

December 6, 1984

Donald G. Freeman
Perry, Freeman & Hawley
P.O. Box 805
Carmel, California 93921

Re: 02-7089, 02-7140 - Milton Price

Dear Mr. Freeman:

The past summer the dispute with Mr. Flynn to license water right 02-7089 was resolved. Please find enclosed copies of the above referenced water right licenses relative to the property in which your client Mr. Price apparently has an interest.

The Snake River Adjudication is nearing the end of its administrative road when a proposed finding will be filed with the district court. Since my last letter a far larger project is on the horizon. This larger project, a water right adjudication of the Snake River Basin encompassing most of southern Idaho, is a result of the multifaceted dilemma described then. At this point the future course is not defined.

If you have more questions about these water right matters, please contact me or David B. Barber, the deputy attorney general assigned to the Department for adjudications.

Regards,

Donald V. Shaff
Adjudication Unit Leader

Enclosure

MICROFILMED

AUG 16 1984

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7089 Priority November 23, 1971 Amount 0.22 cfs

THIS IS TO CERTIFY, that Robert Flynn &/or Milton R. Price
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 02-7089 issued pursuant to Application for Permit dated November 23, 1971,
and has submitted proof to the Department of Water Resources on December 14, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.22 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.22</u> cfs and	<u>54.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.22 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
54.0 acre feet per year, said waters to be diverted within the Gov. Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 8, Twp 1N, Rge 3W in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1N	3W	8						L.3 2			L.3 10								12

Total number of acres irrigated 12

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 4.5 afa per acre for the lands above.

This right when combined with Right No. 02-7140 shall not exceed 0.22 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this NOVEMBER day of
NOVEMBER, 19 84.

Acting for the

Director

Roman C Young

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
SNAKE RIVER from base of Milner
Dam to Oregon ~~XXXXXX~~ XXXXXX
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-7089	
I.D. No.	Map No.
\$ 10.00	18914
Fee Paid	Receipt No.

Notice is hereby given that Robert E. &/or Rosemary Flynn
(Name of Claimant)

Box 66, Melba, ID 83641 Telephone No. none
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 11/23/1971
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) SNAKE RIVER tributary to COLUMBIA RIVER
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- Quantity 36 cfs 1.22 Use irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity .02 cfs 0 Use domestic Period of Use From 1/1 To 12/31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 38 cfs 1.22 TOTAL QUANTITY CLAIMED. LOT 3
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NW 1/4 SW 1/4
Sec. 8, Twp. 1N, Rge. 3W, B.M., Owyhee County
Additional Points SW SWNW, Lot 3, T 1N, R 3W, Sec. 8 SEC: 2720 (1) 433.0
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
7 1/2 HP motor - sprinkler system
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	3W	<u>7</u>													<u>X</u>				<u>1</u>
		<u>8</u>							<u>43</u>				<u>1.3</u>						<u>17</u>
									<u>2</u>				<u>17</u>						<u>17</u>
													<u>10</u>						<u>12</u>

Other rts: Opaline Irr. Dist.

Total no. of acres 18 12

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Opaline Irrigation District

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks This right to agree with License to be issued. This right when
disposition when combined with Lic. 02-7140 shall not
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. except 22 cfs
☐ B) Right decreed by court, cite title of case.

JKN

KEYPUNCHED
10/2/84

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-7089

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

May 7, 1981

(Date)

State of Idaho

County of Ada

Organization

Seal

(Signature of Authorized Agent)

On this 7th day of May, in the year 1981 before me
a notary public, personally appeared Robert E. Flynn

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires Life

Notary Public residing at Boise

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by SKN

Date 9/21/83

Right No. 02-7089

Claimant Robert Flynn

Recommendation differs from claim: ☐ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License rough draft

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. photo attached

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☐ Yes ☒ No Date _____

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. _____

Field Photographs Taken ☐ Yes ☐ No

Memorandum in file ☐ Yes ☐ No

Remarks See Jan Hoover field log & letter to Jan
dated 3/18/82 on explanation of acreage on
02-7140 & 02-7089.

Supplemental it to opaline for District

WICHOIPIVED

April 14, 1983

RE: 02-7089, 02-7140 - Milton Price

Donald G. Freeman
Perry, Freeman and Hawley
P. O. Box 805
Carmel, CA 93921

Dear Mr. Freeman:

Responding to your letter of March 25, 1983, Mr. Price's water rights are being processed by this agency under two separate chapters of the Idaho Code. Please forward my apologies to Mr. Price for not responding to his letter of November 7, 1982. This delay is explained below. Also please make note of our address change. The Postal Service delayed by about three weeks the delivery of your letter.

Mr. Price and/or Robert Flynn initiated the development of these water rights under Title 42, Chapter 2 of the Idaho Code. A resulting water right license of that statutory process is prima facie evidence of the water right. At this point only 02-7140 is a water right license. Mr. Flynn was dissatisfied with the examiner's findings for 02-7089, and its status remains just short of a license. The disagreement over the number of irrigated acres under the latter permit, which is its current status, has been resolved. Apparently, a license will be issued in the near future.

Both of these statutory water rights are simultaneously being processed in the adjudication under Title 42, Chapter 14, Idaho Code. This agency is at the point in the process of the first sentence of 42-1410. As a result of a 1980 amendment to this section and the addition the same year of Section 42-1415, this agency adopted an administrative procedure before issuing a proposed finding. When the staff has initially finished investigating the water right claims, it will send a draft proposed finding to the water users. Any protests filed against the draft report will be scheduled for an administrative hearing if the matter cannot be resolved informally. I do not anticipate any problems of this type with your client's water rights due to the licensed or nearly licensed status of his water rights.

MICROFILMED

AUG 16 1994

April 14, 1983

That is not to say Mr. Price's water rights are not without some threat to their usefulness. Idaho water law is based on the appropriation doctrine, and Mr. Price's water rights are relatively late in time in relation to other water users on the Snake River. Today the crystal ball revealing the water resource use and development in southern Idaho is murkier than normal.

A large number of Desert Land Entry and Carey Act projects with earlier dates of priority for the water rights are pending upstream of Mr. Price's land. If these projects were approved and the projects were developed, the river could be depleted to a point where there could be no water available for diversion under the priority dates represented by Mr. Price's water rights.

To blur the picture even more, the quality of Idaho Power Company's water rights at Swan Falls has become a political question as well as a legal issue. The Idaho Supreme Court issued Opinion 49 on March 31, 1983, declaring the company's use of the water at Swan Falls just upstream a few miles from your client's land was not subordinate to water rights used for irrigation upstream whether diverted from the ground, the Snake River or its tributaries. The company's water rights at this critical spot allegedly date from 1909 to 1919. The court remanded the question of quantifying those water rights back to the district court.

With that opinion, the political wheels started whirring. The state's governor requested the Federal Energy Regulatory Commission, which is reviewing the reissuance of the company's hydropower license at Swan Falls, to add the subordination clause to the new license. FERC has not made its decision as yet. This session of the legislature has grappled with the issue without changing anything except to appoint a committee to study the touchy matter.

If the status quo continues long into the future, Mr. Price and his associates will have more water at their present point of diversion than they can ever use. Without subordination, this agency's director has said development of the state upstream of Swan Falls will cease. Idaho Power Company would pass water through its generators at the dam and let that water go downstream. The quantity is certain to be greater than the current appropriation downstream, thus assuring Mr. Price a supply of water.

In summary, Mr. Price may lose the diversion of water he now enjoys via his associates if upstream development under pending earlier water rights continues. Water rights filed now and in the future would pose no problem. He will be unaffected if Idaho Power prevails in thwarting attempts to reduce its water rights. Your client shares the dilemma faced by the entire State of Idaho at this historic crossroads.

The purpose of the adjudication is to determine the elements of all the water rights in this stretch of the Snake River. Some of those water rights are open to question unlike your clients. The outcome of those presently.

MICROFILMED

AUG 16 1994

Donald G. Freeman

- 3 -

April 14, 1983

unconfirmed water rights will probably have little, if any, effect on Mr. Price. Under the unregulated, free-for-all river operation now, Mr. Flynn is pumping water. The larger questions, so far not a part of this case, discussed above pose the potential threat.

When the license for 02-7089 is issued, I will send copies to Mr. Price and you of both licenses. Copies of the adjudication claims filed are enclosed.

If you have more questions after wading through this letter that may have been more than you expected, please feel free to contact me. Darcy Frownfelter is the department's attorney handling adjudications.

Sincerely,

DONALD V. SHAFF
Adjudication Unit Leader

DVS:alw
Encls.

MICROFILMED
AUG 15 1994

THOMAS K. PERRY (1904-1971)
DONALD G. FREEMAN
THOMAS HART HAWLEY
A PROFESSIONAL CORPORATION

LAW OFFICES
Perry, Freeman and Hawley
SAN CARLOS BETWEEN 7TH AND 8TH
POST OFFICE BOX 805
Carmel by the Sea, California 93921

TELEPHONE
AREA CODE 408
624-5339

March 25, 1983

Mr. Donald V. Shaff
Adjudication Unit Leader
Department of Water Resources
Western Region
92 South Cole Road
Boise, Idaho 83709

Re: Milton H. Price

Dear Mr. Shaff:

This office has been retained by Milton H. Price to represent him regarding his Snake River licenses no. 0207089 and 02-7140. Enclosed is a copy of Mr. Price's original letter to you, dated March 16, 1982, together with your answer dated March 19, 1982, to assist you in locating your file.

Would you please advise us of the status of the litigation you have referred to in your letter and what affect said litigation has upon each of the licenses' owned by Mr. Price.

If you have any questions or comments concerning this matter, or if we can furnish you more information, please contact us.

Sincerely,

Donald G. Freeman
DONALD G. FREEMAN

DGF/jdb

MICROFILMED

AUG 16 1994

Department of Water Resources
Western Regional Office

RECEIVED

MILTON H. PRICE
213 Del Mesa Carmel
Carmel, Calif. 93923

NOV 15 1982

Nov. 7, 1982 Department of Water Resources

Mr. Donald V. Shoff
Dept of Water Resources
92 South Cole Road
Boise, Idaho 83709

COPIES TO
D. FREEMAN, ATTY, ALSO

Dear Mr. Shoff.

Reference your letter March 19, 1982
" 02-7089 02-7140
Jan R. Coz.

Please advise me the status of
application licenses 02-7089 and 02-7140.

If and when these licenses are approved
and issued, I would appreciate receiving
such notification.

Sincerely
Milton H. Price

RECEIVED

NOV 16 1982

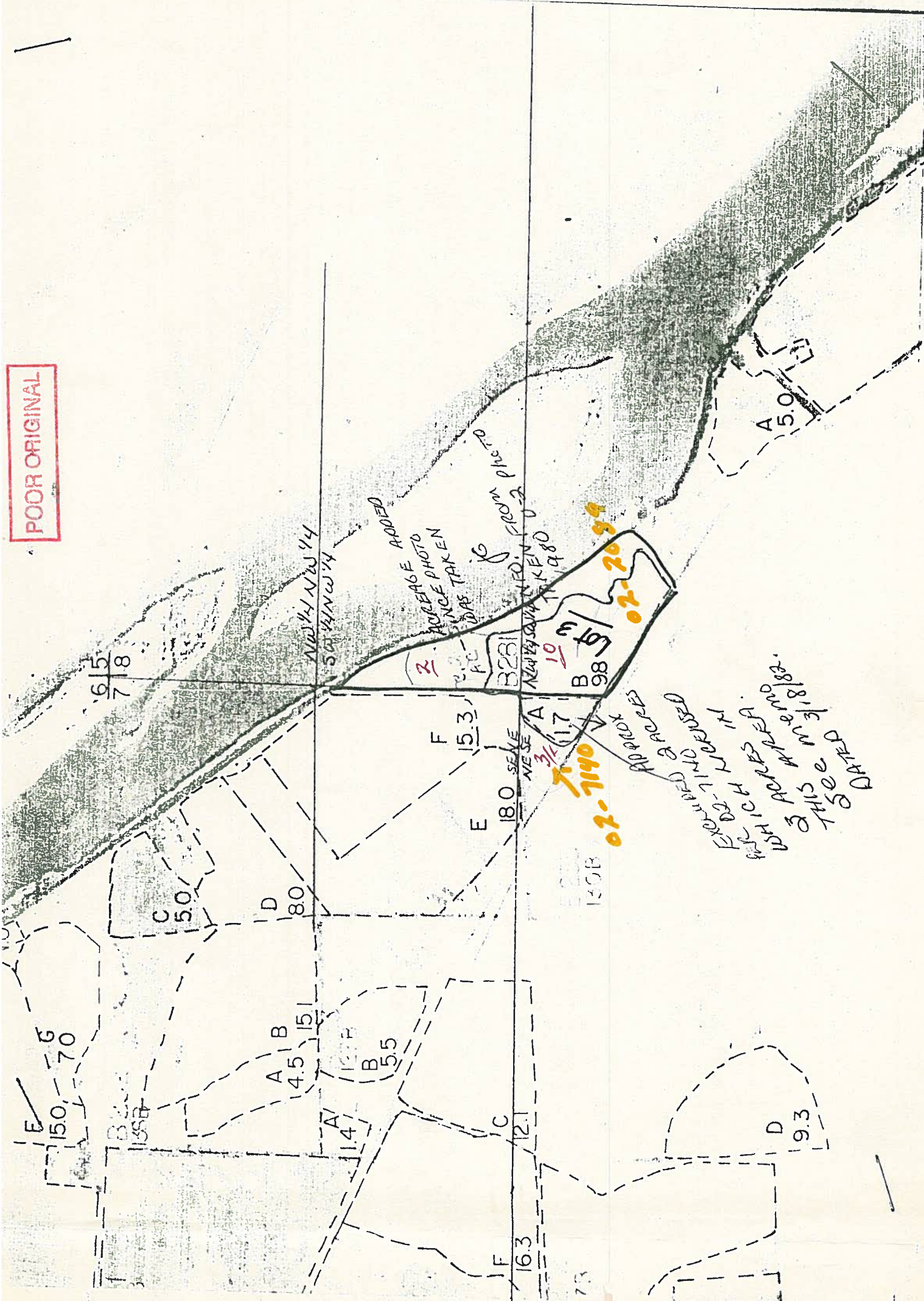
MICROFILMED

AUG 16 1994

Department of Water Resources
Western Regional Office

POOR ORIGINAL

APR 3 1964





State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

POOR ORIGINAL

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

March 19, 1982

Milton H. Price
213 Del Mesa Carmel
Carmel, CA 93921

Re: 02-7089, 02-7140

Dear Mr. Price:

This letter is in response to the questions you posed in your March 16th letter.

The Department has begun its review of the claims submitted in the Snake River Adjudication. The claims referenced above are included in that review. The filing of those claims conformed with the legal requirements of the court.

A field inspection of these water rights was conducted last summer. The office review of the rights is still in progress. The first notice of any action on the rights will be the issuance of a water right license for 02-7089 within a few months. A preliminary report from the Department on its findings in the Snake River Adjudication will not be published until after October, 1982.

After the license for 02-7089 is issued, the water right licenses will be prima facie evidence of the water rights. But, the rights will be subject to the pending litigation. Until the decree is issued by the court, the water rights will remain in this status.

Water rights are appurtenant to the land. They can be transferred to other land by the deeded owner of the land. Proof of ownership of the land must be submitted with any application for transfer.

A copy of your letter has been placed in the Department's permanent water right files for 02-7089 and 02-7140. If this agency can be of further service to you, please contact us again.

Regards,

DONALD V. SHAFF
Adjudication Unit Leader

DVS:aje

MICROFILMED

AUG 16 1994

POOR ORIGINAL

INTER-DEPARTMENT MEMO — 1

FROM

Jan Grover

DATE

3/18/82

TO

Permit # 82-7089

SUBJECT

* acres licensed

The aerial photo for Flynn's property show approx. 13 acres irrigated in Lot 3. When License # 02-7140 was licensed, which is a part of this system, 3 acres were licensed in the NE 1/4 Sec. 7, when the aerial photo shows at the most 2 acres irrigated. Therefore, in order that the adjudication claims are accurate this permit should be licensed for only 13 acres in Lot 3. Bringing the total acres of both licenses to 15 acres. The claim for 02-7140 will be adjusted by moving 1 acre.

SIGNATURE

WAC 1-2-83
MICROFILMED

213 Del Mesa Carmel
Carmel, CA 93921

March 16, 1982

State of Idaho
Dept. of Water Resources
Western Region, 92 South Cole Road
Boise, Idaho 83709

Ref: 1) Your letters dated April 19, 1981 addressed "Dear Snake River Property Owner"; 2) Notice of Claims to Water Rights, ID #02-7089 and ID #02-7140 (Receipt #18914). Name of claimant Robert E. and/or Rosemary Flynn, Box 66, Melba, ID 83641. Land description Lot 3, NW 1/4 SW 1/4, Sec. 8, Twp 1N, Rge 3W, BM., Owyhee County. Additional points SWNW, Lot 3, Sec. 8, T 1N, R3W. In the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada.

I am the Fee Owner and Trustee of the land described in reference claims, and find the following information imperative.

1. What is the status of above claims filed May 7, 1981?
2. If they are approved what is the date of approval?
3. Do these claims attach to the land described or are they personal property of the applicants?

Sincerely yours,

Milton H. Price
Milton H. Price

MHP:nk

cc: Joseph Irvine Co.
Rev. Nathaniel Pierce

RECEIVED

MAR 18 1982

MICROFILMED
Department of Water Resources
Western Regional Office
AUG 16 1994

M E M O R A N D U M

TO: File 02-7089

FROM: Don Shaff

DATE: 5-15-1981

SUBJECT: Telephone Conversation with Milton H. Price

Mr. Price called me the morning of 5-15-1981 to discuss the filing of this water right by the Flynnns. Mr. Price is apparently the owner of this property leased by the Flynnns. We discussed the advantages and disadvantages of having a water right with both Opaline Irrigation District and a private right operated by the Flynnns. Mr. Price did not object to the Flynnns appearing as the water right holder for either 02-7089 or 02-7140, but he did want to assure himself that the water rights were appurtenant to the property. Mr. Price has placed the property in a trust with Crocker National Bank in San Francisco for his granddaughter. He has been advised by the trust officer not to lose any water rights that go with the property.

A. J. Bohner of the firm Lyons, Bohner and Chasan has been retained apparently by the Flynnns for the water rights matter, and Mr. Price indicated he would also join the Flynnns in retaining Mr. Bohner.

Milton H. Price
2113 Del Masa Carmel
Carmel, CA 93921

408/624-1792

MICROFILMED
AUG 16 1994

June 16, 1981

Robert E. &/or Rosemary Flynn
Box 66
Melba, ID 83641

Dear Mr. & Mrs. Flynn:

Recently you filed two claims to your water rights from the Snake River.

As a part of the processing of these claims a field examination of the system needs to be completed.

Please contact us with directions to your house and a time that would be convenient for you for the examination.

The examination will consist of an inspection of the amount of water you are diverting plus how many acres you are irrigating. If you have any questions, please contact us.

Sincerely,

JAN GROVER
Senior Water Resource Agent

JG:nn

MICROFILMED
AUG 16 1994

Dave; JKH

POOR ORIGINAL

a applicant on permit 02-7140 requested a re examination as he thought place of use was in error on filed exam. Re exam agrees with permit on place of use. Talked with Jim Johnson concerning this it & he said to complete filed exam form and rough draft license.

Note: Diversion rate will have to be included on rough draft & filed exam from prior exam

RECEIVED

JKH

3/24/81

MAR 26 1981

Department of Water Resources

02-7089

DEMULFORD
April 2 1981

DATE OF EXAM 9/8/81

ACREAGE
Found 15
Recommended 15

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 0.22 c.f.s. V = 67.5 AF/Ann. from _____ to _____
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.22 Method of measurement CALC. PER PRESSURE GAUGE

Total Q recommended 0.22 Meter No. _____ Type _____ Condition _____

Total V recommended 67.5

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

$15 \text{ AC} \times 4.5 \text{ GCF/AC} = 67.5 \text{ GCF/AN}$
 $(27 \text{ 1/2" SPRINKLERS}) (3.63 \text{ GPM}) = 98 \text{ GPM} \times 448.8 = 0.22 \text{ cfs}$ (CONF. BY CHARLIE BRYAN ON 2/21/79)

SYSTEM DESCRIPTION:

7 1/2 hp pump, SERIAL # D16 2315 - MODEL # 215C2 DD 1281 MD.
4" MAINLINE TO SPRINKLER SYSTEM.

REMARKS:

THE SYSTEM HAS NOT CHANGED SINCE CHARLIE BRYAN DID THE FIELD EXAM IN AUGUST OF '79.

Examiner's Signature Jan Grace Date 9/8/81

Checked by DBS Date 2/1/83

Approved by _____ Date _____

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF Snake River from base of Milner
Dam to Oregon ~~X~~ DRAINAGE BASIN
Border.

NOTICE OF CLAIM
TO A
WATER RIGHT

02-7089	I.D. No.	Map No.
\$ 10.00		18914
Fee Paid		Receipt No.

Notice is hereby given that Robert E. &/or Rosemary Flynn
(Name of Claimant)
Box 66, Melba, ID 83641 Telephone No. none
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 11/23/1971

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .36 cfs Use irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity .02 cfs Use domestic Period of Use From 1/1 To 12/31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) .36 cfs TOTAL QUANTITY CLAIMED. Lot 3
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 8, Twp. 1N, Rge. 3W, B.M., Owyhee County
Additional Points: SWNW, Lot 3, T 1N, R 3W, Sec. 8

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 7 1/2 HP motor - sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				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 $\frac{1}{4}$	
1N	3W	7													1				1
											1.3								
		8									17								17

Total no. of acres 18

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Opaline Irrigation District

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks This right to agree with license to be issued.

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
JKN ☐ B) Right decreed by court, cite title of case. _____

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-7089

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

May 7, 1981 (Date)
Idaho (Signature of Claimant)

State of _____ Organization _____ (Signature of Spouse)

County of Ada ss. _____ (Signature of Authorized Agent)

Seal _____

On this 7th day of May, in the year 1981 before me

a notary public, personally appeared Robert E. Flynn

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

commission expires 1986 Notary Public residing at Boise

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

02-7140
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)	3/24/81	JKV	Re-examination

EXAMINATION

Date 3/24/81 Accompanied by Robert Flynn Total Q measured ESTIMATED
If source is surface water, estimate total flow of source SEE CALCULATIONS
Methods of measurement ESTIMATED Meets Permit requirements? YES

Measurement calculations: $\frac{7.5(8.8)(.8)}{20' + 40(23)} = \frac{52.8}{112} = 0.47 \text{ cfs}$ $V = 0.22 \times 1.9835 \times 245 = 655.3$
Ascs photo 1.7 acres irrigated $1.7 \times 4.5 \text{ AFA} = 7.65 \text{ AFA}$ Capacity
 $3 \text{ in} \times .02 = .06$ ALLOW $3 \times 4.5 = 13.5 \text{ AFA}$
 $1.7 \times .03 = .05 \text{ cfs}$ Per permit (11 9/16" SPRINKLERS) $3.63 \text{ gpm} \times 40 \text{ psi} \times 0.02228 = .2$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	7.5		2150Z001881	MB		NONE	N/A	

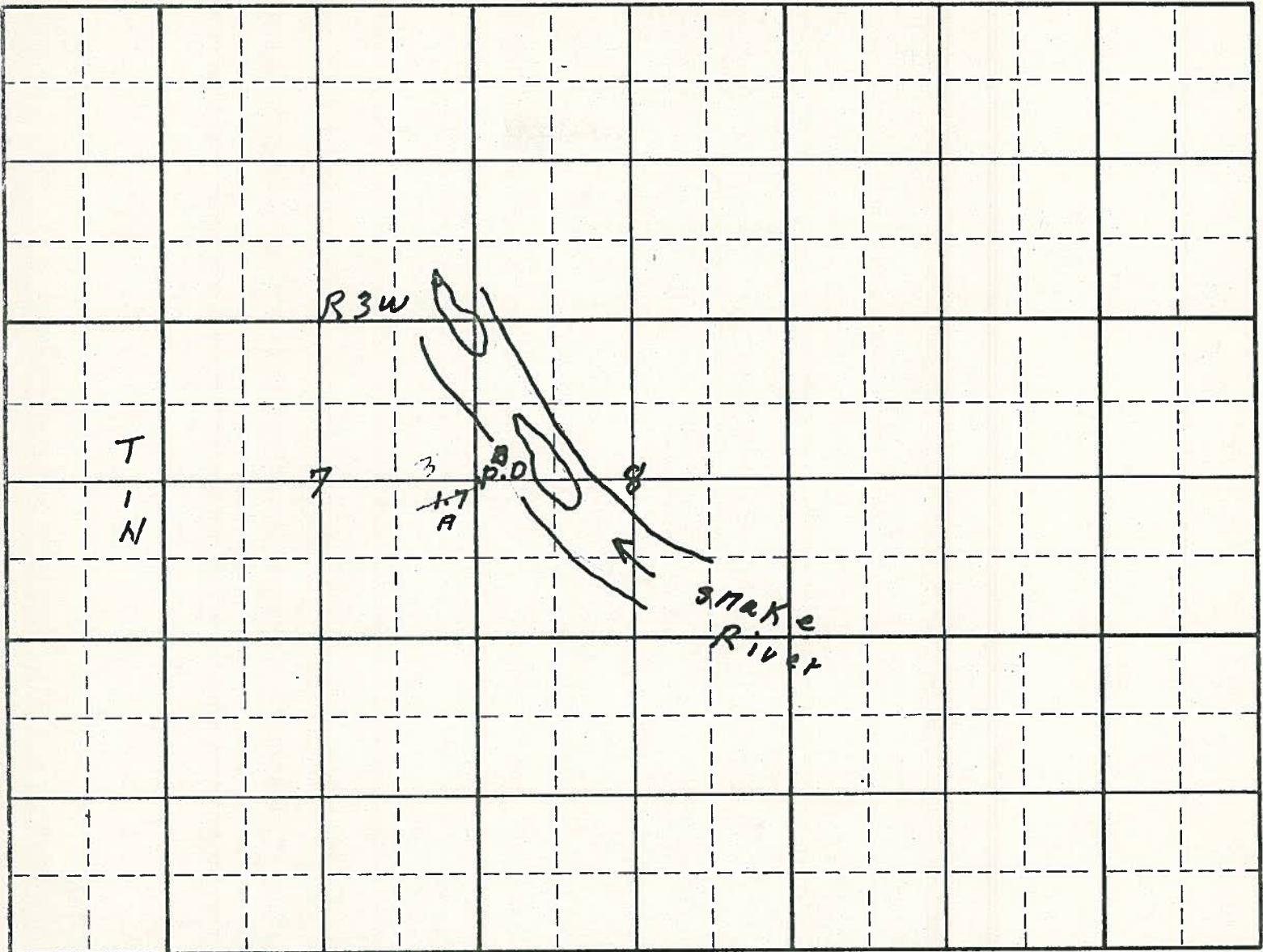
System Description Pumping plant - 2 laterals (3" x 2") 11- 9/16 nozzles

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>irrigation</u>	<u>.06</u> <u>.05</u>	<u>7.65</u> <u>13.5</u>	<u>3/15</u>	<u>11/15</u>
Total	<u>.06</u> <u>.05</u>	<u>13.5</u> <u>7.65</u>	<u>3/15</u>	<u>11/15</u>

Remarks Supplemental to opaline irrigation
District
APR 1 1981
MICHOIUM
APR 27 1981

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: 8008 SW NW 1/4 3 T1N R3W

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	3W	7													1.7				1.7
															3	see memo dated 11/27/81			3

Recommended Amendments:

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☒ None
- ☐ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other

Examiner's Signature John X. Noyes
 Checked by Jim Johns
 Approved by Jim Johns

Date 3/24/81
 Date 3/25/81
 Date 4/23/81

DATE OF EXAM 8/20/79

POOR ORIGINAL

ACREAGE
Found 3
Recommended 3

Irrigation Requirement 5.0 Ac Ft/Ac

USE
Irrigation Q= 1.06 c.f.s. V= 15.0 AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured .32 cfs Method of measurement _____

Total Q recommended .06 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 15 AF/yr

Recommended Amendments:

P.D. _____
Place of Use ✓ _____
Other _____
None _____

MEASUREMENT CALCULATION:
Q = 7.25 (1.06) / 40 = .186
Q = .32 (1.06) / 40 = .008
Allow .06 AS PER PERMITS
V = (.25) (1.06) (365) = 100.72
V = .3 (1.06) (365) = 115.05

SYSTEM DESCRIPTION: _____

REMARKS: _____

Examiner's Signature Charles W. Bryan Jr. Date 8/31/79
Checked by DBS Date 1/30/80
Approved by Relya Date 2/25/1981

COINED
No Overlapping Rights

Idaho Department of Water Resources

1987 NAAPP Photo



Claim Number: 02-07089
Legal: T01N, R03W, S8
Reviewed By: SJR 3/1/05

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines



03/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7089

NAME AND ADDRESS: ROSEMARY FLYNN
PO BOX 66
MELBA ID 83641

ROBERT E FLYNN
PO BOX 66
MELBA ID 83641

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.220 CFS
54.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 2-7140 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .22 CFS.

This right when combined with all other rights shall provide no more than .02
cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/23/1971

POINT OF DIVERSION:

T01N R03W S8 SWNW Lot 3 Within OWYHEE County

Right 2-7140 is also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.220 CFS 54.00 AFY

The use of water for irrigation under this right may begin as early as
March 1 provided other elements of the right are not exceeded. The use
of water before March 15 under this remark is subordinate to all water
rights having no subordinated early irrigation use and a priority date
earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within OWYHEE County

T01N R03W S08 Lot 3 SWNW 12.0

12 ACRES TOTAL

Place of use is within the area served by Opaline Irrigation District.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

WATER RIGHT LICENSE

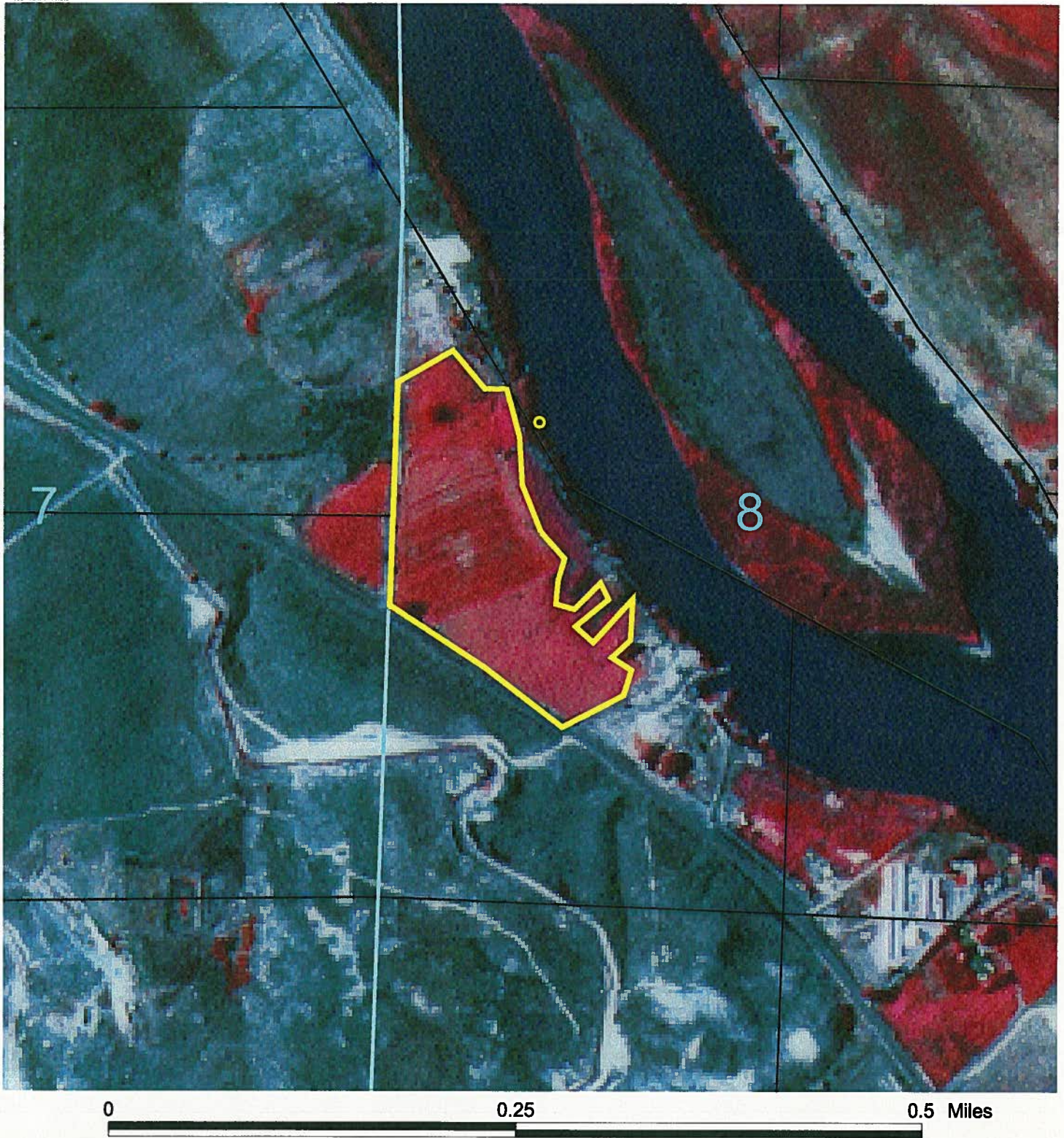
Director

MICROFILMED

DE

Idaho Department of Water Resources

1987 NAPP Photo



Claim Number: 02-07089
Legal: T01N, R03W, S8
Reviewed By: SJR 3/1/05

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-07089

Date: 5-3-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	IN	3W	08							2			10							12
GIS										4.3			9.1							13.4
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 12

Overlapping POU Claim #'s:

Total GIS Acres: 13.4

COMMENTS:

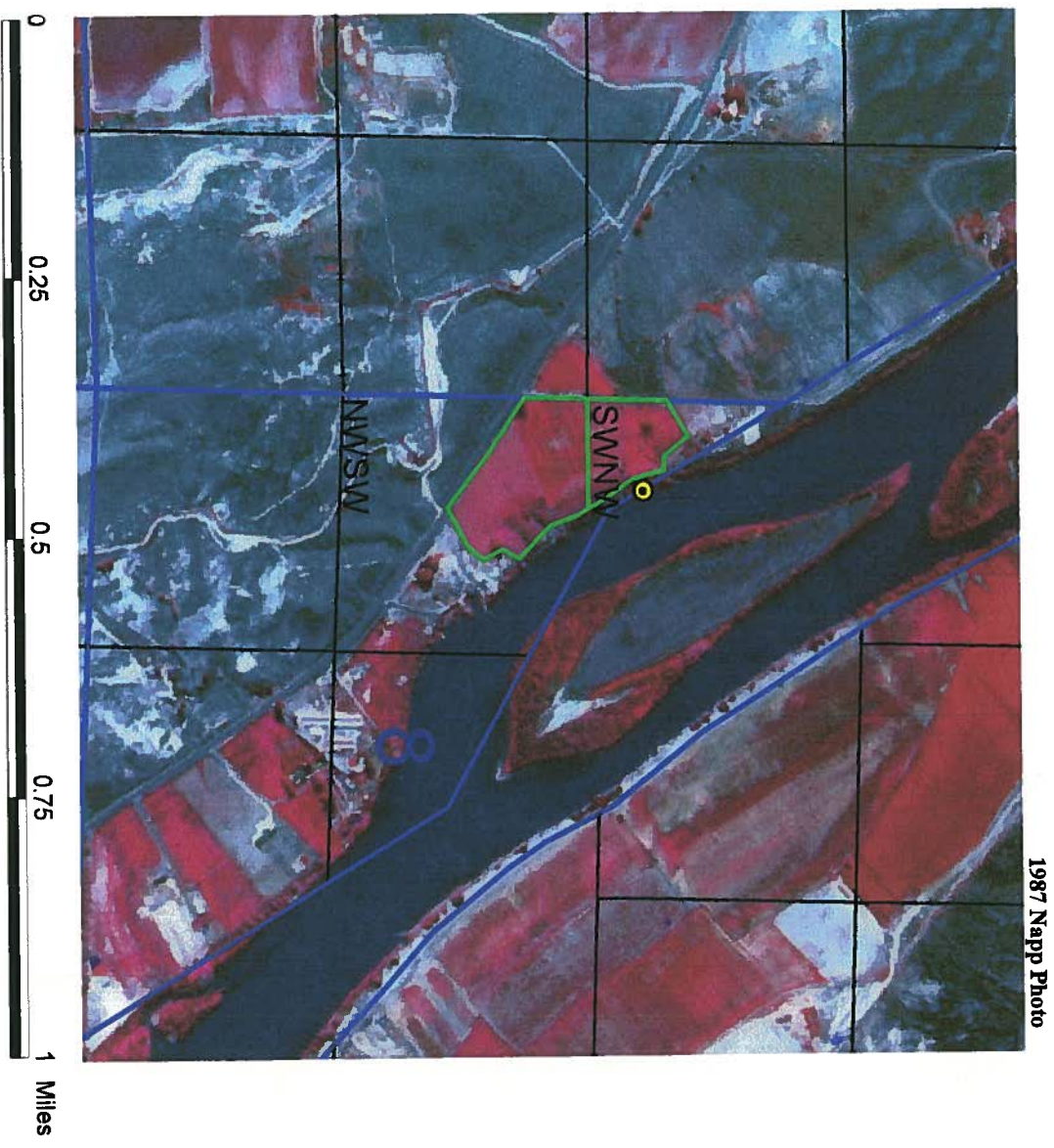
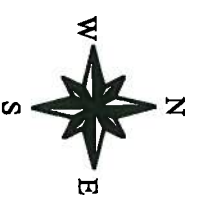
POU per claim map & image interpretation.

POD estimated per legal.

Idaho Department of Water Resources

Claim Number: 02-07089
Legal: T01N, R03W, S08
Reviewed By:

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

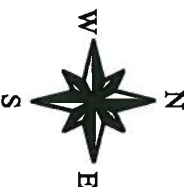
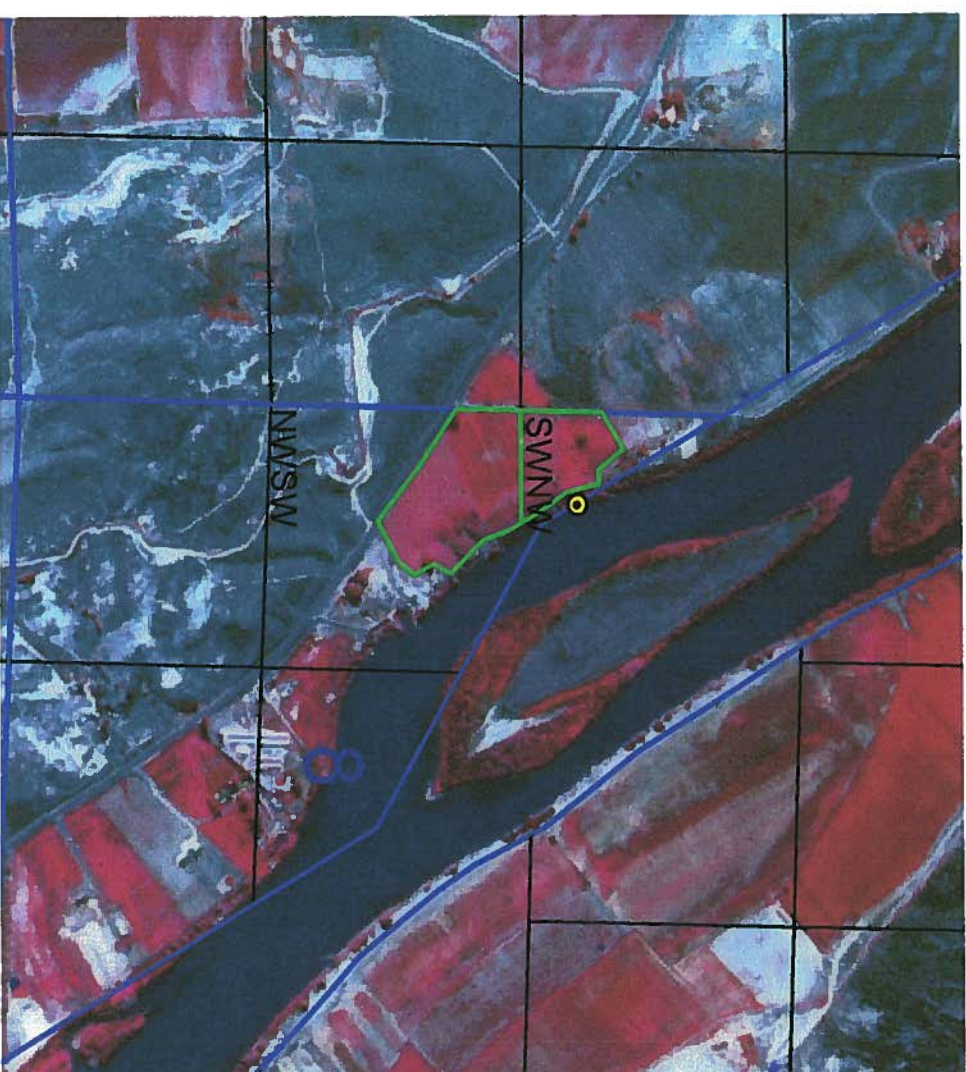


Idaho Department of Water Resources

Claim Number: 02-07089
Legal: T01N, R03W, S08
Reviewed By:

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

1987 Napp Photo



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A02-07089
Date Received: 2/28/1989
Receipt No: 005607
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT E. FLYNN
Address: P.O. BOX 66
MELBA, ID

83641

AND/OR

Name: ROSEMARY FLYNN
Address: P.O. BOX 66
MELBA, ID

83641

2. Date of Priority: NOV 23, 1971

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	03W	8	SW	NW		3	OWYHEE

5. Description of diverting works:
7-1/2HP MOTOR & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.220		

7. Total Quantity Appropriated is:
0.220 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	03W	8	SW	NW	3	IRR	2.0
			NW	SW	3	IRR	10.0
						Section Acres	12.0
						Total Acres	12.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
OPALINE IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Robert Flynn* Date: 2/28/89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of February 19 89

Anna Baumhoff
Notary Public

Seal

Residing at Borise Idaho
My Commission Expires 12-7, 1994