

# Idaho Department of Water Resources



Claim Number: 02-07168A  
Legal: T05S, R04E, S34 &  
T06S, R03E, S3 & S4  
Reviewed By: JLD 5/25/05

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

05/25/2005

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

RIGHT NUMBER: 2-7168A  
NAME AND ADDRESS: DARREL L AGENBROAD  
27161 DAIRY RD  
GRAND VIEW ID 83624-5044  
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER  
QUANTITY: 3.080 CFS  
770.000 AFY  
Use of this right with Right No. 57-02239 is limited to a total combined annual diversion volume of 770 AF.  
PRIORITY DATE: 08/30/1974  
POINT OF DIVERSION:  
T05S R04E S34 SESW Lot 9 Within OWYHEE County  
PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/15 11/15          | 3.080 CFS<br>770.00 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

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T06S R03E S04 | SWSW | 38.0 | T06S R03E S05 | SESW | 40.0 |
| T06S R03E S05 | SWSE | 38.0 | T06S R03E S05 | SESE | 38.0 |

154 ACRES TOTAL

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

This right is a split from former right 02-7168A.

The following rights are diverted through point of diversion described above:  
02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B,  
02-7168C, 02-7237A, 02-7275, & 02-7279, 2-10180, 2-10181.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
WATER RIGHT NOS. 02-07168B/07279B

This is to certify that: **DARREL L AGENBROAD**  
**HC 85 BOX 341**  
**GRANDVIEW ID 83624**

has requested that a change of water rights be recorded as follows:

| <u>BENEFICIAL USE</u>                                  | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|--------------------------------------------------------|----------------------|--------------------------|----------------------|
| Right 02-7168B:<br>IRRIGATION<br>Priority: 08/30/1974  | 03/15 - 11/15        | 3.82 CFS                 | 859.5 AF             |
| Right 02-07279B:<br>IRRIGATION<br>Priority: 02/08/1979 | 03/15 - 11/15        | 3.82 CFS                 | 859.5 AF             |
|                                                        | Total                | 7.64 CFS                 | 1719.0 AF            |

Source: SNAKE RIVER                      tributary to: COLUMBIA RIVER

LOCATION OF POINT(S) OF DIVERSION:

SESW, Sec. 34, Township 05S, Range 4E, OWYHEE County

PLACE OF USE: IRRIGATION (Right 02-07168B)

| TWN                              | RGE | SEC | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> |       |
|----------------------------------|-----|-----|--------------|--------------|--------------|-------|
| 06S                              | 03E | 4   | NESW 36.0    | NWSW 38.0    | SESW 39.0    |       |
|                                  |     |     | SWSE 39.0    | SESE 39.0    |              | 191.0 |
| Total number of acres irrigated: |     |     |              |              |              | 191.0 |

PLACE OF USE: IRRIGATION (Right 02-07279B)

| TWN                              | RGE | SEC | <u>ACRES</u>    | <u>ACRES</u>    | <u>ACRES</u> |       |
|----------------------------------|-----|-----|-----------------|-----------------|--------------|-------|
| 05S                              | 03E | 32  | SESE 23.0       |                 |              | 23.0  |
| 06S                              | 03E | 5   | (LT1) NENE 45.0 | (LT2) NWNE 46.0 | SENW 40.0    |       |
|                                  |     |     | NWSW 37.0       |                 |              | 168.0 |
| Total number of acres irrigated: |     |     |                 |                 |              | 191.0 |

**MICROFILMED**

DEC 08 1992

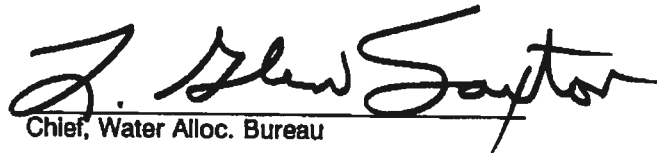
**TRANSFER OF WATER RIGHT  
WATER RIGHT NOS. 02-07168B/07279B**

This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

**CONDITIONS/REMARKS:**

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the lands above.
5. An application for transfer must be approved before these rights can revert back to the places of use originally described.

Dated this 30<sup>th</sup> day of November, 1992

  
Chief, Water Alloc. Bureau

RECEIVED

DEC 08 1992

**State of Idaho  
Department of Water Resources**

**WATER RIGHT LICENSE**

License of Water Right No. 02-7168 Priority August 30, 1974 Amount 9.6 cfs

THIS IS TO CERTIFY, that Mud Flat Canal Co.  
of Grand View, Idaho, has complied with the terms and conditions of Permit  
No. 02-7168 issued pursuant to Application for Permit dated August 30, 1974,  
and has submitted proof to the Department of Water Resources on January 11, 1980,  
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 48.44 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>9.6</u> cfs and <u>2400.0</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 9.6 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 for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
2400.0 acre feet per year, said waters to be diverted within the Gov. 1500 (SE 1/4 SW 1/4)  
Section 34, Twp 5S, Rge 4E in the County of Owyhee

Description and location of place of use:

| Twp. | Range | Sec. | NE 1/4     |            |        |        | N 1/2  |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|-------|------|------------|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | 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 |        |
| 5S   | 3E    | 32   |            |            |        | 40     |        |        |        |        |        |        |        |        | 40     |        |        | 40     | 120    |
|      |       | 33   |            |            |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        | 38     |
| 6S   | 3E    | 4    |            |            |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        | 38     |
|      |       | 5    | L. 1<br>45 | L. 2<br>46 |        |        |        |        | 40     |        | 37     |        | 40     |        |        | 38     | 38     |        | 284    |
|      |       |      |            |            |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |            |            |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |            |            |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |            |            |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 480

**MICROFILMED**

**MICROFILMED**

**CONDITIONS OF APPROVAL**

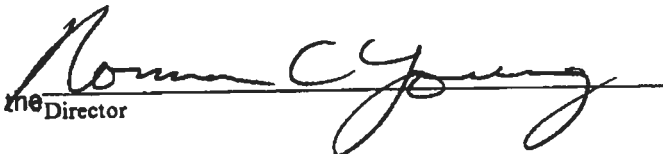
- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

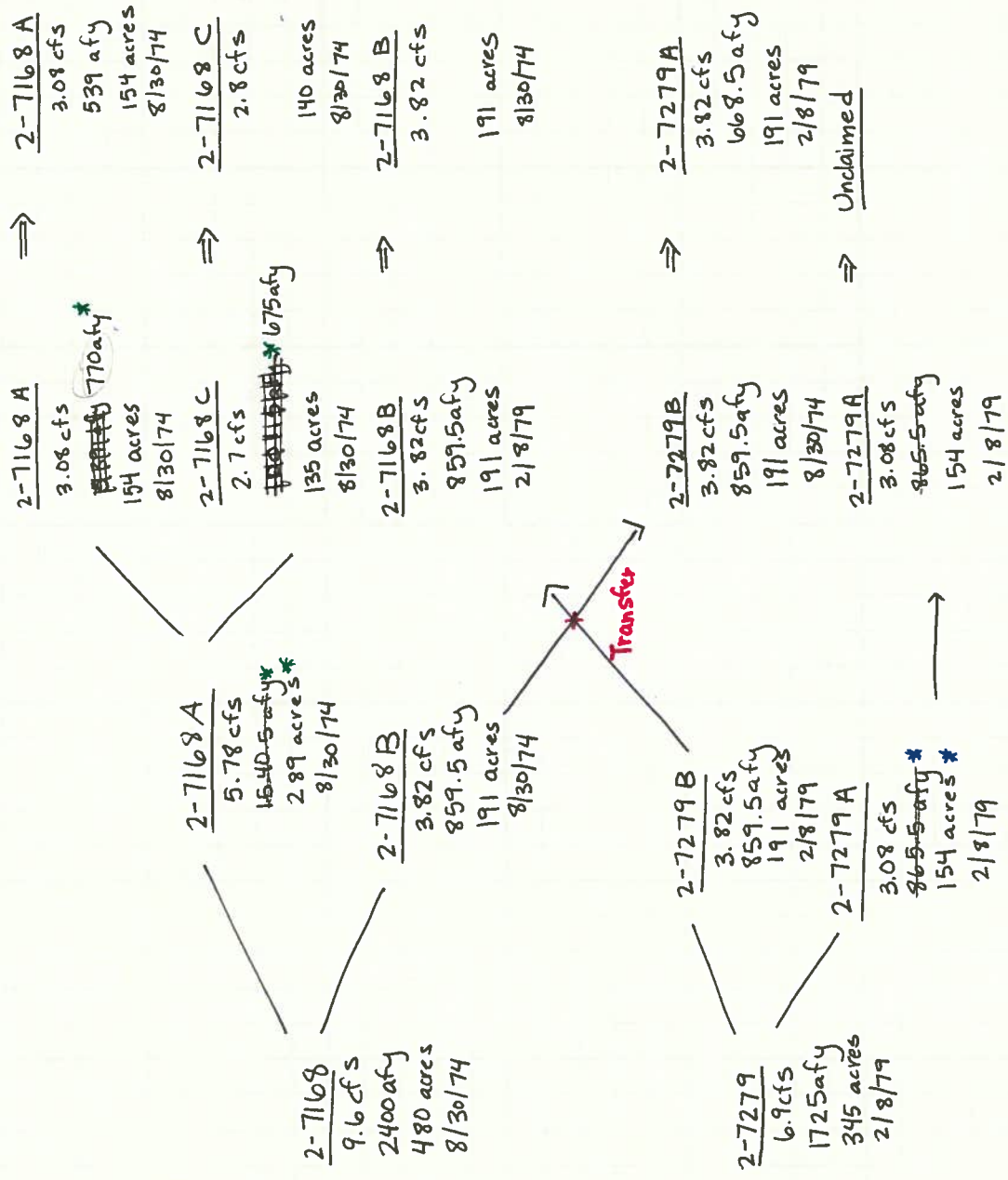
Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

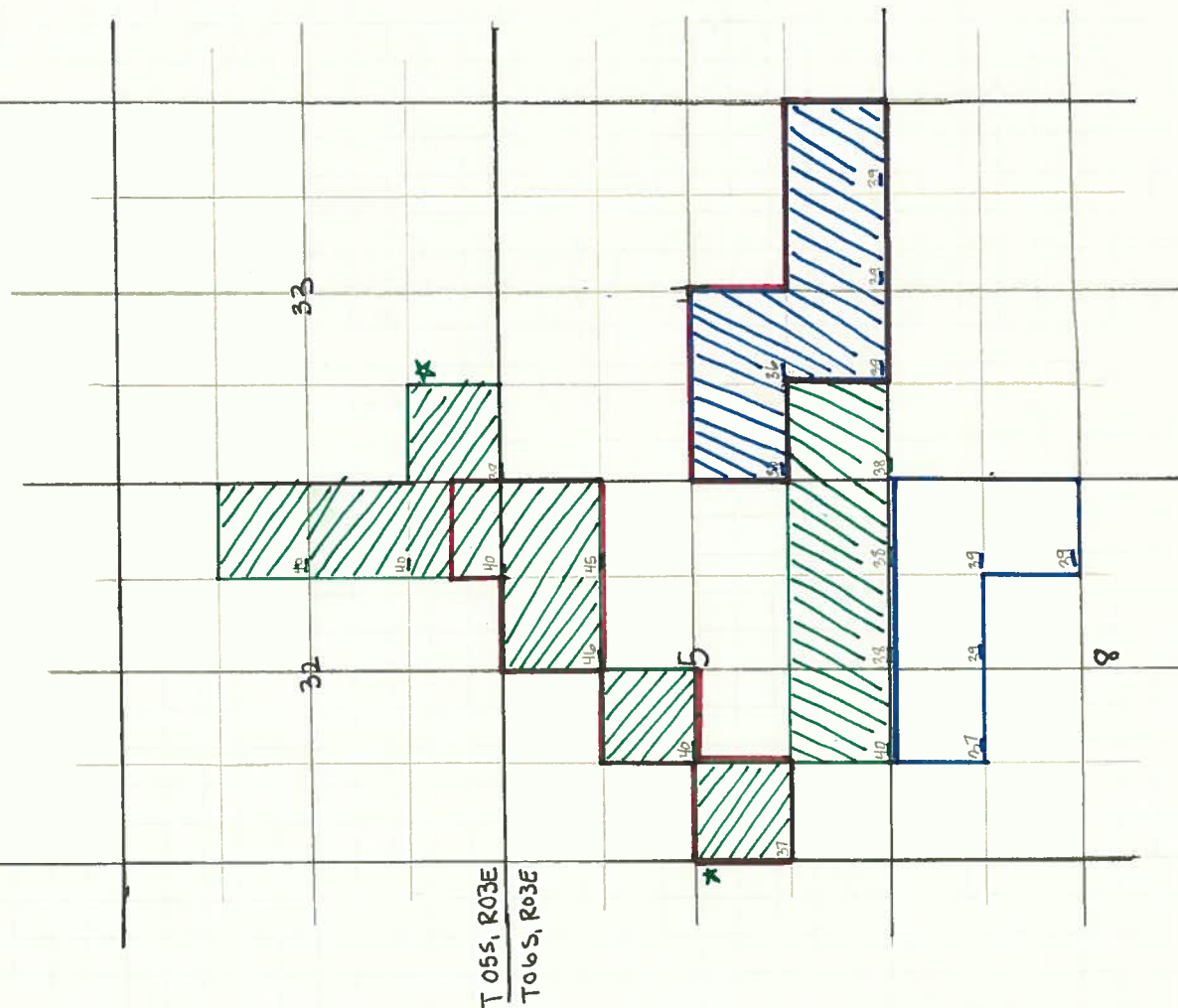
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12<sup>TH</sup> day of NOVEMBER, 19 85.

Acting for the Director



# Claim





- Quarter Quarter Lines
- Section Lines
- Original 2-7168 License 480 acres Mud Flat Cd. Priority: 8/30/74 9.6 cfs 2400 AFY
- Original 2-7279 License 345 acres Mud Flat Canal Co. Priority: 2/8/79 6.9 cfs 1725 AFY
- SRBA claim 2-7279A Note: acres match original
- SRBA claim 2-7168A D. Agenbroad 154
- SRBA claim 2-7168B E. Agenbroad 931  
 \* Overclaimed by 5 acres ? 1 cfs  
 (3 acres in NWSW S. 5  
 2 acres in SWSW S. 33)
- Transferred portions

# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: \_\_\_\_\_ Date: \_\_\_\_\_

|       |     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Sum |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
|       | TNS | RNG | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |     |
| Claim | 65  | 3E  | 4   |    |    |    |    |    |    |    |    |    |    | 38 |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    | 38 |    |    |    |    |    |     |
| Claim |     |     | 5   |    |    |    |    |    |    |    |    |    |    | 40 |    |    |    | 38 |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    | 39 |    |    |    | 40 | 39 |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

Number of POD's \_\_\_\_\_

Total Claimed Acres: \_\_\_\_\_

Overlapping FOU Claim #'s: \_\_\_\_\_

Total GIS Acres: \_\_\_\_\_

## COMMENTS:

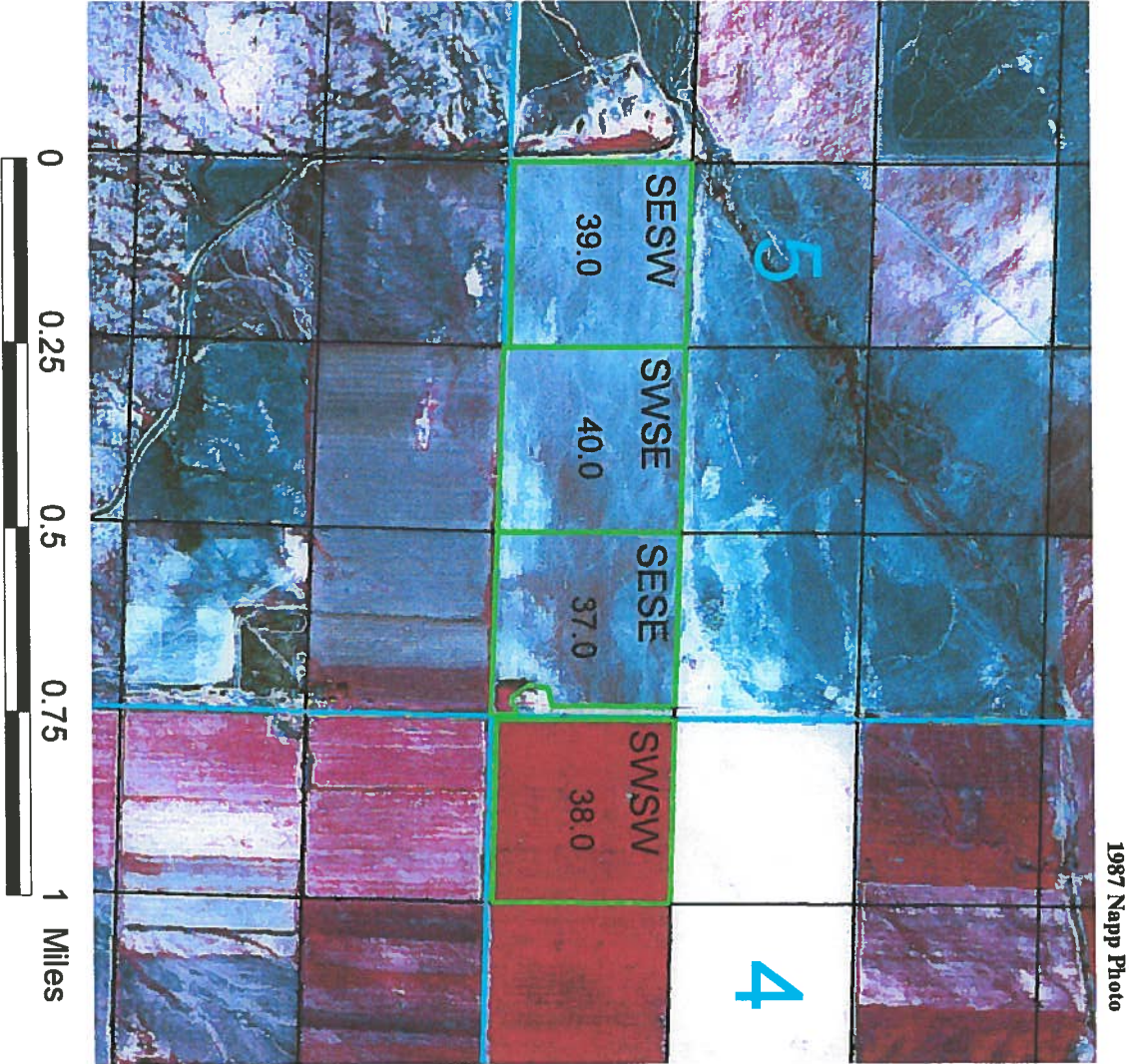
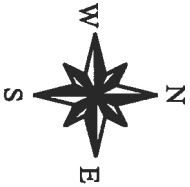
No county ownership available. Per claim map + field boundaries.

POD per claim legal.

# Idaho Department of Water Resources

Claim Number: 02-07168A  
Legal: T06S, R03E, S04, 05  
Reviewed By:

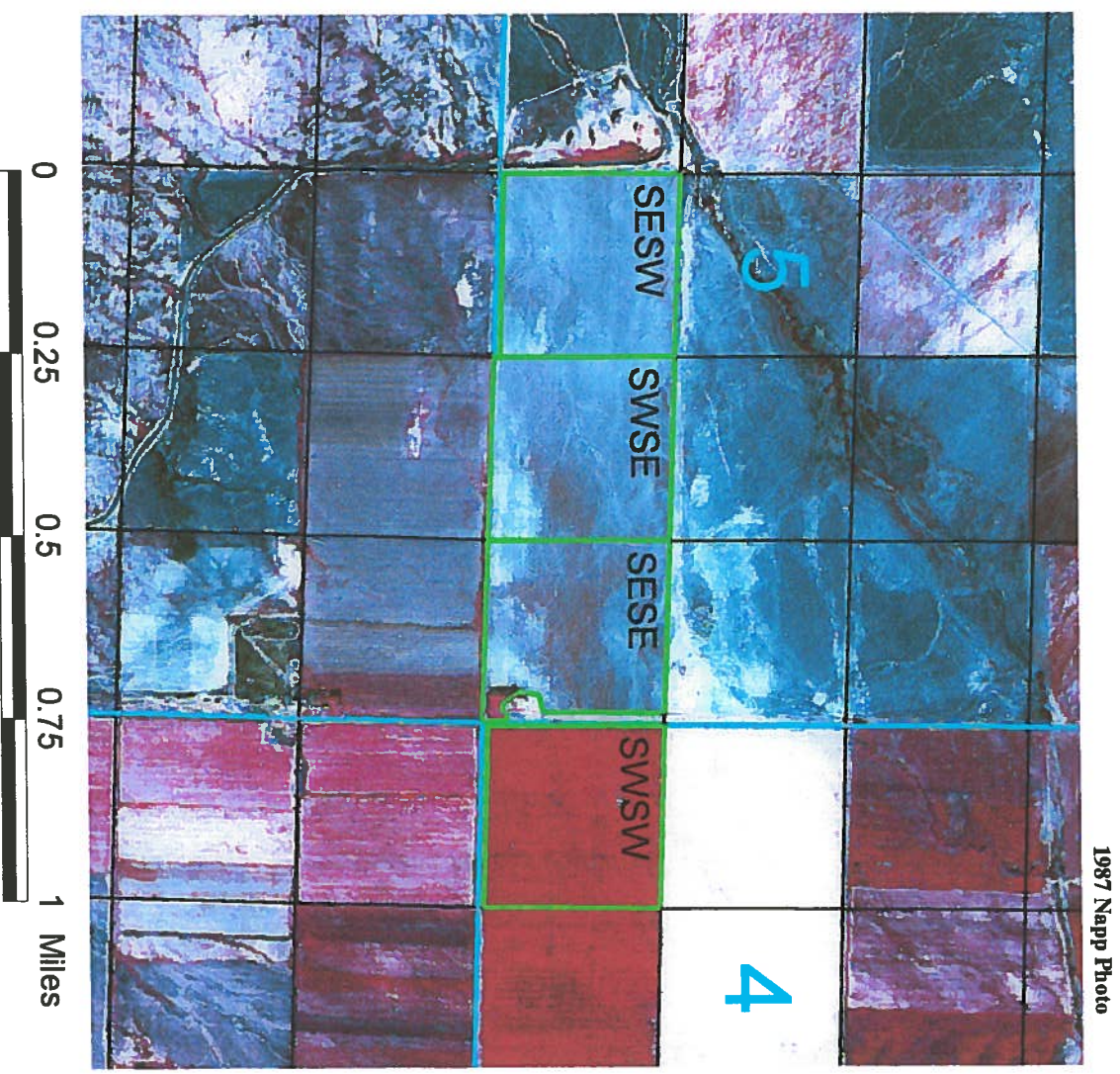
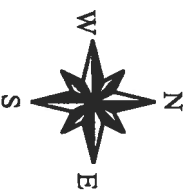
-  Point of Diversion  
(located outside view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



# Idaho Department of Water Resources

Claim Number: 02-07168A  
Legal: T06S, R03E, S04, 05  
Reviewed By:

-  Point of Diversion  
(located outside view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



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: A02-07168A  
Date Received: 11/29/1988  
Receipt No: W1543  
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DARREL L. AGENBROAD 208-834-2711  
Address: HC-85, BOX 341  
GRANDVIEW, ID 83624

2. Date of Priority: AUG 30, 1974

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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 04E   | 34      |        | SE     | SW  | 9   | OWYHEE |

5. Description of diverting works:  
CANAL, PUMP, SPRINKLERS & PIPELINE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.080 |      |        |

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

8. Total consumptive use is 539.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06S      | 03E   | 4       | SW     | SW  |     | IRR           | 38.0  |
|          |       |         |        |     |     | Section Acres | 38.0  |
|          |       | 5       | SE     | SW  |     | IRR           | 40.0  |

A02-07168A

Page 1

Date: 11/29/88

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10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06S           | 03E   | 5       | SW     | SE  |     | IRR | 38.0  |
|               |       |         | SE     | SE  |     | IRR | 38.0  |
| Section Acres |       |         |        |     |     |     | 116.0 |
| Total Acres   |       |         |        |     |     |     | 154.0 |

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:  
A02-07279A

14. Remarks:  
THIS RIGHT REFLECTS A SPLIT WATER RIGHT AND SHALL DIVERT NO MORE  
THAN THE TOTAL ALLOWED ON THE ORIGINAL RIGHT. THE MUD FLAT  
CANAL CO. NO LONGER EXISTS. CLAIMANTS ARE, THEREFORE, FILING  
SEPARATE WATER RIGHTS

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: 1

**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): David Agnew Date: 11-29-88  
\_\_\_\_\_  
Date: \_\_\_\_\_

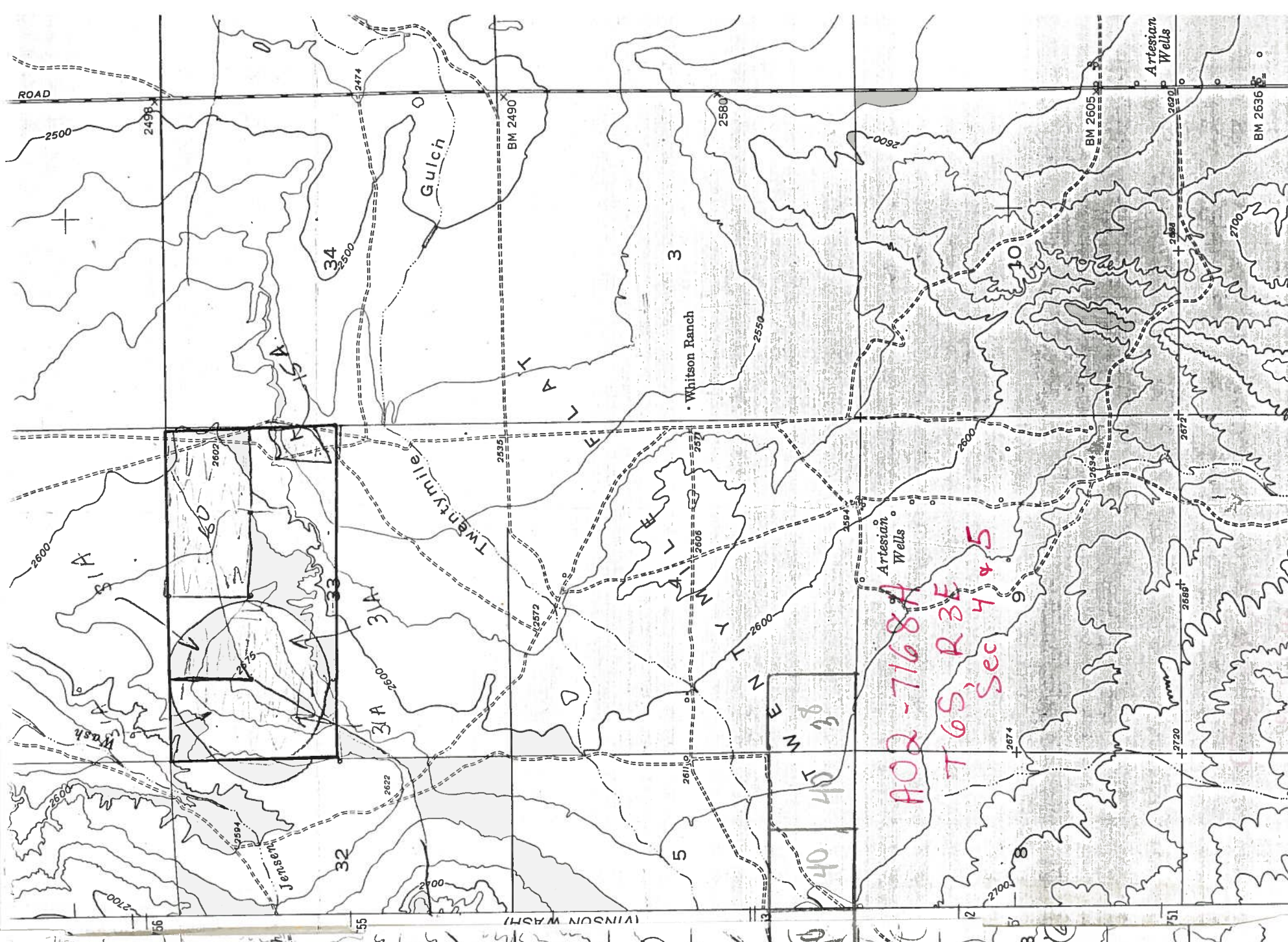
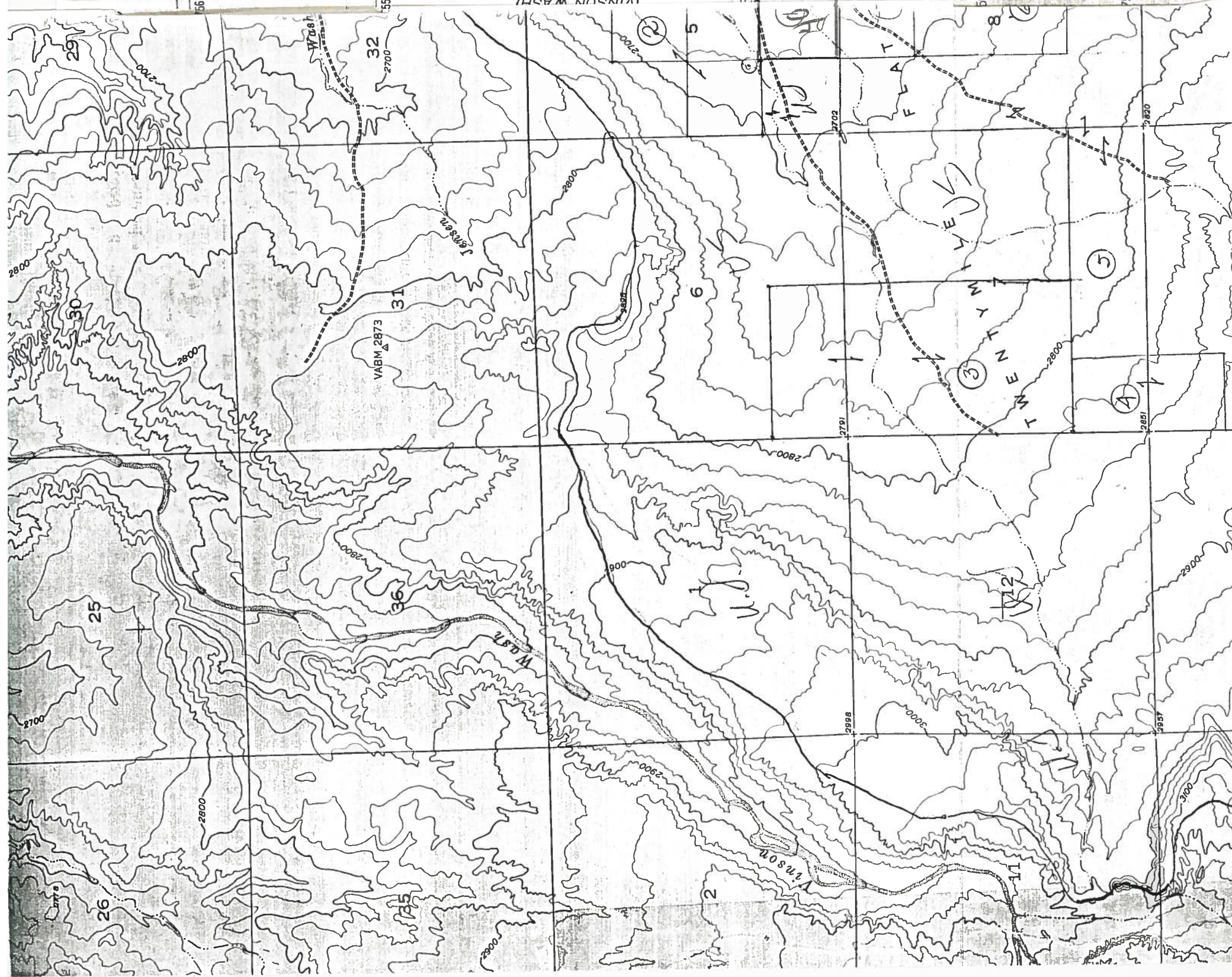
State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 29<sup>th</sup> day  
of November 19 88.

Nancy M. Lindgren  
Notary Public

Seal

Residing at Boise  
My Commission Expires 1-19-1994



MEMORANDUM

FILE NOS. 02-07168 02-07279  
A02-07168A A02-07168B A02-07168C A02-07279A

DATE: January 26, 1995

RE: Transfer of water rights nos. 02-07168 and 02-07279 and  
associated SRBA claims

The review of this transfer was done at the request of Dick Henderson of the Soil Conservation Commission (334-0221). He called this office because D. Agenbroad has offered the lands in T06S, R03E, s.4, N 1/2 SW 1/4, SESW, S 1/2 SE 1/4, and s. 5, S 1/2 SE 1/4, SESW as collateral.

These two water rights (or portions of) have been flip-flopped to move a senior priority date from CRP lands to currently irrigated lands. The senior priority date is senior to the priority date of the Weiser gauge minimum stream flow, while the junior right is not.

02-07279

Water right 02-07279 is the junior right, and was originally licensed for 345 acres in T06S, R03E, sections 4 and 8. An SRBA claim was filed on 191 acres in section 4; the lands in section 8 have not been claimed as of this date. The SRBA claim was given the no. A02-07279A. When the transfer was done by the allocations staff, the 191 acres that were transferred (from T06S, R03E, s. 4 to T05S, R03E, s. 32 and T06S, R03E, s.5) were numbered 02-07279B. The remainder of the original right, the lands in section 8, was given the number 02-07279A. Western region SRBA staff changed A02-07279A to match 02-07279B, since the claim represented the 191 acres moved as a result of the transfer. The acres in section 8 remain unclaimed.

\*\*\*\*\*  
An important note here is that water right 02-07279 is not only junior to the min. flows at the Weiser gauge but is also the most junior right of the original Mud Flat Canal rights. 02-07279 is for 6.9 cfs, of which 5.74 cfs is over the licensed capacity of the Mud Flat pumps. The license was issued with a system capacity limiter of 48.5 cfs. Since SRBA claims have been filed on all of the other licenses, 02-07279 and its descendants will continue to be limited as licensed. (Rotation of rights and ditch losses have not been considered.) It does not appear that the system limitation was addressed during the transfer review, since no limitation was mentioned on the approved transfer.  
\*\*\*\*\*

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SEP 19 1996

02-07168

Water right no. 02-07168 was originally licensed for 480 total acres in T05S, R03E, sections 32 and 33, and T06S, R03E, sections 4 and 5. The SRBA claims were filed by D. Agenbroad for the 154 acres in sections 4 and 5 (A02-07168A) and E. Agenbroad for 331 acres in sections 32, 33, and the remainder of section 5 (A02-07168B). E. Agenbroad overclaimed his portion of the license by 5 total acres and .10 cfs ( 3 acres in NWSW s.5, and 2 acres in SWSW s. 33).

The transfer process split the license into 02-07168B, for 191 acres in section 4, in the name of D. Agenbroad. The remainder of the license now numbered 02-07168A under the name of Mud Flat Canal Co.

The transfer took acres out of sections 5 (168 acres) and 32 (23 acres in the SESE) and moved them to section 4. These acres were claimed in the SRBA by E. Agenbroad, who gave permission to D. Agenbroad to move them. Consequently, the SRBA claim filed by E. Agenbroad was split to give the transferred acres to D. Agenbroad (A02-07168B), the remainder of E. Agenbroad's SRBA claim was given the number A02-07168C, and remains in that name.

SRBA claim no. A02-07168A remains in the name of D. Agenbroad, and is the same as 02-07168A except for the acres which are claimed under A02-07168C (A02-07168C includes the acres originally overclaimed by E. Agenbroad).

*Compiled by*  
*TH Minicucci*

**MICROFILMED**  
**SEP 19 1996**

# Mud Flat Canal Co.

Examined Rights

Max. Dil. = 48.5

| No.      | Pri. Date  | Acres | Ant. Cum. |
|----------|------------|-------|-----------|
| 22-7059  | 4/09/1970  | 320   | 6.4       |
| 22-7060  | 4/09/1970  | 320   | 6.4       |
| 22-7061  | 4/09/1970  | 316   | 6.32      |
| 22-7062  | 4/09/1970  | 205   | 4.1       |
| 22-7064  | 4/23/1970  | 318   | 6.36      |
| 22-7168  | 8/30/1974  | 480   | 9.6       |
| 22-7237A | 12/23/1976 | 295   | 5.9       |
| 22-7275  | 12/13/1978 | 113   | 2.26      |
| 22-7279  | 2/08/1979  | 345   | 6.9       |

Min. Stream Flow Requirement

Limit Condition Required

MICROFILMED  
SEP 19 1996

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 ~~OR OREGON~~  
BORDER.

**NOTICE OF CLAIM  
TO A  
WATER RIGHT**

02-7168

I.D. No.

Map No.

\$ 10

#18891

Fee Paid

Receipt No.

Notice is hereby given that MUD FLAT CANAL CO.

(Name of Claimant)

Star Rt. B, Box 340A, Grand View, ID 83624

(Mailing Address)

(Zip Code)

Telephone No.

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) 8/30/74
- (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 <u>9.6 cfs</u><br>(CFS, GPD, AF) | Use <u>Irrigation</u><br>(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/1</u><br>(Mo., Day) | To <u>11/1</u><br>(Mo., Day) |
|                                           |                                                              | (Both dates inclusive)                      |                              |
| Quantity _____                            | Use _____                                                    | Period of Use From _____                    | To _____                     |
|                                           |                                                              | (Mo., Day)                                  | (Mo., Day)                   |
|                                           |                                                              | (Both dates inclusive)                      |                              |
| Quantity _____                            | Use _____                                                    | Period of Use From _____                    | To _____                     |
|                                           |                                                              | (Mo., Day)                                  | (Mo., Day)                   |
|                                           |                                                              | (Both dates inclusive)                      |                              |
| Quantity _____                            | Use _____                                                    | Period of Use From _____                    | To _____                     |
|                                           |                                                              | (Mo., Day)                                  | (Mo., Day)                   |
|                                           |                                                              | (Both dates inclusive)                      |                              |
- (4) 9.6 cfs TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 9 SE xxx SW xxx  
Sec. 34, Twp. 5S, Rge. 4E, B.M., Owyhee County
- Additional Points: SE 11 272.0 (1) 492.5
- 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.  
Relift pump, existing canal, sprinkler system with buried pipeline

- (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

| I         | 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    |            |
| <u>55</u> | <u>3E</u> | <u>32</u> |           |           |        | <u>40</u> |        |        |        |           |           |        | <u>38</u> |        | <u>40</u> |        |           | <u>40</u> | <u>120</u> |
|           |           | <u>33</u> |           |           |        |           |        |        |        |           |           |        |           |        |           |        |           |           | <u>38</u>  |
| <u>65</u> | <u>3E</u> | <u>4</u>  |           |           |        |           |        |        |        |           |           |        | <u>35</u> |        |           |        |           |           | <u>39</u>  |
|           |           |           | <u>41</u> | <u>62</u> |        |           |        |        |        | <u>40</u> |           |        |           |        |           |        |           |           |            |
|           |           | <u>5</u>  | <u>45</u> | <u>48</u> |        |           |        |        |        | <u>40</u> | <u>37</u> |        | <u>40</u> |        |           |        | <u>38</u> | <u>38</u> | <u>284</u> |
|           |           |           |           |           |        |           |        |        |        |           |           |        |           |        |           |        |           |           | <u>480</u> |

Other Rts: 57-2226, 57-2239

Total No. of acres

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: The region...

(8) Remarks This right shall be decreed as the license appears

- (9) Basis of claim (Check one)

☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

XX C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

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 1  
SNAKE RIVER FROM BASE OF MILNER  
DAM TO OREGON DRAINAGE BASIN.  
BORDER.

**NOTICE OF CLAIM  
TO A  
WATER RIGHT**

|              |               |
|--------------|---------------|
| 02-7168      |               |
| I.D. No.     | Map No.       |
| \$ <u>10</u> | <u>#18891</u> |
| Fee Paid     | Receipt No.   |

Notice is hereby given that MUD FLAT CANAL CO.  
(Name of Claimant)

Star Rt. B, Box 34, Grand View, ID 83624 Telephone No. \_\_\_\_\_  
(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) \_\_\_\_\_  
8/30/74
- (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 <u>9.6 cfs</u><br>(CFS, GPD, AF) | Use <u>Irrigation</u><br>(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/1</u> To <u>11/1</u><br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive) |
| Quantity _____<br>(CFS, GPD, AF)          | Use _____<br>(Domestic, irrigation, stock, etc.)             | Period of Use From _____ To _____<br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive)            |
| Quantity _____<br>(CFS, GPD, AF)          | Use _____<br>(Domestic, irrigation, stock, etc.)             | Period of Use From _____ To _____<br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive)            |
| Quantity _____<br>(CFS, GPD, AF)          | Use _____<br>(Domestic, irrigation, stock, etc.)             | Period of Use From _____ To _____<br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive)            |
- (4) 9.6 cfs TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 9 ~~1/4~~ ~~xx~~ ~~1/4~~ ~~xx~~  
Sec. 34, Twp. 5S, Rge. 4E, B.M., Owyhee County  
Additional Points: \_\_\_\_\_  
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. \_\_\_\_\_  
Relift pump, existing canal, sprinkler system with buried pipeline
- (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% |     |     |     | NW% |     |     |     | SW% |     |     |     | SE% |     |     |     | TOTAL |
|----|----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|    |    |      | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% |       |
| 5S | 3E | 32   |     |     |     | 40  |     |     |     |     |     |     |     |     | 40  |     |     | 40  | 120   |
|    |    | 33   |     |     |     |     |     |     |     |     |     |     | 40  |     |     |     |     |     | 40    |
| 6S | 3E | 4    |     |     |     |     |     |     |     |     |     |     | 40  |     |     |     |     |     | 40    |
|    |    | 5    |     | 40  | 40  |     |     |     |     | 40  | 40  |     | 40  |     |     | 40  | 40  |     | 280   |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

Total no. of acres 480

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

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 shall be decreed as the license appears.

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.  
☒ B) Right decreed by court, cite title of case. \_\_\_\_\_  
FEL

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho \_\_\_\_\_

State of Idaho  
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by JKN

Date 10/15/84 4/24/85

Right No. 02-7168

Claimant Mud Flat Canal Co.

Recommendation differs from claim:  
(Document any differences)

☐ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

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

☒ License ~~R. 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. 1977 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 10/3/84

☐ Adj. Report in file ☒ <sup>Copy</sup> Beneficial Use Report in ~~License (S.O.)~~ File

**State of Idaho**  
**Department of Water Resources**  
**WATER RIGHT LICENSE**

License of Water Right No. 02-7168 Priority August 30, 1974 Amount 9.6 cfs

THIS IS TO CERTIFY, that Mud Flat Canal Co.  
of Grand View, Idaho, has complied with the terms and conditions of Permit  
No. 02-7168 issued pursuant to Application for Permit dated August 30, 1974,  
and has submitted proof to the Department of Water Resources on January 11, 1980,  
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 48.44 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>9.6</u> cfs and | <u>2400.0</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 9.6 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  
2400.0 acre feet per year, said waters to be diverted within the Gov. Lot 9 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )  
Section 34, Twp 5S, Rge 4E 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 $\frac{1}{4}$ |        |
| 5S   | 3E    | 32   |                  |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 40               |                  |                  | 40               | 120    |
|      |       | 33   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 38               |                  |                  |                  |                  |                  | 38     |
| 6S   | 3E    | 4    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 38               |                  |                  |                  |                  |                  | 38     |
|      |       | 5    | L.1<br>45        | L.2<br>46        |                  |                  |                  |                  |                  | 40               |                  | 37               |                  | 40               |                  |                  | 38               | 38               | 284    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 480

## CONDITIONS OF APPROVAL

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12<sup>TH</sup> day of NOVEMBER, 19 85.

Acting for the Director





State of Idaho

## DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-2190

June 6, 1985

Darrel Agenbroad, Secretary  
Mud Flat Canal Company  
Route B Box 340A  
Grand View, Idaho 83624

Re: 02-7059 et al

Dear Mr. Agenbroad,

Your letter received by the Department on June 4, 1985, has been forwarded to me for reply. In that letter you indicated your Company is continuing to increase the diversion capacity of its pump after Proof of Beneficial Use has been submitted and the field examination has been made for nine (9) water right permits.

The advantage of the permit system for developing water rights is to establish a priority date for the water right and to begin after the filing date to construct the diversion works and to put the water to beneficial use. The permit, however, has a defined time period within which to develop the water right. The date when Proof of Beneficial Use is due establishes that time period. Only that development whether in terms of diversion or applying the water to beneficial use within the permitted time period can have its priority relate back to the permit.

More specifically, your Company apparently submitted Proof of Beneficial Use within the statutory time period to secure the priority dates for water right permits 02-7059, 02-7060, 02-7061, 02-7062, 02-7064, 02-7168, 02-7237A, 02-7275 and 02-7279. When those proofs were filed the Company declared the water rights had been developed for those permits in terms of the amount of water diverted and the land irrigated at that time. Any further development beyond that time is not covered by the above numbered permits. On April 24, 1985, John Noyes measured from the system existing at that time 48.5 cfs. If the review of the field examination shows this amount of water has been put to beneficial use under the permits numbered above, the licenses that define the water rights will be issued with 48.5 cfs as the maximum amount of water that was diverted under the permits.

The critical point here is the permits numbered above defined the maximum amount of water that could be developed for diversion within the time period specified by the permits. The difference between the amount of water covered by the permits and the amount of water perfected into water rights existed on paper and is relinquished when the permitted development period ends. Any further development will require the Company to gain a new permit.

If you have any questions about this matter or water right matters in general please contact me or Jim Johnson. Pending communication from the Company the final action on the permits numbered above will be held until July 1, 1985.

Regards,



Donald V. Shaff  
Adjudication Unit Leader

cc: J. Johnson

MUD FLAT CANN. CO.

Route B Box 343 A  
Grandview, Idaho 83524

RECEIVED  
JUN 4 1985

Department of Water Resources

Sirs

We are still in the process of  
Establishing our pump capacity. I have  
Been in contact with John Noyce, That  
is why I didn't send in the permits.  
We are currently Installing an additional  
Pump To achieve our allowed CFS

Sincerely

Daniel Applewood  
Secy Treasure

Mud Flat Canal Co.  
Examined Rights

Max Div. = 48.5

| <u>No.</u> | <u>Pri. Date</u>             | <u>Acres</u> | <u>Amt.</u> | <u>Cum.</u> |
|------------|------------------------------|--------------|-------------|-------------|
| 02-7059    | 4/09/1970                    | 320          | 6.4         |             |
| 02-7060    | 4/09/1970                    | 320          | 6.4         |             |
|            |                              |              |             | 12.8        |
| 02-7061    | 4/09/1970                    | 316          | 6.32        |             |
|            |                              |              |             | 19.12       |
| 02-7062    | 4/09/1970                    | 205          | 4.1         |             |
|            |                              |              |             | 23.22       |
| 02-7064    | 4/23/1970                    | 318          | 6.36        |             |
|            |                              |              |             | 29.58       |
| 02-7168    | 8/30/1974                    | 480          | 9.6         |             |
|            |                              |              |             | 39.18       |
| 02-7237A   | 12/23/1976                   | 295          | 5.9         |             |
|            | Min. Stream Flow Requirement |              |             | 45.08       |
| 02-7275    | 12/13/1978                   | 113          | 2.26        |             |
|            |                              |              |             | 47.34       |
| 02-7279    | 2/08/1979                    | 345          | 6.9         |             |
|            | Limit Condition Required     |              |             | 54.24       |

MEMO TO: MUD FLAT CANAL CO. FILES

DATE: 8/11/83

FROM: FORREST

SUBJECT: MEASUREMENT OF DIVERSION AT C.J. STRIKE RES. FOR  
LICENSING PURPOSES ON PMTS. 02-7059, -7060, -7062,  
-7064, -7168, 7237A, -7275, & -7279.

CONTACTED CO. SECY., NATE GOOD, 8/10/83 TO ARRANGE APPOINTMENT  
FOR MEASUREMENT AT EARLIEST CONVENIENCE. MR GOOD SAID HE WOULD  
CONTACT DITCH RIDER, ROY HADLEY, FOR MOST CONVENIENT TIME FOR  
EXAMINATION.

ON THIS DATE, ~~8/11~~ 8/11/83, MR GOOD REPORTED THAT THEY WOULD  
PREFER A TIME IN OCTOBER WHEN FEWER PUMPS WERE SUPPLYING  
THE CANAL. OTHERWISE, THE SYSTEM REQUIRES OVER 5 HOURS  
TO DRAIN THE PENSTOCK.

ROY HADLEY, DITCH RIDER, PHONE 834-2787. CONTACT LATER  
PART OF SEPTEMBER TO ARRANGE FOR OCTOBER DATE.

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Memo To:

MUD FLAT IRRIG. CO. FILES; 02-7059, -7060, -7061, -7062, -7064, -7168, -7237A, -7275, AND -7279.

From:

DATE:

FORREST LUTHY

10/26/83

SUBJECT:

DOCUMENTATION OF ATTEMPTS TO FIELD EXAMINE AND LICENSE ABOVE PERMITS, TO ENABLE INCORPORATION OF THE LICENSED RIGHTS INTO THE PROPOSED FINDING OF WATER RIGHTS FROM THE SNAKE RIVER IN THE STRETCH FROM MILNER DAM TO THE OREGON BORDER. ALSO DISCUSSED IS INFORMATION PERTINENT TO THE IRRIGATED ACREAGE TOTAL IN 1981, WHEN SOME OF THE PROOFS WERE SUBMITTED. THIS INFORMATION NEEDS TO BE CONSIDERED WHEN LICENSING DOES OCCUR IN THE FUTURE. (SEE PG. 2, THIS MEMO.)

FIRST ATTEMPTS AT ARRANGING APPOINTMENTS FOR LICENSING EXAMS ON THESE PERMITS WERE MADE THROUGH NATE GOOD, IRR. CO. SECRETARY, DURING THE 1981 SEASON. BEGINNING SHORTLY AFTER THE FILING OF PROOF ON FOUR OF THE PERMITS, IN THE LATTER PART OF APRIL AND CONTINUING FOR THE DURATION OF THE SEASON, VARIOUS PERSONNEL AVAILABILITY PROBLEMS AS WELL AS MECHANICAL PROBLEMS MORE OR LESS PRECLUDED EXAMINATION.

THE WRITER HAS NO KNOWLEDGE OF ANY RECORD OF CONTACTS REGARDING EXAMS IN 1982. HOWEVER, 1983, AUG. 10, CONTACT WITH NATE GOOD TO AGAIN ARRANGE FOR A MEASUREMENT WAS MADE. MR. GOOD CALLED ROY HAULEY, WHO ASKED FOR A CALL-BACK LATE IN SEPTEMBER. MR. HAULEY, THE DITCH RIDER, SAID THE BEST TIME FOR MEASUREMENT IS MID-OCTOBER WHEN THERE ARE FEWER PUMPS SUPPLYING THE CANAL. THE SYSTEM TAKES ABOUT FIVE HOURS TO DRAIN DOWN IF THERE IS TOO MUCH WATER IN THE CANAL.

ON SEPTEMBER 8, ARRANGEMENTS WERE MADE WITH HAULEY FOR AN EXAM AT 10:00 AM WEDNESDAY, OCT. 12. ON OCT. 7, A CALL TO MR. HAULEY REVEALED HE WOULD BE IN ALASKA THE WEEK OF THE 12<sup>TH</sup>, SO PROPOSED DATE WAS POSTPONED UNTIL P.M., WEDNESDAY, OCT 19. ON OCT 18, COMMUNICATION WAS THAT THERE WAS STILL TOO MUCH WATER IN CANAL, DATE POSTPONED UNTIL 26<sup>TH</sup> OCTOBER. ON OCTOBER 25, CALL TO HAULEY REVEALED PENSTOCK HAD SPLIT WHEN THEY HAD SHUT PUMP DOWN. HAULEY FELT IT WOULD NOT GIVE BEST RESULT TO MEASURE AT THIS TIME.

(21)

MEMO TO: MUD FLAT IRRIG CO. FILES; 02-7059 ETC. (CONT'D.)  
FROM: FORREST LUTHY DATE: 10/26/83  
SUBJECT: DOCUMENTATION ON FAILURE TO EXAMINE & ACREAGE INFORMATION.

TO MR. HADLEY THAT EVEN THOUGH THE ADJUDICATION SECTION MIGHT NOT BE THE PERSONNEL MAKING THE LICENSING EXAM IN THE FUTURE, THE MUD FLAT GROUP SHOULD BE URGED TO EXPEDITE REPAIRS TO THE SYSTEM AND NOT ALLOW THINGS TO STAGNATE. MR. HADLEY REQUESTED THAT THE INFORMATION CONCERNING THE WATERMASTER BE RELATED TO THE PRESIDENT OF MUD FLAT.

ON OCT. 26, PRESIDENT, LAYNE ESTELL, OF THE MUD FLAT GROUP, WAS CONTACTED AND THE SITUATION AND DECISION TO ABANDON ATTEMPTS FOR MEASUREMENT IN 1983 DISCUSSED. THE FACT THAT A WATERMASTER FOR BASIN 02, IF AND WHEN CALLED ON, COULD DELIVER WATER TO LICENSES AND PERMITS EVEN THOUGH NOT DECREED WAS RELATED TO MR. ESTELL. MR. ESTELL WAS URGED TO PROCEED FORTH WITH TO HAVE MUD FLAT MAINTENANCE CREWS REPAIR THE SYSTEM DAMAGE AND REQUEST MEASUREMENT FOR THE PERMITS AS SOON AS POSSIBLE.

FOR THE PEOPLE CONCERNED WITH THE LICENSING OF THESE PERMITS, FILED WITH ADJUDICATION CLAIM FILE 02-7059 AND THE CORRESPONDING FIELD EXAM FILE FOR 02-7059 ARE COPIES OF OVERLAYS MADE FROM 1981 ASC FARM PLAN MAPS (AERIAL PHOTOS.), SHOWING THE IRRIGATED ACRES AS OF THAT TIME. THE YEAR 1981 WAS THE TIME THAT SUBMISSION OF THE LAST PROOF CARDS FOR THIS SERIES OF PERMITS OCCURRED. TO PRECLUDE ANY CHANCE FOR EXPANSION OF THESE RIGHTS THAT MIGHT HAVE TAKEN PLACE SUBSEQUENT TO 1981, CAREFUL CONSIDERATION SHOULD BE GIVEN TO THE OVERLAYS AT THE TIME OF LICENSING.

F.E.L.

# DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-7168.

Name(s) of Permit Holder: Mud Flat Canal Company

Post Office Address: ST RT A Box 341  
Grandview Idaho 83424

Source of Water: Snake River Tel. No. 834-2711

Extent of Use: ☐ Domestic (number of households)  
☐ Stockwater (number and type of stock)  
☒ Irrigation 480 (acres)  
☐ Other

Measuring Device: Required? ☐ Yes ☐ No  
Access Port: Required? ☐ Yes ☐ No  
Installed? ☐ Yes ☐ No  
Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Jan 11 1980  
Date

Daniel C. Anderson  
Secy. Treas.  
Signature of Permit Holder

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING )  
DEVICE REQUIREMENT FOR PERMIT NO. 02-7168 )  
\_\_\_\_\_ )

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18<sup>th</sup> day of August, 1978.

Identification No. 02-7168  
Application No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

**APPLICATION FOR PERMIT**

To Appropriate the Public Waters of the State of Idaho  
(TYPE OR PRINT IN INK)

1. Name of applicant Mud Flat Canal Company  
post office address Box 345 Grand View, ID 83624
2. Source of water supply SNAKE RIVER which is a tributary of COLUMBIA
3. a. Location of point of diversion is Lot 9  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section 34 Township 5S  
Range 4E B.M. Owyhee County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 9.6 for irrigation purpose from Mar. 1 to Nov. 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 9.6 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. existing canal, relift pump,  
sprinkler system, buried pipeline  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.  
b. Estimated construction cost is \$ \_\_\_\_\_.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| WP. | RANGE | SEC. | NE 1/4    |           |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS              |
|-----|-------|------|-----------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------------------|
|     |       |      | 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 |                     |
| 5S  | 3E    | 32   |           |           |        | 40     |        |        |        |        |        |        |        |        | 40     |        |        | 40     | 120                 |
|     |       | 33   |           |           |        |        |        |        |        |        |        |        | 40     |        |        |        |        |        | 40                  |
| 6S  | 3E    | 4    |           |           |        |        |        |        |        |        |        |        | 40     |        |        |        |        |        | 40                  |
|     |       | 5    | L.1<br>40 | L.2<br>40 |        |        |        |        | 40     |        | 40     |        | 40     |        |        |        | 40     | 40     | <del>x240</del> 280 |
|     |       |      |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                     |
|     |       |      |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                     |
|     |       |      |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                     |
|     |       |      |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                     |
|     |       |      |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                     |
|     |       |      |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |                     |

Total number of acres to be irrigated 480

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion C. J. Strike Reservoir

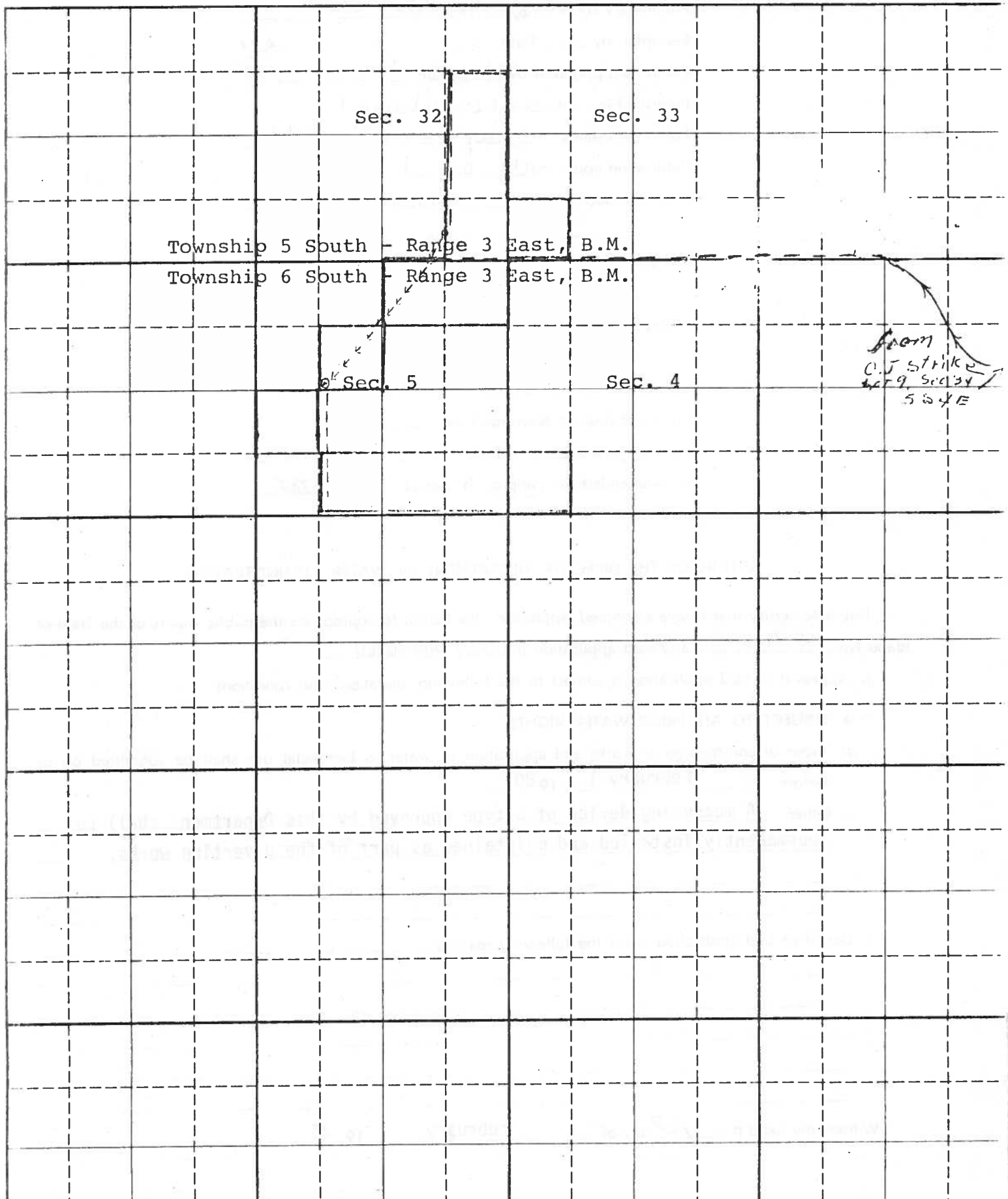
b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing R/W applied for over federal land and being obtained from private owners

Federal R/W I-8836

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Received by            Date 8-22-75 Time 1:00  
Preliminary check by            Fee \$ 115.00  
Receipted by            Date 8-22-75  
Publication prepared by            Date 8-5-75  
Published in Cheyenne - August  
Publication dates Sept. 12 & Sept. 19  
Publication approved            Date 10-11-75  
Priority reduced to            Reason             
            
            
Protests filed by:             
            
            
Copies of protests forwarded by             
Hearing held by            Date             
Recommended for approval denial by           

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7168, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
  - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1980.
  - c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
2. Denial of said application is for the following reasons:

Witness my hand this 10 day of February 19 75.

L. Fred Hays  
Director

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

POWER OF ATTORNEY

The undersigned owner (s) of Permit (Application) No attached of the Department of Water Administration of the State of Idaho hereby nominates and appoints Idaho Land & Appraisal Service, whose address is P. O. Box 1603, Boise, ID 83701, as attorney-in-fact with full authority to act for and on behalf of the undersigned in all matters pertaining to Application or Permit. Such acts shall include, but not be limited to the filing of applications for extension of time and for amendment of said Permit, and the submission of proofs of completion of works and beneficial use of water.

Dated this 6 day of August, 19 74.

Gary A. Agenbroad  
Gary Agenbroad

State of Idaho )  
County of Bonneville : ss

On this 6<sup>th</sup> day of August, 19 74,  
personally appeared before me the signer (s) of the above instrument,  
who duly acknowledged to me that he (she) (they) executed the same.

[Signature]  
Notary Public

My commission expires:

10-1-77

RECORDED

01 WATER RIGHT NUMBER - A02-7168

02 OLD (D) NUMBER -

LAST NAME  
03001 - MUD FLAT CANAL CO.

04001 -

FIRST NAME

ORIG. OWNER  
05001 - C

06 ADD LINE 1 - STAR RT. B BOX 340A

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - GRAND VIEW

10 STATE - ID

11 ZIP - 83624

12 STAGE - L LICENSE

13 STATUS -

SOURCE  
14001 - SNAKE RIVER

TRIBUTARY OF  
15001 - COLUMBIA RIVER

16 DIVERSIGN MEANS - RELIFT PUMP, CANAL, SPRINKLER SYSTEM & PIPELINE.

17 CCUNTY - 73 OWYHEE

18 DIVERSIGN CAPACITY - 48.440

19 TOTAL DIVERSIGN RATE - 9.600

20 TOTAL DIVERSIGN VOLUME - .00

21 WATER DISTRICT - 02

TRACT SEC TWN RNG DIVERSIGN POINTS RFLG STREAM INDEX FIELDS

22001 - SMSSEW 23001 - 34 24001 - 05S 25001 - 04E 26001 - 09 27001 -  
28001 - 0 272.0 0.0 0.0 0.0 0.0 0 0 492.5

29 NON-IRRIGATION USE -

USE CODE / USE TWN PLACE OF USE SEC TRACT ACRES LOT

|                       |             |             |            |              |            |            |
|-----------------------|-------------|-------------|------------|--------------|------------|------------|
| 30001 - 01 IRRIGATION | 31001 - 05S | 32001 - 03E | 33001 - 33 | 34001 - SMSW | 35001 - 38 | 36001 -    |
| 30002 - 01 IRRIGATION | 31002 - 05S | 32002 - 03E | 33002 - 32 | 34002 - SENE | 35002 - 40 | 36002 -    |
| 30003 - 01 IRRIGATION | 31003 - 05S | 32003 - 03E | 33003 - 32 | 34003 - NESE | 35003 - 40 | 36003 -    |
| 30004 - 01 IRRIGATION | 31004 - 05S | 32004 - 03E | 33004 - 32 | 34004 - SESE | 35004 - 40 | 36004 -    |
| 30005 - 01 IRRIGATION | 31005 - 06S | 32005 - 03E | 33005 - 04 | 34005 - SMSW | 35005 - 38 | 36005 -    |
| 30006 - 01 IRRIGATION | 31006 - 06S | 32006 - 03E | 33006 - 05 | 34006 - NENE | 35006 - 45 | 36006 - 01 |
| 30007 - 01 IRRIGATION | 31007 - 06S | 32007 - 03E | 33007 - 05 | 34007 - NWNE | 35007 - 46 | 36007 - 02 |
| 30008 - 01 IRRIGATION | 31008 - 06S | 32008 - 03E | 33008 - 05 | 34008 - SENW | 35008 - 40 | 36008 -    |
| 30009 - 01 IRRIGATION | 31009 - 06S | 32009 - 03E | 33009 - 05 | 34009 - NWSW | 35009 - 37 | 36009 -    |
| 30010 - 01 IRRIGATION | 31010 - 06S | 32010 - 03E | 33010 - 05 | 34010 - SESW | 35010 - 40 | 36010 -    |
| 30011 - 01 IRRIGATION | 31011 - 06S | 32011 - 03E | 33011 - 05 | 34011 - SMSW | 35011 - 38 | 36011 -    |
| 30012 - 01 IRRIGATION | 31012 - 06S | 32012 - 03E | 33012 - 05 | 34012 - SESE | 35012 - 38 | 36012 -    |

TOTAL ACRES: 480

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0315 38001 - 1115 39001 - 01 IRRIGATION 40001 - 9.600 41001 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS  
44001 - THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO  
44002 - MORE THAN .02 CFS/AC. NOR MORE THAN 5 AFA/AC. ON THE LANDS

REMARKS  
44003 - ABOVE.

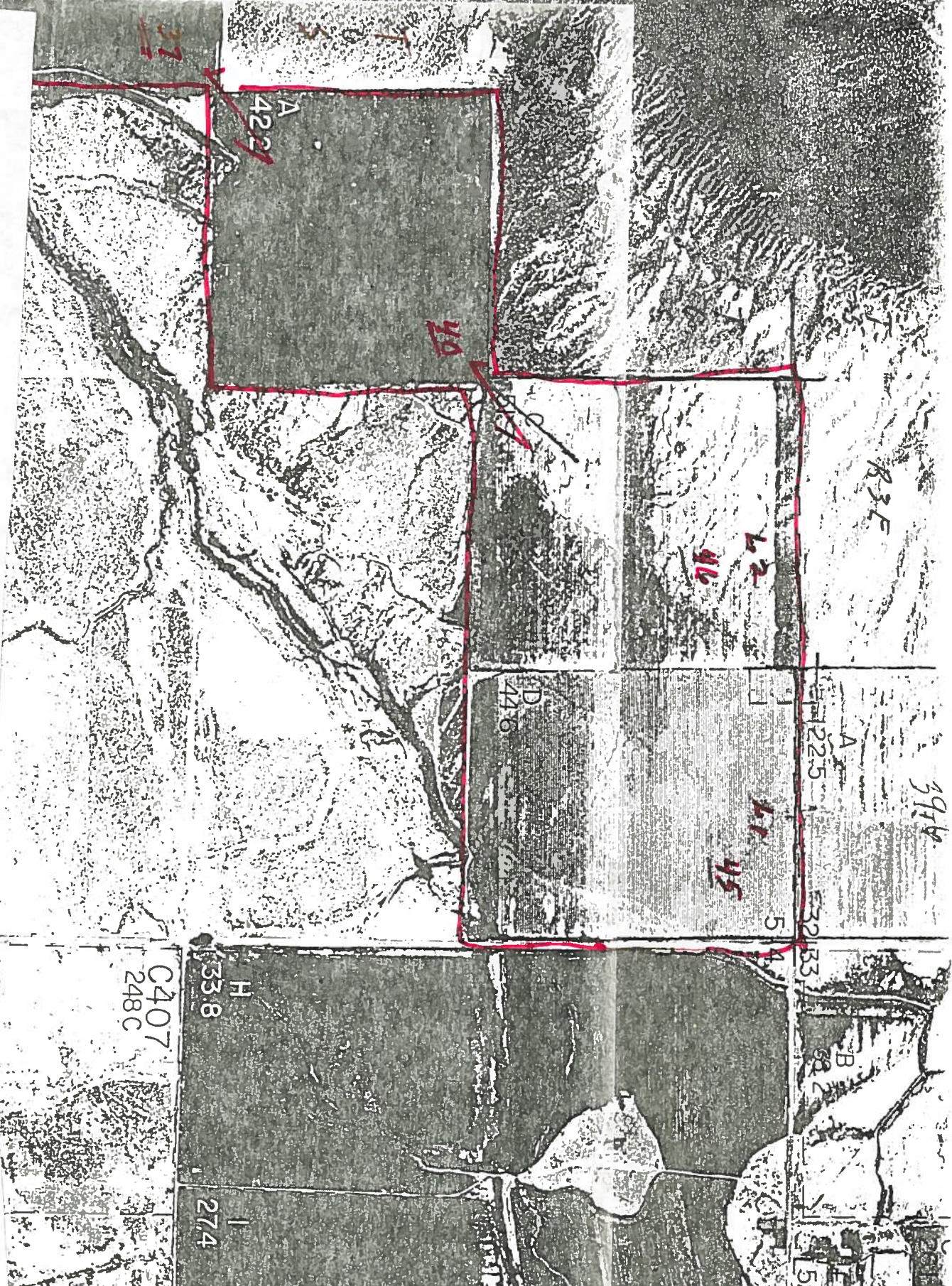
APPROVAL CONDITIONS: 45001 R35

45 OTHER RIGHTS FOR SAME USE - 57-2226, 57-2239.

|    | PRIORITY       | D A T E S     | L I C E N S E | D A T E S        | F L A G S |
|----|----------------|---------------|---------------|------------------|-----------|
| 47 | PRIORITY       | - 30-AUG-1974 | 55            | LICENSE          | 63        |
| 48 | PROOF DUE      | -             | 56            | APPL RECEIVED    | 64        |
| 49 | PROOF MADE     | -             | 57            | FIELD EXAM MADE  | 65        |
| 50 | APPROVE/DENIED | -             | 58            | DECREE           | 66        |
| 51 | PROTESTED      | -             | 59            | START WORK       | 67        |
| 52 | HEARING        | -             | 60            | ORDER SHOW CAUSE |           |
| 53 | VERIFIED       | -             | 61            | LATE_1           |           |
| 54 | LAST UPDATE    | - 26-SEP-1986 | 62            | DATE_2           |           |

*Verified 9/13/06*  
*[Signature]*

B  
36.6



-U.S.  
GOV'T.

745

C 353

120

40

7A3

32-7168

40

40

40

39

R3E

29/28

32/33

C311

196C

U.S.  
GOV'T

38

40