

In the matter of the application for transfer of Water Right
by the Caldwell Irrigation District.

Affidavit of Dr. J. B. Wright.

STATE OF IDAHO)

SS

COUNTY OF CANYON)

Dr. J. B. Wright being first duly sworn upon his oath states:

I am the Dr. J. B. Wright who is mentioned in the application
for transfer of water right as President of the Board of Directors
of the Caldwell Irrigation District.

The Caldwell Irrigation District is an Irrigation District
organized under the laws of the State of Idaho, with it's principle
place of business at Caldwell Idaho, and located in Canyon County,
Idaho.

I am the President of the Board of Directors of the Caldwell
Irrigation District.

On the 8th day of May 1918, I made application for the
transfer of water right of 8.64 secondfeet of the waters of Indian
Creek, from lands within the Caldwell Irrigation District which are
particularly described in the said application, to lands within
the Pioneer Irrigation District, which lands are also described
in the said application.

The stream ^{from} which the water is diverted is Indian Creek, a
tributary of the Boise River, and the point at which the waters
are diverted from Indian Creek is the South-east quarter of the
South-east quarter of Section 26, in Township 4 North of Range
3 West, from the Boise-Meridian.

The ditch through which the water is now conducted is the

T-219
63-2114

Caldwell Irrigation District's Canal.

The area of land now irrigated by the water sought to be transferred is 800 acres, located within the boundary of the Caldwell Irrigation District, and particularly described in the application above mentioned.

The total amount of water dedicated to said land is 8.64 second-feet.

The kind of crops now being grown upon said lands is all kinds of general farm crops and fruit.

The amount or quantity per acre which is required to irrigate said land, is one secondfeet, for each 50 acres.

The effect on the land now irrigated by discontinuing the use of water from the present source of supply, will be to cause said land to be supplied with water from another more practical, economical and convenient source.

In case the transfer is made the water will be diverted from Indian Creek at the South-east quarter of the North-west quarter of Section 6, in Township 3 North of Range 2 West from the Boise-Meridian, approximately two miles above the present point of diversion, which points are shown on the maps accompanying the application above mentioned.

The water will be conducted to the land after the transfer through the Pioneer Irrigation District's canal, and the quantity of water required for the irrigation of an acre of land when the transfer is made, will be one second-feet of water for each 50 acres of land.

The Caldwell Irrigation District claims a water right for the land from which the above mentioned water is being transferred, which water right formerly belonged to the Pioneer Irrigation District.

and under which water was formerly being supplied to the lands to which the above described water is being transferred.

The application for transfer of water right above mentioned is made by the Caldwell Irrigation District for the purpose of carrying out the provisions of an agreement entered into on the 22nd day of March, 1918, between the Pioneer Irrigation District, as the party of the first part, and the Caldwell Irrigation District, as the party of the second part. Whereby the said parties sought to make an exchange of water rights for the purpose of economizing in the use of water, and also in the costs of diverting and conducting the water from the stream to the place of use.

The transfer if allowed will not injure any water user on Indian Creek, or on Boise River, or any of it's tributaries.

J. B. Wright

Subscribed and sworn to before me this 22nd day of June, 1918.

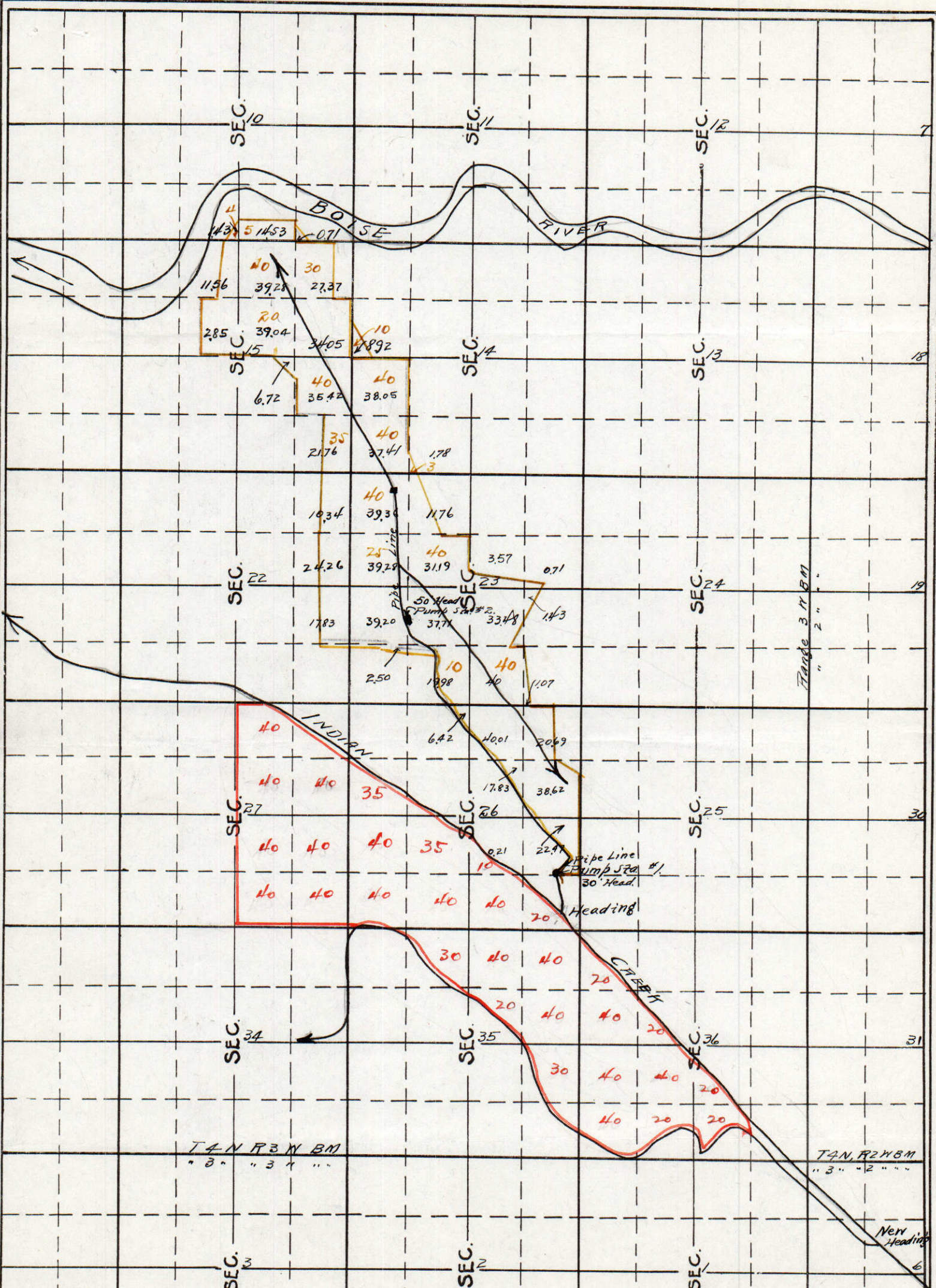
Clara M. Brown

Notary Public.

Residing at Boise, Idaho.
Ada County, Idaho.

T-219
63-2114

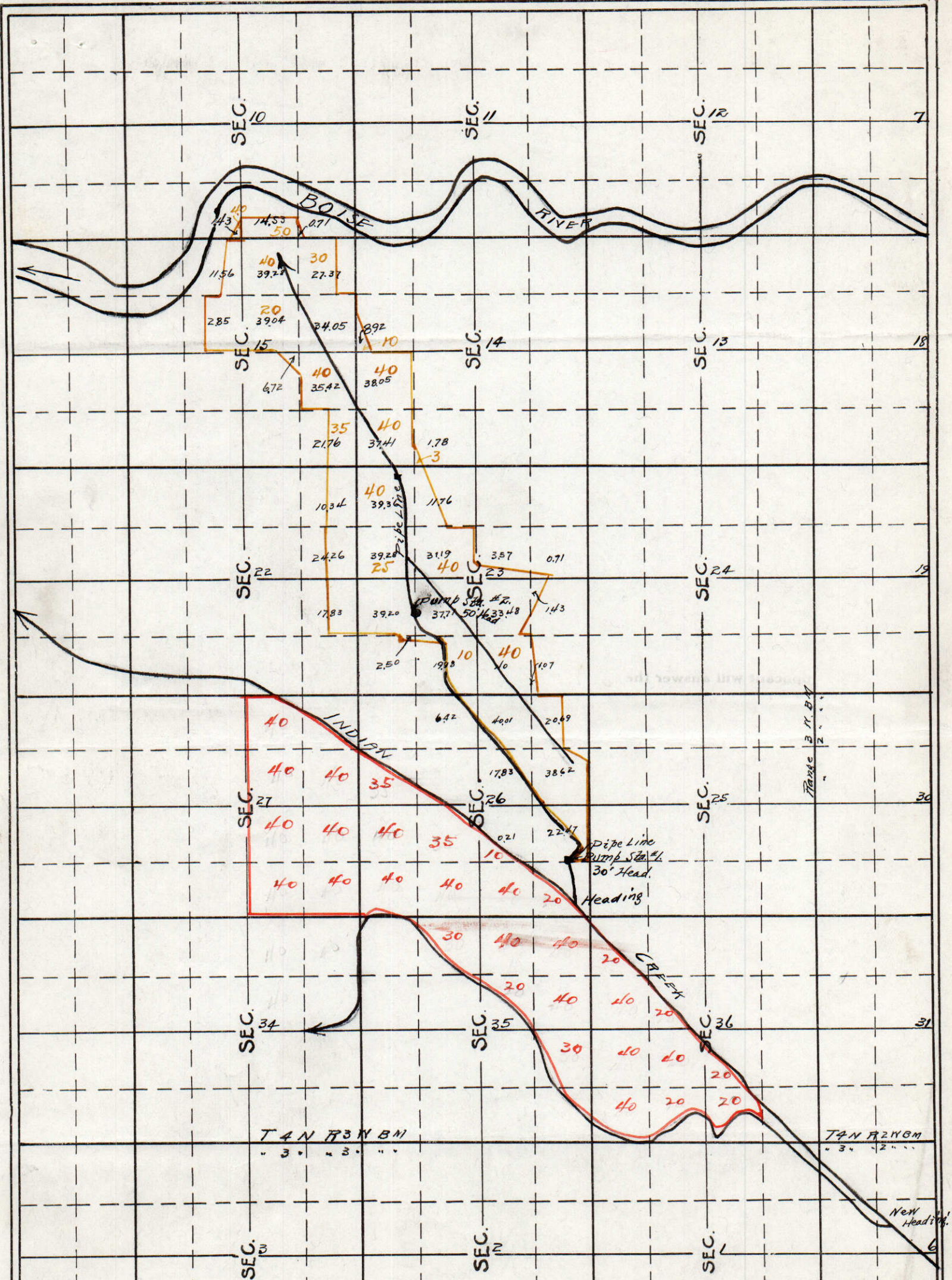
Name of Applicant Caldwell Irrigation District.



MAP TO ACCOMPANY
APPLICATION FOR TRANSFER OF WATER RIGHT.
PERMIT #5,515.
LANDS TO BE VACATED BOUNDED BY YELLOW LINES.
" " " WATERED " " RED "
Scale 2" to 1 Miles.

63-5114
1/21/19

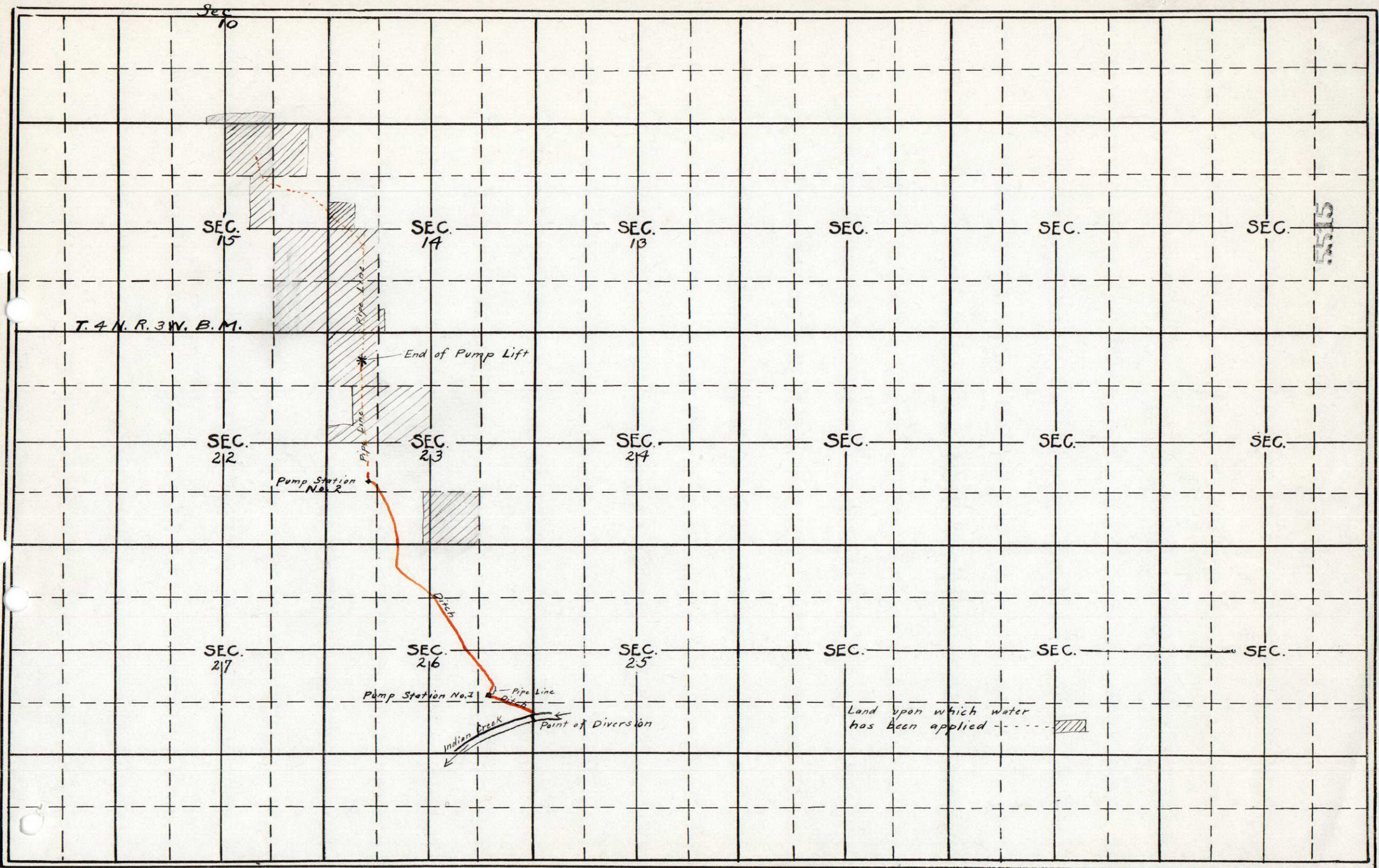
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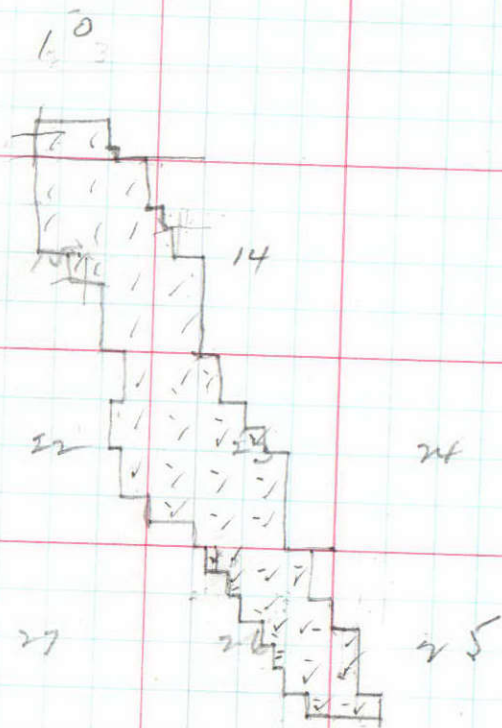
Name of Applicant - Canyon Hill Lrr. Co. - - - - - Permit No. 5515.

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



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The Caldwell News

CALDWELL, IDAHO

Affidavit of Publication

STATE OF IDAHO,

County of Canyon, ss.

NOTICE OF PUBLICATION.

Notice is hereby given that at 10 a. m. on the 3rd day of December, 1910, at Caldwell, County of Canyon, State of Idaho, before T. A. Walters, N. P., proof will be submitted of the completion of works for the diversion of 16.5 cubic feet per second of the waters of Indian Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Canyon Hill Development Company, Ltd.

* 2. The postoffice address of such person or the place of business of such corporation is Caldwell, County of Canyon, State of Idaho.

3. The number of such permit is 5515, and the date set for the completion of such work is December 3, 1910.

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 16.5 cubic feet per second.

6. The amount of lands for which said water is available is 821 acres, particularly described as follows: Part of SE4 SW4, SW4 SE4 and SE4 SE4, Sec. 10; Part of SW4 NW4, NW4 SW4, SW4 SW4, SE4 SW4 Sec. 14; NE4 NW4, NE4 NE4, NW4 NE4, SE4 NW4, SW4 NE4, SE4 NE4, NW4 SE4, NE4 SE4, SE4 SE4 Sec. 15; NE4 NE4, SE4 NE4, NE4 SE4, Sec. 22; NW4 NW4, NE4 NW4, SW4 NW4, SE4 NW4 SW4 NE4, NW4 SW4 Sec. 23; NE4 SW4, NW4 SE4, NE4 SE4, SW4 SW4, SE4 SW4, SW4 SE4 SE4, SE4, Sec. 23; NE4 NW4, NW4 NE4, NE4 NE4, SW4 NE4, SE4 NE4, NW4 SE4, NE4 SE4, Sec. 26; all in T. 4 N., R. 3, W. B. M.

D. G. MARTIN,
State Engineer.
327-4t-N2-N23

F. J. Burroughs being duly sworn, deposes
and says that he is Editor of

THE CALDWELL NEWS, a weekly paper published at Caldwell,
Idaho; that the said paper is in general circulation in the County aforesaid,
and has been for a period of one year preceding the first publication of this
advertisement, a copy of which is attached hereto. That said advertise-

ment was published in the regular edition of said CALDWELL NEWS

four consecutive weeks, beginning with the issue of

Nov 2 1910 and ending with the issue of

Nov 23 1910

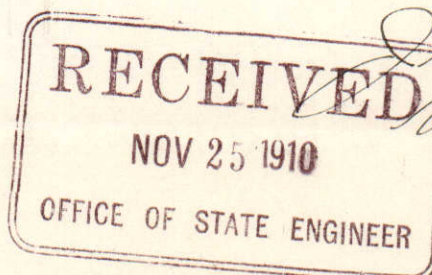
F. J. Burroughs

Subscribed and Sworn to before me this 23rd

day of Nov 1910

Geo W Stovel

Notary Public.



Justice of the Peace
Wm H Caldwell
Canyon County Idaho

The Caldwell News

CALDWELL, IDAHO

Affidavit of Publication

STATE OF IDAHO,)

County of Canyon,) ss.

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and has been for a period of one year preceding the first publication of this
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ment was published in the regular edition of said CALDWELL NEWS

four consecutive weeks, beginning with the issue of
Apr. 2 1910, and ending with the issue of

Nov 23 1910

T. J. Burroughs.

Subscribed and Sworn to before me this

day of Dec 5th 1910

D. G. Martin

Notary Public

NOTICE OF PUBLICATION.

Notice is hereby given that at 10 a. m.

on the 3rd day of December, 1910, at Caldwell, County of Canyon, State of Idaho, before T. A. Walters, N. P., proof will be submitted of the completion of works for the diversion of 16.5 cubic feet per second of the waters of Indian Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Canyon Hill Development Company, Ltd.

2. The postoffice address of such person or the place of business of such corporation is Caldwell, County of Canyon, State of Idaho.

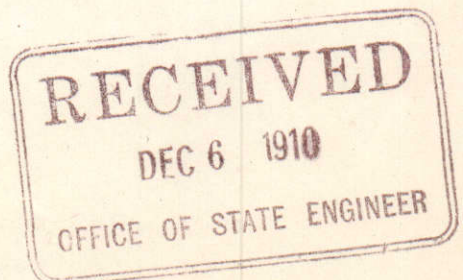
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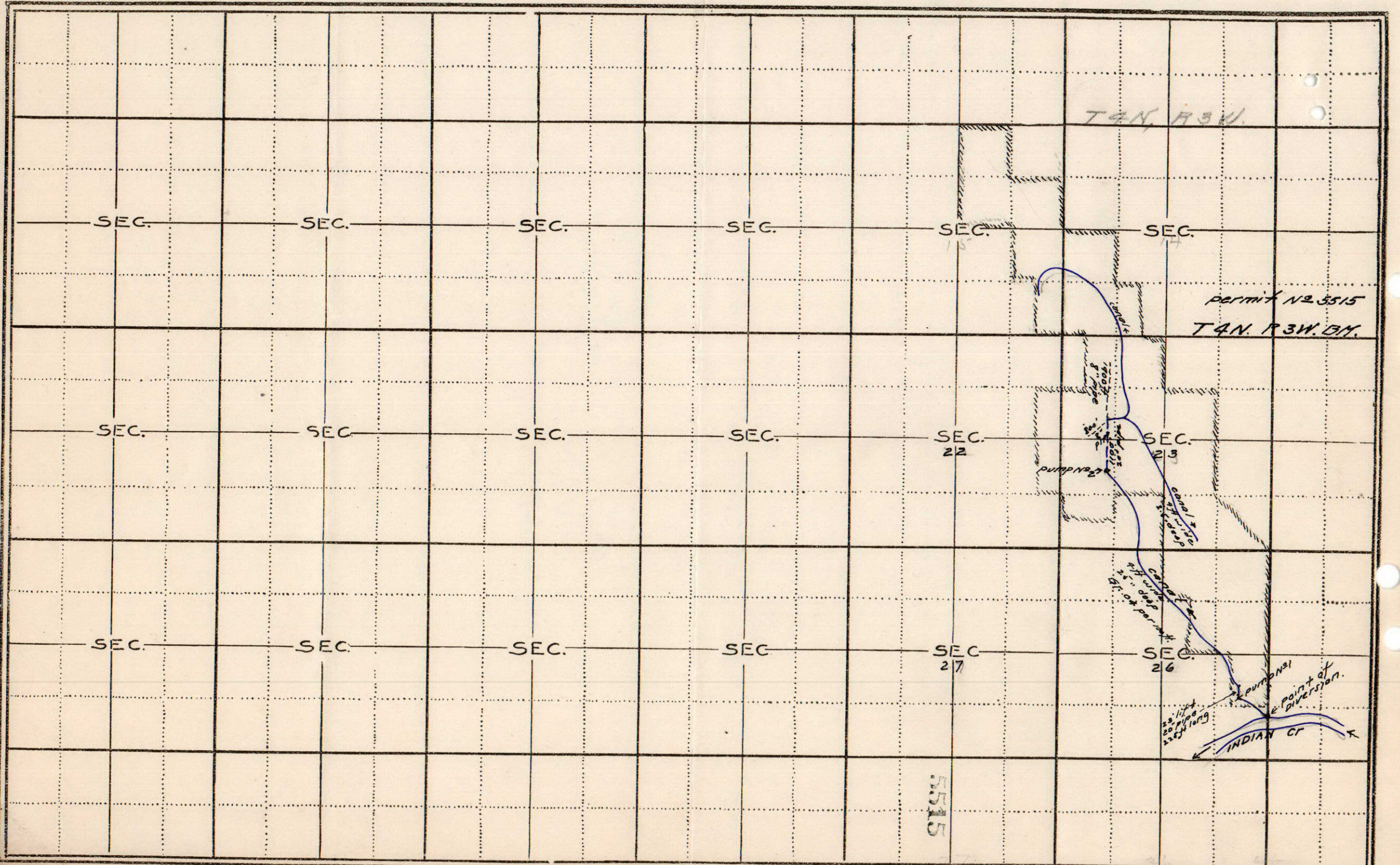
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6. The amount of lands for which said water is available is 821 acres, particularly described as follows: Part of SE4 SW4, SW4 SE4 and SE4 SE4, Sec. 10; Part of SW4 NW4, NW4 SW4, SW4 SW4, SE4 SW4 Sec. 14; NE4 NW4, NE4 NE4, NW4 NE4, SE4 NW4, SW4 NE4, SE4 NE4, NW4 SE4, NE4 SE4, SE4 SE4 Sec. 15; NE4 NE4, SE4 NE4, NE4 SE4, Sec. 22; NW4 NW4, NE4 NW4, SW4 NW4; SE4 NW4 SW4 NE4, NW4 SW4 Sec. 23; NE4 SW4, NW4 SE4, NE4 SE4, SW4 SW4, SE4 SW4, SW4 SE4 SE4, SE4, Sec. 23; NE4 NW4, NW4 NE4, NE4 NE4, SW4 NE4, SE4 NE4, NW4 SE4, NE4 SE4, Sec. 26; all in T. 4 N., R. 3, W. B. M.

D. G. MARTIN,
State Engineer,
327-4t-N2-N23





STATE OF IDAHO

Office of the State Engineer

CERTIFICATE OF WATER RIGHT

Transferred Right No. 219

THIS IS TO CERTIFY that the PIONEER IRRIGATION DISTRICT, organized and existing under the laws of the State of Idaho, with its principal place of business at Caldwell, Canyon County, Idaho, has a right to the use of the waters of Indian Creek, a tributary of Boise River, for irrigation and domestic purposes, and that said right has been confirmed by a Water License issued by the State Engineer of the State of Idaho, Number 6515, wherein 8.64 second feet of the waters of Indian Creek, in District Number 12A, were dedicated to the following lands: All in Tp. 4 N., R. 3 W. B. M.; Sec. 10--SE $\frac{1}{4}$ SW $\frac{1}{4}$, 4 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5 acres; Sec. 15--NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, 20 acres; Sec. 14--NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 3 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres; Sec. 23--NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; said License being entered at Boise, Idaho, in the records of the State Engineer in Volume 4 of Water Licenses, page 2072; that upon application of the Caldwell Irrigation District for a transfer of water right made before the State Engineer of the State of Idaho, and after due investigation, said application having been granted by the State Engineer, the right to use said water upon the lands above described is hereby abandoned, and a description of the lands to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, limited at any given time to an amount actually needed and beneficially used for said purposes, and which shall not exceed 8.64 second feet, dated October 15, 1909, is shown in the following table:

Twp	Rge	Sec.	N E 1/4				N W 1/4				S W 1/4				S E 1/4				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4	N	3	W	26					35		35	40	40	40		10	40	20	200
				27		40	40	40							40	40	40	40	280
				35	40	40	20	40	30						30				200
				36					20	40	20	40	40	40	20		20	20	280

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

WITNESS the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 15th day of July, A. D. 1918.

FRED A. WILKIE

State Engineer

(SEAL)

Recorded in Water Dist. No. 12A (M.E.B.)
 Platted on Map-Water Dist. No. 12A (F.A.W.)
 Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T.
 3 N., R. 2 W.B.M.

County: Canyon
Stream: Indian Creek
Amount: 8.64
Use: Irrigation and Domestic
Priority: October 15, 1909

STATE OF IDAHO

Water License No. 5515

Cancelled
See Cert. Trans. 2114

WHEREAS, On the 15th day of October, A. D. 1909,

J.P. Hall and E.C. Apperson
of Caldwell, County of Canyon, State of Idaho, duly made application
(No. 7714) to me for a permit to use 16.5 cubic feet per second of the waters of
Indian Creek, in Water District No. 12-A

County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 3rd day of December, A. D. 1909, Permit No. 5515 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 3rd day of December, A. D. 1910, and for the application to ben-
eficial use of said water on or before the 3rd day of December, A. D. 1913, and,

WHEREAS, On the 10th day of May, A.D. 1910, J.P. Hall and E.C. Apperson,
the holders of said permit, transferred all their right, title and interest in and
to said permit to the Canyon Hill Development Company, Limited, and

WHEREAS, On the 3rd day of December, A. D. 1910,

Canyon Hill Development Company, Limited,
the holder of said permit, duly made proof of the completion of adequate works for the diversion of
16.5 cubic feet per second of said waters, as evidenced by my Certificate No. 5515
dated January 14, 1911, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 16.5 cubic feet per second of said water,
with date of priority of October 15, 1909, and

WHEREAS, On the 9th day of November, A.D., 1912, Canyon Hill Development
Company, Limited, the holder of said permit, transferred all its right,
title and interest in and to said permit to the Canyon Hill Irrigation Company, and

WHEREAS, On the 5th day of November, A.D. 1915, the time for beneficial use of
water under said permit was extended to the 3rd day of December, A.D. 1916, and

WHEREAS, On the 29th day of January, A. D. 1916,
Canyon Hill Irrigation Company

the holder of said permit, duly made proof of the application to beneficial use of 8.64 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 Caldwell Irrigation District

of Caldwell, County of Canyon, State of Idaho, the holder and owner
of said Permit No. 5515, a perpetual right, dating from October 15, 1909
to the use of 8.64 cubic feet per second of the waters of Indian Creek

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 N. 16°08' W. 733.3 feet. from
the S.W. Cor. of Sec. 26, Tp. 4 N., R. 3 W., B.M., and con

and conducted to and upon 432 acres as follows:- T.4 N.R. 3 W., B.M.- Sec. 10 4 acres
in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 15- 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$,
20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 14 - 40 acres
in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 23-
40 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
and 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$;

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 14th day of October
A. D. nineteen hundred and sixteen

(Seal)

J.H. SMITH

State Engineer

63 2114

2079

*** WHEREAS, On the 29th day of September, A.D. 1916, the Canyon Hill Irrigation Company, the holder of said permit, transferred all its right, title and interest in and to said permit to the Caldwell Irrigation District;

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 5515

O R D E R

WHEREAS, The Pioneer Irrigation District, postoffice address, Caldwell, Idaho, through mesne conveyances, is the record owner of Water Permit No. 5515 and Water License No. 5515, issued thereunder by the State Engineer of Idaho on October 14, 1916, said Water Permit and Water License being recorded at Page 5515 of Volume 16 of Permits and Page 2072 of Volume 4 of Licenses, respectively, in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, and granting and confirming a perpetual right to the use of 8.64 cubic feet per second of the waters of Indian Creek, Canyon County, Idaho, the right to the use thereof being at all times subject to the terms and provisions of said License; and,

WHEREAS, Subsequently, and on July 15, 1918, the State Engineer of Idaho, upon proper application by Pioneer Irrigation District, granted Certificate of Transferred Water Right No. 219, said Certificate being recorded at Page 219 of Volume 1 of Transfers in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, which Certificate in fact and effect changed the authorized place of use of said water from lands to which it was originally appurtenant by reason of said License No. 5515 to other lands, all as set out in the said Certificate of Transferred Water Right No. 219; and,

WHEREAS, The State Engineer in issuing said Certificate of Transferred Water Right No. 219 cancelled said License No. 5515, the reason for such cancellation not appearing in the record of the proceedings; and,

WHEREAS, There is no statute known to be written in the laws of Idaho which authorizes the cancellation of a water license by the State Engineer for any reason whatever, and furthermore, the granting of a certificate of transferred water right not seeming to have the effect of cancellation of the original water license, but rather in fact amending such a water license in part only:

NOW, THEREFORE, IT IS HEREBY ORDERED, That the endorsement of cancellation appearing on said Water License No. 5515 in the records of the office of Department of Reclamation be struck out and said License restored to its original condition of validity and effect and that this order be recorded thereon, and also a true copy of said Certificate of Transferred Water Right No. 219 be recorded upon said License, and that a true copy of this order be attached to the Licensee's copy of said Water License No. 5515, which likewise bears the endorsement of the State Engineer, "Cancelled".

WITNESS, The hand and seal of the Commissioner of Reclamation, this 23d day of March, 1928.

(SEAL)

GEO. N. CARTER,
Commissioner of Reclamation.

STATE OF IDAHO
Office of the State Engineer
CERTIFICATE OF WATER RIGHT
Transferred Right No. 219.

THIS IS TO CERTIFY that the PIONEER IRRIGATION DISTRICT, organized and existing under the laws of the State of Idaho, with its principal place of business at Caldwell, Canyon County, Idaho, has a right to the use of the waters of Indian Creek, a tributary of Boise River, for irrigation and domestic purposes, and that said right has been confirmed by a Water License issued by the State Engineer of the State of Idaho, Number 5515, wherein 8.64 second feet of the waters of Indian Creek, in District Number 12A, were dedicated to the following lands: All in Tp. 4 N., R. 3 W. B. M.; Sec. 10--SE $\frac{1}{4}$ SW $\frac{1}{4}$, 4 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5 acres; Sec. 15--NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres; NE $\frac{1}{4}$ NE $\frac{1}{4}$, 30 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, 35 acres; Sec. 14--NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 3 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres; Sec. 23--NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; said License being entered at Boise, Idaho, in the records of the State Engineer in Volume 4 of Water Licenses, page 2072; that upon application of the Caldwell Irrigation District for a transfer of water right made before the State Engineer of the State of Idaho, and after due investigation, said application having been granted by the State Engineer, the right to use said water upon the lands above described is hereby abandoned, and a description of the lands to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, limited at any given time to an amount actually needed and beneficially used for said purposes, and which shall not exceed 8.64 second feet, dated October 15, 1909, is shown in the following table:

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4	N	3	W	26:					35		35	40	40	40		10	40	20	: 260
				27:	40	40	40								40	40	40	40	: 280
				35:	40	40	20	40	: 30						30				: 200
				36:					20	40	20	40	40	40	20	20	20		: 260

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

WITNESS the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 15th day of July, A. D. 1918.

(SEAL)

FRED A. WILKIE
State Engineer

No. 7714.

63-2114

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

- 1.. Name of applicant: Hall & Apperson; J. P. Hall and E. C. Apperson,
Postoffice address; Caldwell, Idaho.
County of canyon, State, Idaho.
- 2.. The quantity of water claimed is sixteen and one-half (16 1/2) cubic feet per second.
- 3.. Source of water supply: Indian Creek.
County of Canyon.
- 4.. Location of point of diversion : North 16 and 8/100 degrees West 733.3 feet from the SE corner of Sec. 26, Twp. 4 N. R. 3 W. B. M.
- 5.. To be used for:
 - I. Irrigation and domestic use: Irrigation purposes.
 - (a) Amount of land to be irrigated; Eight Hundred twenty-one acres.
 - (b) In the following legal subdivisions: A portion of Sections 14, 15, 22, 23, and 26 T. 4 N. R. 3 W. B. M. As shown on the accompanying map which is hereby made a part of this application, and marked exhibit "A".
- 6.. Estimated cost of works: Twenty-three hundred (\$2300.00) Dollars.
- 7.. Description of works for diversion:
 - I. Kind of works; A dam and ditches.
 - II. Dimensions of works:
 - (a) Height of dam eight feet, length of dam at top 123 feet, length of dam at bottom 100 feet. Material used in construction: wood and stone.
 - (c) Size of headgate; Width 5 feet, height 6 feet.
 - (d) Conduit, ditch, width at bottom 3 1/2 feet, width at water line 6 feet, depth of water 1 1/2 feet. Average grade per mile is 4 feet, Length of conduit is two miles and it crosses the following quarter sections: SE 1/4 of Sec. 26, NE 1/4 of Sec. 26, NW 1/4 of Sec. 26, SW 1/4 of Sec. 23 all in Twp. 4 N. R. 3 West of the Boise Meridian, to land described in 5 I (b) above which is the point of intended use.
- 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 three additional years.

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

John P. Hall and E. C. Apperson,

Applicants.

Remarks; Exhibit "A" hereunto attached and made a part hereof gives a definite description of the lands to be irrigated. The maps now are and have been for some time on file in the office of the State Engineer of Idaho.

Exhibit "A".

The following is an itemized list of the lands included in the Canyon Hill Development Co.'s irrigation scheme, all in T. 4 N. R. 3 W. B. M.

Section	Description	Acres.			
10	SE $\frac{1}{4}$ SE $\frac{1}{4}$	.71		NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.48
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.53		NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.43
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.43		SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.07
15	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11.76		SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.85		SE $\frac{1}{4}$ SE $\frac{1}{4}$	.71
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.04		SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.98
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27.37		SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.50
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34.05		NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.20
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.72	22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.83
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.47		SE $\frac{1}{4}$ NE $\frac{1}{4}$	24.26
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.76		NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.34
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.28		NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.36
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.92		SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.28
14	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.05		NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.71
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.41	26	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.69
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.78		SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.62
23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11.76		NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.47
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.19		NW $\frac{1}{4}$ SE $\frac{1}{4}$	00.21
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.57		SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.83
				NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.01
				NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.42
					<u>820.85</u>

Very respectfully yours,

H. S. Williams,

APPROVAL OF STATE ENGINEER.

The number of this permit is 5515.

Date of first receipt of application 1.45 p. m. October 15, 1909.

Returned to applicant for correction October 15, 1909.

Corrected application received December 3, 1909.

Recorded in Book 16 , Page 5515, Approved December 3, 1909.

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:

Work to begin on or before February 1, 1910 , 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 June 3, 1910.

The whole of said work to be completed on or before December 3, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to December 3, 1915.

Witness my hand this third day of December, 1909.

Jas. Stephanson, Jr.,

State Engineer.

QUITCLAIM DEED.

THIS INDENTURE, Made this 10th day of May in the year of our Lord one thousand nine hundred and ten between J. P. Hall and E. C. Apperson of Caldwell, County of Canyon State of Idaho the parties of the first part, and Canyon Hill Development Company, Limited, a corporation, having its principal place of business at Caldwell, County of Canyon, State of Idaho the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Eleven Thousand Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to its successors and assign, all that certain lot, piece or parcel of property, lying and being in County of Canyon, State of Idaho, bounded and particularly described as follows, to-wit: Sixteen and One-half ($16\frac{1}{2}$) cubic feet per second of the water of Indian Creek, and all rights acquired therewith, more particularly described in permit No. 5515, Recorded in Book 16, page 5515 of the records of the State Engineer's office of the State of Idaho, together with all rights secured by said permit. Also One-Hundred (100) cubic feet per second of the water of Indian Creek in said county more particularly described in application to the said State Engineer No. 8008, and all rights secured by said application, said application being made in the name of Hall & Apperson by John P. Hall, who is the same party as the above mentioned J. P. Hall,

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said party of the second part and to its successors and assigns forever,

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

J. P. Hall (SEAL)

E. C. Apperson (SEAL)

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

On this 17th day of May in the year 1910 before me T. A. Walters,

a Notary Public in and for said County, personally appeared J. P. Hall and E. C. Apperson, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

T. A. Walters,

Residence Caldwell, Idaho.

Notary Public.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 A. M. Sep. 27, 1910.

D. G. Martin,

State Engineer.

State of Idaho,)
County of Canyon,) SS.

John P. Hall, being first duly sworn, deposes and says; That he is the duly elect qualified and acting President of the Canyon Hill Development Company, Limited, and as such officer makes this affidavit for and on the behalf of the said company; That in the original application for Permit #5515, of the State Engineer's office of the State of Idaho, an error was made in describing the land to be irrigated, to-wit; The three subdivisions, the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter and the northeast quarter of the southwest quarter were described in the said application and permit as being in Section 22, Twp. 4 N., R. 3 W.B.M., when they should have been given in and in fact are actually in Section 23, Twp. 4 N. R. 3 W.B.M.

John P. Hall.

Subscribed and sworn to before me this 11th day of October, A.D. 1910.

(SEAL) Residence Caldwell, Idaho.

T. A. Walters,
Notary Public

Approved
Date 10-12-1910
D. G. Martin,
State Engineer.

Received and filed for record in the office of the State Engineer at Boise, Idaho at 9.00 A.M. Oct. 12, 1910.

D. G. Martin,
State Engineer

Blank notice for proof of completion mailed applicant September 30, 1910

Notice received October 5, 1910, fixing December 3, 1910, as date and Caldwell as place of proof.

Notice for publication mailed Caldwell News, October 28, 1910.

Deposition blanks mailed T.A. Walters, October 28, 1910

H.S. Williams authorized to make examination of works, October 28, 1910

Depositions, affidavit of publication, fees and report of water commissioner received December 6 1910.

Certificate issued January 14, 1911.

Permit No. 5515

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern :

This is to certify that THE CANYON HILL DEVELOPMENT COMPANY, of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 5515, issued upon Application No. 7714, bearing date of priority of October 15, 1909, authorizing the diversion of 16.5 second feet of the waters of Indian Creek, County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 16.5 second feet of the waters of Indian Creek, that the point of diversion of said waters is at a point N. 16.8° W. 733.3' from the southeast corner of section 26, township 4 North of Range 3 West of the Boise Meridian, and that the lands proposed to be irrigated by the use of said waters are described as follows: The southeast quarter of Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Southwest quarter of southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Southeast quarter of southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 10; Southwest quarter of northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Southwest quarter of southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast quarter of southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 14, Northeast quarter of northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Northeast quarter of northeast quarter, (NE $\frac{1}{4}$ NE $\frac{1}{4}$), northwest quarter of Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Southeast quarter of Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), southwest quarter of northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Southeast quarter of Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), northwest quarter of southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Northeast quarter of southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Southeast quarter of southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 15, Northeast quarter of northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Southeast quarter of northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Northeast quarter of southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 22, northwest quarter of northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Northeast quarter of Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) southwest quarter of Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), southeast quarter of northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) southwest quarter of northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$). Northwest quarter of southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

Northeast quarter of southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), Northwest quarter of southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), Northeast quarter of southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), southwest quarter of southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$), Southeast quarter of southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), Southwest quarter of southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and southeast quarter of southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$), of section 23; Northeast quarter of Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), Northwest quarter of northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), Northeast quarter of northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), Southwest quarter of northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), southeast quarter of northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), Northwest quarter of southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and northeast quarter of southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$) of section 26, in Township 4 North, of Range 3 West of the Boise Meridian.

Witness my hand this 14th day of January, A.D. 1911.

D.G. Martin

State Engineer

License issued for 9.64 second feet

Page 2072

On proper request of the holder of the above numbered Permit I have this 17th day of September, 1913, extended the time for proof of beneficial use of water to the 3rd day of December 3rd, 1915.

F.P. King,

State Engineer.

On proper request of the holder of the above numbered Permit, I have this 5th day of November, 1915, extended the time for proof of beneficial use thereunder to December 3rd, 1916.

J.H. Smith,

State Engineer.

QUITCLAIM DEED.

THIS INDENTURE, Made this 9th day of November in the year of our Lord one thousand nine hundred and twelve, between the Canyon Hill Development Company, Limited, a Corporation duly organized and existing under and by virtue of the laws of the State of Idaho and having its principal place of business at Caldwell, County of Canyon, State of Idaho, the party of the first part, and Canyon Hill Irrigation Company, a Corporation organized and existing under and by virtue of the laws of the State of Idaho and having its principal place of business at Caldwell, County of Canyon, State of Idaho, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Three Thousand Six Hundred Dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim, unto the said party of the second part, and to its successors and assigns, all of the following described property, situated in Canyon County, State of Idaho, to-wit: Sixteen and One-half ($16\frac{1}{2}$) cubic feet per second of the water of Indian Creek, and all rights acquired therewith, more particularly described in Permit No. 5515, recorded in Book 16, Page 5515, of the records of the State Engineer's Office of the State of Idaho, together with all rights secured by said permit, also all of the pipe lines, laterals, waste ditches, dams, pumping plants, water rights and filings and all equipments appurtenant to the irrigation system of said Company, the point of diversion of above described $16\frac{1}{2}$ cubic feet per second of the water of Indian Creek is at a point N. 16.8° W 733.3' from the SE corner of Section 26, Township 4 North Range 3 West of the Boise Meridian, and said pipe lines, laterals, waste ditches, dams, pumping plants, being located in Sections 26, 23, 22, 15 and 14, all in township 4 North Range 3 West of the Boise Meridian.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, ALL and singular, the said property, together with the appurtenances, unto the said party of the second part and to its successors and assigns forever. This Quitclaim deed is executed pursuant to a Resolution of the Board of Directors held on the 14th day of October, 1912.

IN WITNESS WHEREOF, The said party of the first part has caused its Corporate name to be hereunto subscribed, and its corporate seal to be hereto affixed by its President and attested by its Secretary, the day and year first above written.

(Corp. Seal)

CANYON HILL DEVELOPMENT COMPANY LIMITED,
By J. J. Allison, President.
Attest: F. D. Mumford, Secretary.

State of Idaho
 ss.
 County of Canyon

On this 9th day of November A. D. 1912, before me R. S. Madden, a Notary Public, in and for the County of Canyon, State of Idaho, personally appeared J. J. Allison known to me to be the President of the Corporation that executed the within instrument, and acknowledged to me that such Corporation executed the same.

Witness my hand and Notarial Seal the day and year first above mentioned.

R. S. Madden, Notary Public (\$EAL)

#49103. Canyon Hill Devel Co. Ltd. Canyon Hill Irrg Co.

State of Idaho
 ss.
 County of Canyon

I hereby certify that this instrument was filed for record at the request of Idaho Abstract & Trust Co. at 27 minutes past 2 o'clock P. M. 1912.

Geo. W. Stovel, Ex-Officio Recorder

By Cora J. Platt, Deputy.

Fee \$1.20

Indexed Compared. -----

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

I, Geo. W. Stovel, Ex-Officio Recorder in and for Canyon County, State of Idaho, do hereby certify that the foregoing is a full, true and correct copy of a certain Quitclaim Deed made and executed by Canyon Hill Development Co. Ltd. to Canyon Hill Irrigation Co. as the same appears in Book 63 of Deeds at page 193, of the records of Canyon County, Idaho..

In witness whereof, I have herenunto set my hand and affixed my official seal this 4th day of December, A. D. 1913.

Geo. W. Stovel,

By Geo. A. Dew., Deputy.

Ex-Officio Recorder.

Received and filed for record in the office of the State Engineer at Boise, Idaho, 9.00 A. M. December 8, 1913.

F. P. King,

State Engineer.

A S S I G N M E N T

KNOW ALL MEN BY THESE PRESENTS, That Canyon Hill Irrigation Company, a corporation organized and existing under the laws of the State of Idaho, the party of the first part, for and in consideration of the sum of One Dollar, and other good and valuable consideration, to it in hand paid by Caldwell Irrigation District, an irrigation district, party of the second part, the receipt whereof is hereby acknowledged, does by these presents, and in pursuance of a resolution of its Board of Directors, does by these presents grant, bargain, sell, assign, transfer and set over unto the said party of the second part all that certain water right represented by Permit No. 5515, issued upon Application No. 7714 by the State Engineer of the State of Idaho, bearing date of priority of October 15, 1909, authorizing the diversion of 16.5 second feet of the waters of Indian Creek, County of Canyon, State of Idaho, for irrigation and domestic purposes; certificate of completion of works for said water right having been issued by said State Engineer under date of January 14, 1911.

IN WITNESS WHEREOF, said party of the first part has caused these presents to be subscribed by its President and Secretary and its corporation name and seal to be hereunto affixed this 29th day of September, 1916.

CANYON HILL IRRIGATION COMPANY

By J.J. Allison,
President.

(CORPORATE SEAL)

Attest:

J.D. Mumford,
Secretary:

State of Idaho)
 : ss.
County of Canyon)

On this 29th day of September, in the year 1916, before me, C.L. Sloan, a Notary Public in and for said county, personally appeared J.J. Allison and F.D. Mumford, known to me to be the President and Secretary, respectively, of the corporation whose name is subscribed to the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

C.L. Sloan,

Notary Public, residing at Caldwell,
Idaho.

[NOTARIAL SEAL]

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A.M. Oct. 2, 1916.

J.H. SMITH, State Engineer.

ASSIGNMENT OF WATER RIGHT

THIS IS TO CERTIFY That the CALDWELL IRRIGATION DISTRICT, a public corporation of Caldwell, Canyon County, State of Idaho, organized and doing business under the laws of the State of Idaho, with its principal place of business at Caldwell, Idaho, in pursuance of a resolution of the Board of Directors of said corporation, passed on the 22nd day of March, 1918, and in consideration of the matters recited in said Resolution, the said corporation does hereby sell, assign, transfer and convey to the PIONEER IRRIGATION DISTRICT, a public corporation, organized and existing under the laws of the State of Idaho, with its principal place of business at Caldwell, Idaho, all that certain property, described as follows, to-wit:

A certain water right, or water filing, on Indian Creek, being Permit No. 5515, dated October 15, 1909, and License No. or Certificate under said Permit being No. 5515, dated October 14, 1916, and Recorded October 14, 1916, in Book 4 of Water Locations, Page 2072 of the records of the office of the State Engineer of the State of Idaho, and all rights and privileges appurtenant thereto.

IN WITNESS WHEREOF, The said corporation has caused these presents to be assigned in its name by its President, and sealed with its corporate seal, attested by its Secretary, this 26th day of June, 1918.

Attested:
J. W. SHEPPERD
Secretary

CALDWELL IRRIGATION DIST.
By J. B. WRIGHT, President.
(Corporate Seal)

Received and filed for Record in the Office of
the State Engineer at Boise, Idaho, at 9 A. M.
July 2, 1918. FRED A. WILKIE, State Engineer.

WATER RIGHT NUMBER 63-2114

OWNER LAST NAME - HALL
OWNER LAST NAME - APPERSON
OWNER LAST NAME - PIONEER IRRIGATION DIST.

FIRST NAME - J. P.
FIRST NAME - E. C.
FIRST NAME -

ORIG OWNER - 0
ORIG OWNER - 0
ORIG OWNER -

ADDRESS LINE 1 -
ADDRESS LINE 3 -

ADDRESS LINE 2 -
CITY - CALDWELL

STATE - ID ZIP CODE - 83605

SOURCE - INDIAN CREEK

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 10-15-1909 COUNTY - CANYON

TOTAL DIV. RATE - 8.6400 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND - T

WATER DIST. - 63

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESE 27 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 -

8.6400 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 04N-RNG 03W-SEC 36-TRACT NWNW-LOT AC 20-TRACT SWNW-LOT AC 40

TRACT SENW-LOT AC 20-TRACT NESW-LOT AC 40

TRACT NWSW-LOT AC 40-TRACT SWSW-LOT AC 40

TRACT SESW-LOT AC 20-TRACT NWSE-LOT AC 20

TRACT SWSE-LOT AC 20

USE - IRRIGATION

PLACE OF USE - TWN 04N-RNG 03W-SEC 35-TRACT NENE-LOT AC 40-TRACT NWNE-LOT AC 40

TRACT SWNE-LOT AC 20-TRACT SENE-LOT AC 40

TRACT NENW-LOT AC 30-TRACT NESE-LOT AC 30

TRACT NWNE-LOT AC 40-TRACT SWNE-LOT AC 40

TRACT SENE-LOT AC 40-TRACT NESE-LOT AC 40

TRACT NWSE-LOT AC 40-TRACT SWSE-LOT AC 40

TRACT SESE-LOT AC 40

USE - IRRIGATION

PLACE OF USE - TWN 04N-RNG 03W-SEC 26-TRACT SWNW-LOT AC 35-TRACT NESW-LOT AC 35

TRACT NWSW-LOT AC 40-TRACT SWSW-LOT AC 40

TRACT SESW-LOT AC 40-TRACT NWSE-LOT AC 10

TRACT SWSE-LOT AC 40-TRACT SESE-LOT AC 20

DATE - TOTAL ACRES 1,000

DECREE NAME -

REMARKS - P/D INCOMPLETE. SEE FILE.

P/U WITHIN LANDS OF PIONEER IRR. DIST.

TRANS. 219.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 5515

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED J G

2/8/85

IDENT. NO. 63-2114

WATER RIGHT
DATA ENTRY LOG

[illegible]

Application for Transfer of Water Right

STATE OF IDAHO,

County of Canyon

ss.

J.B.Wright

, being first duly sworn, deposes and says:

That his name is J.B.Wright; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is ~~Caldwell, Idaho~~ Caldwell, Canyon County, Idaho. That he is President of the Board of Directors of the Caldwell Irrigation District, an irrigation ^{District} organized and existing under the laws of the State of Idaho, and that said irrigation District is the owner of 8.64 second feet of the waters of Indian Creek

County of _____, State of Idaho, decreed to _____

by decree of Judge _____ of the _____ Judicial District of the State of

Idaho in and for the County of _____ in the case of _____

vs. _____ said decree bearing date of _____

(or obtained by virtue of License No. 5,515 issued by the State Engineer of the State of Idaho,

dated October 14, 1916, 19____), bearing date of priority of October 15, 1909, 19____,

for the purpose of irrigating the following described lands situate, lying and being in Water District No. _____

in the County of Canyon and State of Idaho, to-wit: Sec. 10, SE 1/4 SW 1/4 4 Acs. & SW 1/4 SE 1/4 5 Acs.; Sec. 15, NW 1/4 NE 1/4

40 Acs., NE 1/4 NE 1/4, 30 Acs., SW 1/4 NE 1/4 20 Acs., NE 1/4 SE 1/4 40 Acs., SE 1/4 SE 1/4 35 Acs., Sec. 14 NW 1/4 SW 1/4, 40 Acs., SW 1/4 SW 1/4, 40 Acs., SE 1/4 SW 1/4, 3 Acs., SW 1/4 NW 1/4, 10 Acs.; Sec. 23, NW 1/4 NW 1/4, 40 Acs., SW 1/4 NW 1/4, 25 Acs., SE 1/4 NW 1/4, 40 Acs., SE 1/4 SW 1/4, 10 Acs., SW 1/4 SE 1/4, 40 Acs.,

_____ is the person (or the representative of the corporation) to whom such right so issued, ~~or has become the owner thereof in the following manner, i.e.~~

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream at SE 1/4 SE 1/4 Sec. 26, T 4 N, R 3 W, B.M.

and conducted to the above described lands through Ditches and two pumping plants

as per map hereto attached and of this affidavit made a part:

That affiant and petitioner desires to abandon the use of _____

of said water upon the above described land, and to convey and use same upon the following tract situate:

lying and being in the County of Canyon and State of Idaho, to-wit:

All in T 4 N, R 3 W, B.M. as Follows: - Sec. 26, SW 1/4 NW 1/4, 35 Acs., NE 1/4 SW 1/4, 35 Acs., W 1/4 SW 1/4, 80 Acs., SE 1/4 SW 1/4, 40 Acs., NW 1/4 SE 1/4, 10 Acs., SW 1/4 SE 1/4, 40 Acs., SE 1/4 SE 1/4, 20 Acs., Sec. 27, NW 1/4 NE 1/4, 40 Acs., S 1/4 NE 1/4, 80 Acs., SE 1/4, 160 Acs.; Sec. 35, N 1/4 NE 1/4, 80 Acs., SW 1/4 NE 1/4, 20 Acs., SE 1/4 NE 1/4, 40 Acs., NE 1/4 NW 1/4, 30 Acs., NE 1/4 SE 1/4, 30 Acs., Sec. 36, NW 1/4 NW 1/4, 20 Acs., SW 1/4 NW 1/4, 40 Acs., SE 1/4 NW 1/4, 20 Acs., N 1/4 SW 1/4, 80 Acs., SW 1/4 SW 1/4, 40 Acs., SE 1/4 SW 1/4, 20 Acs., NW 1/4 SE 1/4, 20 Acs., SW 1/4 SE 1/4, 20 Acs. Total 1,000 Acs.

That his reasons for desiring to make such transfer are as follows: under the present it is necessary to pump the water a height of 80 feet thru two pumping plants separated ~~about~~ about one mile, while can be put on the land to be watered by gravity, and other water put on these same lands at much less expense and of 43 feet lift in one pump station.

T-219
63-2114

That he intends to divert and convey said.....of water to the tract
of land last above described in the following manner, to-wit: Thru a ditch, now diverting
from Indian Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 6, T 3 N, R 2 W, B.M.

as set forth upon the map hereto attached; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to
him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master
of Water District No., in accordance with the provisions of Section 3264 of the Revised Codes of
Idaho, as amended.

Subscribed and sworn to before me this.....

8th J. B. Wright
day of May.

A. D. 1918.

J. M. Mumford
Notary Public for Idaho
Residing at

Applicant will answer the following questions:

From what stream is the water diverted? Indian Creek a Tributary of Boise River.

Where is the diversion point located? SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T 4 N, R 3 W, B.M.

Through what ditch is it now conducted? Caldwell Irrigation Dist. Ditch

How much land is now irrigated by the water sought to be transferred? 800

Give the description:

What is the total amount of water in inches, or second feet, dedicated to said land? ~~7~~ 8.64

What kind of crops are being raised? All kinds

How much water per acre is now required to irrigate said land? 50 acres per second foot.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? It will be
arid until other water is put on it.

From what stream will the water be diverted if the transfer is made? Indian Creek

Give location of new point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T 3 N, R 2 W, B.M.

Through what ditch will it be conducted after transfer? A Pioneer Irrigation District Ditch.

How much water will be required per acre to irrigate the land to which this water is transferred?
50 acres per second foot.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

Is there now any other water right for the land to which you seek to make this transfer?

Signed

Applicant.

STATE OF IDAHO,

County of } ss.

..... and

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at

that he is a user of water from, in Water District No.

County of, State of Idaho; that he has read or heard read the foregoing affidavit

and petition of, and is familiar with its allegations, and with the water

right and lands therein mentioned and described and is not in any way interested in either, nor in any way

related to said petitioner; that the statements and allegations therein made are true of his own knowledge;

and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this day of

A. D. 191.....

STATE OF IDAHO,

County of } ss.

I, ..., Watermaster of

Water District No., County of, State of Idaho, whose postoffice address

is, have read or heard read the foregoing affidavit and petition

of and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Engineer issue the certificate of

transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the

following reasons:

Watermaster, Dist. No.

Dated at, Idaho, this day of, 19

7-219
63-2114

RECEIVED
MAY 10 1913
OFFICE OF STATE ENGINEER

RECEIVED
MAY 10 1913
OFFICE OF STATE ENGINEER

In the matter of the application for transfer of Water Right
by the Caldwell Irrigation District.

Affidavit of Dr. J. B. Wright.

STATE OF IDAHO)

SS

COUNTY OF CANYON)

Dr. J. B. Wright being first duly sworn upon his oath states:

I am the Dr. J. B. Wright who is mentioned in the application
for transfer of water right as President of the Board of Directors
of the Caldwell Irrigation District.

The Caldwell Irrigation District is an Irrigation District
organized under the laws of the State of Idaho, with it's principle
place of business at Caldwell Idaho, and located in Canyon County,
Idaho.

I am the President of the Board of Directors of the Caldwell
Irrigation District.

On the 8th day of May 1918, I made application for the
transfer of water right of 8.64 secondfeet of the waters of Indian
Creek, from lands within the Caldwell Irrigation District which are
particularly described in the said application, to lands within
the Pioneer Irrigation District, which lands are also described
in the said application.

The stream ^{from} which the water is diverted is Indian Creek, a
tributary of the Boise River, and the point at which the waters
are diverted from Indian Creek is the South-east quarter of the
South-east quarter of Section 26, in Township 4 North of Range
West, from the Boise-Meridian.

The ditch through which the water is now conducted is the

T-219
63-2114

Caldwell Irrigation District's Canal.

The area of land now irrigated by the water sought to be transferred is 800 acres, located within the boundary of the Caldwell Irrigation District, and particularly described in the application above mentioned.

The total amount of water dedicated to said land is 8.64 second-foot.

The kind of crops now being grown upon said lands is all kinds of general farm crops and fruit.

The amount or quantity per acre which is required to irrigate said land, is one secondfoot, for each 50 acres.

The effect on the land now irrigated by discontinuing the use of water from the present source of supply, will be to cause said land to be supplied with water from another more practical, economical and convenient source.

In case the transfer is made the water will be diverted from Indian Creek at the South-east quarter of the North-west quarter of Section 6, in Township 3 North of Range 2 West from the Boise-Meridian, approximately two miles above the present point of diversion, which points are shown on the maps accompanying the application above mentioned.

The water will be conducted to the land after the transfer through the Pioneer Irrigation District's canal, and the quantity of water required for the irrigation of an acre of land when the transfer is made, will be one second-foot of water for each 50 acres of land.

The Caldwell Irrigation District claims a water right for the land from which the above mentioned water is being transferred, which water right formerly belonged to the Pioneer Irrigation District.

and under which water was formerly being supplied to the lands to which the above described water is being transferred.

The application for transfer of water right above mentioned is made by the Caldwell Irrigation District for the purpose of carrying out the provisions of an agreement entered into on the 22nd day of March, 1918, between the Pioneer Irrigation District, as the party of the first part, and the Caldwell Irrigation District, as the party of the second part. Whereby the said parties sought to make an exchange of water rights for the purpose of economizing in the use of water, and also in the costs of diverting and conducting the water from the stream to the place of use.

The transfer if allowed will not injure any water user on Indian Creek, or on Boise River, or any of it's tributaries.

J. B. Wright

described and sworn to before me this 22nd day of June, 1918.

Clara M. Brown

Notary Public.

Residing at Boise, Idaho.
Ada County, Idaho.

T-219
63-2114

July 16, 1918.

Re Cert. Trans-#219.

Messrs. Griffiths & Griffiths,
Attorneys at law,
Caldwell, Idaho.

Gentlemen:--

Enclosing herewith certificate of transfer
issued to the Pioneer Irrigation District, with receipt
for fee. Am also returning the assignment of the water
right, as the same has been placed on record under the
permit in this office.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

CT219-R2117-Asn.

T-219
63-2114

H. A. GRIFFITHS WALTER GRIFFITHS
GRIFFITHS & GRIFFITHS
ATTORNEYS-AT-LAW
WESTERN NATIONAL BANK BUILDING
CALDWELL, IDAHO

June, 26, 1918.

Mr. Fred A. Wilkie,
State Engineer.
Boise, Idaho.

Dear Sir:

I have your letter of the 24th inclosing Water License No. 5,515 to the Caldwell Irrigation District, and requesting that an assignment of this water right be made to the Pioneer Irrigation District.

I have drawn up the assignment, and handed it to Mr. Shepperd, the Secretary, and he will have it executed, and then mailed to you.

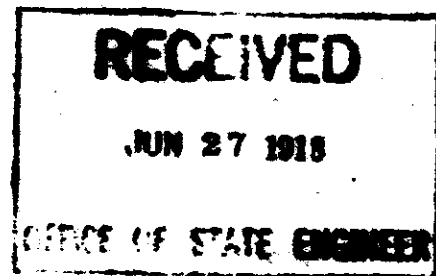
I will inclose the Water License herewith.

I am going away to-morrow for a few weeks, and for that reason have asked Mr. Shepperd to have the assignment executed and mailed to you.

Respectfully,

Walter Griffiths

WG:NG.



June 24, 1918.

Re: J. B. Wright Transfer.

Mr. Walter Griffiths,
Caldwell, Idaho.

Dear Sir:

In the matter of the application of J. B. Wright, President of the Caldwell Irrigation District for a transfer of water right, I am returning you herewith the License representing the water right of the Caldwell Irrigation District and ask that you prepare and forward for the files in this case, an assignment of said license to the Pioneer Irrigation District.

Upon receipt of such assignment, I will issue to the Pioneer Irrigation District, a certificate of authority to transfer the use of the waters represented in said license, to the lands owned by the Pioneer Irrigation District as described in the agreement, to conform to which, this transfer is made.

Very truly yours,

State Engineer.

FAH/LB
Encl.

T-219
63-2114

Notice of Proposed Transfer of Water Right

Notice is hereby given that J. B. Wright, of Caldwell, Idaho has applied to the State Engineer of the State of Idaho for a certificate authorizing him to transfer the use of 8.64 of the water of Indian Creek from the land upon which it is now used, i. e. SE1-4 SW1-4 & SW1-4 SE1-4, Sec. 10; NW1-4 NE1-4, NE1-4 NE1-4, SW1-4 NE1-4, NE1-4 SE1-4, SE1-4 SE1-4, Sec. 15; NW1-4 SW1-4, SW1-4 NW1-4, Sec. 14; NW1-4 NW1-4, SW1-4 NW1-4, SE1-4 NW1-4, SE1-4 SW1-4, SW1-4 SE1-4, Sec. 23; all in Twp. 4 N., R. 3 W., B. M. to the following described tract: SW1-4 NW1-4, NE1-4 SW1-4, W1-2 SW1-4, SE1-4 SW1-4, NW1-4 SE1-4, SW1-4 SE1-4, SE1-4 SE1-4, Sec. 26; NW1-4 NE1-4, S1-2 NE1-4, SE1-4, Sec. 27; N1-2 NE1-4, SW1-4 NE1-4, SE1-4 NE1-4, NE1-4 NW1-4, NE1-4 SE1-4, Sec. 35; NW1-4 NW1-4, SW1-4 NW1-4, SE1-4 NW1-4, N1-2 SW1-4, SW1-4 SW1-4, SE1-4 SW1-4, NW1-4 SE1-4, SW1-4 SE1-4, Sec. 36; all in Twp. 4 N., R. 3 W., B. M.

And that, on the 22nd day of June, A. D. 1918, at Caldwell, Idaho, before the State Engineer or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

FRED A. WILKIE,
State Engineer

M30-J20

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Canyon } ss.

E. Shorb being duly sworn, deposes and says that he is *Publisher* of the CALDWELL NEWS, a weekly newspaper published at Caldwell, Idaho, that the said newspaper is in general circulation in the county aforesaid, that this advertisement, a copy of which is attached hereto, was published in the regular edition of the CALDWELL NEWS *Four* consecutive weeks, beginning with the issue of *May 30*, 191*8* and ending with the issue of *June 20*, 191*8*

Subscribed and sworn to before me this *21st* day of *June*, 191*8*

J. D. Mumford

Notary Public
Residing at Caldwell.

7-219
63-2114

THIS AGREEMENT, Made and entered into this 22d day of March, 1918, by and between the PIONEER IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business at Caldwell, Canyon County, Idaho, the party of the first part, and the CALDWELL IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business at Caldwell, Canyon County, Idaho, the party of the second part, WITNESSETH, that

WHEREAS, the party of the first part has a water filing on Mason Creek Drain Ditch, being Permit No. 11,897, dated September 8, 1915; and

WHEREAS, the party of the second part has a water filing on Indian Creek, being Permit No. 5,515, dated October 15, 1909, and license under said Permit, being No. 5,515, dated October 14, 1916; and

WHEREAS, the party of the second part desires to exchange with the party of the first part water from its filing on Indian Creek to the amount of twenty (20) second feet for a like amount of water from the filing of the party of the first part on the Mason Creek Drain; and

WHEREAS, the party of the second part desires to conduct the above mentioned water, or so much thereof as it may need, from a point on Mason Creek Drain near the south line of Section 33, Township 4 North, Range 2, West of Boise-Meridian, thru a ditch constructed by said second party, to the Caldwell Highline Canal, a canal owned, operated and controlled by the said party of the first part, and thru said Caldwell Highline Canal to the lateral known as Lateral 9.17, or the Canyon Hill Lateral, which lateral is also owned, operated and controlled by the party of the first part; thence thru said Canyon Hill Lateral to the lands within the Caldwell

T-219
63-211

Irrigation District; and

WHEREAS, in order to deliver said water to the point desired by said second party it is necessary to raise the grade of the said Canyon Hill Lateral along a portion of the distance as much as four or five feet above its former grade, thus necessitating considerable filled in ditch construction and increasing the danger of breakage of said lateral, and by reason of the larger volume of water carried increasing the liability of damage resulting from breakage;

THEREFORE, in view of these presents, THIS AGREEMENT WITNESSETH, that

THE PARTY OF THE SECOND PART AGREES:

- 1: To construct the diversion works in the Mason Creek Drain at the point mentioned, at such a level in said drain as not to obstruct or interfere with the purposes for which said drain was constructed, and in a manner acceptable to the United States Reclamation Service and the Board of Directors of the Pioneer Irrigation District, and shall maintain and operate same, and shall construct the ditch leading therefrom to the Caldwell Highline Canal in a safe and intelligent manner and with ample capacity to carry the water diverted, and shall also operate and maintain same in a manner that will cause no injury to the Mason Creek Drain or the Caldwell Highline Canal.
- 2: That at the expiration of the irrigation season of 1918, if it shall be decided by the United States Reclamation Service and the Board of Directors of the Pioneer Irrigation District that the operation of said diversion works and the ditch leading therefrom has caused or will cause water to ^{back} up in the Mason Creek Drain to an extent damaging to the land drained thereby and interfering with the purposes for which said drain was constructed, then, and in that case, the said party of the second part agrees

to remove its diversion works to a point sufficiently far up on said drain to secure an elevation that will be ample to overcome the possibility of damage to said drain, such removal to be made before the beginning of the next irrigation season.

3: To complete the enlargement of the Caldwell Highline Canal from the point where the water from Mason~~2~~Creek enters same, to the point where it is discharged into the Canyon Hill Lateral, to the capacity and in a manner satisfactory to the Board of Directors of the Pioneer Irrigation District.

4: To construct and enlarge the said Canyon Hill Lateral to a capacity sufficient to carry the maximum amount of water required by both the Pioneer Irrigation District and the Caldwell Irrigation District, and to complete said work in a manner to meet the approval of the Board of Directors of the Pioneer Irrigation District.

5: To complete all work required on said diversion works, ditch leading therefrom, Caldwell Highline Canal and Canyon Hill Lateral, on or before the first day of April, 1918, without expense to said first party.

6: To exchange with the said first party all rights to divert and use water from Indian Creek under said Permit No. 5515 and said License No. 5515, to the extent of twenty (20) second feet.

7: Said party of the second part further agrees to stand all damages caused by breaks, overflow and seepage of the Canyon Hill Lateral because of the increased elevation of the bottom of said lateral resulting from its reconstruction by said party of the second part, and when damages occur at points on said lateral not reconstructed or raised by said party of the second part, then such damages shall be paid by both parties to this agreement, pro rata in proportion to the amount of water to be carried in said lateral for the use of each party hereto. PROVIDED, that if

damages are caused by breaks or overflow, such breaks or overflow being caused by the party of the first part turning into said lateral an excessive head of water, beyond the reasonable capacity of said lateral, then and in that event said second party shall not be liable for such damages.

8: Said second party agrees that at no time will it demand or expect an amount of water turned into said Canyon Hill Lateral for its use in excess of the amount of water diverted by it from Mason Creek into said Caldwell Highline Canal, less a reasonable deduction for loss by seepage and evaporation, or an amount of water over and above the needs of the patrons of said Pioneer Irrigation District under said lateral that will necessitate a total volume of water beyond the reasonable capacity of said lateral to carry.

9: Said party of the second part also understands and agrees that said Canyon Hill Lateral from its headgate at the Caldwell Highline Canal to the point of diversion of water to the last patron of the Pioneer Irrigation District shall be operated and controlled by the said party of the first part.

10: Said party of the second part agrees to pay monthly to the party of the first part, upon the presentation of bills by said party of the first part, such portion of the cost of operating, maintaining and repairing the portion of said Canyon Hill Lateral used jointly by both parties hereto, as the water to be carried in said lateral for the use of said second party is in proportion to the water to be carried in said lateral for the use of said first party, viz., 5/11 by said second party and 6/11 by said first party. That, upon the fulfillment and performance of the above mentioned covenants by said second party, and not otherwise.

THE PARTY OF THE FIRST PART AGREES:

1: To consent to the construction, reconstruction and enlargement of the works, ditches, canals and lateral mentioned under the conditions hereinbefore mentioned.

- 2: To exchange with the party of the second part all rights to divert and use water from Mason Creek Drain under its Permit No. 11897, dated September 8, 1915, to the extent of twenty second feet.
- 3: To consent to the conducting of water thru its Caldwell Highline Canal and Canyon Hill Lateral under the conditions above mentioned to the lands within the Caldwell Irrigation District.
- 4: To operate, control, maintain and repair that portion of the said Canyon Hill Lateral used jointly by both parties under the conditions herein provided.

IT IS MUTUALLY AGREED that a failure of the party of the second part to comply with the conditions of its agreements herein will work a forfeit of its right to divert water from Mason Creek to its lands until all conditions are complied with.

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed by their respective Presidents and attested by their respective Secretaries, and their Seals to be attached, at Caldwell, Idaho, this 22d day of March, 1918.

PIONEER IRRIGATION DISTRICT.

by A. G. Street.
President.

ATTEST:

Fred L. Evans.
Secretary.



CALDWELL IRRIGATION DISTRICT.

by J. B. Wright.
President.

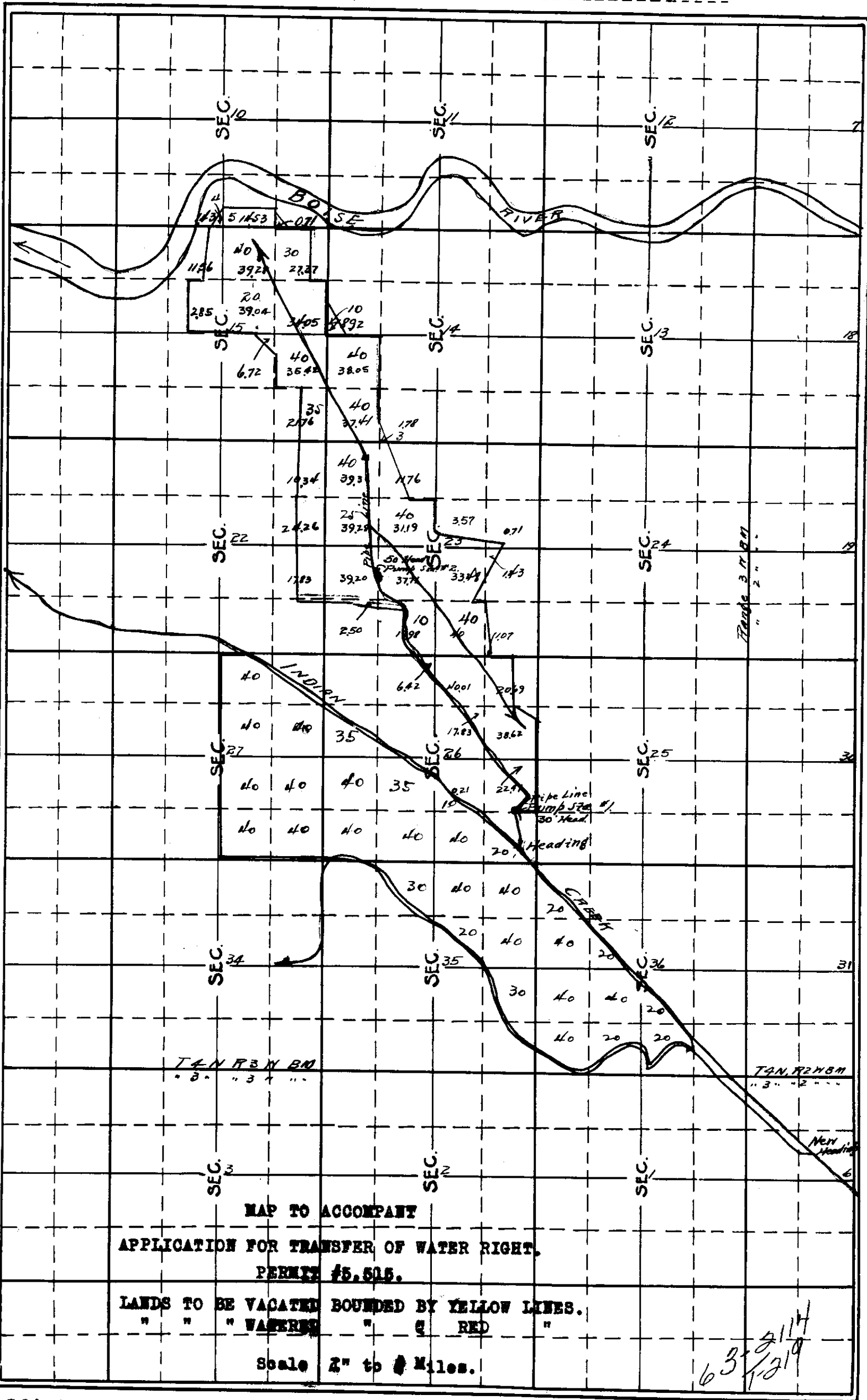
ATTEST:

J. W. Shepperd.
Secretary.

(SEAL)

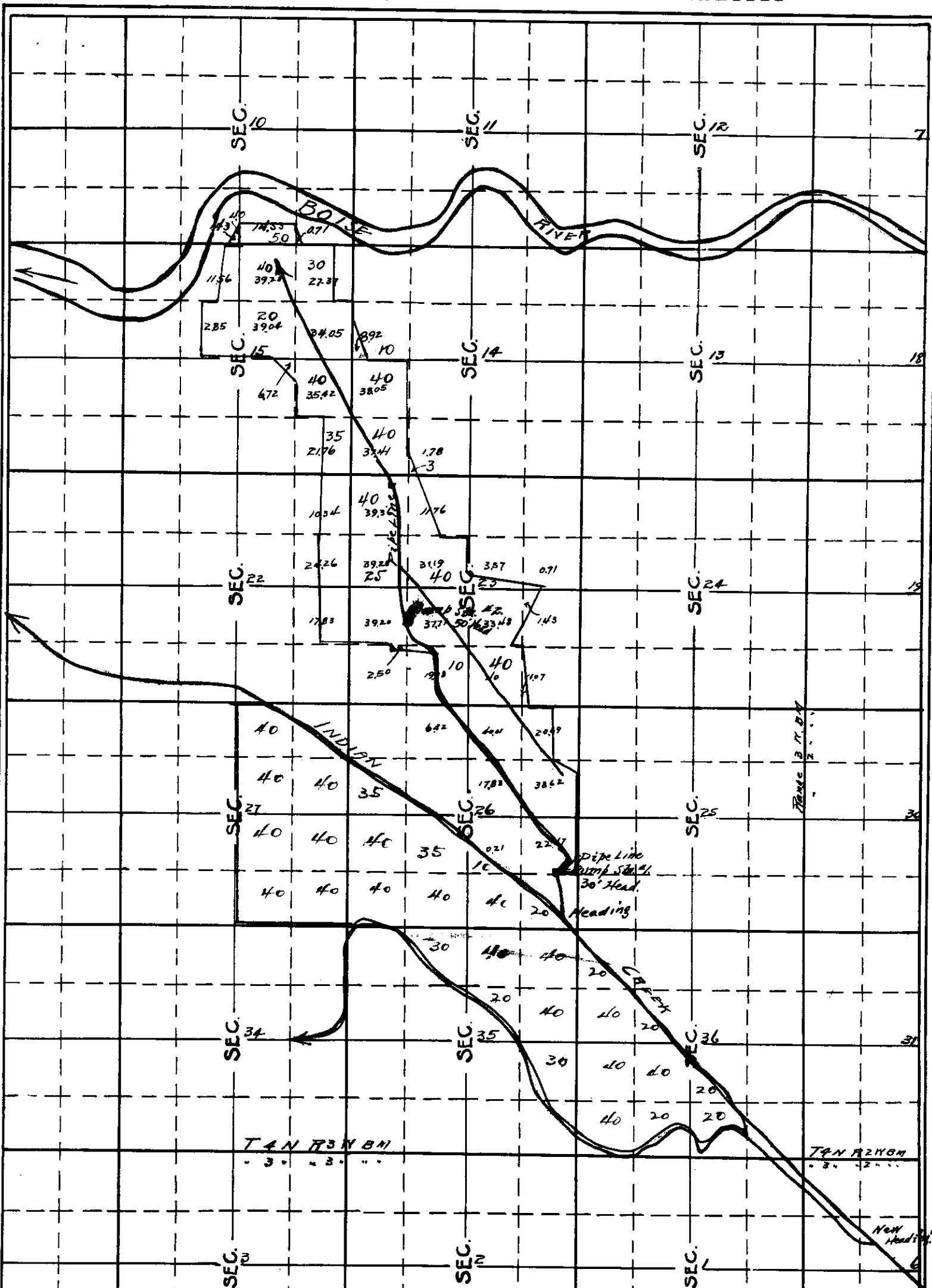
T-219
63-2114

Name of Applicant - Caldwell Irrigation District.



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

Name of Applicant Caldwell Irrigation District.



MAP TO ACCOMPANY

APPLICATION FOR TRANSFER OF WATER RIGHT.

PERMIT #5,515.

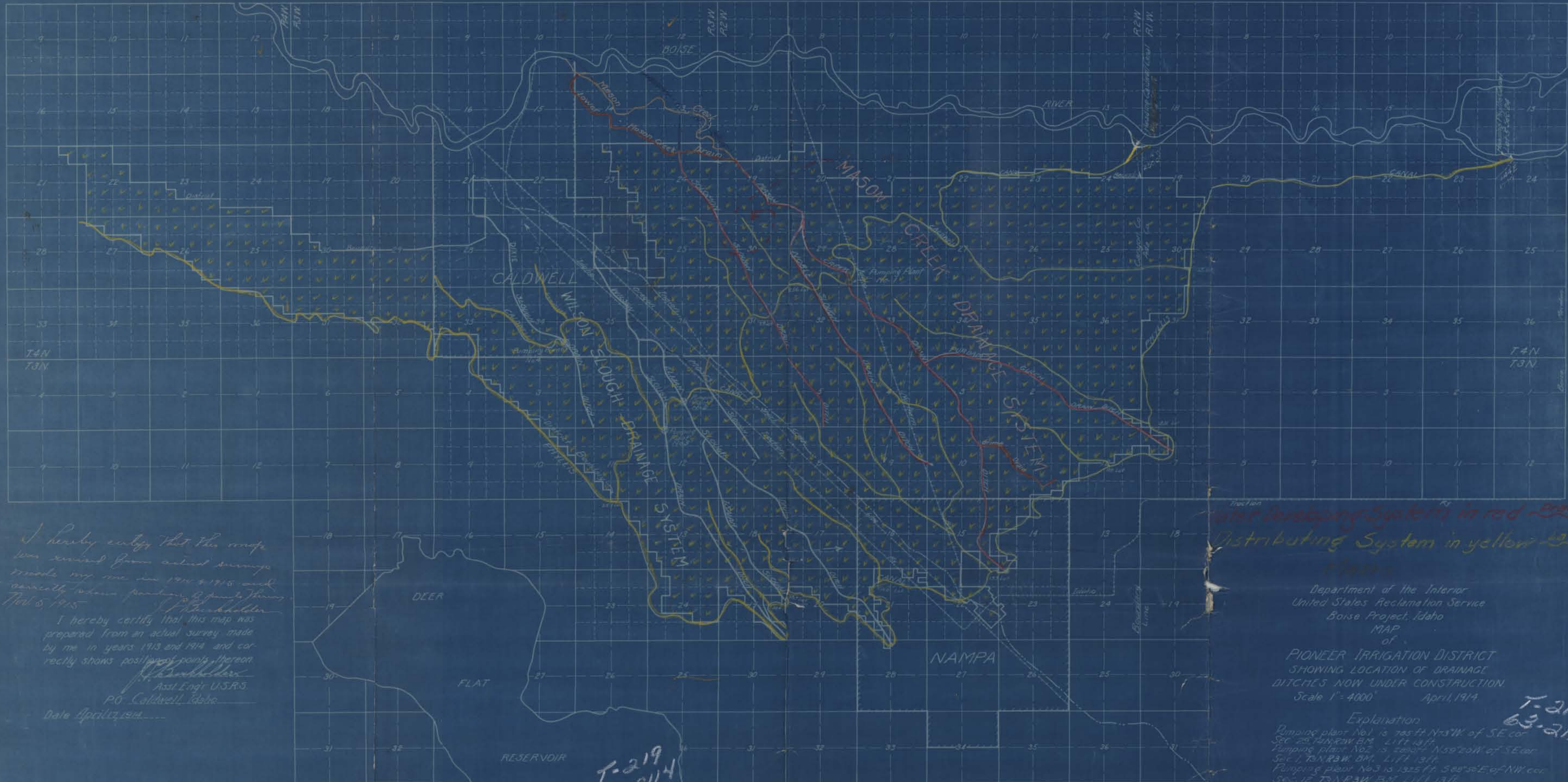
LANDS TO BE VACATED BOUNDED BY YELLOW LINES.

"	"	"	WATERED	"	"	RED
---	---	---	---------	---	---	-----

Scale 2" to 1 Miles.

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

T-219 63-2114



I hereby certify that this map was revised from actual surveys made by me in 1914 & 1915 and correctly shows position of points thereon.

I hereby certify that this map was prepared from an actual survey made by me in years 1913 and 1914 and correctly shows position of points thereon.

Date April 17, 1914.

Department of the Interior
United States Reclamation Service
Boise Project, Idaho
MAP
of

PIONEER IRRIGATION DISTRICT
SHOWING LOCATION OF DRAINAGE
DITCHES NOW UNDER CONSTRUCTION
Scale 1" = 4000' April, 1914

Explanation

Pumping plant No. 1 is 785 ft. N. 3/4 W. of SE cor.
Sec. 29, T. 4 N. R. 3 W. B. M. Lift 13 ft.
Pumping plant No. 2 is 2680 ft. N. 59° 20' W. of SE cor.
Sec. 1, T. 3 N. R. 3 W. B. M. Lift 13 ft.
Pumping plant No. 3 is 1325 ft. S. 80° 35' E. of NW cor.
Sec. 12, T. 3 N. R. 3 W. B. M. Lift 13 ft.
Pumping plant No. 4 is 1330 ft. N. 40° W. of SE cor.
Sec. 34, T. 4 N. R. 3 W. B. M. Lift 14 ft.

T-219
63-2114

T-219
63-2114

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 5515

ORDER

WHEREAS, The Pioneer Irrigation District, postoffice address, Caldwell, Idaho, through mesne conveyances, is the record owner of Water Permit No. 5515 and Water License No. 5515, issued thereunder by the State Engineer of Idaho on October 14, 1916, said Water Permit and Water License being recorded at Page 5515 of Volume 16 of Permits and Page 2072 of Volume 4 of Licenses, respectively, in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, and granting and confirming a perpetual right to the use of 8.64 cubic feet per second of the waters of Indian Creek, Canyon County, Idaho, the right to the use thereof being at all times subject to the terms and provisions of said License; and,

WHEREAS, Subsequently, and on July 15, 1918, the State Engineer of Idaho, upon proper application by Pioneer Irrigation District, granted Certificate of Transferred Water Right No. 219, said Certificate being recorded at Page 219 of Volume 1 of Transfers in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, which Certificate in fact and effect changed the authorized place of use of said water from lands to which it was originally appurtenant by reason of said License No. 5515 to other lands, all as set out in the said Certificate of Transferred Water Right No. 219; and,

WHEREAS, The State Engineer in issuing said Certificate of Transferred Water Right No. 219 cancelled said License No. 5515, the reason for such cancellation not appearing in the record of the proceedings; and,

WHEREAS, There is no statute known to be written in the laws of Idaho which authorizes the cancellation of a water license by the State Engineer for any reason whatever, and furthermore, the granting of a certificate of transferred water right not seeming to have the effect of cancellation of the original water license, but rather in fact amending such a water license in part only;

WITNESS, The hand and seal of the Commissioner
of Reclamation, this 23d day of March, 1928.

515

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 5515

O R D E R

WHEREAS, The Pioneer Irrigation District, postoffice address, Caldwell, Idaho, through mesne conveyances, is the record owner of Water Permit No. 5515 and Water License No. 5515, issued thereunder by the State Engineer of Idaho on October 14, 1916, said Water Permit and Water License being recorded at Page 5515 of Volume 16 of Permits and Page 2072 of Volume 4 of Licenses, respectively, in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, and granting and confirming a perpetual right to the use of 8.64 cubic feet per second of the waters of Indian Creek, Canyon County, Idaho, the right to the use thereof being at all times subject to the terms and provisions of said License; and,

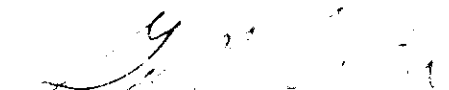
WHEREAS, Subsequently, and on July 15, 1918, the State Engineer of Idaho, upon proper application by Pioneer Irrigation District, granted Certificate of Transferred Water Right No. 219, said Certificate being recorded at Page 219 of Volume 1 of Transfers in the office of the Department of Reclamation at the Capitol Building, Boise, Idaho, which Certificate in fact and effect changed the authorized place of use of said water from lands to which it was originally appurtenant by reason of said License No. 5515 to other lands, all as set out in the said Certificate of Transferred Water Right No. 219; and,

WHEREAS, The State Engineer in issuing said Certificate of Transferred Water Right No. 219 cancelled said License No. 5515, the reason for such cancellation not appearing in the record of the proceedings; and,

WHEREAS, There is no statute known to be written in the laws of Idaho which authorizes the cancellation of a water license by the State Engineer for any reason whatever, and furthermore, the granting of a certificate of transferred water right not seeming to have the effect of cancellation of the original water license, but rather in fact amending such a water license in part only:

NOW, THEREFORE, IT IS HEREBY ORDERED, That the endorsement of cancellation appearing on said Water License No. 5515 in the records of the office of Department of Reclamation be struck out and said License restored to its original condition of validity and effect and that this order be recorded thereon, and also a true copy of said Certificate of Transferred Water Right No. 219 be recorded upon said License, and that a true copy of this order be attached to the licensee's copy of said Water License No. 5515, which likewise bears the endorsement of the State Engineer, "Cancelled".

WITNESS, The hand and seal of the Commissioner of Reclamation, this 23d day of March, 1928.


Commissioner of Reclamation

October 19, 1916.

Re Permit 5515.

F. W. Mumford, Sec'y,
Caldwell Irrigation Dist.,
Caldwell, Idaho.

Sir:--

Enclosing herewith wat r license issued under
above permit , with receipts for fees paid.

Very truly yours,

J. E. SMITH,

State Engineer.

By _____

AL-R8634-8645

5515

R. S. MADDEN, PRESIDENT
JOHN C. RICE, VICE-PRESIDENT

ESTABLISHED 1892

INCORPORATED . 9

J. H. LOWELL, TREASURER
H. J. ZEH, SECRETARY AND MGR.

DIRECTORS:
R. S. MADDEN
J. C. RICE
J. H. LOWELL
A. A. BINFORD
H. J. ZEH

CANYON ABSTRACT & TRUST CO., LTD.
CALDWELL, IDAHO

ABSTRACTS
LOANS
INSURANCE
BONDS
GENERAL TRUST
BUSINESS

Oct. 5, 1916.

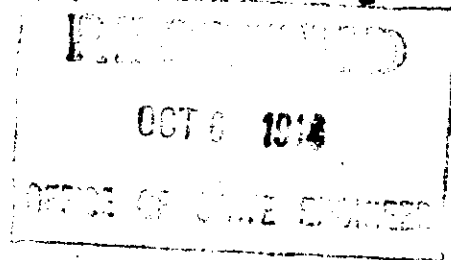
Mr. J. H. Smith, State Engineer,
Boise, Idaho.

Dear Sir:

Your letter of the 4th inst. enclosing Assignment of water right from Canyon Hill Irrigation Co. to Caldwell Irrigation District, has been received, and I enclose herewith check for 50¢ for the filing fee as requested.

Yours very truly,

J. D. Mumford



5515

October 4, 1916.

Re Permit 5515.

F. D. Mumford,
Sec'y Canyon Hill Irr. Co.,
Caldwell, Idaho.

Sir:--

Am herewith returning assignment of above permit, the same having been recorded in this office. Please to remit fifty cents fee.

Fees have been received for proof of beneficial use of water under this permit. License will, therefore, be issued and mailed to you in a few days.

Very truly yours,

J. H. SMITH,

State Engineer.

D-

By _____

5515

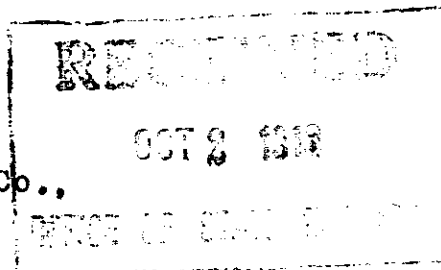
J. H. SMITH
STATE ENGINEER
FRED A. WILKIE
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise

May 8, 1916.

Re Permit 5515.

Mr. J. J. Allison,
Pres. Canyon Hill Irr. Co.,
Caldwell, Idaho.



OK
1500

Dear Sir:--

Upon receipt of fees in the sum of fifteen dollars (\$15.00), License will be issued under the above permit for four hundred and thirty two acres of land.

Very truly yours,

J. H. SMITH,

State Engineer.

By C. Brown

5515

FRED H. MCCONNELL
PRESIDENT

IRRIGATION, HYDRAULIC AND MUNICIPAL ENGINEERING
SURVEYS, DESIGNS AND ESTIMATES
SUPERINTENDENCE OF CONSTRUCTION

J. W. SHEPPERD, C. E.
SECRETARY AND TREASURER

INLAND ENGINEERING COMPANY

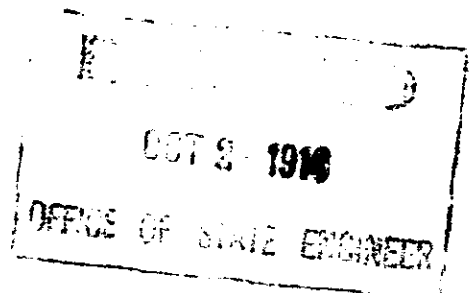
CALDWELL, IDAHO

Sept 30, 1916

*Mr. J. H. Smith, State Engineer,
Boise, Idaho,*

Dear Sir:
*Enclosed find assignment
as per your request.*

Very Truly
F. D. Mumford,
Key Canyon Hill Irrigation Co.



5515

September 19, 1916.

Re Permit 5515.

F. D. Mumford, Sec'y
Canyon Hill Irr. Co.,
Caldwell, Idaho.

Sir:--

Replying to yours of the 18th would say that an assignment from the Canyon Hill Irr. Co., to the Caldwell Irrigation District should be sent to this office for record under the permit. We have no regular form of assignment. Any legal form of assignment will be satisfactory.

Returning herewith Certificate of Completion of works and two extensions.

Very truly yours,

J. H. SMITH,

State Engineer.

3Enc.

By _____

5515

R. S. MADDEN, PRESIDENT
J. N. C. RICE, VICE-PRESIDENT

ESTABLISHED 1892

INCORPORATED 1909

J. H. LOWELL, TREASURER
H. J. ZEH, SECRETARY AND MGR.

DIRECTORS:
R. S. MADDEN
J. C. RICE
J. H. LOWELL
A. A. BINFORD
H. J. ZEH

CANYON ABSTRACT & TRUST CO., LTD.
CALDWELL, IDAHO

ABSTRACTS
LOANS
INSURANCE
BONDS
GENERAL TRUST
BUSINESS

Sept. 18, 1916.

J. H. Smith, State Engineer,
Boise, Idaho.

Dear Sir:

The Canyon Hill Irrigation Company is about to transfer all its water rights, ditches, pipe lines, etc. to the Caldwell Irrigation District and wish to know what steps are necessary to take on our part. We therefore enclose Permit No. 5515, and two Extensions of time for Beneficial Use under said Permit.

If you can make the transfer to the Caldwell Irrigation District by the authorization which this letter carries, please do so, but if there are certain blanks to be filled, or other steps to take, please advise us and we will be glad to act accordingly.

RECEIVED
SEP 20 1916

61017 413

RECEIVED
SEP 20 1916

Yours very truly,

Canyon Hill Irrigation Co.

J. D. Mumford, Sec.

5515

May 8, 1916.

Re Permit 5515.

Mr. J. J. Allison,
Pres. Canyon Hill Irr.Co.,
Caldw 11, Idaho.

Dear Sir:--

Upon receipt of fees in the sum of fifteen
dollars (\$15.00), License will be issued under the above
permit for four hundred and thirty two acres of land.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

5515

REPORT OF ENGINEER

1. State name of applicant and number of permit: Canyon Hill Irr. Co.- 5515
2. State source of water supply: 16.5 Sec. ft. Indian Creek
3. Location of point of diversion: N. 16° 08' W. 733.3 ft. from the S.W. Cor.
Sec. 26, 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: _____

An earth & wood dam across Indian Creek - (See Remarks)
A ditch 1000' long from this dam to Pump Station No. 1; (bottom width 4' width water level 10' depth water 3') ; Pump Station No. 1 - (1-20 H.P. Gen. Elec. Motor, 1-8" Byron Jackson centrifugal pump - 250' pipe line 20" wood pipe - vertical lift 24') - a ditch about 1 1/2 miles long from pump station No. 1 to Pump Station No. 2 (bottom width 3' width water level 6' depth water 1') Pump Station No. 2 (1-25 H.P. Gen. Elec. Motor, 1-8" Byron Jackson centrifugal pump, 3000' pipe line - 1000' 20" wood pipe - 2000' 14" wood pipe - lift 46') - distribution system of pipe lines and open ditches. Capacity of works - 4.5 sec. ft.

6. State whether or not water has been turned into works of diversion: Yes.
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): (See Remarks 2)

<u>Sec 10 - SE 1/4 SW 1/4 4 acres</u>	<u>Sec. 14 - NW 1/4 SW 1/4 40 acres.</u>
<u>SW 1/4 SE 1/4 5 "</u>	<u>SW 1/4 SW 1/4 40 "</u>
<u>Sec 15 - NW 1/4 NE 1/4 40 "</u>	<u>SE 1/4 SW 1/4 10 "</u>
<u>NE 1/4 NE 1/4 30 "</u>	<u>SW 1/4 NW 1/4 10 "</u>
<u>SW 1/4 NE 1/4 20 "</u>	<u>Sec. 23 - NW 1/4 NW 1/4 40 "</u>
<u>NE 1/4 SE 1/4 40 "</u>	<u>SW 1/4 NW 1/4 25 "</u>
<u>SE 1/4 SE 1/4 35 "</u>	<u>SE 1/4 NW 1/4 40 "</u>
	<u>SE 1/4 SW 1/4 10 "</u>
	<u>SW 1/4 SE 1/4 40 "</u>
	<u>Total 432 "</u>

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

Remarks: The diversion dam is in a bad condition and has been temporarily abandoned pending negotiations for an exchange of water with the Pioneer Irrigation District.

2- While there is 432 acres upon which the evidence of the use of water can be seen yet not all has been under beneficial use at the same time.

This examination was made on the 2nd day of May 1916.

(Signed) Samuel E. Vause Jr. 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.

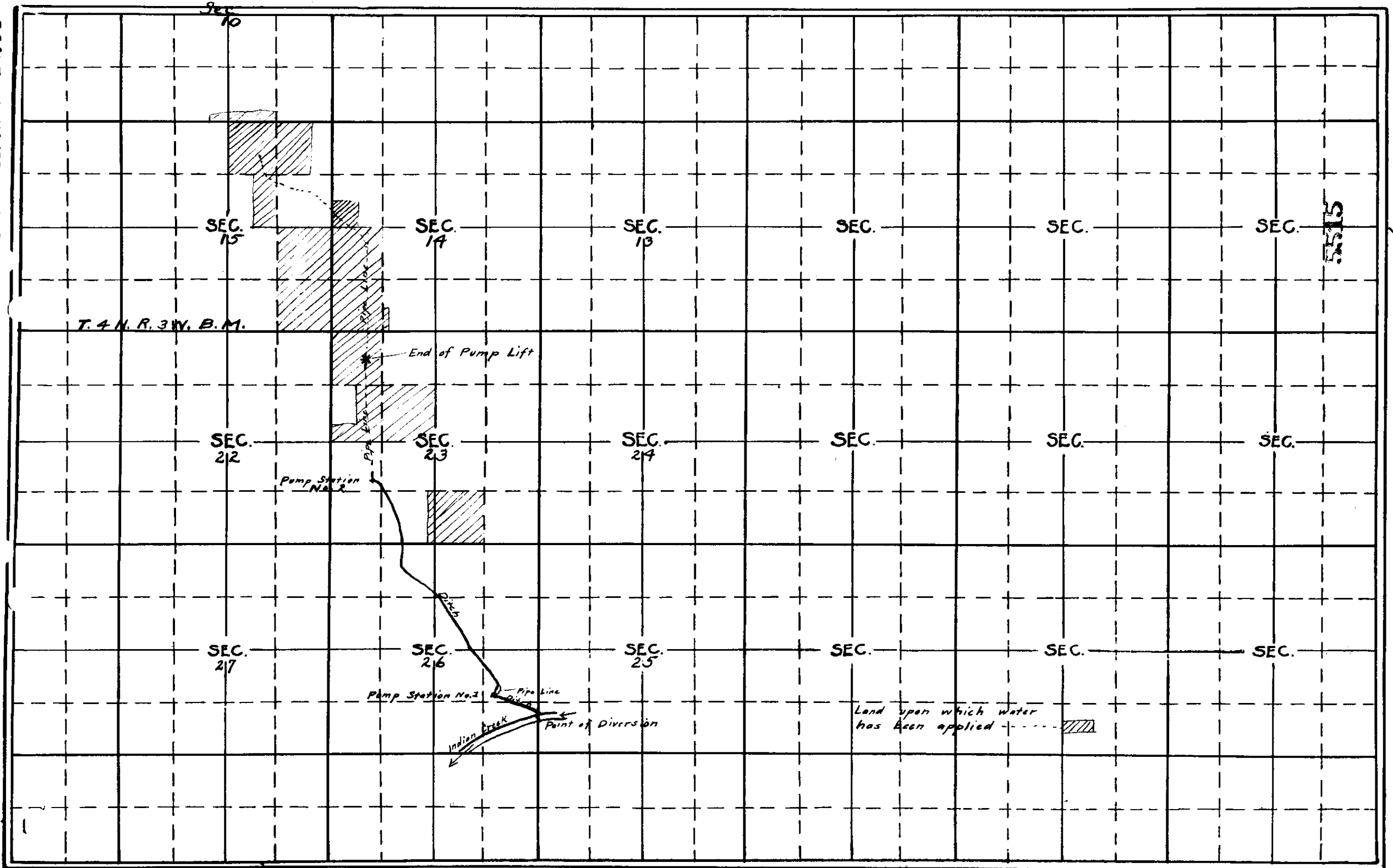
Subscribed and sworn to before me this _____ day of _____ 191____

Notary Public.

My Commission Expires _____

Name of Applicant - Canyon Hill Lr. Co. - Permit No. 5515.

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



Proviso to Exhibit I

THIS AGREEMENT MADE AND ENTERED INTO at Caldwell, Idaho, this 19th day of April, 1915, by and between The Canyon Hill Irrigation Company a corporation, of Caldwell, Idaho, the party of the first part, and the Caldwell Irrigation District, an irrigation district, of Caldwell, Idaho, the party of the second part,

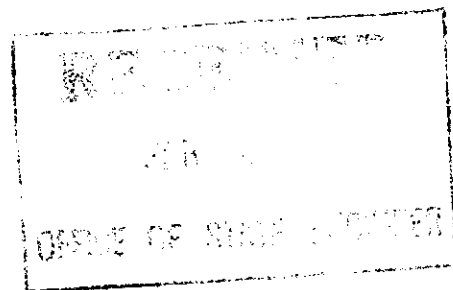
WITNESSETH, That the said first party hereby agrees to deliver the possession of that certain irrigation system, comprising dam and diversion works in Indian Creek, and ~~xxxx~~ two moters and two pumps and all pipe lines used for irrigation of Canyon Hill in Caldwell, Idaho, to said second party, and to give to said second party the privilege of the use of said irrigation system for the irrigating season of 1915.

And said second party hereby undertakes and agrees, for and in consideration of the use of said irrigation system for the season of 1915, to make such repairs on the system as may be necessary to put the same in reasonably good condition for use and to maintain the same in such condition and repair and pay for the power used by said system during the said season of 1915, and at the close of said season of 1915, to redeliver the possession of said irrigation system to said first party ^{is} in as good condition as the same now, with the reasonable wear and tear thereof and damage by the elements excepted.

IN WITNESS WHEREOF, The parties to the above contract have this 19th day of April, 1915, duly caused their corporate names to be hereunto subscribed and their corporate seals attached by their respective proper officers.

Attest: F. W. Mumford Secretary. By J. J. Allison President.
Canyon Hill Irrigation Company,

Attest: F. C. Udick Secretary. By J. B. Wright President & Director, and Carroll Udick Director.
Caldwell Irrigation District,



IN THE MATTER OF PROOF OF the bene-
ficial use of the Canyon Hill
Irrigation Company, Permit No. 5515.)

H E A R I N G.

This cause came on regularly for hearing before R. S. Madden, Notary Public, at Caldwell, Idaho, at ten o'clock A. M. on the 29th. day of January, 1916, and was continued until two o'clock P.M., Protest having been filed against the issuance of license under said permit. Mr. T. A. Walters appearing for Applicant and Walter Griffiths for Protestants, J. L. Niday, D. C. Goodloe, Charles Sandberg, J. B. Wright, William Young, Lizzie Young, Estalla Young, M. E. Gilgan, C. A. Oakes, A. J. Griffiths, Walter Griffiths, A. E. Holt and A. E. Gibson; Thos. E. Buckner appearing for the Protestants Montie B. Gwinn, D. J. Ruby and Jan Smit, and the State Engineer's office being represented by F. A. Wilkie, State Engineer.

IT IS STIPULATED AND AGREED By all the parties appearing herein, that the testimony introduced, shall be taken by a stenographer, and that the notes so taken by her shall be transcribed and certified, and when certified by her, shall be used as the evidence in this matter.

IT IS FURTHER STIPULATED AND AGREED That each party introducing testimony into this record shall be required to pay their portion of such record to the stenographer for taking such testimony and transcribing such record.

The stenographer being first duly sworn to take and transcribe the evidence as given, J.J. Allison was called by Applicant and being first duly sworn testified as follows:

Appellants presents a paper and asks to have it marked "Appellants Exhibit A."

We offer Exhibit A. in evidence for the purpose of showing the number and description of the land the Applicant seek to prove up on.

Appellants Exhibit A. Admitted.

- Q. You may state your name, age and residence.
- A. John J. Allison, Sixty-three, Caldwell, Idaho.
- Q. Are you acting on your own behalf or on the behalf of a corporation?
- A. On behalf of a corporation.
- Q. Name the Corporation.
- A. The Canyon Hill Irrigation Company.
- Q. What office, if any, do you hold in the Company?
- A. I am president of the Company.
- Q. As such president then you appear on behalf of the Company?
- A. I do.
- Q. What is the number and date of the permit?
- A. The number of the permit is 5515.
- Q. Is that the original number of the permit?
- A. It is.
- Q. Has there been any extension on that permit?
- A. There has been two extensions.
- Q. Have you that permit in your possession?
- A. I have.

Permit No. 5515 introduced in evidence.

-3-

- Q. What is the date of priority you proposed to establish in the permit?
- A. October, 15th. 1909.
- Q. You may state the source of the water supply.
- A. Indian Creek.
- Q. What is the location of the point at version?
- A. I refer to the work or the Completion of Works filed in the State Engineers Office.

The Certificate of Completion of Works introduced in evidence.

- Q. You may describe the diversion works.
- A. At the point of diversion we have a dam on Indian Creek that throws the water into an open ditch several hundred feet in length carrying the water to a pump house of brick, in which is a twenty horse power motor connected with an eight inch pump which lifts the water twenty-four feet into another open ditch running about seven or nine thousand feet to another pump consisting of a twenty-five horse power motor and an eight inch pump which lifts the water two elevations, one is thirty-four feet, the other is forty-six feet. From these taps the water is distributed over about Nine Hundred acres of land partly by underground pipe lines and partly by ditches.
- Q. What amount of water are the works capable of conveying from the point of diversion to the places of use.
- A. There are two places of use and I never measured the water and can not tell, except as to the size of the motors and pumps.
- Q. Are you unable to state how much water the works will convey to the place of use?
- A. I am with accuracy.
- Q. You may state to the best of your knowledge the amount of water they did convey.
- A. I could not guess on a thing like that as I have no knowledge of such matters.

- Q. You may state whether you have had the works operated to its full capacity.
- A. We have as far as my knowledge goes.
- Q. Is the party present who made the estimates as to the capacity of these pumps?
- A. He is not.
- Q. Who made the estimates?
- A. Mr. McGee made some.
- Q. Who is Mr. McGee?
- A. Guy McGee.
- Q. Lives here in town does he?
- A. He is an engineer, lives in Caldwell.

QUESTION BY MR. WILKIE.

- Q. What is the make of these pumps?
- A. Byron & Jackson, Eight inch centrifugal pumps.
- Q.

QUESTIONS BY MR. WALTERS.

- Q. What purpose is the water used for?
- A. Irrigation.
- Q. You may give each subdivision in which it has been used and the number of acres in each subdivision that have actually been irrigated.
- A. I have a letter in my hand.
- Q. You refer to Exhibit A which has been introduced in evidence.
- A. I do.
- Q. Has this land described in Exhibit A. been actually cultivated or is it meadow land.
- A. It has been cultivated with the exception of a few rocky bluffs.

- Q. What improvements, if any have been made as a direct result of the use of the water.
- A. About twenty-five acres in orchard.
- Q. Any other improvements?
- A. Other improvements: Yes, as alfalfa fields and grain.
- Q. What is the minimum amount of water required for the irrigation of the lands described in Exhibit A.?
- A. The Company had limited to one-half inch per acre.
- Q. Is that the minimum amount required in your estimation?
- A. I do not know.
- Q. Are you the representative of the Corporation to whom the permit was issued?
- A. I am not.
- Q. To whom was the permit issued?
- A. Hall and Apperson, representing the Canyon Hill Development Company.
- Q. How did the present Company acquire ownership?
- A. By purchase.
- Q. Did they receive any instrument of conveyance?
- A. Everything was deeded to the Company in writing.
- Q. You may state when the water diverted under this permit has been used on the lands described.
- A. 1910-11 and 12 by the Development Company and the Canyon Hill Irrigation Company later, 1914 and 1915 under the management of the Caldwell Irrigation District.
- Q. By what arrangements did the Caldwell Irrigation District distribute the water?
- A. In 1914 by sufferance.
- Q. In 1915 who distributed the water?
- A. The Caldwell Irrigation District.
- Q. By what arrangements?
- A. By lease.

- Q. In what amounts and in what extent was the water diverted, used under this permit?
- A. It was used to the full capacity of the pumps.
- Q. Was the water so diverted used on the land described by you in Exhibit A.?
- A. Yes.
- Q. Has there been any other water than that taken under Permit 5515 used on these lands.
- A. Occasionally in the spring time we had a little water from the Pioneer people.
- Q. How long in the spring?
- A. A month or so. It saved running our upper pumps.
- Q. How much water during that month or so?
- A. Enough to supply the pumps.
- Q. These waters that came from the Pioneer People direct then were applied and used in the same manner as the water diverted under your permit were they?
- A. They were.
- Q. This is all the other water that was used on these lands?
- A. To my knowledge, yes.
- Q. There are no other permits nor applications for water for this land under which water has been diverted or used for their irrigation?
- A. Not to my knowledge.
- You may take the witness.
- Cross-examined by Walter Griffiths.
- Q. What year was the water first diverted on to this land?
- A. I do not know.

- Q. What year did your Company first divert water on to this land?
- A. Do you mean the Canyon Hill Irrigation Company? 1911 and the water was on one year previous to that. In 1910 the water was on some of the land.
- Q. How much of the land described in Applicants Exhibit A. was irrigated by your Company in 1911, from Indian Creek.
- A. I can not answer that absolutely, but nearly all of it. In those two years it was nearly all irrigated that we have a lease of but it was not all irrigated in that year.
- Q. How many acres described in applicants Exhibit A. were irrigated by your Company in the year 1912, from Indian Creek?
- A. I am not sure as to which lands had the water in those two years, but there was much land that was not watered during that year, the dam went out and just how much was watered I do not know.
- Q. How many acres of the lands described in Applicants Exhibit A. were irrigated by your Company from Indian Creek in the year 1913?
- A. I have my years confused, but I am inclined to believe it was 1913, when we had the trouble with the dam and that we irrigated the lands in the years 1911, 1912, and 1913 from the other Company.
- Q. You stated that your company did not divert the water from Indian Creek for the irrigation of these lands in the year 1914, I believe, did you not?
- A. It was not under our immediate control. It was not in our ownership and to give my answer proper weight I might state that the reason it was not taken over by the district was that it was all understood when we organized the District that the Irrigation Company was to be immersed by purchase into the District and it is so stated on the records of the District in the organized papers therefore the Irrigation Company permitted the District to use the water thinking that it was already settled, that it belonged to the district.
- Q. And it is also a fact is it that your company did not divert water from Indian Creek for the irrigation of these lands in the year 1915?
- A. Owing to the interpretation of your words, we diverted the water under rental, the District diverted it.

A. The Canyon Hill Development Company operated the plant up until May, 1922, the Canyon Hill Irrigation Company operated the plant from May 1912, until the spring of 1914, Those are the correct dates.

Q. I will ask you to examine Protestants Exhibit No. 1.

Q. Do you know what that is?

A. Yes it is a lease.

Q. What lease?

A. It is a lease from the Canyon Hill Irrigation Company to the Caldwell Irrigation District of the Irrigation plant on Canyon Hill.

Q. This Exhibit 1. is what you referred to in your testimony as a lease.

A. It is.

We offer in evidence Protestants Exhibit No. 1.

Protestants' Exhibit No. 1. admitted in evidence.

Q. Did the Caldwell Irrigation District operate the works described in Protestant's Exhibit No. 1. during the year 1915.?

A. No. They pretended to.

Q. Merely a pretense and not in fact an operation.

A. Not turely.

Q. Is that the same of the year 1914?

A. not so bad but partly true.

Q. Practically the same?

A. Not parctically the same, but partly true.

Q. You stated the Caldwell Irrigation district was orgainzed for the purpose of taking over the Canyon Hill Irrigation Company's plant.

A. So stated in the organization papers and shown on the minutes.

Q. You ~~promitted~~ the organization the organization of the District did you?

A. Well I had something to do with it.

Q. Initiated the creation of the District did you?

A. I dont know that I did that.

Q. What did you do towards the organization of the Canyon Hill Irrigation District?

A. I got the consent of all parties who had land on the outside, except one, that we would all go in together and form a District ~~and~~ irrigate the land described.

Q. Did you organize the district according to their consent afterwards?

A. I ~~E~~ could not say that I did. I had a hand in it with others.

Q. And the District was organized?

A. It was.

Q. What plans were proposed for the irrigation of the lands within the District?

Objected to as not the best evidence and immaterial.

Engineer overrules the objection.

Q. You mean that the Irrigation District was created for the purpose of purchasing the Canyon Hill Irrigation Company's Irrigation plant. Is that correct?

A. That is part of the proposition of the Organization of the District.

Q. I believe that you ~~stated~~ that you did not know how much water was taken from Indian Creek for the irrigation of the lands described in Exhibit A. in 1914, or 1915.

A. From the size of the pump, only.

Q. You have no personal knowledge of your own.

A. No.

- Q. Do you have any personal knowledge of the facts as to how many acres described Applicants Exhibit A. were irrigated in 1914 and 1915?
- A. I could not give an accurate answer to that unless I check up.
- Q. Check up? In what way do you mean?
- A. By going over the year and thinking it out as to just where the water went.
- Q. Then you do not know at the present time how many acres have been irrigated from Indian Creek?
- A. This lease shows it fairly well.
- Q. Does it show it accurately?
- A. As I stated there were some acres that run over the bluff. They were not, and as far as my knowledge goes and I have been there a good part of the time.
- Q. Have all these lands described in applicants Exhibit A. been irrigated from this source at one time or during any one season?
- A. There ~~were~~ some that were not irrigated. Some of these lands were not irrigated in 1911, but most of them. Then some of the lands that were watered in 1912, were not watered in 1911. Now I take it that the State Engineer wants to get at the truth of this matter and there may have been some statements that should be made in regard to this irrigation that are not brought out by the questions. And it is this, that the system should be sufficient to water these lands provided the system had been handled properly. In 1911, it was May before we began irrigating and I think that has been so each year since the management has been such, that we have not commenced irrigating until so late that a large part of the crops were injured and killed out-right. That is why I say that last year it was away in June before we had any water to amount to anything and last year was a very dry season. We should have water in April, early in April. That has been the situation each year, giving the reason that some years that some of the lands were not watered that had been watered the year before. One year the dam went out causing us to loose the water for about a month and in that year some of the lands were not watered that were watered the year before and some of the lands had changed ownership, causing a break. In 1913, we had no power practically all summer. We lost our crops, though many of them had been irrigated once.

- Q. In 1914, you were unable to get water at all?
- A. 1913.
- Q. Were you able, or were you unable to get power in 1914?
- A. We had power in 1914.
- Q. Who got the power in 1914.
- A. The directors of the District.
- Q. The Canyon Hill Irrigation Company was unable to get power in 1914. Was that not a fact?
- A. It was not a fact. The Canyon Hill Irrigation Company could have bought the power but was depending upon the District.
- Q. Was it not a fact that the reason the Caldwell Irrigation District operated this plant in 1914, was that the Canyon Hill Irrigation Company was unable to secure the power to operate the plant?
- A. No sir. It was not a fact. The Canyon Hill Irrigation Company could have had the power had they seen fit.
- Q. Is it not a fact Mr. Allison, that there has not been irrigated of the lands described in Applicant's Exhibit A., to exceed two hundred acres in any year?
- A. Well it may not be much over two hundred acres. In 1911, about two hundred acres were watered, I remember that. And the other years different lands were watered.
- Q. This plant was operated to its full capacity in the year 1915?
- A. No sir, if I understand what you mean by 'full capacity'.
- Q. Well that it diverted all the water from Indian Creek to the land in question, that is all of the water that it was possible for it to divert. Did it not?
- A. No. Not one-fourth.

- Q. No, I think you misunderstood my question Mr. Allison. I mean at any one time.
- A. You mean any one year? There perhaps was a year or two that it run to its full capacity. There may have been years when it did.
- Q. And for days at a time?
- A. Not to my knowledge. I might say too by the way that the plant needed overhauling last spring, and the plant failed because it was not properly overhauled and on account of wear and use.
- Q. You were an officer of the Caldwell Irrigation District were you not, Mr. Allison?
- A. Yes, I was secretary two months I think. Something like that.
- Q. And you have also been an officer during the year that you have mentioned that the Canyon Hill Irrigation Company was operating this plant and during the last two years an officer of the Canyon Hill Irrigation Company, were you not?
- A. I have been President yes, since the organization.
- Q. The lands that you have described in Applicant's Exhibit A. are included in a part of the Caldwell Irrigation District are they not?
- A. Yes.
- Q. The land that you mentioned a while ago as being adopted by the Caldwell Irrigation District for irrigation of the lands within the District, were adopted for the purpose of irrigating all of the lands within the District, were they not?
- A. Provided the District bought the whole plant. Otherwise not.
- Q. Will you state what the real purpose of the organization of Caldwell Irrigation District was.

Objected to as not the best evidence and immaterial.

Objection over-ruled.

- A. The real purpose of the District was to get all the land under irrigation on the hill, in the best possible way for everybody concerned. It was all agreed upon peaceably in Mr. Walters office by the parties connected

-A- and we went into details as to who should pay for the improvements needed. Mr. Brainard, Mr. Walters and Mr. Gwinn were present. Before we formed the District at all, we all agreed upon it that the land that had this system was to have a water right free of cost and that the people who had no interest in the water were to complete the system, and the people who had the water rights in the Canyon Hill Irrigation Company were to take bonds for payment.

Q. In payment for what?

A. In payment for their water right.

Q. You were Secretary of the Caldwell Irrigation District and an officer of the Canyon Hill Irrigation Company at that time?

A. I was.

Q. These plans or this plan for the irrigation of the lands within the Caldwell Irrigation District was finally submitted to the people for their authorization to finance the the manner of carrying out the plans, were they not?

A. Not to my knowledge.

Q. What was the plan for financing the system or the plan attempted by the Directors of the Caldwell Irrigation District?

Objected to as not the best evidence and immaterial.

Mr. E. C. S. Brainard being first duly sworn,
testifies as follows:

Q. Stat your name, age, residence, occupation and postoffice address.

A. Fifty-one years old, Payette, Idaho. I'll be darned if I know what my occupation is, farming I gess.

Q. Are you acquainted with the Canyon Hill Irrigation Company?

A. I am. I am one of the directors of the corporation.

Q. One of the directors?

A. Yes sir.

Q. You know that the Canyon Hill Irrigation is the owner of permit 5515.

A. I do.

Q. Where is its principal place of business?

A. Caldwell, Idaho.

Q. Have you read permit 5515?

A. I have.

Q. And are familiar with its provisions and contents?

A. I am.

Q. What is the source of water supply?

A. Indian Creek.

Q. And the place of diversion?

A. As shown by the records of the State Engineer's office.

Q. Describe the works for conveying water from the point of diversion to place of use.

A. There is a dam in Indian Creek, diversion dam with an open channel to the base of the hill where there is located a pump station which lifts water to the first level where it is conveyed in an open ditch to a second pump station, being then conveyed through wooden pipe lines and open ditches.

135-

Q. How many feet of water do you estimate the said works will safely conduct to the place of use.

A. I could not answer that question in detail as I have never measured the water and only know as to its capacity as shown by various estimates.

Q. What is that capacity?

A. The State Engineer's certificate shows the capacity of the plant being sufficient to convey sixteen and one-half feet of water.

QUESTION BY MR. WILKIE.

Q. How much water have you seen being so conveyed?

A. I do not know. I never saw the plant operated to its full capacity and never measured it.

Q. Have you ever been present when the plant was in operation?

A. Yes.

Q. Did you see the stream that was delivered from it?

A. Only part of it.

Q. How large a stream of water did it appear to be?

A. I should imagine it was about One hundred fifty inches, possibly a little more.

Q. What were they doing at the other lift at this time?

A. I could not say. Part of the land is irrigated from one lift and part from another.

QUESTIONS BY MR. WALTERS

Q. What purpose is the water used for?

A. Irrigating.

Q. At what place or what land?

A. On the lands shown in applicants Exhibit A.

Q. You may state whether the land is cultivated or natural meadow land.

A. It is cultivated.

Q. What is the nature of the improvements that have been made as a direct result of irrigation?

A. The land has been taken out of the sagebrush stage and put into crops of various kinds, such as orchards, grain, alfalfa and other diversified crops.

Q. State the character of the land reclaimed.

A. It is bench land above the gravity of irrigation system and was arid land.

Q. Give your estimate of the amount of water required for its profitable cultivation.

A. From all former operations I had on the hill, I should say that a minimum of one-half inch to the acre would be sufficient to produce good crops.

Q. What interest, if any, have you in the watering of the lands mentioned?

A. I have no individual interest in the lands shown in applicants Exhibit A.. I represent some of the lands so shown as agent and own three lots in one of the townsite additions on the hill which is not shown in this proof. I have no other interest.

Q. You may state when, how, and in what amount, and to what extent you have witnessed the application to beneficial use of water diverted under the said permit.

A. I went over the system in the years 1910-11 and 12 at various times and saw the system in operation in places but never made a through inspection of the entire system in operation at any one time.

Q. The Canyon Hill Irrigation Company is a corporation under the laws of this State, is it not?

A. It is.

Q. How is the interest in water owned by this Company represented?

A. By stock share certificates which are not in any way tied to the land to obtain a water right. The owners must purchase a share of the corporation and pay the usual assessments.

Q. Do you know from what permit the Caldwell Irrigation District got water in the year 1914, for irrigation purposes?

A. So far as I know they used only the water of the Canyon Hill Irrigation Company under permit 5515. It was the same in the year 1915.

Q. What can you say with reference to the diligence with which this land has been brought under the irrigation since the filing on the water represented by permit 5515.

A. So far as I am able to say, the corporation has been diligent in application of the water as the finances of the corporation and the condition of the settlers on the hill would warrant.

Q. I hand you applicant Exhibit A. and ask you to examine it and state what it is.

A. It is the description of the lands under permit 5515 which the Canyon Hill Irrigation Company at this time are seeking to make proof of beneficial use of water under the permit.

Crossexamined by Mr. Griffiths.

Q. The land described in applicants Exhibit A. is not included within the Caldwell Irrigation District is it?

A. I could not say.

Q. You do not know?

A. No I have not checked up the limits of the District.

Q. Do you know that this land has had water applied to it?

A. I do.

Q. Have you examined the land?

A. I have.

Q. All of it?

A. I have been over all of the land shown in applicants Exhibit A.

Q. And you know that water has been applied to it for irrigation?

A. I do.

Q. You stated that you represented the owners of a portion of the land shown in applicants Exhibit A. I believe.

A. I did.

Q. What portion of the land do you represent?

A. Seventy-seven acres included in applicants Exhibit A., which is now owned by the Portland Trust & Savings Bank of Portland, which at the time that water was applied was owned by the Canyon Hill Development company, a

-A- majority of the stock of which corporation was owned by the New Plymouth Land and Colonization Company, of which corporation, I was the larger, and for several years looked after the handling of their property under this Irrigation District.

Q. Was that Seventy-seven acres irrigated in 1915?

A. No sir.

Q. Was that seventy-seven acres irrigated in 1914?

A. No sir. Application was made direct through me and the Canyon Hill Irrigation District who were operating the plant in question under a lease for water for this land and for reasons unknown to me they were unable to supply, or did not supply the water and I was unable to raise crops upon the larger portion of this land, sustaining some costs to the people I represented.

Q. Did you irrigate any of that land in 1915?

A. No sir.

Q. Did you irrigate any of it in 1914?

A. No sir. For reasons already stated.

Mr. W. B. Allison, being first duly sworn, testifies as follows:

Q. You may state your name, age, residence, occupation and post office address.

A. W. B. Allison, thirty years old, farmer, Caldwell.

Q. Are you acquainted with the Canyon Hill Irrigation Company, the holder of permit 5515?

A. Yes sir.

Q. How long have you known it?

A. Since 1912.

Q. Have you read or heard read permit No. 5515.

A. Yes sir.

Q. Then you are familiar with its terms and conditions?

A. Yes sir.

Q. What is the source of water supply?

A. Indian Creek.

Q. What is the place of diversion?

A. North 16° Eight minutes, West 733.3 feet from the Southeast corner, Section Twenty-six (26) Township Four (4) North of Range Three (3) West, B.M.

Q. Describe the works for conveying water from the point of diversion to the place of use.

A. They divert it from Indian creek by a dam and it runs through an open ditch to a pump house in which is installed an eight inch pump with a twenty horse power motor and is lifted twenty-four feet into another open ditch and runs into another pump house in which there is an eight inch pump and also a twenty-five horse power motor which lifts the water about forty-six feet where it is conveyed through a pipe line.

Q. How many second feet of water do you estimate said works will safely constitute to place of use?

A. I do not know.

Q. How much water have you seen being so conveyed?

A. I do not believe I had better guess.

Q. What is the size of the ditch that raises the water from the first pump?

A. It is about three feet at the bottom

Q. How high are the banks?

QUESTIONS BY MR. WILKIE.

Q. What is the width of the water line?

A. I should say about an average of three feet.

Q. And how wide when water is running?

A. I should say about five feet.

Q. And how deep?

A. I should say from six inches to two feet in depth.

Q. Have you any idea on what grade that ditch is built on?

A. That is very hard to tell, but it is not uniform by a long ways.

QUESTIONS BY MR. WALTERS.

- Q. Have you seen the pumps work to their full capacity?
- A. Yes sir.
- Q. How frequently?
- A. Lots of times, -that is at the highest capacity I have ever seen them work.

QUESTIONS BY MR. WILKIE.

- Q. Can you tell me at about what ^{velocity} ~~velocity~~ the water was running at when it was about six inches in depth?
- A. I would not want to guess at it.
- Q. Would it be running at two inches per second?
- A. I do not know.
- Q. You would not want to place an estimate on the number of second feet ~~per~~ ^{or} inches that were running at that time?
- A. No sir.

QUESTIONS BY MR. WALTERS.

- Q. For what purpose is the water used?
- A. Irrigation.
- Q. At what places?
- A. It has been used on these lands described in Applicants Exhibit A.
- Q. You hold in your hand Applicants Exhibit A. You may state what that is.
- A. It represents the location and the number of acres that have been watered on Canyon Hill.
- Q. Under permit 5515?
- A. Yes sir.
- Q. You may state whether these lands are cultivated lands or whether they are natural meadow lands.
- A. Cultivated.
- Q. What improvements, if any, have been made as a direct result of the use of water under this permit?
- A. Orchards, Alfalfa, and some pasture and general farming.

- Q. You may state the character of the lands that have been reclaimed.
- A. It is bench land, sagebrush and arid.
- Q. State in your estimation the amount of water required for profitable crops.
- A. It varies in the crops you raise.
- Q. For alfalfa.
- A. I do not know. I have never had any measured out to me but I know that it takes quite a bit more than it does for an orchard.
- Q. Would you say an inch to the acre steady flow would be sufficient?
- A. I should say so.
- Q. You think it would?
- A. Yes sir.
- Q. Have you any interest in the works?
- A. You mean in the Company? Q. yes.
- A. No sir.
- Q. Have you any interest in the lands described in Exhibit A.?
- A. I have.
- Q. In what way are you interested?
- A. I own some of the lands described in applicants Exhibit A.
- Q. What amount do you own?
- A. Eleven and one-fourth acres.
- Q. You may state when, how, in what amount and to what extent you have witnessed the application for beneficial use of water diverted under said permit.
- A. Since 1912 up until this last season, that is during the last three years. What was your next question?
- Q. In what amount?
- A. In various amounts.
- Q. And to what extent?
- A. You mean what acres I have seen water on?. I wont say all, but practically all the land that is described in Exhibit A. except a few rough points.

- Q. In what years?
- A. From 1912 up to the present year.
- Q. Have you seen water applied to all the land described in applicants Exhibit A. each year since 1912.
- A. I have not.
- Q. Then it has been applied to various portions of that land during the various years?
- A. It has been applied to some of it each year and some of it just certain years.
- Q. Who distributed the water under this permit in the year 1914?
- A. The Caldwell Irrigation District.
- Q. Did the Caldwell Irrigation District get the water they diverted from Indian Creek under permit 5515?
- A. They got it through the system.
- Q. Well where did they get it from?
- A. Indian Creek.
- Q. The same point of diversion?
- A. Yes sir.
- Q. Do you know whether the Caldwell Irrigation District had any arrangement to use water from permit 5515 during the irrigation season of 1914?
- A. No written agreement.

QUESTIONS BY MR. WILKIE.

- Q. Have you any source or other method of determining the amount of water you have applied?
- A. Nothing that I know of.

Cross examined by Mr. Griffiths.

- Q. You say that you have not applied ~~the~~ water to all of the lands described in applicants Exhibit A. in one year?
- A. I do not think so but would not say for sure.

- Q. How much land of that described in applicants Exhibit A. has been irrigated in one year.
- A. Well I should imagine the first year I was here, - it was 1912, that practically all of it was.
- Q. And how many acres of this land were irrigated in 1913?
- A. Well that I could not say exactly but the majority of it was, as it was in crops.
- Q. How many acres of those lands were irrigated in 1914?
- A. Just about the same as in 1913.
- Q. Could you give an estimate of how many acres were?
- A. Well I could go over it and figure it out.
- Q. Will you?
- A. Well it would leave out those lands that belong to the Portland people. That was seventy-seven acres I believe, with the exceptions of one or two little pieces, was irrigated, or irrigated at during that season.
- Q. How many acres were irrigated in 1915?
- A. Just about the same.
- Q. Did you say there was more than-
- A. There was more than seventy-seven acres in the South end that was not irrigated.
- Q. About how many acres?
- A. About eighty-five or ninety I think would be closer.
- Q. Did you say that there had been more than two hundred acres of those lands irrigated in 1915?
- A. In 1915?
- Q. Yes.
- A. I should say there had been.
- Q. How many more acres than two hundred?
- A. I do not know.
- Q. Well would you say there had been three hundred?
- A. No.
- Q. Would you say there had been as much as two hundred and fifty?
- A. That would be as close as I could guess.
- Q. You did not say whether there were more or less than two hundred and fifty acres in 1915.

A. I would not say.

Q. Would you say how many acres had been irrigated in 1914?

A. No, I could not say.

Q. How do you estimate that the quantity of water required for irrigating an acre of land is a minor's inch?

A. I do not believe that I mentioned it before but I understood that one-half inch per acre was all we were allowed on the hill.

Q. Do you think one-half inch is sufficient for the irrigation of that land?

A. I know nothing about it whatever.

Q. You know the lands that are included in the Caldwell Irrigation District?

A. I know generally.

Q. Are the lands in Applicants Exhibit A. included within the Caldwell Irrigation District.

A. They are.

Q. Approximately how many acres of land are included within the Caldwell Irrigation District.

A. Nine hundred and something.

QUESTIONS BY MR. WALTERS.

Q. You live on your land under this system do you not Mr. Allison?

A. I do. I have lived there continuously since 1912.

Q. A portion of the land belonging to the Caldwell cemetery was irrigated by the Caldwell Irrigation District in 1915, was it not?

A. It was.

Q. The water was taken through the system and from the point of diversion of the Canyon Hill Irrigation Company was it not?

A. I do not quite understand you, but it was taken under the same system, if that is what you mean.

Q. Could you estimate about how many acres of ^{the} cemetery were irrigated in 1915 from this system?

24.-

A. One half of the land was cultivated. I would say that they irrigated about ten acres.

Q. Did the water run over any other ground belonging to the Cemetery?

A. Waste water, yes.

Q. Is the land belonging to the cemetery included in Applicants Exhibit A.?

A. It was but has been stricken out.

J. J. Allison Recalled.

Q. The Canyon Hill Irrigation Company is a corporation under the laws of Idaho, is it not?

A. It is.

Q. How is the interest in this water right represented by the Canyon Hill Irrigation Company.

A. Represented by certificates of stock.

Q. You may state whether the Caldwell Irrigation District used the water from permit 5515 during the season of 1914.

A. The Caldwell Irrigation District?

Q. Yes.

A. Yes, by sufferance. They did without any arrangement.

Q. It was applied during that year on all, or a portion of the land in Applicants Exhibit A. was it not?

A. It was.

Q. Did the Caldwell Irrigation District irrigate a portion of the Caldwell cemetery during that year or during the year of 1915?

A. During the year of 1915.

Q. You may state as near as you can the amount of land irrigated in the cemetery in 1915.

A. I should judge it was from ten to fifteen acres.

Q. Are those lands included in applicants Exhibit A.?

A. They were but have been erased.

Q. You may state the diligence of the Canyon Hill Irrigation Company as used in applying water under permit 5515.

A. The Company, as a company has done all within its power considering its financial condition and the conditions under which the owners of the stock labored. It has done its utmost to water the land.

QUESTIONS BY MR. GRIFFITHS.

Q Is there any portion of the cemetery irrigated in 1915?

A. Not from the Canyon Hill Irrigation Company, except a little waste water that run through there.

Referring to the protests by B. W. Rice, D. G. Ruby and Jan Smit, I have checked up the lands mentioned in this protest and find that none of them are included in the lands upon which the applicant seeks to make proof of beneficial use, except the West half of Lot Four, Block Two, Murray's Addition to Caldwell, owned by D. G. Ruby.

Paragraph seven of said protests alleges that the works of the Canyon Hill Irrigation Company are not sufficient to deliver more than two second feet of water. Paragraph Eight alleges that the land is in an unfit condition for the performance of its work. That the State Engineer will take due notice of the allegations contained in paragraphs Seven and Eight and will cause an examination of the land to be made to determine the amount of water which can be delivered there by.

That if the protestant, D. G. Ruby, certifies to the State Engineer that he does not wish to have his land included in any license which might be issued to the Canyon Hill Irrigation Company, the same will be excluded, and the protest with the above exceptions is dismissed.

In the matter of the protest of Montie B. Gwinn, it is found that none of the lands are contained in the list upon which the company seeks to make proof of beneficial use; that the allegations contained in paragraphs Four and Five to the effect that the plant of the said Canyon Hill Irrigation Company is not sufficient to deliver more than two second feet of water, and that the same is in an unfit condition to perform its work. State Engineer takes due notice of these allegations and will cause an investigation. The protest is dismissed.

In the matter of the protest of J. L. Niday, D. G. Goodloe, Charles Sandberg and others, if any of the protestants shall certify to the State Engineer that they do not desire to remain or to be included in the license, or any license which might be issued to the Canyon Hill Irrigation Company, the same will be excluded from said license and the protest itself is dismissed.

It is hereby stipulated by and between the applicant and the various protestants that the affidavit of W. A. Alexander of Salt Lake City, Utah, on behalf of the applicant and affidavits of J. B. Wright and Bert Fuller, may be filed with the State Engineer within fifteen days this date and be considered by the State Engineer as evidence taken at this hearing.

STATEMENTS BY MR. GRIFFITHS.

I will state on the part of the protestant, Caldwell Irrigation District and the other individual protestants, that it is our contention that the Caldwell Irrigation District

was organized by the officers and stock holders of the Canyon Hill Irrigation Company for the purpose of forcing all of the land on Canyon Hill to participate in the cost of reclaiming the lands which were sought to be reclaimed by the applicant, and to force the reclamation of the balance of the lands included within the District; that the plan proposed and adopted for the management and operation of the Districts works, were rejected by the electors of the District; that the District then sought to provide a plan, or modify the plan originally provided so as to decrease the cost of the reclamation of those lands. In endeavoring to carry out this modified plan, the applicant was requested to change the place of diversion of the water from Indian Creek under permit 5515 to a point higher up on Indian Creek and thereby eliminate one lift; that applicant declined to make the change or permit the modification of the plan and that the Caldwell Irrigation District thereupon provided a different plan for the reclamation of all of the lands within its boundry. That in order to successfully reclaim the lands within the boundaries of the Caldwell Irrigation District it is necessary and indispensable that all of said lands should be supplied with water for irrigation by means of, and through the same system, and by means of and through a system of less expense in both the construction costs and in the cost of maintenance and operation than the system and plan proposed by the applicant.

QUESTION BY MR. WILKIE.

In your official Capacity in connection with the Canyon Hill Irrigation company, have you ever made any bargain for the sale or disposal of this water right to any other parties to take the control away from the Company at the present time?

Q. None whatever, if I understand you right.

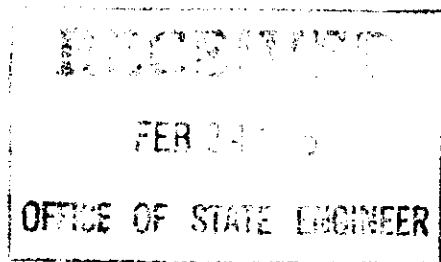
Q. You still claim the right to exercise all of the privileges and receive all of the benefits that you ever did?

A. We do more than that. The Canyon Hill Irrigation Company thought they were working in a friendly way with the District in co-operating in the best plan of irrigating the hill, be that whatever it might be. And the President of the Canyon Hill Irrigation Company with his engineer, paid by himself, made the initial survey of the plan the District now proposed to use, thinking it was for mutual benefit, and then he went in his own conveyance with the engineer of the District and made a survey of the lines that they now proposed, and that the whole plan was initiated by the Canyon Hill Irrigation Company, and moreover, through the influence and appointment of the President of the Canyon Hill Irrigation Company, negotiations were opened by the Caldwell Irrigation District and the Pioneer Irrigation District by which a junction could be made, thinking all the time that he was working for the mutual interest of the community, and that the Irrigation Company for two years have been kept out of any negotiations for the improvement of its plant because of this mutual understanding with the people on the hill.

Q. What do you mean when you refer to the plan as now proposed by the Irrigation District?

A. The District have made a survey for an irrigation system to take the water out of Indian Creek some two miles above the Midway Schoolhouse, carrying the water down through the open ditches thereby saving the dam in Indian Creek and one pumping plant.

Q. Well that does not appear in the record of this hearing in any manner heretofore and is not really an essential part of this.



IN THE MATTER OF PROOF OF the bene-
ficial use of the Canyon Hill
Irrigation Company, Permit No. 515.)

H E A R I N G.

This cause came on regularly for hearing before R. S. Madden, Notary Public, at Caldwell, Idaho, at ten o'clock A. M. on the 29th. day of January, 1916, and was continued until two o'clock P.M., Protest having been filed against the issuance of license under said permit. Mr. T. A. Walters appearing for Applicant and Walter Griffiths for Protestants, J. L. Nidey, D. C. Goodloe, Charles Sandberg, J. B. Wright, William Young, Lizzie Young, Estelle Young, M. E. Gilgen, C. A. Oakes, A. J. Griffiths, Walter Griffiths, A. E. Holt and A. E. Gibson; Thos. E. Buckner appearing for the Protestants Montie B. Gwinn, D. J. Ruby and Jan Sait, and the State Engineer's office being represented by F. A. ^{Deputy} Wilkie, State Engineer.

IT IS STIPULATED AND AGREED By all the parties appearing herein, that the testimony introduced, shall be taken by a stenographer, and that the notes so taken by her shall be transcribed and certified, and when certified by her, shall be used as the evidence in this matter.

IT IS FURTHER STIP LATED AND AGREED That each party introducing testimony into this record shall be required to pay their portion of such record to the stenographer for taking such testimony and transcribing such record.

The stenographer being first duly sworn to take and transcribe the evidence as given, J.J. Allison was called by Applicant and being first duly sworn testified as follows:

Appellants presents a paper and asks to have it marked "Appellants Exhibit A."

We offer Exhibit A. in evidence for the purpose of showing the number and description of the land the Applicant seek to prove up on.

Appellants Exhibit A. Admitted.

- Q. You may state your name, age and residence.
- A. John J. Allison, Sixty-three, Caldwell, Idaho.
- Q. Are you acting on your own behalf or on the behalf of a corporation?
- A. On behalf of a corporation.
- Q. Name the Corporation.
- A. The Canyon Hill Irrigation Company.
- Q. What office, if any, do you hold in the Company?
- A. I am president of the Company.
- Q. As such president then you appear on behalf of the Company?
- A. I do.
- Q. What is the number and date of the permit ?
- A. The number of the permit is 5515.
- Q. Is that the original number of the permit?
- A. It is.
- Q. Has there been any extension on that permit?
- A. There has been two extensions.
- Q. Have you that permit in your possession?
- A. I have.

Permit No. 5515 introduced in evidence.

-3-

Q. What is the date of priority you proposed to establish in the permit?

A. October, 15th. 1909.

Q. You may state the source of the water supply.

A. Indian Creek.

Q. What is the location of the point at version?

A. I refer to the work or the Completion of Works filed in the State Engineers Office.

The Certificate of Completion of Works introduced in evidence.

Q. You may describe the diversion works.

A. At the point of diversion we have a dam on Indian Creek that throws the water into an open ditch several hundred feet in length carrying the water to a pump house of brick, in which is a twenty horse power motor connected with an eight inch pump which lifts the water twenty-four feet into another open ditch running about seven or nine thousand feet to another pump consisting of a twenty-five horse power motor and an eight inch pump which lifts the water two elevations, one is thirty-four feet, the other is forty-six feet. From these taps the water is distributed over about Nine Hundred acres of land partly by underground pipe lines and partly by ditches.

Q. What amount of water are the works capable of conveying from the point of diversion to the places of use.

A. There are two places of use and I never measured the water and can not tell, except as to the size of the motors and pumps.

Q. Are you unable to state how much water the works will convey to the place of use?

A. I am with accuracy.

Q. You may state to the best of your knowledge the amount of water they did convey.

A. I could not guess on a thing like that as I have no knowledge of such matters.

Q. You may state whether you have had the works operated to its full capacity.

A. We have as far as my knowledge goes.

Q. Is the party present who made the estimates as to the capacity of these pumps?

A. He is not.

Q. Who made the estimates?

A. Mr. McGee made some.

Q. Who is Mr. McGee?

A. Guy McGee.

Q. Lives here in town does he?

A. He is an engineer, lives in Caldwell

QUESTIONS BY MR. WILKIE.

Q. What is the make of these pumps?

A. Byron & Jackson, Eight inch centrifugal pumps.

Q. QUESTIONS BY MR. WALTERS.

Q. What purpose is the water used for?

A. Irrigation.

Q. You may give each subdivision in which it has been used and the number of acres in each subdivision that have actually been irrigated.

A. I have a letter in my hand

Q. You refer to Exhibit A which has been introduced in evidence.

A. I do.

Q. Has this land described in Exhibit A. been actually cultivated or is it meadow land.

A. It has been cultivated with the exception of a few rocky bluffs.

- Q. What improvements, if any have been made as a direct result of the use of the water.
- A. About twenty-five acres in orchard.
- Q. Any other improvements?
- A. Other improvements? Yes, as alfalfa fields and grain.
- Q. What is the minimum amount of water required for the irrigation of the lands described in Exhibit A.?
- A. The Company had limited to one-half inch per acre.
- Q. Is that the minimum amount required in your estimation?
- A. I do not know.
- Q. Are you the representative of the Corporation to whom the permit was issued?
- A. I am not.
- Q. To whom was the permit issued?
- A. Hall and Apperson, representing the Canyon Hill Development Company.
- Q. How did the present Company acquire ownership?
- A. By purchase.
- Q. Did they receive any instrument of conveyance?
- A. Everything was deeded to the Company in writing.
- Q. You may state when the water diverted under this permit has been used on the lands described.
- A. 1910-11 and 12 by the Development Company and the Canyon Hill Irrigation Company later, 1914 and 1915 under the management of the Caldwell Irrigation District.
- Q. By what arrangements did the Caldwell Irrigation District distribute the water?
- A. In 1914 by sufferance.
- Q. In 1915 who distributed the water?
- A. The Caldwell Irrigation District.
- Q. By what arrangements?
- A. By lease.

Q. In what amounts and in what extent was the water diverted, used under this permit?

A. It was used to the full capacity of the pumps.

Q. Was the water so diverted used on the land described by you in Exhibit A.?

A. Yes.

Q. Has there been any other water than that taken under Permit 5515 used on these lands.

A. Occasionally in the spring time we had a little water from the Pioneer people.

Q. How long in the spring?

A. A month or so. It saved running our upper pumps.

Q. How much water during that month or so?

A. Enough to supply the pumps.

Q. These waters that came from the Pioneer People direct then were applied and used in the same manner as the water diverted under your permit were they?

A. They were.

Q. This is all the other water that was used on these lands?

A. To my knowledge, yes.

Q. There are no other permits nor applications for water for this land under which water has been diverted or used for their irrigation?

A. Not to my knowledge.

You may take the witness.

Cross-examined by Walter Griffiths.

Q. What year was the water first diverted on to this land?

A. I do not know.

Q. What year did your Company first divert water on to this land?

A. Do you mean the Canyon Hill Irrigation Company? 1911 and the water was on one year previous to that. In 1910 the water was on some of the land.

Q. How much of the land described in Applicants Exhibit A. was irrigated by your Company in 1911; from Indian Creek.

A. I can not answer that absolutely, but nearly all of it. In those two years it was nearly all irrigated that we have a lease of but it was not all irrigated in that year.

Q. How many acres described in applicants Exhibit A. were irrigated by your Company in the year 1912; from Indian Creek?

A. I am not sure as to which lands had the water in those two years, but there was much land that was not watered during that year, the dam went out and just how much was watered I do not know.

Q. How many acres of the lands described in Applicants Exhibit A. were irrigated by your Company from Indian Creek in the year 1913?

A. I have my years confused, but I am inclined to believe it was 1913, when we had the trouble with the dam and that we irrigated the lands in the years 1911, 1912, and 1913 from the other Company.

Q. You stated that your company did not divert the water from Indian Creek for the irrigation of these lands in the year 1914, I believe, did you not?

A. It was not under our immediate control. It was not in our ownership and to give my answer proper weight I might state that the reason it was not taken over by the district was that it was all understood when we organized the District that the Irrigation Company was to be immersed by purchase into the District and it is so stated on the records of the District in the organized papers therefore the Irrigation Company permitted the District to use the water thinking that it was already settled, that it belonged to the district.

Q. And it is also a fact is it that your company did not divert water from Indian Creek for the irrigation of these lands in the year 1915?

A. Owing to the interpretation of your words, we diverted the water under rental, the District diverted it.

A. The Canyon Hill Development Company operated the plant up until May, 1912, the Canyon Hill Irrigation Company operated the plant from May 1912, until the spring of 1914, Those are the correct dates.

Q. I will ask you to examine Protestants Exhibit No. 1.

Q. Do you know what that is?

A. Yes it is a lease.

Q. What lease?

A. It is a lease from the Canyon Hill Irrigation Company to the Caldwell Irrigation District of the Irrigation plant on Canyon Hill.

Q. This Exhibit 1. is what you referred to in your testimony as a lease.

A. It is.

We offer in evidence Protestants Exhibit No. 1.

Protestants' Exhibit No. 1. admitted in evidence.

Q. Did the Caldwell Irrigation District operate the works described in Protestant's Exhibit No. 1. during the year 1915.?

A. No. They pretended to.

Q. Merely a pretense and not in fact an operation.

A. Not turely.

Q. Is that the same of the year 1914?

A. not so bad but partly true.

Q. Practically the same?

A. Not parotically the same, but partly true.

Q. You stated the Caldwell Irrigation District was orgainzed for the purpose of taking over the Canyon Hill Irrigation Company's plant.

A. So stated in the organization papers and shown on the minutes.

Q. You promised the organization the organization of the District did you?

A. Well I had something to do with it.

Q. Initiated the creation of the District did you?

A. I don't know that I did that.

Q. What did you do towards the organization of the Canyon Hill Irrigation District?

A. I got the consent of all parties who had land on the outside, except one, that we would all go in together and form a District and irrigate the land described.

Q. Did you organize the district according to their consent afterwards?

A. I E could not say that I did. I had a hand in it with others.

Q. And the District was organized?

A. It was.

Q. What plans were proposed for the irrigation of the lands within the District?

Objected to as not the best evidence and immaterial.

Engineer overrules the objection.

Q. You mean that the Irrigation District was created for the purpose of purchasing the Canyon Hill Irrigation Company's Irrigation plant. Is that correct?

A. That is part of the proposition of the Organization of the District.

Q. I believe that you stated that you did not know how much water was taken from Indian Creek for the irrigation of the lands described in Exhibit A. in 1914, or 1915.

A. From the size of the pump, only.

Q. You have no personal knowledge of your own.

A. No.

- Q. Do you have any personal knowledge of the facts as to how many acres described Applicants Exhibit A. were irrigated in 1914 and 1915?
- A. I could not give an accurate answer to that unless I check up.
- Q. Check up? In what way do you mean?
- A. By going over the year and thinking it out as to just where the water went.
- Q. Then you do not know at the present time how many acres have been irrigated from Indian Creek?
- A. This lease shows it fairly well.
- Q. Does it show it accurately?
- A. As I stated there were some acres that run over the bluff. They were not, and as far as my knowledge goes and I have been there a good part of the time.
- Q. Have all these lands described in applicants Exhibit A. been irrigated from this source at one time or during any one season?
- A. There are some that were not irrigated. Some of these lands were not irrigated in 1911, but most of them. Then some of the lands that were watered in 1912, were not watered in 1911. Now I take it that the State Engineer wants to get at the truth of this matter and there may have been some statements that should be made in regard to this irrigation that are not brought out by the questions. And it is this, that the system should be sufficient to water these lands provided the system had been handled properly. In 1911, it was May before we began irrigating and I think that has been so each year since the management has been such, that we have not commenced irrigating until so late that a large part of the crops were injured and killed outright. That is why I say that last year it was away in June before we had any water to amount to anything and last year was a very dry season. We should have water in April, early in April. That has been the situation each year, giving the reason that some years that some of the lands were not watered that had been watered the year before. One year the dam went out causing us to loose the water for about a month and in that year some of the lands were not watered that were watered the year before and some of the lands had changed ownership, causing a break. In 1913, we had no power practically all summer. We lost our crops, though many of them had been irrigated once.

- Q. In 1914, you were unable to get water at all?
- A. 1913.
- Q. Were you able, or were you unable to get power in 1914?
- A. We had power in 1914.
- Q. Who got the power in 1914.
- A. The directors of the District.
- Q. The Canyon Hill Irrigation Company was unable to get power in 1914. Was that not a fact?
- A. It was not a fact. The Canyon Hill Irrigation Company could have bought the power but was depending upon the District.
- Q. Was it not a fact that the reason the Caldwell Irrigation District operated this plant in 1914, was that the Canyon Hill Irrigation Company was unable to secure the power to operate the plant?
- A. No sir. It was not a fact. The Canyon Hill Irrigation Company could have had the power had they seen fit.
- Q. Is it not a fact Mr. Allison, that there has not been irrigated of the lands described in Applicant's Exhibit A., to exceed two hundred acres in any year?
- A. Well it may not be much over two hundred acres. In 1911, about two hundred acres were watered, I remember that. And the other years different lands were watered.
- Q. This plant was operated to its full capacity in the year 1915?
- A. No sir, if I understand what you mean by 'full capacity'.
- Q. Well that it diverted all the water from Indian Creek to the land in question, that is all of the water that it was possible for it to divert. Did it not?
- A. No. Not one-fourth.

- Q. No, I think you misunderstood my question Mr. Allison. I mean at any one time.
- A. You mean any one year? There perhaps was a year or two that it run to its full capacity. There may have been years when it did.
- Q. And for days at a time?
- A. Not to my knowledge. I might say too by the way that the plant needed overhauling last spring, and the plant failed because it was not properly overhauled and on account of wear and use.
- Q. You were an officer of the Caldwell Irrigation District were you not, Mr. Allison?
- A. Yes, I was secretary two months I think. Something like that.
- Q. And you have also been an officer during the year that you have mentioned that the Canyon Hill Irrigation Company was operating this plant and during the last two years an officer of the Canyon Hill Irrigation Company, were you not?
- A. I have been President yes, since the organization.
- Q. The lands that you have described in Applicant's Exhibit A. are included in a part of the Caldwell Irrigation District are they not?
- A. Yes.
- Q. The land that you mentioned a while ago as being adopted by the Caldwell Irrigation District for irrigation of the lands within the District, were adopted for the purpose of irrigating all of the lands within the District, were they not?
- A. Provided the District bought the whole plant. Otherwise not.
- Q. Will you state what the real purpose of the organization of Caldwell Irrigation District was.
- Objected to as not the best evidence and immaterial.
- Objection over-ruled.
- A. The real purpose of the District was to get all the land under irrigation on the hill, in the best possible way for everybody concerned. It was all agreed upon peaceably in Mr. Walters office by the parties connected

-A- and we went into details as to who should pay for the improvements needed. Mr. Brainard, Mr. Walters and Mr. Gwinn were present. Before we formed the District at all, we all agreed upon it that the land that had this system was to have a water right free of cost and that the people who had no interest in the water were to complete the system, and the people who had the water rights in the Canyon Hill Irrigation Company were to take bonds for payment.

Q. In payment for what?

A. In payment for their water right.

Q. You were Secretary of the Caldwell Irrigation District and an officer of the Canyon Hill Irrigation Company at that time?

A. I was.

Q. These plans or this plan for the irrigation of the lands within the Caldwell Irrigation District was finally submitted to the people for their authorization to finance the the manner of carrying out the plans, were they not?

A. Not to my knowledge.

Q. What was the plan for financing the system or the plan attempted by the Directors of the Caldwell Irrigation District?

Objected to as not the best evidence and immaterial.

Mr. E. C. S. Brainard being first duly sworn,
testifies as follows:

Q. Stat your name, age, residence, occupation and postoffice address.

A. Fifty-one years old, Payette, Idaho. I'll be darned if I know what my occupation is, farming I gess.

Q. Are you acquainted with the Canyon Hill Irrigation Company?

A. I am. I am one of the directors of the corporation.

Q. One of the directors?

A. Yes sir.

Q. You know that the Canyon Hill Irrigation is the owner of permit 5515.

A. I do.

Q. Where is its principal place of business?

A. Caldwell, Idaho.

Q. Have you read permit 5515?

A. I have.

Q. And are familiar with its provisions and contents?

A. I am.

Q. What is the source of water supply?

A. Indian Creek.

Q. And the place of diversion?

A. As shown by the records of the State Engineer's office.

Q. Describe the works for conveying water from the point of diversion to place of use.

A. There is a dam in Indian Creek, diversion dam with an open channel to the base of the hill where there is located a pump station which lifts water to the first level where it is conveyed in an open ditch to a second pump station, being then conveyed through open pipe lines and open ditches.

Q. How many feet of water do you estimate the said works will safely conduct to the place of use.

A. I could not answer that question in detail as I have never measured the water and only know as to its capacity as shown by various estimates.

Q. What is that capacity?

A. The State Engineer's certificate shows the capacity of the plant being sufficient to convey sixteen and one-half feet of water.

QUESTION BY MR. WILKIE.

Q. How much water have you seen being so conveyed?

A. I do not know. I never saw the plant operated to its full capacity and never measured it.

Q. Have you ever been present when the plant was in operation?

A. Yes.

Q. Did you see the stream that was delivered from it?

A. Only part of it.

Q. How large a stream of water did it appear to be?

A. I should imagine it was about One hundred fifty inches, possibly a little more.

Q. What were they doing at the other lift at this time?

A. I could not say. Part of the land is irrigated from one lift and part from another.

QUESTIONS BY MR. WALTERS

Q. What purpose is the water used for?

A. Irrigating.

Q. At what place or what land?

A. On the lands shown in applicants Exhibit A.

Q. You may state whether the land is cultivated or natural meadow land.

A. It is cultivated.

- Q. What is the nature of the improvements that have been made as a direct result of irrigation?
- A. The land has been taken out of the sagebrush stage and put into crops of various kinds, such as orchards, grain, alfalfa and other diversified crops.
- Q. State the character of the land reclaimed.
- A. It is bench land above the gravity of irrigation system and was arid land.
- Q. Give your estimate of the amount of water required for its profitable cultivation.
- A. From all former operations I had on the hill, I should say that a minimum of one-half inch to the acre would be sufficient to produce good crops.
- Q. What interest, if any, have you in the watering of the lands mentioned?
- A. I have no individual interest in the lands shown in applicants Exhibit A.. I represent some of the lands so shown as agent and own three lots in one of the townsite additions on the hill which is not shown in this proof. I have no other interest.
- Q. You may state when, how, and in what amount, and to what extent you have witnessed the application to beneficial use of water diverted under the said permit.
- A. I went over the system in the years 1910-11 and 12 at various times and saw the system in operation in places but never made a through inspection of the entire system in operation at any one time.
- Q. The Canyon Hill Irrigation Company is a corporation under the laws of this State, is it not?
- A. It is.
- Q. How is the interest in water owned by this Company represented?
- A. By stock share certificates which are not in any way tied to the land to obtain a water right. The owners must purchase a share of the corporation and pay the usual assessments.
- Q. Do you know from what permit the Caldwell Irrigation District got water in the year 1914, for irrigation purposes?
- A. So far as I know they used only the water of the Canyon Hill Irrigation Company under permit 5515. It was the same in the year 1915.

Q. What can you say with reference to the diligence with which this land has been brought under the irrigation since the filing on the water represented by permit 5515.

A. So far as I am able to say, the corporation has been diligent in application of the water as the finances of the corporation and the condition of the settlers on the hill would warrant.

Q. I hand you applicant Exhibit A. and ask you to examine it and state what it is.

A. It is the description of the lands under permit 5515 which the Canyon Hill Irrigation Company at this time are seeking to make proof of beneficial use of water under the permit.

Crossexamined by Mr. Griffiths.

Q. The land described in applicants Exhibit A. is not included within the Caldwell Irrigation District is it?

A. I could not say.

Q. You do not know?

A. No I never have checked up the limits of the District.

Q. Do you know that this land has had water applied to it?

A. I do.

Q. Have you examined the land?

A. I have.

Q. All of it?

A. I have been over all of the land shown in applicants Exhibit A.

Q. And you know that water has been applied to it for irrigation?

A. I do.

Q. You stated that you represented the owners of a portion of the land shown in applicants Exhibit A. I believe.

A. I did.

Q. What portion of the land do you represent?

A. Seventy-seven acres included in applicants Exhibit A., which is now owned by the Portland Trust & Savings Bank of Portland, which at the time that water was applied was owned by the Canyon Hill Development company, a

-A- majority of the stock of which corporation was owned by the New Plymouth Land and Colonization Company, of which corporation, I was the larger and for several years looked after the handling of their property under this Irrigation District.

Q. Was that Seventy-seven acres irrigated in 1913?

A. No sir.

Q. Was that seventy-seven acres irrigated in 1914?

A. No sir. Application was made direct through me and the Canyon Hill Irrigation District who were operating the plant in question under a lease for water for this land and for reasons unknown to me they were unable to supply, or did not supply the water and I was unable to raise crops upon the larger portion of this land, sustaining some costs to the people I represented.

Q. Did you irrigate any of that land in 1915?

A. No sir.

Q. Did you irrigate any of it in 1914?

A. No sir. For reasons already stated.

Mr. W. B. Allison, being first duly sworn, testifies as follows:

Q. You may state your name, age, residence, occupation and post office address.

A. W. B. Allison, thirty years old, farmer, Caldwell.

Q. Are you acquainted with the Canyon Hill Irrigation Company, the holder of permit 5515?

A. Yes sir.

Q. How long have you known it?

A. Since 1912.

Q. Have you read or heard read permit No. 5515.

A. Yes sir.

Q. Then you are familiar with its terms and conditions?

A. Yes sir.

Q. What is the source of water supply?

A. Indian Creek.

Q. What is the place of diversion?

A. North 16⁰ Eight minutes, West 733.3 feet from the Southeast corner, Section Twenty-six (26) Township Four (4) North of Range Three (3) West, B.M.

Q. Describe the works for conveying water from the point of diversion to the place of use?

A. They divert it from Indian creek by a dam and it runs through an open ditch to a pump house in which is installed an eight inch pump with a twenty horse power motor and is lifted twenty-four feet into another open ditch and runs into another pump house in which there is an eight inch pump and also a twenty-five horse power motor which lifts the water about forty-six feet where it is conveyed through a pipe line.

Q. How many second feet of water do you estimate said works will safely constitute to place of use?

A. I do not know.

Q. How much water have you seen being so conveyed?

A. I do not believe I had better guess.

Q. What is the size of the ditch that raises the water from the first pump?

A. It is about three feet at the bottom

Q. How high are the banks?

QUESTIONS BY MR. WILKIE.

Q. What is the width of the water line?

A. I should say about an average of three feet.

Q. And how wide when water is running?

A. I should say about five feet.

Q. And how deep?

A. I should say from six inches to two feet in depth.

Q. Have you any idea on what grade that ditch is built on?

A. That is very hard to tell, but it is not uniform by a long ways.

QUESTIONS BY MR. WALTERS.

Q. Have you seen the pumps work to their full capacity?

A. Yes sir.

Q. How frequently?

A. Lots of times, -that is at the highest capacity I have ever seen them work.

QUESTIONS BY MR. WILKIE.

Q. Can you tell me at about what validity the water was running at when it was about six inches in depth?

A. I would not want to guess at it.

Q. Would it be running at two inches per second?

A. I do not know.

Q. You would not want to place an estimate on the number of second feet per inch that were running at that time?

A. No sir.

QUESTIONS BY MR. WALTERS.

Q. For what purpose is the water used?

A. Irrigation.

Q. At what places?

A. It has been used on these lands described in Applicants Exhibit A.

Q. You hold in your hand Applicants Exhibit A. You may state what that is.

A. It represents the location and the number of acres that have been watered on Canyon Hill.

Q. Under permit 5515?

A. Yes sir.

Q. You may state whether these lands are cultivated lands or whether they are natural meadow lands.

A. Cultivated.

Q. What improvements, if any, have been made as a direct result of the use of water under this permit?

A. Orchards, Alfalfa, and some pasture and general farming.

- Q. You may state the character of the lands that have been reclaimed.
- A. It is bench land, sagebrush and arid.
- Q. State in your estimation the amount of water required for profitable crops.
- A. It varies in the crops you raise.
- Q. For alfalfa.
- A. I do not know. I have never had any measured out to me but I know that it takes quite a bit more than it does for an orchard.
- Q. Would you say an inch to the acre steady flow would be sufficient?
- A. I should say so.
- Q. You think it would?
- A. Yes sir.
- Q. Have you any interest in the works?
- A. You mean in the Company? Q. yes.
- A. No sir.
- Q. Have you any interest in the lands described in Exhibit A.?
- A. I have.
- Q. In what way are you interested?
- A. I own some of the lands described in applicants Exhibit A.
- Q. What amount do you own?
- A. Eleven and one-fourth acres.
- Q. You may state when, how, in what amount and to what extent you have witnessed the application for beneficial use of water diverted under said permit.
- A. Since 1912 up until this last season, that is during the last three years. What was your next question?
- Q. In what amount?
- A. In various amounts.
- Q. And to what extent?
- A. You mean what acres I have seen water on? I wont say all, but practically all the land that is described in Exhibit A. except a few rough points.

- Q. In what years?
- A. From 1912 up to the present year.
- Q. Have you seen water applied to all the land described in applicants Exhibit A. each year since 1912.
- A. I have not.
- Q. Then it has been applied to various portions of that land during the various years?
- A. It has been applied to some of it each year and some of it just certain years.
- Q. Who distributed the water under this permit in the year 1914?
- A. The Caldwell Irrigation District.
- Q. Did the Caldwell Irrigation District get the water they diverted from Indian Creek under permit 5515?
- A. They got it through the system.
- Q. Well where did they get it from?
- A. Indian Creek.
- Q. The same point of diversion?
- A. Yes sir.
- Q. Do you know whether the Caldwell Irrigation District had any arrangement to use water from permit 5515 during the irrigation season of 1914?
- A. No written agreement.

QUESTIONS BY MR. WILKIE.

- Q. Have you any source or other method of determining the amount of water you have applied?
- A. Nothing that I know of.

Cross examined by Mr. Griffiths.

- Q. You say that you have not applied ~~the~~ water to all of the lands described in applicants Exhibit A. in one year?
- A. I do not think so but would not say for sure.

Q. How much land of that described in applicants Exhibit A. has been irrigated in one year.

A. Well I should imagine the first year I was here, - it was 1912, that practically all of it was.

Q. And how many acres of this land were irrigated in 1913?

A. Well that I could not say exactly but the majority of it was, as it was in crops.

Q. How many acres of those lands were irrigated in 1914?

A. Just about the same as in 1913.

Q. Could you give an estimate of how many acres were?

A. Well I could go over it and figure it out.

Q. Will you?

A. Well it would leave out those lands that belong to the Portland people. That was seventy-seven acres I believe, with the exceptions of one or two little pieces, was irrigated, or irrigated at during that season.

Q. How many acres were irrigated in 1915?

A. Just about the same.

Q. Did you say there was more than-

A. There was more than seventy-seven acres in the South and that was not irrigated.

Q. About how many acres?

A. About eighty-five or ninety I think would be closer.

Q. Did you say that there had been more than two hundred acres of those lands irrigated in 1915?

A. In 1915?

Q. Yes.

A. I should say there had been.

Q. How many more acres than two hundred?

A. I do not know.

Q. Well would you say there had been three hundred?

A. No.

Q. Would you say there had been as much as two hundred and fifty?

A. That would be as close as I could guess.

Q. You did not say whether there were more or less than two hundred and fifty acres in 1915.

A. I would not say.

Q. Would you say how many acres had been irrigated in 1914?

A. No, I could not say.

Q. How do you estimate that the quantity of water required for irrigating an acre of land is a minor inch?

A. I do not believe that I mentioned it before but I understood that one-half inch per acre was all we were allowed on the hill.

Q. Do you think one-half inch is sufficient for the irrigation of that land?

A. I know nothing about it whatever.

Q. You know the lands that are included in the Caldwell Irrigation District?

A. I know generally.

Q. Are the lands in Applicants Exhibit A. included within the Caldwell Irrigation District.

A. They are.

Q. Approximately how many acres of land are included within the Caldwell Irrigation District.

A. Nine hundred and something.

QUESTIONS BY MR. WALTERS.

Q. You live on your land under this system do you not Mr. Allison?

A. I do. I have lived there continuously since 1912.

Q. A portion of the land belonging to the Caldwell cemetery was irrigated by the Caldwell Irrigation District in 1915, was it not?

A. It was.

Q. The water was taken through the system and from the point of diversion of the Canyon Hill Irrigation Company was it not?

A. I do not quite understand you, but it is taken under the same system, if that is what you mean.

Q. Could you estimate about how many acres of the cemetery were irrigated in 1915 from this system?

A. One half of the land was cultivated. I would say that they irrigated about ten acres.

Q. Did the water run over any other ground belonging to the Cemetery?

A. Waste water, yes.

Q. Is the land belonging to the cemetery included in Applicants Exhibit A.?

A. It was but has been stricken out.

J. J. Allison Recalled.

Q. The Canyon Hill Irrigation Company is a corporation under the laws of Idaho, is it not?

A. It is.

Q. How is the interest in this water right represented by the Canyon Hill Irrigation Company.

A. Represented by certificates of stock.

Q. You may state whether the Caldwell Irrigation District used the water from permit 5515 during the season of 1914.

A. The Caldwell Irrigation District?

Q. Yes.

A. Yes, by sufferance. They did without any arrangement.

Q. It was applied during that year on all, or a portion of the land in Applicants Exhibit A. was it not?

A. It was.

Q. Did the Caldwell Irrigation District irrigate a portion of the Caldwell cemetery during that year or during the year of 1915?

A. During the year of 1915.

Q. You may state as near as you can the amount of land irrigated in the cemetery in 1915.

A. I should judge it was from ten to fifteen acres.

Q. Are those lands included in applicants Exhibit A.?

A. They were but have been erased.

Q. You may state the diligence of the Canyon Hill Irrigation Company as used in applying water under permit 5515.

A. The Company, as a company has done all within its power considering its financial condition and the conditions under which the owners of the stock labored. It has done its utmost to water the land.

QUESTIONS BY MR. GRIFFITHS.

Q there any portion of the cemetery irrigated in 1914?

A. Not from the Canyon Hill Irrigation Company, except a little waste water that run through there.

Referring to the protests by B. W. Rice, D. G. Ruby and Jan Smit, I have checked up the lands mentioned in this protest and find that none of them are included in the lands upon which the applicant seeks to make proof of beneficial use, except the West half of Lot Four, Block Two, Murray's Addition to Caldwell, owned by B. G. Ruby.

Paragraph seven of said protests alleges that the works of the Canyon Hill Irrigation Company are not sufficient to deliver more than two second feet of water. Paragraph Eight alleges that the land is in an unfit condition for the performance of its work. That the State Engineer will take due notice of the allegations contained in paragraphs Seven and Eight and will cause an examination of the land to be made to determine the amount of water which can be delivered there by.

That if the protestant, D. G. Ruby, certifies to the State Engineer that he does not wish to have his land included in any license which might be issued to the Canyon Hill Irrigation Company, the same will be excluded, and the protest with the above exceptions is dismissed.

In the matter of the protest of Montie B. Gwinn, it is found that none of the lands are contained in the list upon which the company seeks to make proof of beneficial use; that the allegations contained in paragraphs Four and Five to the effect that the plant of the said Canyon Hill Irrigation Company is not sufficient to deliver more than two second feet of water, and that the same is in an unfit condition to perform its work. State Engineer takes due notice of these allegations and will cause an investigation. The protest is dismissed.

In the matter of the protest of J. L. Niday, D. G. Goodloe, Charles Sandberg and others, if any of the protestants shall certify to the State Engineer that they do not desire to remain or to be included in the license, or any license which might be issued to the Canyon Hill Irrigation Company, the same will be excluded from said license and the protest itself is dismissed.

It is hereby stipulated by and between the applicant and the various protestants that the affidavit of W. A. Alexander of Salt Lake City, Utah, on behalf of the applicant and affidavits of J. B. Wright and Bert Fuller, may be filed with the State Engineer within fifteen days this date and be considered by the State Engineer as evidence taken at this hearing.

STATEMENTS BY MR. GRIFFITHS.

I will state on the part of the protestant, Caldwell Irrigation District and the other individual protestants, that it is our contention that the Caldwell Irrigation District

was organized by the officers and stock holders of the Canyon Hill Irrigation Company for the purpose of forcing all of the land on Canyon Hill to participate in the cost of reclaiming the lands which were sought to be reclaimed by the applicant, and to force the reclamation of the balance of the lands included within the District; that the plan proposed and adopted for the management and operation of the Districts works, were rejected by the electors of the District; that the District then sought to provide a plan, or modify the plan originally provided so as to decrease the cost of the reclamation of those lands. In endeavoring to carry out this modified plan, the applicant was requested to change the place of diversion of the water from Indian Creek under permit 5515 to a point higher up on Indian Creek and thereby eliminate onelift; that applicant declined to make the change or permit the modification of the plan and that the Caldwell Irrigation District thereupon provided a different plan for the reclamation of all of the lands within its boundary. That in order to successfully reclaim the lands within the boundaries of the Caldwell Irrigation District it is necessary and indispensable that all of said lands should be supplied with water for irrigation by means of, and through the same system, and by means of and through a system of less expense in both the construction costs and in the cost of maintenance and operation than the system and plan proposed by the applicant.

QUESTION BY MR. WILKIE.

In your official Capacity in connection with the Canyon Hill Irrigation company, have you ever made any bargain for the sale or disposal of this water right to any other parties to take the control away from the company at the present time?

A. None whatever, if I understand you right.

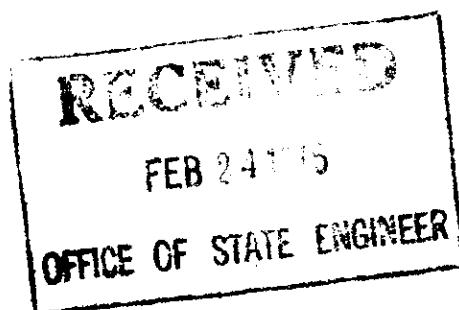
Q. You still claim the right to exercise all of the privileges and receive all of the benefits that you ever did?

A. We do more than that. The Canyon Hill Irrigation Company thought they were working in a friendly way with the District in co-operating in the best plan of irrigating the hill, be that whatever it might be. And the President of the Canyon Hill Irrigation Company with his engineer, paid by himself, made the initial survey of the plan the District now proposed to use, thinking it was for mutual benefit, and then he went in his own conveyance with the engineer of the District and made a survey of the lines that they now proposed, and that the whole plan was initiated by the Canyon Hill Irrigation Company, and moreover, through the influence and appointment of the President of the Canyon Hill Irrigation Company, negotiations were opened by the Caldwell Irrigation District and the Pioneer Irrigation District by which a junction could be made, thinking all the time that he was working for the mutual interest of the community, and that the Irrigation Company for two years have been kept out of any negotiations for the improvement of its plant because of this mutual understanding with the people on the hill.

Q. What do you mean when you refer to the plan as now proposed by the Irrigation District?

A. The District have made a survey for an irrigation system to take the water out of Indian Creek some two miles above the Midway Schoolhouse, carrying the water down through the open ditches thereby saving the dam in Indian Creek and one pumping plant.

Q. Well that does not appear in the record of this hearing in any manner heretofore and is not really an essential part of this.



IN THE MATTER OF PROOF OF the bene-
ficial use of the Canyon Hill
Irrigation Company, Permit No. 5515.)

H E A R I N G.

This cause came on regularly for hearing before R. S. Madden, Notary Public, at Caldwell, Idaho, at ten o'clock A. M. on the 29th. day of January, 1916, and was continued until two o'clock P.M., Protest having been filed against the issuance of license under said permit. Mr. T. A. Walters appearing for Applicant and Walter Griffiths for Protestants, J. L. Niday, D. C. Goodloe, Charles Sandberg, J. B. Wright, William Young, Lizzie Young, Estalla Young, M. E. Gilgan, C. A. Oakes, A. J. Griffiths, Walter Griffiths, A. E. Holt and A. E. Gibson; Thos. E. Buckner appearing for the Protestants Montie B. Gwinn, D. J. Ruby and Jan Smit, and the State Engineer's office being represented by F. A. Wilkie, State Engineer.

IT IS STIPULATED AND AGREED By all the parties appearing herein, that the testimony introduced, shall be taken by a stenographer, and that the notes so taken by her shall be transcribed and certified, and when certified by her, shall be used as the evidence in this matter.

IT IS FURTHER STIPULATED AND AGREED That each party introducing testimony into this record shall be required to pay their portion of such record to the stenographer for taking such testimony and transcribing such record.

The stenographer being first duly sworn to take and transcribe the evidence as given, J.J. Allison was called by Applicant and being first duly sworn testified as follows:

Appellants presents a paper and asks to have it marked "Appellants Exhibit A."

We offer Exhibit A. in evidence for the purpose of showing the number and discription of the land the Applicant seek to prove up on.

Appellants Exhibit A. Admitted.

- Q. You may state your name, age and residence.
- A. John J. Allison, Sixty-three, Caldwell, Idaho.
- Q. Are you acting on your own behalf or on the behalf of a corporation?
- A. On behalf of a corporation.
- Q. Name the Corporation.
- A. The Canyon Hill Irrigation Company.
- Q. What office, if any, do you hold in the Company?
- A. I am president of the Company.
- Q. As such president then you appear on behalf of the Company?
- A. I do.
- Q. What is the number and date of the permit ?
- A. The number of the permit is 5515.
- Q. Is that the original number of the permit?
- A. It is.
- Q. Has there been any extention on that permit?
- A. There has been two extentions.
- Q. Have you that permit in your possession?
- A. I have.

Permit No. 5515 introduced in evidence.

-3-

Q. What is the date of priority you proposed to establish in the permit?

A. October, 15th. 1909.

Q. You may state the source of the water supply.

A. Indian Creek.

Q. What is the location of the point at version?

A. I refer to the work or the Completion of Works filed in the State Engineers Office.

The Certificate of Completion of Works introduced in evidence.

Q. You may describe the diversion works.

A. At the point of diversion we have a dam on Indian Creek that throws the water into an open ditch several hundred feet in length carrying the water to a pump house of brick, in which is a twenty horse power motor connected with an eight inch pump which lifts the water twenty-four feet into another open ditch running about seven or nine thousand feet to another pump consisting of a twenty-five horse power motor and an eight inch pump which lifts the water two elevations, one is thirty-four feet, the other is forty-six feet. From these taps the water is distributed over about Nine Hundred acres of land partly by underground pipe lines and partly by ditches.

Q. What amount of water are the works capable of conveying from the point of diversion to the places of use.

A. There are two places of use and I never measured the water and can not tell, except as to the size of the motors and pumps.

Q. Are you unable to state how much water the works will convey to the place of use?

A. I am with accuracy.

Q. You may state to the best of your knowledge the amount of water they did convey.

A. I could not guess on a thing like that as I have no knowledge of such matters.

Q. You may state whether you have had the works operated to its full capacity.

A. We have as far as my knowledge goes.

Q. Is the party present who made the estimates as to the capacity of these pumps?

A. He is not.

Q. Who made the estimates?

A. Mr. McGee made some.

Q. Who is Mr. McGee?

A. Guy McGee.

Q. Lives here in town does he?

A. He is an engineer, lives in Caldwell

QUESTIONS BY MR. WILKIE.

Q. What is the make of these pumps?

A. Byron & Jackson, Eight inch centrifugal pumps.

Q. QUESTIONS BY MR. WALTERS.

Q. What purpose is the water used for?

A. Irrigation.

Q. You may give each subdivision in which it has been used and the number of acres in each subdivision that have actually been irrigated.

A. I have a letter in my hand

Q. You refer to Exhibit A which has been introduced in evidence.

A. I do.

Q. Has this land described in Exhibit A. been actually cultivated or is it meadow land.

A. It has been cultivated with the exception of a few rocky bluffs.

- Q. What improvements, if any have been made as a direct result of the use of the water.
- A. About twenty-five acres in orchard.
- Q. Any other improvements?
- A. Other improvements Yes, as alfalfa fields and grain.
- Q. What is the minimum amount of water required for the irrigation of the lands described in Exhibit A.?
- A. The Company had limited to one-half inch per acre.
- Q. Is that the minimum amount required in your estimation?
- A. I do not know.
- Q. Are you the representative of the Corporation to whom the permit was issued?
- A. I am not.
- Q. To whom was the permit issued?
- A. Hall and Apperson, representing the Canyon Hill Development Company.
- Q. How did the present Company acquire ownership?
- A. By purchase.
- Q. Did they receive any instrument of conveyance?
- A. Everything was deeded to the Company in writing.
- Q. You may state when the water diverted under this permit has been used on the lands described.
- A. 1910-11 and 12 by the Development Company and the Canyon Hill Irrigation Company later, 1914 and 1915 under the management of the Caldwell Irrigation District.
- Q. By what arrangements did the Caldwell Irrigation District distribute the water?
- A. In 1914 by sufferance.
- Q. In 1915 who distributed the water?
- A. The Caldwell Irrigation District.
- Q. By what arrangements?
- A. By lease.

Q. In what amounts and in what extent was the water diverted, used under this permit?

A. It was used to the full capacity of the pumps.

Q. Was the water so diverted used on the land described by you in Exhibit A.?

A. Yes.

Q. Has there been any other water than that taken under Permit 5515 used on these lands.

A. Occasionally in the spring time we had a little water from the Pioneer people.

Q. How long in the spring?

A. A month or so. It saved running our upper pumps.

Q. How much water during that month or so?

A. Enough to supply the pumps.

Q. These waters that came from the Pioneer People direct then were applied and used in the same manner as the water diverted under your permit were they?

A. They were.

Q. This is all the other water that was used on these lands?

A. To my knowledge, yes.

Q. There are no other permits nor applications for water for this land under which water has been diverted or used for their irrigation?

A. Not to my knowledge.

You may take the witness.

Cross-examined by Walter Griffiths.

Q. What year was the water first diverted on to this land?

A. I do not know.

- Q. What year did your Company first divert water on to this land?
- A. Do you mean the Canyon Hill Irrigation Company? 1911 and the water was on one year previous to that. In 1910 the water was on some of the land.
- Q. How much of the land described in Applicants Exhibit A. was irrigated by your Company in 1911; from Indian Creek.
- A. I can not answer that absolutely, but nearly all of it. In those two years it was nearly all irrigated that we have a lease of but it was not all irrigated in that year.
- Q. How many acres described in applicants Exhibit A. were irrigated by your Company in the year 1912; from Indian Creek?
- A. I am not sure as to which lands had the water in those two years, but there was much land that was not watered during that year, the dam went out and just how much was watered I do not know.
- Q. How many acres of the lands described in Applicants Exhibit A. were irrigated by your Company from Indian Creek in the year 1913?
- A. I have my years confused, but I am inclined to believe it was 1913, when we had the trouble with the dam and that we irrigated the lands in the years 1911, 1912, and 1913 from the other Company.
- Q. You stated that your company did not divert the water from Indian Creek for the irrigation of these lands in the year 1914, I believe, did you not?
- A. It was not under our immediate control. It was not in our ownership and to give my answer proper weight I might state that the reason it was not taken over by the district was that it was all understood when we organized the District that the Irrigation Company was to be immersed by purchase into the District and it is so stated on the records of the District in the organized papers therefore the Irrigation Company permitted the District to use the water thinking that it was already settled, that it belonged to the district.
- Q. And it is also a fact is it that your company did not divert water from Indian Creek for the irrigation of these lands in the year 1915?
- A. Owing to the interpretation of your words, we diverted the water under rental, the District diverted it.

A. The Canyon Hill Development Company operated the plant up until May, 1923, the Canyon Hill Irrigation Company operated the plant from May 1912, until the spring of 1914. Those are the correct dates.

Q. I will ask you to examine Protestants Exhibit No. 1.

Q. Do you know what that is?

A. Yes it is a lease.

Q. What lease?

A. It is a lease from the Canyon Hill Irrigation Company to the Caldwell Irrigation District of the Irrigation plant on Canyon Hill.

Q. This Exhibit 1. is what you referred to in your testimony as a lease.

A. It is.

We offer in evidence Protestants Exhibit No. 1.

Protestants' Exhibit No. 1. admitted in evidence.

Q. Did the Caldwell Irrigation District operate the works described in Protestant's Exhibit No. 1. during the year 1915?

A. No. They pretended to.

Q. Merely a pretense and not in fact an operation.

A. Not purely.

Q. Is that the same of the year 1914?

A. Not so bad but partly true.

Q. Practically the same?

A. Not practically the same, but partly true.

Q. You stated the Caldwell Irrigation District was organized for the purpose of taking over the Canyon Hill Irrigation Company's plant.

A. So stated in the organization papers and shown on the minutes.

Q. You promoted the organization the organization of the District and you?

A. Well I had something to do with it.

Q. Initiated the creation of the District did you?

A. I don't know that I did that.

Q. What did you do towards the organization of the Canyon Hill Irrigation District?

A. I got the consent of all parties who had land on the outside, except one, that we would all go in together and form a District and irrigate the land described.

Q. Did you organize the district according to their consent afterwards?

A. I E could not say that I did. I had a hand in it with others.

Q. And the District was organized?

A. It was.

Q. What plans were proposed for the irrigation of the lands within the District?

Objected to as not the best evidence and immaterial.

Engineer overrules the objection.

Q. You mean that the Irrigation District was created for the purpose of purchasing the Canyon Hill Irrigation Company's Irrigation plant. Is that correct?

A. That is part of the proposition of the Organization of the District.

Q. I believe that you stated that you did not know how much water was taken from Indian Creek for the irrigation of the lands described in Exhibit A. in 1914, or 1915.

A. From the size of the pump. only,

Q. You have no personal knowledge of your own.

A. No.

- Q. Do you have any personal knowledge of the facts as to how many acres described Applicants Exhibit A. were irrigated in 1914 and 1915?
- A. I could not give an accurate answer to that unless I check up.
- Q. Check up? In what way do you mean?
- A. By going over the year and thinking it out as to just where the water went.
- Q. Then you do not know at the present time how many acres have been irrigated from Indian Creek?
- A. This lease shows it fairly well.
- Q. Does it show it accurately?
- A. As I stated there were some acres that run over the bluff. They were not, and as far as my knowledge goes and I have been there a good part of the time.
- Q. Have all these lands described in applicants Exhibit A. been irrigated from this source at one time or during any one season?
- A. There are some that were not irrigated. Some of these lands were not irrigated in 1911, but most of them. Then some of the lands that were watered in 1912, were not watered in 1911. Now I take it that the State Engineer wants to get at the truth of this matter and there may have been some statements that should be made in regard to this irrigation that are not brought out by the questions. And it is this, that the system should be sufficient to water these lands provided the system had been handled properly. In 1911, it was May before we began irrigating and I think that has been so each year since the management has been such, that we have not commenced irrigating until so late that a large part of the crops were injured and killed out-right. That is why I say that last year it was away in June before we had any water to amount to anything and last year was a very dry season. We should have water in April, early in April. That has been the situation each year, giving the reason that some years that some of the lands were not watered that had been watered the year before. One year the dam went out causing us to loose the water for about a month and in that year some of the lands were not watered that were watered the year before and some of the lands had changed ownership, causing a break. In 1913, we had no power practically all summer. We lost our crops, though many of them had been irrigated once.

Q. In 1914, you were unable to get water at all?

A. 1913.

Q. Were you able, or were you unable to get power in 1914?

A. We had power in 1914.

Q. Who got the power in 1914.

A. The directors of the District.

Q. The Canyon Hill Irrigation Company was unable to get power in 1914. Was that not a fact?

A. It was not a fact. The Canyon Hill Irrigation Company could have bought the power but was depending upon the District.

Q. Was it not a fact that the reason the Caldwell Irrigation District operated this plant in 1914, was that the Canyon Hill Irrigation Company was unable to secure the power to operate the plant?

A. No sir. It was not a fact. The Canyon Hill Irrigation Company could have had the power had they seen fit.

Q. Is it not a fact Mr. Allison, that there has not been irrigated of the lands described in Applicant's Exhibit A., to exceed two hundred acres in any year?

A. Well it may not be much over two hundred acres. In 1911, about two hundred acres were watered, I remember that. And the other years different lands were watered.

Q. This plant was operated to its full capacity in the year 1915?

A. No sir, if I understand what you mean by 'full capacity'.

Q. Well that it diverted all the water from Indian Creek to the land in question, that is all of the water that it was possible for it to divert. Did it not?

A. No. Not one-fourth.

Q. No, I think you misunderstood my question Mr. Allison. I mean at any one time.

A. You mean any one year? There perhaps was a year or two that it run to its full capacity. There may have been years when it did.

Q. And for days at a time?

A. Not to my knowledge. I might say too by the way that the plant needed overhauling last spring, and the plant failed because it was not properly overhauled and on account of wear and use.

Q. You were an officer of the Caldwell Irrigation District were you not, Mr. Allison?

A. Yes, I was secretary two months I think. Something like that.

Q. And you have also been an officer during the year that you have mentioned that the Canyon Hill Irrigation Company was operating this plant and during the last two years an officer of the Canyon Hill Irrigation Company, were you not?

A. I have been President yes, since the organization.

Q. The lands that you have described in Applicant's Exhibit A. are included in a part of the Caldwell Irrigation District are they not?

A. Yes.

Q. The land that you mentioned a while ago as being adopted by the Caldwell Irrigation District for irrigation of the lands within the District, were adopted for the purpose of irrigating all of the lands within the District, were they not?

A. Provided the District bought the whole plant. Otherwise not.

Q. Will you state what the real purpose of the organization of Caldwell Irrigation District was.

Objected to as not the best evidence and immaterial.

Objection over-ruled.

A. The real purpose of the District was to get all the land under irrigation on the hill, in the best possible way for everybody concerned. It was all agreed upon peaceably in Mr. Walters office by the parties connected

-A- and we went into details as to who should pay for the improvements needed. Mr. Brainard, Mr. Walters and Mr. Gwinn were present. Before we formed the District at all, we all agreed upon it that the land that had this system was to have a water right free of cost and that the people who had no interest in the water were to complete the system, and the people who had the water rights in the Canyon Hill Irrigation Company were to take bonds for payment.

Q. In payment for what?

A. In payment for their water right.

Q. You were Secretary of the Caldwell Irrigation District and an officer of the Canyon Hill Irrigation Company at that time?

A. I was.

Q. These plans or this plan for the irrigation of the lands within the Caldwell Irrigation District was finally submitted to the people for their authorization to finance the the manner of carrying out the plans, were they not?

A. Not to my knowledge.

Q. What was the plan for financing the system or the plan attempted by the Directors of the Caldwell Irrigation District?

Objected to as not the best evidence and immaterial.

Mr. E. C. S. Brainard being first duly sworn,
testifies as follows:

Q. Stat your name, age, residence, occupation and postoffice address.

A. Fifty-one years old, Payette, Idaho. I'll be darned if I know what my occupation is, farming I guess.

Q. Are you acquainted with the Canyon Hill Irrigation Company?

A. I am. I am one of the directors of the corporation.

Q. One of the directors?

A. Yes sir.

Q. You know that the Canyon Hill Irrigation is the owner of permit 5515.

A. I do.

Q. Where is its principal place of business?

A. Caldwell, Idaho.

Q. Have you read permit 5515?

A. I have.

Q. And are familiar with its provisions and contents?

A. I am.

Q. What is the source of water supply?

A. Indian Creek.

Q. And the place of diversion?

A. As shown by the records of the State Engineer's office.

Q. Describe the works for conveying water from the point of diversion to place of use.

A. There is a dam in Indian Creek, diversion dam with an open channel to the base of the hill where there is located a pump station which lifts water to the first level where it is conveyed in an open ditch to a second pump station, being then conveyed through wooden pipe lines and open ditches.

215-

Q. How many feet of water do you estimate the said works will safely conduct to the place of use.

A. I could not answer that question in detail as I have never measured the water and only know as to its capacity as shown by various estimates.

Q. What is that capacity?

A. The State Engineer's certificate shows the capacity of the plant being sufficient to convey sixteen and one-half feet of water.

QUESTION BY MR. WILKIE.

Q. How much water have you seen being so conveyed?

A. I do not know. I never saw the plant operated to its full capacity and never measured it.

Q. Have you ever been present when the plant was in operation?

A. Yes.

Q. Did you see the stream that was delivered from it?

A. Only part of it.

Q. How large a stream of water did it appear to be?

A. I should imagine it was about One hundred fifty inches, possibly a little more.

Q. What were they doing at the other lift at this time?

A. I could not say. Part of the land is irrigated from one lift and part from another.

QUESTIONS BY MR. WALTERS

Q. What purpose is the water used for?

A. Irrigating.

Q. At what place or what land?

A. On the lands shown in applicants Exhibit A.

Q. You may state whether the land is cultivated or natural meadow land.

A. It is cultivated.

- Q. What is the nature of the improvements that have been made as a direct result of irrigation?
- A. The land has been taken out of the sagebrush stage and put into crops of various kinds, such as orchards, grain, alfalfa and other diversified crops.
- Q. State the character of the land reclaimed.
- A. It is bench land above the gravity of irrigation system and was arid land.
- Q. Give your estimate of the amount of water required for its profitable cultivation.
- A. From all former operations I had on the hill, I should say that a minimum of one-half inch to the acre would be sufficient to produce good crops.
- Q. What interest, if any, have you in the watering of the lands mentioned?
- A. I have no individual interest in the lands shown in applicants Exhibit A.. I represent some of the lands so shown as agent and own three lots in one of the townsite additions on the hill which is not shown in this proof. I have no other interest.
- Q. You may state when, how, and in what amount, and to what extent you have witnessed the application to beneficial use of water diverted under the said permit.
- A. I went over the system in the years 1910-11 and 12 at various times and saw the system in operation in places but never made a through inspection of the entire system in operation at any one time.
- Q. The Canyon Hill Irrigation Company is a corporation under the laws of this State, is it not?
- A. It is.
- Q. How is the interest in water owned by this Company represented?
- A. By stock share certificates which are not in any way tied to the land to obtain a water right. The owners must purchase a share of the corporation and pay the usual assessments.
- Q. Do you know from what permit the Caldwell Irrigation District got water in the year 1914, for irrigation purposes?
- A. So far as I know they used only the water of the Canyon Hill Irrigation Company under permit 5515. It was the same in the year 1915.

Q. What can you say with reference to the diligence with which this land has been brought under the irrigation since the filing on the water represented by permit 5515.

A. So far as I am able to say, the corporation has been diligent in application of the water as the finances of the corporation and the condition of the settlers on the hill would warrant.

Q. I hand you applicant Exhibit A. and ask you to examine it and state what it is.

A. It is the description of the lands under permit 5515 which the Canyon Hill Irrigation Company at this time are seeking to make proof of beneficial use of water under the permit.

Crossexamined by Mr. Griffiths.

Q. The land described in applicants Exhibit A. is not included within the Caldwell Irrigation District is it?

A. I could not say.

Q. You do not know?

A. No I have not checked up the limits of the District.

Q. Do you know that this land has had water applied to it?

A. I do.

Q. Have you examined the land?

A. I have.

Q. All of it?

A. I have been over all of the land shown in applicants Exhibit A.

Q. And you know that water has been applied to it for irrigation?

A. I do.

Q. You stated that you represented the owners of a portion of the land shown in applicants Exhibit A. I believe.

A. I did.

Q. What portion of the land do you represent?

A. Seventy-seven acres included in applicants Exhibit A., which is now owned by the Portland Trust & Savings Bank of Portland, which at the time that water was applied was owned by the Canyon Hill Development Company, a

-A- majority of the stock of which corporation was owned by the New Plymouth Land and Colonization Company, of which corporation, I was the larger and for several years looked after the handling of their property under this Irrigation District.

Q. Was that Seventy-seven acres irrigated in 1915?

A. No sir.

Q. Was that seventy-seven acres irrigated in 1914?

A. No sir. Application was made direct through me and the Canyon Hill Irrigation District who were operating the plant in question under a lease for water for this land and for reasons unknown to me they were unable to supply, or did not supply the water and I was unable to raise crops upon the larger portion of this land, sustaining some costs to the people I represented.

Q. Did you irrigate any of that land in 1915?

A. No sir.

Q. Did you irrigate any of it in 1914?

A. No sir. For reasons already stated.

Mr. W. B. Allison, being first duly sworn, testifies as follows:

Q. You may state your name, age, residence, occupation and post office address.

A. W. B. Allison, thirty years old, farmer, Caldwell.

Q. Are you acquainted with the Canyon Hill Irrigation Company, the holder of permit 5515?

A. Yes sir.

Q. How long have you known it?

A. Since 1912.

Q. Have you read or heard read permit No. 5515.

A. Yes sir.

Q. Then you are familiar with its terms and conditions?

A. Yes sir.

Q. What is the source of water supply?

A. Indian Creek.

Q. What is the place of diversion?

A. North 16⁰ Eight minutes, West 733.3 feet from the Southeast corner, Section Twenty-six (26) Township Four (4) North of Range Three (3) West, B.M.

Q. Describe the works for conveying water from the point of diversion to the place of use.

A. They divert it from Indian creek by a dam and it runs through an open ditch to a pump house in which is installed an eight inch pump with a twenty horse power motor and is lifted twenty-four feet into another open ditch and runs into another pump house in which there is an eight inch pump and also a twenty-five horse power motor which lifts the water about forty-six feet where it is conveyed through a pipe line.

Q. How many second feet of water do you estimate said works will safely constitute to place of use?

A. I do not know.

Q. How much water have you seen being so conveyed?

A. I do not believe I had better guess.

Q. What is the size of the ditch that raises the water from the first pump?

A. It is about three feet at the bottom

Q. How high are the banks?

QUESTIONS BY MR. WILKIE.

Q. What is the width of the water line?

A. I should say about an average of three feet.

Q. And how wide when water is running?

A. I should say about five feet.

Q. And how deep?

A. I should say from six inches to two feet in depth.

Q. Have you any idea on what grade that ditch is built on?

A. That is very hard to tell, but it is not uniform by a long ways.

QUESTIONS BY MR. WALTERS.

- Q. Have you seen the pumps work to their full capacity?
- A. Yes sir.
- Q. How frequently?
- A. Lots of times,-that is at the highest capacity I have ever seen them work.

QUESTIONS BY MR. WILKIE.

- Q. Can you tell me at about what validity the water was running at when it was about six inches in depth?
- A. I would not want to guess at it.
- Q. Would it be running at two inches per second?
- A. I do not know.
- Q. You would not want to place an estimate on the number of second feet per inch that were running at that time?
- A. No sir.

QUESTIONS BY MR. WALTERS.

- Q. For what purpose is the water used?
- A. Irrigation.
- Q. At what places?
- A. It has been used on these lands described in Applicants Exhibit A.
- Q. You hold in your hand Applicants Exhibit A. You may state what that is.
- A. It represents the location and the number of acres that have been watered on Canyon Hill.
- Q. Under permit 5515?
- A. Yes sir.
- Q. You may state whether these lands are cultivated lands or whether they are natural meadow lands.
- A. Cultivated.
- Q. What improvements, if any, have been made as a direct result of the use of water under this permit?
- A. Orchards, Alfalfa, and some pasture and general farming.

- Q. You may state the character of the lands that have been reclaimed.
- A. It is bench land, sagebrush and arid.
- Q. State in your estimation the amount of water required for profitable crops.
- A. It varies in the crops you raise.
- Q. For alfalfa.
- A. I do not know. I have never had any measured out to me but I know that it takes quite a bit more than it does for an orchard.
- Q. Would you say an inch to the acre steady flow would be sufficient?
- A. I should say so.
- Q. You think it would?
- A. Yes sir.
- Q. Have you any interest in the works?
- A. You mean in the Company? Q. yes.
- A. No sir.
- Q. Have you any interest in the lands described in Exhibit A.?
- A. I have.
- Q. In what way are you interested?
- A. I own some of the lands described in applicants Exhibit A.
- Q. What amount do you own?
- A. Eleven and one-fourth acres.
- Q. You may state when, how, in what amount and to what extent you have witnessed the application for beneficial use of water diverted under said permit.
- A. Since 1912 up until this last season, that is during the last three years. What was your next question?
- Q. In what amount?
- A. In various amounts.
- Q. And to what extent?
- A. You mean what acres I have seen water on?. I wont say all, but practically all the land that is described in Exhibit A. except a few rough points.

- Q. In what years?
- A. From 1912 up to the present year.
- Q. Have you seen water applied to all the land described in applicants Exhibit A. each year since 1912.
- A. I have not.
- Q. Then it has been applied to various portions of that land during the various years?
- A. It has been applied to some of it each year and some of it just certain years.
- Q. Who distributed the water under this permit in the year 1914?
- A. The Caldwell Irrigation District.
- Q. Did the Caldwell Irrigation District get the water they diverted from Indian Creek under permit 5515?
- A. They got it through the system.
- Q. Well where did they get it from?
- A. Indian Creek.
- Q. The same point of diversion?
- A. Yes sir.
- Q. Do you know whether the Caldwell Irrigation District had any arrangement to use water from permit 5515 during the irrigation season of 1914?
- A. No written agreement.

QUESTIONS BY MR. WILKIE.

- Q. Have you any source or other method of determining the amount of water you have applied?
- A. Nothing that I know of.

Cross examined by Mr. Griffiths.

- Q. You say that you have not applied ~~the~~ water to all of the lands described in applicants Exhibit A. in one year?
- A. I do not think so but would not say for sure.

Q. How much land of that described in applicants Exhibit A. has been irrigated in one year.

A. Well I should imagine the first year I was here, - it was 1912, that practically all of it was.

Q. And how many acres of this land were irrigated in 1913?

A. Well that I could not say exactly but the majority of it was, as it was in crops.

Q. How many acres of those lands were irrigated in 1914?

A. Just about the same as in 1913.

Q. Could you give an estimate of how many acres were?

A. Well I could go over it and figure it out.

Q. Will you?

A. Well it would leave out those lands that belong to the Portland people. That was seventy-seven acres I believe, with the exceptions of one or two little pieces, was irrigated, or irrigated at during that season.

Q. How many acres were irrigated in 1915?

A. Just about the same.

Q. Did you say there was more than-

A. There was more than seventy-seven acres in the South and that was not irrigated.

Q. About how many acres?

A. About eighty-five or ninety I think would be closer.

Q. Did you say that there had been more than two hundred acres of those lands irrigated in 1915?

A. In 1915?

Q. Yes.

A. I should say there had been.

Q. How many more acres than two hundred?

A. I do not know.

Q. Well would you say there had been three hundred?

A. No.

Q. Would you say there had been as much as two hundred and fifty?

A. That would be as close as I could guess.

Q. You did not say whether there were more or less than two hundred and fifty acres in 1915.

A. I would not say.

Q. Would you say how many acres had been irrigated in 1914?

A. No, I could not say.

Q. How do you estimate that the quantity of water required for irrigating an acre of land is a minor inch?

A. I do not believe that I mentioned it before but I understood that one-half inch per acre was all we were allowed on the hill.

Q. Do you think one-half inch is sufficient for the irrigation of that land?

A. I know nothing about it whatever.

Q. You know the lands that are included in the Caldwell Irrigation District?

A. I know generally.

Q. Are the lands in Applicants Exhibit A. Included within the Caldwell Irrigation District.

A. They are.

Q. Approximately how many acres of land are included within the Caldwell Irrigation District.

A. Nine hundred and something.

QUESTIONS BY MR. WALTERS.

Q. You live on your land under this system do you not Mr. Allison?

A. I do. I have lived there continuously since 1912.

Q. A portion of the land belonging to the Caldwell cemetery was irrigated by the Caldwell Irrigation District in 1915, was it not?

A. It was.

Q. The water was taken through the system and from the point of diversion of the Canyon Hill Irrigation Company was it not?

A. I do not quite understand you, but it ~~is~~ taken under the same system, if that is what you mean.

Q. Could you estimate about how many acres of ^{the} cemetery were irrigated in 1915 from this system?

A. One half of the land was cultivated. I would say that they irrigated about ten acres.

Q. Did the water run over any other ground belonging to the Cemetery?

A. Waste water, yes.

Q. Is the land belonging to the cemetery included in Applicants Exhibit A.?

A. It was but has been stricken out.

J. J. Allison Recalled.

Q. The Canyon Hill Irrigation Company is a corporation under the laws of Idaho, is it not?

A. It is.

Q. How is the interest in this water right represented by the Canyon Hill Irrigation Company.

A. Represented by certificates of stock.

Q. You may state whether the Caldwell Irrigation District used the water from permit 5515 during the season of 1914.

A. The Caldwell Irrigation District?

Q. Yes.

A. Yes, by sufferance. They did without any arrangement.

Q. It was applied during that year on all, or a portion of the land in Applicants Exhibit A. was it not?

A. It was.

Q. Did the Caldwell Irrigation District irrigate a portion of the Caldwell cemetery during that year or during the year of 1915?

A. During the year of 1915.

Q. You may state as near as you can the amount of land irrigated in the cemetery in 1915.

A. I should judge it was from ten to fifteen acres.

Q. Are those lands included in applicants Exhibit A.?

A. They were but have been erased.

Q. You may state the diligence of the Canyon Hill Irrigation Company as used in applying water under permit 5515.

A. The Company, as a company has done all within its power considering its financial condition and the conditions under which the owners of the stock labored. It has done its utmost to water the land.

QUESTIONS BY MR. GRIFFITHS.

Q there any portion of the cemetery irrigated in
1914?

A. Not from the Canyon Hill Irrigation Company, except
a little waste water that run through there.

Referring to the protests by B. W. Rice, D. G. Ruby
and Jan Smit, I have checked up the lands mentioned in this
protest and find that none of them are included in the lands
upon which the applicant seeks to make proof of beneficial
use, except the West half of Lot Four, Block Two, Murray's
Addition to Caldwell, owned by B. G. Ruby.

Paragraph seven of said protests alleges that the
works of the Canyon Hill Irrigation Company are not sufficient
to deliver more than two second feet of water. Paragraph
Eight alleges that the land is in an unfit condition for the
performance of its work. That the State Engineer will
take due notice of the allegations contained in paragraphs
Seven and Eight and will cause an examination of the land to
be made to determine the amount of water which can be delivered
there by.

That if the protestant, D. G. Ruby, certifies to the
State Engineer that he does not wish to have his land includ-
ed in any license which might be issued to the Canyon Hill
Irrigation Company, the same will be excluded, and the pro-
test with the above exceptions is dismissed.

In the matter of the protest of Montie B. Gwinn, it is found that none of the lands are contained in the list upon which the company seeks to make proof of beneficial use; that the allegations contained in paragraphs Four and Five to the effect that the plant of the said Canyon Hill Irrigation Company is not sufficient to deliver more than two second feet of water, and that the same is in an unfit condition to perform its work. State Engineer takes due notice of these allegations and will cause an investigation. The protest is dismissed.

In the matter of the protest of J. L. Niday, D. G. Goodloe, Charles Sandberg and others, if any of the protestants shall certify to the State Engineer that they do not desire to remain or to be included in the license, or any license which might be issued to the Canyon Hill Irrigation Company, the same will be excluded from said license and the protest itself is dismissed.

It is hereby stipulated by and between the applicant and the various protestants that the affidavit of W. A. Alexander of Salt Lake City, Utah, on behalf of the applicant and affidavits of J. B. Wright and Bert Fuller, may be filed with the State Engineer within fifteen days this date and be considered by the State Engineer as evidence taken at this hearing.

STATEMENTS BY MR. GRIFFITHS.

I will state on the part of the protestant, Caldwell Irrigation District and the other individual protestants, that it is our contention that the Caldwell Irrigation District

was organized by the officers and stock holders of the Canyon Hill Irrigation Company for the purpose of forcing all of the land on Canyon Hill to participate in the cost of reclaiming the lands which were sought to be reclaimed by the applicant, and to force the reclamation of the balance of the lands included within the District; that the plan proposed and adopted for the management and operation of the Districts works, were rejected by the electors of the District; that the District then sought to provide a plan, or modify the plan originally provided so as to decrease the cost of the reclamation of those lands. In endeavoring to carry out this modified plan, the applicant was requested to change the place of diversion of the water from Indian Creek under permit 5515 to a point higher up on Indian Creek and thereby eliminate onelift; that applicant declined to make the change or permit the modification of the plan and that the Caldwell Irrigation District thereupon provided a different plan for the reclamation of all of the lands within its boundry. That in order to successfully reclaim the lands within the boundries of the Caldwell Irrigation District it is necessary and indispensable that all of said lands should be supplied with water for irrigation by means of, and through the same system, and by means of and through a system of less expense in both the construction costs and in the cost of maintenance and operation than the system and plan proposed by the applicant.

QUESTION BY MR. WILKIE.

In your official Capacity in connection with the Canyon Hill Irrigation company, have you ever made any bargain for the sale or disposal of this water right to any other parties to take the control away from the Company at the present time?

A. None whatever, if I understand you right.

Q. You still claim the right to exercise all of the privileges and receive all of the benefits that you ever did?

A. We do more than that. The Canyon Hill Irrigation Company thought they were working in a friendly way with the District in co-operating in the best plan of irrigating the hill, be that whatever it might be. And the President of the Canyon Hill Irrigation Company with his engineer, paid by himself, made the initial survey of the plan the District now proposed to use, thinking it was for mutual benefit, and then he went in his own conveyance with the engineer of the District and made a survey of the lines that they now proposed, and that the whole plan was initiated by the Canyon Hill Irrigation Company, and moreover, through the influence and appointment of the President of the Canyon Hill Irrigation Company, negotiations were opened by the Caldwell Irrigation District and the Pioneer Irrigation District by which a junction could be made, thinking all the time that he was working for the mutual interest of the community, and that the Irrigation Company for two years have been kept out of any negotiations for the improvement of its plant because of this mutual understanding with the people on the hill.

Q. What do you mean when you refer to the plan as now proposed by the Irrigation District?

A. The District have made a survey for an irrigation system to take the water out of Indian Creek some two miles above the Midway Schoolhouse, carrying the water down through the open ditches thereby saving the dam in Indian Creek and one pumping plant.

Q. Well that does not appear in the record of this hearing in any manner heretofore and is not really an essential part of this.

40 Acres being the N-W. $\frac{1}{4}$ of the N-E. $\frac{1}{4}$ of Sec. 15, T 4 N, R 3 W.

20 Acres being the E $\frac{1}{2}$ of the S-W. $\frac{1}{4}$ of the N-E. $\frac{1}{4}$ of Sec. 15, T 4 N, R 3 W.

20 Acres being the E $\frac{1}{2}$ of the N-E. $\frac{1}{4}$ of the S-E. $\frac{1}{4}$ of Sec. 15, T 4 N, R 3 W.

5 Acres being the E $\frac{1}{2}$ of the S-W. $\frac{1}{4}$ of the N-E. $\frac{1}{4}$ of the S-E. $\frac{1}{4}$ of Sec. 15, T 4 N, R 3 W.

20 Acres being the E $\frac{1}{2}$ of the S-E. $\frac{1}{4}$ of the S-E. $\frac{1}{4}$ of Sec. 15, T 4 N, R 3 W.

4 Acres in the extreme N-E. Corner of Sec. 22, T 4 N, R 3 W.

9 Acres of the S-W. $\frac{1}{4}$ of the S-W. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 14, T 4 N, R 3 W.

80 Acres being the W $\frac{1}{2}$ of the S-W. $\frac{1}{4}$ of Sec. 14, T 4 N, R 3 W.

10 Acres being the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the N-W. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

20 Acres being the E $\frac{1}{2}$ of the N-W. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

20 Acres being the W $\frac{1}{2}$ of the N-E. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 23, T 4 N, R. 3 W.

20 Acres being the W $\frac{1}{2}$ of the S-E. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

10 Acres being the S-E. $\frac{1}{4}$ of the S-E. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

10 Acres being the S-E. $\frac{1}{4}$ of the S-W. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

5 Acres being the S $\frac{1}{2}$ of the S-W. $\frac{1}{4}$ of the S-W. $\frac{1}{4}$ of the N-W. $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

10 Acres being the E $\frac{1}{2}$ of the East $\frac{1}{2}$ of the S-E. $\frac{1}{4}$ of the S-W $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

40 Acres being the S-W. $\frac{1}{4}$ of the S-E. $\frac{1}{4}$ of Sec. 23, T 4 N, R 3 W.

W. A. Alexander being at present a resident of Salt Lake City, Utah, deposes and says that he is forty-two years of age, he is by profession a Civil Engineer and that he was employed as Engineer and

Water-master by the Canyon Hill Irrigation Company from April 1st, 1912, to November 12th, 1912, and that the foregoing parts and parcels of land are those to which water was furnished by the aforesaid Canyon Hill Irrigation Company during the aforesaid season of 1912, and that the approximate amount of water delivered as determined by measurements was three (3) sec. feet.

W. A. K. K. K. K. K.

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

J. H. Felt

A Notary Public in and for the
State of Utah.

My Commission expires

Jan. 27, 1918

—— 平 均 收 入 增 加 一 倍 以 上 的 城 镇 居 民 家 庭 占 总 户 数 的 百 分 比

J. B. Wright being first duly sworn upon

That what is known as Canyon Hill is an elevated plateau of land, comprising approximately one thousand acres, located in Canyon County, State of Idaho, partly within the city limits of the City of Caldwell and just on the North boundary of the City. The Hill is so situated that it is physically impossible to convey water to the land for irrigation by gravity, it being entirely surrounded by land that is between fifty and one hundred feet lower in altitude.

5515

The District was organized in the First of the year 1914, and at the meeting on the 16th day of March, 1914, the Board of Directors provided for the payment to Mr. J. J. Allison for his services for promoting the organization of the District, and made record of the same in their minutes of their proceedings as follows:

" Special Meeting of the Board of Directors, of the Caldwell Irrigation District, held at its office within said District, on the 16th day of March, 1914. ***** On motion of Fred L. Lilly, it was unanimously carried and ordered that a warrant of \$315.00 be issued to J. J. Allison for services in organizing the District.

"The following bills were read and allowed, and warrants ordered drawn on the Treasurer for the same: *****. The Secretary was also ordered to issue warrants to the amount of \$315.00 to J.J.Allison in payment for services rendered in the preliminary work of forming the District. Said warrants being drawn for the amounts of \$200.00 and \$115.00.

"Upon motion of F.L.Lilly and seconded by W.B.Allison and unanimously carried, the Secretary was ordered to purchase a new runner for the pump at Station #2, also to purchase a new casing for the pump at Station #1.

"The Secretary was also ordered to investigate the condition of pump number one, and if necessary purchase a new runner for that one also *****.

"There being no further business, the meeting adjourned.

<u>-W.-B.-Allison--</u>	<u>President.</u>
<u>J. J. Allison,</u>	<u>Secretary. "</u>

That at the first meeting of the Board of Directors of said District Mr. J. J. Allison was made general manager and Secretary and given authority to repair the system. The following are a portion of the minutes of the proceedings of the Board of Directors at their meeting on Feb. 4th, 1914.

"J.J.Allison was unanimously elected Secretary, and being present, he immediately assumed the duties of his office. *****.

~~This report of the Board of Directors of the Caldwell Irrigation District, as follows:~~

"It was moved and carried that J. J. Allison be made general manager of the District, at a salary of \$50.00 per month, which was to cover both his duties as such manager, and Secretary of the Board.

"Upon motion of Fred L. Lilly, it was unanimously carried that the general manager proceed to clean out the ditch between the pumps No. 1 and No. 2; that the same be deepened and widened between pump No. 1 and the dam.

"There being no further business, the meeting adjourned.

Signed Wm. B. Allison, President.

Attest J. J. Allison, Secretary. "

That soon after the first meeting of the Board of Directors of the Caldwell Irrigation District, in February, 1914, Mr. J. J. Allison called a meeting of the Board of Directors of the Canyon Hill Irrigation Company to be held jointly with the directors of the District, at which meeting was adopted a plan for the operation of the Irrigation District. This plan consisted, briefly, in the purchasing of the plant and water right of the Canyon Hill Irrigation Company by the Caldwell Irrigation District, at the price of \$25,000.00, and enlarging and repairing the same at the further ~~estimated~~ estimated cost of \$13,641.60.

That for the purpose of providing funds for carrying out this plan the Board of Directors of the Caldwell Irrigation District called a special election for the purpose of levying a special assessment of \$35.00 per acre, to be paid in cash; and ~~announced~~ a mass meeting of the land owners was also called for considering the matter. At the mass meeting the plan was considered financially impossible and wholly impractical, and the special levy was never made, and the plan was abandoned. Later, in the winter of 1915, after the Canyon Hill Irrigation Company had reduced the price of its plant and water right to the sum of \$12,000.00, the question was submitted to the electors of the Caldwell Irrigation District, as to whether or not the Directors should be authorized to issue the bonds of the District in the sum of \$27,000.00, and with the proceeds therefrom purchase said plant and water right

and repair and enlarge the same and carry out the original plan for reclaiming the land in the manner as modified, and the authority was denied by ~~the~~ a two-thirds vote of the electors.

That the Board of Directors of the District then abandoned this ~~plan~~ plan, and proceeded to adopt a new plan for the reclamation of the lands on Canyon Hill. The new plan proposed contemplated diverting water from Indian Creek at a point about half way between Caldwell and Nampa, and from there carrying the water into the Caldwell Highline Canal, and from a lateral from said canal to a point some few feet above the second pumping station of said company, and on the opposite side of the Hill, (and thereby eliminate one lift and the necessary cost incident), at an estimated cost of approximately \$18,000.00. The carrying out of this plan contemplates co-operation with the Pioneer Irrigation District, which, if realized, will reduce the cost to the lands on Canyon Hill some Three Thousand Dollars, and will further reduce the ~~next~~ annual charge for maintenance and operation very materially.

That the successful reclamation of the lands on Canyon Hill require that all of the lands be irrigated from the same source and through and by the same system, and with two or more different systems operating independently or together will make the reclamation of the land impractical and financially impossible.

That, prior to the time of submitting the question on the ~~proposed~~ bond issue to the electors of the District, affiant requested the officers of the Canyon Hill Irrigation Company to cause the place of diversion of water under Permit No. 5515 to be changed to the point where the District now proposes to divert water for the irrigation of all the land on Canyon Hill. And that said officers refused to cause or permit said point of diversion to be changed.

That it is not feasible, and is practically and financially impossible to irrigate the lands on Canyon Hill through or by the system of the Canyon Hill Irrigation Company, or under the plan proposed by said company, or from the point of diversion designated in said Permit No. 5515.

That during the seasons of 1914 and 1915 the Caldwell Irrigation District operated the Irrigating system of the Canyon Hill Irrigation Company on its own account, and not as the agent of said company, and not under the Relationship of lessee. That the Canyon Hill Irrigation Company had not paid its power bill for the year 1913, and was unable to secure power for the operation of its plant during the season of 1914; and it was for this reason ~~and not the obligation of the District~~ and no other, coupled with the obligation of the District to supply the lands within its boundaries with water for irrigation, that caused the District to operate said plant during said season of 1914 and 1915. And that it was manifest at the time that if the District did not supply said lands with water, the said lands could ~~not~~ not and would not be supplied during said seasons. And that the Canyon Hill Irrigation Company did not, either directly or indirectly, supply any water to any land on Canyon Hill, or mentioned or described in Applicant's Exhibit "No. 1.", during the year 1914 or 1915.

That the actual number of acres of land actually irrigated through said system of the Canyon Hill Irrigation Company during any year has never exceeded one hundred acres. That during the season of 1915, for instance, affiant had fifty acres of land sown to grain and prepared for irrigation; and that irrigation water was actually applied to only about ten acres of said tract of land during said season, although the whole of said tract was included in the said Exhibit "No. 1.", and was described by witnesses and included as a part of the lands that were irrigated through said system during said season of 1915. And that much of the other lands so described as having been irrigated through said system during different years were handled and managed in the same way; that is, the lands would be prepared for irrigation and seeded, but the water was insufficient to supply the whole acreage and the water was actually applied to only a small portion of the whole tract in crop.

That during the month of September, in the year 1915, for a period of forty-eight hours affiant received the entire flow of water delivered by and through said system while the same was running at its full capacity, and used the same upon about two acres of land, which had been seeded to alfalfa, and did not receive sufficient water to properly irrigate the said land. That during said time said water was caused to flow through a box twelve inches in width and between two and three inches in depth, without any pressure, and at a velocity slower than the average lateral; and that affiant estimated the volume of said irrigating stream at about twenty miners inches.

That, to the best of affiant's knowledge, applicant has not applied to a beneficial use ~~more than~~ to exceed fifty miners inches of the waters of Indian Creek, and that said water has been applied upon not to exceed one hundred acres of the lands described in Applicant's Exhibit No. "1". And that said Applicant has diverted no water from Indian Creek during the seasons of 1914 and 1915, and has never diverted any of said waters since the summer of 1913, and has not applied any of said waters to a beneficial use upon any land since said date; and that said Applicant has not caused any person or corporation to divert or apply to a beneficial use any of said waters since said summer of 1913.

J. B. Wright

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

J. D. Mumford
Notary Public.
Residing at Caldwell, Idaho.

IN THE OFFICE OF THE STATE ENGINEER OF THE
S T A T E O F I D A H O.

In The Matter of the Proof
of Application of Water to
Beneficial Use, Under Permit A F F I D A V I T.
No. 5515, Proposed by the
Canyon Hill Irrigation Co.,
a corporation.

State of Idaho)
 SS.
County of Canyon)

G. H. Fuller being first duly sworn upon
his oath states: That affiant is a citizen of the United States and of
the State of Idaho, and resides in Canyon County.

That during the years from 1908 until 1914 affiant was Superintendent
of the City Water System of the City of Caldwell. That during said
period said water system was operated by means of pumps attached to
gasoline and electric motors. That affiant has had 12 years
experience in the operation of pumps for pumping water. That during
the season of 1914 affiant operated the pumping system for the Gem
Irrigation District. And that affiant has a fairly accurate knowledge
of the different pumping systems which are used for irrigation purposes
in the locality of the Boise Valley.

That during a portion of the season of 1915 affiant operated the
pumping system for the Caldwell Irrigation District, and is familiar
with the working of said pumps and with the operation of said system.
That during the period affiant operated said system the maximum quantity
of water that the pumps would deliver for irrigation and the maximum
quantity of water that was delivered for irrigation during said period
was approximately fifty miners inches. That said quantity represented
the approximate capacity of said system during said time that ^{affiant} ~~I~~ was
operating the same.

Subscribed and sworn to
before me this 14th day of February, 1916.

G. H. Fuller
Notary Public.

Residing Caldwell, Ida.

5515

Applicants E. and H.

6	acres in SW. SW of SE.	10-4-3
40	" " NW of NE.	15-4-3
~~20~~	~~" " E$\frac{1}{2}$ NE of NE.~~	~~15-4-3~~
20	" " E $\frac{1}{2}$, SW. NE.	15-4-3
35	" " NE of SE.	15-4-3
(Being all of the NE. of the SE, except Five acres in the SW corner)		
30	acres in SE of S $\frac{1}{2}$.	15-4-3
(Being all of the SE of SE, except Ten acres in the SW corner.)		
9	acres in SW corner of SW $\frac{1}{4}$, NW $\frac{1}{4}$	14-4-3
30	" " W $\frac{1}{2}$, SW	14-4-3 ✓
4	" " NE corner of Sec.	22-4-3
30	" being E $\frac{3}{4}$ of NW, NW	23-4-3
20 a	" " W $\frac{1}{2}$ of NE of NW.	23-4-3
30	" " all of SE $\frac{1}{4}$, NW $\frac{1}{4}$, except Ten acres in NE corner	23-4-3
15	acres being S $\frac{1}{4}$, SW, SW, NW. and the SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$	23-4-3
10	acres being the E $\frac{1}{2}$, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.	23-4-3
40	" " " SW $\frac{1}{4}$, SE $\frac{1}{4}$.	

365
369
369



6.00
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30.00
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80.00
4.00
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20.00
30.00
15.00
10.00
40.00

369.00 *

5515

February 12, 1916.

Re copy Ex.A.

Mr. T. A. Walters,
Attorney at law,
Caldwell, Idaho.

Sir:-

Per your request the 7th, I am sending you
herewith copy of applicant's Exhibit "A", in the
matter of proof under Permit No. 5515.

Very truly yours,

J. H. SMITH,

State Engineer.

C

By _____

5515

JACKSON & WALTERS
ATTORNEYS-AT-LAW
ROOMS 6-7-8 EGGLESTON BLOCK

CALDWELL, IDAHO. Feb. 7th. 1916.

Mr. T. A. Wilkie, State Engineer,
Boise Idaho.

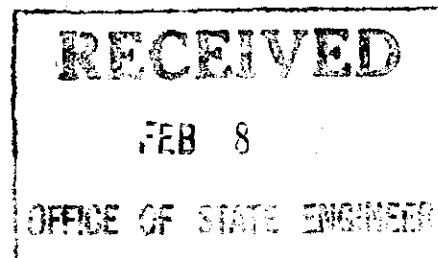
Dear Sir:

At your earliest convenience will you kindly
give us a copy of the lands described in Applicants Exhibit
A. in the matter of Proof of Beneficial use, heard by you
at Caldwell recently by permit 5515.

Thanking you in advance, we are,

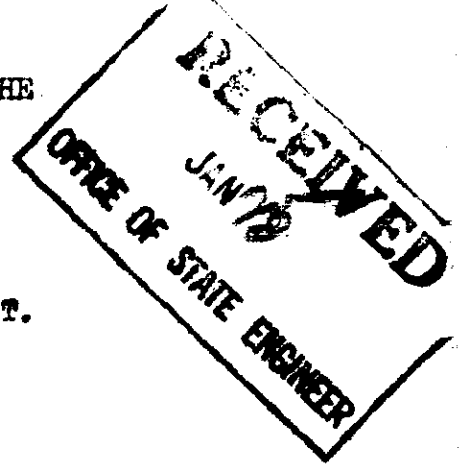
Very sincerely yours,

Jackson & Walters



5515

IN THE OFFICE OF THE STATE ENGINEER OF THE
S T A T E O F I D A H O.



In The Matter of the Proof
of Application of Water to
Beneficial Use Under Permit P R O T E S T.
No 5515, By Canyon Hill
Irrigation Company.

Now comes the Caldwell Irrigation District, a public corporation,
and protests against the claims and statements made by the Canyon Hill
Irrigation Company and against any license being issued upon said Permit
No. 5515, and in support of its protest respectfully submits:

1. That protestant is an Irrigation District duly organized and
existing under and by virtue of the laws of the State of Idaho, and
located wholly within the County of Canyon, State of Idaho.

2. That the lands within the boundaries of and comprising said
Caldwell Irrigation District are lands located in Sections 10, 14, 15,
22, 23, 25 and 26, in Township 4 North, of Range 3 West, from the Boise
Meridian, In Canyon County, State of Idaho, and are the same lands
described in said Notice of Proof of Application of Water to Beneficial
Use under said Permit No. 5515, made by said Canyon Hill Irrigation
Company, in the office of the State Engineer of the State of Idaho.

3. That the said Canyon Hill Irrigation Company has not applied
16.5 Second-feet, or cubic feet per second of time, ~~or any other quantity or amount~~
or any other quantity or amount, of the waters of ~~Indian Creek~~ Indian Creek
to the use of irrigation or domestic purposes, or to any other use or
purpose, upon the lands described in said notice, or upon any part
thereof, or upon any lands whatever, during the ~~seasons of 1914 and 1915~~
~~seasons~~ seasons of 1914 and 1915, or during the period since October,
15th, 1909, or during any part of said period, or during any time, or at
all, except as hereinafter expressly stated.

4. That during the seasons of 1912 & 1913, the said Canyon
Hill Irrigation Company diverted from Indian Creek not to exceed two
second-feet of water, and applied the same for irrigation upon, not to
exceed 200 acres of said described lands; and that except as above

stated, the said Canyon Hill Irrigation Company has never diverted any water from Indian Creek, and has not applied any water from said Indian Creek to any use whatever, and has not supplied water for domestic use or for irrigation purposes upon the said lands described in said notice or upon any part thereof, or upon any lands whatever, or at ~~all~~ all.

5. That at the time and place mentioned in said notice of proof, this protestant will submit proof to sustain and establish the facts herein set forth, and to sustain and establish the non-existence of the purported facts and claims set forth in said notice of proof.

That protestant prays that said Permit No. 5515 be cancelled and all rights thereunder be declared forfeited, and that no License be issued thereon.

Caldwell Irrigation District
By J. B. Wright President

State of Idaho)
County of Canyon) SS.

J. B. Wright, being first duly sworn, upon his oath states: That affiant is the President of the Board of Directors of the Caldwell Irrigation District, and makes this affidavit and verification for and on behalf of said District. That affiant has read the foregoing protest and statement and knows the matters therein contained of his own personal knowledge, and that the same are true and correct.

J. B. Wright

Subscribed and sworn to
before me this 24th day of January, 1916.

L. O. Dyer

Notary Public.
Residence Caldwell Idaho

Walter Griffiths,
of Caldwell, Idaho,
Attorney for Protestant.

OFFICE OF THE STATE ENGINEER OF THE STATE OF IDAHO.

In the Matter of Proof of the
Application of Water to Bene-
ficial Use Under Permit No. 5515,
by the Canyon Hill Irrigation Co.

P R O T E S T.

Comes now B. W. Rice, D. G. Ruby and Jan Smit, owners of land described in Permit No. 5515, and protest against the making of proof of application of water to beneficial use under said Permit, by the Canyon Hill Irrigation Company, upon the following grounds, to-wit:

1. That protestant B. W. Rice is the owner of nineteen and one-third acres of land, situated in Section Fifteen (15), Township Four (4), North of Range Three (3), West of Boise Meridian, said land being described in said permit and situated within the boundaries of the Caldwell Irrigation District, and described as Tax No. 1, Tax No. 2 and Tax No. 3;
2. That protestant D. G. Ruby is the owner of the West Half (W $\frac{1}{2}$) of Lot Four (4), Block Two (2), Murray's Addition to Caldwell, which is situated on Canyon Hill, described in said Permit and situated within the boundaries of the Caldwell Irrigation District;
3. That protestant Jan Smit, is the owner of Lots Three (3) and Four (4), Block Eight (8), Hall & Apperson's Addition to Caldwell, said land being situated on Canyon Hill, described in said Permit and situated within the boundaries of the Caldwell Irrigation District;
4. That the said Caldwell Irrigation District is a public corporation, organized for the purpose of irrigating the lands situated within its boundaries, and each of said tracts heretofore described is included within the boundaries of said District;

5. That the said Canyon Hill Irrigation Company has not furnished or supplied any water to the lands owned by protestants, D. G. Ruby or Jan Smit, and no water whatsoever has been used on either of said tracts for the irrigation thereof, or for domestic purposes, or any other purpose, since the Canyon Hill Irrigation Company obtained said Permit No. 5515;

6. That said Canyon Hill Irrigation Company endeavored to furnish water to protestant E. W. Rice for about two acres of the lands belonging to protestant E. W. Rice, but the water furnished was insufficient to grow successful crops, and no attempt has been made to furnish water to protestant for the past two years;

7. That protestants, and each of them, are informed and believe and state that the system owned by the Canyon Hill Irrigation Company is not sufficient to deliver 16 and 5/10 second feet or cubic feet from the waters of Indian Creek, or any other or greater amount than two second feet or cubic feet of water;

8. That the plant and system owned by the Canyon Hill Irrigation Company, and through which it proposes to make final proof for the delivery of water, is old and in such a dilapidated condition that it cannot furnish a continuous and adequate supply of water which can be relied upon to grow successful crops on any land whatsoever, and that said plant and system is wholly inadequate to supply the water mentioned in said Permit to the lands described therein through its present system;

9. That contestants, and each of them, are informed and believe that said Caldwell Irrigation District now has a feasible plan for the irrigation of the lands embraced within the boundaries of said District which will insure an ample supply of water for irrigation and domestic purposes.

WHEREFORE, Said protestants ask that they be permitted upon said hearing to establish the facts herein set forth, and that Permit No. 5515 be cancelled and all rights thereunder be declared forfeited, and that no license be issued thereon.

Rush Harrison & Buckner
Attys for Protestants

STATE OF IDAHO,)
 : ss.
COUNTY OF CANYON,)

THOS. E. BUCKNER, being first duly sworn, deposes and says: That he is one of the attorneys for protestants, and makes this verification for and on behalf of said protestants; that he has read the above and foregoing Protest; that he knows the contents thereof, and believes the facts therein stated to be true.

Thos E Buckner

Subscribed and sworn to before me
this 29th day of January, 1916.

J. M. Thompson
Notary Public
Residence, Caldwell, Idaho.

IN THE OFFICE OF THE STATE ENGINEER OF THE
S T A T E O F I D A H O.

In The Matter of the Proof
of Application of Water to
Beneficial Use Under Permit P R O T E S T.
No. 5515, Proposed by the
Canyon Hill Irrigation Co.,
a corporation.

Now come J. L. Bishop, D. C. Goodrich, Chas. Sandberg, J. B. Wright,
Wm. Gassner, Lizzie Young, Estelle Young, M. E. Hilgerson, Chas. A. Barker
H. L. Griffiths, Walter Griffiths, A. E. Holt, A. E. Lippson,
and protest against the claims and statements made by the Canyon Hill
Irrigation Company, and against and object to any license being issued
to said Canyon Hill Irrigation Company upon said Permit No. 5515, or at
all, and in support of said protest respectfully submit:

1. That protestants are the owners of the following described lands
In NW 1/4 SW 1/4 Sec 25, T 12 S, R 12 E, Blk 4, & Blk 8 Murray Add.
Blk 6, Murray Add, Blks 3 & 7 Murray Add. 6 1/2 acres in
Sec 14 & 24 15, SW 1/4 SE 1/4 Sec 15, T 12 S, R 12 E, Sec 22,
5 acres in SW 1/4 NW 1/4 Sec 23.

2. That said lands are included in the published notice of said
Canyon Hill Irrigation Company, on which said Corporation claims to have
applied water to a beneficial use.

3. That said Corporation has never applied water to a beneficial
use upon said lands, or upon any part thereof.

4. That said lands are all within the boundaries of the Caldwell
Irrigation District, and have been taxed by said District for the
purpose of providing an adequate water supply and irrigation system for
the irrigation of said lands.

5. That said Canyon Hill Irrigation Company has not supplied water
for the irrigation of said lands, and has no system or facilities with
which said Corporation can supply water for the irrigation of said lands

All of which protestants are able, ready and willing, and respectfully
ask to be permitted, to prove.

State of Idaho)
County of Canyon) ^{SS.}

Walter Griffith

Being first duly sworn upon oath states: That affiant is one of the protestants above mentioned, and makes this affidavit and verification for and on behalf of all of said protestants. That affiant has read the foregoing protest and statement, and knows the contents thereof and believes the matters therein stated to be true and correct.

Walter Griffith

Subscribed and sworn to
before me this 29th day of January, 1916.

J. D. Mumford
Notary Public.
Residing at Caldwell, Idaho.

5515

admit P. 1 (out)

12

OFFICE OF THE STATE ENGINEER OF THE STATE OF IDAHO.

In the Matter of Proof of the
Application of Water to a Bene-
ficial Use Under Permit No. 5515,
by the Canyon Hill Irrigation Co.

P R O T E S T.

Comes now Montie B. Gwinn, the owner of the land de-
scribed in said Permit, and protests against the making of proof
of application of water to beneficial use, under Permit No. 5515,
by the Canyon Hill Irrigation Company, on the following grounds,
to-wit:

1. That protestant is the owner of the following described
lands mentioned and described in the notice of the application of
water to beneficial use, under Permit No. 5515, by the Canyon Hill
Irrigation Company, to-wit:

The North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$),
and the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter
($SE\frac{1}{4}$) of Section Twenty-three (23), Township Four (4),
North of Range Three (3), West of Boise Meridian;

2. That said lands are situated within the boundaries of the
Caldwell Irrigation District, a public corporation organized for
the purpose of irrigating the lands situated within its boundaries;

3. That the said Canyon Hill Irrigation Company has not
furnished or supplied to protestant any water for the irrigation
of said lands, and no water whatsoever has been used on said land
for the irrigation thereof or for domestic purposes, or any other
purpose, since the said Canyon Hill Irrigation Company obtained
said Permit No. 5515;

4. That protestant is informed and believes, and therefore
states, that said Canyon Hill Irrigation Company's plant and sys-
tem is not adequate to deliver 16 5/10 second feet or cubic feet

5515

per second of time, from the waters of Indian Creek, or any other amount greater than 2 second feet or cubic feet.

5. That the plant and system owned by the Canyon Hill Irrigation Company, and through which it proposes to deliver water, is old and in such a dilapidated condition that it cannot furnish a continuous and adequate supply of water which can be relied upon to raise successful crops, and that the plant now owned and operated by said Company is inadequate to supply the water to the lands described in said permit;

6. That protestant during the year 1914 paid a large sum of money, to-wit, the sum of \$396.00 for the maintenance of said Caldwell Irrigation District, and that said District now has a feasible plan for the irrigation of the lands embraced within its boundaries which will insure an ample supply of water for irrigation and domestic purposes.

WHEREFORE, Said protestant asks that he be permitted at the date of said hearing to establish the facts herein set forth, and that Permit No. 5515 be cancelled and all rights thereunder be declared forfeited, and that no license be issued thereon.

STATE OF IDAHO,)
) ss
COUNTY OF CANYON,)

Rice Thompson & Buckner
Attys For Protestant

THOS. E. BUCKNER, being first duly sworn, deposes and says: That he is one of the attorneys for the protestant; that he has read the above and foregoing Protest; that he knows the contents thereof, and believes the facts therein stated to be true; that he makes this affidavit for and on behalf of said protestant for the reason that said protestant is absent from the State of Idaho and County of Canyon, the County wherein his said attorney resides.

Thos E Buckner

Subscribed and sworn to before me this 29th day of January, 1916.

5515

J. M. Thompson
Notary Public.

STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

Canyon Hill Irr. Co.,
c/o R. S. Madden,
Caldwell, Idaho.

Boise, Idaho, January 6, 1916.

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. 5515.

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 January 29th., 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 R.S.Madden, notary public.**
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., ~~Ex-Engineer~~

State Engineer.

5515

STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

Canyon Hill Irr. Co.,
c/o R. S. Madden,
Caldwell, Idaho.

BOISE, IDAHO, **January 6, 1916.**

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. **5515.**

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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 **January 29th.**, 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 R.S. Madden, notary public.**

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

5515

(P. O.)

(Date)

Landwell, Idaho
January 1, 1916

State Engineer, Boise.

Dear Sir:

I have your letter of December 29, enclosing Notice of Proof of Beneficial Use of Water under Permit No. 5515 which will be published as you request, beginning with our issue of January 7, 1916.
The Caldwell News
by B. Shorb.

5515

Jan 29

RECEIVED

JAN 5 -

OFFICE OF STATE ENGINEER

RECEIVED

JAN 4

OFFICE OF STATE ENGINEER

~~Baldwell Station~~ Dec. 31st 1915

State Engineer

Dear Sir

Montie Swinn writes me that you desire a statement relating to the use of water on Canyon hill.

Referring to the Minutes of the Caldwell Irrigation District I find that the first meeting of the Board of Directors was held in February 1914.

Later on the Board made arrangements with the Canyon hill Irrigation Company for the use of their Pumps pipe lines &c. for the Season of 1914 for delivering Water to the District to be used and operated as though they belonged to the District.

The District proceeded to put the plant in operation by repairing the Dam in Indian Creek, repairing the pumps and cleaning the ditches. The District that year succeeded in partially irrigating about 200 acres, or less.

The irrigation for the previous year was almost a total failure. The manager for the Canyon hill Company (Mr. J. F. Allison) claimed that the Power Company did not furnish the

(2)

the Power, and refused to settle with the Power Company, which resulted in a law suit.

In the beginning of the irrigating Season of 1915 I was appointed one of the Directors and the Board entered into a Contract with the Canyon Hill Company for the use of their plant for the Season. But the Power Company refused to furnish power because of the litigation pending unless the District agreed to pay half Cash in advance and the other half the first of October.

There being no funds on hands, two of us (J. J. Allison and myself) furnished the first half and took Warrants for it.

The pumps were in bad Condition and delivered but little water. Some of the land was irrigated only through May and June and the balance of about 200 acres partially irrigated the balance of the Season, excepting about 40 acres that was irrigated last year had no water at all. The expenses that had to be met for the two seasons of 1914 & 1915 by the Caldwell irrigation District was heavy. The report has not been fully made out yet **5515** by the treasurer but is ~~estimated~~ at 5 or 6 thousand.

Wm. B. Allison, one of the Board of Directors for 1914 told me to day that he thought the amount of land partially irrigated last year and this, was about 200 acres.

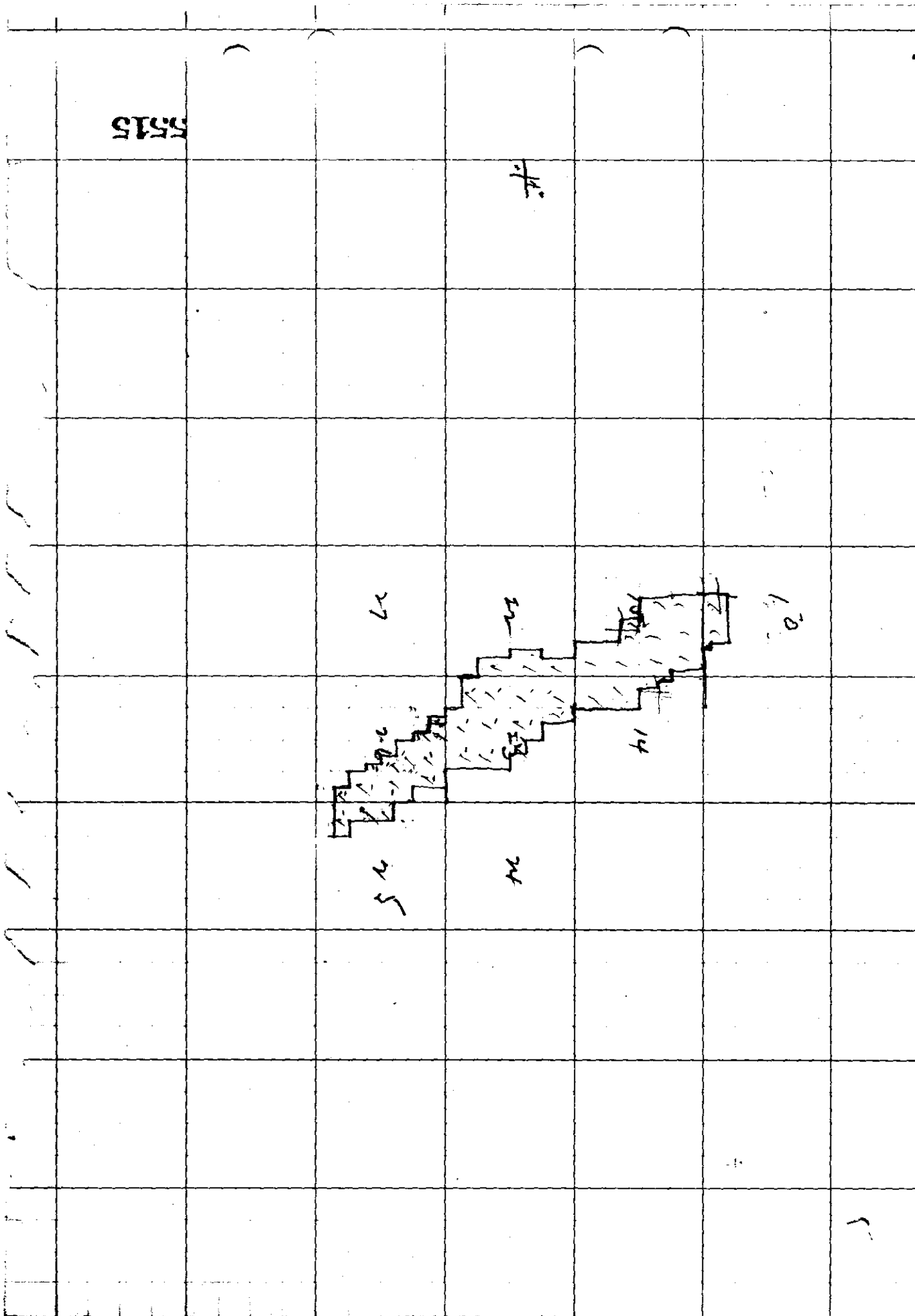
If I had the Secretarys assessment book at hand I could get closer ~~to~~ the exact amount but I dont think it was as much as 200 acres.

The crops were mostly a failure for lack of water but the trees were saved, or nearly all.

The lands of the District were assessed at 4 Dollars per acre in 1914 and sufficient collected to pay off about half the current expenses. A portion went delinquent and tax sale certificates have been issued to about eleven hundred dollars.

Of the 200 acres that have been partially watered I own 83 acres which I am preparing to water through the Caldwell irrigation District if possible as I cant depend on the Canyon hill irrigation company. This would leave them 117 acres which they would have to water by their own system.

Yours Truly. J B Wright



5515

Jan 29

December 27, 1915.

Re Permit No. 5515.

Mr. J. J. Allison,
Pres. Canyon Hill Irr. Co.,
Caldwell, Idaho.

Sir:--

We are in receipt of notice of final proof under above permit. January 29th has been set as the date for proof and notice for publication will be mailed to the Caldwell News today. Mr. R. S. Madden, not Caldwell, has been named as the notary before whom proof can be taken.

If this is not satisfactory, please to advise at once before the publication is made.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

5515

~~See Water~~

Permit _____ (?)

Dec. 27th, 1915.

Canyon Hill Irrigation Co.

Caldwell, Idaho.

Gentlemen:-

I have this day received your proposal to make proof of ~~beneficial~~ use under your permit, also a letter from the Company calling attention to the fact that certain filings had been made which you desired to protest, which paper I am returning to you for signature.

Your proof of beneficial use will go on in its proper course, and the hearing will be set at as early a date as possible.

Very truly yours,

J. R. Smith,

State Engineer.

By

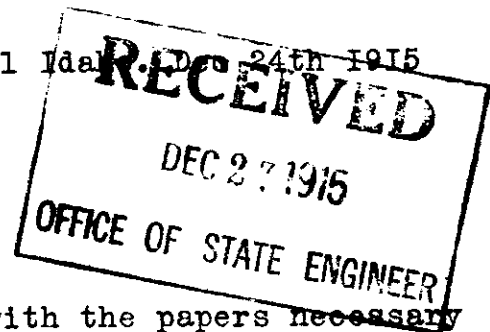
PAW-NS

Deputy.

5515

OFFICE OF THE SECRETARY
OF THE
CANYON HILL IRRIGATION COMPANY.

Caldwell Idaho



State Engineer.

Boise Idaho.

Dear Sir.

We are enclosing herewith the papers necessary for advertizing final proof of use of water to beneficial use, under permit #5515, which we would thank you to have brot to a hearing at as early a date as allowed by law.

All of the land under our system has not yet been put under water for beneficial use, but we have been given to understand that other parties have been filing upon water from the same stream to cover some of the lands under our system, hence our wish to prove up upon our rights in so far as we may at this time, with the privilege of making proof of the balance as soon as possible.

Agent for Caldwell Irrigation District
We understand that a Mr Griffith, of Caldwell has made a filing with you for water from Indian Creek to cover a part of our lands together with other lands, which filing was by your office returned for some corrections, should this filing come to you again, we desire at this time to protest against a permit being granted to him or any of his associates, and would thank you to advise us in sufficient time to enable us to make personal appearance before you.

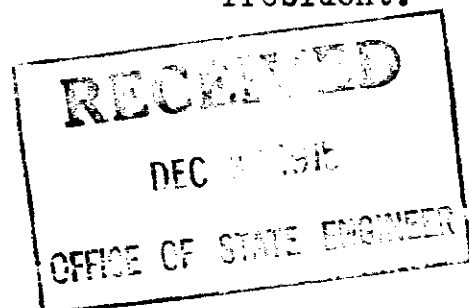
Yours Very Truly.

Canyon Hill Irrigation Company

By

J. J. Allison

President.



5515

RECEIVED

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

OFFICE OF STATE ENGINEER

(Date) December 24th 1915

(P. O.) Caldwell Idaho

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
The News, of Caldwell Idaho, published in the
Canyon Hill Irrigation Company
county in which the works are situated.
By

President.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of
water per second, the following certificate must be signed by a well known and com-
petent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

5515

RECEIVED

DEC 27 1915

OFFICE OF STATE ENGINEER

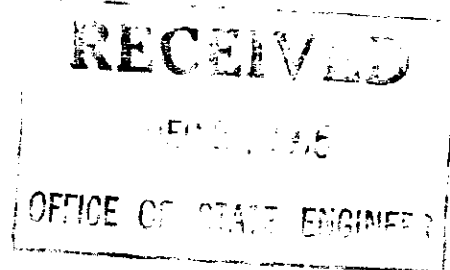
NOTICE FOR PUBLICATION**Notice of Proof of Application of Water to ~~Beneficial Use~~**

Notice is hereby given that at 10 a. m. on the 29th day of January, 1916,
 at Caldwell, County of Canyon, State of Idaho,
 before R. S. Madden, N.P., proof will be submitted
 of the application to beneficial use of 16.5 cubic feet per second of the waters of
Indian Creek, in accordance with the terms and conditions of Permit No. 5515
 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are.....
Canyon Hill Irrigation Company Caldwell Idaho
2. The use to which said water has been applied is.....
Irrigation
3. The amount applied to beneficial use is.....
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated).....
See attached sheet showing legal discription of land.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is.....
Canyon Hill Irrigation Company
6. The right to take the water from such works is based upon Permit No. 5515
7. The source of supply from which such water is diverted is Indian Creek
8. The date of the priority which said user is prepared to establish is October 15, 1909.

J. H. Smith
 State Engineer.

S 30 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec 10	T 4	R 3	WBM
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10		T 4	R 3	WBM
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec 10	T 4	R 3	WBM
E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	Sec 15	T 4	R 3	WBM
W $\frac{1}{2}$ NE $\frac{1}{4}$	Sec 15	T 4	R 3	WBM
W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 15	T 4	R 3	WBM
E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec 15	T 4	R 3	WBM
NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec 15	T 4	R 3	WBM
E $\frac{1}{2}$ SE $\frac{1}{4}$	Sec 15	T 4	R 3	WBM
E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$	Sec 22	T 4	R 3	WBM
E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 22	T 4	R 3	WBM
E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec 22	T 4	R 3	WBM
W 10 acres of NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 14	T 4	R 3	WBM
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 14	T 4	R 3	WBM
W $\frac{1}{2}$ SW $\frac{1}{4}$	Sec 14	T 4	R 3	WBM
W $\frac{1}{2}$ NW $\frac{1}{4}$	Sec 23	T 4	R 3	WBM
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec 23	T 4	R 3	WBM
N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec 23	T 4	R 3	WBM
W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 23	Tb4	R 3	WBM
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 23	T 4	R 3	WBM
E $\frac{1}{2}$ SW $\frac{1}{4}$	Sec 23	T 4	R 3	WBM
W $\frac{1}{2}$ SE $\frac{1}{4}$	Sec 23	T 4	R 3	WBM
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 23	T 4	R 3	WBM
E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec 26	T 4	R 3	WBM
N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec 25	T 4	R 3	WBM
W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec 25	T 4	R 3	WBM
SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 25	T 4	R 3	WBM



November 12, 1918.

Re Permit No. 5515.

F. D. Mumford, Sec'y
Canyon Hill Irr. Co.,
Caldwell, Idaho.

Sir:-- Your application for extension of time
for beneficial use of water under above permit
has been approved and duplicate copy is herewith
returned to you.

Very truly yours,

J. H. SMITH,

State Engineer.

ET

By _____

5515

R. S. MADDEN, PRESIDENT
JOHN C. RICE, VICE-PRESIDENT

ESTABLISHED 1892

INCORPORATED 1908

H. LOWELL, TREASURER
J. ZEH, SECRETARY AND MGR.

DIRECTORS:
R. S. MADDEN
J. C. RICE
J. H. LOWELL
E. L. SHAW
H. J. ZEH

CANYON ABSTRACT & TRUST CO., LTD.

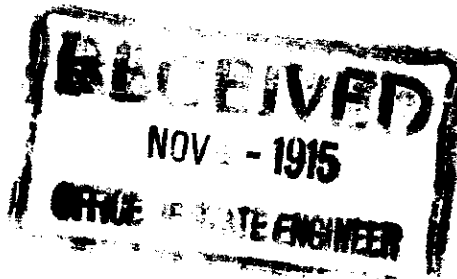
CALDWELL, IDAHO

ABSTRACTS
LOANS
INSURANCE
BONDS
GENERAL TRUST
BUSINESS

State Engineer,

Boise, Idaho.

Dear Sir:



Nov. 3, 1915.

At the request of Mr. J. J. Allison, President of the Canyon Hill Irrigation Co., I enclose herewith Application for Extension of Time for Beneficial Use Proof, which we trust you will find properly executed.

Yours very truly,

J. D. Munford, Sec.

5515

OFFICE OF STATE ENGINEER

Permit No. 5515

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO

County of Canyon

ss.

Canyon Hill Irrigation Company, of Caldwell,State of Idaho, 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. 5515, extended under Permit No. 7714.

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by December 3rd,, 1915.

THAT he has heretofore put to beneficial use four second feet of water and has irrigated 400 acres.

THAT, for the following reasons, he is unable to put to beneficial use within the required time, the remainder of the water appropriated under his permit, to-wit: An irrigation district is being formed but is delayed on account of inability to procure signatures for water rights for part of the land.

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial use under said permit to December 3rd,, 1916.

And further, deponent saith not.

Subscribed and sworn to before me this 23rd day of October, 1915.

Canyon Hill Irrigation Company
by *J. J. Addison Pres.*
[Signature]
Notary Public.

My commission expires Jan 18th 1918Date of receipt at office of State Engineer November 4, 1915.

APPROVAL OF STATE ENGINEER

J. H. Smith,

I, ~~EXP. King~~, State Engineer of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to Appropriate the Public Waters of the State of Idaho, No. 5515, to December 3rd, 1916.

Witness my hand this 5th day of November, 1915.

[Signature]
State Engineer.

5515

Boise, Idaho, August 27, 1915.

Mr. J.J. Allison,
Caldwell, Idaho.

Dear Sir:

Re: Permit #5515.

Replying to your letter of the 24th, in regard to the above permit I would advise that Certificate of Completion of Works was issued January 14th, 1911, and as proof of beneficial use is not due until December 3rd, 1915, consequently the permit is still valid. Its priority is October 15, 1909.

We have no record of the flow of Indian Creek. I do not quite understand the items, remarks 3 and 5, but they do not appear to be requesting information. If further information is desired, we shall be glad to furnish it if we can.

Very truly yours,

J.H. Smith,

State Engineer,

BY

H/RB.

5515

1515

1515

V

Caldwell, Idaho, August 24, 1915

Mr. J. H. Swift, State Engineer

Baise, Idaho

RECEIVED
AUG 24 1915

Dear Sir,

That we may convince
a bonding company that we have
an adequate water right kindly
give me information as follows: -

1. Validity of water right permit # 53-15-
on Indian Creek, Caldwell, Idaho, including
priority.
2. Measurements of water in Indian Creek.
3. Canyon Hill Irrigation Co.'s right sufficient
to irrigate 900 acres by pumping.
5. If supply is not adequate water
can be purchased from storage -

I am not sure this will be what you
need -

Very Truly,

J. J. Allison

1515

Idaho Abstract & Trust Co.

ABSTRACTS OF TITLE

F. D. MUMFORD, SEC. AND MGR.

COMMERCIAL BLOCK

CALDWELL, IDAHO. Dec. 13, 1913.

F. P. King, State Engineer,
Boise, Idaho.

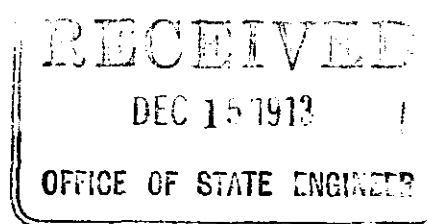
Dear Sir:

Enclosed find check for \$1.00 for recording fee of the certified copy of quitclaim deed from the Canyon Hill Development Company to the Canyon Hill Irrigation Company, which was returned to us in your letter of the 12th inst.

Yours very truly,

Canyon Hill Irrigation Co.,

F. D. Mumford, Sec.



5515

December 12, 1913.

Permit 5515

F. D. Mumford, Sec.,
Canyon Hill Irr. Co.,
Daldwell, Idaho.

Sir:

Am herewith returning you the quitclaim deed
of above numbered permit, the same having been
recorded in this office. Please to remit \$1.00
recording fees.

Very truly yours,

F. P. KING,

State Engineer.

OD

By _____

5515

Idaho Abstract & Trust Co.

ABSTRACTS OF TITLE

F. D. MUMFORD, SEC. AND MGR.

COMMERCIAL BLOCK

CALDWELL, IDAHO, Dec. 6, 1913.

F. P. King, State Engineer,
Boise, Idaho.

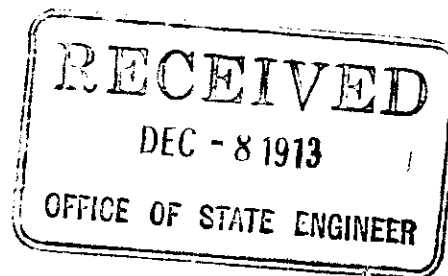
Dear Sir:

Mr. Julius Hornbein, Special Agent, of Salt Lake City, called this week for particulars pertaining to the water right for lands on Canyon Hill near here, with reference to the proving up of some desert claims under our system, and he asked me to prepare a certified copy of the quitclaim deed from the Canyon Hill Development Company, Ltd., to the Canyon Hill Irrigation Company, transferring their water right, etc., and send it to you for your files or records. Enclosed find same and if there is any charge in connection, please notify me.

Yours very truly,

Canyon Hill Irrigation Company,

F. D. Mumford, Sec.



5515

OFFICE OF STATE ENGINEER

Permit No. 5515

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO, }
County of Canyon } ss.

Canyon Hill Irrigation Company, of Caldwell
State of Idaho, 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. 5515

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by December 3rd, 1913.

THAT he has heretofore put to beneficial use four second feet of water and has irrigated 400 acres.

THAT, for the following reasons, he is unable to put to beneficial use within the required time, the remainder of the water appropriated under his permit, to-wit: Inability to procure signatures for water rights. An Irrigation District is now being formed.

WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial use under said permit to December 3rd, 1915.

And further, deponent saith not.

By Canyon Hill Irrigation Company
J. J. Allison Pres.

Subscribed and sworn to before me this 6th day of September, 1913.

F. D. Mumford
Notary Public.

My commission expires Feb. 1, 1915.

Date of receipt at office of State Engineer SEP - 8 1913

APPROVAL OF STATE ENGINEER.

I, F. P. King, State Engineer of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to Appropriate the Public Waters of the State of Idaho, No. 5515, to December 3rd, 1915.

Witness my hand this 17th day of September, 1913.

F. P. King
State Engineer.

5515

September 18, 1913.

Permit 5515

J. J. Allison, Pres.
Canyon Hill Irrigation Co.,
Caldwell, Idaho.

Sir:

Your application for extension of time under
above permit has been approved and one copy is
herewith returned to you.

Very truly yours,

F. P. KING,

State Engineer.

ET

By _____

5515

September 9, 1913.

Re permit 5515

E. Mae Hart,
Caldwell, Idaho.

Madam:

In reply to your letter of the 8th inst.
would say that a special certificate to be used
with proof at the land office will be furnished
you for \$1.00.

Very truly yours,

F. P. KING,

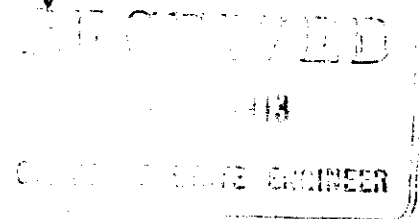
State Engineer.

By _____

5515

4.3.
- Caldwell, Ida., Sept. 8, - 1918.

F. P. Knig, State Eng.,
Bosse, Ida.



Dear Sir:- Kindly tell me how to proceed to get record proof of from your office of the Canyon Hill Development Co's. water right, and the cost to me of such proof. Hall & Apperson made the original application - they transferred to the Canyon Hill Development Co, and it in turn to the Canyon Hill Irrigation Co. The information will be found under application No. ~~5515~~ - 7714 - Permit No. 5515. - date of priority Oct. 15, 1909, authorizing diversion of 16 1/2 second feet of water from Indian Creek. What will it cost me to get the history record proof of this water right to date - to apply on final proof. of a desert entry? ^{5.15}Very truly
E. Max Hart.

State of Idaho

ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Canyon Hill Development Co.,
C. S. Brainard, Caldwell, Ida.
Dear Sir:

Sept. 5, 1913.

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your permit No. ~~5548~~..... which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

F. P. KING,

State Engineer.

5515

January 14, 1911

Permit 5515

Mr. C. D. Brainard,
Caldwell, Idaho.

Sir:-

- I am inclosing you herewith certificate of completion
of works issued under above permit. Am also inclosing
receipt for fees.

Very truly yours,

State Engineer.

CCW-R3172

By...

5515

January 11, 1911

Permit No. 5515

Mr. C. D. Brainard,
Caldwell, Idaho.

Sir:-

- I am just in receipt of a supplementary report from the water commissioner, Mr. H. B. Williams, of Caldwell, in which he recommends that the certificate be issued for the full amount of water called for in the permit, 16.5 second feet. However, in order to straighten the records in this office I will ask that affidavits be filed by Mr. Hall, for the company, and E. C. Apperson and James G. Garten, as witnesses, stating the reason why the depositions submitted in proof of completion of works gave only 8 second feet as the capacity of the works. Upon the receipt of such affidavits, the matter of issuing the certificate will be taken up.

Very truly yours,

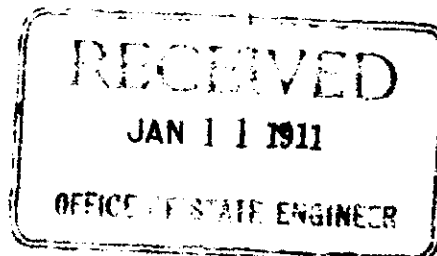
State Engineer.

By....

5515

H. S. Williams,
Water Commissioner,
Div. No. 3.
Caldwell, Idaho.

Caldwell, Idaho, Jan. 11th, 1911



Mr. D. G. Martin,
State Engineer,
Boise, Ida.

Dear Sir:-

In reply to your letter of the 9th, inst., referring to the matter of the Canyon Hill Development Co, under permit No. 5515, I wish to state that I was under the impression, while making out my report, that it was to be their final proof of completion of works, and I so based my report on that.

This morning I received a letter from Mr. C. E. Brainard stating that their final proof would not be made till 1913.

As a matter of fact the diversion works and main canal are large enough to carry the 16½ sec. feet, and while ~~xxx~~ only one pumping unit has been placed at each lift, the concrete base for that pumps at each lift is constructed for a second unit.

The above being true, and taking your version of Sec. 325I I see no reason why the Canyon Hill Development Co. cant make proof for the full 16½ sec. feet.

Very respectfully yours,

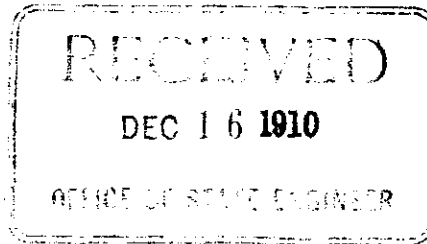
Water Commissioner, Div. No. 3.

5515

H. S. WILLIAMS
WATER COMMISSIONER
DIVISION NO. 3

CALDWELL, IDAHO. Dec. 15th, 1910

Mr. D. G. Martin,
State Engineer,
Boise, Idaho.

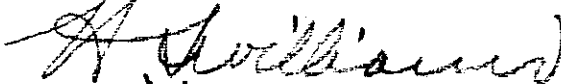


Dear Sir:

Yours of the 14th, inst. referring to Permit No. 5515-Canyon Hill Development Co. was received this morning.

In reply I wish to state that while the canal system will carry eight sec. ft. the pumping capacity is only four and one half ~~sec.~~ ft. As all the irrigable land depends on pumping ~~that~~ they are entitled to the 4.5 sec. ft., only.

Very respectfully yours, .


Water Commissioner, Div. No. 3.

5515

December 14, 1910.

Permit 5515-Canyon Hill Dev.Co.

M. S. Williams,
Water Com.3rd Div.,
Caldwell, Idaho.

Sir:-

In checking the papers in proof of completion of works under above permit I note that the depositions state the works will carry 8 second feet of water while your report gives 4.5 second feet as the amount of water that can be lifted ~~through~~ the pumping system. I am unable to determine from this whether the certificate shall be issued for only 4.5 second feet or for 8 second feet and I would like to have you give me an estimate of the amount of water that could be carried through the works .

Very truly yours,

State Engineer.

By..

5515

The Caldwell News

CALDWELL, IDAHO

Affidavit of Publication

STATE OF IDAHO,

County of Canyon, } ss.

and says that he is Editor of

THE CALDWELL NEWS, a weekly paper published at Caldwell, Idaho; that the said paper is in general circulation in the County aforesaid, and has been for a period of one year preceding the first publication of this advertisement, a copy of which is attached hereto. That said advertisement was published in the regular edition of said CALDWELL NEWS

Four consecutive weeks, beginning with the issue of

Nov 2 1960 and ending with the issue of

2nd 25 1960

Yes wrong

Subscribed and Sworn to before me this 7th

day of Nov 1910

Geo W Stovel

~~Notary Public,~~

RECEIVED

NOV 25 1910

OFFICE OF STATE ENGINEER

5515

NOTICE OF PUBLICATION.

Notice is hereby given that at 10 a. m. on the 3rd day of December, 1910, at Caldwell, County of Canyon, State of Idaho, before T. A. Walters, N. P., proof will be submitted of the completion of works for the diversion of 18.5 cubic feet per second of the waters of Indian Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Canyon Hill Development Company, Ltd.

2. The postoffice address of such person or the place of business of such corporation is Caldwell, County of Canyon, State of Idaho.

3. The number of such permit is 5515, and the date set for the completion of such work is December 2, 1910.

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion and the amount of water

completion, and the amount of water which said works are capable of conducting to the place of intended use, in

ducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is

4. The amount of lands for which said

water is available in 124 acres, particularly described as follows: Part of SW 1/4 SW 1/4 SE 1/4 - 23 SW 1/4 SE 1/4 - 10:

SW4, SW4 SE4 and SE4 SE4, Sec. 10;
Part of SW4, NW4, NW4 SW4, SW4 SW4,
SE4, SW4, Sec. 14; NE4, NW4, NE4, NE4.

SE4 SW4 Sec. 14, NE4 SW4, NE4 NE4,
NW4 NE4, SE4 NW4 SW4 NE4, SE4
NE4, NW4 SE4, NE4 SE4, SE4 SE4 Sec.

15; NE4 NE4, SE4 NE4, NE4 SE4, Sec.
22; NW4 NW4, NE4 NW4, SW4 NW4,

SE4 NW4 SW4 NE4, NW4 SW4 Sec. 22;
NE4 SW4, NW4 SE4, NE4 SE4, SW4
SW4 SE4 SW4 SW4 SE4 SE4 SE4 Sec.

SW4, SE4 SW4, SW4 SE4 SE4, SE4, Sec.
23; NE4 NW4, NW4 NE4, NE4 NE4, SW4
NW4, SE4 NE4, NW4 SE4, NE4 SE4 Sec.

26; all in T. 4 N., R. 3, W. B. M.
D. G. MARTIN,

State Engineer.
327-41-223-223

D. G. MARTIN,
State Engineer.

327-41-323-223-

The Caldwell News

CALDWELL, IDAHO

Affidavit of Publication

STATE OF IDAHO,)

County of Canyon,) ss.

and says that he is Editor of _____

NOTICE OF PUBLICATION.
Notice is hereby given that at 10 a. m.

on the 3rd day of December, 1910, at Caldwell, County of Canyon, State of Idaho, before T. A. Walters, N. P., proof will be submitted of the completion of works for the diversion of 16.5 cubic feet per second of the waters of Indian Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Canyon Hill Development Company, Ltd.
2. The postoffice address is

2. The postoffice address of such person or the place of business of such corporation is Caldwell, County of Canyon, State of Idaho.

3. The number of such permit is 5515, and the date set for the completion of such work is December 3, 1919.

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 16.5 cubic feet per second.

5. The amount of lands for which said water is available is 321 acres, particularly described as follows: Part of SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 10: Part of SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Sec. 14: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 22: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26: all in T. 4 N., R. 3, W. 6 E.

D. G. MARTIN,
State Engineer,
127-4t-N2-N22

THE CALDWELL NEWS, a weekly paper published at Caldwell, Idaho; that the said paper is in general circulation in the County aforesaid, and has been for a period of one year preceding the first publication of this

advertisement, a copy of which is attached hereto. That said advertise-

ment was published in the regular edition of said CALDWELL NEWS

four consecutive weeks, beginning with the issue of

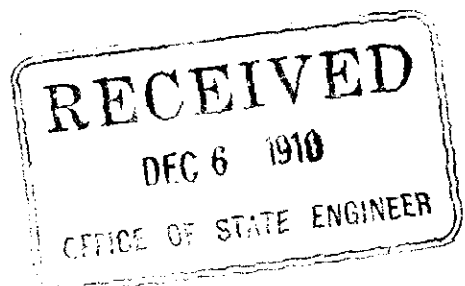
Apr. 2 190, and ending with the issue of

Nov 23 190

Subscribed and Sworn to before me this _____

day of March 1910

Notary Public



5515

PERMIT NO. _____

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. *John R. Hall, age 36, Caldwell, Idaho,*
Real Estate Broker, Caldwell, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. *Canyon Hill Development Company,*
Limited, Caldwell, Idaho. President by virtue
of my office and the order of the directors

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

Ans. *# 5315, Oct. 15th 1909, 16" Cu. feet per second of time*
Indian Creek, N 16.8° W 73.3° feet from S.E. corner of Sec 26 Twp.
4 N. R 3. W. 13. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. *Irrigation; 821 described in exhibit "A"*
herewith attached made a part hereof.

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

Ans. *Yes. June 29th 1910, to full capacity.*

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit. *See Exhibits of 16 cu. ft. per second in permit*

Ans. *Yes; They are capable of diverting and distributing*

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. *As to capacity works complete divert*
8 Cu. feet per second while permit authorizes
16 " " " " "

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. *A dam across the said creek made of timber and earth, 9 ft.*
high, 123 feet wide, spillway 103 ft. wide, gravity canal 3 ft. on bottom
about 4 ft. average depth, about 4 mi. to first pumping plant.
Two (2) pumping plants, both same, eight in. centrifugal
pumps, two (2) electric motors, one 20 and one
25 horse power - One and one half miles of concrete
the said pumps, 4 ft. on bottom, average 2 ft. deep, 15 Cu.
ft. capacity, 1300 ft. 20 in pipe, wood, 2000 ft. 20 in wood pipe, 2 mi. of
canal to receive water from pumps.
Capacity 5 ft. per second - cost
of all said works \$15000.00

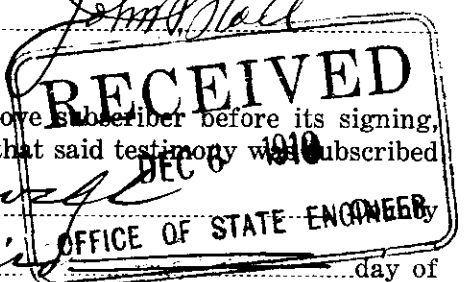
(Sign here.)

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

of *Canyon*, state of Idaho, on this *this* day of

A. D. 1910

5515



John R. Hall
Notary Public

EXHIBIT "A" .

The following is an itemized list of the lands covered, to-wit: All in Township Four (4) North of Range Three (3) West of the Boise Meridian ,

Section	Description	Acres covered .
10 -----	SE1/4SE1/4	.71
	SW 1/4 SE 1/4	14 .53
	SE 1/4 SW 1/4	1 .43
15 -----	NE 1/4 NW 1/4	111 .76
	SE 1/4 NW 1/4	2.85
	SW 1/4 ~~NE~~ 1/4	39 .04
	NE 1/4 NE 1/4	27 .37
	SE 1/4 NE 1/4	34 .05
	NW 1/4 SE 1/4	6 .72
	NE 1/4 SE 1/4	35 .47
	SE 1/4 SE 1/4	21 .76
	NW 1/4 NE 1/4	39 .28
14 -----	SW 1/4 NW 1/4	8 .92
	NW 1/4 SW 1/4	38 .05
	SW 1/4 SW1/4	37 .41
	SE 1/4 SW 1/4	1 .78
23 -----	NE 1/4 NW 1/4	11 .76
	SE 1/4 NW 1/4	31 .19
	SW 1/4 NE 1/4	3 .57
	NW 1/4 SE 1/4	33 .48
	NE 1/4 SE 1/4	1 .43
	SE 1/4 SE 1/4	1 .07
	SW 1/4 SE 1/4	40 .00
	SE 1/4SE 1/4	.71
	SE 1/4 SW 1/4	19 .98
	SW 1/4 SW 1/4	2 .50
	NW 1/4 SW 1/4	34 .20
22 -----	NE 1/4 SE 1/4	17 .83
	SE 1/4 NE 1/4	24 .26
	NE 1/4 NE 1/4	10 .34
	NW 1/4 NW 1/4	39 .36
	SW 1/4 NW 1/4	39 .28
	NE 1/4 SW 1/4	37 .71
26 -----	NE 1/4 NE 1/4	20 .69
	SE 1/4 NE 1/4	38 .62
	NE 1/4 SE 1/4	22 .47
	NW 1/4 SE 1/4	00 .21
	SW 1/4 NE 1/4	17 .83
	NW 1/4 NE 1/4	40 .01
	NE 1/4 NW 1/4	6 .42

5515

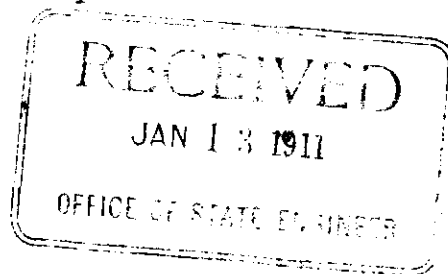
RECEIVED

DEC 6 1910

OFFICE OF STATE ENGINEER

In the matter of the Proof of completion
of work under Permit 5515.

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



John P. Hall being first duly sworn,
he now
deposes and says; ~~that John P. Hall~~ is and was on the
third day of December, 1910, president of the Canyon Hill
Development Company, Limited; That on the third day of
December 1910, he made a deposition on behalf of said
Company in the matter of proof of completion of work under
Permit 5515; That in said deposition he gave the capacity
of the works as eight second feet, for the reason that he
believed the capacity of the works determined by the lift-
ing capacity of the pumps enstalled by the company as des-
cribed in my former deposition on the third day of december
1910; That the capacity of the works, to wit, ^{dam} ~~from~~ head
gate, canal down to said pumps, was on the said 3rd day
of December 1910, sixteen and five tenths second feet, and
was on that day fully completed, and had been for a long
time prior thereto, to wit, more than three months; that
affiant has since making deposition on December third, 1910,
been informed that the law does not require that the pumps
before mentioned be complete to the capacity of the diversion
works or any other capacity to enable the said company to
make proof of completion of work under said Permit, and
affiant makes this affidavit for the purpose of correcting
his affidavit made herein on the said third day of December
1910; That affiant makes this affidavit for and on behalf of
of the said company.

Subscribed and sworn to before me this 13th day of
January, 1911.

5515

John P. Hall
Notary Public

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

PERMIT NO. _____

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans.

*James T. Garton Caldwell, Idaho,
Farmer, Caldwell, Idaho*

Ques. 2 Are you acquainted with *Canyon Hill Development Company, Limited*, the

holder of Permit No. *5512*, authorizing the diversion of *16* second-feet of the waters of

Indian Creek, at *Caldwell, Idaho*,

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

Ans.

Mr. Two years, Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. *5512*, and are you familiar with its terms and conditions?

Ans.

Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

*yes, a description, character and estimate
is given in detail in Exhibit
"A" hereto attached and by this
reference made a part hereof*

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans.

*fully completed, but not of sufficient capacity to divert 16 second feet
Capacity of about 8 second feet*

Ques. 6 Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans.

*An earthen and wood and stone dam across said creek,
about 123 feet wide, 9 ft. high, 103 feet spillway, gravity canal,
about 1/4 mile long, about 3 ft. on bottom, 4 feet deep, two
pumping plants, one 8 in. centrifugal pump, 20 horse power
electric motor, one 8 in. centrifugal pump, 125 horse power
motor, about 1 1/2 miles power line, about 1/2 miles
gravity canal between pumps about 4 feet on bottom
and 2 feet deep, about 1300 feet 20 in pipe, about 2000 feet
10 in wood pipe, about 2 miles of canals to return water
from delivery pipe to pump. About 8 second feet
about enough to the acre should be used
on the said land. (Sign here.) *James T. Garton**

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was

subscribed and sworn to before me, at my office in *Caldwell*

of *Canyon*, State of Idaho, on this *third* day of

December A. D. 191*0*

RECEIVED

DEC 6 1910

County

OFFICE OF STATE ENGINEER

J. R. [Signature]

5315

EXHIBIT "A" .

The following is an itemized list of the lands covered, to-wit: All in Township Four (4) North of Range Three (3) West of the Boise Meridian ,

Section	Description	Acres covered .
10 -----	SE1/4SE1/4	.71
	SW 1/4 SE 1/4	14 .53
	SE 1/4 SW 1/4	1 .43
15 -----	NE 1/4 NW 1/4	11 .76
	SE 1/4 NW 1/4	2.85
	SW 1/4 NE 1/4	39 .04
	NE 1/4 NE 1/4	27 .37
	SE 1/4 NE 1/4	34 .05
	NW 1/4 SE 1/4	6 .72
	NE 1/4 SE 1/4	35 .47
	SE 1/4 SE 1/4	21 .76
	NW 1/4 NE 1/4	39 .28
14 -----	SW 1/4 NW 1/4	8 .92
	NW 1/4 SW 1/4	38 .05
	SW 1/4 SW 1/4	37 .41
	SE 1/4 SW 1/4	1 .78
23 -----	NE 1/4 NW 1/4	11 .76
	SE 1/4 NW 1/4	31 .19
	SW 1/4 NE 1/4	3 .57
	NW 1/4 SE 1/4	33 .48
	NE 1/4 SE 1/4	1 .43
	SE 1/4 SE 1/4	1 .07
	SW 1/4 SE 1/4	40 .00
	SE 1/4 SE 1/4	.71
	SE 1/4 SW 1/4	19 .98
	SW 1/4 SW 1/4	2 .50
	NW 1/4 SW 1/4	39 .20
22 -----	NE 1/4 SE 1/4	17 .83
	SE 1/4 NE 1/4	24 .26
	NE 1/4 NE 1/4	10 .34
	NW 1/4 NW 1/4	39 .36
	SW 1/4 NW 1/4	39 .28
	NE 1/4 SW 1/4	37 .71
26 -----	NE 1/4 NE 1/4	20 .89
	SE 1/4 NE 1/4	38 .82
	NE 1/4 SE 1/4	22 .47
	NW 1/4 SE 1/4	00 .21
	SW 1/4 NE 1/4	17 .83
	NW 1/4 NE 1/4	40 .01
	NE 1/4 NW 1/4	6 .42

The same being a high plateau covered with sage brush,- an arid desert in its natural state. The soil is a volcanic ash, containing, in some places, considerable decomposed granit sand.

I am of the opinion that it would require about one inch of water to the acre for profitable cultivation.

RECEIVED

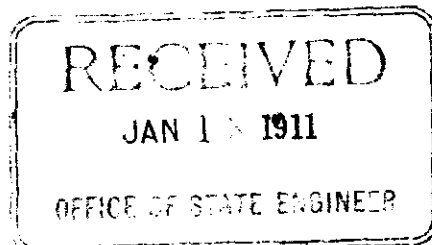
DEC 6 1910

OFFICE OF STATE ENGINEER

5515

In the matter of the Proof of completion
of work under Permit 5515.

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



James S. Gartin being first duly sworn,
deposes and says; that John P. Hall no^ris and was on the
third day of December, 1910, president of the Canyon Hill
Development Company, Limited; That on the third day of
December 1910, he made a deposition on behalf of said
Company in the matter of proof of completion of work under
Permit 5515; That in said deposition he gave the capacity
of the works as eight second feet, for the reason that he
believed the capacity of the works determined by the lift-
ing capacity of the pumps installed by the company as des-
cribed in my former deposition on the third day of december
1910; That the capacity of the works, to wit, ^{dam} ~~from~~ head
gate, canal down to said pumps, was on the said 3rd day
of December 1910, sixteen and five tenths second feet, and
was on that day fully completed, and had been for a long
time prior thereto, to wit, more than three months; that
affiant has since making deposition on December third, 1910,
been informed that the law does not require that the pumps
before mentioned be complete to the capacity of the diversion
works or any other capacity to enable the said company to
make proof of completion of work under said Permit, and
affiant makes this affidavit for the purpose of correcting
his affidavit made herein on the said third day of December
1910; ~~affiant~~

Subscribed and sworn to before me this 13th day of
January, 1911.

5515

James S. Gartin
Notary Public

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

PERMIT NO. _____

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. E. C. Apperson, 28, Caldwell, Idaho

Broker Caldwell, Idaho

Ques. 2. Are you acquainted with Canyon Hill Development Company, Limited, the holder of Permit No. 5515, authorizing the diversion of 16 ~~100~~ second-feet of the waters of Indian Creek, at Caldwell, Idaho for Irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, 2 years, Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. 5515, and are you familiar with its terms and conditions?

Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. A description of the land and its character and estimate of water required is given in full in Exhibit "A" hereto attached and made a part thereof

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Works are completed to carry 8 second feet instead of 16 as set out in the permit

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

A dam across said Indian Creek made of earth stone and timber, about 9 feet high, 123 feet wide, 103 feet by depth 100 ft. about 4 miles gravity canal, 3 feet on bottom, about 4 feet deep.

Ans. Two pumping plants one 8 in. centrifugal pump, 20 horse power electric motor, one 8 in. centrifugal pump, 25 horse power electric motor about 15 miles power line 16 miles gravity canal between said pumps about 2 1/2 miles bottom, and an adage of 2 feet.

about 300; 20 in pipe, wood; 2,000 ft. pine wood pipe; about 2 miles of canals that receive water from pumps.

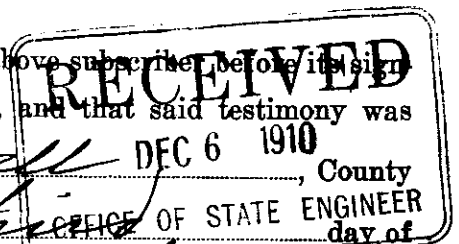
Eight to eight and one half second feet

(Sign here.) E. C. Apperson

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

of Canyon, State of Idaho, on this thir day of

December A. D. 1910



J. D. Walters

5515

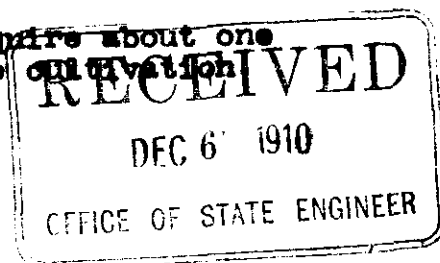
EXHIBIT "A" .

The following is an itemized list of the lands covered, to-wit: All in Township Four (4) North of Range Three (3) West of the Boise Meridian ,

Section	Description	Acres covered .
10 -----	SE1/4SE1/4	.71
	SW 1/4 SE 1/4	14 .53
	SE 1/4 SW 1/4	1 .43
16 -----	NE 1/4 NW 1/4	11 .78
	SE 1/4 NW 1/4	2.85
	SW 1/4 NE 1/4	39 .04
	NE 1/4 NE 1/4	27 .37
	SE 1/4 NW 1/4	34 .05
	NW 1/4 SE 1/4	6 .72
	NE 1/4 SE 1/4	35 .47
	SE 1/4 SE 1/4	21 .76
	NW 1/4 NE 1/4	39 .28
14 -----	SW 1/4 NW 1/4	8 .92
	NW 1/4 SW 1/4	38 .05
	SW 1/4 SW1/4	37 .41
	SE 1/4 SW 1/4	1 .78
23 -----	NE 1/4 NW 1/4	11 .76
	SE 1/4 NW 1/4	31 .19
	SW 1/4 NE 1/4	3 .57
	NW 1/4 SE 1/4	33 .40
	NE 1/4 SE 1/4	1 .43
	SE 1/4 SE 1/4	1 .07
	SW 1/4 SE 1/4	40 .00
	SE 1/4SE 1/4	.71
	SE 1/4 SW 1/4	19 .98
	SW 1/4 SW 1/4	2 .50
	NW 1/4 SE 1/4	39 .20
22 -----	NE 1/4 SE 1/4	17 .83
	SE 1/4 NE 1/4	24 .26
	NE 1/4 NE 1/4	10 .34
	NW 1/4 NW 1/4	59 .36
	SW 1/4 NW 1/4	39 .28
	NE 1/4 SW 1/4	37 .71
26 -----	NE 1/4 NE 1/4	20 .69
	SE 1/4 NE 1/4	38 .62
	NE 1/4 SE 1/4	22 .47
	NW 1/4 SE 1/4	00 .21
	SW 1/4 NE 1/4	17 .83
	NW 1/4 NE 1/4	40 .01
	NE 1/4 NW 1/4	6 .42

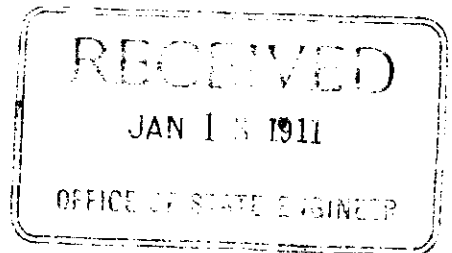
The same being a high plateau covered with sage brush,- an arid desert in its natural state. The soil is a volcanic ash, containing, in some places, considerable decomposed granit sand.

I am of the opinion that it would require about one inch of water to the acre for profitable cultivation.



In the matter of the Proof of completion
of work under Permit 5515.

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



E.C. Apperson being first duly sworn,
deposes and says: that John P. Hall no^r is and was on the
third day of December, 1910, president of the Canyon Hill
Development Company, Limited; that on the third day of
December 1910, he made a deposition on behalf of said
Company in the matter of proof of completion of work under
Permit 5515; that in said deposition he gave the capacity
of the works as eight second feet, for the reason that he
believed the capacity of the works determined by the lift-
ing capacity of the pumps installed by the company as des-
cribed in my former deposition on the third day of December
1910; That the capacity of the works, to wit, ^{dam} ~~from~~ head
gate, canal down to said pumps, was on the said 3rd day
of December 1910, sixteen and five tenths second feet, and
was on that day fully completed, and had been for a long
time prior thereto, to wit, more than three months; that
affiant has since making deposition on December third, 1910,
been informed that the law does not require that the pumps
before mentioned be complete to the capacity of the diversion
works or any other capacity to enable the said company to
make proof of completion of work under said Permit, and
affiant makes this affidavit for the purpose of correcting
his affidavit made herein on the said third day of December
1910; ~~and~~ ^{and}

Subscribed and sworn to before me this 13th day of
January, 1911.

5515

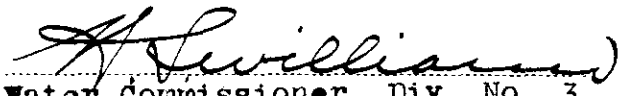
E.C. Apperson
Notary Public

Report of Engineer

1. State name of applicant and number of permit: Canyon Hill Development Co. - Permit 5515
2. State source of water supply: Indian Creek
3. Location of point of diversion: N. 16.08° W. 733.3 ft. from S. E. cor. Sec. 26, T. 4 N., R. 3 W. E.
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 of same as follows:
 - (a) Width of conduit at bottom: 4 ft.
 - (b) Width at water line: 10 "
 - (c) Depth of water: 2 "
 - (d) Grade per mile: 2.00
6. State whether or not water has been turned into works of diversion and if so, to what extent: About 225 miners inches or 4.5 sec. ft.
7. Give exact location of lands to be irrigated. ~~Give exact number of acres under cultivation~~ in each forty acre tract:

<u>W$\frac{1}{2}$ SW$\frac{1}{4}$ and W$\frac{1}{2}$ of SE$\frac{1}{4}$ of SW$\frac{1}{4}$ of Sec. 14</u>	<u>100.00 acres</u>
<u>NW$\frac{1}{4}$ of NE$\frac{1}{4}$, S$\frac{1}{2}$ of NE$\frac{1}{4}$, NE$\frac{1}{4}$ SE$\frac{1}{4}$, E$\frac{1}{2}$ SE$\frac{1}{4}$ SE$\frac{1}{4}$ " I5</u>	<u>180.00 "</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$, E$\frac{1}{2}$ NW$\frac{1}{4}$, E$\frac{1}{2}$ NW$\frac{1}{4}$ NW$\frac{1}{4}$, SW$\frac{1}{4}$ NW$\frac{1}{4}$, NE$\frac{1}{4}$ SW$\frac{1}{4}$, NW$\frac{1}{4}$ SW$\frac{1}{4}$, N$\frac{1}{2}$ SW$\frac{1}{4}$ SW$\frac{1}{4}$, W$\frac{1}{2}$ SE$\frac{1}{4}$, 20 acres in SE$\frac{1}{4}$ SE$\frac{1}{4}$ all in Sec. 23</u>	<u>380.00 "</u>
<u>E$\frac{1}{2}$ SE$\frac{1}{4}$ NE$\frac{1}{4}$, E$\frac{1}{2}$ NE$\frac{1}{4}$ SE$\frac{1}{4}$ all in Sec. 22</u>	<u>40.00 "</u>
<u>E$\frac{1}{2}$ NE$\frac{1}{4}$, NW$\frac{1}{4}$ NE$\frac{1}{4}$, E$\frac{1}{2}$ SW$\frac{1}{4}$ NE$\frac{1}{4}$, 30 a. in NE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 26</u>	<u>170.00 "</u>
<u>all in T4N, R3W, RM. total-</u>	<u>870.00 "</u>
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: In making demonstration to show how much water could be lifted through this pumping system it was found that about 4.5 sec. ft. would cover the amount. 8" centrifugal pumps are used at both pumping stations and 25 hp electric motors operate them. At both stations the water is forced through 20" wood stave pipe.


Water Commissioner, Div. No. 3.

STATE OF IDAHO,

County of _____

} ss.

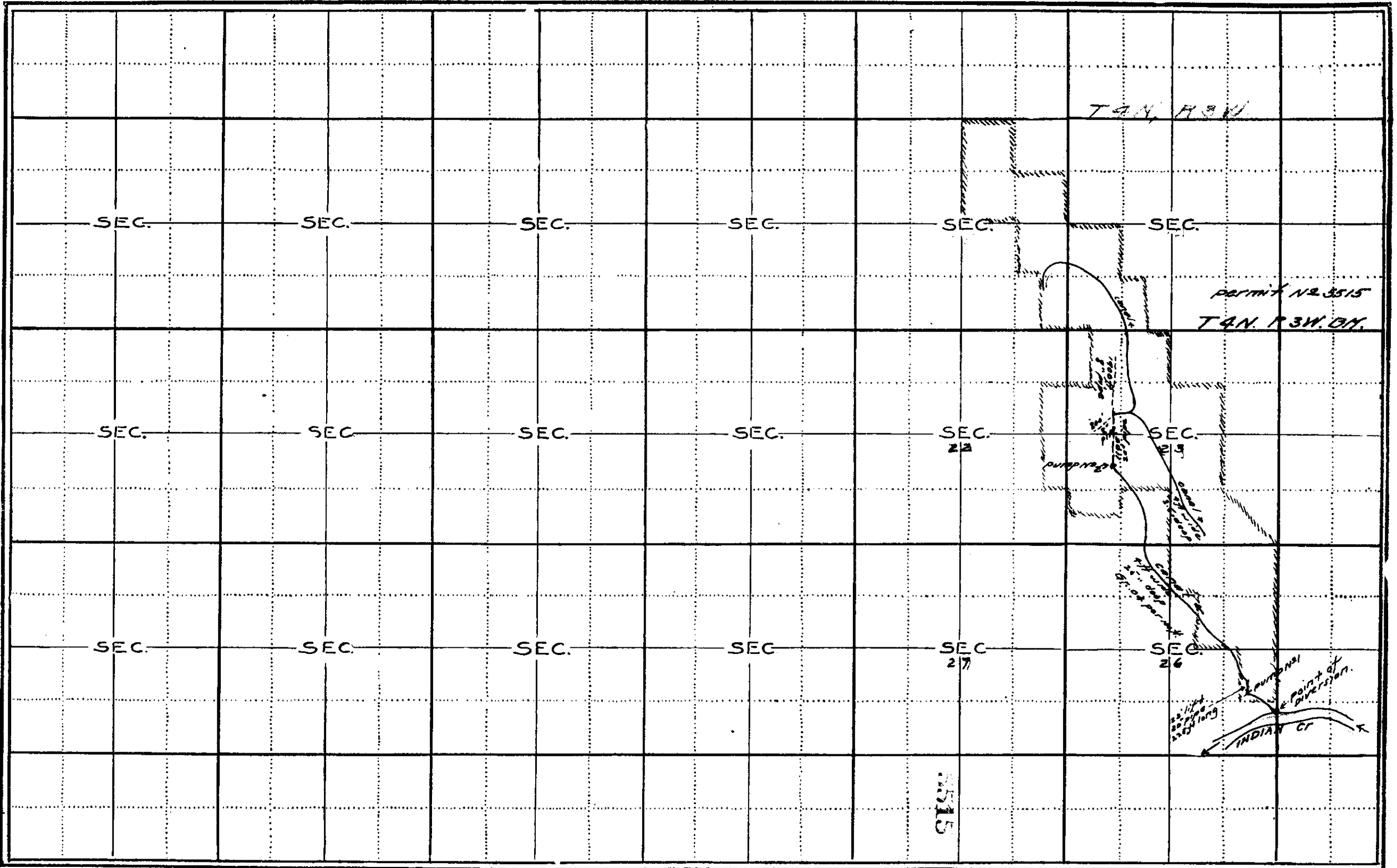
_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

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

My Commission Expires _____

Notary Public.

5515



(Place) *Cal. w. 22 Ida*

(Date) *Oct 29-1910*

Stat Engineer, Boise.

Dear Sir:

I have your letter of *Oct 28* enclosing Notice of
Completion of Works under Permit No. *5515* which will be published as
you request, beginning with our issue of *Nov. 2*

Caldwell News

5515

Sept 29 1910

NOTICE OF PUBLICATION

Notice is hereby given that at 10 A. M., on the 3rd day of December, 1910, at Caldwell County of Canyon State of Idaho, before T. A. Walters, H.P. proof will be submitted of the completion of works for the diversion of 16.5 cubic feet per second of the waters of Indian Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is.....

Canyon Hill Development Company, Ltd.

2. The postoffice address of such person or the place of business of such corporation is.....

Caldwell County of Canyon State of Idaho.

3. The number of such permit is 5515, and the date set for the completion of such work is December 3, 1910.

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 16.5 cubic feet per second.

6. The amount of lands for which said water is available is 821 acres, particularly described as follows: Part of SE4 SW4, SW4 SE4 & SE4 SE4 Sec.10; Part of SW4 NW4, NW4 SW4, SW4 SW4, SE4 SW4 Sec.14; NE4 NW4, NE4 NE4, NW4 NE4, SE4 NW4, NW4 NE4, SE4 NE4, NW4 SE4, NE4 SE4 Sec.15; NE4 NE4, SE4 NE4, NE4 SE4 Sec.22; NW4 NW4, NE4 NW4, SW4 NW4, SE4 NW4, NW4 SW4 Sec.23; NE4 SW4, NW4 SE4, NE4 SE4, SW4 SW4, SE4 SW4, SW4 SE4 SE4 Sec.23; NE4 NW4, NW4 NE4, NE4 NE4, SW4 NE4, SE4 NE4, NW4 SE4, NE4 SE4, Sec. 26, all in T.4 N., R. 3 W.B.M.

D. G. Martin,

State Engineer.

5515

State of Idaho

ENGINEERING DEPARTMENT

BOISE

JAMES STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS.

Proof of Completion of Works

Canyon Hill Development Co.

c/o T.A. Walters,

Caldwell, Idaho

Boise, Idaho, October 28, 1910.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No. 5515.

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 December 3, 1910,..... the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Caldwell, Idaho.
2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00. When these have been received, together with report of the examining engineer if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

JAS. STEPHENSON, JR.,

State Engineer.

5515

October 28, 1910.

Permit 5515

H.S. Williams,
Water Com. 3rd Div.,
Caldwell, Idaho.

Sir:-

The Canyon Hill Development Co., of Caldwell, desires to make
proof of completion of works on 16.5 second foot of the waters of
Indian creek on December 3rd.

Very truly yours,

State Engineer.

Inc.

By...

5515

October 19, 1910.

Permit 5515

Jackson & Walters, Lawyers
Caldwell, Idaho.

Gentlemen:-

Am inclosing you herewith affidavit of John P. Hall,
~~and having~~ been duly recorded in connection with the permit in
this office.

Very truly yours,

State Engineer.

Aff

By...

5515

T. S. JACKSON

T. A. WALTERS

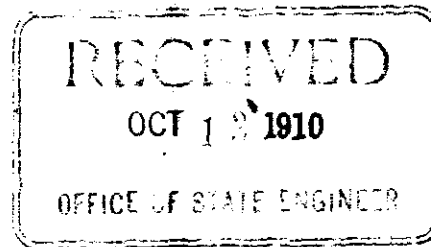
LAW OFFICES OF

JACKSON & WALTERS

ROOMS 6, 7, 8, BOULEVARD BLOCK

CALDWELL,

IDAHO



Oct. 11th, 1910.

Mr. D. G. Martin, State Engineer,

Boise, Idaho.

Dear Sir:-

Enclosed find the Affidavit in connection
with permit #5515. We are,

Sincerely yours,

Jackson & Walters

Per

A handwritten signature in dark ink, appearing to read "T. A. Walters". The signature is written over the word "Per" and extends to the right.

5515

October 5, 1910.

Permit 5515- Canyon Hill Dev.Co.

Jackson & Walters, Lawyers,
Caldwell, Idaho.

Gentlemen:-

I am today in receipt of yours of the 4th inst. inclosing notice of proof of completion of works under above permit. In reply would say that it will be necessary for the company to file an affidavit showing that an error was made in the original application in describing the lands to be irrigated and that the three subdivisions mentioned in the letter are actually in Section 23 and not in 22, as stated in the permit.

The notice for publication will be sent to the Caldwell News in due time and deposition blanks furnished you.

Very truly yours,

State Engineer.

By...

5515

T. B. JACKSON

T. A. WALTERS

LAW OFFICES OF

JACKSON & WALTERS

ROOMS 6, 7, 8, EGGLESTON BLOCK

CALDWELL,

IDAHO

Oct. 4th, 1910.

Mr. D. G. Martin, State Engineer

Boise, Idaho.

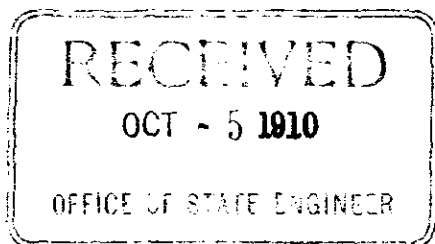
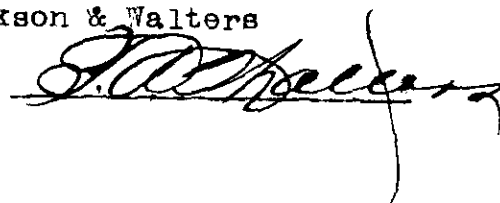
Gentlemen:-

Enclosed find Notice for Proof of completion of works. The description in the notice of proof is correct and the descriptions given under section 22 in the permit should be given under section 23. We are,

Sincerely yours,

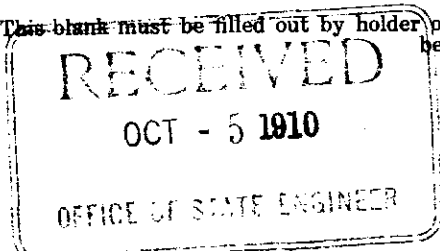
Jackson & Walters

Per



Notice of Proof of Completion of Works

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)



(P. O.) Caldwell, Idaho
(Date) Oct. 3rd 1910

TO THE STATE ENGINEER OF THE STATE OF IDAHO, BOISE, IDAHO:

DEAR SIR: Notice is hereby given that at 10 a. M. on the third day of December, 1910, at Caldwell, County of Canyon, State of Idaho, before T. J. Walters proof will be submitted of the completion of works for the diversion of 16 1/2 cubic feet per second of the waters of Indian Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Canyon Hill Development Company, Limited
2. The postoffice address of such person or the place of business of such corporation is Caldwell County of Canyon State of Idaho.
3. The number of such permit is 5515, and the date set for the completion of such work is December 3rd 1910
4. Said water to be used for Irrigation, domestic purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use in accordance with the plans accompanying the application for such permit, is 8 1/2 cubic feet per second.
6. The amount of lands for which said water is available is = 821 = acres, particularly described as follows: in "Exhibit A" which is hereto attached and made a part hereof

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Engineer.

Our desires that the above notice be published, according to law, in the Caldwell News of Caldwell published in the county in which said works are situated; the expense of which publication will be borne by Canyon Hill Development Co.
(Signature) Canyon Hill Development Company, Limited
By John Hall President.
5515
attest E. C. Apperson Secretary.

21.16.108⁸ W. 7333 ft. from SE cor Sec 26-Tp 47N-R 3W

Section	Brot. For.	538 Acres
23	✓ All of NE 1/4 of SW 1/4	40
23	Part of NW 1/4 of SE 1/4	34
23	Part of NE 1/4 of SE 1/4	2
23	Part of SW 1/4 of SW 1/4	2
23	Part of SE 1/4 of SE 1/4	18
23	Part of SW 1/4 of SE 1/4	39
23	Part of SE 1/4 of SE 1/4	2
26	Part of NE 1/4 of NW 1/4	7
26	Part of NW 1/4 of NE 1/4	38
26	Part of NE 1/4 of NE 1/4	20
26	Part of SW 1/4 of NE 1/4	18
26	Part of SE 1/4 of NE 1/4	38
26	Part of NW 1/4 of SE 1/4	1
26	Part of NE 1/4 of SE 1/4	<u>24</u>
		821

Exhibit "A".

Section	T. 4 N. R. 3 W. B. M.	Acres
10	Part of SE 1/4 of SW 1/4	1
10	Part of SW 1/4 of SE 1/4	16
10	Part of SE 1/4 of SE 1/4	1
14	Part of SW 1/4 of NW 1/4	13
14	Part of NW 1/4 of SW 1/4	34
14	Part of SW 1/4 of SW 1/4	37
14	Part of SE 1/4 of SW 1/4	3
15	Part of NE 1/4 of NW 1/4	10
15	Part of NE 1/4 of NE 1/4	37
15	All NW 1/4 of NE 1/4	40
15	Part of SE 1/4 of NW 1/4	3
15	Part of SW 1/4 of NE 1/4	36
15	Part of SE 1/4 of NE 1/4	36
15	Part of NW 1/4 of SE 1/4	6
15	Part of NE 1/4 of SE 1/4	36
15	Part of SE 1/4 of SE 1/4	20
22	Part of NE 1/4 of NE 1/4	9
22	Part of SE 1/4 of NE 1/4	17
22	Part of NE 1/4 of SE 1/4	16
23	All of NW 1/4 of NW 1/4	40
23	Part of NE 1/4 of NW 1/4	12
23	All SW 1/4 of NW 1/4	40
23	Part of SE 1/4 of NW 1/4	32
23	Part of SW 1/4 of NE 1/4	6
23	Part of NW 1/4 of SW 1/4	37
		538

September 30, 1910.

Permit 5515

Jackson & Walters, Attorneys
Caldwell, Idaho.

Gentlemen:-

I am today in receipt of yours of the 29th inst., inclosing
fee for recording transfer under above permit. Inclosed find receipt.
Am also inclosing blank for proof of completion of works, as per your
request.

Very truly yours,

State Engineer.

R3025-F103

By..

5515

LAW OFFICES OF

JACKSON & WALTERS

ROOMS 6, 7, 8, EGGLESTON BLOCK

CALDWELL,

IDAHO

Permit 5515.

Sept. 29th, 1910.

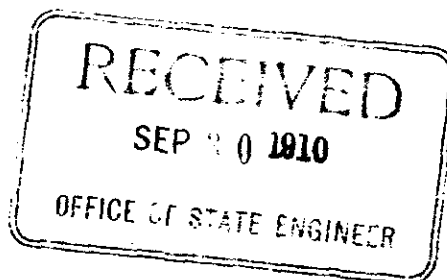
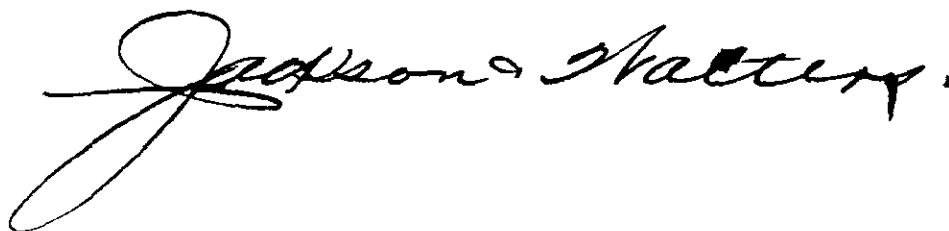
Mr. D. G. Martin, State Engineer,

Boise, Idaho.

Dear Sir:-

We acknowledge receipt of your favor of the 28th instant. Enclosed find Ck. to your order in the sum of \$1.00 to pay recording fee, deed for said permit. Kindly send us blank on which to ~~make~~ give notice of proof of completion of work under said permit. We are,

Sincerely yours,



5515

September 28, 1910.

Permit 5515

Jackson & Walters, Lawyers
Caldwell, Idaho

Gentlemen:-

Your letter of the 26th inst., inclosing quitclaim deed of above permit, to hand and contents noted. In reply would say that, as proof is not required until December 3rd, there is still time for the thirty day publication and make proof on regular order. It is not absolutely necessary that the notice be in this office sixty prior to date of making proof. I am inclosing you herewith the notice filed by Hall & Apperson and am also returning you the quitclaim deed, same having been duly recorded. Please to remit \$1.00 recording fee.

Very truly yours,

State Engineer.

OD-Not.

By...

5515

LAW OFFICES OF

JACKSON & WALTERS

ROOMS 2, 7, 8, EGGLESTON BLOCK

CALDWELL,

IDAHO

RECEIVED

SEP 27 1910

OFFICE OF STATE ENGINEER

Dec. 26th, 1910

Mr. D. G. Martin

State engineer,

Boise, Idaho.

Dear Sir:-

Your letter of the 23rd instant addressed to Mr. J. P. Hall in reference to Permit #5515, has been handed to us for answer. We desire to say that the interest of Hall & Apperson in the said permit has been sold to The Canyon Hill Development Co. Ltd. and that you had better send us the proper blanks, at once, that we can give notice in the name of the Co. and we will accompany ^{with} the application, a Quitclaim deed showing the transfer. Return the Notice of Broof of completion of work sent in by Messrs Hall & Apperson, unless the delay will preclude the proof by not being able to get in within 60 days. If there is not sufficient time Hall & Apperson could prove completion of work under their contract with the Co. We are,

Sincerely yours,

Jackson & Walters.
I have secured the Quit Claim which you may record if time enough remains for us to give statutory notice, and proceed.
J.W.

5515

September 23, 1910.

Permit 5515

J. P. Hall,
Caldwell, Idaho.

Sir:-

I am today in receipt of notice for proof of completion of works under above permit. In checking over the land list I find the following discrepancy: The NW4 of NW4, the SW4 of NW4 and the NE4 of SW4 are given under section 23 in the notice while these legal subdivisions are given under section 22 in the permit. Please ascertain which is correct and advise me before publication notice is sent out.

Very truly yours,

State Engineer.

By...

5515

State of Idaho
ENGINEERING DEPARTMENT
BOISE

D. G. MARTIN
STATE ENGINEER

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Hall & Eperson,

Boise, Idaho, September 1, 1910

Caldwell, Idaho

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 5515

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof **MUST** be on or before **December 3, 1910**

Upon receipt of the blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a Notary Public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the 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

D. G. MARTIN

State Engineer.

5515

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

Permit No. 5515
Hall & Apperson,
Caldwell, Idaho

Boise, Idaho, December 11, 1909

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.

JAS. STEPHENSON, Jr.,
State Engineer.

5515