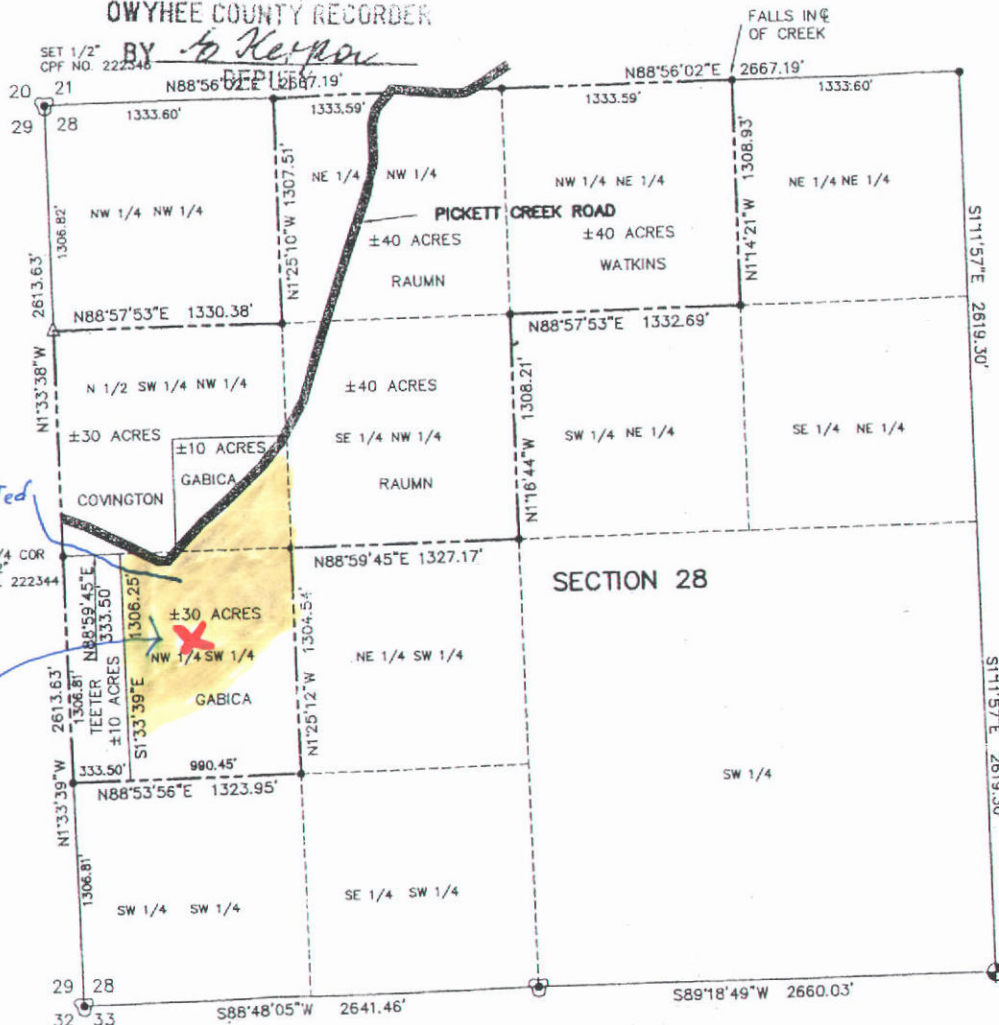


235171

FILED - RECORDED

01 MAR -1 PM 1:20

J. J. Howard
\$5CYNTHIA EATON
OWYHEE COUNTY RECORDERBY *B. Kappa*

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, JAMES J. HOWARD, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO, HEREBY ATTEST THAT THIS IS A REASONABLY ACCURATE REPRESENTATION OF SURVEY AS MADE BY ME AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT - IDAHO CODE 55-1601 THROUGH 55-1612.



CERTIFICATE OF OWYHEE COUNTY RECORDER

INSTRUMENT NO. 235171

STATE OF IDAHO
COUNTY OF OWYHEE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF J.J. HOWARD AT MINUTES PAST 01 O'CLOCK P.M., THIS 01 DAY OF March, 2001.

CYNTHIA EATON
EX-OFFICIO RECORDER
by *B. Kappa Deputy*

LEGEND

- FOUND B.L.M. BRASS CAP
- CALCULATED POINT
- NOTHING SET
- SET 1/2" IRON PIN
- SET 1/2" IRON PIN IN MOUND OF STONE
- PROPERTY BOUNDARY

RECORD OF SURVEY FOR
JOHN GABICA

BEING THE SE 1/4 NW 1/4, S 1/2 NE 1/4, E 1/2 SE 1/4, SW 1/4 SE 1/4, SECTION 28, T.4S., R.1W., B.M., OWYHEE COUNTY, IDAHO



J.J. HOWARD
ENGINEERING / SURVEYING

1675-A HILL ROAD / BOISE, IDAHO 83702 1-208-344-0574

DATE: 2/20/01	DESIGN BY:	SHEET: 1	OF 1
SCALE: 1" = 500'	DRAWN BY: RWS	DRAWING NO. 413-28-000-000	

CAD DWG: GABICA28.DWG

ATTENTION:

THE RECORDING OF THIS RECORD OF SURVEY DOES NOT ENABLE THE OWNERS OF THE PARCELS TO CONVEY OWNERSHIP BASED SOLELY ON THIS MAP. J.J. HOWARD ENGINEERING ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS, AND THE ISSUANCE THEREOF.

INDEX NO. 413-28-000-000

Property To Be Irrigated
in yellow

Well at Red X

RECEIVED

SEP 04 2001

WATER RESOURCES
WESTERN REGION

Teeter Well

Proposed Well



MICROFILMED

JUN 05 2002

Absent owner - line in salt lake
Display Image

Raum Well over 1/2 mile away

Microsoft TerraServer

USGS Topo Map

66 km S of Boise, Idaho, United States 01 Jul 1992

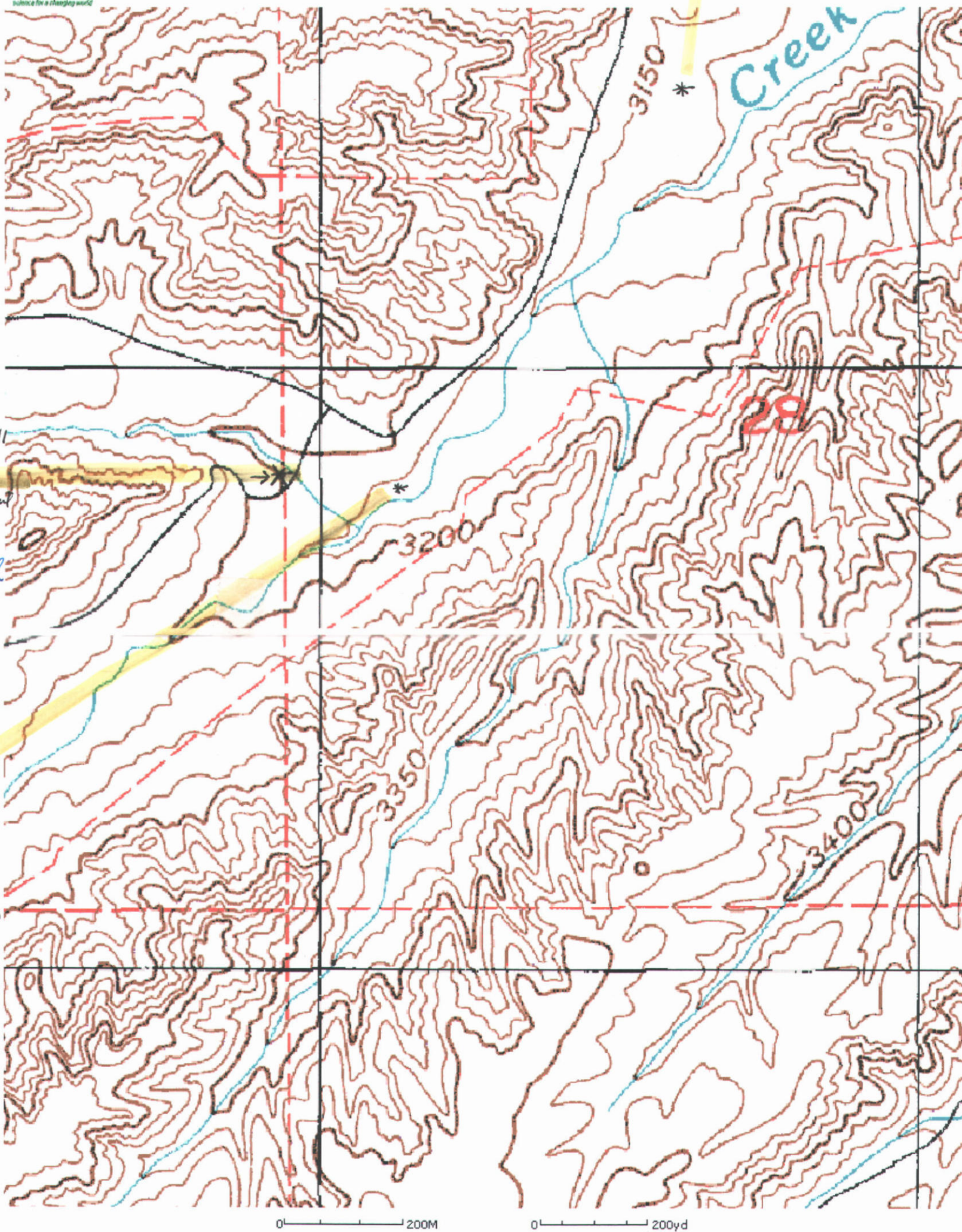


Image courtesy of the US Geological Survey.

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JUN 29 2001

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

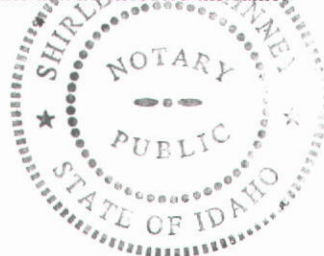
June 20 & 27, 2001

SIGNED: _____

STATE OF IDAHO)
COUNTY OF)

On this 27th day of June in the year of 2001 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.



Shirley M. Newberry
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

MICROFILMED

JUN 05 2003

APPLICATION FOR PERMIT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

57-11588
EDMUND V BRAND
HC 79 BOX 2104
OREANA ID 83650
Point(s) of Diversion NWSW
S28 T04S R01W OWYHEE

County
Source GROUND WATER
Use: IRRIGATION 03/01 To
11/15 0.5 CFS

Use: STOCKWATER 01/01
To 12/31 0.04 CFS

Use: DOMESTIC 01/01 To
12/31 0.04 CFS

Total Diversion: 0.58 CFS

Date Filed: 5/25/2001

Place Of Use: IRRIGATION
T04S R01W S28 SWNW

NWSW

Number of Acres 25

Place of Use: DOMESTIC

T04S R01W S28 NWSW

Place Of Use:

STOCKWATER

T04S R01W S28 SWNW

NWSW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy. Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

6/20 & 27/01

FOR OFFICE USE ONLY
Amt of Fee \$ 10000
Receipt No W029748
Receipt By: kh
Date Received: 9/30/02

RECEIVED

SEP 30 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1 Permit No 57-11588 Telephone No. 208 834 2086

2. Name of Permit Holder(s): Edmund V. Brand

3. Mailing Address: HC 79 Box 2104

City Oreana State ID. Zip 83650

4. Source of Water: Ground & Surface If GROUNDWATER (well), Date Drilled: mo. Nov. 13 / yr. 2001

Well Driller Hiddleston & Sons Inc ^{Firm 35} Drilling Permit Number: IDWR # D0019351

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): 50

Irrigation (No. of acres): 15 Other: _____

6 Total rate of diversion and/or volume for which proof is submitted: 0.34 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No _____

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9 Person to contact to accompany the Department representative during field examination of the water system.

Name: Edmund V Brand Telephone Number 208-834-2086

Address HC 79 Box 2104 Oreana ID. 83650

10 The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder. Edmund V. Brand Date: 9-28-02
(include your title, if on behalf of company of organization)

MICROFILMED

SEP 30 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11588

Priority 05/25/2001

Maximum Diversion Rate 0.34 CFS

This is to certify, that EDMUND V BRAND
HC 79 BOX 2104
OREANA ID 83650

has applied for a permit to appropriate water from

Source: GROUND WATER

and a permit is APPROVED for development of water as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.30 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SW¼ Sec 28, Twp 04S, Rge 01W, 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	
04S 01W 28							5.0				10.0						15.0

Total Acres 15

PLACE OF USE: STOCKWATER, same as Irrigation

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 01W 28											X						

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **November 1, 2002.**
- 2 Subject to all prior water rights
- 3 The issuance of this right does not grant any right-of-way or easement across the land of another
- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
- 5 After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department

MICROFILMED

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11588

CONDITIONS OF APPROVAL

- 6 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
- 7 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right.
- 8 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- 9 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 at the field headgate for irrigation of the lands above.
- 10 Stockwater use is for 50 horses.
- 11 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of October, 2001.


for KARL J DREHER, Director

MICROFILMED
1991

RECEIVED

MAY 25 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 57-11588

OCT 18 2001

WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED
~~APPROVED~~

Edmund V. Brand

208-882-0654

1. Name of Applicant Edmund V. Brand 2104 Phone 208-882-0654
Post Office address HC 79 Box ~~2104~~ Oreana, Idaho 83650
2. Source of water supply Well - Ground Water which is a tributary of _____
3. Location of point of diversion is 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____
Sec. 28 Township 4 South Range 1 West B.M. Owyhee County; additional points of
diversion if any: * See Map for Location of Well and legal Description
4. Water will be used for the following purposes:
Amount 0.5 cfs for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 cfs for Water Stock and Horse Hold purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for DOMESTIC purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 58 cfs .34 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 3 Horse Deep Well Pump
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.
d. Is ground water with a temperature of greater than 85° F being sought? NO
e. If well is already drilled, when? NO; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. 50 Horses
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1
e. Other; describe fully. irrigation

MICROFILMED

JUN 05 2003

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

8.2.0.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45	1w	28							5				~~20~~						25 15
									S				D, S						

Total number of acres to be irrigated 25 15

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

Have Some Irrigation Rights for this property out of Picket Creek (under research by your office)

11. a. Who owns the property at the point of diversion? Edmund Brand or Carol ~~Andrew~~ Brand

b. Who owns the land to be irrigated or place of use? Edmund Brand or Carol Brand

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED X Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

Edmund V. Brand
Carol A Brand
(Applicant)

Received by KL Date 5/25/01 Time 11:15 Preliminary check by _____
Fee \$ 100.00 Received by KL # W027812 Date 5/25/01
Publication prepared by KL Date 6-20-01 Published in OWYHEE AVALANCHE
Publication approved: KL Date 7-9-01
MICROFILMED

FILED - RECORDED

01 MAR - 1 PM 1:20

235171

CLERK OF DISTRICT COURT
OWYHEE COUNTY, IDAHO

SET 1/2" BY *to Neypa*
OFF NO 22234

20 21
29 28

N 88° 56' 02" E 1333.59'
N 1° 42' 21" W 1308.93'

FALLS IN &
OF CREEK

N 88° 56' 02" E 1333.59'

N 1° 42' 21" W 1308.93'

CERTIFICATE OF SURVEYOR
THIS IS TO CERTIFY THAT I, JAMES J. HOWARD, BEING
A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO,
HEREBY ATTEST THAT THIS IS A REASONABLY ACCURATE
REPRESENTATION OF SURVEY AS MADE BY ME AND IS
IN CONFORMITY WITH THE CORNER PERPETUATION AND
PLUMBING ACT - IDAHO CODE SS-1601 THROUGH SS-1612.



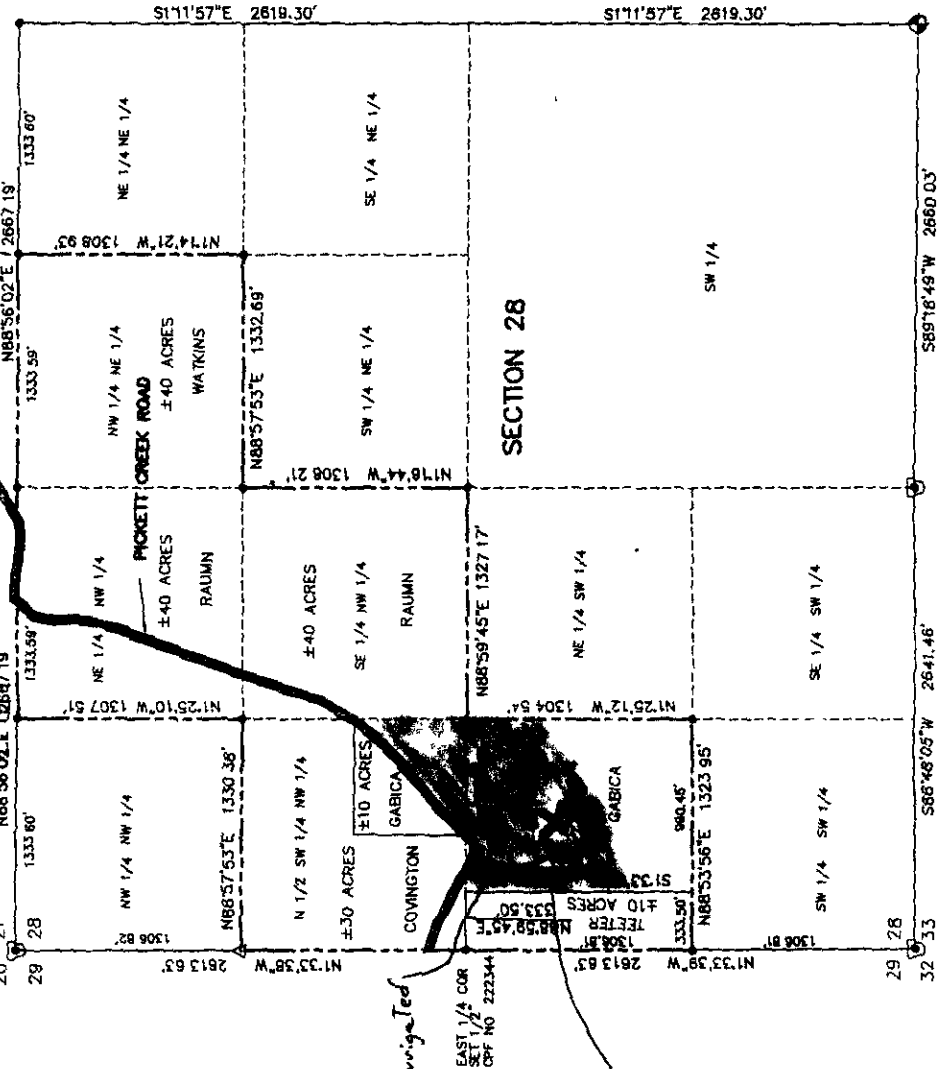
CERTIFICATE OF OWYHEE COUNTY RECORDER
INSTRUMENT NO 235171

STATE OF IDAHO
COUNTY OF OWYHEE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD AS THE REQUEST OF J.J. HOWARD AT 1:20
MINUTES PAST 1 O'CLOCK P.M. THIS 01-MAR-2001

J.J. HOWARD
ENGINEERING / SURVEYING
1405-A HWY 200 / BOX 800 ADDY IDAHO 83401
DATE 2/20/01 DESIGNED BY J.S. HOWARD
SCALE 1" = 500' DRAWN BY J.S. HOWARD
INDEX NO 413-28-000-000

LEGEND
FOUND G.L.M. BRASS CAP
CALCULATED POINT
NOTHING SET
SET 1/2" IRON PIN
SET 1/2" IRON PIN
IN MOUND OF STONE
PROPERTY BOUNDARY



ATTENTION!

THE RECORDING OF THIS RECORD OF SURVEY DOES
NOT ENABLE THE OWNERS OF THE PARCELS TO CONVEY
OWNERSHIP BASED SOLELY ON THIS MAP. J.J. HOWARD
ENGINEERING ASSUMES NO LIABILITY FOR PRESENT OR
FUTURE COMPLIANCE WITH COUNTY PLANNING AND ZONING
PERMITS, AND THE ISSUANCE THEREOF.

GRAPHIC SCALE
(IN FEET)
1 inch = 500 ft

Property to Be Irrigated
in yellow
Well at Red X

2003

EXHIBIT "A"

PARCEL I

The Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, Township 4 South, Range 1 West, Boise Meridian, Owyhee County, Idaho.

PARCEL II

The Northwest Quarter of the Southwest Quarter, in Section 28, Township 4 South, Range 1 West, Boise Meridian, Owyhee County, Idaho.

EXCEPT the West 330 feet.

~~1/8~~

~~1/8~~

MICROFILMED

1982



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 22, 2002

EDMUND V BRAND
HC 79 BOX 2104
OREANA ID 83650

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-11588

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

OCT 25 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 57-11588

Reviewed By dgibson

Date October 10, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No		57-89-W-007
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		W027812, W029748	Well driller's report filed?	X	
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	09/30/2002
Date proof due	- 11/01/2002
Lapse notice sent	-
No of days late	= 0
Holiday allowance	+
Priority date	+ 05/25/2001
New priority date	= 05/25/2001

Deficiencies of Actions Items

Ask Well Construction to review. There is a copy of the drilling permit which shows \$200 was receipted for this permit. Make sure that fee is correct. If Well Const oks then Acknowledge proof

*mailed John C. 10/10/02 - He's out of the office this day.
rec'd resp. 10/21 everything look ok on fee, etc.-
will log in the fee for this well dated 12/10/01.*

August 30, 2002

EDMUND V BRAND
HC 79 BOX 2104
OREANA, ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 57-11588

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

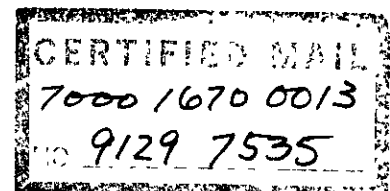
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures



MICROFILMED
JUN 03 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 24, 2001

EDMUND V BRAND
HC 79 BOX 2104
OREANA ID 83650

RE. Permit No. 57-11588

Permit Approval Notice

Dear Permit Holder

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

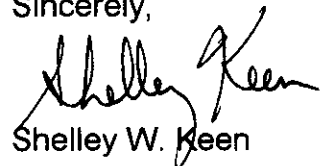
MICROFILMED

11/14/01 5 2002

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and the last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

JUN 12 1994

CERTIFICATE OF MAILING

I hereby certify that on October 24, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 57-11588

**EDMUND V BRAND
HC 79 BOX 2104
OREANA ID 83650**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILM

11/14/01 5:2007

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 10/16/01

No. 57-11588 Name: Brand Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: ☒ No/Yes ☐ Moratorium ☐ GWMA ☒ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

~~Boise Front Lo Geo~~ - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

~~STORAGE~~ - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream storage)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 11/01/2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr, GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5 1
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
ie D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

IC O DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: Ly DATE: 6/8/01 APPLICATION: 57-11588

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't, Lots: P/D
 P/U

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Surface water source, IDFG letter needed.
- ☐ ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: Check any that apply.
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☐ ☒ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter.
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

sufficient water supply, has local
public interest been addressed - see
attached letter

Date Requested 8/8/01 Date Response Received 9/4/01

PROCESSING

APP. NO. 5-11588

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Final date for protest 6-7-9-01
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 046, 121
should be limited to 0.34 cfs total diversion.

See below for additional information

Recommended Date or Priority 5/25/01

Recommended by: Gary Date: 10/15/01

ADDITIONAL INFORMATION:

RECEIVED

OCT 01 2001

WATER RESOURCES
WESTERN REGION

Drilling Permit No. _____

Drilling Permit Tag No. _____

Water Right Permit No. 57-11588 (pending)
APN.

Injection Permit NO. _____

State of Idaho Department of Water Resources
APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

57 868641
771373

1. Owner (please print): Edmund V. Brand
2. Mailing Address: HC 79 Box 2104
- City: Oreana State: ID Zip Code: 83650 Telephone 208-834-2086
3. Proposed Well Location: Twp: 4S Rge: 1W Sec: 28 NW 1/4 SW 1/4 1/4
- Gov't Lot No. _____ County _____ Lat. _____ : _____ : _____ Long. _____ : _____ : _____
- Street Address of Well Site Bates Creek Rd. (4.5 miles West of Oreana) City: Oreana
- Lot, block and subdivision _____

4. Proposed Use of Well: Domestic & Irrigation Domestic only until Water Right is Approved.

☒ Domestic: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
Number of proposed wells: _____

5. Well Construction Information:

- A. ☒ New well ☐ Modify ☐ Replace
- B. Proposed Casing Diameter 6" Proposed Maximum Depth 300'
- C. Anticipated bottom hole temperature:
☒ 85°F or less ☐ 85°F to 212° ☐ 212° F or more
(Cold water well) (Low temp. geo. well) (Geothermal well)

6. Construction Start Date: Oct 15, 01

7. Anticipated Well Driller: Hiddleston Drilling & Pump Driller's Lic. No. 35
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Edmund V. Brand Date: Oct 1, 01

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Title: Owner

(Owner, Firm Representative, Other)

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OCT 15 2001

ACTION OF THE DEPARTMENT OF WATER RESOURCE

This Permit is APPROVED

Date

10/10/01

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 – 55-2210 requires the applicant and/or his contractors to contact "Digline" (Digline is a one-call center for utility notification) not less than 2 working day prior to the start of any excavation for this project. The "Digline" number for your area is 1-800-342-1585.

SPECIFIC CONDITIONS:

This well shall not be used for irrigation until the water right (57-11588) is approved.



Signature of Authorized Department Representative

MANAGER
WESTERN REGIONAL OFFICE

Receipt No. W028356 Received by JF Fee 200.00 Date 10-1-01

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

NOTIFIED
OCT 03 2003

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SEP 12 2001

WATER RESOURCES
WESTERN REGION

Drilling Permit No. _____

Water Right No. 57-11588

Gary Has WR File

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Edmund V Brand

HC 79 Box 2104

Oreana, Idaho 83650

PH. 208-301-2722

_____, Applicant, requests issuance of Drilling Permit prior to approval of a water right. The request is made for the following reason(s):

This well will be serving the domestic
water needs for our family and our stock. We
need to get this taken care of before winter sets
in.

Thanks

Edmund V Brand

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Sept. 12, 01

Date

Edmund V. Brand

Applicant's Signature

Owner

Applicant's Title

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WATER RESOURCES
WESTERN REGION

Edmund Brand
HC 79 Box 2104
Oreana, Idaho 83650

September 30, 2001

Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 57-11588

Dear Lori Graves.

Here are the names of the neighbors who own property or live near us:

Teeter- 200ft well, 20gpm (domestic) No irrigation. 800ft from project HC 79 Box 2103, Oreana
Phone (208) 834-2788

Raaum- 100ft well, 80gpm. Lives out of state and is not using well. .6 miles from project.

Guinn- 200ft well, 35gpm Domestic, No irrigation 3/4mi. from project. Does not live on property
Business: Birds of Prey Expeditions
4519 N. Mt. View Dr.
Boise, Idaho

Barney- 500ft well 35gpm Domestic. No irrigation. Does not live on Property. 3/4mi from project
230 W. Claire
Mendian, Idaho
Phone (208) 887-0069

Watkins- 250ft well Domestic. No irrigation. 1mi from project
HC 79 Box 2105
Oreana, Idaho
Phone (208) 834-2650

Covington- No well, no irrigation, not developed

Cambell- No well, no irrigation, not developed

I have not talked with Raaum as he does not live in the state and has not been seen for quite a while. He has not been using his well at all. His place is undeveloped and unused.

I have talked with Teeter, Guinn, Barney and Watkins. These are all of the people that have

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OCT 05 2001

wells within 1 1/2 miles of this property except Raaum. None of these folks irrigate with their wells. They all feel that the small irrigation project I am proposing would have minimal impact on them and that I should be allowed to proceed with my proposal.

Sincerely,

Edmund Brand

MICHO...

JUN 12 1977



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

September 17, 2001

Edmund Brand
HC 79 Box 2104
Oreana ID 83650

Re: Application For Permit No. 57-11588

Dear Mr. Brand:

This office received request for an expedited drilling permit. Please complete the enclosed drilling permit application and return it with your request. My manager, Gary Spackman, read your response to my letter and asked that instead of refusing to answer the department's request, please provide us with some actual information to support your assumptions in regards to your proposal having little effect on the neighboring wells. Submitting a summary of conversations with area neighbors (please list their names and addresses) which documents their opinion of the existing ground water availability in their domestic and irrigation wells would be sufficient if they support your assumptions.

Please submit the above requested information within 30 days from the date of this letter. If the information is not received by October 17, 2001, the department will void your application for permit. The sooner the information is received and approved, the sooner the department can issue an expedited drilling permit. The phone number listed on your request for an expedited drilling permit, 208-301-2722, is no longer in service.

Please call me at this office if you have any further questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encl: Appl for drilling permit, expedite request

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SEP 18 2001

Edmund V. Brand
HC 79 Box 2104
Oreana, Idaho 83650

State of Idaho
Dept of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

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SEP 04 2001

WATER RESOURCES
WESTERN REGION

RE Application for permit No 57-11588

Dept of Water Resources

You have asked two question:

- 1) Demonstrate that the water supply itself is sufficient for the proposal.
- 2) What impact will this project have on surrounding wells

No one to date has done the testing and research necessary to determine the amounts of ground water available in this area. To do so would be prohibitively expensive for a small family farm that is asking for a minnuscule water right.

However the volume of water from small wells in this area ranges from 20gal. per. min to 80gal. per. min

The fact that we are within six miles of a mountain range that rises 5,000 ft. above us and has a massive water shed that recharges our area directly should make our little irrigation project negligible in terms of the water supply itself and the impact it might have on the one neighboring well within a 1/2 mile of us.

This plan calls for a 6in. dia. well with 20-80gal. per. min. out put
The impact would be negligible on the water supply and all neighboring wells.

Respectfully,

Edmund V Brand



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SEP 11 2001

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SEP 04 2001
NATURAL RESOURCES
DIVISION

Teeter Well

Proposed Well



MICRO

1/1/01

Absent owner -
line in salt lake

Raum Well
over 1/2 mile away

Microsoft TerraServer

Display Image

USGS Topo Map

66 km S of Boise, Idaho, United States 01 Jul 1992

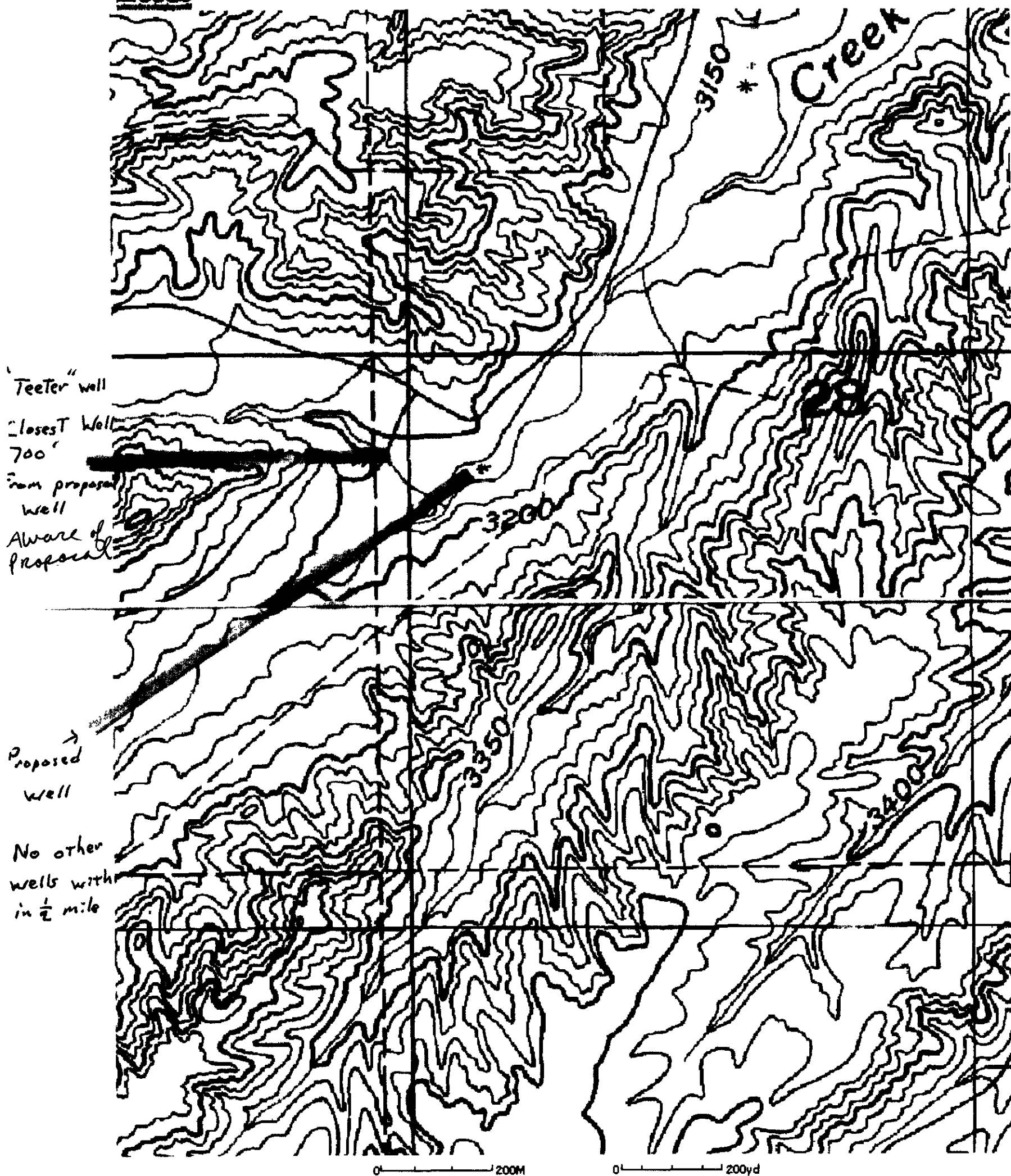


Image courtesy of the US Geological Survey.

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SEP 04 2001
WATER RESOURCES
WESTERN REGION

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JUN 05 2003

8/28/01

<http://terraserwer.honcadvisor.msn.com/printimage.asp?S=11&T=2&X=1358&Y=11914&Z=11&W=2>

Closest well to proposed well

FD
1/2

FEB 09 1990

**USE TYPEWRITER OR
BALLPOINT PEN**

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Name Bruce Cove Ranch Joseph Packenson
Address H.C. 85 Box 233 Grand View, Id
Owner's Permit No. 57-89-W-007

Static water level 10 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug
Temperature _____ of _____ Quality _____

☐ New well ☐ Deepened ☒ Replacement
☐ Abandoned (describe method of abandoning) _____

☐ Pump ☒ Baller ☐ Air ☐ Other _____

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☒ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
~~6 1/2~~ inches	_____ inches	_____ feet	_____ feet
<u>2.50</u> inches	<u>6 3/8</u> inches	<u>1</u> feet	<u>5.8</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal: ☐ Cement grout ☒ Well cutting
☐ Pudding clay

Sealing procedure used ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld

☐ Cemented between strata

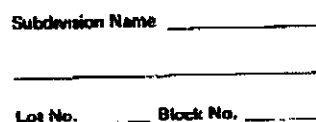
Describe access port penetrable well seal

Hole Diagm.	Depth		Material	Water	
	From	To		Yard	No
6"	0	3	gravel		✓
	3	12	dirt		✓
	12	23	brown sand		✓
	23	25	Coarse Gravel	✓	
	25	41	fine white sand		✓
	41	41	Small layer: Pen gravel		
			2 8 pm	✓	
	41	56	fine silty blue sand		✓
			gradually turning to		
	56	172	Silty blue shale		✓
	172	182	Section of black sand	✓	
	182	187	blue shale		✓
	187	187	Section of black sand	✓	
	187	195	blue shale		✓

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JUN 05 2003

Sketch map location must agree with written location.



County Owyhee

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Jahreston Drilling Firm No. 92
Address Box 530 Melba, Ida Date 2/5/90
Signed by (Firm Official) James Jahreston
and
(Operator) Ralph Robinson

PAGE 1/2

MAY-7-01 10:14AM

334 2348;

SENT BY: IDWR WESTERN REGION;

**WATER RESOURCES
WESTERN REGION**



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

8/8/01

Edmund Brand
HC 79 Box 2104
Oreana ID 83650

RE: APPLICATION FOR PERMIT No. 57-11588

Dear Mr. Brand:

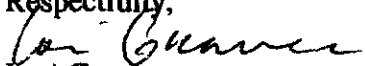
Your application for permit has completed the advertising process without protest. When reviewing applications, our office is required by Idaho Code § 42-203A-Section 5 to consider the following information whether the application is protested or not:

- (a) That it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which the water is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such appropriation is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho.

Most of these issues have been addressed in the processing of the application. However, expressed ground water concerns in your area have raised the question of adequate ground water availability for irrigation. Please demonstrate that the water supply itself is sufficient for your proposal. This includes locating on a USGS quad map all the wells not owned by you within a ½ mile radius of the point of diversion listed on the application and evaluating the effect diversion of your proposed ground water use will have on these neighboring wells.

If you need help with the above request, I have enclosed a list of possible consultants that may be able to assist you. Please provide the requested information by September 10, 2001. If more time is needed, please submit a written request prior to the 9/10/01 deadline.

Respectfully,


Lori Graves
Sr. Water Resource Agent

Encl: consultant list

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JUN 05 2003

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JUN 29 2001

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

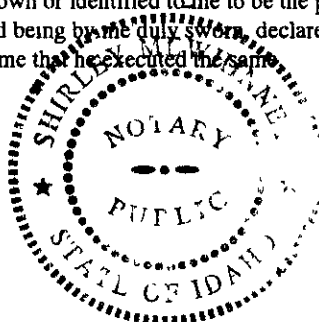
June 20 & 27, 2001

SIGNED:

STATE OF IDAHO)
COUNTY OF)

On this 27th day of June in the year of 2001 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same



Shirley Newberry
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

JUN 29 2001

have been filed to appropriate
the public waters of the State
of Idaho.

87-11588

EDMUND BRAND

HC 79 BOX 9104

OREANA ID 83650

Point of Application NWSW

828 T04S R01W OWYHEE

County

Source of Water

Use: IRRIGATION 8501 To

12/15 0.6 CFS

Use: STORAGE WATER 01/01

To 12/31 0.6 CFS

Use: STORAGE 01/01 To

12/31 0.6 CFS

Total Diversion 0.58 CFS

Date Filed 6/22/2001

Place of Application

T04S R01W 828 SWNW

NWSW

Number of Acres 25

Place of Use DOMESTIC

T04S R01W 828 NWSW

Place of Use

Use:

STOCKWATER

T04S R01W 828 SWNW

NWSW

Remarks: Applicant agrees to

mitigate any negative use in

the future.

Permittee is subject to all

prior water rights. Protests

may be submitted based on the

criteria of Sec 42-203A, Idaho

Code.

Any protest against the

approval of this application

must be filed with the Director,

Dept. of Water Resource,

Western Region, 2735 Airport

Way, Boise, ID 83706 together

with a payment of \$25.00 for

each application on or before

07/09/2001. The protestant

must also send a copy of the

protest to the applicant.

Shirley Newberry

Director

6/22/2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
Owyhee Avalanche
PO Box 97
Homedale ID 83628

RE: Application for Permit No. 57-11588

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/09/2001. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read 'Sue', is written over the word 'Sincerely'.

Sue Taylor
Senior Secretary

MICHAEL
10/13/01

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

57-11588

EDMUND V BRAND
HC 79 BOX 2104
OREANA ID 83650

Point(s) of Diversion NWSW S28 T04S R01W OWYHEE County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.5 CFS

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.58 CFS

Date Filed: 05/25/2001

Place Of Use: IRRIGATION

T04S R01W S28 SWNW NWSW

Number of Acres 25

Place Of Use: DOMESTIC

T04S R01W S28 NWSW

Place Of Use: STOCKWATER

T04S R01W S28 SWNW NWSW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on June 20 and 27, 2001.

MICROFILMED
JUN 23 2002

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant Edmund V. Brand or Carol Brand

Mailing Address HC 79 Box ²¹⁰⁴~~2401~~
Oreana, Idaho 83650

Application No.
(if known) _____

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Edmund V. Brand
Carol A. Brand

Date

5-23-01

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED
MAY 15 2003