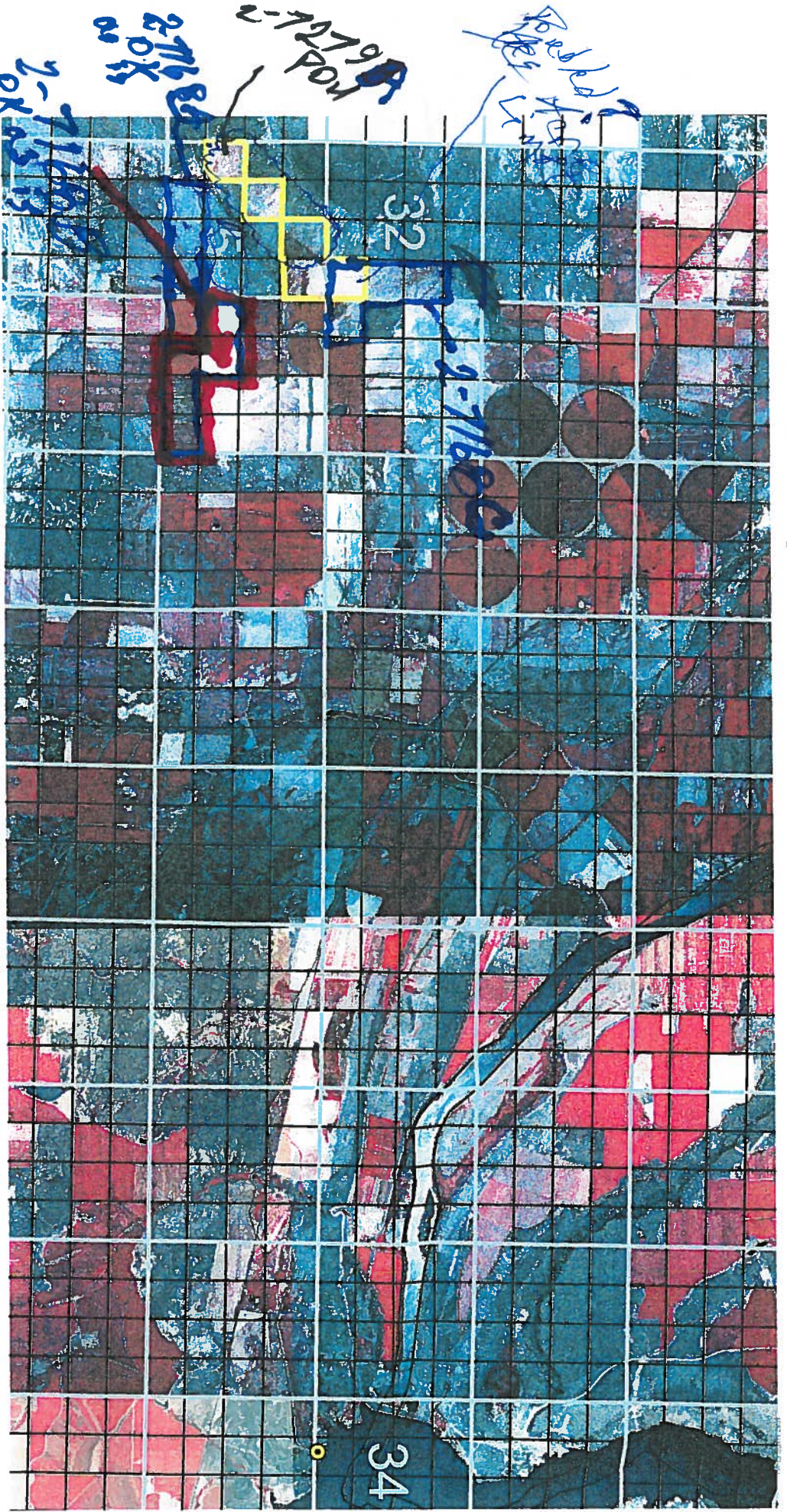


# Idaho Department of Water Resources



Claim Number: 02-07279A

Legal: T05S, R04E, S34 &

T05S, R03E, S32 &

T06S, R03E, S5

Reviewed By: JLD 5/13/05

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



# Idaho Department of Water Resources



Claim Number: 02-07168B  
Legal: T05S, R04E, S34 &  
T06S, R03E, S4  
Reviewed By: JLD 5/16/05

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

05/16/2005

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

RIGHT NUMBER: 2-7168B

NAME AND ADDRESS: DARREL L AGENBROAD  
27161 DAIRY RD  
GRAND VIEW ID 83624-5044

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.820 CFS  
859.500 AFY

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          | 3.820 CFS<br>859.50 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 | NESW | 36.0 | T06S R03E S04 | NWSW | 38.0 |
| T06S R03E S04 | SESW | 39.0 | T06S R03E S04 | SWSE | 39.0 |
| T06S R03E S04 | SESE | 39.0 |               |      |      |

191 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 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.

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

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

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    | 191.0 |
|                                  |     |     | SWSE 39.0    | SESE 39.0    |              |       |
| 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    | 168.0 |
|                                  |     |     | NWSW 37.0       |                 |              |       |
| Total number of acres Irrigated: |     |     |                 |                 |              | 191.0 |

**MICROFILMED**

DEC 08 1992

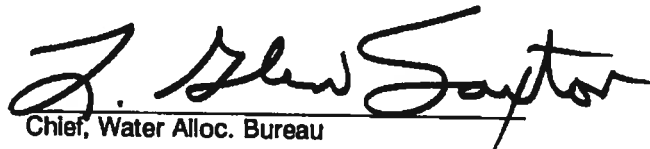
**TRANSFER OF WATER RIGHT  
WATER RIGHT NOS. 02-07168B/07279B**

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. 17th & (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     |            |        |        | 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   |            |            |        |        |        |        |        |        |        |        | 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.

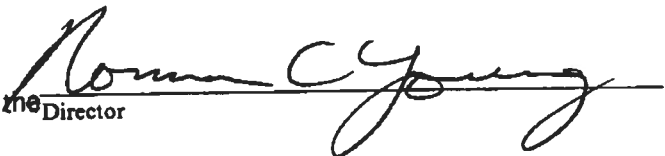
c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against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

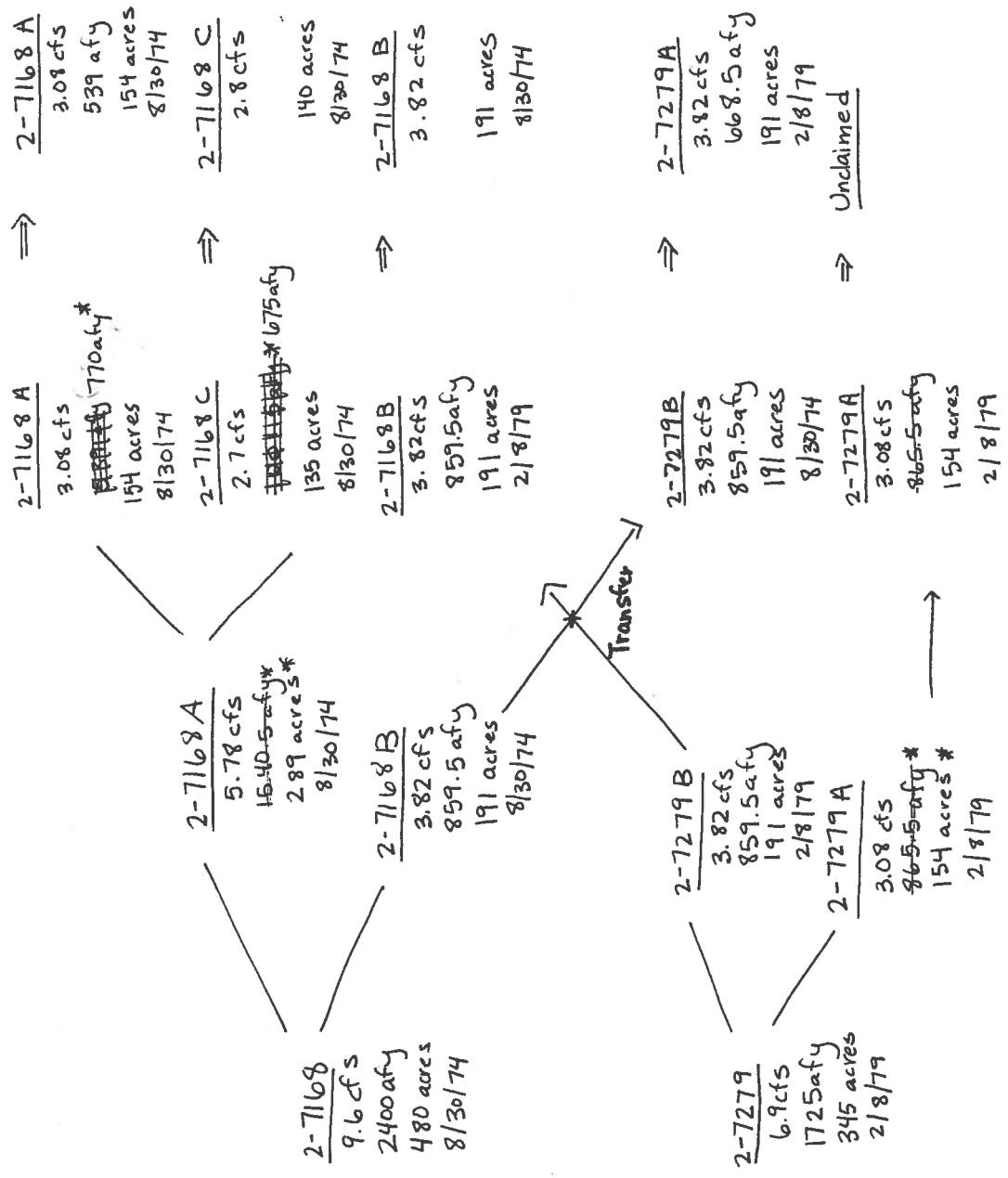
Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

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



Originals in 2-7168A

10  
9  
8  
7  
6  
5  
4  
3  
2  
1

### — Section Lines

Mud Flat Co.

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

☒ sRA claim 2-7168B

E. Agenbroad 331

\* Overclaimed by

5 acres : 1 cfs

(3 acres in NW SW S. 5)

2 acres in SWSW S 33)

- Transferred portions

# Idaho Department of Water Resources



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

Claim Number: 02-07168B  
Legal: T05S, R04E, S34 &  
T06S, R03E, S4  
Reviewed By: JLD 5/16/05



1. CURTIS 11/13/1992 Trans. #3962

Comment: Trans. #3962 was filed to swap the place of use under this right for the place of use under Right 02-7279B

to allow irrigation during periods when flows of the Snake River warrant shut-off of rights with dates of priority later than

1976. The place of use originally listed under this right is in CRP, thus swapping the rights allows lands not under CRP to be irrigated with 1974 priority date.

# 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   |    |    |    |    |    |    |    |    | 36 | 38 |    | 39 |    |    | 39 | 39 |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    | 40 | 39 |    | 39 |    |    | 39 | 41 |     |
|       |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|       |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|       |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|       |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

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

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

Overlapping FOU Claim #'s:

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

COMMENTS:

Per Transfer map & field boundaries.

# Idaho Department of Water Resources

Claim Number: 02-07168B

Legal: T06S, R03E, S04

Reviewed By:



Point of Diversion  
(located outside view)



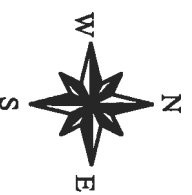
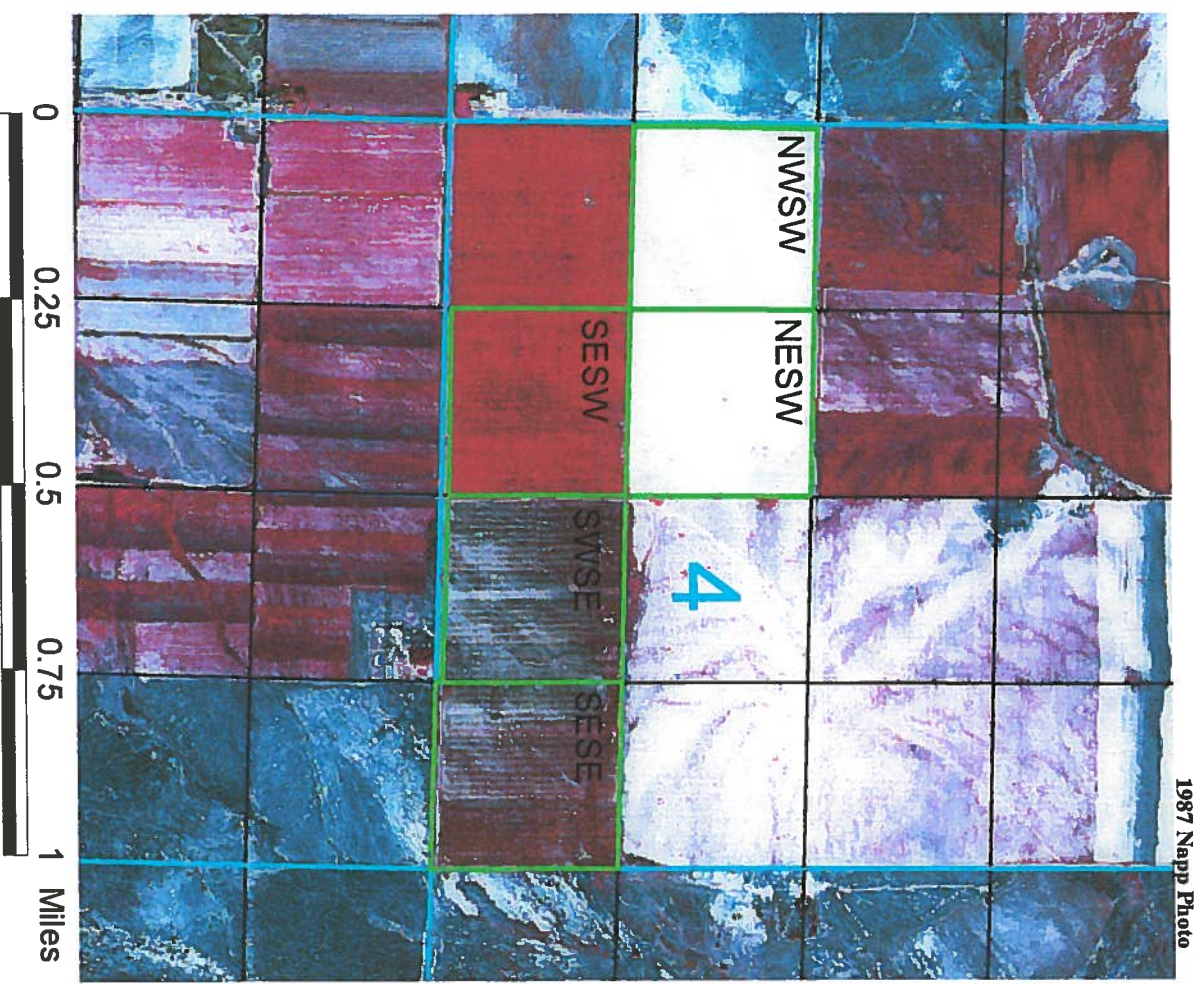
Place of Use



Section Lines



Quarter Quarter Lines



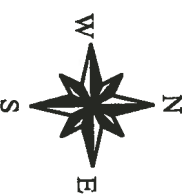
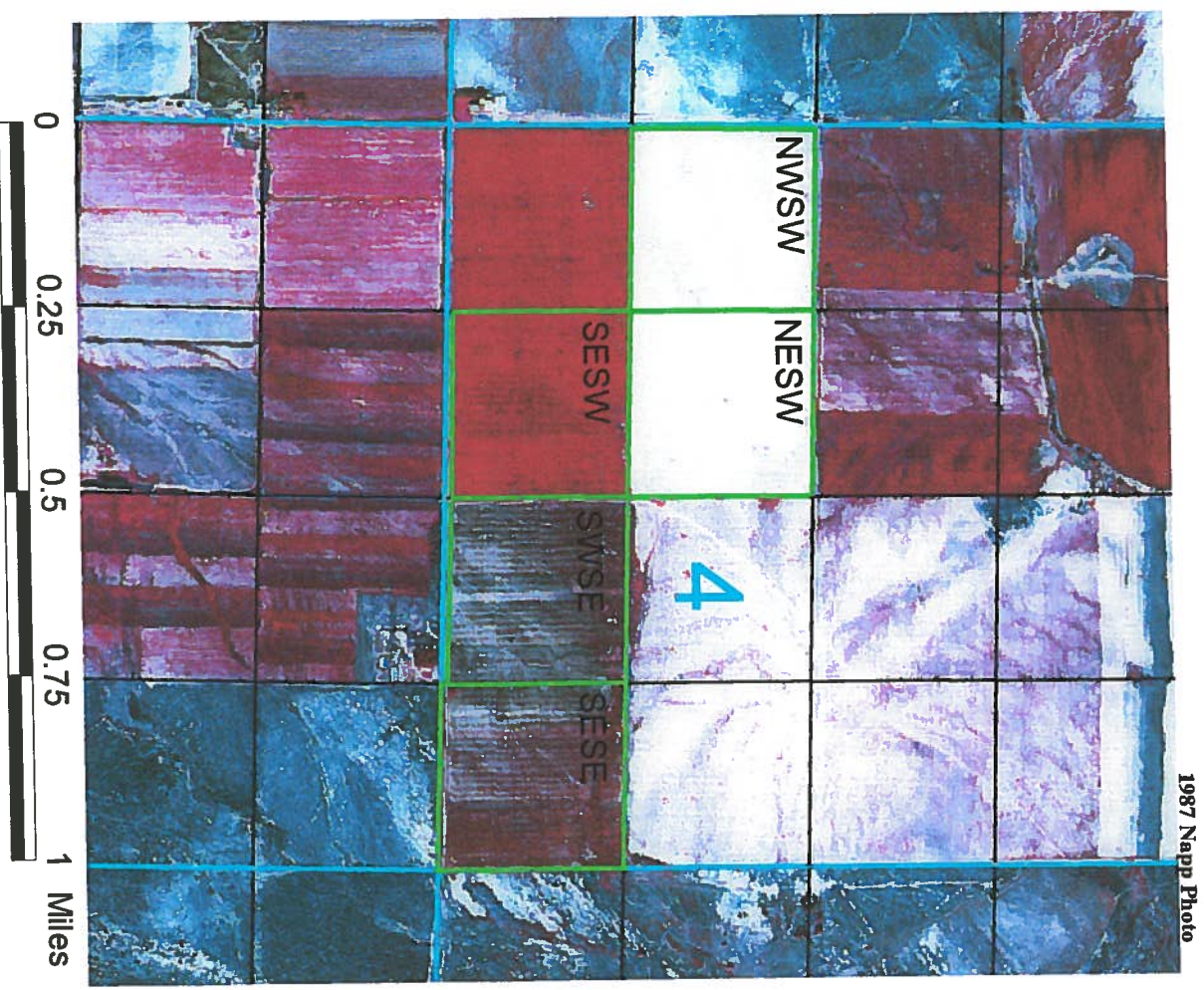
# Idaho Department of Water Resources

Claim Number: 02-07168B

Legal: T06S, R03E, S04

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: A02-07168B  
Date Received: 11/30/1988  
Receipt No: W001547  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

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:  
PUMPS & PIPELINES AT DIVERSION POINT

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.820 |      |        |

7. Total Quantity Appropriated is:  
3.820 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06S      | 03E   | 4       | NE     | SW  |     | IRR | 36.0  |
|          |       |         | NW     | SW  |     | IRR | 38.0  |
|          |       |         | SE     | SW  |     | IRR | 39.0  |
|          |       |         | SW     | SE  |     | IRR | 39.0  |
|          |       |         | SE     | SE  |     | IRR | 39.0  |

MICROFILMED  
SEP 19 1996

10. Place of Use: Continued

Section Acres 191.0

Total Acres 191.0

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:  
NONE

14. Remarks:

THIS WAS ORIGINALLY IN THE NAME OF THE MUD FLAT CANAL COMPANY.  
THEY HAVE SINCE WENT OUT OF BUSINESS AND NOW EACH INDIVIDUAL  
LANDOWNER IS FILING ON THEIR OWN PORTION OF THE WATER RIGHT.

\*\*\*\*\*MEMO TO FILE\*\*\*\*\*

THE CLAIMANT IS NOT USING THIS WATER RIGHT AT THE PRESENT TIME;  
HOWEVER, HE IS PARTICIPATING IN THE CRP PROGRAM WHICH GIVES HIM  
10 YEARS TIME TO PUT HIS WATER TO USE.

\*\*\*\*\*

THE STATUS OF THIS CLAIM WAS INCORRECTLY DATA ENTERED AS BEN. USE  
THIS CLAIM WAS BASED ON A LICENSE AND HAS BEEN CORRECTLY DATA  
ENTERED BY RDH ON JUNE 8, 1992.

CLAIM AMENDED PER TRANSFER NO. 3962 APPROVED ON 11/30/92.

THIS CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED  
WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL.

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.

APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR  
REVIEW OF THE VALIDITY OF THE WATER RIGHTS IN THE ONGOING SRBA.

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.

AN APPLICATION FOR TRANSFER MUST BE APPROVED BEFORE THESE  
RIGHTS CAN REVERT BACK TO THE PLACES OF USE ORIGINALLY DESCRIBED.

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: \_\_\_\_\_

MICROFILMED  
SEP 19 1998

**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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

MICROFILMED  
SEP 19 1995

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

**RECEIVED**  
DEC 10 1992

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

Department of Water Resources  
Western Regional Office

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

**MICROFILMED**  
SEP 19 1996

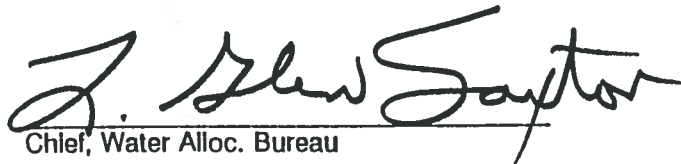
TRANSFER OF WATER RIGHT  
WATER RIGHT NOS. 02-07168B/07279B

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

MICROFILMED  
SEP 19 1996

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: **A02-07168B**  
Date Received: 11/30/1988  
Receipt No: W001547  
Received By: \_\_\_\_\_

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: ERNEST AGENBROAD 208-834-2469  
Address: HC 85, BOX 371  
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:  
PUMPS & PIPELINES AT DIVERSION POINT
6. Water is used for the following purposes:
- | Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 6.620 |      |        |
7. Total Quantity Appropriated is:  
6.620 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1158.5 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 05S      | 03E   | 32      | SE     | NE  |     | IRR | 40.0  |
|          |       |         | NE     | SE  |     | IRR | 40.0  |
|          |       |         | SE     | SE  |     | IRR | 40.0  |

**MICROFILMED**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres    |
|----------|-------|---------|------------|-----|---------------|----------|
|          |       |         |            |     | Section Acres | 120.0    |
|          |       | 33      | SW         | SW  | IRR           | 40.0     |
|          |       |         |            |     | Section Acres | 40.0     |
| 06S      | 03E   | 5       | NE         | NE  | 1             | IRR 45.0 |
|          |       |         | NW         | NE  | 2             | IRR 46.0 |
|          |       |         | SE         | NW  |               | IRR 40.0 |
|          |       |         | NW         | SW  |               | IRR 40.0 |
|          |       |         |            |     | Section Acres | 171.0    |
|          |       |         |            |     | Total Acres   | 331.0    |

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:  
NONE

14. Remarks:

THIS WAS ORIGINALLY IN THE NAME OF THE MUD FLAT CANAL COMPANY.  
THEY HAVE SINCE WENT OUT OF BUSINESS AND NOW EACH INDIVIDUAL  
LANDOWNER IS FILING ON THEIR OWN PORTION OF THE WATER RIGHT.

\*\*\*\*\*MEMO TO FILE\*\*\*\*\*

THE CLAIMANT IS NOT USING THIS WATER RIGHT AT THE PRESENT TIME;  
HOWEVER, HE IS PARTICIPATING IN THE CRP PROGRAM WHICH GIVES HIM  
10 YEARS TIME TO PUT HIS WATER TO USE.

\*\*\*\*\*

THE STATUS OF THIS CLAIM WAS INCORRECTLY DATA ENTERED AS BEN. USE  
THIS CLAIM WAS BASED ON A LICENSE AND HAS BEEN CORRECTLY DATA  
ENTERED BY RDH ON JUNE 8, 1992.

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: \_\_\_\_\_

**MICROFILMED**

**AUG 07 1992**

**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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**MICROFILMED**

**AUG 07 1992**

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: A02-07168B  
Date Received: 11/30/1988  
Receipt No: W1547  
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ERNEST AGENBROAD 208-834-2469  
Address: HC 85, BOX 371  
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:  
PUMPS & PIPELINES AT DIVERSION POINT

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 6.620  |      |        |

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

8. Total consumptive use is 1158.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 05S      | 03E   | 32      | SE     | NE  |     | IRR | 40.0  |
|          |       |         | NE     | SE  |     | IRR | 40.0  |
|          |       |         | SE     | SE  |     | IRR | 40.0  |

Section Acres 120.0

A02-07168B

Page 1

Date: 11/30/88

MICROFILMED

AUG 07 1992

## 10. Place of Use: Continued

|          |       |         |        |     |         |       |       |
|----------|-------|---------|--------|-----|---------|-------|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot     | Use   | Acres |
| 05S      | 03E   | 33      | SW     | SW  |         | IRR   | 40.0  |
|          |       |         |        |     | Section | Acres | 40.0  |
| 06S      | 03E   | 5       | NE     | NE  | 1       | IRR   | 45.0  |
|          |       |         | NW     | NE  | 2       | IRR   | 46.0  |
|          |       |         | SE     | NW  |         | IRR   | 40.0  |
|          |       |         | NW     | SW  |         | IRR   | 40.0  |
|          |       |         |        |     | Section | Acres | 171.0 |
|          |       |         |        |     | Total   | Acres | 331.0 |

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:  
NONE

14. Remarks:

THIS WAS ORIGINALLY IN THE NAME OF THE MUD FLAT CANAL COMPANY. THEY HAVE SINCE WENT OUT OF BUSINESS AND NOW EACH INDIVIDUAL LANDOWNER IS FILING ON THEIR OWN PORTION OF THE WATER RIGHT.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED

AUG 07 1992

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): Ernest Agnew Date: 11/30/88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 30 day  
of November 19 88.

Nancy M. Lindgren  
Notary Public

Seal

Residing at Boise  
My Commission Expires 1-19-1994

Scale: 2 inches equals 1 mile

A large grid of 16 columns and 16 rows of squares, each containing a crosshair pattern. The grid is used for graphing or drawing. Some squares are shaded gray, and some contain handwritten numbers: 32, 33, 5, and 1.

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

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.  
\*\*\*\*\*

MICROFILMED  
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  
T. H. Minicucci*

**MICROFILMED**  
**SEP 19 1998**

# Mud Flat Canal Co. Examined Rights

Max. Dil. = 48.5

| No.           | Pri. Date                | Acres | Ant. Cum. |
|---------------|--------------------------|-------|-----------|
| SRBA          |                          |       |           |
| ATTLE 22-7059 | 4/09/1970                | 320   | 6.4       |
| RKS 22-7060   | 4/09/1970                | 320   | 6.4       |
|               |                          |       | 12.8      |
| 22-7061       | 4/09/1970                | 316   | 6.32      |
|               |                          |       | 19.12     |
| 22-7062       | 4/09/1970                | 205   | 4.1       |
|               |                          |       | 23.22     |
| 22-7064       | 4/23/1970                | 318   | 6.36      |
|               |                          |       | 29.58     |
| 22-7168       | 8/30/1974                | 480   | 9.6       |
|               |                          |       | 39.18     |
| 22-7237A      | 12/23/1976               | 225   | 5.9       |
|               |                          |       | 45.08     |
| 22-7275       | 12/13/1978               | 113   | 2.26      |
|               |                          |       | 47.34     |
| 22-7279       | 2/08/1979                | 345   | 6.9       |
|               |                          |       | 54.24     |
| 191 MAES      | Limit Condition Required |       |           |

4.1 See also A02-0217A

A. AC  
B. AC

1. AGE

SL

ADJUDICATION MEMORANDUM

CLAIM NO.: A02-07168B+C SUBJECT: Transfer of POU  
EMPLOYEE: Linda Werner DATE: 11-4-94

A02-7168B has been split to 7168C as a result of transfer no. 3962. When A02-7168B was filed in the SRBA Ernest Augustus filed it w/ a chg. in POU & an increase in acreage & quantity. A02-7168C represents the remaining lands included in the claim but not in the transfer. (+ quantity)

MICROFILMED  
SEP 19 1996

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

OWNER CODE: C  
NAME & ADDRESS: ERNEST AGENBROAD  
HC 85, BOX 371  
GRANDVIEW ID 83624  
(208) 834-2469  
PRIORITY DATE: 08/30/1974  
WATER USE: IRRIGATION  
USE PERIOD FROM TO: 03-15 11-15  
DIVERSION RATE: 6.62 CFS  
DIVERSION VOLUME: 1158.50 AFA  
TOTAL DIVERSION: 3.82  
CONSUMPTIVE USE:

Water Source: SNAKE RIVER  
Tributary to: COLUMBIA RIVER  
Stage: LICENSE  
OWYHEE County

Point(s) of Diversion: OK T05S R04E S34 Lot09( SESW)

Place of use Legal Description for: IRRIGATION

|            | NE                      | SE                      | SW                      | SE                      | SE          | SUM   |
|------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------|-------|
|            | NENE NWNE SENE          | NENW NNW NW SENW        | NESW NWSW SWSW          | NESE NWSE SWESE         |             |       |
| T R S      | Lt Ac Lt Ac Lt Ac Lt Ac | Lt Ac Lt Ac Lt Ac Lt Ac | Lt Ac Lt Ac Lt Ac Lt Ac | Lt Ac Lt Ac Lt Ac Lt Ac |             |       |
| 05S 03E 32 | 40                      |                         |                         | 40                      | 140         | 120.0 |
| 05S 03E 33 |                         |                         |                         |                         |             | 40.0  |
| 06S 03E 5  |                         | 40                      | 40                      |                         |             | 171.0 |
| 6S8E4      |                         |                         | 36                      | 38                      | 39          | 331.0 |
|            |                         |                         |                         |                         | TOTAL ACRES | 39    |

POU County: OWYHEE  
Other Rights: NONE

Remarks: THIS WAS ORIGINALLY IN THE NAME OF THE MUD FLAT CANAL COMPANY. THEY HAVE SINCE WENT OUT OF BUSINESS AND NOW EACH INDIVIDUAL LANDOWNER IS FILING ON THEIR OWN PORTION OF THE WATER RIGHT. \*\*\*\*\*MEMO TO FILE\*\*\*\*\*  
THE CLAIMANT IS NOT USING THIS WATER RIGHT AT THE PRESENT TIME; HOWEVER, HE IS PARTICIPATING IN THE CRP PROGRAM WHICH GIVES HIM 10 YEARS TIME TO PUT HIS WATER TO USE.  
\*\*\*\*\*  
THE STATUS OF THIS CLAIM WAS INCORRECTLY DATA ENTERED AS BEN. USE THIS CLAIM WAS BASED ON A LICENSE AND HAS BEEN CORRECTLY DATA ENTERED BY RDH ON JUNE 8, 1992.

702-71688  
POD: 8-30-74  
Q: 3.82  
POU: Sec. 4 = 191 Acres.

Dates: Exam Made Date: Verified Date:  
Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

MICROFILMED  
SEP 19 1996

Total Acres : 480  
Total Q: 9.6

MICROFILMED  
SEP 19 1996

Water right number - 02-071688      Prefix Translation:      WATER RIGHT

+ - - - - -      Remarks      - - - - - +

An application for transfer must be approved before this right  
can revert back to the original place of use within Sec. 32,  
T5S, R3E and Sec. 5, T6S, R3E.

+ - - - - -      No Old Water Right Numbers found.      - - - - - +

+ - - - - -      Conditions of Approval      - - - - - +

- R32 - 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.
- T07 - The change authorized by this transfer shall be accomplished  
- within one (1) year of the date of this approval.
- T08 - 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.
- T09 - 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.

+ - - - - Decree Plaintiff      - - - +      - - - - Decree Defendant      - - - +      - - - Decree Date      - - +  
00/00/0000

+ - - - - -      -Comments-      - - - - - +

Date: 11/13/1992 User Id: CURTIS      Subject: Trans. #3962  
Trans. #3962 was filed to swap the place of use under this right for the place of use under Right 02-72798 to allow irrigation  
during periods when flows of the Snake River warrant shut-off of rights with dates of priority later than 1976. The place of use  
originally listed under this right is in CRP, thus swapping the rights allows lands not under CRP to be irrigated with 1974  
priority date.

+ - - - - Audit Fields - 11/13/92 CURTIS

+ - - - - -      Water Rights Dates and Flags Area      - - - - - +

|                   |              |                  |              |                  |     |
|-------------------|--------------|------------------|--------------|------------------|-----|
| Proof Due Date    | - 02/01/1980 | Field Exam Made  | - 00/00/0000 | Field Exam Fee   | -   |
| Approved/Denied   | - 02/10/1975 | Protested Date   | - 00/00/0000 | Swan Falls       | - Z |
| Proof Made Date   | - 01/01/1900 | Hearing Date     | - 00/00/0000 | Temporary Right  | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date    | - 00/00/0000 | DLE/Carey Act    | -   |
| Order Show Cause  | - 00/00/0000 | Receipt Number   | -            | Water District   | -   |
| Licensed Date     | - 11/12/1985 | Appl Received    | - 00/00/0000 | Transfer/Amended | - P |
| Decree Date       | - 00/00/0000 | Presumption Flag | -            |                  |     |

MICROFILMED  
SEP 19 1996

Water Right Number - 02-07168A

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
MUD FLAT CANAL CO

1 - RT B BOX 340A  
2 -  
3 -  
City- GRAND VIEW  
Phone - 208-000-0000

State- ID Zip- 83624

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

08/30/1974

ERROR IN REGION

+ - - - - Source - - - - + + - - - - Tributary - - - - - +

SNAKE RIVER

COLUMBIA RIVER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - Diversion Name Diversion Rate Diversion No. +

TwN Rng Sec Tract Lot RFlg County

05S 04E 34 SE SW 9 (73) ONYHEE

+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume +

Code Description Period From Period To

01 - IRRIGATION 03/15 11/15 5.780 1300.50

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + +

5.780 1300.50 48.440

| TwN | Rng | Sec | Tract | Lot  | Acres | Code | Description | County      |
|-----|-----|-----|-------|------|-------|------|-------------|-------------|
| 05S | 03E | 32  | SE NE | 40.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |
| 05S | 03E | 32  | NE SE | 40.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |
| 05S | 03E | 32  | SE SE | 17.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |
| 05S | 03E | 33  | SW SW | 38.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |
| 06S | 03E | 4   | SW SW | 38.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |
| 06S | 03E | 5   | SE SW | 40.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |
| 06S | 03E | 5   | SW SE | 38.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |
| 06S | 03E | 5   | SE SE | 38.0 | 01    | 01   | IRRIGATION  | (73) ONYHEE |

Total Acres: 289.0

+ - - Diversion Means - CANAL, PUMP, SPRINKLERS & PIPELINE.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - No Remarks found. +

MICROFILMED  
SEP 19 1998

|                      |           |                     |             |   |                                                                       |          |            |                  |   |            |                  |   |
|----------------------|-----------|---------------------|-------------|---|-----------------------------------------------------------------------|----------|------------|------------------|---|------------|------------------|---|
| Water right number - | 02-07168A | Prefix Translation: | WATER RIGHT |   |                                                                       |          |            |                  |   |            |                  |   |
| +                    | -         | -                   | -           | - | Old Water Right Numbers                                               | -        | -          | -                | - | -          | +                |   |
| +                    | -         | -                   | -           | - | Old Water Right Numbers                                               | -        | -          | -                | - | -          | +                |   |
| +                    | -         | -                   | -           | - | No Old Water Right Numbers found.                                     | -        | -          | -                | - | -          | +                |   |
| +                    | -         | -                   | -           | - | Conditions of Approval                                                | -        | -          | -                | - | -          | +                |   |
|                      |           |                     |             |   | R32 - 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.                                                        |          |            |                  |   |            |                  |   |
| +                    | -         | -                   | -           | - | Decree Plaintiff                                                      | -        | -          | -                | + | -          | Decree Date -    | + |
|                      |           |                     |             |   |                                                                       |          |            |                  |   |            | 00/00/0000       |   |
| +                    | -         | -                   | -           | - | -                                                                     | -        | -          | -                | - | -          | -                | + |
|                      |           |                     |             |   | -                                                                     | -        | -          | -                | - | -          | -                |   |
| +                    | -         | -                   | -           | - | Audit Fields -                                                        | 11/13/92 | CURTIS     |                  |   |            |                  |   |
| +                    | -         | -                   | -           | - | -                                                                     | -        | -          | -                | - | -          | -                | + |
|                      |           |                     |             |   | Proof Due Date                                                        | -        | 02/01/1980 | Field Exam Made  | - | 00/00/0000 | Field Exam Fee   | - |
|                      |           |                     |             |   | Approved/Denied                                                       | -        | 02/10/1975 | Protested Date   | - | 00/00/0000 | Swan Falls       | - |
|                      |           |                     |             |   | Proof Made Date                                                       | -        | 01/01/1900 | Hearing Date     | - | 00/00/0000 | Temporary Right  | - |
|                      |           |                     |             |   | Exam to S.O. Date                                                     | -        | 00/00/0000 | Verified Date    | - | 00/00/0000 | DLE/Carey Act    | - |
|                      |           |                     |             |   | Order Show Cause                                                      | -        | 00/00/0000 | Receipt Number   | - | 00/00/0000 | Water District   | - |
|                      |           |                     |             |   | Licensed Date                                                         | -        | 11/12/1985 | Appl Received    | - | 00/00/0000 | Transfer/Amended | - |
|                      |           |                     |             |   | Decree Date                                                           | -        | 00/00/0000 | Presumption Flag | - | -          | -                | - |

MICROFILMED  
SEP 19 1996

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS NUMBER INDEX

DATE: 11/16/92  
PAGE 1

WATER RIGHT  
NUMBER

NAME

CFS

T02-07168

Split into 02-07168A & B by Trans. #3962.

T02-07168A MUD FLAT CANAL CO

5.78

T02-07168B AGENBROAD, DARREL L

3.82

**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           |
|----------------|--------------------------------------------|-----------------------|-------------------------|
| Irrigation     | 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 60V LOT 9 (SE 1 SW 1)

Section 34, Twp 5S, Rge 4E in the County of Owyhee  
Description and location of place of use:

| Twp. | 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   |        |        |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        | 38     |
| 6S   | 3E    | 4    |        |        |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        | 38     |
|      |       | 5    | 45     | 46     |        |        |        |        | 40     | 37     |        | 40     |        |        |        | 38     | 38     |        | 284    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 480

**MICROFILMED  
SEP 19 1998**

RECEIVED

JUN 18 1992

Department of Water Resources  
Western Regional Office

June 16, 1992

I hereby consent to transferring  
the water rights from my property  
to Darrel Agnew for the  
remainder of the drought.

Ernest Agnew

"A"

MULTIFILMED  
SEP 18 1992

MEMORANDUM

TO: Files 02-07168/07279  
FROM: Sharla  
DATE: November 13, 1992  
RE: Transfer Review (No. 3962)

The above referenced transfer application proposes to swap the places of use under a portion of each of these rights (the rights have been split into parts A & B). The place of use under Right 02-07168B is under CRP. By swapping the places of use, Mr. Agenbroad will be able to irrigate lands not in CRP with an earlier right which will not be cut when flows of the Snake River drop below the established minimum streamflow.

Advertising was completed correctly. The transfer can be approved with the following conditions:

- T07 The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 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.
- T09 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.
- R32 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.

An application for transfer must be approved before these rights can revert back to the places of use originally described.

MICROFILMED  
SEP 19 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

Transfer No. 3962

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Department of Water Resources  
Western Regional OfficeName of applicant DARREL L. AGENBROAD Phone (208) 834-2711Post Office address HC 85, BOX 341 GRAND VIEW ID 83624

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other (Date of priority exchange) \_\_\_\_\_
2. Describe the reason for the proposed changes DOP CHANGE WILL ALLOW SNAKE RIVER WATER NOT TO BE CUT-OFF BY CONDITION OF MAINTAINING THE MINIMUM STREAM FLOWS AT THE WEISER GAGE FOR WATER RIGHT WITH THE 1976 + DOP.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- |            |              |      |       |                |
|------------|--------------|------|-------|----------------|
| A02-07168B | AUG 30, 1974 | 3.82 | IRRIG | 03/15 to 11/15 |
| A02-07279A | FEB 8, 1979  | 3.82 | IRRIG | 07/15 to 11/15 |
2. Total amount of water being transferred 3.82 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER
4. Point(s) of Diversion: NO CHANGE

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 5. Lands irrigated or place of use:

| Twp.      | Rge. | 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 |        |
| A02-7279A |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| 55        | 3E   | 32   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 23     |
| 65        | 3E   | 5    | 45     | 46     |        |        |        |        | 40     |        | 37     |        |        |        |        |        |        |        | 168 AC |
| A02-7168B |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| 65        | 3E   | 4    |        |        |        |        |        |        |        |        | 36     | 38     |        | 39     |        | 39     | 39     |        | 191 AC |

Total acres

191 AC

MILWAUKEE  
SEP 8 1998

Page 2 of 12

Transfer No. \_\_\_\_\_

PAR 1

⑥ General Information:

⑤ Description of diversion system

Ditch PS Pipe Line Canal pressure pumps

178

⑥ Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

⑥ Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

This transfer will revert back to the original lands when the  
minimum 575 cfm flows are exceeded at the weiser gage.  
Lands previously irrigated with 1979 right will be irrigated under 1974  
right. Lands under 1974 right are in CRP, not presently irrigated.

d. Remarks:

I would like this transfer to be in effect for  
the remainder of the drought 1992-1993 EOT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 02-071688/072798  
And said application is hereby APPROVED, subject to the following limitations and conditions:  
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_

CHIEF, WATER ALLOC. BUREAU

RECEIVED  
SEP 19 1992

Page 3 of 12Transfer No. 521STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_

In case of \_\_\_\_\_ vs. \_\_\_\_\_

b. dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

c. License No. 02-07168 Issued by the Idaho Department of Water Resources.

d. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.

e. Transfer No. \_\_\_\_\_ which produced this right.  
\* Attach evidence from father, that he owns the 1974 DOP land, also a written statement that he gives...  
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below: a ok to transfer this right.☒ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water Snake River tributary to Columbia River4. Date or priority 8/30/1974

## 5. Water is used for the following purpose:

amount 9.6 for IRRIGATION purposes from 03/15 to 11/15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)6. Total amount of water under right 9.6 cubic feet per second and/or 2400 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| 9   | SE  | SW  | SW  | 34   | 5S   | 4E   | OWYHEE |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | 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   |        |        |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        | 38     |
| 6S   | 3E   | 4    |        |        |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        | 38     |
|      |      | 5    | 41     | 42     |        |        |        |        | 40     |        | 37     |        | 40     |        |        | 38     | 38     |        | 284    |
|      |      |      | 45     | 46     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 480

## 9. Describe any other water rights used for the same purpose as described above

MICROFILMED  
SEP 19 1990

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
NO YES If yes, describe ENROLLMENT IN CRP, 45 YRS REMAINING. NO NON-USE  
OCCURRED PRIOR TO ENROLLMENT

## B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 3.82 for IRR purposes from 3/15 to 11/15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

## 2. Point(s) of Diversion:

| Lot | % | %  | %  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
| 9   |   | SE | SW | 34   | 55   | 4E   | OWYHEE |                          |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 55   | 3E   | 32   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 23     | 23     |
| 65   | 3E   | 5    | 45     | 46     |        |        |        |        | 40     |        | 37     |        |        |        |        |        |        |        | 168    |
|      |      |      | 41     | 42     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 191

## C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 5.78 for IRR purposes from 3/15 to 11/15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

## 2. Point(s) of Diversion:

| Lot | % | %  | %  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
| 9   |   | SE | SW | 34   | 55   | 4E   | OWYHEE |                          |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 55   | 3E   | 32   |        |        |        | 40     |        |        |        |        |        |        |        |        | 40     |        |        | 17     | 97     |
|      |      | 33   |        |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        |        | 38     |
| 65   | 3E   | 4    |        |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        |        | 38     |
|      |      | 5    |        |        |        |        |        |        |        |        |        | 40     |        |        |        | 38     | 38     |        | 116    |

Total acres 289

RECEIVED  
 SEP 19 1998

Page 5 of 12Transfer No. 13STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_

In case of \_\_\_\_\_ vs. \_\_\_\_\_

dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. 02-1168 Issued by the Idaho Department of Water Resources.SRBA Claim No. A02-07168B or file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

## X2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water: SNAKE RIVER tributary to COLUMBIA RIVER4. Date or priority AUG 30, 1974

## 5. Water is used for the following purpose:

amount 6.62 for IRRIG. purposes from 03/15 to 11/15

(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

6. Total amount of water under right 6.62 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 4 | 4  | 4  | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|---|----|----|------|------|------|------------|--------------------------|
| 9   |   | SE | SW | 34   | 5S   | 4E   | OWYHEE CTY |                          |
|     |   |    |    |      |      |      |            |                          |
|     |   |    |    |      |      |      |            |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | 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   | 5    | 41     | 42     |        |        |        |        | 40     |        | 40     |        |        |        |        |        |        |        | 171    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

\* 3 ac expansion

\*\* 2 ac expansion

Total acres 3319. Describe any other water rights used for the same purpose as described above NONEMICHAEL  
SEP 19 1996

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
YES If yes, describe ENROLLMENT IN ORP. NO NON-USE PRIOR TO ENROLLMENT.

## B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 3.82 for IRR purposes from 3/15 to 11/15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

## 2. Point(s) of Diversion:

| Lot | 1/4 | 1/2 | 3/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| 9   |     | SE  | SW  | 34   | SS   | 4E   | DAYHEE |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 3. Lands Irrigated or place of use:

| Twp. | Rge. | 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 |        |
| SS   | 3E   | 32   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 23     |
| 6S   | 3E   | 5    | 45     | 46     |        |        |        |        | 40     | 37     |        |        |        |        |        |        |        |        | 168    |
|      |      |      | L1     | L2     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 191

## C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.8 for IRR purposes from 3/15 to 11/15  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

2. Point(s) of Diversion: ABOVE

| Lot | 1/4 | 1/2 | 3/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 3. Lands Irrigated or place of use:

| Twp. | Rge. | 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 |        |
| SS   | 3E   | 32   |        |        |        | 40     |        |        |        |        |        |        |        |        | 40     |        |        | 17     | 97     |
|      |      | 33   |        |        |        |        |        |        |        |        |        | 40     |        |        |        |        |        |        | 40     |
| 6S   | 3E   | 5    |        |        |        |        |        |        |        |        | 3      |        |        |        |        |        |        |        | 3      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 140

MICROFILMED  
 SEP 19 1996

Page 7 of 12Transfer No. 1STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 02-07279 ~~Shaw~~ issued by the Idaho Department of Water Resources.
- c. Claim No. Att 07279A on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER4. Date or priority Feb 8, 1979

## 5. Water is used for the following purpose:

amount 6.9 for IRRIG purposes from 03/15 to 11/15  
(cfs/acre-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

6. Total amount of water under right 6.9 cubic feet per second and/or 1725 ~~40,444~~ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|------|------------|--------------------------|
| 9   |     | SE  | SW  | 34   | 5S   | 4E   | Owyhee Cty |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 6S   | 3E   | 4    |        |        |        |        |        |        |        |        | 36     | 38     |        | 39     |        |        | 39     | 39     | 191    |
|      |      | 8    | 39     | 39     |        | 39     | 37     |        |        |        |        |        |        |        |        |        |        |        | 154    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 345

## 9. Describe any other water rights used for the same purpose as described above

MICROFILMED  
SEP 19 1996



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_

In case of \_\_\_\_\_ vs. \_\_\_\_\_

dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. 02-07279 issued by the Idaho Department of Water Resources

SRBA c. Claim No. A02-07279A on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:**

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

**3. Source of water** SNAKE RIVER tributary to COLUMBIA RIVER

**4. Date or priority** Feb. 8, 1979

**5. Water is used for the following purpose:**

amount 3.82 for IRRIG. purposes from 03/15 to 11/15

(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

(cfs/ac-ft) amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

**6. Total amount of water under right** 3.82 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

**7. Point(s) of Diversion:**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| 9   |     | SE  | SW  | 34   | 5S   | 4E   | OWYHEE |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

**8. Lands irrigated or place of use:**

| Twp. | Rge. | 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 |         |
| 6S   | 3E   | 4    |        |        |        |        |        |        |        |        | 36     | 38     |        | 39     |        |        | 39     | 39     | 191     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |

Total acres 191

**9. Describe any other water rights used for the same purpose as described above** NONE

MICROFILMED  
SEP 19 1995

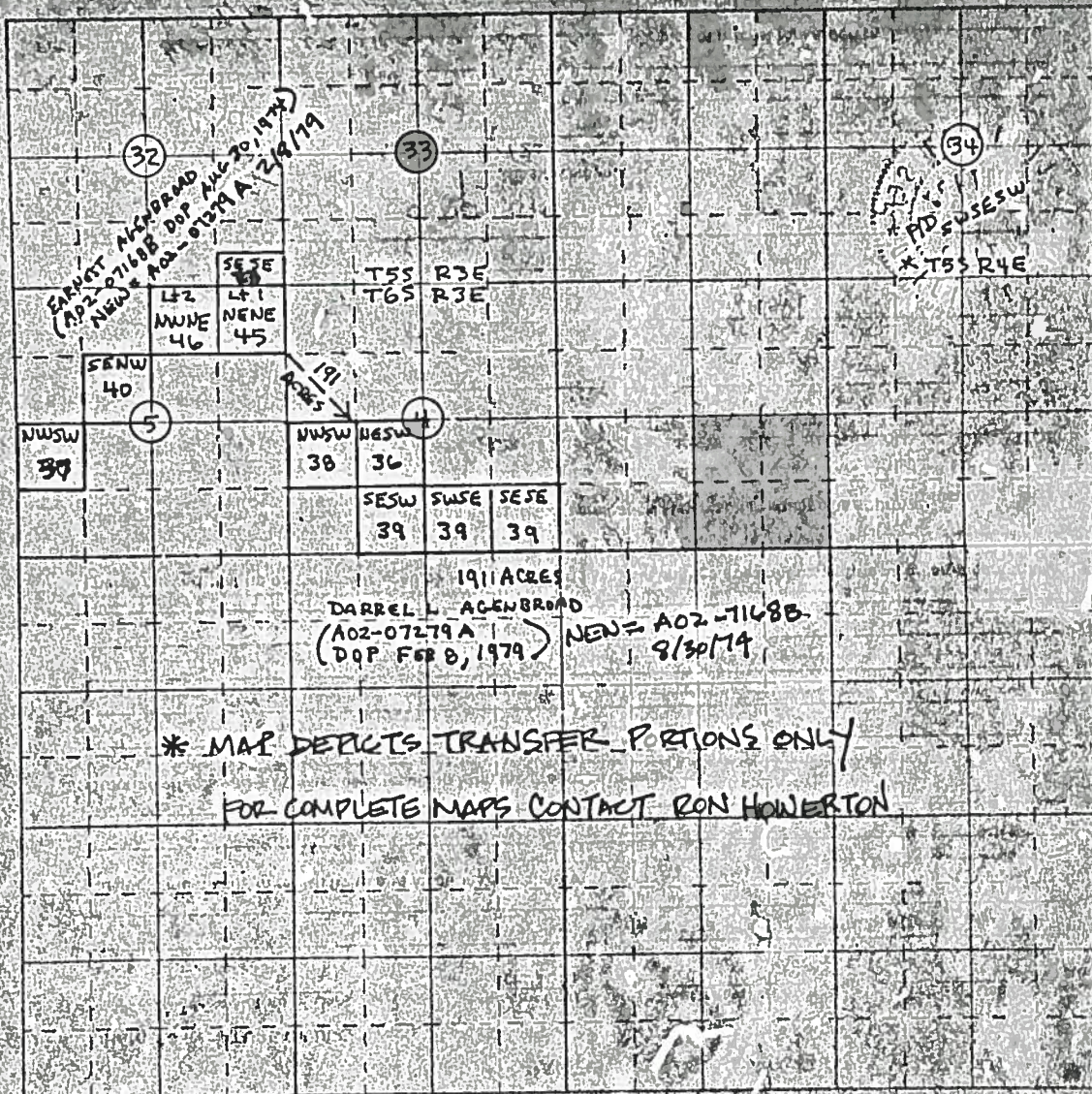


**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 3**

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED  
SEP 19 1998

Page 12 of 12

Transfer No. \_\_\_\_\_

### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 16 day of June, 19 92.

David Spalward  
(Signature of Applicant)

Linda R. Samuel  
(Notary Public)

My commission expires 4-18-94

#### FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 1 attachments

Received by MM Date 6-18-92 Protest filed by \_\_\_\_\_

Prelim. check by CSK Fee \$50.00

Receipted by MM Date 6-18-92

Published in Butte Avalanche Copies of protest forwarded by \_\_\_\_\_

Pub. dates 7/18 & 7/22/92 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. by MM

Copy of transfer sent to lien holder \_\_\_\_\_

SEP 19 1992

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 ~~ON AN ARROW~~  
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 _____                     |
|                                           |                                                              | (Both dates inclusive)                      |                              |
| Quantity _____                            | Use _____                                                    | Period of Use From _____                    | To _____                     |
|                                           |                                                              | (Both dates inclusive)                      |                              |
| Quantity _____                            | Use _____                                                    | Period of Use From _____                    | To _____                     |
|                                           |                                                              | (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: \_\_\_\_\_  
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

| 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 |       |
| 55 | 3E | 22   |        |        |        | 40     |        |        |        |        |        |        |        | 40     |        |        | 40     |        | 120   |
|    |    | 33   |        |        |        |        |        |        |        |        |        |        | 38     |        |        |        |        |        | 38    |
| 65 | 3E | 4    |        |        |        |        |        |        |        |        |        |        | 35     |        |        |        |        |        | 35    |
|    |    |      | 41     | 62     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    | 5    | 45     | 48     |        |        |        |        |        | 40     | 37     | 40     |        |        |        |        | 38     | 38     | 284   |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 480   |

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 Mud Flat Canal Co.  
Remarks: This right shall be decreed as the license appears on the record.
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.  
FEL: 10/18/81 ☐ 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. 02-7168

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.

Individual

April 29, 1981

(Date)

(Signature of Claimant)

(Signature of Spouse)

Organization

State of Idaho

Organization

County of Ada

ss.

Seal

(Signature of Authorized Agent)

On this 29th day of April

1981

before me

a notary public, personally appeared

H. NATHANIEL GOOD

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.

State of Idaho  
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by SKN

Date 10/15/84 4/24/85

Right No. 02-7168

Claimant Mud Flat coral 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 ~~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 ☒ Beneficial Use Report in copy ~~License (S.O.)~~ File

Measurement 45 48.44 cfs. Amount recommended 9.6 cfs.

Type of measuring device: anemometer Meter No. 091452

Condition fair Date 4/24/85 Time 1 PM

Adjudication Photo(s) Used: Name or No. 4/24/85

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☐ Yes ☒ No

Remarks See 02-7059 for measurement  
& etc.

MEMO TO: MUD FLAT CANAL CO. FILES

DATE: 8/11/83

FROM: FORREST

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

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

ON THIS DATE, ~~8/10~~ 8/11/83, MR GOOD REPORTED THAT THEY WOULD  
PREFER A TIME IN OCTOBER WHEN FEWER PUMPS WERE SUPPLY  
THE CANAL. OTHERWISE, THE SYSTEM REQUIRES OVER 5 HOUR  
TO DRAIN THE PENSTOCK.

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

MUD FLAT CREEK CO.  
Route B Box 340 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

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 FLOWING 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 RECREAGE 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 REARRANGE FOR A MEASUREMENT WAS MADE. MR. GOOD CALLED ROY HAILEY, WHO ASKED FOR A CALL-BACK LATE IN SEPTEMBER. MR. HAILEY, 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 HAILEY FOR AN EXAM AT 10:00 AM WEDNESDAY, OCT. 12. ON OCT. 7, A CALL TO MR. HAILEY REVEALED HE WOULD BE IN ALASKA THE WEEK OF THE 12<sup>TH</sup>, SO PROPOSED DATE WAS POSTPONED UNTIL 1 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 HAILEY REVEALED PENSTOCK HAD SPLIT WHEN THEY HAD SHUT PUMP DOWN. HAILEY FELT IT WOULD NOT GIVE BEST RESULT TO MEASURE AT THIS TIME.

IT WAS RELATED TO HAILEY AT THAT TIME THAT IT PROBABLY WOULD BE BEST TO GIVE UP ATTEMPTS FOR THIS YEAR TO MEASURE THE SYSTEM. IT WAS ALSO RELATED TO HIM THAT IF AND WHEN A WATERMASTER FOR BASIN 02 WERE CALLED ON THAT THE WATERMASTER WOULD HAVE AUTHORITY TO DELIVER WATER TO LICENSES AND PERMITS, EVEN THOUGH THEY HAD NOT BECOME DECREED. IT WAS REITERATED  
(NEXT)

FOR PURCHASE OF FARM Licensing See FINAL PAGE

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         | 45.08       |
|            | Min. Stream Flow Requirement |              |             |             |
| 02-7275    | 12/13/1978                   | 113          | 2.26        | 47.34       |
| 02-7279    | 2/08/1979                    | 345          | 6.9         | 54.24       |
|            | Limit Condition Required     |              |             |             |



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.

D. Agenbroad  
02-7059 et al

Page 2

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

# 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 83624 Tel. No. 834-2711

Source of Water: Snake River

Extent of Use: ☐ Domestic ☐ Stockwater ☒ Irrigation ☐ Other 480

Number of households  
(number and type of stock)  
(acres)

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 1950  
Date

Daniel Chas. [Signature]  
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.

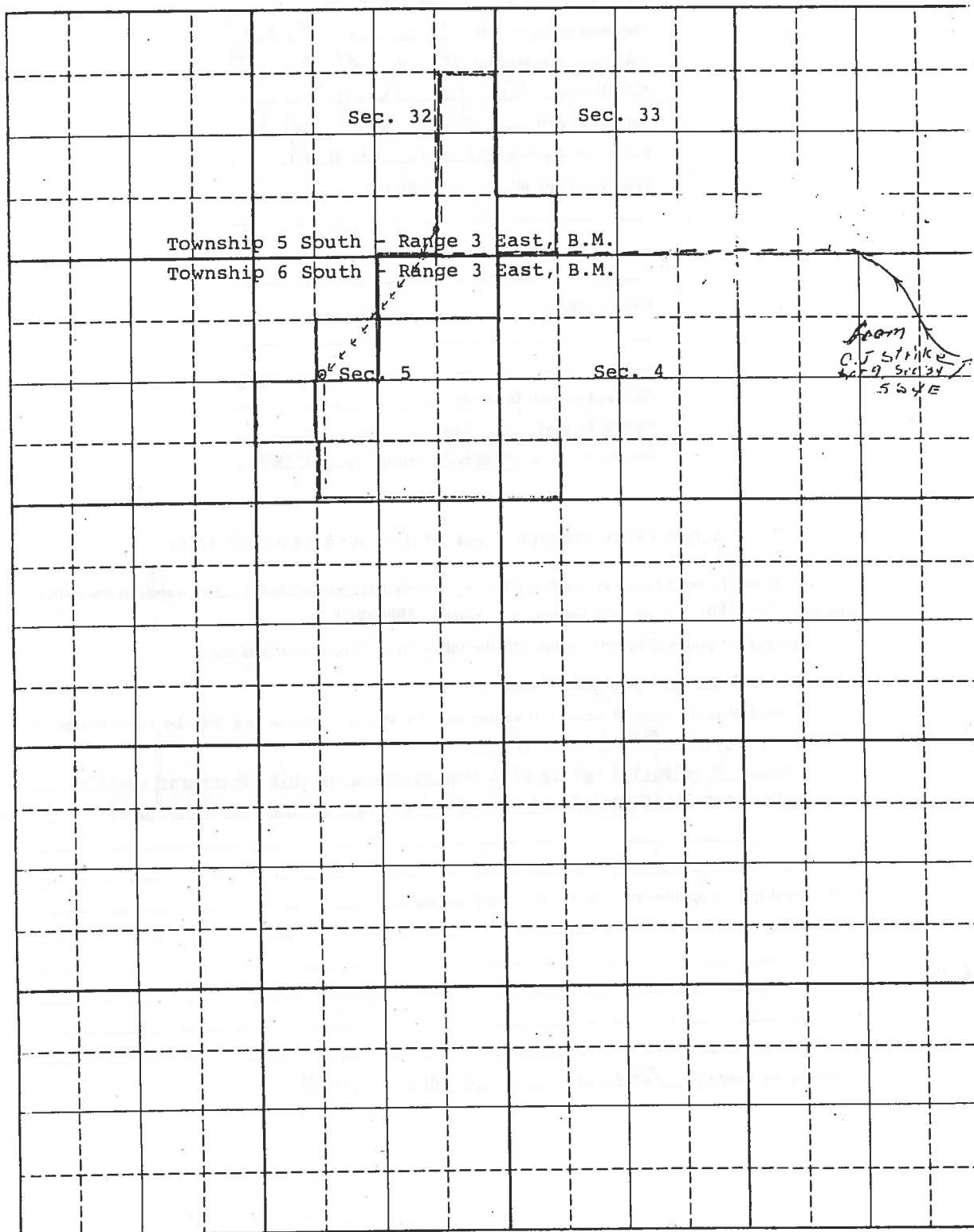
Identification No. 02-7168  
Application No. \_\_\_\_\_

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 \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_.
- (5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**  
MAY 15 1968

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



Scale: 2 inches equal 1 mile

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

*Walter H. K. Canal Co.*  
(Applicant)

*W. E. ...*  
(Applicant) President

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

MICROFILMED

PAGE 1  
26-SEP-1986 22:39:26

DRIG. OWNER  
050C1 - C

13 STATUS -

TRIBUTARY OF  
15001 - COLUMBIA RIVER

17 COUNTY - 73 OWYHEE

20 TOTAL DIVERSION VOLUME -- .00

----- DIVERSION POINTS -----

[illegible]

29 NON-IRRIGATION USE -

| USE CODE / USE        | TWN         | RNG         | PLACE OF USE | TRACT         | ACRES      | LOT        |
|-----------------------|-------------|-------------|--------------|---------------|------------|------------|
| 30001 - 01 IRRIGATION | 31001 - 05S | 32001 - 03E | 33001 - 33   | 34001 - SWSM  | 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 - SWSM  | 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 - NWSM  | 35009 - 37 | 36009 -    |
| 30010 - 01 IRRIGATION | 31010 - 06S | 32010 - 03E | 33010 - 05   | 34010 - SESM  | 35010 - 40 | 36010 -    |
| 30011 - 01 IRRIGATION | 31011 - 06S | 32011 - 03E | 33011 - 05   | 34011 - SWESE | 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     |

REMARKS

44001 - THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN .02 CFS/AC. NDR MORE THAN 5 AFA/AC. ON THE LANDS

44002 - MORE THAN .02 CFS/AC. NDR MORE THAN 5 AFA/AC. ON THE LANDS

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS PROJ READING REPORT

REMARKS  
44003 - ABOVE.

APPROVAL CONDITIONS: 45001 R35

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

[illegible]

Verified  
10/31/86

**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

Roman C. Young

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 \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_.  
(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
MAY 15 1968

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>x280</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

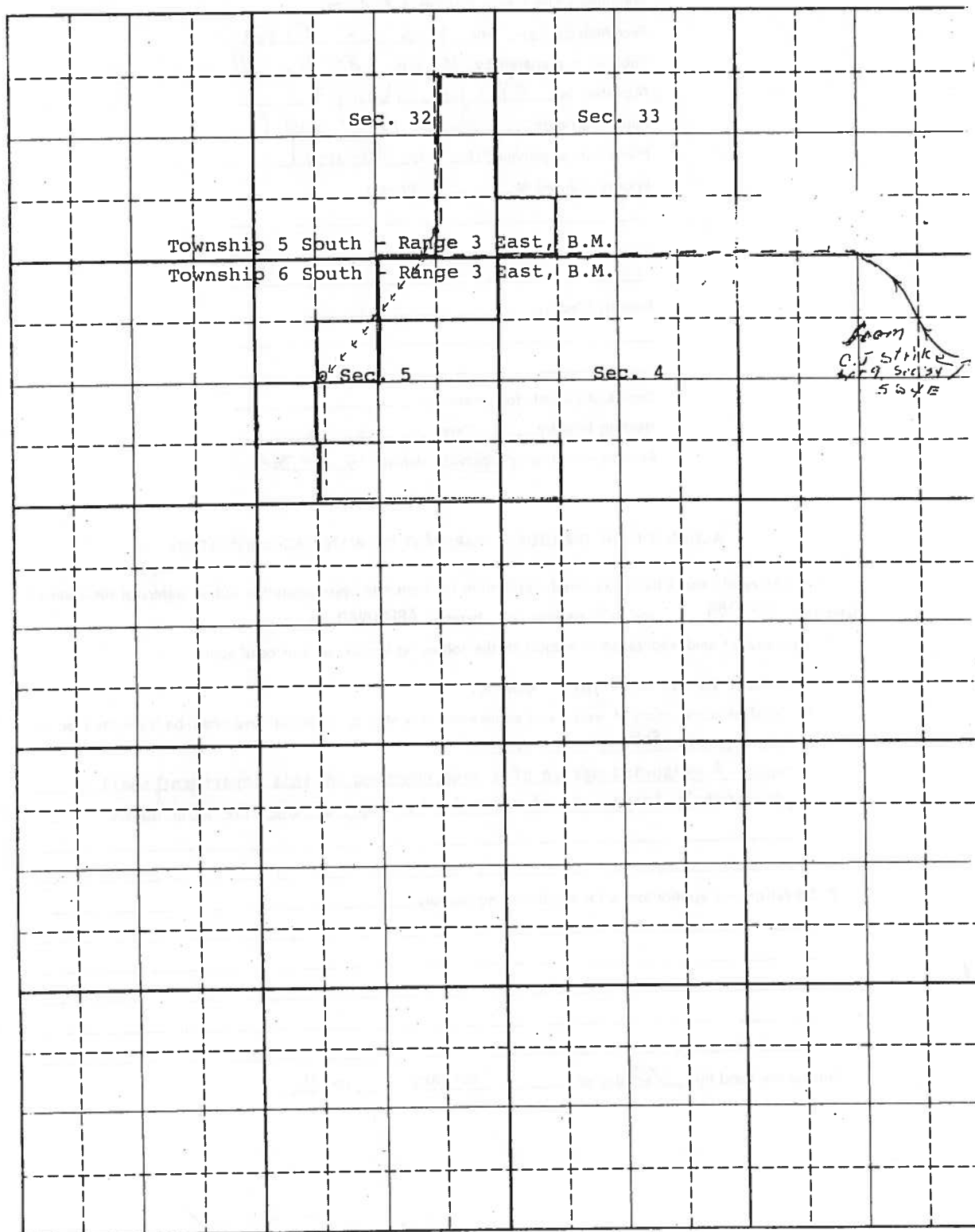
b. Who owns the land to be irrigated or place of use applicant

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.



Scale: 2 inches equal 1 mile

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

*Alfred Hall Canal Co.*  
(Applicant)

*Alfred Hall*  
(Applicant) President

Proposed Prior By 30-1974

Received by \_\_\_\_\_ Date 10/1/75 Time 1:00

Preliminary check by W.H. Fee \$ 115.00

Received by W.H. Date 8/15/77

Publication prepared by W.H. Date 8/29/77

Published in Cum gratia - August

Publication dates Sept. 12 & Sept. 19

Publication approved W.H. Date 10-11-77

Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by W.H.

#### 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:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1980.
- 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. Kirk Higin  
Director