

Idaho Department of Water Resources



0 1 2 3 4 5 Miles



Claim Number: 02-07168C
Legal: T05S, R04E, S34 &
T05S, R03E, S32 & S33
Reviewed By: JLD 5/13/05

- 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: 2-7168C

NAME AND ADDRESS: GRANDVIEW FAMILY LIMITED PARTNERSHIP
PO BOX 455
GRAND VIEW ID 83624

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.700 CFS
675.000 AFY

Use of this right with Right No. 02-07279A is limited to a total combined annual diversion volume of 675 AF.

PRIORITY DATE: 08/30/1974

POINT OF DIVERSION:

T05S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.700 CFS 675.00 AFY

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

PLACE OF USE: IRRIGATION Within OWYHEE County

T05S R03E S32	SENE	40.0	T05S R03E S32	NESE	40.0
T05S R03E S32	SESE	40.0	T05S R03E S33	SWSW	38.0

158 ACRES TOTAL

This right authorizes the irrigation of 135 total acres.

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

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

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

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: IRRIGATION Priority: 08/30/1974	03/15 - 11/15	3.82 CFS	859.5 AF
Right 02-07279B: IRRIGATION Priority: 02/08/1979	03/15 - 11/15	3.82 CFS	859.5 AF
	Total	7.64 CFS	1719.0 AF

Source: SNAKE RIVER tributary to: COLUMBIA RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

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

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

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

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

MICROFILMED

DEC 08 1992

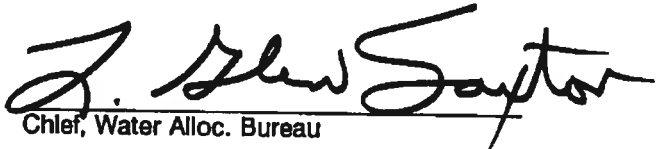
**TRANSFER OF WATER RIGHT
WATER RIGHT NOS. 02-07168B/07279B**

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

CONDITIONS/REMARKS:

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

Dated this 30th day of November, 1992


Chief, Water Alloc. Bureau

RECORDED

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. Lot 2 (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 45	L 2 46					40		37		40			38	38		284

Total number of acres irrigated 480

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

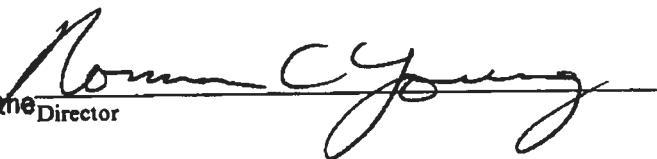
- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place 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.

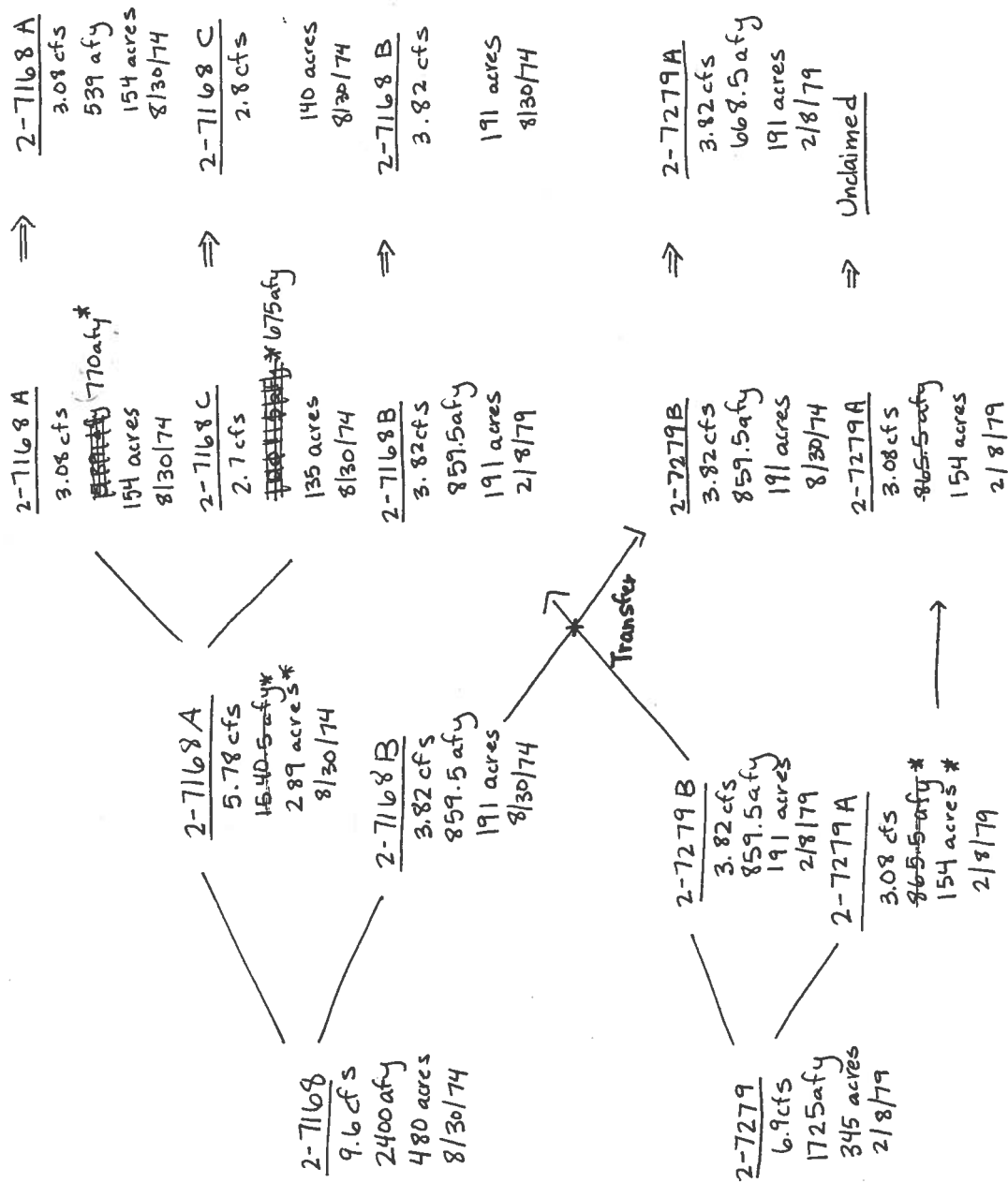
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

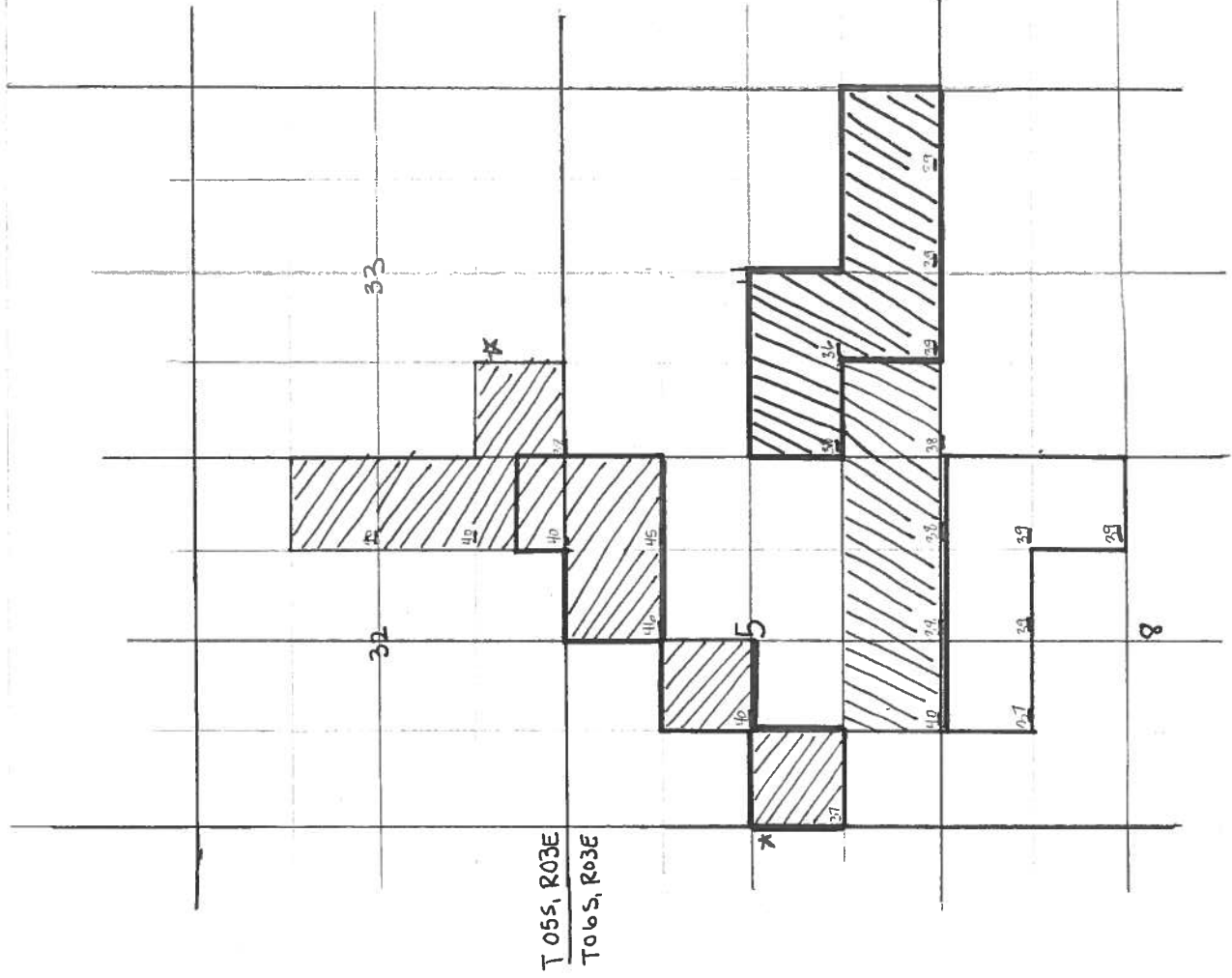
Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

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

Acting for the Director



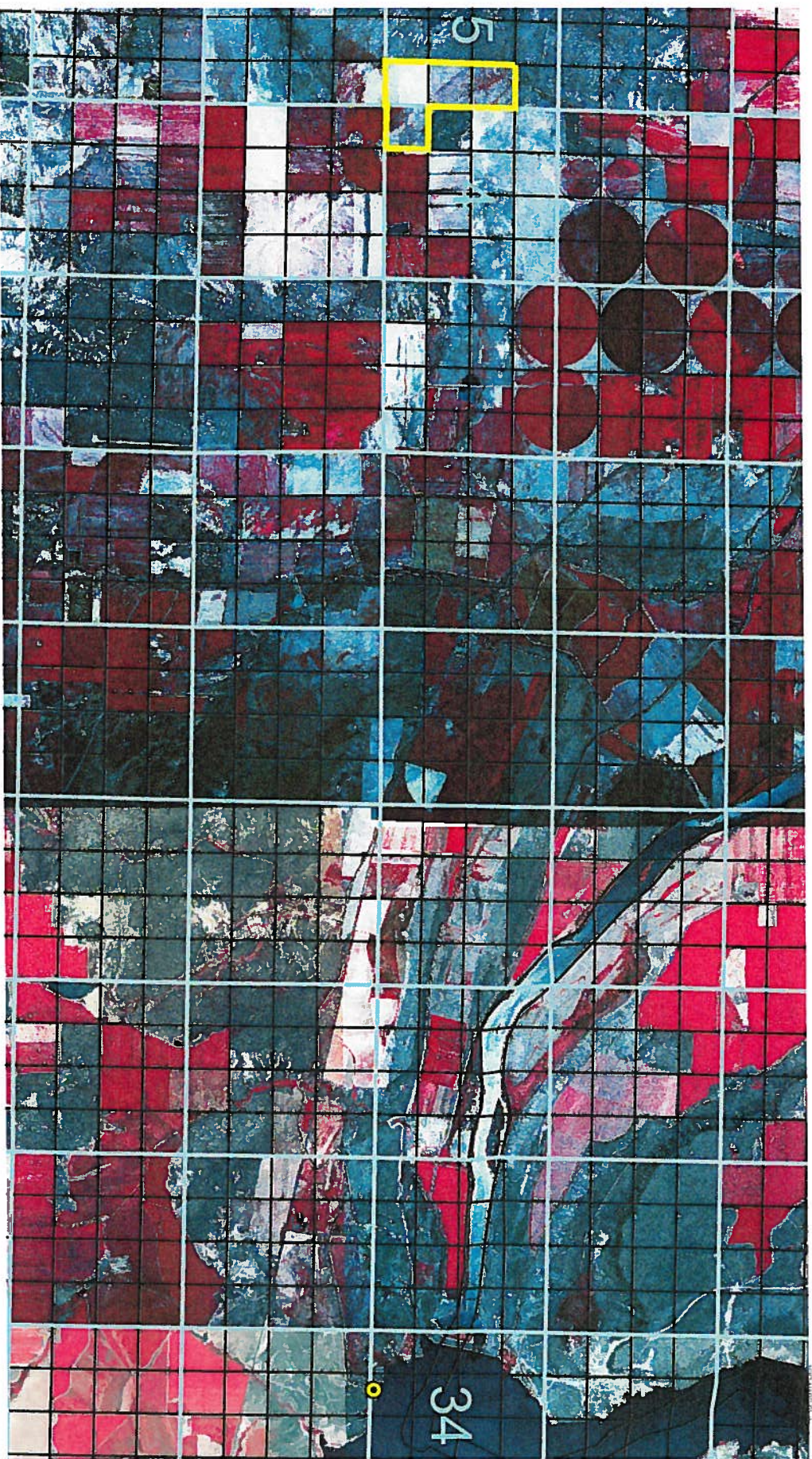
Claim



T 05S, R03E
T 06S, R03E

- Quarter Quarter Lines
- Section Lines
- Original 2-7168 License 480 acres Mud Flat Co. Priority: 8/30/74 9.6 cfs 2400 AFY
- Original 2-7279 License 345 acres Mud Flat Canal Co. Priority: 2/18/79 6.9 cfs 1725 AFY
- ▨ SRBA claim 2-7279A Note: acres match original
- ▨ SRBA claim 2-7168A D. Agenbroad 154
- ▨ SRBA claim 2-7168B E. Agenbroad 331
- * Overclaimed by 5 acres ? 1 cfs (3 acres in NWSW S. 5 ? 2 acres in SWSW S. 33)
- Transferred portions

Idaho Department of Water Resources



Claim Number: 02-07168C
Legal: T05S, R04E, S34 &
T05S, R03E, S32 & S33
Reviewed By: JLD 5/13/05

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

Continued



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: _____ Date: _____

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	5S	3E	32				40									40			17	
GIS							41									41			41	
Claim			33											40						
GIS														41						
Claim	6S	3E	5										3							
GIS													40							
Claim																				
GIS																				

Number of POD's _____

Total Claimed Acres: _____

Overlapping FOU Claim #'s:

Total GIS Acres: _____

02-07279A

COMMENTS:

Unable to locate license for commission. County data indicates Agenbroad still owns property. Unable to determine exact acres per claim map. Two of the overlapping Q's were claimed by Agenbroad.

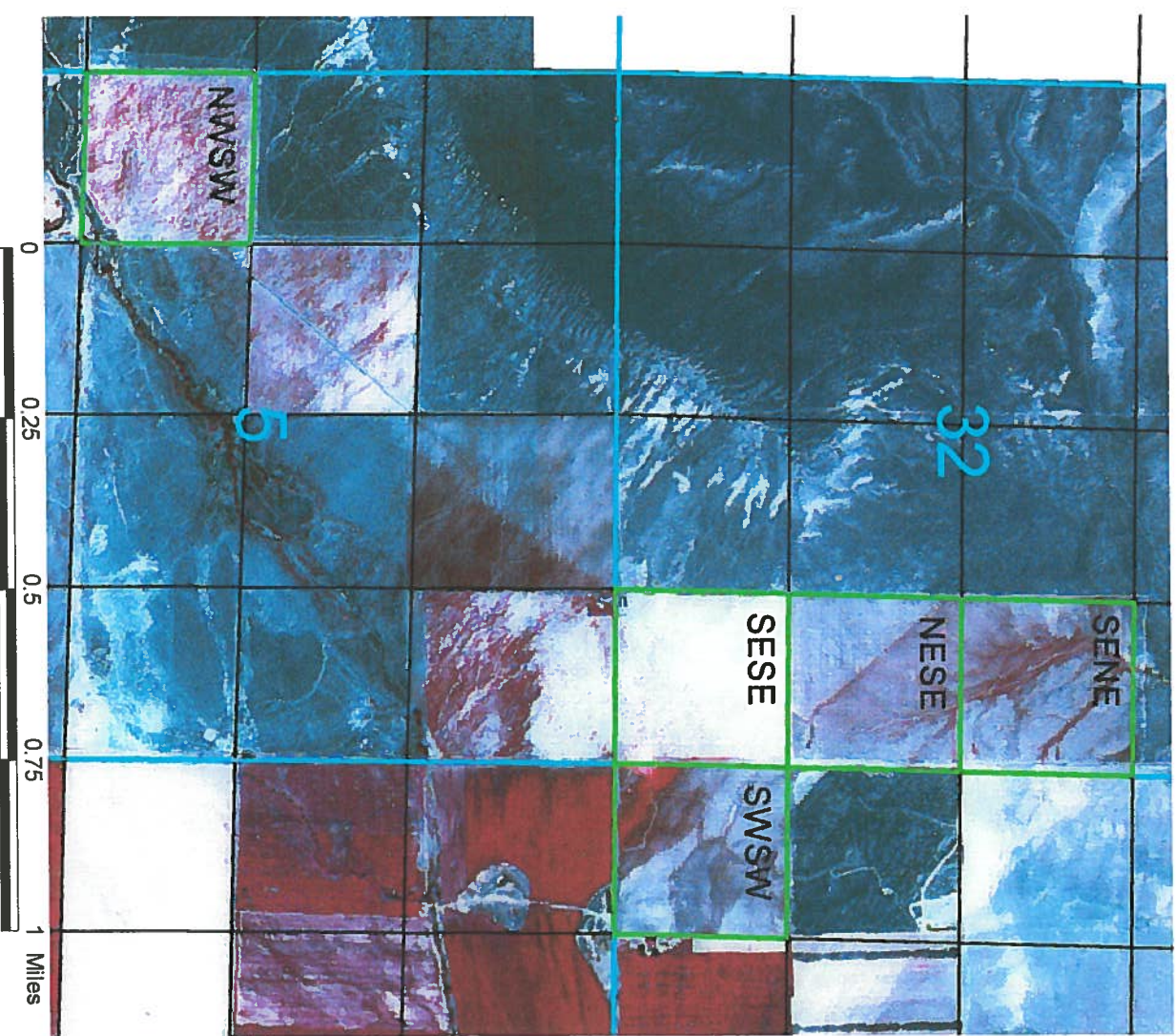
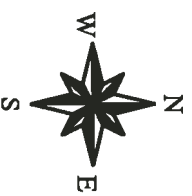
POD per claim legal.

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 02-07168C
Legal: T05S, R03E, S32 & 33
T06S, R03E, S05
Reviewed By:

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

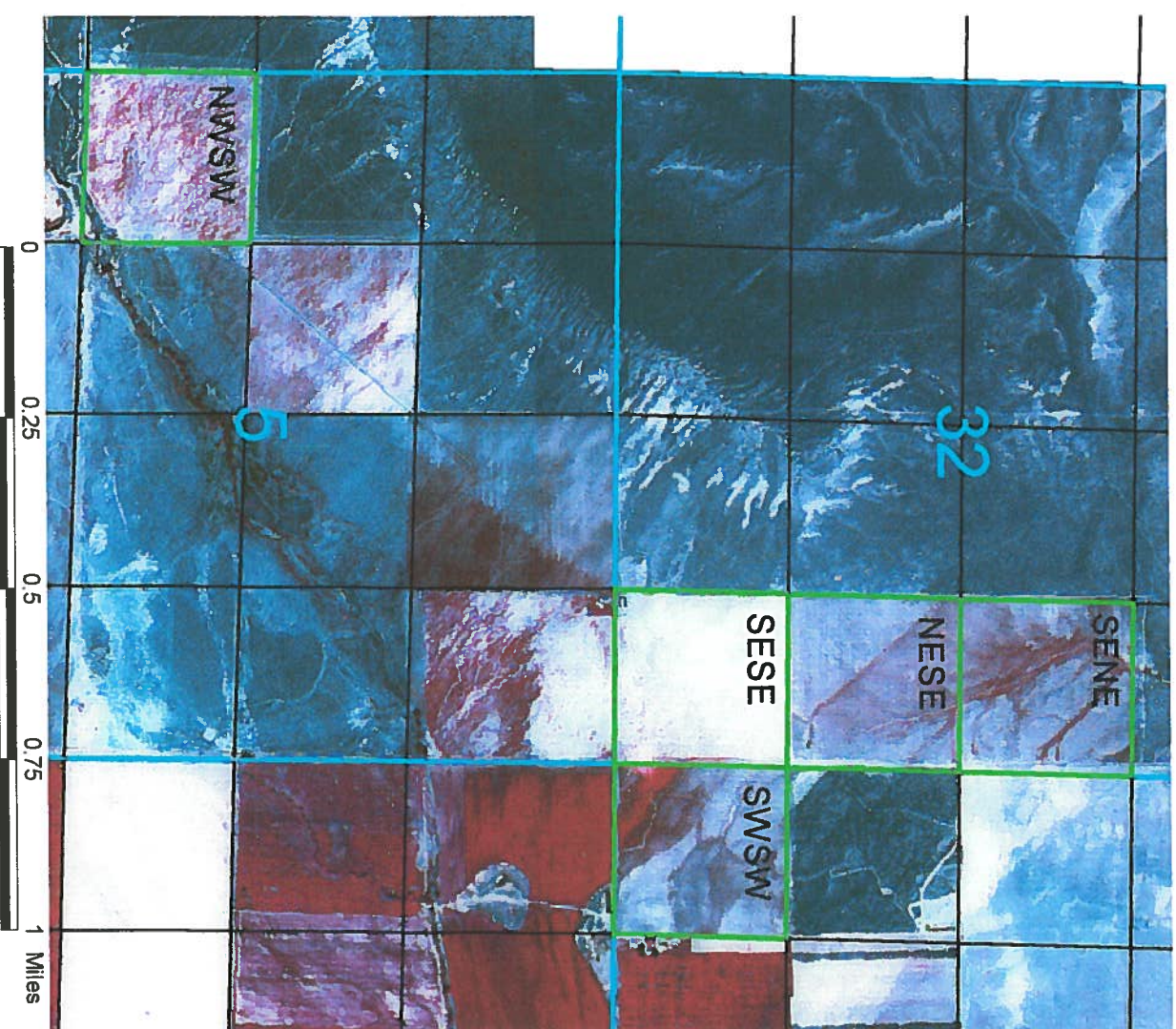
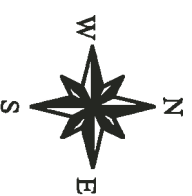


Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 02-07168C
Legal: T05S, R03E, S32 & 33
T06S, R03E, S05
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 2-7168C
Date Received: 11/30/1988
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GRANDVIEW FAMILY LIMITED PARTNERSHIP
PO BOX 455
GRANDVIEW ID USA 83624

Phone: (208) 834-2469

2. Date of Priority: 08/30/1974

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	Type
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	3/15	11/15	2.8	

7. Total Quantity Appropriated is:
2.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres			
05S	03E	32	SE	NE	IRRIGATION	40			
			NE	SE	IRRIGATION	40			
			SE	SE	IRRIGATION	17			
			Section Acres				97		
05S	03E	33	SW	SW	IRRIGATION	40			
					Section Acres				40
06S	03E	5	NW	SW	IRRIGATION	3			
					Section Acres				3
					Total Acres				140

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:

14. Remarks:

Ownership changed by DB 5/14/2002

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.
 ***** THIS IS A SPLIT OFF OF A02-07168B AND IS A RESULT OF
 TRANSFER NO. 3962.

15. Basis of Claim: License

RECEIVED

SEP 05 2000

Department of Water Resources

RECEIVED
NOV 29 2000
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>A02-071680</u>	_____	___	_____	_____	___
<u>57-10085</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

cc: K. T. Dunsen
W.A. 9-500
w/Rec'd.
-PO

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Ernest R. Agenbrood (now deceased)
4. New Owner/Claimant(s) Grand View Family Lmt'd Partnership
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 455
- City, State and ZIP Code Grand View ID 83624
- New Telephone Number 208 834-2469
5. Date you acquired the property _____

I am sending the \$25 for the Water Right Fee.
I haven't been able to contact you by phone.
I think you already have the information you
have requested. I do not have it. If you
need to you can call my son Daniel Agenbrood
at 208-834-2469
(Arden)

208-834-2711

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Asdith C. Agenbroed
(include title if applicable) General Partner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-7168C

WATER RIGHT NUMBER: 2-7168C

Owner Type Name and Address
 Current Owner ERNEST AGENBROAD
 HC 85 BOX 371
 GRAND VIEW, ID 83624
 (208)834-2469

Priority Date: 08/30/1974

Basis: License

Status: Active

Source Tributary
 SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.800 CFS	
	<u>Total Diversion:</u>	2.800 CFS	

Location of Point(s) of Diversion

SNAKE RIVER L9 SE1/4SW1/4 Sec. 34, Twp 05S, Rge 04E, B.M.
 OWYHEE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 03E 32				40.0									40.0			17.0	97.0
05S 03E 33										40.0							40.0
06S 03E 5										3.0							3.0

Total Acres: 140

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-7168C

1. General 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. ***** THIS IS A SPLIT OFF OF A02-07168B AND IS A RESULT OF TRANSFER NO. 3962.

Comments:Dates and Other Information:

Claim Received Date: C
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

RECEIVED

OCT 19 2000

Department of Water Resources

QUITCLAIM DEED

WHEREAS, Ernest R. Agenbroad and Ardith C. Agenbroad created the Ernest R. Agenbroad Family Trust under Agreement dated April 29, 1992 and funded such Trust with certain real property located in the County of Owyhee, State of Idaho as set forth below; and,

WHEREAS, Ernest R. Agenbroad died on February 12, 1994;

WHEREAS, Ardith C. Agenbroad has disclaimed her interest in the decedent's one-half community property interest in certain real property located in the County of Owyhee, State of Idaho as set forth below;

WHEREAS, Darrel L. Agenbroad is the Successor Co-Trustee of the Ernest R. Agenbroad Family Trust pursuant to the terms of the Trust; and,

WHEREAS, the Co-Trustees have the authority to distribute all of the assets of the trust estate to Ardith C. Agenbroad as the surviving grantor for her use and benefit and Ardith C. Agenbroad has requested distribution her interest in the real property described below.

GRANTORS, Ardith C. Agenbroad and Darrel L. Agenbroad, Co-Trustees of the Ernest R. Agenbroad Family Trust, dated April 29, 1992, of Grandview, County of Owyhee, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE and forever QUITCLAIM, unto Ardith C. Agenbroad, a widow, whose current address is P.O. Box 455, Grandview, County of Owyhee, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, a one-half (1/2) undivided interest in and to the real estate situated in the County of Owyhee, State of Idaho, to wit:

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

57-10085
02-7168C

QUIT CLAIM DEED - 1

From family trust to Ar.
Ardith's 1/2

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 27th day of December, 1994.

Ardith C. Agenbroad
Ardith C. Agenbroad, Co-Trustee
of the Earnest R. Agenbroad
Family Trust

Darrel L. Agenbroad
Darrel L. Agenbroad, Co-Trustee
of the Earnest R. Agenbroad
Family Trust

STATE OF IDAHO)
County of ADA) ss.

On this 27 day of December, in the year of 1994,
before me personally appeared Ardith C. Agenbroad known or
identified to me to be the person whose name is subscribed to the
within instrument, and acknowledged to me that she executed the
same.

David P. M. Arany
Notary Public for Idaho
Residing at: Boise, ID
My commission expires: 11-21-97

STATE OF IDAHO)
County of ADA) ss.

On this 27 day of December, in the year of 1994,
before me personally appeared Darrel L. Agenbroad known or
identified to me to be the person whose name is subscribed to the
within instrument, and acknowledged to me that he executed the
same.

David P. M. Arany
Notary Public for Idaho
Residing at: Boise, ID
My commission expires: 11-21-97

QUIT CLAIM DEED - 2

57-10085
02-7168C

EXHIBIT "A".

Tract 1: The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) all in Section 32, Township 5 South, Range 3 East, Boise Meridian; and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) in Section 33, Township 5 South, Range 3 East, Boise Meridian; and Lots 1 and 2 and the Southeast Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 5, Township 6 South, Range 3 East, Boise Meridian.

Tract 2: A parcel of land in the southwest corner of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 4, Township 6 South, Range 3 East, Boise, Meridian described as follows: BEGINNING at the southwest corner of said Southwest Quarter of the Northwest quarter of said Section 4, and running thence North 147.5 feet; running thence East 30 feet; running thence South 147.5 feet; running thence West 30 feet to the POINT OF BEGINNING.

214473

FILED-RECORDED

'94 DEC 30 AM 10 58

BARBARA MAYO

OWYHEE COUNTY RECORDER

BY C. Hedlund

DEPUTY

REQUEST OF

PER

9.10

INDEXED

MICROFILMED

57-10085
02-7168C



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: **A02-07168C**
Date Received: 11/30/1988
Receipt No: X777777
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 of	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	2.800		

7. Total Quantity Appropriated is:
2.800 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 of	Lot	Use	Acres
05S	03E	32	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	17.0

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SEP 19 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	97.0
		33	SW	SW	IRR	40.0
					Section Acres	40.0
06S	03E	5	NW	SW	IRR	3.0
					Section Acres	3.0
					Total Acres	140.0

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.

THIS IS A SPLIT OFF OF A02-07168B AND IS A RESULT OF TRANSFER NO. 3962.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ 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 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 14, 2002

GRANDVIEW FAMILY LIMITED PARTNERSHIP
PO BOX 455
GRANDVIEW ID 83624

Re: Notice of Claim to a Water Right No. 02-7168C

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the typed name and title.

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

NOV 29 2000

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
GOVERNOR

September 11, 2000

KARL J. DREHER
DIRECTOR

Grand View Family Limited Partnership
C/O Mrs. Ardith Agenbroad, General Partner
P.O.Box 455
Grand View, ID 83634

RE: Snake River Basin Adjudication (SRBA)
Water Right #57-10085 and
Notice of Claim to a Water Right #A02-07168C
Notice of Change of Water Right Ownership

Dear Ardith,

I'm glad we finally connected by telephone this afternoon. It was nice visiting with you. I have written the address you gave me on the ownership change form, and your telephone number. If you want Darrel's telephone number on these water rights instead of yours, please let me know.

As I mentioned, we do need proof of conveyance from Ernest Agenbroad to the Grand View Family Limited Partnership. Copies of the document(s) will be fine.

Thank you for your help, Ardith, and please call me if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Bureau

SS:region
Enclosure:

Copy of Incomplete Change of Ownership Form

*Note: Deeds and
attachments are in
the order rec'd.
-ss
10-19-00.*

*cc: W.A. 11-28-00
-ss*

*-deeded
or file w.o.*



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

August 8, 2000

KARL J. DREHER
DIRECTOR

Ardith C. Agenbroad
C/o Grand View Family Limited Partnership
P.O. Box 455
Grand View, ID 83624

Re: Snake River Basin Adjudication (SRBA)
Water Rights #A02-07168C and 57-10085

Dear Mrs. Agenbroad:

Thank you for signing and returning my address change letter so promptly.

Before we can change our records to remove Ernest Agenbroad's name and replace it with the Partnership name, we require a Notice of Change of Water Right Ownership be completed. I have enclosed that form for your use.

Please note at item 8 of the ownership change form there is a fee of \$25.00 per water right. You will need to pay \$25.00 for the change of the **decreed** right #57-10085. There is no charge for the other water right because it has not yet been decreed.

Please call me toll-free at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads 'Sally'.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Form 42-248/42-1409(6)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Ernest Agenbroad
P.O. Box 455
Grand View ID 83624

RECEIVED

JUL 28 2000

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Rights #A02-07168C & 57-10085

Dear Water Right Holder:

We have been advised the address for you presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by August 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

The address is correct as shown above or as otherwise changed.

Ardis C. Agenbroad
Water Right Holder's Signature

Telephone No.

Ernest Agenbroad is deceased as of 2-12-94. The property is now Grand View Family Lmt'd Partnership and I (Ardis C. Agenbroad) am the General Manager for the Partnership at P.O. Box 455 Grand View, Id. 83624

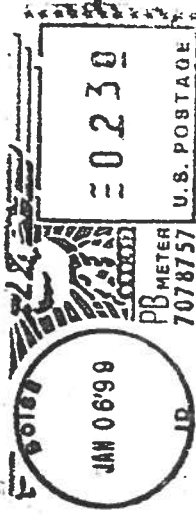
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

PRESORTED
FIRST CLASS

RETURN DELETED
REQUESTED



No return to this
No return to this
No return to this
No return to this
No return to this



P.O. Box 455
Grandview Id
83624

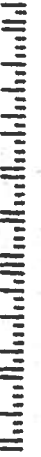
ERNEST AGENBROAD
HC 85 BOX 371

57-10085 (0)
A02-07168C d

RECEIVED

JAN 11 1999

Department of Water Resources



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 1998

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 1996

Mud Flat Canal Co.

Examined Rights

Max. Dil. = 48.5

No.	Pri. Date	Acres	Ant. Cum.
22-7059	4/09/1970	320	6.4
22-7060	4/09/1970	320	6.4
22-7061	4/09/1970	316	6.32
22-7062	4/09/1970	205	4.1 See also A02-521
22-7064	4/23/1970	318	6.36
22-7168	8/30/1974	480	2.6
22-7237A	12/23/1976	295	5.9
22-7275	12/13/1978	113	2.26
22-7279	2/08/1979	345	6.9
22-7282	Limit Condition Required		54.24

SEP 10 1998

ADJUDICATION MEMORANDUM

CLAIM NO.: AO2-07168B+C

SUBJECT: Transfer of POU

EMPLOYEE: Linda Werner

DATE: 11-4-94

AO2-7168B has been split to 7168C as a result of transfer no. 3962. When AO2-7168B was filed in the SRBA Ernest Agnew tract filed it was a change in POU & an increase in acreage & quantity. AO2-7168C represents the remaining lands included in the claim but not in the transfer.

MICROFILMED
SEP 19 1996

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
SNAKE RIVER FROM BASE OF MILNER
DAM TO OREGON DRAINAGE BASIN
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 9.6 cfs Use Irrigation Period of Use From 3/1 To 11/1
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 9.6 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW 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
size 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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
55	3E	22				40										40		40	120
		23											38						38
65	3E	4											38						38
			41	62															
		5	45	46						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 irrigation district
Remarks This right shall be decreed as the license appears to be the intention of the
licensee and the water right is not to be decreed as the license appears to be the intention of the
licensee and the water right is not to be decreed as the license appears to be the intention of the
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☒ B) Right decreed by court, cite title of case. _____

FEL

NW 10/188

☒ 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.

April 29, 1981

(Date)

(Signature of Claimant)

(Signature of Spouse)

State of Idaho

Organization _____

Organization Mud Flat Canal Co.County of Ada

ss.

Seal _____

(Signature of Authorized Agent)

On this 29th day of

April

in the year

1981

before me

a notary public, personally appeared

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.

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF 1
SNAKE RIVER FROM BASE OF MILLNER
DAM TO OREGON DRAINAGE BASIN.
BORDER.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-7168	I.D. No.	Map No.
\$ 10	Fee Paid	Receipt No. 18891

Notice is hereby given that MUD FLAT CANAL CO.

(Name of Claimant)

Star Rt. 2, Box 34, 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 9.6 cfs Use Irrigation Period of Use From 3/1 To 11/1
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 9.6 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 9 Sec. 34, Twp. 5S, Rge. 4E, B.M., Owyhee County
Additional Points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Relift pump, existing canal, sprinkler system with buried pipeline

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	3E	32				40							40		40			40	120
		33											40					40	40
6S	3E	4											40					40	40
		5	40	40						40	40		40			40	40	280	

Total no. of acres 480

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

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

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

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

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
FEL ☐ 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)

State of Idaho

County of Ada

ss.

Organization

Seal

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

On this 29th day of April, in the year 1981 before me
a notary public, personally appeared _____
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 Canal Co.

Recommendation differs from claim:
(Document any differences)

☐ Yes ☐ No ☐ Disallow

Claim Details Verified Against:

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

☒ License ~~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: analog ~~transducer~~ Meter No. 091452

Condition fair Date 10/3/84 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.

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 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 45	L.2 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 12TH day of NOVEMBER, 19 85.

Acting for the Director

Norman C. Young



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

MUD FLAT CHALK 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 Aguilera
Secy. Treasure

Mud Flat Canal Co.
Examined Rights

Max Div. = 48.5

<u>No.</u>	<u>Pri. Date</u>	<u>Acres</u>	<u>Amt.</u>	<u>Cum.</u>
02-7059	4/09/1970	320	6.4	
02-7060	4/09/1970	320	6.4	12.8
02-7061	4/09/1970	316	6.32	19.12
02-7062	4/09/1970	205	4.1	23.22
02-7064	4/23/1970	318	6.36	29.58
02-7168	8/30/1974	480	9.6	39.18
02-7237A	12/23/1976	295	5.9	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				

Memo To:

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

From:

DATE:

FORREST LUTHY

10/26/83

SUBJECT:

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

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

THE WRITER HAS NO KNOWLEDGE OF ANY RECORD OF CONTACTS REGARDING EXAMS IN 1982. HOWEVER, 1983, AUG. 10, CONTACT WITH NATE GOOD TO AGAIN ARRANGE FOR A MEASUREMENT WAS MADE. MR. GOOD CALLED ROY 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 12TH, SO PROPOSED DATE WAS POSTPONED UNTIL P.M., WEDNESDAY, OCT. 19. ON OCT. 18, COMMUNICATION WAS THAT THERE WAS STILL TOO MUCH WATER IN CANAL, DATE POSTPONED UNTIL 26TH 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 PURSUANCE OF FRAUD LICENSING. SEE FINAL PROPOSAL.

MEMO TO : MUD FLAT CANAL CO. FILES

DATE: 8/11/83

FROM : FORREST

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

CONTACTED CO. SECY., NATE GOOD, 8/10/83 TO ARRANGE APPOINT-
MENT 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 HOURS
TO DRAIN THE PENSTOCK.

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

STATEMENT 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. 02-716B.

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

Post Office Address: SRFA Box 341
Ardenwood Idaho 83424

Tel. No. 834-2711

Source of Water: Snake River

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

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

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

Jan 11 1950
Date

Daniel R. Anderson
Secy. Treasurer
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 18th 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: _____

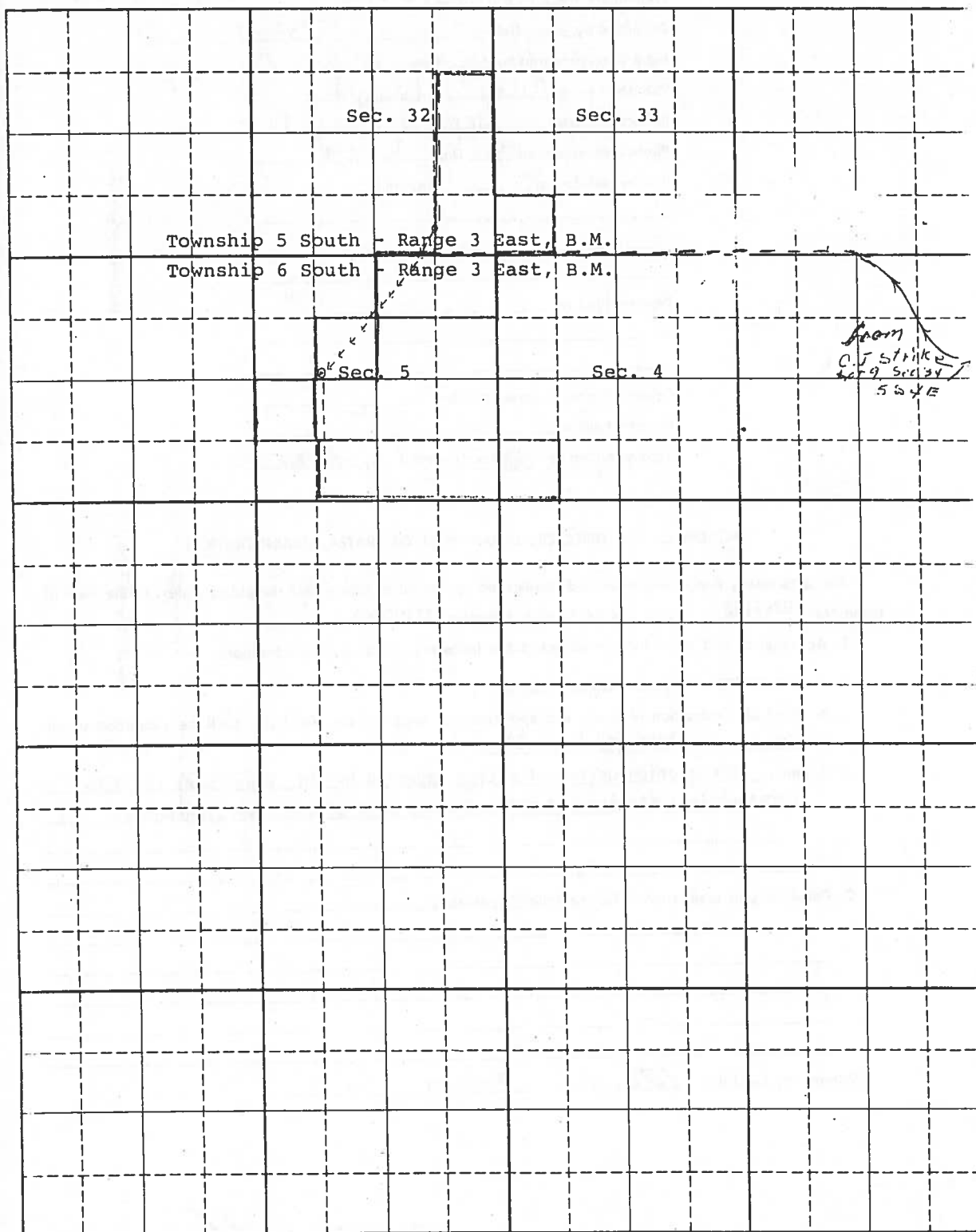
b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 9.6 for irrigation purpose from Mar. 1 to Nov. 1 (both dates inclusive)
(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. Carroll Co.
(Applicant)

Walter H. Carroll
(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 Agenbroad
Gary Agenbroad

State of Idaho)
County of Bonneville ss

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

[Signature]
Notary Public

My commission expires:

10-1-77

RECORDED

WRR100
A02-7168

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

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

01 WATER RIGHT NUMBER - A02-7168

02 OLD (C) NUMBER -

LAST NAME
03001 - MUD FLAT CANAL CO.

FIRST NAME

DRIG. OWNER
05001 - C

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

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - GRAND VIEW

10 STATE - ID

11 ZIP - 83624

12 STAGE - L LICENSE

13 STATUS -

SOURCE
14001 - SNAKE RIVER

TRIBUTARY OF
15001 - COLUMBIA RIVER

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

17 CCUNTY - 73 DWYHEE

18 DIVERSIGN CAPACITY - 48.440

19 TOTAL DIVERSIGN RATE - 9.600

20 TOTAL DIVERSIGN VOLUME - .00

21 WATER DISTRICT - 02

TRACT SEC TWN RNG LOT DIVERSION POINTS STR E A M I N O E X F I E L D S
22001 - SWSESW 23001 - 34 24001 - 05S 25001 - 04E 26001 - 09 27001 -
28001 - 0 272.0 0.0 0.0 0.0 0.0 0 0 492.5

29 NON-IRRIGATION USE -

USE CODE / LSE	TWN	RNG	PLACE OF USE	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 05S	32001 - 03E	33001 - 33	34001 - SMSW	35001 - 38	36001 -
30002 - 01 IRRIGATION	31002 - 05S	32002 - 03E	33002 - 32	34002 - SENE	35002 - 40	36002 -
30003 - 01 IRRIGATION	31003 - 05S	32003 - 03E	33003 - 32	34003 - NESE	35003 - 40	36003 -
30004 - 01 IRRIGATION	31004 - 05S	32004 - 03E	33004 - 32	34004 - SESE	35004 - 40	36004 -
30005 - 01 IRRIGATION	31005 - 06S	32005 - 03E	33005 - 04	34005 - SMSW	35005 - 38	36005 -
30006 - 01 IRRIGATION	31006 - 06S	32006 - 03E	33006 - 05	34006 - NENE	35006 - 45	36006 - 01
30007 - 01 IRRIGATION	31007 - 06S	32007 - 03E	33007 - 05	34007 - NENE	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 - NMSW	35009 - 37	36009 -
30010 - 01 IRRIGATION	31010 - 06S	32010 - 03E	33010 - 05	34010 - SESW	35010 - 40	36010 -
30011 - 01 IRRIGATION	31011 - 06S	32011 - 03E	33011 - 05	34011 - SWSE	35011 - 38	36011 -
30012 - 01 IRRIGATION	31012 - 06S	32012 - 03E	33012 - 05	34012 - SESE	35012 - 38	36012 -
TOTAL ACRES: 480						

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

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

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

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

WRR100
A02-7168

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
26-SEP-1986 22:39:26

REMARKS
44003 - ABOVE.

APPROVAL CONDITIONS: 45001 R35

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

	D A T E S	D A T E S	F L A G S
47 PRIORITY	30-AUG-1974		
48 PROOF DUE			
49 PROOF MADE			
50 APPROVE/DENIED			
51 PROTESTED			
52 HEARING			
53 VERIFIED			
54 LAST UPDATE	26-SEP-1986		
55 LICENSE			
56 APPL RECEIVED			
57 FIELD EXAM MADE			
58 DECREE			
59 START WORK			
60 ORDER SHOW CAUSE			
61 CATE_1			
62 DATE_2			
63 TRANSFER/AMENDED			
64 DLE/CAREY ACT			
65 FLAG_1			
66 FLAG_2			
67 FLAG_3			

Verified
10/31/86

