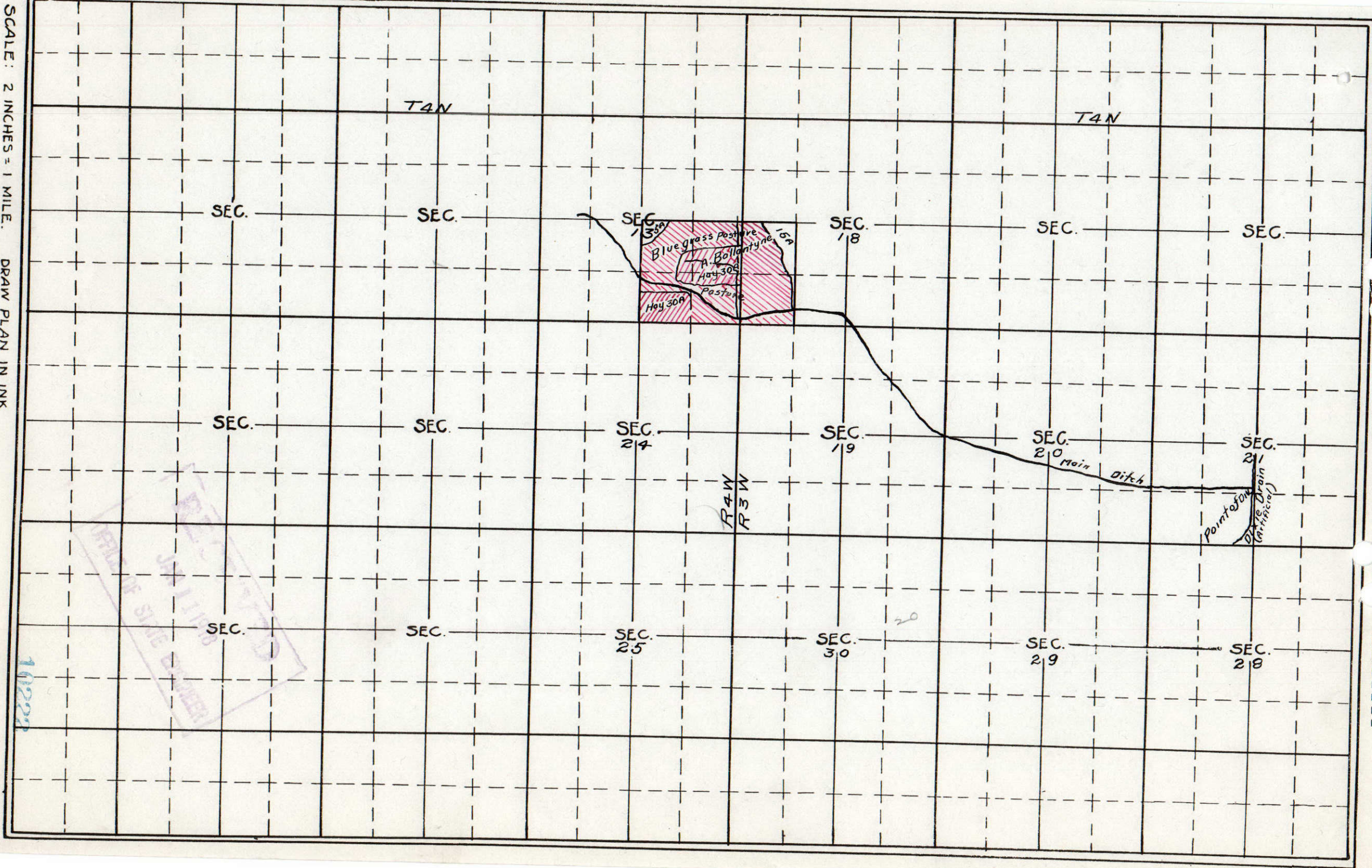


Name of Applicant A. Ballantyne

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



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

Name of Applicant *Ed. Balloubyer*

Twp. 4 N. R. 4 W. B. M.

Twp. 4 N. R. 3 W. B. M.

SEC.

SEC.
13

SEC.
18

SEC.
17

SEC.
16

SEC.
15

SEC.

SEC.
24

SEC.
19

SEC.
20

SEC.
21

SEC.
22

SEC.

SEC.
23

SEC.
30

SEC.
28

SEC.
28

SEC.
27

Bease

River

Unpaired

Canal

Head Gate

Screen

10222



County: Canyon.
 Stream: Unnamed stream.
 Amount: 4.6 sec. ft.
 Use: Irrigation.
 Priority: 5-18-14.
 District No. 12-A.

STATE OF IDAHO

Water License No. 10222.
 Water District No. 12-A.

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

of Caldwell, County of Canyon, State of Idaho, duly made application (No. 15178) to me for a permit to use 4.8 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. 10222 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 16th 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 20th day of May, A. D. 1916, A. Ballentyne,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4.8 cubic feet per second of said waters, as evidenced by my Certificate No. 10222, dated February 5, 1917, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.8 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. 1917, A. Ballentyne,

the holder of said permit, duly made proof of the application to beneficial use of 4.6 cubic feet 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 A. Ballentyne,

of Caldwell, County of Canyon, State of Idaho, the holder and owner of said Permit No. 10222, a perpetual right, dating from May 18, 1914 to the use of 4.6 cubic feet 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 230 acres of land, divided as follows: 35 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$, and 40 acres in SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 18, T. 4 N., R. 3 W.; 40 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, 35 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$, and 40 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 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.

J. H. Smith,

(Seal)

State Engineer.

No. 15178

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: A. Ballentyne

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 4 8/10 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: 240 acres.
- (b) In the following legal subdivisions: SE $\frac{1}{4}$ Sec. 18, T. 4 N. R. 4 W. B. M.
- W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 18, 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 feet,
and it crosses the following quarter sections: SW and LW Sec. 20; NE Sec. 19; SE
and SW Sec. 18, 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.

A. Ballentyne

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 10222

Recorded in Book 34 Page 10222 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.

On proper request of the holder of the above numbered permit, I have this 16th day of June, 1915, extended the time for completion of works thereunder to the 1st day of April, 1917.

J. H. Smith,

State Engineer.

STATE OF IDAHO)
) SS.
)
County of Canyon)

A. Ballantyne, 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. 10222.

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.

A. Ballantyne

Subscribed and sworn to before me this 20th day of May, 1916.

(S E A L)

F. D. Mumford

Notary Public
Residence, Caldwell, Idaho

My commission expires November 8, 1919.

Recorded by
Checked by

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.

Proof of completion of works made May 20, 1916.

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

Permit No. 10222

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that A. Ballentyne, of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 10222, issued upon Application No. 15178, bearing date of priority of May 18, 1914, authorizing the diversion of 4.8 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 4.8 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. 2 W., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$, Sec. 13, T. 4 N., R. 4 W., B.M., and W $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 18, T. 4 N., R. 3 W., B.M.

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

J. H. SMITH,

License issued for 4.6 second

State Engineer of the State of Idaho.

Page 2259

& _____ &

WATER RIGHT NUMBER 63-2239

OWNER LAST NAME - BALLENTYNE

FIRST NAME - A.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - CALDWELL

STATE - ID ZIP CODE - 83605

SOURCE - UNNAMED STREAM

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 05-18-1914 COUNTY - CANYON

TOTAL DIV. RATE - 4.6000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESW 21 04N 03W LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

4.6000 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

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

TRACT NESE LOT

AC 40

TRACT NWSE LOT

AC 35

USE - IRRIGATION

PLACE OF USE - TWN 04N RING 03W SEC 18

TRACT SWSE LOT

AC 40

TRACT SESE LOT

AC 40

DECREE NAME -

TRACT NWSW LOT

AC 35

TRACT SWSW LOT

AC 40

REMARKS -

DATE -

TOTAL ACRES 230

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 10222

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED J G

4/1/85

IDENT. NO. 63-2239

WATER RIGHT
DATA ENTRY LOG[illegible]

April 21, 1936

Re: Permits Nos. 10238 & 10222

MR. CLIVE GROOMS,
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. E. 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

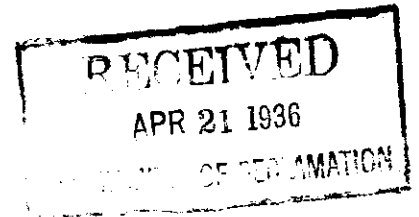
By _____
Chief Clerk & Office Engr.

RLR/rg

10222

CLEVE GROOME
ATTORNEY AT LAW
CALDWELL, IDAHO

April 20, 1936



Re: Permits Nos. 10238 and 10222

Mr. R. W. Farris
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

Your letter of April 14 relative to the
above permits has been received.

Will you please tell me which of the
permits was issued to Mr. S. W. Vail and which to
Mr. Alexander Ballantyne?

Thank you for this information.

Yours very truly,


CLEVE GROOME

CG:ls

10222

April 14, 1936

Re: Permits Nos. 10238 & 10222

MR. CLAVE GROOMER,
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 $\frac{1}{4}$ NE $\frac{1}{4}$ 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 4.3 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

10222

CLEVE GROOME

ATTORNEY AT LAW
CALDWELL, IDAHO

April 10, 1936

RECEIVED

APR 11 1936

DEPARTMENT OF RECLAMATION

Idaho Commissioner of Reclamation
State House
Boise, Idaho

Dear Sir:

I understand that some time ago Alexander Ballantyne and Silas W. Vail (or S. W. Vail) instituted a water right, to be taken out of a drain ditch on the West side of Caldwell, and conveyed through various ditches to Lot 8, Section 18, Township 4 North, Range 3 West of the Boise Meridian; and the South Half of the Southeast Quarter of Section 13, Township 4 North, Range 4 West of the Boise Meridian, and lands adjacent thereto.

Will you please write me the date of the application, when it was instituted, the application water right No., and what has become of the application, whether the appropriation has been completed in your office, a continuation, or otherwise?

Thanking you in advance for this information, I am

Yours very truly,


CLEVE GROOME

CG:ls

10222

February 13, 1918.

Re: Permit No. 10222.

Mr. A. Ballentyne,
Caldwell, Idaho.

Dear Sir:

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

Very truly yours,

J. E. SMITH,
State Engineer.

By

Enc: WL
R-1591

MB

10222

REPORT OF ENGINEER

1. State name of applicant and number of permit: A. Ballantyne, Permit No. 10222.
2. State source of water supply: Dixie Drain.
3. Location of point of diversion NE $\frac{1}{4}$ 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 in. high, 36 in. long. Headgate is of concrete, with grooves for splash board. Ditch is 5' on bottom, 1 to 1 slope, with a grade of 5/100 to 100'. This ditch has a cut of from 3 to 5 feet for the first 1/2 mile, 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 the land of owners. The capacity of this ditch is 600" approximately. Mr. Ballantyne'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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18 has 35 acres pasture land and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18 has 40 acres of pasture land. The NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 13 has 20 acres of pasture land and 20 acres of hay. The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13 has 30 acres pasture land and 5 acres of hay. The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13 has 35 acres of pasture and 5 acres of hay. The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13 has 30 acres of hay and ten acres of pasture.

T. 4 N. R. 3 W.

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

Remarks: All of the above pasture land has been plowed and sowed to Blue Grass, and has a good system of irrigation. 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.N. 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.

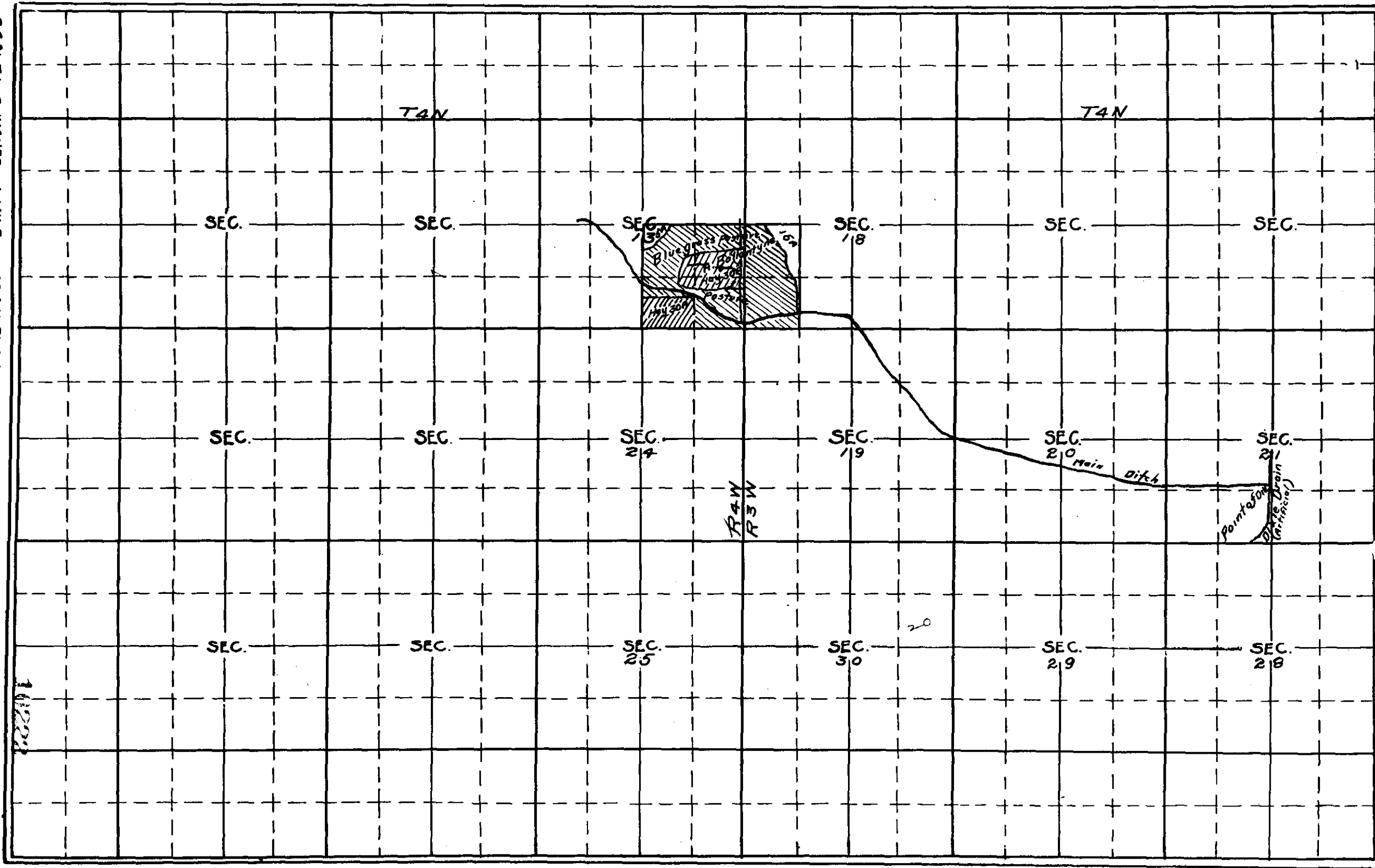
_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191__

Notary Public.
My Commission Expires_____

Name of Applicant *A. Ballentine*

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



10220

PERMIT No. 10222

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

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

Ans. Name, A. Ballantyne; Age 41 years; Occupation farmer and stock grower; Residence and P.O., Caldwell, Idaho, U.S.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 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. 10222, 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 $1\frac{1}{4}$ Cor. of Sec. 26, 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, 8 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 $3\frac{1}{4}$ Sec. 18, T.4 N., R.5 W. and $3\frac{1}{4}$ Sec. 13, T.4 N., R.4 W., B.M. Each of the six subdivisions above described contains 40 acres, or 240 acres in the whole description, and the whole of each subdivision 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. 240 miniers inches, or 4.8 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. 10222 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. 10222 has been used for~~
~~irrigation of land described, in amount equal to and in excess of 4.8~~
~~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 hereinbefore mentioned.~~

(Sign)

M. Ballantyne

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.

10222

Permit No. 10222.

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.D. G. Ruby; Age 56 years; occupation stock grower and farmer; residence Caldwell, Idaho. Post Office, Caldwell, Idaho.

Ques. 2. Are you acquainted with Alex Ballantyne, the holder of Permit No. 10222? How long have you known him and where does he reside?

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

Ques. 3. Have you read or heard read said Permit No. 10222, and are you familiar with its provisions and conditions?

Ans. Yes, I have read the Prmit, 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 one thousand miners inches, or 20 second-feet, of water being conducted through said system 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: NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T.4 N., R.3 W., and NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T.4 N., R.4 W., B.M. These subdivisions contain 40 acres of land each, and water has been and is being used on all of each of them for irrigation. The lands have all been partially cultivated, and are growing tame and native grasses, and are being used and irrigated 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 in amount of not less than one miners inch continuous flow for each acre. Water is now being applied for these purposes and the land would be worthless without waterx for irrigation.

10222

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)

L. G. Ruby

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.

10222

Permit No. 10222.

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. Moreland; Age 59 years; occupation stock grower and farmer; residence Caldwell, Idaho. Post Office, Caldwell, Idaho.

Ques. 2. Are you acquainted with Alex Ballantyne, the holder of Permit No. 10222? How long have you known him and where does he reside?

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

Ques. 3. Have you read or heard read said Permit No. 10222, 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 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 one thousand miners inches, or 20 second-feet, of water being conducted through said system and would estimate their capacity at 20 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 $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T.4 N., R.3 W., and NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T.4 N., R.4 W., B.M. These subdivisions contain 40 acres of land each, and water has been and is being used on all of each of them for irrigation. The lands have all been partially cultivated, and are growing tame and native grasses, and are being used and irrigated 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 in amount of not less than one miners inch continuous flow for each acre. Water is now being applied for these purposes and the land would be worthless without water for irrigation.

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. Monahan

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.

F. D. Munford

Notary Public.

Residence Caldwell, Idaho.

My commission expires November 8th, 1919.

10222

STATE OF IDAHO
ENGINEERING DEPARTMENT

BOISE

August 14, 1917.

Re: Permit No. 10222.

Mr. A. Ballentyne.

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 Ida
2. What is best means of reaching the land, automobile or team?
Automobile
3. Do you live on the place? Yes
4. If not, where is your residence? _____
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. River Road West from Caldwell

Yours Truly

A. Ballentyne

10222

STATE OF IDAHO

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

Mr. A. Fallentyne,
c/o F. D. Mumford, N. P.,
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.

10222
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.

10222

February 9th, 1917.

Re Permit No. 10222. - A. Ballentyne.

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.

CSW-R79

By _____

10222

Permit No. 10222

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Canyon

ss.

A. Ballentyne, 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. 10222 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 ft. 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 ft. S. of $\frac{1}{2}$ Cor. Sec. 28, T. 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.

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~~ 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 $3\frac{1}{4}$ 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 240 acres of land described as follows: SE $\frac{1}{4}$ Sec. 13, T. 4 N., R. 4 W., B.M., and $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 18, T. 4 N., R. 3 W., B.M., in Canyon County, State of Idaho.

Ninth. Remarks: That

A. Ballentyne

(Sign here.)

Subscribed and sworn to before me this 20th day of May, 1916

My commission expires May 11-1919

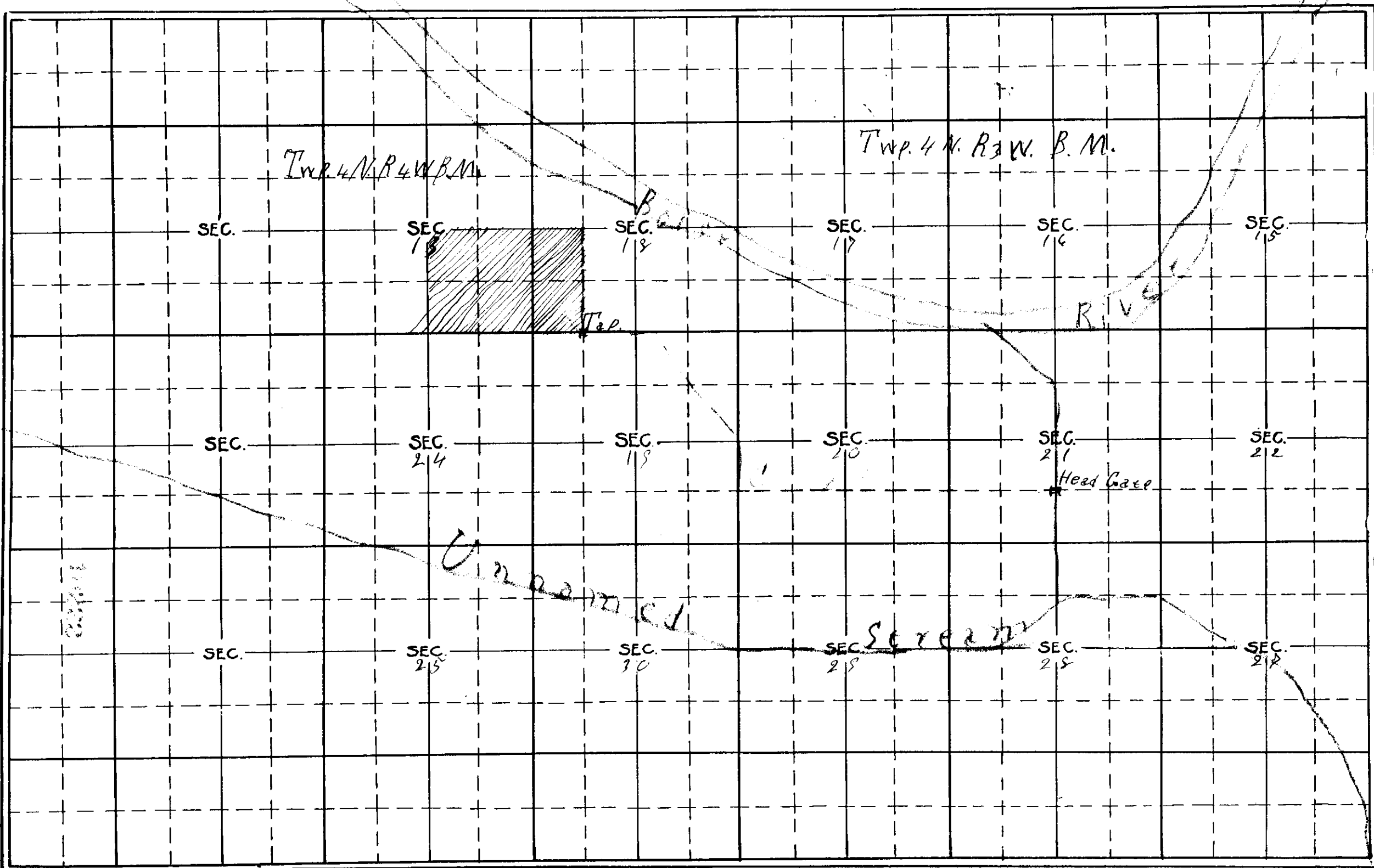
Notary Public.

Residing Caldwell Ida

10222

Name of Applicant: *W. Ballou*

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



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

..... A. Ballentyne..... 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. 10222.....

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.

..... A. Ballentyne.....

Subscribed and sworn to before me this..... 20th..... day of May, 1916.....

My commission expires Nov. 8, 1919.....

(Over.)

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

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, the 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.

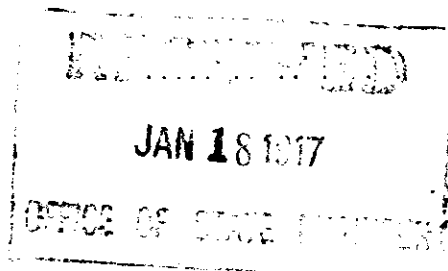
P. O.

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

Recorded in Book 54 of Permits
Page 10222

Received and filed for record of the State Engineer at Boise, Idaho, at
JAN 18 1917
STATE ENGINEER

10222



March 31, 1916.

Re Permit No. 10222.

Mr. A. I. Myers,
Caldwell, Idaho.

Sir:--

Replying to yours of the 29th inst. would say that Alexander Ballantyne filed application for Permit No. 10222 on May 28, 1914, for 4.8 second feet of the waters of an unnamed stream, for the irrigation of the SE $\frac{1}{4}$ of Sec.13, T. 4 N., R. 4 W.B.M. and the W $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec.18, T. 4 N., R.3 W.B.M.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

10222

A. MYERS
Loan and Finance
Company, Caldwell, Idaho
REAL ESTATE - BONDS

Caldwell, Idaho, Mar. 2, 1916.

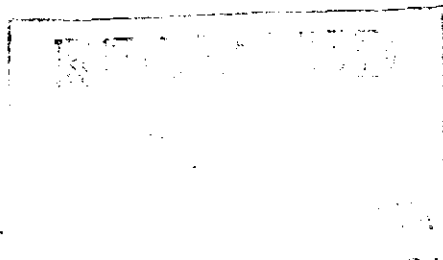
State Engineer's Office,
Boise, Idaho.
Dear Sir:

We are desirous of including in a real estate mortgage some irrigation water filed on about a year ago by Alexander Ballantyne in a waste ditch southwest of Caldwell, the water to be used on the SE $\frac{1}{4}$ of 13-4-4 of the BM and lot 8 of Section 18-4-4 BM. Will you kindly furnish me the data with which to describe this water filings.

Very truly yours,

A. Myers

AIM/T



10222

June 29, 1915.

Permit No. 10222.

Mr. A. Milentyne,
Caldwell, Idaho.

Sir:

Your application for extension of term has been
a proved and duplicate copy is herewith returned to
you.

Very truly yours,

J. H. SMITH,

State Engineer.

ET

By _____

10222

Permit No.

Application for Extension of Time.

A. Ballentyne, 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. 10222.

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 road, 3/4 mile main Canal,
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 Drainage
canal for the Pioneer Irrigation District and diverted
the water from the old channel making it necessary
to construct a new heading and canal.

WHEREFORE, He asks that the State Engineer extend the time for the completion of construc-
tion work under said permit, to April, 1, 1915.

And further, deponent saith not

Subscribed and sworn to before me this 15th day of June, 1915.

A. Ballentyne
C. L. Sloan

Notary Public.

My commission expires

Date of receipt at office of State Engineer June 16, 1915.

APPROVAL OF STATE ENGINEER.

J. H. Smith,
I, ~~XXXXXXXXXX~~, 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. 10222, to April 1st, 1915.

Witness my hand this 16th day of June, 1915.

(over)

10222

State Engineer.

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)

RECEIVED
JUN 16 1915
OFFICE OF STATE ENGINEER

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING.
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

A. Ballentyne,
Caldwell, Idaho.

BOISE, IDAHO, March 10, 1915.

DEAR SIR:

Under the terms of your permit No. 10222., 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~~
State Engineer.

10222

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit No. 10222

BOISE, IDAHO, May 28, 1914.

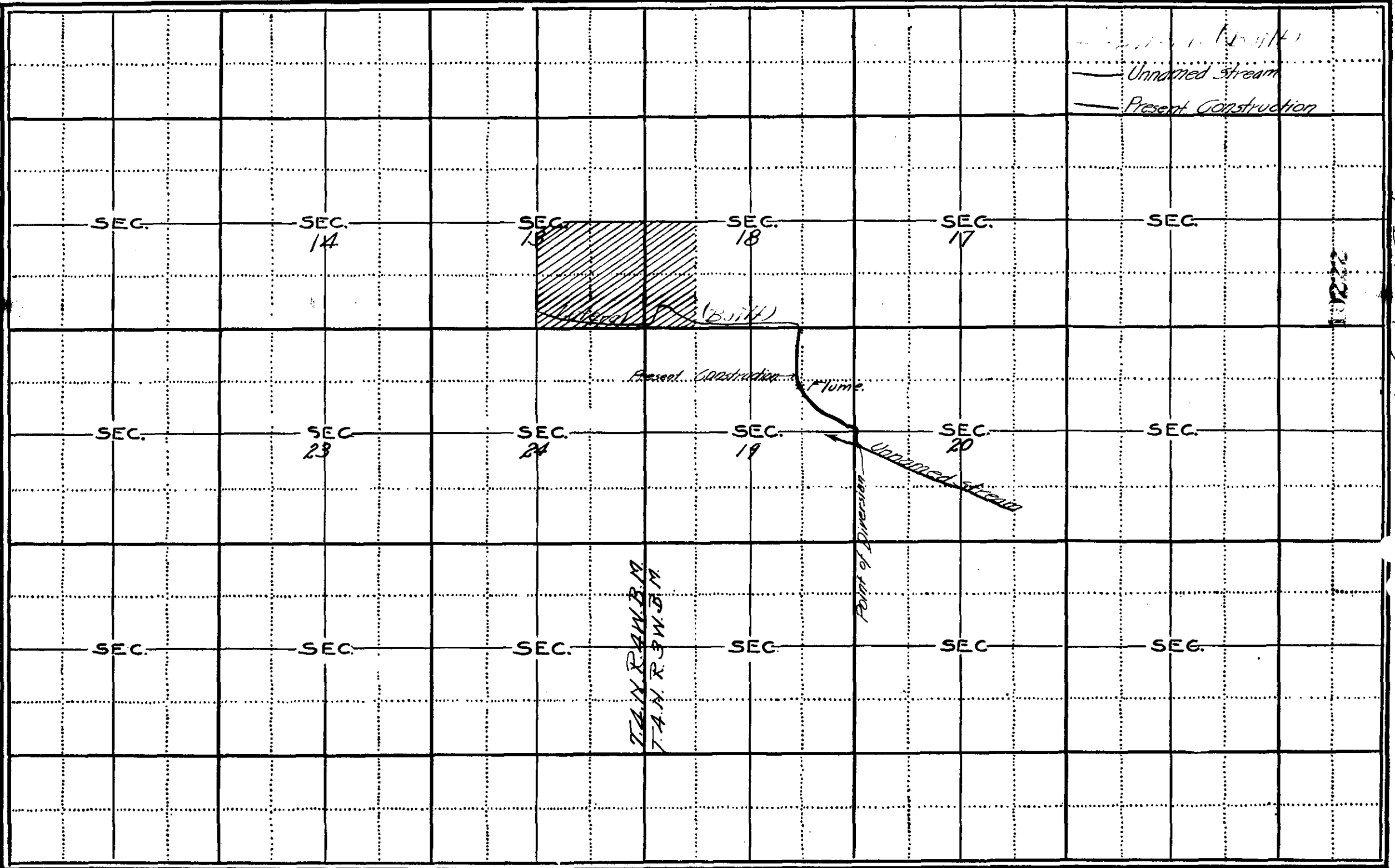
Mr. Guy C. McGee,
Caldwell, Idaho.

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.

10222



A.L. H. entyos