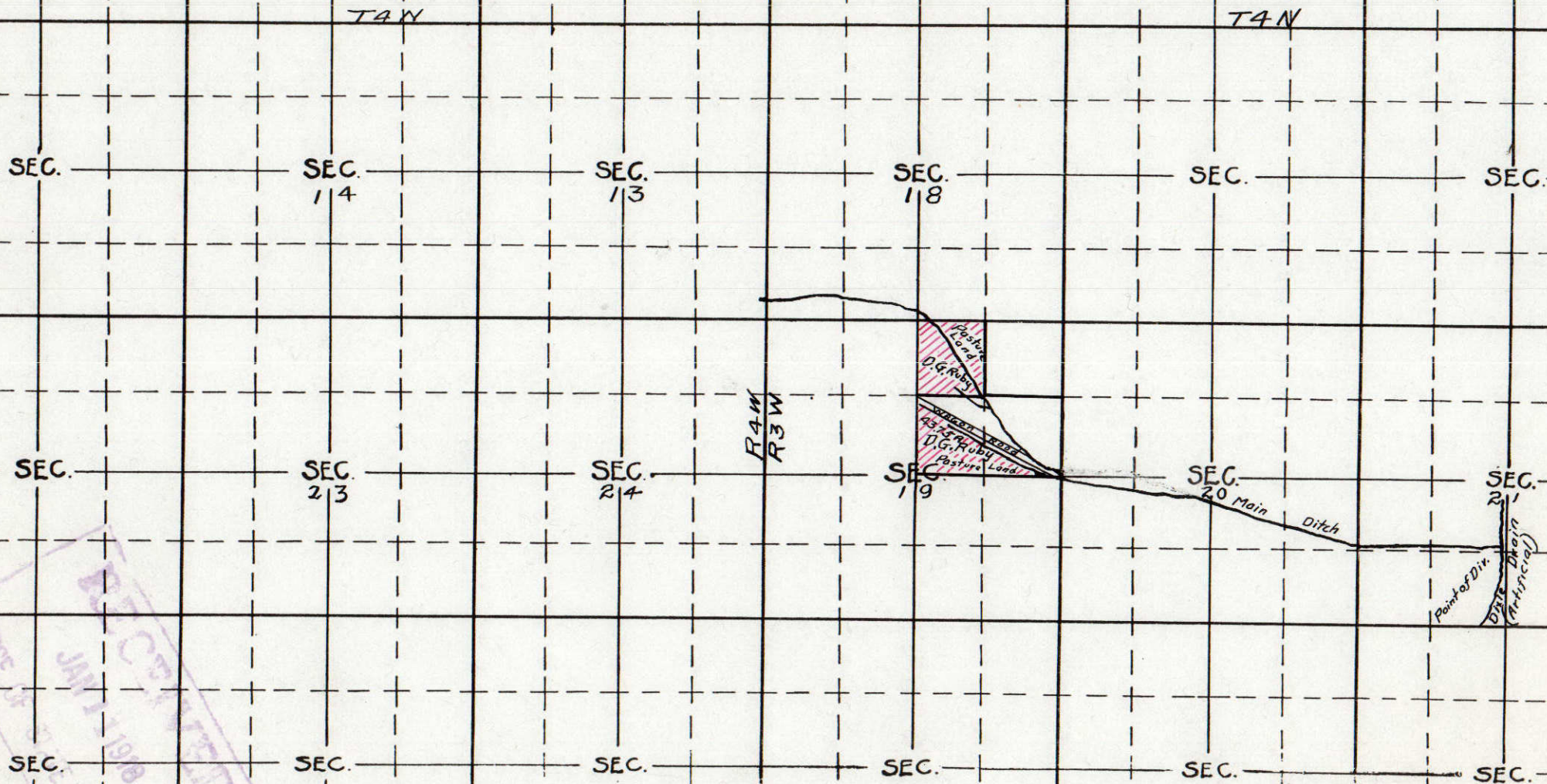


Name of Applicant D.G. Ruby

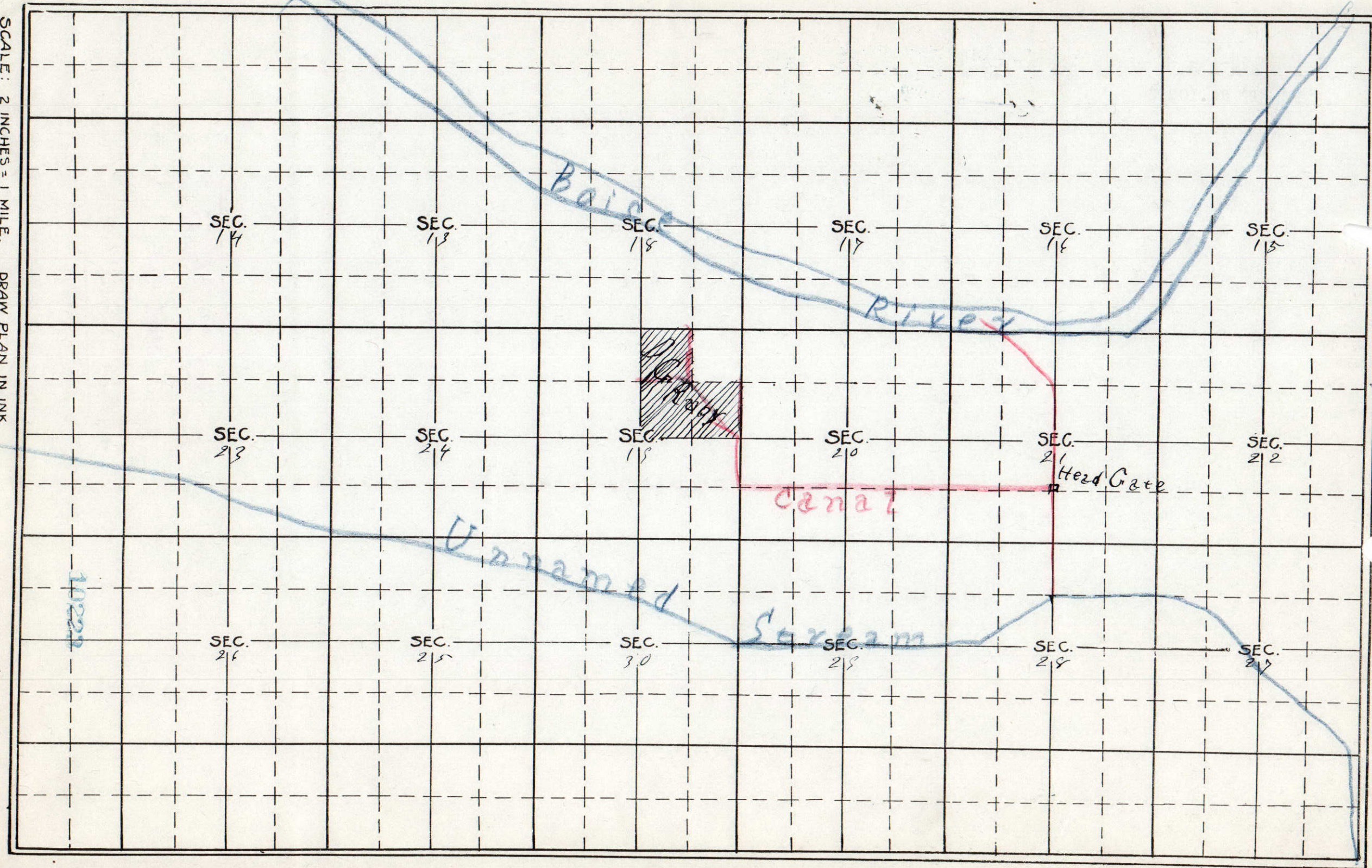
SCALE: 2 INCHES = 1 MILE.

DRAW PLAN IN INK



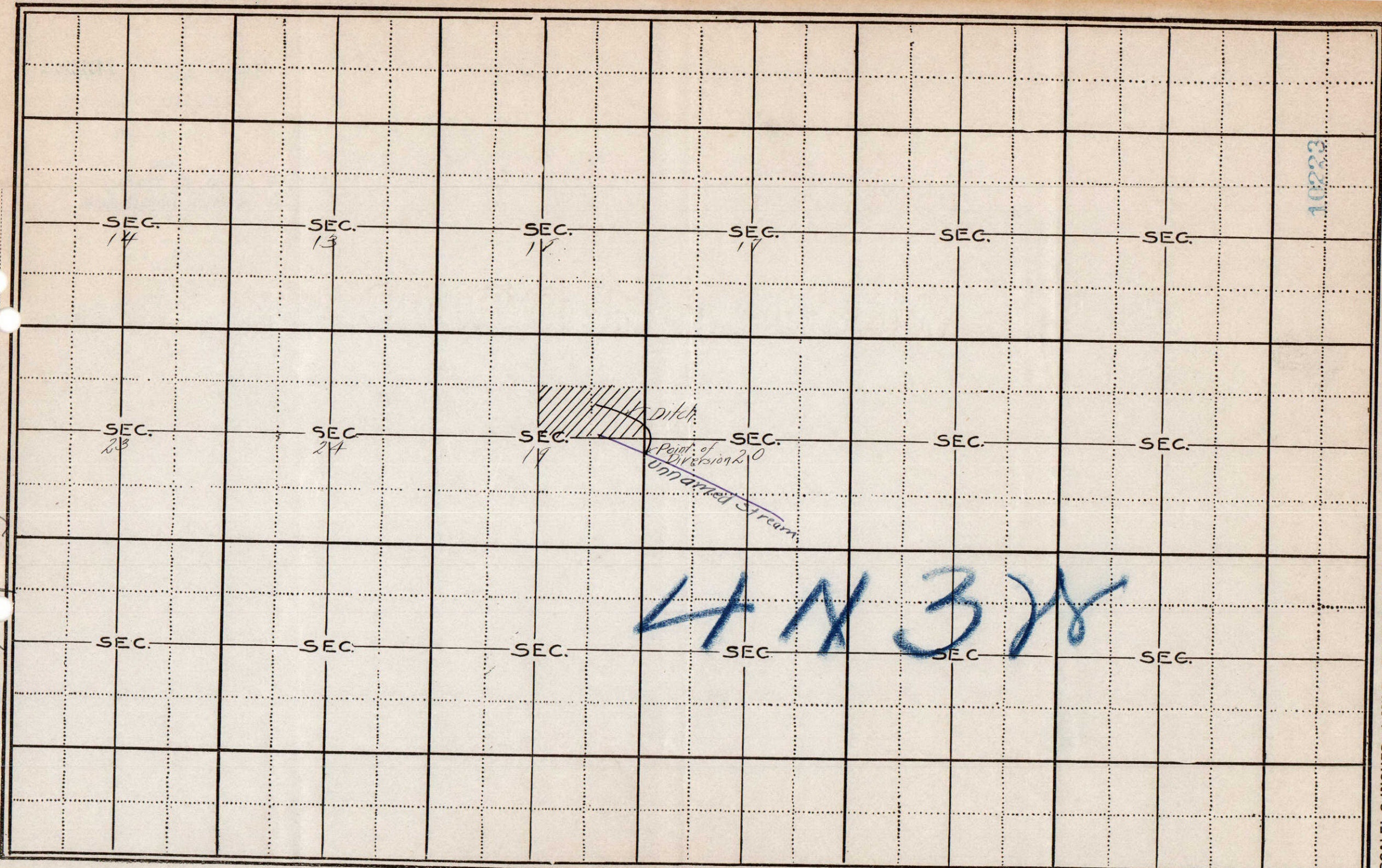
Name of Applicant *Wm. S. Purdy*

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



10222

Name of Applicant *D. G. Ruby*



County: Canyon.
 Stream: Unnamed.
 Amount: 43/50 of 1 sec. ft.
 Use: Irrigation.
 Priority: 5-18-14.
 District No. 12-A.

STATE OF IDAHO

Water License No. 10223.
 Water District No. 12-A.

WHEREAS, On the 18th day of May, A. D. 1914, D. G. Ruby,

of Caldwell, County of Canyon, State of Idaho, duly made application (No. 15179) to me for a permit to use 43/50 of 1 cubic foot 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. 10223, 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 11th 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 15th day of May, A. D. 1916, D. G. Ruby,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 43/50 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10223 dated February 5, 1917, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 43/50 of 1 cubic foot per second of said water, with date of priority of May 18, 1914, and

WHEREAS, On the 31st day of August, A. D. 1917, D. G. Ruby,

the holder of said permit, duly made proof of the application to beneficial use of 43/50 of 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

D. G. Ruby,

of Caldwell, County of Canyon, State of Idaho, the holder and owner of said Permit No. 10223, a perpetual right, dating from May 18, 1914 to the use of 43/50 of 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 83.75 acres of land, divided as follows: 40 acres in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and 43.75 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Sec. 19, T. 4 N., R. 3 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. 15179

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: D. G. Ruby

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 48/50

cubic feet per second.

3. Source of water supply: Unnamed Stream

4. Location of point of diversion: 50 ft. S. 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: 43

acres.

(b) In the following legal subdivisions: S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 19, T. 4 N. R. 3 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 ft.

and it crosses the following quarter sections: SW and NW Sec. 20; NE Sec. 19, T. 4 N. R.

3 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.

D. G. Ruby

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

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10223

Recorded in Book 34 Page 10223 Approved May 28, 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 eleventh day of June, 1915, extended the time for the
completion of works thereunder to the first day of April, 1917.

J. H. Smith,

State Engineer.

STATE OF IDAHO)
) SS
County of Canyon)

D. G. Ruby, 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. 10223.

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.

D. G. Ruby

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

(S E A L)

F. D. Mumford
Notary Public
Residence, Caldwell, Idaho.

My commission expires November 8, 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 15th, 1916.
 Certificate of completion of works issued February 5th, 1917.

Permit No. 10223

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that D. G. Ruby, of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 10223, issued upon Application No. 15179, bearing date of priority of May 18, 1914, authorizing the diversion of 43/50 of 1 second foot 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 43/50 of 1 second foot of the waters of an unnamed stream; that the point of diversion of said waters is 1200 feet S. of the N $\frac{1}{2}$ 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: W $\frac{1}{2}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 19, T. 4 N., R. 3 W., B.M.

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

J. H. SMITH,

State Engineer .

License issued for 43/50 of 1 second foot

Page 2260

WATER RIGHT NUMBER 63-2240

OWNER LAST NAME - RUBY

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 - AC. IRR.=83.75.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE -

DIVERSION MEANS -

FIRST NAME - D. G.

ADDRESS LINE 2 -

CITY - CALDWELL

TRIBUTARY OF - BOISE RIVER

PRIORITY - 05-18-1914 COUNTY - CANYON

WATER DIST. -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE -

USE DIV. RATE -

PLACE OF USE - TWN 04N RNG 03W SEC 19

STATE - ID ZIP CODE - 83605

ORIG OWNER -

TOTAL DIV. RATE - .8600 -CFS

RIGHT BASIS -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. VOLUME -

USE DIV. VOLUME -

AC 40 TRACT SWNE LOT AC 30

AC 14

DATE -

TOTAL ACRES 84

PROTESTED -

HEARING -

OLD NO. - 10223

VERIFIED J G

4/1/85

3/79

IDENT. NO. 63-2240

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

WATER RIGHT DATA ENTRY LOG

[illegible]

February 13, 1918.

Re: Permit No.10223.

Mr. D. G. Ruby,
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-1592

MB

10223

REPORT OF ENGINEER

1. State name of applicant and number of permit: D.G. Ruby, Permit No. 10223.
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, and 36" long. Headgate is of concrete, with grooves for splash board. Ditch is 5 ft. on bottom with 1-to-1 slope and a grade of 5/100 to 100 ft. This ditch has a cut of 3 to 5 ft. for the first one half mile, then drops in an old slough and is taken out a short distance below and carried to a point close to the North 1/4 cor. of Sec. 19, then drops in an old ditch. Mr. Ruby diverts his water from the main ditch at the East 1/4 corner Section 19, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 19; and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 19, T. 4 N., R. 3 W.B.M. The capacity of this ditch is 600" approximately

The feeders of the main ditch are of sufficient size to carry water to irrigate Mr. Ruby's land.

There are five parties interested in this ditch leading from the Dixie Drain. They are J.E. Moreland; A. Ballantyne; J.Z. Motlow; D.G. Ruby; W.S. Vail.

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): NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 43.75 acres in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 19, T. 4 N., R. 3 W.B.M. The NW $\frac{1}{4}$ NE $\frac{1}{4}$ has 40 acres in pasture. This land is covered with salt grass and scattering blue grass, and irrigated by dykes to spread water over land. 43.75 acres lying South of the road in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ is covered with salt grass with dykes thrown up to spread water over land. This land shows no signs of cultivation and is being irrigated for pasture.

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

Remarks: All of the above land is used for pasture, and shows no sign of cultivation. 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. Hallis

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____

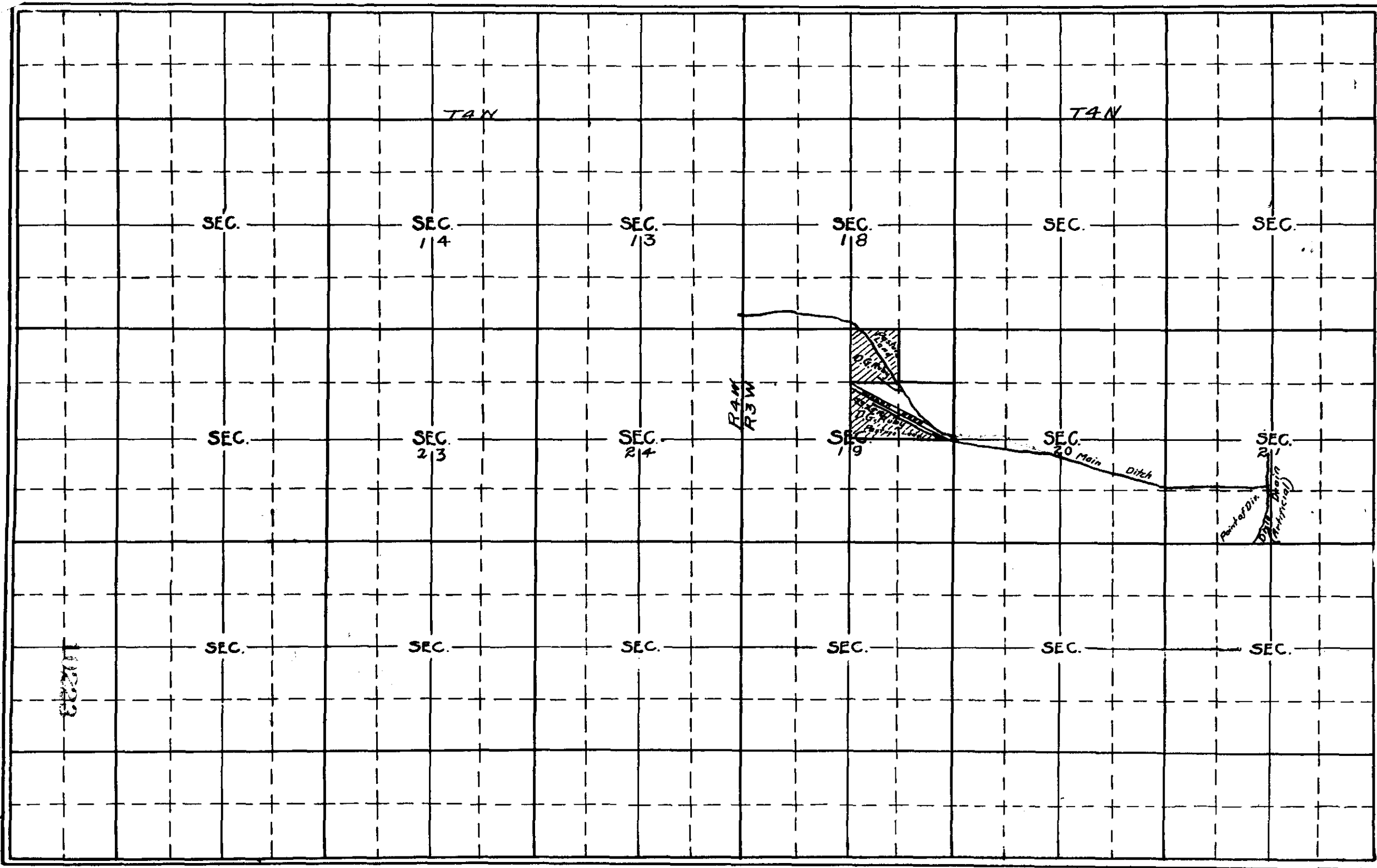
Notary Public.
My Commission Expires_____

10237

Name of Applicant: D. G. Ruby

SCALE: 2 INCHES = 1 MILE.

DRAW PLAN IN INK



PERMIT NO. 10223.

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

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

Ans. Name, D. G. Ruby; Age, 56 years; occupation stock grower and farmer; residence and P.O., Caldwell, 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. Acting in own behalf solely.

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

Ans. Permit No. 10223, dated May 18th, 1914, date of priority same.

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 $\frac{1}{2}$ Cor. of Sec. 28, T.4 N., R.3 E., 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 from concrete heading through gravity ditch, 6 feet on bottom, sloping sides, depth of water 2 feet, grade from 5 to 10 feet to mile, 2 miles in length, and carrying capacity of more than 50 second-feet of water.

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

Ans. Water is used for irrigation on $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T.4 N., R.3 E., B.M. Each of the three subdivisions above described contains 40 acres of land, or 120 acres in the whole description; and $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, (or that portion South of wagon road), comprising in all between 90 and 100 acres, 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 was issued.

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. 10223 has been used for irrigation of 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 hereinbefore described has been supplied with water for irrigation wholly from the source of supply herein described.

(Sign)

D. G. Ruck

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. D. Mumford

Notary Public.

Residence, Caldwell, Idaho.

My Commission expires November, 8th, 1919.

10223.

Permit No. 10223.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Name, J. E. McCallum; Age 59¹/₂ years; occupation stock grower and farmer; residence and P.O. address, Caldwell, Idaho. R.F.D. 2.

Ques. 2. Are you acquainted with D. G. Ruby, the holder of Permit No. 10223? How long have you known him and where does he reside?

Ans. I have known D. G. Ruby about ten years. He resides in Caldwell, Idaho.

Ques. 3. Have you read or heard read said Permit No. 10223, 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 N¹/₂ Cor. of Sec. 28, T.4 N., R.3 W., B.M.; and the works for conveying water consist of concrete heading and gravity ditch about 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 a thousand miners inches, or twenty second-feet, or more of water being conducted through said works, and would estimate their capacity at 30 second-feet or more.

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: NW¹/₄ NE¹/₄ and SW¹/₄ of S¹/₂ of NE¹/₄ of Sec. 19, T.4 N., R.3 W., B.M. The former of these subdivisions contains 40 acres and the latter about 45 or 50 acres of land. Water has been and is being used for irrigation on all of each of these subdivisions. These lands have been cultivated and are being used and irrigated for pasture and meadows, and are growing tame and native grasses.

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 arid in character, and requires the equivalent of one x miners inch of water continuous flow for practical and profitable cultivation and use for the purposes for which it is now being used. It is not practical or profitable to use this land for any purpose without water for irrigation.

10223

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 works 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 No. 10223, and for a long time prior thereto.

(Sign)

J. G. Ireland

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. Munford

Notary Public.

Residence Caldwell, Idaho.

My commission expires November 8th, 1919.

10223

Permit No. 10223.

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. Ballentyne; Age 41 years; occupation stock grower and farmer; residence and P.O. address, Caldwell, Idaho, R.F.D. 2.

Ques. 2. Are you acquainted with D. G. Ruby, the holder of Permit No. 10223? How long have you known him and where does he reside?

Ans. I have known D. G. Ruby about ten years. He resides in Caldwell, Idaho.

Ques. 3. Have you read or heard read said Permit No. 10223, 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 works for conveying water consist of concrete heading and gravity ditch about 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 a thousand miners inches, or twenty second-feet, or more, of water being conducted through said works, and would estimate their capacity at 25 second-feet or more.

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 $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 19, T.4 N., R.3 W., B.M. The former of these subdivisions contains 40 acres and the latter about 45 or 50 acres of land. Water has been and is being used for irrigation on all of each of these subdivisions. These lands have been cultivated and are being used and irrigated for pasture and meadows, and are growing tame and native grasses.

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 arid in character, and requires the equivalent of one or more miners inch of water continuous flow for practical and profitable cultivation and use for the purposes for which it is now being used. It is not practical or profitable to use this land for any purpose without water for irrigation.

10223

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 works 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 No. 10223, and for a long time prior thereto.~~

(Sign) *C. Ballantyne*

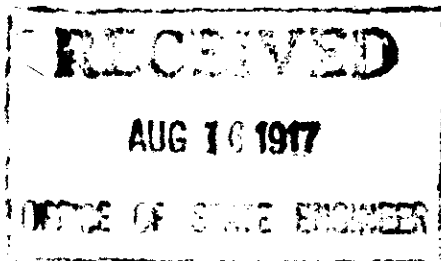
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell, County of Canyon, State of Idaho, on this 31st, day of August, A. D. 1917.

J. D. Mumford
Notary Public.

Residence Caldwell, Idaho.

My commission expires November 8th, 1919.

10223



STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

Re: Permit No. 10223

August 14, 1917

Mr. D. G. Ruby,

Caldwell, Idaho.

To facilitate the examination to be made by this Department in connection with proof under above permit, you are requested to fill in answers to the following questions and return this sheet to State Engineer, Boise, at once.

J. H. SMITH,

State Engineer.

1. What is nearest and most convenient railroad or stage station to the land covered by permit? Caldwell
2. What is best means of reaching the land, automobile or team? By auto from Caldwell
3. Do you live on the place? No Sir
4. If not, where is your residence? Caldwell
5. If you do not live on the place is there a tenant living there? If so what is his name? _____
6. If there are several roads from the station named above to the place, state briefly which road is best to take.

Call at office and I
will let you out
your truck
Best

10223

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

Mr. D. C. Ruby,
c/o F. D. Mumford,
Caldwell, Idaho.

BOISE, IDAHO, August 14, 1917.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. 10223

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

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.

10223

February 9th, 1917.

Re Permit 10223. D. G. Ruben.

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

Dear Sir:--

Herewith enclosing you certificate of
completion of works issued under above permit,
with receipt for fees.

Very truly yours,

J. H. SMITH,

State Engineer.

CCW-R80

By _____

10223

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

..... D. G. Ruby, 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. 10223.

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

..... A point 1200 feet S. of the N. 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 15th day of ... May, 1916.

D. G. Ruby
.....
J. D. Mumford
Notary Public.
Residence Caldwell, Idaho.

My commission expires *Nov. 8, 1919.*
(Over.)

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
 of the State Engineer at Boise, Idaho, at
 2:00 P.M. JAN 18 1917
 J. H. Smith
 State Engineer

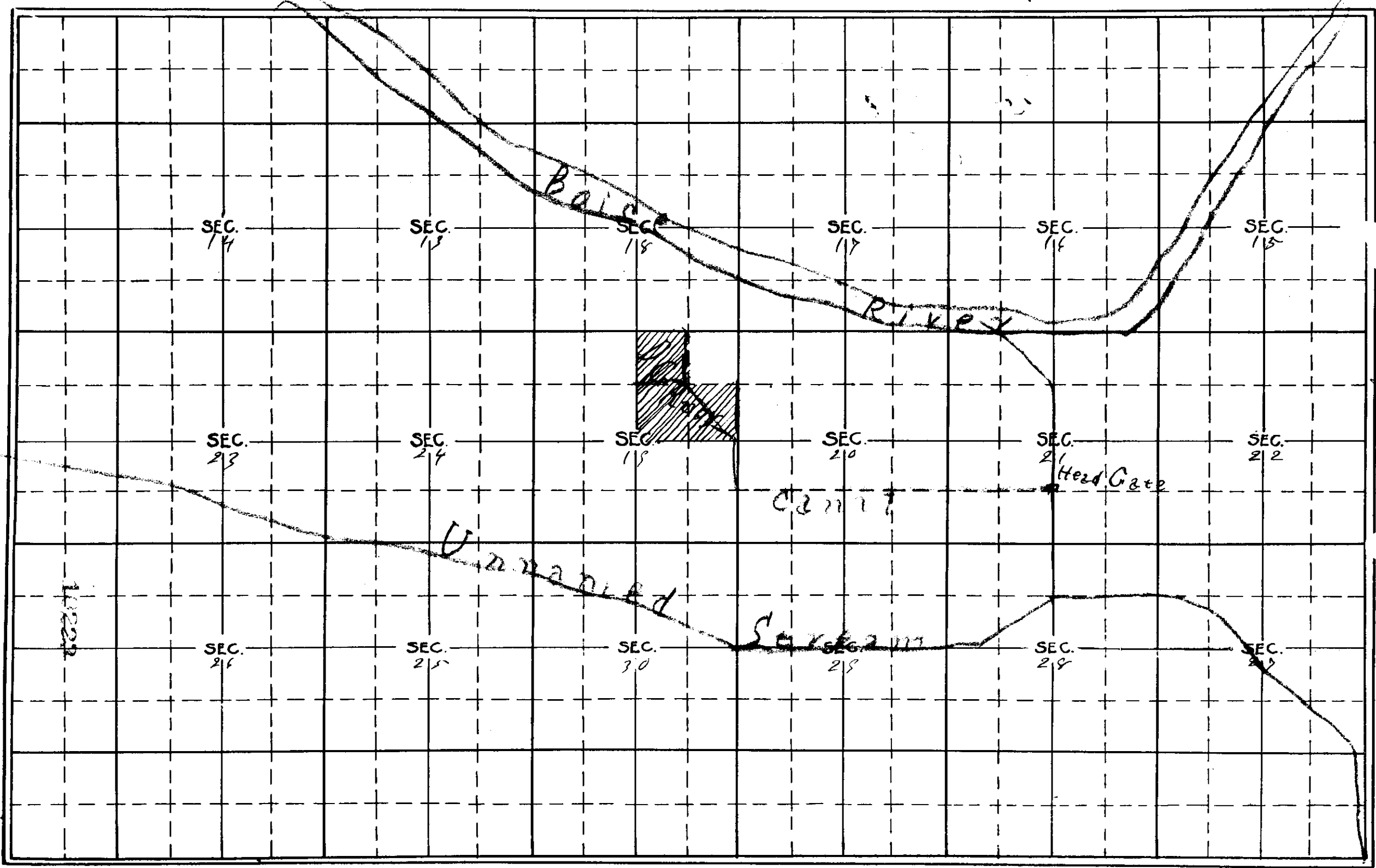
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Recorded in Book 34 of Permits

10223

Name of Applicant *H. H. Rindley*

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



Permit No. 10223.

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of Canyon } ss.D. G. Ruby, 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. 10223 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 W₂ 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 W₂ Cor. Sec. 28, T. 4 N. R. 3 W., B.M., in 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 (or were 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.
(State whether ditch, flume or pipe)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 120 acres of land described as follows: W₂ of NE₄ of Sec. 19, T. 4 N., R. 3 W., B.M., in Canyon County, State of Idaho.

Ninth. Remarks: That _____

Subscribed and sworn to before me this 15th day of May, 1916.My commission expires June 28, 1919.

(Sign here.)

Chas. H. Shaw
Notary Public.

10223

June 12, 1915.

Permit 10223---
RUBY

Rice Thompson Buckner,
Caldwell, Idaho.

Dear Sirs:

Application for extension of time under
the above permit has been approved and duplicate
copy if herewith returned.

Yours very truly

J. H. Smith,
State Engineer

By,

10223

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
 STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

BOISE, IDAHO,

March 10, 1915.

D. G. Ruby,
Callwell, Idaho.

Under the terms of your permit No. 10223, 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,

F. P. KING,
~~XXXXXXXXXX~~
 State Engineer.

10223

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit No. 10223

BOISE, IDAHO, May 28, 1914.

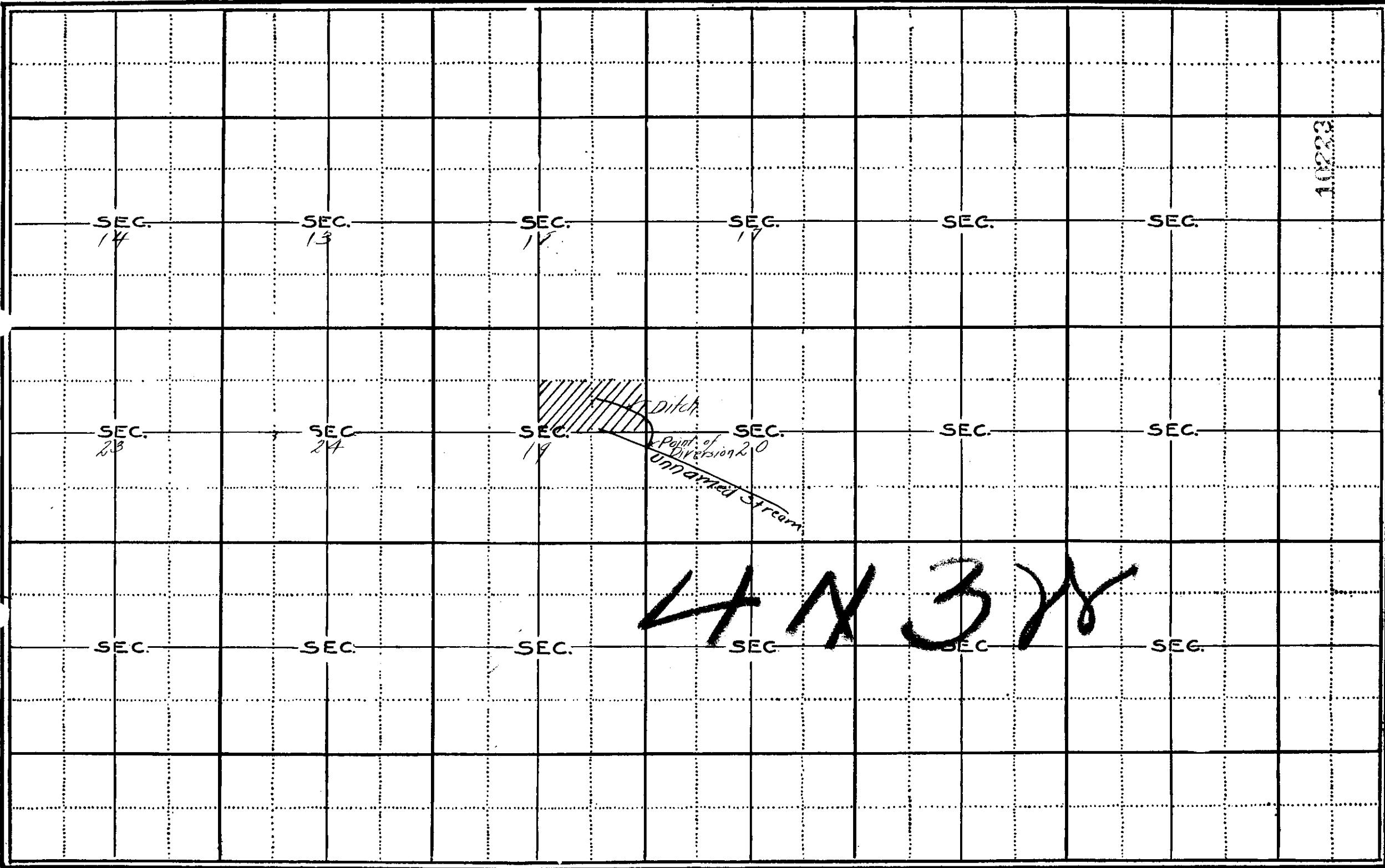
Mr. Guy C. McGee,
Caldwell, Idaho.
Dear Sir:

*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.

10223

Name of Applicant *D. G. F.* by *D. G. F.*



10223