

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

MICROFILMED

NOV 9 1993



(WILD HORSE BUTTE 2770 III NE



MICROFILMED  
NOV 29 1993



## WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

[illegible]







## SINKER CREEK WATERMASTER REPORT

DATE 4-1-92Instructions for completing form

1. Measure flows at  $Q_I$ ,  $Q_M$ ,  $Q_A$ ,  $D_4-11$ ,  $Q_B$ , and record.
2. Determine flows at  $D_1-3$  and record.
3. Use recorded flows to compute Natural Flows (formula below).
4. Use computed Natural Flows  $N_A$  and  $N_B$  to complete water allocation worksheet (see back page).
5. Make adjustments as necessary to diverted flows.
6. Sign and date form.

Note: Show all flows in cfs.

D1  
HULET(live)

D2  
HULET(stored)

D3  
JLL

Q<sub>M</sub>  
CANAL TOTAL

MMC

Q<sub>A</sub> 4.69  
CREEK

Q<sub>I</sub> 4.69  
INLET

D4 4.58

D5 3.0 EST

D6 0

D7 0.35

D8 0

D9 0

7.93  
JLL TOTAL

D10  
TYSON

Sinker Creek

D11 1.75  
NAHAS

Q<sub>B</sub> 0.10  
CREEK

Snake River

Computing Natural Flows

$$\frac{0}{D_1} + \frac{0}{D_3} + \frac{4.69}{Q_A} = \frac{4.69}{N_A}$$

$$\frac{(7.93 + 0 + 1.75 + 0.10)}{JLL\ TOTAL} - \frac{4.69}{Q_A} = \frac{5.09}{G_{A-B}}$$

$$\frac{5.09}{G_{A-B}} + \frac{4.69}{N_A} = \frac{9.78}{N_B}$$

NOV 29 1993  
WATERMASTER



RECEIVED  
OCT 23 1959

Department of Reclamation

Well No.

Permit No. \_\_\_\_\_

Owner Wallace E. Baker Address 955 Sierra Vista Ave. Redding, Calif.  
Driller Orval Harden Address Route 1, Boise Lic. No. 1  
Location of Well: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 15, T. 3 S  $\frac{1}{2}$  S, R 1 W  $\frac{1}{2}$  W Owyhee County,  
and 3 mile west of ranch house adjacent to main road  
feet N/S, and feet E/W from Corner of  $\frac{1}{4}$   $\frac{1}{4}$  Sec.  
Size of Drilled Hole 12" Total depth of Well 275'  
Give depth of standing water from surface 48' Water Temp.  °Farenheit  
On pumping test delivery was 974 g.p.m. or  c.f.s. Drawdown was 41 feet.  
Size of pump and motor used to make the test 10" Bawls - 500 cu in engine  
Length of time pumped during check was 8 hr.,  minutes.  
If flowing well, give flow in c.f.s.  or g.p.m.  and shut in pressure   
If flowing well, describe control works   
(TYPE AND SIZE OF VALVE, ETC.)  
Water will be used for Irrigation Weight of casing per linear foot 44 lbs.  
Thickness of casing .250" Casing material steel  
E.G., PIPE, CONCRETE, WOOD.  
Diameter, length and location of casing 12 3/4" O. D., 126', plus 1' above ground.  
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;  
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)  
Number and size of perforations none located  feet to  feet  
from surface of ground.  
Other perforations none  
Date of commencement of well Aug. 6, 1959 Date of completion of well Oct. 4, 1959  
Type of well rig Star 72 cable tool

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS
12"	plus 1'	126'	127'	SEALS, GROUTING, ETC.

### GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

SESW 5.15 35/W

NOV 29 1995



# WELL LOG

From Feet	To Feet	Type of Material	Drilling Time		Water-bearing Formation Yes, Yes or No	Casing Perforated Yes, Yes or No
			Hrs.	Min.		
0	12'	Topsoil, silt, and sand	3		No	No
12	21	Basalt cobbles, sand, gravel	4			
21	60	Sand and clay	13			
60	70	Fine sand and clay	3		Yes	No
70	78	Gray fine sand and clay	3		Yes	No
78	81	Gray & Brown, heaving fine dirty sand	2		Yes	No
81	120	Gray & Brown clayey sand	11		Yes	No
120	131	Blue shale with lava boulders	9		Yes	No
131	182	Columbia Basalt (Lava Rock)	105		Yes	Sand
182	187	Sand rock and water	5		Yes	filled
187	217	Columbia Basalt	85			Crevices
217	225	Cemented Basalt sand and gravel	14		Yes	of
225	240	Columbia Basalt	20			irregular
240	261	SCORIAE (Cindery, porous "blobs" of viscous lava)	18		YES	sizes
261	275	Columbia Basalt	9			at
						131'
						152'
						150'
						192'
						214'
						232'
						239'
If more space is required use Sheet No. 2						

when Fractured

3rd hour

# WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Orval Harden  
Orval Harden

By \_\_\_\_\_

Dated \_\_\_\_\_, 19\_\_\_\_ License No. 1

NOV 29 1993



**REPORT OF WELL DRILLER**  
State of Idaho

**RECEIVED**  
MAR 8 1968

State law requires that this report shall be filed with the State Engineer within 30 days after completion or abandonment of the well.

Department of Reclamation

**WELL OWNER:**

Name M.C. SHELLEY

Address \_\_\_\_\_

PAYETTE, IDAHO

Owner's Permit No. 532030

NATURE OF WORK (check): Replacement well ☐

New well ☒ Deepened ☐ Abandoned ☐

TEST HOLE

Water is to be used for: Irrigation

METHOD OF CONSTRUCTION: Rotary ☒ Cable ☐  
Dug ☐ Other \_\_\_\_\_ (explain) \_\_\_\_\_

CASING SCHEDULE: Threaded \_\_\_\_\_ Welded \_\_\_\_\_

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Thickness of casing: \_\_\_\_\_ Material: \_\_\_\_\_

Steel ☐ concrete ☐ wood ☐ other ☐

(explain) \_\_\_\_\_  
PERFORATED? Yes ☐ No ☐ Type of  
perforator used: \_\_\_\_\_

Size of perforations: \_\_\_\_\_ " by \_\_\_\_\_ "  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

Manufacturer's name \_\_\_\_\_

Type \_\_\_\_\_ Model No. \_\_\_\_\_

Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☐ size of gravel \_\_\_\_\_ Gravel

placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

\_\_\_\_\_ ft. Material used in seal: \_\_\_\_\_

Did any strata contain unusable water? Yes ☐

No. ☐ Type of water: \_\_\_\_\_

Depth of strata \_\_\_\_\_ ft. Method of sealing

strata off: \_\_\_\_\_

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section

	Sec.		
	X		

LOCATION OF WELL: County Cwyhee

SE 4 SW 4 Sec. 15 T. 3 S R. 1 W

Use other side for additional remarks

**USGS**

Size of drilled hole: 9-7/8" Total  
depth of well: 90' Standing water  
level below ground: \_\_\_\_\_ Temp. \_\_\_\_\_  
Fahr. \_\_\_\_\_ Test delivery: \_\_\_\_\_ gpm  
or \_\_\_\_\_ cfs Pump? ☐ Bail ☐  
Size of pump and motor used to make test: \_\_\_\_\_

Length of time of test: \_\_\_\_\_ Hrs. \_\_\_\_\_ Min.  
Drawdown: \_\_\_\_\_ ft. Artesian pressure: ft. \_\_\_\_\_  
above land surface \_\_\_\_\_ Give flow \_\_\_\_\_ cfs  
or \_\_\_\_\_ gpm. Shutoff pressure: \_\_\_\_\_  
Controlled by: Valve ☐ Cap ☐ Plug ☐  
No control ☐ Does well leak around casing?  
Yes ☐ No ☐

DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		
0	6	Clay-light brown	no
6	12	Sand-radium	no
12	18	Gravel	no
18	31	Lava	no
31	54	Lava cinders, red with yellow claystone	no
54	57	Red cinders	no
57	60	Lava-black	no
60	64	Lava-black, creviced	no
64	66	Lava-black	no
66	77	Cinders-red, imbedded in yellow claystone	no
77	87	Lava-black, soft	no
87	89	Lava-black, soft	no
89	90	Lava, black basalt	no

Work started: Oct. 28, 1965

Work finished: Nov. 8, 1965

Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.

Name: B. & M. EQUIPMENT CO., INC.

Address: Caldwell, Idaho

Signed by: Levi Jorgensen, Driller

License No. 221 Date: Nov. 12, 1965

*Copy for file*



REPORT OF WELL DRILLER  
State of Idaho

RECEIVED  
APR  
State Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

ALL OWNER: J F Baker  
Address Route 3  
Paratello Idaho  
Permit No. 628333

Size of drilled hole: 8" of 8" Total  
depth of well: 80 ft Standing water  
level below ground: 25 ft Temp.  
Fahr. 47 Test delivery: 100 gpm  
or cf/s Pump? ☐ Bail ☐  
Size of pump and motor used to make test:  
56 P 546.

TYPE OF WORK (check): Replacement well ☐  
 a well ☒ Deepened ☐ Abandoned ☐  
 was made in well for Electricity

Length of time of test: 2 Hrs. 10 Min.  
 Drawdown: 10 ft. Artesian pressure: 10 ft.  
 above land surface Give flow 10 c/g  
 or 10 gpm. Shutoff pressure: \_\_\_\_\_  
 Controlled by: Valve ☐ Cap ☐ Plug ☐  
 No control ☒ Does well leak around casing?  
 Yes ☐ No ☒

KIND OF CONSTRUCTION: Rotary ☒ Cable ☒  
☐ Other \_\_\_\_\_  
 (Complete)  
 Core Schedule: Through \_\_\_\_\_ Pulley \_\_\_\_\_  
 Dia. from 2 ft. to 20 ft.  
 Dia. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Dia. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Dia. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Thickness of casing: \_\_\_\_\_ Material: \_\_\_\_\_  
 Soil ☒ concrete ☐ wood ☐ other ☐

DEPTH FROM TO FEET FEET		MATERIAL	WATER YES OR NO
0	4	clay	—
4	20	clay sand	yes
20	34	clay sand gravel	yes
34	50	gravel	yes
50	70	sand	yes
70	80	gravel	yes

\_\_\_\_ (explain) \_\_\_\_\_

ns: from from om om

ft. Mater

Do any strata contain unusable  
 b. ☒ Type of water: \_\_\_\_\_  
 Depth of strata \_\_\_\_\_ ft. Method of sealing  
 strata off: \_\_\_\_\_

Surface casing used? Yes ☐ No ☒  
 Cemented in place? Yes ☐ No ☒

Locate well in section

Sec.

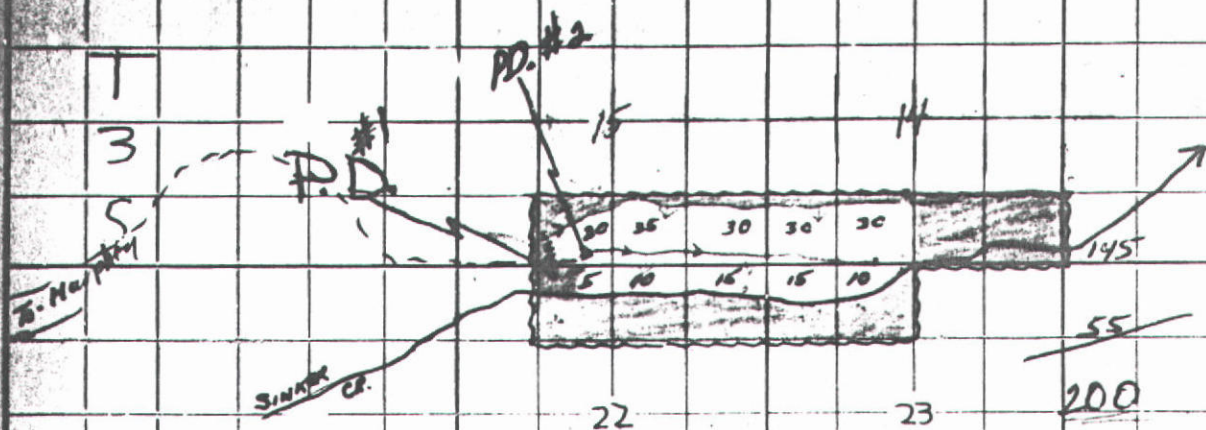
Work started: 17 April 8 - 68  
Work finished: 19 April 20 - 68  
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.  
Name: Melvin Duffee Poling

28327

NOV 29 1993



R I W



Subdivisions 10  
ANOW area 200 acres

Q 4.0 CFS OR 200 inches

Total measurement

5.87 CFS

NOV 29 1993



## DEPARTMENT OF RECLAMATION

BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. Q-26327This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_1. Name of applicant W. E. Baker2. Source of water supply: Subterranean3. Location of point of diversion: Is in the \_\_\_\_\_ of Section 15T. 3 S. R. 1 W.B.M. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: #1 75 H.A. Well shaft  
drilled 347 3570 feet by pump 1/2" x 1/2" into concrete slab 4' x 4' x 14'  
OK Column 10' casing 100' well depth 575' 8" discharge to 10' discharge  
to 10' discharge to 10' discharge  
#2 10 H.A. Well shaft  
drilled 347 3570 feet by pump 1/2" x 1/2" into concrete slab 4' x 4' x 14'  
OK Column 10' casing 100' well depth 575' 8" discharge to 10' discharge  
to 10' discharge to 10' discharge

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigative):

SE 1/4, SW 1/4, Sec. 15, T. 3 S., R. 1 W.B.M., S. 15, NE 1/4, NE 1/4, Sec. 22,

NE 1/4, Sec. 23, all in Twp. 3 S., R. 1 W.B.M.

Total of 340 acres

Mr. M. C. Shelly has purchased this farm from W. E. Baker

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Shelly participated in the examination  
measurement was made with spirit level weir

#1 60 over 2' weir OK 156.5 inches  
#2 55 over 2' weir OK 137 inches  
293.5

NOV 29 1993

This examination was made on the

26<sup>th</sup> day of July1964(Signed) Law Shelly

Examiner

25337



# State of Idaho License and Certificate of Water Right

Water License No. G-28327

Amount 4.0 c.f.s.

Water District No. \_\_\_\_\_

Priority December 11, 1959

THIS IS TO CERTIFY that W. E. BAKER  
of Boise, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated December 11, 1959; that Permit No. G-28327  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
5.87 second feet, was issued thereunder on August 18, 1964, showing that said works  
were completed on the 23rd day of August, 1963; and that on the 23rd  
day of August, 1963, W. E. BAKER

of Eagle, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of two wells  
a tributary of subterranean flow, for the purpose of irrigation  
under Use Permit No. G-28327 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
13 of Licenses at page 7947, on the 18 day of August, 1964;

The right hereby confirmed dates from December 11, 1959;

The Point of Diversion is located SE 1/4, Sec. 15

in the NE 1/4 NW 1/4, Sec. 22, Tp. 3 S, R. 1 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed 4.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 S.	1 W.	14	SE 1/4 SW 1/4	40	30
			SW 1/4 SW 1/4	40	30
		15	SE 1/4 SE 1/4	40	30
			SW 1/4 SE 1/4	40	35
		22	SE 1/4 SW 1/4	40	20
			NE 1/4 NE 1/4	20	15
			NW 1/4 NE 1/4	20	10
			NE 1/4 NW 1/4	20	5
		23	NE 1/4 NW 1/4	20	10
			NW 1/4 NW 1/4	20	15
		Total number of acres to be irrigated:			200

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place  
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of August, 1964

RALPH W. THOMAS  
Deputy State Reclamation Engineer.

(SEAL)

NOV 29 1964

57 2231



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
SEP 14 1995

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 who has been appointed by the department.

1. Permit No. 57-07522 Telephone No. 834-2237
2. Name(s) of Permit Holder(s): JOYCE LIVESTOCK CO.
3. Mailing Address: SINKER CREEK MURPHY ID 83650
4. Source of Water: WELL If **GROUNDWATER** (well), Date Drilled: mo.      / yr.
- a. Well Driller: SHERYL JOHNSTON Drilling Permit Number: 57-90-W-0004-000
- b. **OPTIONAL:**  
Pump Horsepower:      Pressure (psi):      Dynamic pumping level (ft):

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

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

Irrigation (No. of acres): 320 Other:     

6. Total rate of diversion and/or volume for which proof is submitted: 5 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 X

**Flow Measurement Port:** Is a flow measurement port required? Yes X or No       
Has the measurement port been installed? Yes X or No     

8. Fee Enclosed: \$ 200.00 (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: PAUL NETTLETON Telephone Number: 834-2237  
Address: MURPHY 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 I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Paul Nettleton, managing partner Date: 9-11-95  
(include your title, if on behalf of company or organization)



BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. )  
57-07522 IN THE NAME OF )  
JOYCE LIVESTOCK CO. )  
\_\_\_\_\_ )

**ORDER**

This matter having come before the Idaho Department of Water Resources (department), as a result of a proposal by the permit holder to comply with Condition of Permit Approval No. 4., the department makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. On October 27, 1993, the department issued a Final Order approving Permit No. 57-07522 in the name of Joyce Livestock Co.

2. Condition of Permit Approval No. 4. (condition) reads as follows:

"Prior to diversion of water under this permit, the permit holder shall submit a plan to the department for review and approval which identifies the mechanism of augmenting depletions of flows from Sinker Creek and Sinker Creek spring during periods when senior water rights are impacted. This plan shall include the results of an engineering analysis which identifies the magnitude and timing of well diversions on these flows."

3. On March 31, 1994, the permit holder offered a plan in lieu of the engineering analysis required by the condition. The permit holder offered to cease diversion of the permit holder's senior surface water rights when there is a potential of impacting senior downstream rights.

4. The permit holder's senior surface water rights are hydraulically upstream from the well described in Permit No. 57-07522 and other water rights which might be impacted by diversion of ground water by the permit holder.

5. The downstream water right most likely to be impacted is the storage water right at Nahas Lake. This storage right generally fills during most years including the 1993-1994 winter which produced below normal surface water runoff.

APR 26 1994



### CONCLUSIONS OF LAW

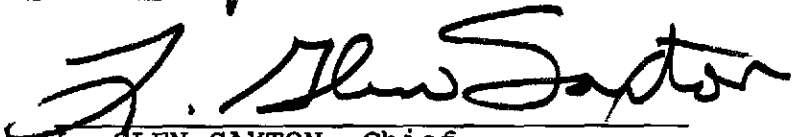
1. The plan offered by the permit holder is reasonable to approve on a qualified basis.
2. The department should approve the plan subject to certain conditions and limitations.

### ORDER

IT IS THEREFORE, HEREBY ORDERED that the proposal of the permit holder to cease diverting senior surface water rights when the pumpage of ground water under Permit No. 57-07522 potentially will adversely affect downstream water rights is considered a sufficient interim plan required by Condition of Approval No. 4 of the permit provided:

1. The department shall determine when there is potential that diversion of ground water by the permit holder will adversely affect prior downstream water rights.
2. The department retains the jurisdiction to rescind approval of this proposal of the permit holder and to require the engineering analysis as originally described in Condition of Approval No. 4. in the order issued on October 27, 1993.
3. This approval shall remain effective unless the department determines there is cause to amend or reject it.
4. Use of water under the permit is subject to the control of the watermaster of state Water District No. 57-D, Sinker Creek.

Dated this 22<sup>nd</sup> day of April, 1994.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

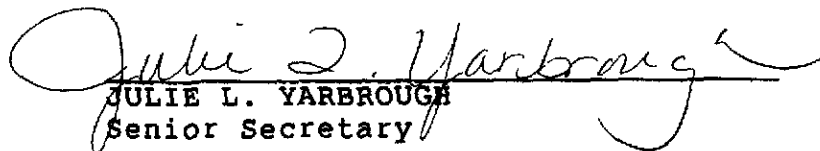


CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of April, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Order to the following:

Joyce Livestock  
Sinker Creek  
Murphy, ID 83650

IDWR - Western Region  
2735 Airport Way  
Boise, ID 83705

  
JULIE L. YARBROUGH  
Senior Secretary

FILED

APR 26 1994



State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 57-07522

Proposed Priority: April 19, 1990 Maximum Diversion Rate: 5.00 CFS

This is to certify, that JOYCE LIVESTOCK CO  
SINKER CREEK  
MURPHY ID 83650

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE                      PERIOD OF USE                      RATE OF DIVERSION

IRRIGATION                      03/15 to 11/15                      5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:                      NWSE , Sec. 16, Township 03S, Range 01W  
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	01W	16	NENE 35	NWNE 35	SWNE 10	
			SENE 10	NENW 40	NWNW 40	
			SWNW 40	SENW 30	NESW 10	
			NWSW 30			280
	17		NESE 40			40

Total number of acres irrigated: 320

CONDITIONS/REMARKS:

1. See Final Order for conditions of approval.

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

28th day of October, 1993.

*R. Keith Higginson*  
for R. Keith Higginson, Director

RECORDED

NOV 19 1993



BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	}	
PERMIT NO. 57-07522 IN THE NAME	}	FINAL
OF JOYCE LIVESTOCK CO.	}	ORDER
	}	

---

On September 27, 1993, the Department of Water Resources (department) issued a Recommended Order in the above captioned matter. On October 11, 1993, Joyce Livestock Co. (applicant) filed exceptions to the order and on October 18, 1993, Jay Hulet (protestant) filed exceptions to the Recommended Order.

The department responds to the exceptions as follows:

APPLICANT'S EXCEPTIONS

The department should not change condition of approval no. 4. since available evidence including testimony at the hearing and relative water levels indicate that water diverted from the applicant's well and Sinker Creek Spring may be interconnected. Lacking information to show that diversion of water from the applicant's well does not adversely impact prior rights, the department should require the study and an augmentation plan prior to diversion of water from the well rather than attempt to determine suitable mitigation after interference occurs.

PROTESTANT'S EXCEPTIONS

The department should not change condition of approval no. 4. to include past department studies which either are already of record or will be of record once completed.

Based on review of the record, including the exceptions which have been filed, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

NOV 9 1993



## FINDINGS OF FACT

1. On April 19, 1990, Joyce Livestock Company filed with the Department of Water Resources two applications. The first was Application for Permit No. 57-07522 to divert 5.0 cubic feet per second (cfs) of ground water from a point within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 16, T3S, R1W, B.M, Owyhee county, for irrigation of 320 acres in Sections 16 and 17, T3S, R1W, B.M., Owyhee county. The second was Application for Well Drilling Permit No. 57-90-W-0004-000. The Department advised the applicant that the application for permit could not be advertised and processed because the proposed point of diversion was located within the Swan Falls Trust Water Area, and such applications were not eligible for processing at that time. The Department, however, approved a well drilling permit with the condition that pumping from the well could not occur until a water right was secured authorizing diversion of water from the well.

2. On June 11, 1990, the applicant filed Application for Transfer of water right no. 57-04008 with the department, proposing to change the point of diversion and place of use of a temporarily unused water right from another location to the applicant's well and land. This transfer application was subsequently approved in part, allowing the applicant to irrigate 282 acres of the proposed 320 acres.

3. Under the provisions of the Swan Falls Agreement, Application for Permit No. 57-07522 became eligible for processing under the rules governing trust water late in 1991. Therefore, on January 1 and 8, 1992, notice of the application was published in the Owyhee Avalanche. The application was protested by Jay Hulet.

4. The Department conducted a conference regarding the application on February 6, 1992. The conference did not resolve the protest, and on March 6, 1992, the Department held a hearing in this matter. At the hearing, the applicant was represented by Paul Nettleton, President of Joyce Livestock Company and by attorney James W. Kiser. Protestant Jay Hulet was present and was represented by attorney Steven Adamson.



5. The protestant raised objections, alleging that the proposed use would:

- a. reduce the quantity of water under existing water rights; and,
- b. deplete the supply of the Sinker Creek aquifer over a period of years; and,
- c. be speculative because the high water lift cost may prove to be prohibitive; and,
- d. upset the normal flow of water through the Murphy Mutual Canal Company; and,
- e. cause the potential for misappropriation of water; and,
- f. utilize water supplied to the aquifer from the protestant's irrigation storage and delivery system.

6. The Hearing Officer allowed the parties to submit briefs after the completion of the hearing. The Department received the Protestant's Memorandum on March 23, 1992, and the Applicant's Reply Memorandum and Closing Argument on April 2, 1992. On May 15, 1992, the basin was closed to further development by the designation of a moratorium by the Director of the Department. This moratorium was removed from the area in which the application was filed in an Amended Moratorium Order signed on April 30, 1993, allowing the department to further consider the application.

7. The primary reason for objection to this application is an expressed concern that pumpage from the well will reduce the flow of a spring (Sinker Creek spring), causing the Nahas Ranch to place more call for water from Sinker Creek thereby reducing flows available to the protestant. The spring is located about one and one-half miles down-gradient from the Joyce well within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 22, T3S, R1W, B.M., and is about 2700 feet above MSL.

8. The applicant irrigates the lands shown with water from Sinker Creek, when flows from Sinker Creek are available.

9. The well drilled under Well Drilling Permit No. 57-90-W-0004-000 was completed on June 17, 1990. The well (Joyce well) was drilled to a depth of 328 feet. According to the well log and

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testimony at the hearing by well driller Sheral Johnston, the first 190 feet of the well was cased and sealed to prevent water from entering the well. From 190 feet to 310 feet the well was drilled through solid, unfractured basalt with no water available. From 310 feet through 328 feet the driller testified that he encountered highly permeable, fractured rhyolite and that withdrawals of water from the well are taken from this aquifer. The static depth to water in the aquifer is reported to be 252 feet below land surface.

10. According to USGS topographic quadrangle maps, the elevation where the Joyce well was drilled is about 2980 feet above mean sea level (MSL). The depth to water in the well, and the relative elevations of the well and Sinker Creek spring indicate that the sources of water for the well and the spring may be interconnected. Timing of impact between pumpage from the well and depletion in flow from the spring is unknown.

11. Thorough information regarding the chemical constituencies of the water in the Joyce well and Sinker Creek spring has not been provided. Testimony indicated that although the flows from the spring and from the well both have some unpleasant odor, water which emanates from the spring has an increased sulfur smell. Testimony also indicated that the temperature of water in the well is 60-65 degrees Fahrenheit and the temperature of water in the spring is 40-45 degrees Fahrenheit. This information is inconclusive regarding connection of the two sources.

12. The protestant diverts water from Sinker Creek upstream from both the Joyce well and the spring, at the diversion of the Murphy Mutual Canal. The only water right holder which diverts from Sinker Creek below the spring is Nahas Ranch, which is not a protestant in this matter.

13. During the irrigation season the senior water right in Sinker Creek is a 0.60 cfs water right controlled by the protestant. The next 25.17 cfs of water rights are controlled by the applicant and Tyson Ranch. During the irrigation season, return flows from these rights usually satisfy the Nahas Ranch



diversion requirements from Sinker Creek. During the non-irrigation season, the senior water right fills the Nahas Reservoir and the junior water right fills the Hulet Reservoir.

14. Any ground water diversion will deplete the supply of water in an aquifer, either on a short-term recoverable basis, or a long-term non-recoverable basis.

15. Relative to interference with other ground water users, the only irrigation wells in the vicinity of the Joyce well are owned by the Tyson Ranch. These wells are located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 22 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15, T3S, R1W, B. M. and are situated near Sinker Creek, roughly half way between the Joyce well and the Sinker Creek spring. Incomplete well logs in Department files indicate that these wells are likely drilled to depths between about 80 and 275 feet. Land irrigated by these wells is also irrigated with Sinker Creek water with priority senior to that of the Nahas Ranch. The elevation of the land where these wells are located is about 2740 feet above MSL.

16. The record includes an Affidavit in which John Tyson, Jr. indicates that pumping from the applicant's well did not affect the Tyson Ranch wells during the 1990 and 1991 seasons.

17. The applicant provided unrefuted testimony that he anticipated a three year pay-back on well construction costs based on increased water availability and higher value crops made possible by the well.

18. The applicant testified that if sufficient flows are available in Sinker Creek to irrigate this property, Sinker Creek water will be used to conserve pumping costs. He further testified that he does not intend to transfer the Sinker Creek water right to other property.

#### CONCLUSIONS OF LAW

1. Section 42-203A(5), Idaho Code, states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to

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what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (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 it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application 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 with the local public interest, where the local public interest is defined as the affairs of the people directly affected by the proposed use, or (f) that it is contrary to the conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Section 42-226, Idaho Code, states in part as follows:

The traditional policy of the State of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources.

3. There appears to be sufficient water available in the ground water aquifer to satisfy the diversion proposed in this application during most periods.

4. The rapid pay-back anticipated from well construction in this case indicates that the project is not economically speculative.

5. The flow of water through Murphy Mutual Canal should be relatively unchanged by approval of this water right, if surface water use on the property continues to be maximized. The applicant has incentive to maximize surface water use on the property because surface water does not have to be lifted about 500 feet to the top of the field as does the ground water.

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6. The protestant has objected to use by the applicant of water in the aquifer which resulted from water storage and water use by the protestant. Use of water lost by an upstream water user by a downstream water user is a common feature in Idaho, and is not cause for denial of a water right.

#### ANALYSIS

Information provided in the file and during the hearing indicates that hydraulic interconnection between the applicant's well and the Sinker Creek spring is possible but not certain. The applicant contends that because Tyson Ranch, user of the down-gradient wells, and Nahas Ranch, user of the down-gradient spring, do not object to the use of water in the well, there must be no objectionable interference. This, however, is not necessarily the case.

The Tyson Ranch wells are senior in priority to the Joyce well, and thus are protected in the long-term. Also, the wells have not experienced an impact to date from the pumping of the Joyce well, perhaps because they are completed in different strata.

During the irrigation season, the Nahas Ranch water right traditionally receives sufficient flows provided by irrigation runoff from senior upstream water rights. During the winter, the Nahas Reservoir water right is the senior storage water right on Sinker Creek, so if it does not fill from spring flow it can call for refilling from upstream Sinker Creek flows. Thus, the Nahas Ranch water rights enjoy a degree of protection even if flows from Sinker Creek spring diminish.

If there is interference between the Joyce well and the Sinker Creek spring, there would be few periods when flow in the spring would impact flow in Sinker Creek available to the protestant. During the irrigation season, the first 0.60 cfs of Sinker Creek goes to the protestant. After this flow is satisfied, the next direct flow rights are 25.71 cfs for the applicant and Tyson Ranch. If there is sufficient water in Sinker Creek to fully satisfy these

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water rights, then waste water from these rights historically provides sufficient flow for the Nahas Ranch. Thus, the flow of the spring does not impact the availability of water to the protestant during the irrigation season.

During the non-irrigation season, reservoirs are filled with Sinker Creek water, springs and seeps. The senior storage water right is used to fill Nahas Reservoir, and the junior reservoir (Hulet Reservoir) is controlled by the protestant. During February and March of 1992, the department directed release of water from the Hulet Reservoir to fill Nahas Reservoir. Thus, any decrease in the outflow from the spring caused by pumpage of the Joyce well could have adversely impacted the protestant. The protestant testified that since 1980, only in 1992 did the Nahas Reservoir not fill, thus requiring the release of water from Hulet Reservoir. While this non-filling may have been related to pumpage of the Joyce well, the winter of 1991-1992 was one of the driest years of record, following six years of consecutive drought. It is likely that the required release of water from Hulet Reservoir will be rare.

Lacking conclusive evidence to the contrary, the department for the present assumes that pumpage from the well does impact the flow of water in Sinker Creek and from Sinker Creek Spring. Therefore, to the extent that the Joyce well will impact other water rights, the applicant must provide an augmentation plan if pumpage of the well is to continue. This plan would need to be activated only during times when other water rights are impacted, such as during the non-irrigation season or during the rare years when Nahas Reservoir fails to fill.

#### ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 57-07522 is APPROVED, subject to the following conditions:

1. This water right is subject to all prior water rights.
2. The rate of diversion for this water right when combined

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with all other water rights shall not exceed 0.02 cfs per acre irrigated.

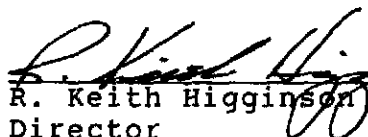
3. The permit holder shall use the full allotment of his surface water right, to the extent that it is available, in conjunction with groundwater diverted pursuant to this permit.

4. Prior to diversion of water under this permit, the permit holder shall submit a plan to the department for review and approval which identifies the mechanism of augmenting depletions of flows from Sinker Creek and Sinker Creek spring during periods when senior water rights are impacted. This plan shall include the results of an engineering analysis which identifies the magnitude and timing of impact of well diversions on these flows.

5. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

6. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1995.

Dated this 27<sup>TH</sup> day of OCTOBER, 1993.

  
R. Keith Higginson  
Director

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28th day of  
October, 1993, I mailed a true and correct copy, postage prepaid,  
of the foregoing Final Order to the following:

Joyce Livestock Co


Sinker Creek  
Murphy, ID 83650

Jay Hulet

HC 70 Box 2020  
Murphy, ID 83650

Steve Adamson

1020 Main Ste 312  
Boise, ID 83702

  
Karen L. Gustafson  
Senior Secretary

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**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO**

<b>IN THE MATTER OF APPLICATIONS FOR )</b>	
<b>PERMIT NO. 57-07522 IN THE NAME )</b>	<b>RECOMMENDED</b>
<b>OF JOYCE LIVESTOCK CO. )</b>	<b>ORDER</b>
<b>_____ )</b>	

**BY HEARING OFFICER L. GLEN SAXTON**

Joyce Livestock Company (applicant), having filed with the Department of Water Resources (department) Application for Permit No. 57-07522 (application); a protest having been received; and a conference and hearing having been held; the Department finds, concludes and orders as follows:

**FINDINGS OF FACT**

1. On April 19, 1990, Joyce Livestock Company filed with the Department of Water Resources two applications. The first was Application for Permit No. 57-07522 to divert 5.0 cubic feet per second (cfs) of ground water from a point within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 16, T3S, R1W, B.M, Owyhee county, for irrigation of 320 acres in Sections 16 and 17, T3S, R1W, B.M., Owyhee county. The second was Application for Well Drilling Permit No. 57-90-W-0004-000. The Department advised the applicant that the application for permit could not be advertised and processed because the proposed point of diversion was located within the Swan Falls Trust Water Area, and such applications were not eligible for processing at that time. The Department, however, approved a well drilling permit with the condition that pumping from the well could not occur until a water right was secured authorizing diversion of water from the well.

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to change the point of diversion and place of use of a temporarily unused water right from another location to the applicant's well and land. This transfer application was subsequently approved in part, allowing the applicant to irrigate 282 acres of the proposed 320 acres.

3. Under the provisions of the Swan Falls Agreement, Application for Permit No. 57-07522 became eligible for processing under the rules governing trust water late in 1991. Therefore, on January 1 and 8, 1992, notice of the application was published in the Owyhee Avalanche. The application was protested by Jay Hulet (protestant).

4. The Department conducted a conference regarding the application on February 6, 1992. The conference did not resolve the protest, and on March 6, 1992, the Department held a hearing in this matter. At the hearing, the applicant was represented by Paul Nettleton, President of Joyce Livestock Company and by attorney James W. Kiser. Protestant Jay Hulet was present and was represented by attorney Steven Adamson.

5. The protestant raised objections, alleging that the proposed use would:

- a. reduce the quantity of water under existing water rights; and,
- b. deplete the supply of the Sinker Creek aquifer over a period of years; and,
- c. be speculative because the high water lift cost may prove to be prohibitive; and,
- d. upset the normal flow of water through the Murphy Mutual Canal Company; and,
- e. cause the potential for misappropriation of water; and,
- f. utilize water supplied to the aquifer from the protestant's irrigation storage and delivery system.

6. The Hearing Officer allowed the parties to submit briefs after the completion of the hearing. The Department received the Protestant's Memorandum on March 23, 1992, and the Applicant's



Reply Memorandum and Closing Argument on April 2, 1992. On May 15, 1992, the basin was closed to further development by the designation of a moratorium by the Director of the Department. This moratorium was removed from the area in which the application was filed in an Amended Moratorium Order signed on April 30, 1993, allowing the department to further consider the application.

7. The primary reason for objection to this application is an expressed concern that pumpage from the well will reduce the flow of a spring (Sinker Creek spring), causing the Nahas Ranch to place more call for water from Sinker Creek thereby reducing flows available to the protestant. The spring is located about one and one-half miles down-gradient from the Joyce well within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 22, T3S, R1W, B.M., and is about 2700 feet above MSL.

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13. During the irrigation season the senior water right in Sinker Creek is a 0.60 cfs water right controlled by the protestant. The next 25.17 cfs of water rights are controlled by the applicant and Tyson Ranch. During the irrigation season, return flows from these rights usually satisfy the Nahas Ranch diversion requirements from Sinker Creek. During the non-irrigation season, the senior water right fills the Nahas Reservoir and the junior water right fills the Hulet Reservoir.

14. Any ground water diversion will deplete the supply of water in an aquifer, either on a short-term recoverable basis, or a long-term non-recoverable basis.

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16. The record includes an Affidavit in which John Tyson, Jr. indicates that pumping from the applicant's well did not affect the Tyson Ranch wells during the 1990 and 1991 seasons.

17. The applicant provided unrefuted testimony that he anticipated a three year pay-back on well construction costs based on increased water availability and higher value crops made possible by the well.

18. The applicant testified that if sufficient flows are available in Sinker Creek to irrigate this property, Sinker Creek water will be used to conserve pumping costs. He further testified that he does not intend to transfer the Sinker Creek water right to other property.

#### CONCLUSIONS OF LAW

1. Section 42-203A(5), Idaho Code, states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (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 it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application 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 with the local public interest, where the local public interest is defined as the affairs of the people directly affected by the proposed use, or (f) that it is contrary to the conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Section 42-226, Idaho Code, states in part as follows:

The traditional policy of the State of Idaho, requiring the water resources of this state to be devoted

to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources.

3. There appears to be sufficient water available in the ground water aquifer to satisfy the diversion proposed in this application during most periods.

4. The rapid pay-back anticipated from well construction in this case indicates that the project is not economically speculative.

5. The flow of water through Murphy Mutual Canal should be relatively unchanged by approval of this water right, if surface water use on the property continues to be maximized. The applicant has incentive to maximize surface water use on the property because surface water does not have to be lifted about 500 feet to the top of the field as does the ground water.

6. The protestant has objected to use by the applicant of water in the aquifer which resulted from water storage and water use by the protestant. Use of water lost by an upstream water user by a downstream water user is a common feature in Idaho, and is not cause for denial of a water right.

#### ANALYSIS

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The Tyson Ranch wells are senior in priority to the Joyce

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well, and thus are protected in the long-term. Also, the wells have not experienced an impact to date from the pumping of the Joyce well, perhaps because they are completed in different strata.

During the irrigation season, the Nahas Ranch water right traditionally receives sufficient flows provided by irrigation runoff from senior upstream water rights. During the winter, the Nahas Reservoir water right is the senior storage water right on Sinker Creek, so if it does not fill from spring flow it can call for refilling from upstream Sinker Creek flows. Thus, the Nahas Ranch water rights enjoy a degree of protection even if flows from Sinker Creek spring diminish.

If there is interference between the Joyce well and the Sinker Creek spring, there would be few periods when flow in the spring would impact flow in Sinker Creek available to the protestant. During the irrigation season, the first 0.60 cfs of Sinker Creek goes to the protestant. After this flow is satisfied, the next direct flow rights are 25.71 cfs for the applicant and Tyson Ranch. If there is sufficient water in Sinker Creek to fully satisfy these water rights, then waste water from these rights historically provides sufficient flow for the Nahas Ranch. Thus, the flow of the spring does not impact the availability of water to the protestant during the irrigation season.

During the non-irrigation season, reservoirs are filled with Sinker Creek water, springs and seeps. The senior storage water right is used to fill Nahas Reservoir, and the junior reservoir (Hulet Reservoir) is controlled by the protestant. During February and March of 1992, the department directed release of water from the Hulet Reservoir to fill Nahas Reservoir. Thus, any decrease in the outflow from the spring caused by pumpage of the Joyce well could have adversely impacted the protestant. The protestant testified that since 1980, only in 1992 did the Nahas Reservoir not fill, thus requiring the release of water from Hulet Reservoir. While this non-filling may have been related to pumpage of the Joyce well, the winter of 1991-1992 was one of the driest years of record, following six years of consecutive drought. It is likely

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that the required release of water from Hulet Reservoir will be rare.

Lacking conclusive evidence to the contrary, the department for the present assumes that pumpage from the well does impact the flow of water in Sinker Creek and from Sinker Creek Spring. Therefore, to the extent that the Joyce well will impact other water rights, the applicant must provide an augmentation plan if pumpage of the well is to continue. This plan would need to be activated only during times when other water rights are impacted, such as during the non-irrigation season or during the rare years when Nahas Reservoir fails to fill.

#### ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 57-07522 is APPROVED, subject to the following conditions:

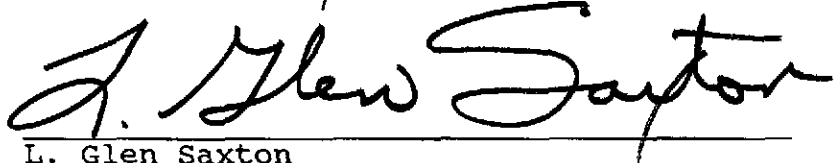
1. This water right is subject to all prior water rights.
2. The rate of diversion for this water right when combined with all other water rights shall not exceed 0.02 cfs per acre irrigated.
3. The permit holder shall use the full allotment of his surface water right, to the extent that it is available, in conjunction with groundwater diverted pursuant to this permit.
4. Prior to diversion of water under this permit, the permit holder shall submit a plan to the department for review and approval which identifies the mechanism of augmenting depletions of flows from Sinker Creek and Sinker Creek spring during periods when senior water rights are impacted. This plan shall include the results of an engineering analysis which identifies the magnitude and timing of impact of well diversions on these flows.
5. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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6. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order.

Dated this 27th day of September, 1993.

A handwritten signature in black ink, reading "L. Glen Saxton". The signature is written in a cursive style with a horizontal line underneath.

L. Glen Saxton  
Hearing Officer

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 27th day of  
September, 1993, I mailed a true and correct copy, postage  
prepaid, of the foregoing Recommended Order to the following:

Joyce Livestock Co


Sinker Creek  
Murphy, ID 83650

Jay Hulet

HC 70 Box 2020  
Murphy, ID 83650

Steve Adamson

1020 Main Ste 312  
Boise, ID 83702

  
\_\_\_\_\_  
Karen L. Gustafson  
Senior Secretary

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Ident. No. 57-07522  
~~63-11292~~

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JOYCE LIVESTOCK CO. 208-834-2237  
Address: SINKER CREEK  
MURPHY, ID 83650
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWSE Sec. 16, Township 03S, Range 01W  
OWYHEE County
4. Water will be used for the following purposes:
- | Purpose    | From  | To    | CFS   | (or) | AF |
|------------|-------|-------|-------|------|----|
| IRRIGATION | 03/15 | 11/15 | 5.000 |      |    |
5. Total quantity to be appropriated is:  
5.000 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.  
WELL, PUMP AND SPRINKLER SYSTEM.
  - 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.
  - Proposed well diameter is 16 inches; proposed depth of well is 310  
feet.
  - Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of  
the water to the proposed beneficial use is 2 years.
8. Description of proposed uses:  
WELL, PUMP AND SPRINKLER SYSTEM
9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
03S	01W	16	NENE 35	NWNE 35	SWNE 10	
			SENE 10	NENW 40	NWNW 40	
			SWNW 40	SENW 30	NESW 10	
			NWSW 30			280
	17		NESE 40			40

Total number of acres irrigated: 320

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57-07522

Ident. No. ~~63-11292~~

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10. Describe any other water rights used for the same purposes.  
SINKER CREEK WATER RIGHTS

11. a. Who owns the property at the point of diversion?

APPLICANT

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

APPLICANT

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

12. Remarks:

13. Map of proposed point of diversion and place of use attached? [X]

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.

*Joyce Livestock Co. by: Paul Middleton, general partner*  
Applicant

Received by DW Date 4/19/90 Time 5:50 Preliminary check by RW

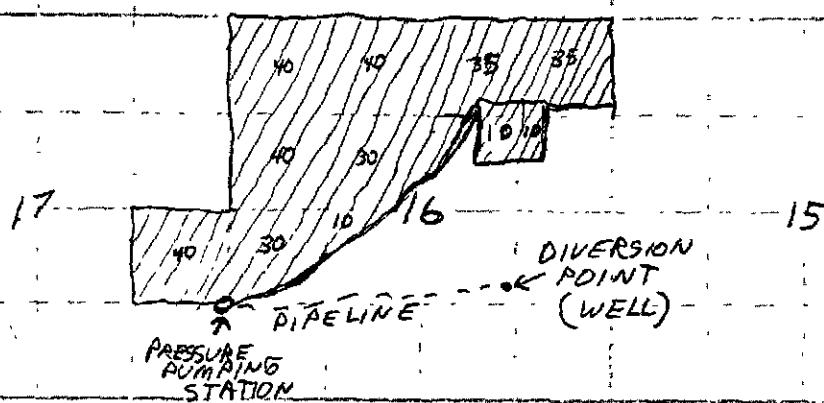
Fee \$ 125<sup>00</sup> Receipted by DW # W012255 Date 4/19/1990

Publication prepared by GG Date 12-23-91 Published in Owyhee Avalanche  
1/1 & 1/8/92

Publication approved st Date 2-7-92

NEC-8-10-9





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

NO. 6 JER

Dept. of Water Statehouse

# THE OWYHEE AVALANCHE

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

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 )ss  
COUNTY OF OWYHEE )

RECEIVED  
FEB 03 1992

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):

January 1-18, 1992

Signed

Joe E. Aman

Subscribed and sworn to before me this 8th day of January A.D., 1992

C. Craig Buehler

Notary Public in and for the State of Idaho  
Residing at Homedale, Idaho  
Commission expires October 1997

## NOTICE OF APPLICATION FOR TRIST WATER

RIGHT

57-07499

HACKLEY, JR., O K

7583 SPALDING LN NE

ATLANTA, GA 30360

Source: SPRINGS Tributary:

SINKER CREEK

Diversion Pt: SWNESW Sec

15 T 03S R 01W in OWYHEE

County.

Use: STOCKWATER (.030

CFS)

IRRIGATION (.300 CFS)

Total Diversion: (.330 CFS)

Date Filed: 9/19/1990

In: OWYHEE County

T03S R01W S15 SESW

15.0 ACRES TOTAL

<57-07522

JOYCE LIVESTOCK CO.

SINKER CREEK

MURPHY, ID 83650

Source: GROUNDWATER

Diversion Pt: NWSE Sec 16 T

03S R 01W in OWYHEE

County.

Use: IRRIGATION (5.000

CFS)

Total Diversion (5.000 CFS)

Date Filed: 4/19/1990

In: OWYHEE County

T03S R01W S16 NENE NWNE

SWNE SENE

NENW NWNW SWNW SENW

NESW NWSW

S17 NESE

320.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 20, 1992.

R. Keith Higginson, Director  
Publish January 1 & 8, 1992



**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 5107522 Reviewed by [signature] Date 7-25-95

**GENERAL CONSIDERATIONS**

**TYPES OF USE**

yes Name same as permit? Jr.  
yes Address same as permit? \_\_\_\_\_  
yes Proof timely received? Correct Uses? yes  
*If not, complete calculation below.*

**SOURCE OF WATER**

\_\_\_\_\_ Surface water source  
✓ Ground water source  
yes Drilling permit required?  
no Copy in the file? Drilling Permit No. 5700 0003-000  
no Amount paid for permit yes Correct?  
yes Well log in the file?

**LICENSE EXAMINATION FEE**

**MEASURING DEVICE**

yes Required? yes Required?  
0 Amount Submitted yes Installed?  
no Correct? \_\_\_\_\_ Waiver requested?

**PRIORITY CALCULATION**

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

**DEFICIENCIES OR ACTION ITEMS**

*Request \$200 & return fee.  
fee received - Proof acceptable*

**DATA ENTRY**

New Address \_\_\_\_\_ Proof Made 7-25-95

October 18, 1995

JOYCE LIVESTOCK CO  
SINKER CREEK  
MURPHY ID 83650

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-07522

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

c: IDWR - Region

NOV 08 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 27, 1995

Joyce Livestock Co.  
Sinker Creek  
Murphy, ID 83650

RE: Permit No. 57-07522

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use form submitted in connection with the above referenced water right. You state on the proof that you enclosed the \$200.00 license examination fee, however, the department did not receive a fee.

Please return the copy of the proof along with the \$200.00 license examination fee within thirty (30) days of receipt of this letter. Please address your correspondence to my attention.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

NOV 08 1995

August 31, 1995

JOYCE LIVESTOCK CO  
SINKER CREEK  
MURPHY ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 57-07522

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 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

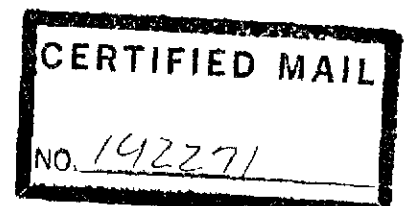
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures







State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

April 22, 1994

Joyce Livestock Co.  
Sinker Creek  
Murphy, ID 83650

RE: Water Right No. 57-07522

Dear Permit Holder:

Enclosed is a copy of the Order accepting your proposal which satisfies Condition No. 4, of Permit to Appropriate Water No. 57-07522. Please note that the approval of the proposal shall remain effective unless the department determines there is cause to amend or reject it.

If you have any questions or we can be of any further assistance, please feel free to contact the Department.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

APR 26 1994

MEMORANDUM

TO: Glen Saxton

FROM: Dave Tuthill *DT*

DATE: April 19, 1994

RE: Condition of Approval for Permit No. 57-07522

RECEIVED

APR 21 1994

Department of Water Resources

Attached please find the response from the permit holder regarding the condition of approval which requires that a plan be submitted to the Department for review and approval which identifies a mechanism of augmenting depletions of Sinker Creek flows during periods when senior water rights are impacted.

The Joyce Livestock plan is to forego diversion of senior streamflow water rights during periods when there is a potential for the diversion under 57-07522 to impact downstream water rights. Relevant considerations are as follows:

1. The Joyce Livestock points of diversion and places of use for their senior streamflow water rights are upstream hydraulically from the point of diversion for 57-07522 and any water rights that it may impact. Foregoing diversion of the senior water rights will make water available to satisfy any impacted downstream rights.

2. During almost all years the downstream storage water right which is most likely to be impacted by pumpage under water right no. 57-07522 is satisfied by wintertime flows. For example, during the 1993-1994 winter the storage right was satisfied even though this has been a low runoff winter.

3. If the plan submitted by Joyce Livestock proves to be inadequate, the Department can require augmentation of the record with the initially-requested engineering analysis.

In light of these considerations, I recommend that the plan submitted by Joyce Livestock be considered adequate on a temporary basis, with the Department reserving the opportunity to require the water right holder to provide further engineering analysis in the future if conditions so warrant.

NOV 08 1995



RECEIVED

MAR 31 1994

WATER RESOURCES  
WESTERN REGION

JOYCE LIVESTOCK CO.,  
AUGMENTATION PLAN

Concerning depletions of flows of Sinker Creek and senior right holders by diversion of water under water permit 57-07522.

Joyce Livestock Co. proposes to augment any depletions by diverting water from any or all of the following water right numbers: 57-00001A, 57-00002, 57-00173, 57-00174, 57-00176, 57-00180A, 57-10428, 57-02293, or 57-10488, so that these waters may be used by any senior right holder impacted. All of these water rights listed are senior to any right that might be impacted by diversion of water under permit 57-07522.

Joyce Livestock Co. understands that it will be responsible for any deficit flows to these senior right holders in lieu of an engineering analysis but reserves the right to complete that analysis in the future should any depletion necessitate implementation of this plan.

Dated this 28 day of March, 1994.

by:



PAUL NETTLETON  
MANAGING PARTNER  
JOYCE LIVESTOCK CO.

187935

SD-0410  
MODIFY RIGHT

Idaho Department of Water Resources  
Water Rights Remarks Screen

Date: 04/19/94  
Time: 13:29:16

Water Right Number: 57-07522

FIRST PAGE

13. Remarks: The permit holder shall use the full allotment of his surface water right, to the extent that it is available, in conjunction with groundwater diverted pursuant to this permit. Prior to diversion of water under this water right, the permit holder shall submit a plan to the department for review and approval which identifies the mechanism of augmenting depletions of Sinker Creek flows during periods when senior water rights are impacted. This plan can include the results of an engineering analysis conducted the the applicatn which identifies the magnitude and timing of impact of well diversions on these flows. See Final Order for additional conditions of approval.

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(GOLD2=Update)

(GOLD4=Prev Screen)

(GOLD6=End of Data)

(Enter=Exit)

(GOLD3=Add Std Rmk)

(GOLD5=Next Screen)

(GOLD8=Cancel)

NOV 08 1995



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

October 28, 1993

Re: In the matter of application for permit 57-07522 in the name of Joyce Livestock

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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.

NOV 29 1993



(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

#### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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(4) Idaho Code.

#### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. Glen Saxton  
Chief, Water Allocation Bureau

APR 29 1993

RECEIVED

OCT 18 1993

Department of Water Resources

BEFORE THE DIRECTOR OF THE  
DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO  
R. KEITH HIGGINSON

Oct. 17-1993

In the Matter of the Application  
of Application for Permit No.  
57-07522 in the name of Joyce  
Livestock Co.  
-----

Exceptions and Brief  
of Recommended Order

#4-Include in the Augumentation Mechanism the results of Water  
Resource Studies pertaining to the State funded study by the  
IDWR on the relationship between ground and surface water.

*Jay Hulet*

Jay Hulet  
HC 79 Box 2020  
Murphy, Idaho 83650

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

RECEIVED  
OCT 11 1993  
Department of Water Resources

IN THE MATTER OF APPLICATIONS FOR )  
PERMIT NO. 57-07522 IN THE NAME )  
OF JOYCE LIVESTOCK CO. )  
OBJECTION TO  
RECOMMENDED ORDER

COMES NOW JAMES W. KISER, attorney for applicant Joyce Livestock Co., and objects only to Order No. 4 in the Proposed Order.

Proposed Order No. 4 assumes that there will be impact on senior rights. Yet the only evidence in the record shows no impact to either Nahas or Tyson.

So, to have to hire a Hydrologic Engineer to create a "plan" to deal with a hypothetical situation is premature and an unnecessary expense.

Once the applicant presented evidence of no impact, it is the protestant's burden to prove an impact.

Since this well right will be subject to all prior water rights, if there is an impact later the well can be shut off as any junior right can be.


This Order No. 4 does not conform to the evidence and assumes facts not in evidence, and is an unfair financial burden on applicant. Therefore, request is made for deletion of Order No. 4 at this time. The Department can, if conditions warrant in the future, and if there is an impact on senior rights, compel Applicant to either shut off the use or then propose an augmentation plan through an engineer. To do so now is unnecessary.

RECEIVED

NOV 26 1993



DATED this 11 day of October, 1993.

  
James W. Kiser

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 11th day of October, 1993, a true and correct copy of the foregoing Objection was placed in the U.S. Mail, proper postage attached, addressed to:

Steve Adamson  
1020 Main Street, Suite 312  
Boise, ID 83702

  
James W. Kiser

NOV 29 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 27, 1993

Re: In the matter of Application for Permit No. 57-07522 in the name of Joyce Livestock Co.

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

NOV 29 1993

### ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

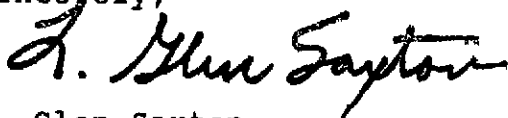
### FINAL ORDER

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 agency 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.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. Glen Saxton  
Chief, Water Allocation Bureau

Enclosures

NOV 28 1992



APPLICATION FOR PERMIT  
STATE OFFICE REVIEW

Application #: 57-7522 Date: 9/7/93 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes \_\_\_\_\_  
SYSTEM COMPLETED:  
No - 26A-P17  
Complete in 1 year - P16  
Yes  
Proof not submitted - P16  
Proof submitted - N/A  
GROUNDWATER:  
+ 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing), NMR  
- 0.2 cfs - NMR <flow chart>  
Drilling Permit:  
Included w/permit - P99 Permit No. 57-90-W-0004-000  
Existing well - N/A (if drilled before 7/1/87)  
No WD permit? - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)  
SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>  
LOCATION:  
Water District - WD No. 57D  
Surface water - 005 or 005-01J-P08 (+.2)  
or 005-01H-P01 (-.2 w/pump); NMR  
Groundwater - P05 (if well has not been drilled)  
In stream channel - 030  
Irrigation Dist. - 023  
Canal Co. Areas - 023  
Drainage Districts - 024  
Flood Control Dist. - 063  
Boise Front (63) - 058 (Groundwater temperature)  
Swan Falls Flag - B <See condition code chart>  
Trust - 051-052-053-P74 (Consumptive Uses)  
Non Trust <1> - 048-049  
RIVER BASINS (Surface): Water District Control Condition (005) &....  
Boise (63) - 05A (req), 11E (non-domestic use)  
Payette (65) - 047-P04, -P  
Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.)  
USE:  
Fish Propagation - 06A or 09E-P10 (WQ) & 010-042 (req),  
002-P06 (MD), 07A (Special), 044 (Policy 5G)  
Irrigation - 803 (in WD use SW 1st) (+5A in WD do P/U compare)  
Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;  
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09  
Mining - 06A or 010 or 09E-P10 & 054 (req)  
Storage (✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10'Size)  
Domestic (surface) - 021(Boise R + L Peak), 27A(Payette R)  
OWNERSHIP:  
Non land owner - 004  
PROTESTED:  
Hearing agreement - 020  
OTHER CONDITIONS: - 03A  
REMARKS: - See Final Order for conditions of approval.  
BENEFICIAL USE DUE: - 10 -1-1995  
COMMENTS: - Q Du Desc

WRO749NP  
No. P57-07522

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT  
(REGIONAL)

DATE: 09/07/93  
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOYCE LIVESTOCK CO SINKER CREEK MURPHY ID 83650 (208) 834-2237	04/19/1990	IRRIGATION	03-15 11-15	5.00 CFS	
TOTAL DIVERSION:					5.00 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T03S R01W S16 NW SE

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM			
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---	
03S	01W	16	:	35		35		10		10				:	40		40		30						:	280.0	
03S	01W	17	:											:											:	40.0	
																						TOTAL ACRES				:	320.0

Pou County: OMYHEE

Other Rights: SINKER CREEK WATER RIGHTS

Other Water Rights with Same Point(s) of Diversion and Source:  
51-040068 51-070528 57-07522

Other Water Rights Listing Overlapping Place(s) of use:  
51-040068 51-070528 57-00172 57-00174A 57-00176 57-00181 57-02015 57-07522

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the  
- Department shall be installed by the right holder to provide for  
- the installation of measuring equipment and the determination of  
- the rate of diversion by the Department.
- 803 - The right holder shall use the full allotment of his surface  
- water right, to the extent it is available, in conjunction with  
- groundwater diverted pursuant to this right.
- 03A - The rate of diversion of water for irrigation under this right  
- and all other water rights on the same land shall not exceed 0.02  
- cubic feet per second for each acre of land.

Remarks: The permit holder shall utilize available surface water rights to  
the fullest available extent and shall utilize groundwater only  
as a secondary source.  
Prior to diversion of water under this water right, the permit  
holder shall submit a plan to the department for review and  
approval which identifies the mechanism of augmenting depletions  
of Sinker Creek flows during periods when senior water rights are  
impacted. This plan can include the results of an engineering  
analysis conducted the the applicatn which identifies the  
magnitude and timing of impact of well diversions on these flows.

WR0749NP  
No. P57-07522

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT  
(REGIONAL)

DATE: 09/07/93  
PAGE: 2

=====

Remarks: See Final Order for additional conditions of approval.

Dates: App. Received: 04/19/1990 Priority Date: 04/19/1990  
Proof Due Date: 10/01/1995 Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 57D Field Exam Fee:

Comments: Date: 09/07/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION  
Drilling permit #57-90-W-0004-000 was for 16" by 310' deep well,  
with pump and sprinkler system.

Audit: 09/07/93 ZIMMERMA

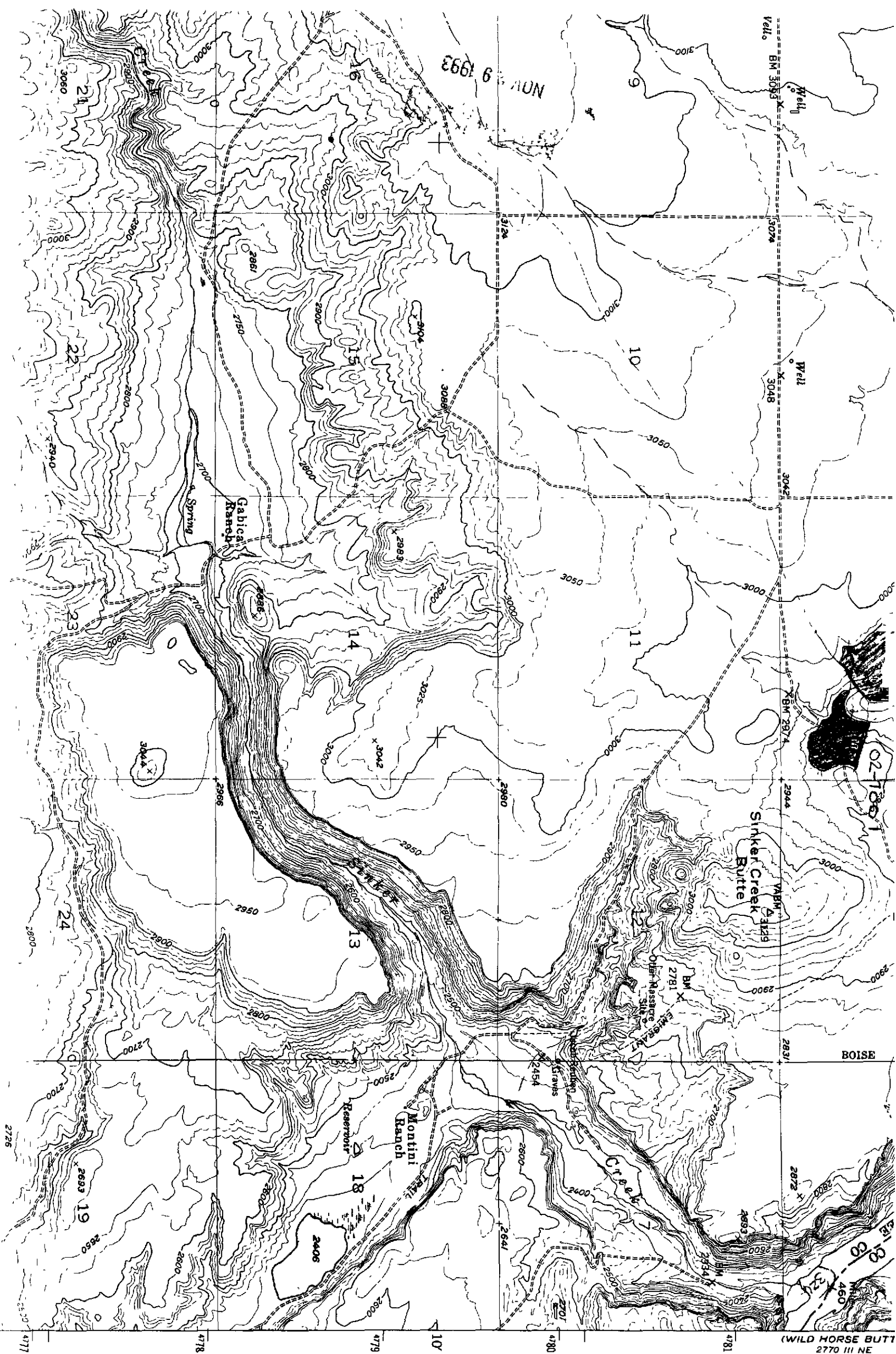


STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORTUSL TYPEWRITER OR  
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources  
within 30 days after the completion or abandonment of the well

<b>1 WELL OWNER</b> Name <u>Paul Nettleton</u> Address <u>Murphy Id 83450</u> Owner's Permit No <u>57-W-90-003</u>		<b>7 WATER LEVEL</b> Static water level <u>252</u> feet bwl w/ land surface Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No GPM flow _____ Artesian closed in pressure _____ PSI Controlled by <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug Temperature _____ OF Quality _____ <small>Describe artesian w/ temperature 2, 10, &amp; below</small>																																																																																									
<b>2 NATURE OF WORK</b> <input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement <input type="checkbox"/> Abandoned (describe abandonment procedures such as materials plug depths etc. in lithologic log)		<b>8 WELL TEST DATA</b> <input checked="" type="checkbox"/> Pump <input type="checkbox"/> Bailor <input type="checkbox"/> Air <input type="checkbox"/> Other <table border="1"><thead><tr><th>Discharge GPM</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td><u>2500</u></td><td><u>262</u></td><td><u>6</u></td></tr></tbody></table>		Discharge GPM	Pumping Level	Hours Pumped	<u>2500</u>	<u>262</u>	<u>6</u>																																																																																		
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<b>4 METHOD DRILLED</b> <input type="checkbox"/> Rotary <input type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary <input checked="" type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____																																																																																											
<b>5 WELL CONSTRUCTION</b> Casing schedule <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>3/4</u> inches</td><td><u>16</u> inches</td><td><u>1</u> feet</td><td><u>190</u> feet</td></tr><tr><td><u>1</u> inches</td><td><u>12</u> inches</td><td><u>297</u> feet</td><td><u>317</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Packer used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No How perforated? <input checked="" type="checkbox"/> Factory <input type="checkbox"/> Knife <input type="checkbox"/> Torch Size of perforation <u>3/4</u> inches by <u>3</u> inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>256</u> perforations</td><td><u>301</u> feet</td><td><u>317</u> feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>25'</u> Material used in seal <input type="checkbox"/> Cement grout <input type="checkbox"/> Bentonite <input checked="" type="checkbox"/> Pudding clay <input type="checkbox"/> _____ Sealing procedure used <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing <input checked="" type="checkbox"/> Overbore to seal depth Method of joining casing <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent Weld <input type="checkbox"/> Cemented between strata Describe access port <u>2 inch steel pipe threaded cap</u>		Thickness	Diameter	From	To	<u>3/4</u> inches	<u>16</u> inches	<u>1</u> feet	<u>190</u> feet	<u>1</u> inches	<u>12</u> inches	<u>297</u> feet	<u>317</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	<u>256</u> perforations	<u>301</u> feet	<u>317</u> feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet																																																										
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<b>6 LOCATION OF WELL</b> Sketch map location must agree with written location <table border="1"><tr><td>N</td><td></td><td></td><td></td><td></td></tr><tr><td>W</td><td></td><td></td><td>X</td><td>E</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>S</td><td></td><td></td><td></td><td></td></tr></table> Subdivision Name _____ Lot No _____ Blk & No. _____ County <u>Owyhee</u> <u>NW 1/4 SE 1/4 Sec 16 T 3 S R 1 W</u>		N					W			X	E											S					<b>11. DRILLERS CERTIFICATION</b> I/We certify that all minimum well construction standards were complied with at the time the rig was removed Firm Name <u>Johnston Drilling Firm</u> No. <u>92</u> Address <u>Melba, Ida</u> Date <u>7-18-90</u> Signed by (Firm Official) _____ and _____ (Operator)																																																																
N																																																																																											
W			X	E																																																																																							
S																																																																																											
<b>10.</b> Work started <u>3-2-90</u> finished <u>6-17-90</u>																																																																																											

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

NOV 29 1990









Otter Massacre Site 6 1927

Point Division

Gabica Ranch

Spring

Creek

NOV 6 1961

Well

Well

Well

Well

## SINKER CREEK WATERMASTER REPORT

DATE 4-1-92Instructions for completing form

1. Measure flows at  $Q_I$ ,  $Q_M$ ,  $Q_A$ ,  $D_4-11$ ,  $Q_B$ , and record.
2. Determine flows at  $D_1-3$  and record.
3. Use recorded flows to compute Natural Flows (formula below).
4. Use computed Natural Flows  $N_A$  and  $N_B$  to complete water allocation worksheet (see back page).
5. Make adjustments as necessary to diverted flows.
6. Sign and date form.

Note: Show all flows in cfs.

 $D_1$  0  
HULET(live) $D_2$  0  
HULET(stored) $D_3$  0  
JLL $Q_M$  0  
CANAL TOTAL

MMC

 $D_4$  4.58 $D_5$  3.0 Est $D_6$  0 $D_7$  0.35 $D_8$  0 $D_9$  07.93  
JLL TOTAL $Q_A$  4.69  
CREEK $Q_I$  4.69  
INLET

Sinker Creek

 $D_{10}$  0  
TYSON $D_{11}$  1.75  
NAHAS $Q_B$  0.10  
CREEK

Snake River

Computing Natural Flows

$$\frac{0}{D_1} + \frac{0}{D_3} + \frac{4.69}{Q_A} = \frac{4.69}{N_A}$$

$$\frac{(7.93 + \frac{0}{D_{10}} + \frac{1.75}{D_{11}} + \frac{0.10}{Q_B}) - \frac{4.69}{Q_A}}{JLL\ TOTAL} = \frac{5.09}{G_{A-B}}$$

$$\frac{5.09}{G_{A-B}} + \frac{4.69}{N_A} = \frac{9.78}{N_B}$$

# WATER ALLOCATION WORKSHEET

Page 2

PARTY	RANK	AMOUNT (cfs)	REACH A		REACH B	
			DIV	RNF	DIV	RNF
				4.69 (N <sub>A</sub> )		9.78 (N <sub>B</sub> )
D <sub>1</sub> (H)	1	0.6	0	4.69		9.78
D <sub>3</sub> (J)	2	18.61**	0 *	4.69		9.78
D <sub>4-9</sub> (J)	2				7.93	1.85
D <sub>10</sub> (T)	3	6.56				1.85
D <sub>11</sub> (N)	4	2.63			1.75	1.10
D <sub>3</sub> (J)	5	2.46**				
D <sub>4-9</sub> (J)	5					
D <sub>1</sub> (H)	6	400.00				
D <sub>11</sub> (N)	7a	0.97				
D <sub>11</sub> (N)	7b	0.834				

\* If flow is being diverted at D<sub>3</sub>, then rights ranked 3, 4, and 7a must be satisfied (unless delivery is declined)

\*\* These flows may be diverted in either reach

(H) Jay Hulet

(J) Joyce Land and Livestock, Paul Nettleton, owner/operator

(T) Tyson Ranch, O. K. Hackley, owner; Irene Tyson, operator

(N) Nahas Ranch, R. T. Nahas, owner; John Richard, manager

COMMENTS: 47 miles R.T. Courthouse, Went With Cindy From There

Mary M Blackstock  
WATERMASTER SIGNATURE

1993



SD-0605-2		Township: 03S		Range: 01W		Section: 22		Tract:		Lot:	
S	L	R	STATE		O	S	Max # Records 4				
E	O	D	Water		Name	W	T	Priority	Total		
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversion	
-	NENW			A57-02236	BAKER, W.E.	O	L	12/11/1959	GROUNDWATER	4.000	
-					HACKLEY, JR.,	C					
-	NENW			A57-02295	HACKLEY, JR.,	C	P	08/03/1966	GROUNDWATER	6.400	
-					SHELLEY, BETTY	O					
-	NENW			57-02236	HACKLEY JR, O	C	L	12/11/1959	GROUNDWATER	3.200	
-					BAKER, W.E.	O					
-	NENW			57-02295	SHELLEY, BETTY	O	L	08/03/1966	GROUNDWATER	0.620	
-					HACKLEY JR, O	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu \_\_\_\_\_)

SD-0605-2		Township: 03S		Range: 01W		Section: 15		Tract:		Lot:	
S	L	R	STATE		O	S	Max # Records 4				
E	O	D	Water	Name	W	T	Priority	Total			
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversions	
—	SESW		A57-02236	BAKER, W.E.	O	L	12/11/1959	GROUNDWATER	4.000		
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—				HACKLEY JR, O	C						

(Enter=Continue)

(GOLD7=This Query)

(Menu \_\_\_\_\_)

NOV 29 1966

RECEIVED

MAR 11 1971

BEFORE THE DIRECTOR

OF

Department of Water Administration

IDAHO DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF Protest Against )  
Licensing of Permit No. G-33064/ )  
57-2295 in the name of Betty J. )  
Shelley. )

WITHDRAWAL  
OF PROTEST

TO: R. Keith Higginson, Director, Idaho Department of  
Water Administration, Statehouse, Boise, Idaho 83702:

At the time of the conference in the above matter before Bobby D. Fleenor, Assistant Director, at the Owyhee County Courthouse at Murphy, Idaho on January 13, 1971, it was disclosed that Shelley had withdrawn and relinquished any use of the water for irrigation of the NW 1/4 of Section 13, T. 3 S., R. 1 W., B.M., which 80 acres appears to be outside of the Sinker Creek basin, although the notice of Existing Water Permit published in the Owyhee Target, Marsing, Idaho on November 5, and 12, 1970 for protests against the issuance of the license included said property.

It further appearing the residue of the property described in the notice, the SE 1/4, NW 1/4, SE 1/4 NW 1/4 of Section 22, and SE 1/4 NW 1/4 Section 23 T. 3 S., R. 1 W., B.M. containing 240 acres, is within the watershed basin of Sinker Creek and above point of diversion of the R. T. Mahas Company water rights on Sinker Creek. With return flow to the basin of Sinker Creek, except for evaporation, by irrigation on said

RECEIVED

MAR 9 1971 57 2295



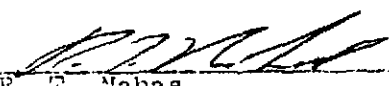
residual lands from pumping from wells diverting from the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, and NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22 T. 3 S., R. 1 W., B.M. it could be that little substantial impairment would result to protestants' water rights from said Betty J. Shelley permit.

Consequently under condition that use of the water is limited to appurtence to said S $\frac{1}{2}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, and S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 23 with license for water duty for said 240 acres, with said W $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 13 being excluded, the protestant R. T. Nahas Company withdraws its protest to Permit No. G-33064/57-2295 accordingly.

DATED: March 19, 1971.

R. T. NAHAS COMPANY

By

  
R. T. Nahas

Protestant

Bruce Bowler  
Attorney for Protestant  
244 Sonna Building  
Boise, Idaho 83702  
Telephone 343-6072

57 2295

APR 29 1971

# WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED  
OCT 23 1959

Log No. \_\_\_\_\_  
Department of Reclamation  
Well No. \_\_\_\_\_  
Permit No. \_\_\_\_\_

(DO NOT FILL IN)

Owner Wallace E. Baker Address 955 Sierra Vista Ave. Redding, Calif.  
Driller Orval Harden Address Route 1, Boise Lic. No. 1  
Location of Well: SE 1/4 SW 1/4 Sec. 15, T. 3 S. R. 1 W. Owyhee County,  
1/2 mile west of ranch house adjacent to main road  
and \_\_\_\_\_ feet N/S, and \_\_\_\_\_ feet E/W from \_\_\_\_\_ Corner of \_\_\_\_\_ 1/4 1/4 Sec.  
Size of Drilled Hole 12" Total depth of Well 275'  
Give depth of standing water from surface 48' Water Temp. \_\_\_\_\_ °Fahrenheit  
On pumping test delivery was 974 g.p.m. or \_\_\_\_\_ c.f.s. Drawdown was 41 feet.  
Size of pump and motor used to make the test 10" Brown - 500 cu in engine  
Length of time pumped during check was 8 hr., \_\_\_\_\_ minutes.  
If flowing well, give flow in c.f.s. \_\_\_\_\_ or g.p.m. \_\_\_\_\_ and shut in pressure \_\_\_\_\_  
If flowing well, describe control works \_\_\_\_\_  
(TYPE AND SIZE OF VALVE, ETC.)  
Water will be used for Irrigation Weight of casing per linear foot 44 lbs.  
Thickness of casing .250" Casing material steel  
E.G., PIPE, CONCRETE, WOOD.  
Diameter, length and location of casing 12 3/4" O. D., 126', plus 1' above ground.  
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;  
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)  
Number and size of perforations none located \_\_\_\_\_ feet to \_\_\_\_\_ feet  
from surface of ground.  
Other perforations none  
Date of commencement of well Aug. 6, 1959 Date of completion of well Oct. 4, 1959  
Type of well rig Star 72 cable tool

## CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS - SEALS, GROUTING, ETC.
12"	plus 1'	126'	127'	

## GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

SE 1/4 SW 1/4 Sec. 15, T. 3 S. R. 1 W.

Interval		Description		Depth		Remarks	
12	21	Topsoil, silt, and sand		13		No	No
21	60	Basalt cobbles, sand, gravel		43			
60	70	Sand and clay		53		Yes	No
70	78	Fine sand and clay		53		Yes	No
78	81	Gray fine sand and clay		53		Yes	No
81	120	Gray & Brown, sheaving fine dirty sand		11		Yes	No
120	131	Gray & Brown clayey sand		9		Yes	No
131	182	Blue shale with lava boulders		105		Yes	Sand
182	187	Columbia Basalt (Lava Rock)		5		Yes	filled
187	217	Sand rock and water		85			Crevices
217	225	Columbia Basalt		14		Yes	of
225	240	Cemented Basalt sand and gravel		20			irregular
240	261	Columbia Basalt		18		YES	signs
261	275	SCORIAE (Cindery, porous "blobs" of viscous lava)		9			at
							131'
							152'
							150'
							192'
							214'
							232'
							239'
If more space is required use Sheet No. 2							

#### WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed

*Orval H. Haden*  
Orval Haden

Dated

Source No.



# REPORT OF WELL DRILLER

State of Idaho

RECEIVED  
MAR 8 1966

State law requires that this report shall be filed with the State Engineer within 30 days after completion or abandonment of the well.

## WELL OWNER

Name M.C. SHELLEY

Address

PAYETTE, IDAHO

Owner's Permit No. 253030

NATURE OF WORK (check): Replacement well ☐

New well ☒ Deepened ☐ Abandoned ☐

## TEST HOLE

Water is to be used for: Irrigation

METHOD OF CONSTRUCTION: Rotary ☒ Cable ☐

Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☐

"Diam. from          ft. to          ft.

"Diam. from          ft. to          ft.

"Diam. from          ft. to          ft.

"Diam. from          ft. to          ft.

Thickness of casing:          Material:         

Steel ☐ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☐ No ☐ Type of perforator used:         

Size of perforations: " by "

perforations from          ft. to          ft.

perforations from          ft. to          ft.

perforations from          ft. to          ft.

perforations from          ft. to          ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

Manufacturer's name         

Type          Model No.         

Diam.          Slot size          Set from          ft. to          ft.

Diam.          Slot size          Set from          ft. to          ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☐ size of gravel          Gravel

placed from          ft. to          ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

         ft. Material used in seal:         

Did any strata contain unusable water? Yes ☐

No. ☐ Type of water:         

Depth of strata          ft. Method of sealing

strata off:         

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section


LOCATION OF WELL: County Owyhee

SE 1/4 SW 1/4 Sec. 15 T. 3 N/S R. 1 W/W

Use other side for additional remarks

USGS

Size of drilled hole: 9-7/8" Total  
depth of well: 90' Standing water  
level below ground:          Temp.           
Fahr.          \* Test delivery:          gpm  
or          cfs Pump? ☐ Ball ☐  
Size of pump and motor used to make test:         

Length of time of test:          Hrs.          Min.  
Drawdown:          ft. Artesian pressure:          ft.  
above land surface Give flow          cfs  
or          gpm. Shutoff pressure:           
Controlled by: Valve ☐ Cap ☐ Plug ☐  
No control ☐ Does well leak around casing?  
Yes ☐ No ☐

DEPTH FROM TO	MATERIAL	WATER YES OR NO
0 6	Clay-light brown	no
6 12	Sand-medium	no
12 18	Gravel	no
18 31	Lava	no
31 51	Lava cinders, red with yellow claystone	no
51 57	Red cinders	no
57 60	Lava-black	no
60 64	Lava-black, creviced	no
64 65	Lava-black	no
65 77	Cinders-red, imbedded in yellow claystone	no
77 87	Lava-black, soft	no
87 89	Lava-black, soft	no
89 90	Lava, black basalt	no

Work started: Oct. 28, 1965

Work finished: Nov. 8, 1965

Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.

Name: R. & M. EQUIPMENT CO., INC.

Address: Caldwell, Idaho

Signed by: Lavi Jorgensen, Driller

License No. 221 Date: Nov. 12, 1965

*Copy of file*

**REPORT OF WELL DRILLER**  
State of Idaho

MAR 6

State law requires that this report shall be filed with the State Engineer within 30 days after completion or abandonment of the well.

Department of Reclamation

**WELL OWNER:**

Name M.C. SHELLEY

Address \_\_\_\_\_

PAYETTE, IDAHO

Owner's Permit No. \_\_\_\_\_

NATURE OF WORK (check): Replacement well ☐

New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Irrigation

METHOD OF CONSTRUCTION: Rotary ☒ Cable ☐

Dug ☐ Other \_\_\_\_\_

(explain)

CASING SCHEDULE: Threaded \_\_\_\_\_ Welded \_\_\_\_\_

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

"Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Thickness of casing \_\_\_\_\_ Material:

Steel ☐ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☐ No ☐ Type of perforator used \_\_\_\_\_

Size of perforations: \_\_\_\_\_ " by \_\_\_\_\_ "

perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

Manufacturer's name \_\_\_\_\_

Type \_\_\_\_\_ Model No. \_\_\_\_\_

Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☐ size of gravel \_\_\_\_\_ Gravel

placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Surface seal

provided? Yes ☐ No ☐ To what depth \_\_\_\_\_

ft. Material used in seal \_\_\_\_\_

Did any strata contain unusable water? Yes ☐

No. ☐ Type of water \_\_\_\_\_

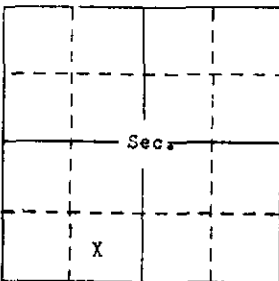
Depth of strata \_\_\_\_\_ ft. Method of sealing

strata off \_\_\_\_\_

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section



LOCATION OF WELL: County Owyhee

SE ☐ SW ☐ Sec. 15 T. 3 N/S R. 1 E/W

Use other side for additional remarks

Size of drilled hole 9-7/8" Total

depth of well 285 Standing water

level below ground \_\_\_\_\_ Temp. \_\_\_\_\_

Fahr. \_\_\_\_\_ Test delivery: \_\_\_\_\_ gpm

or \_\_\_\_\_ cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test: \_\_\_\_\_

Length of time of test: \_\_\_\_\_ Hrs. \_\_\_\_\_ Min.

Drawdown \_\_\_\_\_ ft. Artesian pressure \_\_\_\_\_ ft.

above land surface \_\_\_\_\_ Give flow \_\_\_\_\_ cfs

or \_\_\_\_\_ gpm. Shutoff pressure: \_\_\_\_\_

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET TEST HOLE #1

0 24 Sand-coarse, firm no

28 35 Clay-light, brown no

35 45 Sand-white, medium no

45 75 Sand-white, fine no

75 85 Lava-soft, grey no

85 122 Sand-white no

122 125 Clay-grey no

125 132 Sand-coarse-white no

132 145 Clay-blue no

145 150 Sand-coarse no

150 157 Clay-blue no

157 163 Clay-sand-brown no

163 167 Clay-grey no

167 170 Gravel (small amount of water) yes

170 212 Clay-lark grey with narrow stripes

212 215 of sand, grey and black no

215 218 Clay-silky no

218 220 Sand-coarse, colored no

220 222 Clay-light brown with sandstone

222 225 silty no

225 226 Clay-light brown no

226 227 Silty-sand, brown and white no

227 228 Clay-silky no

228 232 Lava-dark no

232 241 Lava-silty with pebbles no

241 242 Sand-black, grey, fine no

242 251 Lava-black no

Work started: Oct. 18, 1965

Work finished: Oct. 25, 1965

Well Driller's Statement This well was drilled under my supervision and this report is true to the best of my knowledge.

Name: E. W. EQUIPMENT CO., INC.

Address: Caldwell, Idaho

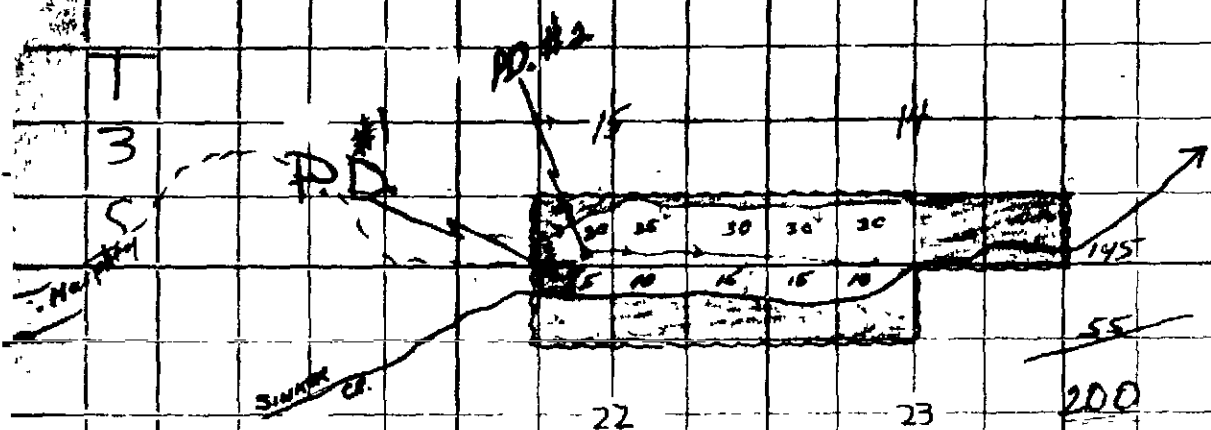
Signed by Levi Morgensen, Driller

License No. 200 Date Nov. 12, 1965

1972 9 1993



R I W



Subdivisions 10  
ALLOW area 200 acres

Q 4 Q CFS OR 200 acres

total maximum

5.87 CFS



## DEPARTMENT OF RECLAMATION

BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. G-50327

Proof is for Completion of Works &amp; Beneficial Use

In Water District No. \_\_\_\_\_

Name of applicant: W. E. Baker

Water supply: Subterranean

Is in the \_\_\_\_\_

of Section 15

County of \_\_\_\_\_

Twp. 22

Range 75 N. 1 E. 1/4 Section 15

Acres under cultivation in each forty-acre tract. (Describe manner and place of use if other

than irrigated.)

Total of 360 acres

Remarks: Mr. Shelly participated in the examination

Measurement was made with Agallite weir

60 over 2' weir OK 156.5 inches

55 over 2' weir OK 137 inches

293.5

whether or not water has been turned into works of diversion: Yes

List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigated.)

Range 75 N. 1 E. 1/4 Section 15, Range 75 N. 1 E. 1/4 Section 22.

Range 75 N. 1 E. 1/4 Section 23, all in Twp. 22 N. Range 75 N. 1 E. 1/4 Section 24.

Total of 360 acres

Mr. C. Shelly has purchased this farm from W. E. Baker

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Shelly participated in the examination

Measurement was made with Agallite weir

60 over 2' weir OK 156.5 inches

55 over 2' weir OK 137 inches

293.5

BOISE

This examination was made on the

26th day of July

1964

C. Shelly

# State of Idaho License and Certificate of Water Right

Water License No. C-28327

Amount 4.0 c.f.s.

Water Right No.

Priority December 11, 1959

THIS IS TO CERTIFY THAT

that said application for a permit to appropriate the public waters of the State of Idaho, dated December 11, 1959, that Permit No. C-28327 was issued under said application that Certificate of Completion of works with a carrying capacity of 4.0 c.f.s. was issued thereunder on August 18, 1961, showing that said works were completed on the 18th day of August, 1961, and that on the 23rd day of August, 1961.

of the State of Idaho made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of two wells a tributary of a subterranean flow for the purpose of irrigation under Use Permit No. C-28327 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 15 of Licenses at page 1847 on the 18 day of August, 1961.

The right hereby confirmed dates from December 11, 1959. The Point of Diversion is located SE 1/4 Sec 15 in the NE 1/4 NW 1/4 Sec 22 T17N R10W E. M. Owyhee County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.0 cubic feet per second.

Description and location of use:

Range	Sec	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12N	15	SE 1/4 SW 1/4	40	30
		SW 1/4 SW 1/4	40	30
		SE 1/4 SE 1/4	40	30
		SW 1/4 SE 1/4	40	35
		SE 1/4 SW 1/4	40	20
		NE 1/4 NE 1/4	20	15
		NW 1/4 NE 1/4	20	10
		NE 1/4 NW 1/4	20	15
		NW 1/4 NW 1/4	20	10
				15
		Total number of acres to be irrigated:		200

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 18th day of August, 1961.

RALPH W. THOMAS  
Deputy State Reclamation Engineer

(SEAL)

57-2231



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 12, 1992

Jay Hulet  
HC 79 Box 2020  
Murphy, ID 83650

RE: Tape of Hearing

Dear Mr. Hulet:

Recently Cindy Hodges mentioned to me that you desired a copy of the tape of the Joyce Livestock Co. hearing held on March 6, 1992. Enclosed is a copy of the tape per your request.

The original tape was recorded on a Sony Conference four channel tape recorder, which records at the slow rate of 1.2 cm/sec. To listen to the playback you will need a similar recorder. It is possible that the courthouse at Murphy will have such a recorder. If not, you are welcome to listen to the tape on the recorder located at the front desk of our state office on Orchard.

Please remit \$5.00 for the tape.

Sincerely,

A handwritten signature in cursive script, reading "David R. Tuthill, Jr.".

David R. Tuthill, Jr., P.E.  
Manager, Western Regional Office

Enclosure

1993

Department of Water Resources  
Western Regional Office

RECEIVED  
APR 2 1992

Department of Water Resources

JAMES W. KISER  
Attorney at Law  
5405 Overland Rd.  
Boise, ID 83705  
208-376-3100  
Attorney for Applicant

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

In Re: )  
 )  
Permit 57-7522 ) APPLICANT'S REPLY  
 ) MEMORANDUM AND CLOSING  
 ) ARGUMENT  
JOYCE LIVESTOCK CO. )  
 )

Protestant Jay Hulet's Memorandum filed March 23, 1992, distorts the evidence produced at the hearing.

First, the evidence showed that Paul Nettleton (Joyce Livestock) with the luck and experience of Sheryl Johnson, the expert well driller, managed to drill a well from a water source that is not part of Sinker Creek. Sheryl Johnson testified that in his opinion this water would eventually get to the Snake River but not to Sinker Creek or the Nahas Ranch.

Second, the Affidavit in 1992 of John Tyson, Jr., showed no effect on Tyson's well in either year of drilling.

Third, the springs below the Tyson Ranch which go to Nahas are a different smell and a different temperature than the well water from Paul Nettleton's well, therefore they are not connected.

APPLICANT'S REPLY MEMORANDUM AND CLOSING ARGUMENT - 1

APR 9 1992



(Protestant makes issue with the smell being "acquired" but neglects to mention the temperature difference.)

Fourth, the Tyson well lies between Paul Nettleton's well and the springs. With Paul Nettleton's well having no adverse affect on the Tyson well there is no affect on the springs. (The well and springs are from different water sources.)

Fifth, Protestant alleges that Keith Anderson's affidavit states "that pumping from the underground water on Murphy Flat would reduce the water supply in Sinker Creek". This is incorrect. The 1971 affidavit refers to Tyson's wells on Sinker Creek not Paul Nettleton's well on the flat.

Sixth, the evidence from Paul Nettleton was that no impact on Nahas had occurred due to Paul Nettleton's pumping. Nahas filed no protest to Nettleton's application.

Seventh, the evidence of actual pumping results showed that there is sufficient water to serve Paul Nettleton's application purposes.

#### CONCLUSION

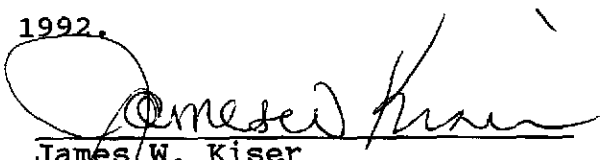
1. The proposed use will not reduce quantity under existing water rights and the "found" water is sufficient for Paul Nettleton's intended purposes.

2. Paul Nettleton's application was obviously made in good faith and he has the resources to drill the well and pump the water.

NOV 29 1993

3. Paul Nettleton's well does not conflict with the local public interest and is not contrary to conservation of water resources.

DATED This 2nd day of April, 1992.

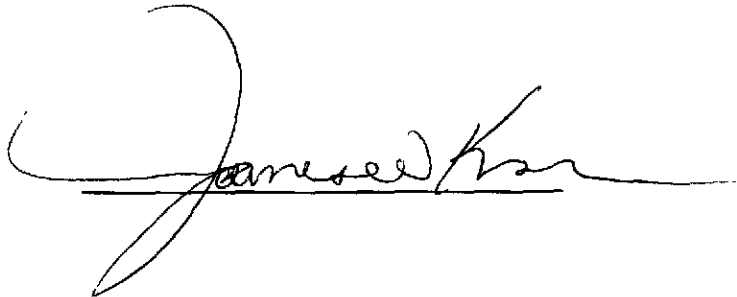


James W. Kiser  
Attorney for Applicant  
Joyce Livestock (Paul  
Nettleton)

CERTIFICATE OF MAILING

I hereby certify that on April 2, 1992, I served a copy of the above Applicant's Reply Memorandum and Closing Argument upon Steven A. Adamson, counsel for Protestant, by depositing a copy hereof in the U.S. Mail, postage prepaid, addressed as follows:

Steven A. Adamson  
Attorney at Law  
1020 Main St., Suite 312  
Boise, ID 83702



RECEIVED

MAR 24 1992

Department of Water Resources  
Western Regional Office

RECEIVED

MAR 23 1992

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In Re:

Permit 57-7522  
Joyce Livestock Co.

PROTESTANT'S MEMORANDUM

COMES NOW the Protestant, Jay Hulet and hereby submits its memorandum and closing argument in the above-referenced matter. Paul Nettleton on behalf of Joyce Livestock Co. applied for a permit to pump the underground water to be used on his farm at Murphy Flat. Jay Hulet and others protested the application on the basis that pumping the underground water at Murphy Flat would reduce the stream flow and quantities of water flowing into Sinker Creek above the Nahas diversion. This would result in the Nahas lake not being filled during the winter months following the irrigation season and would thus require the Nahas lake to be filled from water out of the Hulet Sinker Creek dam. In support of the protest, Hulet furnished the statement and affidavit of Cecil Thomas and also furnished the affidavit of Keith Anderson, both engineers and hydrologists who had determined that pumping the underground water on Murphy Flat would reduce the water supply in Sinker Creek. In addition to these two affidavits, Hulet relies on events that occurred during 1991 and the early months of 1992. Nettleton drilled his well in 1990 and began pumping pursuant to application to transfer of water right. Although Mr. Nettleton pumped a portion of the 1990 irrigation season, the majority of the pumping occurred throughout the entire 1991 irrigation season. The following winter months an event occurred which had not previously occurred in any of the drought years affecting Owyhee County, Idaho. That event was that the Nahas lake did not fill and the Department of Water Resources required water to be released from the Hulet Sinker Creek dam to fill the Nahas lake, thus depriving the Hulet family of valuable irrigation water for their Murphy Flat farm project.


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NOV 29 1993

The only evidence that Nettleton submitted in favor of his well application was the testimony of Sheryl Johnston, a well driller in Oreana who drilled the well. The well was drilled 328 feet, the top 190 feet of which was cased and the balance was drilled through the rock into broken rhyolite. The casing was butt jointed into the rock. Mr. Johnston testified that the water was moving, but he did not know which direction. It is likely that the water was moving in the direction of Sinker Creek. Furthermore, Mr. Johnston had not conducted any studies to determine the affect of the well on the springs or water flow of Sinker Creek. It may well be that the black rock with salt layer is fragmented and the water may well flow, rising and sinking as Sinker Creek does to the extent that the underground water would feed Sinker Creek at various places. Mr. Johnston described the water as a gusher so that it obviously was under some form of pressure, meaning that at the edge of the rock salt area, water could well rise through layers of sand and dirt finding its way into Sinker Creek.

Mr. Nettleton testified that he thought the was different than water that fed the springs of Sinker Creek because of its smell and/or taste. However Mr. Nettleton admitted on cross examination that the water picks up the characteristics of the ground it flows through. In deed, the underground water may flow through alkali type soil which would change the quality of the water as it reaches or nears Sinker Creek. It is important to point out that, the Hulet protest is based not just on the well affecting the springs of Sinker Creek, which may be supplied from run-off irrigation water that in the area the Nettleton well would be trapped above the basalt, but also Sinker Creek itself which may be fed from underground water originating in the mountains and flowing underneath certain rock basalt layers such as the one Mr. Johnston testified to. Certainly based upon the written affidavits and testimony of two hydrologists and engineers indicating that the well negatively reflects the flow of Sinker Creek above the Nahas diversion and the fact that the pumping did during 1991 reduce the quantity of water flowing in Sinker Creek from which the Nahas lake could be filled should lead the Department of Water Resources to deny the application of the Joyce Livestock Co.

Dated this 20th day of March, 1992.

  
Steven A. Adamson



Joyce Livestock Co.

3/6/1992

Hearing for Water Rt. No. 57-7522

Hearing Officer: Glen Saxton

Notes by: D. Tuthill

Applicant: Joyce Livestock Co. by Paul Nettleton  
Represented by: Jim Kiser

Protestant: Jay Hulet,  
Represented by: Steve Adamson

Issues: As specified in protest letter.

Applicant:

Sheral Johnston

Well driller since 1958 - has drilled between 75 & 100 wells

Is well driller who drilled Paul Nettleton's well

Has drilled 6 wells in the Sinker Creek area

0-183' sand & clay layers - Small amounts of water  
183-184' Basalt  
184-190' cinders  
comes from irrigation on the flat

All of this water was cased out

183' to 310' - solid basalt

310' to 320' - broken Rhyolite - lots of water - seemed to be moving

Hypothesizes that water came from mountains

? Water table (252 or 254')

Pump Company did a 2500 gpm pump test and draw down was only 8 ft.

16 inch well, by cable

183' deep, 190' casing, 1 ft on top, how many feet

After installing casing, the water ceased flowing into the well

effect of well on the springs in Sinker Creek? Unknown

NOV 29 1993

2/

## Johnston (cont)

297-317, 12" perforated pipe liner (open hole above this).

## Paul Nettleton

- Any complaints from Nahas? no
- Has pumped for 2 seasons
- 1990 - 4 months
- 1991 - full season
- 3 years of crops to pay for this system
- Murphy Mutual Canal is 6-8 miles above this canal
- Paid cash for the well

X exam

- Dist from new well to Tysons Well is  $\approx \frac{1}{2}$  mile
- Lift in well is 250 feet
- discharge into pond (5-6' deep)
- 275 acres irrigated (Sinker Creek water, if available)  
(120 acres in potatoes, 1991)
- 300 hp motor on the well

- depth to water through the year?

252' static

244' dynamic - (during test drilling) @ 2500 gpm

310' water found by driller

## Say Nilet

- Nettleton well impacted recharge of Nahas ~~water~~ springs/reservoir
- Cost per acre is \$200 for pumping costs in the 900' lift area
- Cost for 254' well lift + 200' elevation lift is uneconomical

? for Nettleton - do you intend to remove surface water rts? (Supplemental)

- Nahas Reservoir filled each year except 1989, and 1991-1992.
- The reason for non-filling this year is Tyson pumping

NOV 29 1993

? for Nettleton: Info on quality of water?

Hulet (cont)

Reservoir Level	1890	30 ft
(max fill)	1891	24 ft

1 month & 1 week of storage turned down the creek.  
to fill

### Rebuttal

Paul Nettleton

Spring below Tysons has a sulphur smell and the water is cold  
(Spring comes from an alkali bank) 40-45°F

Temp of the Nettleton well is 60-65°F. Poor taste, but  
different from spring water.

John Tyson Jr. no longer objects to Nettleton well.

- Record open for 15 days for closing argument  
(Thru March 20, 1992) (Mail date) (Rec'd no later than  
Mon March 23, 1992). 10 add'l days response.  
2 weeks later response

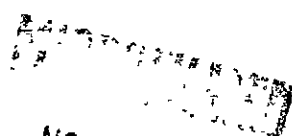
\* IDWR

\* IDWR to send copy to John Richard (Nahas mgr) of  
decision

NOV 29 1993

## List of Exhibits

<u>Applicant</u>		<u>Admitted?</u>
1	Applicant Affidavit / John Tyson, Jr.	yes
<u>Protestant</u>		
1	Affidavit of John Tyson, Sr.	yes
2	Affidavits / Letters	yes
	a. Letter by Cecil A. Thomas	
	b. IDWR letter dated 2/13/1992	
	c. Affidavit of Keith Anderson	
	d. Copy of letter from R.T. Nahas	
	e. Protest / Demand for Hearing	



NOV 29 1993



Applicant's Exhibit No. 1  
Admitted by G. Sutton  
3/6/1992

BEFORE DEPARTMENT OF  
WATER RESOURCES

In re: )  
 )  
Permit 57-7522 ) AFFIDAVIT OF JOHN  
 ) TYSON, JR.  
 )  
JOYCE LIVESTOCK CO. )  
\_\_\_\_\_)  
STATE OF IDAHO, )  
 ) ( ss.  
COUNTY OF OWYHEE, )

COMES NOW John Tyson, Jr., after being duly sworn on oath states as follows:

1. That I am a resident of Owyhee County and manage the Tyson ranch on Sinker Creek which is below the Joyce Livestock ranch.

2. That the Tyson ranch has an irrigation well and I am familiar with that well and the pumping from that well for many years including 1990 and 1991.

3. That the pumping of irrigation water by Joyce Livestock from its well (Permit No. 57-7522) during the 1990 and 1991 seasons did not have any affect on the Tyson ranch irrigation well.

4. I would encourage the Department of Water Resources to grant Joyce Livestock's application for a permit for their new well.

DATED This 27 day of FEBRUARY, 1992.

John H. Tyson, Jr.  
John Tyson, Jr.

AFFIDAVIT OF JOHN TYSON, JR. - 1

NOV 29 1993

SUBSCRIBED AND SWORN To before me this 29th day of February,  
1992.

Stanley D. Smith  
Notary Public for Idaho  
Residing at Boise  
Commission Expires: 7-10-93

AFFIDAVIT OF JOHN TYSON, JR. - 2

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TO WHOM IT MAY CONCERN:

It Has been brought to my attention of the refusal for a well permit on Sinker.

It seems unusual that Mr. Hulet's permit would be turned down when it is in an area that would not greatly affect the people concerned down the creek. On the other hand Mr. Nettleton evidently applied for a well permit directly above our ranch and was accepted. Now we don't recieve the local county paper, so the first we knew of this was whenthe drilling rig pulled in. This was all fine I knew that if they were to affect our wellsthat there were, or are things that can be compromised if it were to affect our wells. Mr. Nettleton became aware of this a little later.

The thing that strikes me funny is their type of water they did recieve is the same water that flows in one well(domestic) and the spring at the lower end of our ranch. Both sources smell and taste bad. I Heard from one of Paul's men what their well was like. Now if anybody were to complain I think it would be Mr. Nahas. For I believe he has filed on the spring below. As far as Paul's well being in the same water source as ours, he has missed it, but obviously hit the same source as the spring below. In my opinion this spring is a big benefit to Mr. Nahas's water source.

For what reason the Nahas Ranch to complain about Mr. Hulet's application is by me. For we were the ones that seemed directly in line for any problems. I don't believe that to be the purpose. As far as Mr.Hulet's application,I would not of loss sleep over it. Mr. Hulet's intentions I think were for an added source of water, using the reservoir as part of the main or supplemental source. As far as affecting any well or water supply below, his intentions I believe were not really considered.

Due to the past low water years, I don't blame any person for trying for more water, no matter how much he should recieve as long as his intentions are for that purpose, and not to try and jeopardize those involved.

As far as my purpose in this, I am a water user on Sinker Creek and try to be involved as much as this is considered. The things that go on in this water district, are far as I know, A little above normal, from prior resentments.

This is my personal opinion as far as I can say for now this is what I see. As far as taking sides on this matter I would just as soon stay neutral. I believe that I am involved in this matter and will do anything to help as long as it is in the right direction toward improving the problems on Sinker Creek, and pulling all toward the same goal of utilizing the source of water that we all need and could have, all that we will have.

Another thing that I forgot to mention is the springs above our ranch I believe are fed by water from Murphy Flat. I've heard from people that lived in this area a long time ago that these springs did not exist prior to the Murphy Flat project. I think these springs could be a part of the water that Paul is recieving in his well or a possibility. Again this is my view.

Thank you

Sincerely

*John H. Zygmunt Jr.*

NOV 29 1993



BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION  
FOR PERMIT NO. 57-7522 IN THE  
NAME OF JOYCE LIVESTOCK CO.

Jay Hulet for himself and 5 other users of the waters of the Sinker Creek drainage make the following protests to said DEPARTMENT concerning the issuance of a well permit to Joyce Livestock ( Nettleton) that will reduce the quantity of water under existing permits.

1. Since Nahas repaired his delivery system prior to 1980 Nahas Lake has filled during the winter months from spring flows and regeneration below Hulet Dam with no additions from Hulet Reservoir on Sinker Creek. In 1991-92 according to a letter from the Department (copy attached) Nahas Lake has not filled. In 1991 Nettleton pumped water from Sinker Creek aquifer from this new well under transfer permit #3760. It appears that Nettleton's new well pumped water from this aquifer in an amount equal to the amount that the Nahas Lake failed to fill, about 195 acre-feet. The regenerated water that normally flows down the Creek to Nahas Lake wasn't there.

This conclusion confirms an opinion of Keith E. Anderson, an engineer employed by Nahas Ranch. In an affidavit dated January 11, 1971 on file at the IDWR and a copy of which is attached hereto Mr. Anderson protests the drilling of 2 wells, permits G-33064/57-2295 and or G-33030/57-2237. These two wells are in the lower Sinker Creek aquifer above the diversion to Nahas Reservoir. Mr Anderson states that in his opinion these two wells could lower flows in the springs that are between the wells, and thus decrease flows at the point of diversion to Montini Lake (now Nahas Lake).

Mr. Nahas in a letter to Mr. Higginson (IDWR) dated November 19, 1970 (copy attached) states that Mr. Nahas has exclusive use of the water from a spring below the Shelley Ranch (now Tyson). He states that he believes the diversion of water from the two Shelley wells (now Tyson) will seriously affect the water availability in the Sinker Creek Basin and the flow from the existing spring.

I, Jay Hulet, concur that this new Nettleton well has seriously affected surface flow in the basin above the Nahas diversion and ask that this permit not be issued until the effect of the pumping on the flow at Nahas diversion be quantified by further studies.

It was noted in the field that water released from Hulet Reservoir on February 21 had not yet reached the Highway 78 crossing on March 3 because diversion dams upstream had diverted flows on the fields and could not flow down the creek towards Nahas Diversion. On March 6, the released flow from Hulet Reservoir is still about 7 miles from Nahas diversion. Beaver dams are impeding progress of the flow considerably.

Cecil Thomas an engineer and hydrologist who has and is doing studies pertaining to water supplies of Sinker Creek concurs with the above statements under 1.

Signed Cecil A. Thomas

Date March 6, 1992

Cecil A. Thomas

Box 868

Homedale, Idaho 83628

Ph. 337-3206

NOV 29 1993

2. This application is speculative in that Owyhee County has many high lift projects that have gone under because of the high cost of lifting water above 400 feet. Jay Hulet, as a protester to this permit verifies that he has a farm that has been put to other uses because of this problem. In 1991 this applicant was fortunate in that his project was put to potatoes that were contracted at a high price coupled with a good yield making it a lucrative project but not for the long run. It is questionable whether the project qualifies for a water permit.
3. This violates the local public interest because it directly affects 5 other water users on the Sinker Creek drainage including the Nahas Reservoir. It also probably affects the two Tyson wells.

Signed Jay Hulet Date March 92  
Jay Hulet

NOTE: Nahas has not protested the Nettleton well even though it affects his rights as shown by a letter from IDWR stating that Nahas Lake is not full and thus IDWR is drawing on the water stored in the Hulet Sinker Creek Reservoir to fill Nahas Reservoir. However, Nahas protests the application Hulet made for a well on the upper reaches of Sinker Creek below Hulet Reservoir which is 9 miles upstream from Nahas Lake. ( Kiser protest and note items 1, 3, 5, 6, & 7 are attached ).

NOV 29 1993



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

February 13, 1992

Distribution: Sinker Creek Water Users (See List Attached)

RE: Controlled Fill of Nahas Reservoir

Dear Water User:

It has come to our attention that the Nahas Reservoir will possibly not fill to capacity for the 1992 irrigation season without additional flows in Sinker Creek. According to 1981 decree, the Nahas Reservoir has the senior storage rights on Sinker Creek.

It has been Department practice to allow both Nahas Reservoir and Hulet Reservoir to fill simultaneously through most of the storage season. If additional flows are needed to fill Nahas Reservoir, water can be released from Hulet Reservoir prior to the irrigation season. Based on a field examination conducted by this office on February 10, 1992, Nahas Reservoir was 3.67 feet below full, which represents a storage shortage of 195 AF.

Accordingly, on February 21, IDWR will begin a controlled and measured fill of Nahas Reservoir, using water which is currently being held in Hulet Reservoir. It is the Department's intention to fill Nahas Reservoir no later than March 31, the day before the April 1 irrigation season start date.

It is mandatory that all flows released from Hulet Reservoir be routed into Nahas Reservoir during the controlled fill period. Aside from minimal stockwater diversions and instream stock use, no other diversions from Sinker Creek will be allowed during this time. Please be advised that no irrigation may occur from Sinker Creek, Nahas Reservoir, or Hulet Reservoir before April 1, using either direct or stored flows.

Please ensure that, before February 21, all Sinker Creek headgates are closed and any obstructions removed so that water may flow unimpeded down the creek channel.

Thank you for your cooperation in this matter. If you have any questions, please feel free to call Cindy Hodges at 334-2190.

Sincerely,

David R. Tuthill, Jr., P. E.  
Manager, Western Region Office

DRT:ch

NOV 29 1993

IN THE MATTER OF:

Protest of R. T. Nahas  
against the licensing  
of Water Right Permits  
G-33064/57-2295 and  
G-33030/57-2237

State of Idaho  
County of Owyhee

AFFIDAVIT

Keith E. Anderson, being first duly sworn, deposes and says:

That he is a registered professional engineer with the consulting firm of Anderson & Kelly, Boise, Idaho and that he and his firm were employed by R. T. Nahas in February 1969 as consultants on geological and engineering aspects of water supply, water rights and the present and potential development and utilization of water for irrigation and other uses on the property in Owyhee County, along Sinker Creek, commonly known and referred to as the Montini Ranch (or Mitchell Ranch).

That since February 1969 he and his firm have made such studies and evaluations of the water supplies and the potential for development and utilization of water on the Montini Ranch.

That from his studies and evaluations he knows that the water supply from Sinker Creek, that is available to the Montini Ranch under existing water rights, is limited in quantity and is insufficient at times in most years to fill the existing rights; and further that a spring in the canyon of Sinker Creek, about one and one-half miles above the Montini Ranch and near the lower end of the Shelley Ranch (also known as the Bennett or Baker Ranch), is a significant source of water to the Montini Ranch.

That his previous geological and hydrological investigations in this area indicate a likelihood that the pumping of irrigation wells drilled under Permits G-33064/57-2295 and/or G-33030/57-2237 will result in a decrease in the flow of said spring and consequently a reduction in the water available to the Montini Ranch under existing water rights.

That, in his opinion, the data and conclusions presented in the Idaho Department of Reclamation Water Information Bulletin No. 14 "Ground-Water Resource of Northern Owyhee County, Idaho" (November 1969) lends support such likelihood of reduction in spring flow as a result of pumping these wells.

That further field investigations and possible tests would be required to substantiate the interference between the wells and spring, the magnitude of such interference, and the damage to the Montini Ranch resulting from such interference.

Keith E. Anderson  
Keith E. Anderson

Subscribed and sworn to before me this 11<sup>th</sup> day of Jan., 1971

Joseph Arnold Banta  
Notary Public

Residing at Boise, Idaho

My Commission expires 1-24, 74

NOV 29 1993

*Notes of*  
**R.T. NAHAS COMPANY** *Since 1947*

REAL ESTATE DEVELOPERS AND INVESTORS

*Page 211*  
20630 PATIO DRIVE  
CASTRO VALLEY, CALIFORNIA 94546  
TELEPHONE (415) 538-9600

November 19, 1970

Mr. R. Keith Higginson, Director  
Idaho Dept. of Water Administration  
Statehouse  
Boise, Idaho

Re: NOTICE AND PUBLICATION IN THE OWYHEE NUGGET OF  
NOVEMBER 12th BY BETTY J. SHELLEY, ROUTE NO. 1,  
PAYETTE, IDAHO FOR A DIVERSION OF 6.4 CUFT. PER  
SECOND, AND THE NOTICE BY M. C. SHELLEY, ROUTE  
NO. 1, PAYETTE, IDAHO FOR THE DIVERSION OF 8.0  
CUFT. PER SECOND OF WATER FROM THE GROUND WATER  
SOURCE IN THE SINKER CREEK DRAINAGE BASIN.  
DESCRIPTION: NE1/4-NW1/4, SEC. 22; SE1/4-SW1/4,  
SEC. 15, T.3S., R.1W., B.M., OWYHEE COUNTY to be  
used for irrigation in the SW1/4 SE1/4, SEC 13;  
NW1/4NW1/4, SEC 15; NE1/4, SEC16; NE1/4, SEC23;  
N1/2NW1/4, SEC 24, T. 3S., R. 1 W., B.M.

Dear Mr. Higginson:

We are the owners of the old Montini-Mitchell ranch which also  
lies in the Sinker Creek Basin between the Shelley properties  
and the Snake River. We depend upon the water from Sinker  
Creek for the irrigation of our farm lands and the replenishment  
of water to a small reservoir or lake on the property. We have  
the following water rights on Sinker Creek water:

<u>Priority Date</u>	<u>CFS</u>	<u>Miner's inches</u>	<u>Remarks</u>
April 1, 1865	1.6 (an unknown part of)	80	Part of Murphy Land & Irrigation Co. decreed right, decree of July 25, 1917
August 20, 1885	2.63	131.6	Decree of July 12, 1917
January 1, 1910	1.80	90	Decree of July 12, 1917
August 30, 1956	6.4	320	Permit 26520
August 2, 1957	6.4	320	Permit 27014

COPY

COPY

NOV 29 1970



Mr. R. Keith Higginson  
Page 2

These rights include the exclusive use of water from an underground spring lying below the Shelley ranch.

During some summer months this spring water is virtually the only water available to provide any flow at all in Sinker Creek for our use, as well as the preservation of wildlife in that area. We believe that the diversion of water being applied for by Betty Shelley and M. C. Shelley will seriously affect the water availability in the Sinker Creek Basin, and the flow of water from the existing spring.

We presently have an agreement with the Nettleton's who own the ranch above the Shelley property that any water used by them for irrigation out of the Sinker Creek Basin is prohibited unless they guarantee an adequate supply of water for our use to be measured by a weir located below the Shelley ranch property. Any water used to sprinkle or irrigate land up on the plateau above the Basin (water drawn from the Creek or the underground water supply) will endanger our rights with respect to Sinker Creek water and spring water.

For the foregoing reasons, we wish to formally protest the permits above referred to. Mr. Bruce Bowler is our attorney in Boise and he has been notified of this protest and will follow up on our behalf.

Yours very truly,

R. T. Nahas

RTN:hm

cc - Mr. M. C. Shelley  
Mr. Bill Ross  
Mr. Bruce Bowler  
Mr. Lester Mitchell  
Mr. H. Nettleton

NOV 29 1993

CC

RECEIVED  
FEB 04 1991

Department of Water Resources

JAMES W. KISER  
Attorney at Law  
5405 Overland Road  
Boise, Idaho 83705  
(208) 376-3100

BEFORE THE DIRECTOR OF THE  
DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

FEB 03 1991

Department of Water Resources  
Western Regional Office

In the Matter of the Application )  
for Permit No. 57-7470 in the ) PROTEST  
Name of J. H. Hulet ) DEMAND FOR HEARING  
)

COMES NOW R.T. Nahas, Eva Nahas, R.T. Nahas Company, a California Corporation, Paul Nettleton and Joyce Livestock Company, an Idaho Limited Partnership (hereinafter "Protestant") by and through James W. Kiser, Attorney at Law, and hereby protest that Application for Permit No. 57-7470 of J. H. Hulet to appropriate and divert for irrigation certain grounds waters of Sinker Creek Basin and its tributaries.

The objections to the approval of the above Application include, but are not limited to the following:

- (1) Granting of the Application will reduce the quantity of water under existing water rights.
- (2) That the Application for water rights is only made for speculative purposes.
- (3) That if the Application is granted, it will interfere with Protestant's constitutionally decreed rights to winter runoff for stock water and other

PROTEST - 1

NOV 29 1993

purposes, and will interfere with Protestant's other decreed and licensed rights.

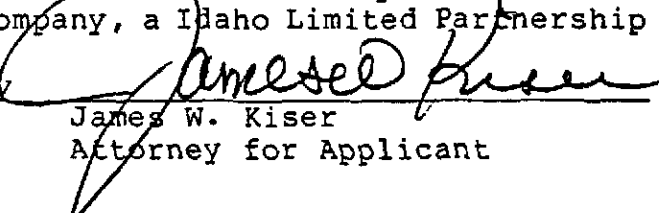
- (4) That granting of the Application may necessitate the construction of additional measuring devices and further employment of a Watermaster to the cost and detriment of the Protestant.
- (5) That the proposed Application for water is not economically feasible due to (a) distance to storage facilities; (b) distance to land where water is proposed to be applied; (c) lack of adequate water transportation system; (d) lack of sources of energy for transmission of water and/or sprinkling capabilities.
- (6) That the existing water supply is insufficient for the purposes for which the Application is made.
- (7) That the proposed use will conflict with the local public interest.

Protestant hereby requests a hearing pursuant to Idaho Code Section 42-403 and 42-1701A (1) and (2).

DATED This 4<sup>th</sup> day of February, 1991.

R.T. Nahas, Eva Nahas, R.T. Nahas Company, A California Corporation, Paul Nettleton and Joyce Livestock Company, a Idaho Limited Partnership

by

  
James W. Kiser  
Attorney for Applicant

19 1993

Hearing conducted by: Glen Saxton

### ROSTER OF ATTENDANCE

[illegible]

IN THE MATTER OF APPLICATION  
FOR PERMIT NO. 57-7522 IN THE  
NAME OF JOYCE LIVESTOCK CO.

NOV 9 1993



I hereby certify that on the 2<sup>nd</sup> day of March, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor  
Sue Taylor  
Secretary

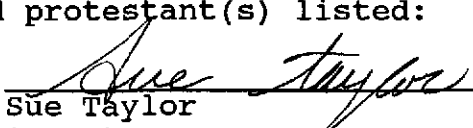
Certified Mail

JOYCE LIVESTOCK CO  
SINKER CREEK  
MURPHY ID 83650

JAY HULET  
HC 70 BOX 2020  
MURPHY ID 83650

APR 29 1993

I hereby certify that on the 3<sup>rd</sup> day of March, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Secretary

Certified Mail

JAMES W KISER ESQ  
5405 OVERLAND RD  
BOISE ID 83705

STEVEN A ADAMSON ESQ  
1020 MAIN ST  
BOISE ID 83702

## CONFERENCE AND HEARING PROCEDURE

### IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

### BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

### PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

### CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

#### HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

#### EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

NOV 29 1993

Conference

Notes by D. Turhill 6 Feb 92

Applicant - Paul Nettleton

Protestant - Jay Hulet

Concerns of Protestant

1. Relationship between well and flows in the stream.
2. Adequacy of water over a period of time.
3. Speculative - high lift (500 ft)
  - Could use other wells
4. Local public interest
5. Exceeds local diversion amounts? Max rate of diversion of 0.02 cfs/acre.

Lift: 500 ft

Potential hearing dates Feb 28, 2 Mar, 6 Mar

Jay Hulet will respond with best date

11-09-92

NOV 9 1993



Re: Boise

Place: Joyce Livestock Company

Date: February 6, 1992

Hearing conducted by: Dave Tutbill

## ROSTER OF ATTENDANCE

[illegible]

P 860 399 233



# Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

JOYCE LIVESTOCK CO  
SINKER CREEK  
MURPHY ID 83650

Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229

Postmark or Date

PS Form 3800, June 1990

P 860 399 232



# Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

JAY HULET

HC 79 BOX 2020

MURPHY ID 83650

Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 29

Postmark or Date

PS Form 3800, June 1990

57-7522

**SENDER:** Complete items 1 and 2 when additional services are required, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

JAY HULET  
HC 79 BOX 2020  
MURPHY ID 83650

4. Article Number

P 860 399 232

Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature - Addressee

X *Jay Hulet*

6. Signature - Agent

X

7. Date of Delivery

1-30-92

8. Addressee's Address (ONLY if requested and fee paid)

NOV 29 1993

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RECEIVED**

**FEB - 3 1992**



**PENALTY FOR PRIVATE  
USE, \$300**

**Department of Water Resources**

**RETURN  
TO**

Print Sender's name, address and ZIP Code in the space below.

**NOV 29 1993**

**DEPARTMENT OF WATER RESOURCES**

**2735 AIRPORT WAY  
BOISE, IDAHO 83705**





57-1022-

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested

1. ☐ Show to whom delivered, date, and addressee's address.      2. ☐ Restricted Delivery  
(Extra charge) (Extra charge)

3. Article Addressed to

JOYCE LIVESTOCK CO  
SINKER CREEK  
MURPHY ID 83650

4. Article Number

P 860 399 233

Type of Service:

- ☐ Registered      ☐ Insured  
☒ Certified Mail      ☐ COD  
☐ Express Mail      ☐ Return Receipt  
for Merchandise

Always obtain signature of addressee  
or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

\* *Pat Peterson*

7. Date of Delivery

1-29-92

8. Addressee's Address (ONLY if  
requested and fee paid)

UNITED STATES POSTAL SERVICE

**OFFICIAL BUSINESS**

### SENDER INSTRUCTIONS

**Print your name, address and ZIP Code  
in the space below.**

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED  
JAN 31 1992

**JAN 31 1992**



**Department of Water Resources  
Western Regional Office**

**PENALTY FOR PRIVATE  
USE, \$300**

**RETURN  
TO**



**Print Sender's name, address, and ZIP Code in the space below.**

NOV 29 1993

DEPARTMENT OF WATER RESOURCES

~~2735 AIRPORT WAY~~  
BOISE, IDAHO 83705



*IDAHO DEPARTMENT OF WATER RESOURCES*  
*WESTERN REGION*  
**2735 Airport Way**  
**Boise, Idaho 83705-5082**

IN THE MATTER OF APPLICATION )  
 )  
FOR PERMIT NO. 57-7522 IN THE )  
 )  
NAME OF JOYCE LIVESTOCK CO. )

NOTICE OF CONFERENCE

The Department has set the matter of protest for a conference to be held on Thursday, February 6, 1992, at 10:00 a.m., in the Owyhee County Courthouse, Highway 78, P.O. Box 128, Murphy, Idaho 83650. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 24<sup>th</sup> day of January, 1992.

Page 1 NOTICE OF CONFERENCE #57-7522

NGV 29 1993

I hereby certify that on the 24<sup>th</sup> day of January, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor  
Sue Taylor  
Secretary

Certified Mail

JOYCE LIVESTOCK CO  
SINKER CREEK  
MURPHY ID 83650

JAY HULET  
HC 79 BOX 2020  
MURPHY ID 83650

NOV 19 1992



## CONFERENCE AND HEARING PROCEDURE

### IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

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- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

### BURDEN OF PROOF

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### CONFERENCE

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NOV 28 1993

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

#### HEARING

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If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

#### EXHIBITS

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15, 29 1993

MEMORANDUM

RECEIVED  
JAN 22 1992  
Department of Water Resources  
Western Regional Office

TO: DAVE TUTHILL *DT*

FROM: TIM LUKE

DATE: January 21, 1992

RE: PROTEST OF WATER APP. NO. 57-7522

=====

DAVE,

Mr. Hulet visited the office today to submit the attached protest of the above application. He stated that he tried to submit his protest yesterday (Jan. 20), but since it was a state holiday, our offices were closed. The final protest date given on the public notice was January 20, 1992, which is the King holiday.

Hulet told me that Cecil Thomas actually called Gary Spackman at Gary's home to ask how Hulet could submit the protest and comply with the deadline. Gary was not in this afternoon but Hulet said Gary told Thomas to just submit the protest on January 21.

NOV 29 1993

RECEIVED

JAN 21 1992

January 20-1992

Department of Water Resources

To Director of  
Department of Water Resource  
Statehouse Mail  
Boise, Idaho 83720

Jay Hulet, representing Murphy Flat Farm Inc. and 7 Of 8 Stockholders of Murphy Mutual Canal Company, a non-profit organization, and Hulet Management Company assisted by Cecil Thomas, a resident engineer from Homedale, Idaho, protest the issuance of permit #57-07522 in the name of Joyce Livestock by the Department of Water Resource. Objections to the approval of said application are not limited to the following; but are inclusive...

- 1-Granting of the application will reduce the quantity of water under existing water rights; because pumping water from the underground aquifer could cause a cone of depression which may be filled from the water formerly used to fill Nahas reservoir from the Sinker Creek drainage.
- 2-This application is speculative because the high lift cost of the water may prove to be prohibitive.
- 3-Granting the application will upset the normal flow of water through Murphy Mutual Canal Co. and could take water from downstream users, it will upset the normal flow of water that a Water Master bases his charges on as it is out of the scope of the Water Masters control.
- 4-The Applicant should have to prove to the protestants that this project is economically feasible and that it will not alter the streamflows upstream or downstream on Sinker Creek.
- 5-The existing water supply of the Sinker Creek aquifer may be deleted over a period of years.
- 6-There is a possibility of considerable conflict; because a missappropriation of water rights could result from this action.
- 7-The protestant, Hulet, applied for a well prermit on Sinker Creek aquifer on July 22-87, On April 9-91, at a hearing several protestants including Nettleton for Joyce Livestock, and a representative for Nahas claimed no water was available from this aquifer then in June 1991, (2 months later) the Department of Waters Resource granted a permit for a well using a water right transferred from a site 50 miles South of the Sinker Creek drainage. Hulet, further protests approval of this well

NOV. 9 1993

permit because Hulets Sinker Creek dam adds to the water in the aquifer, and sprinkle irrigates 4800 acres that contributes water to this contested well, and Hulet is not able to get any water from the Sinker Creek aquifer.

Jay Hulet

*Jay Hulet*  
HC 79 Box 2020

Murphy, Idaho 83650

Phone 834 2738

NOV 29 1953



Form No. 202a.  
3/89

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: BW DATE: 6-13-90 APPLICATION: 57-07522

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) Gov't. Lots:  
☒ Period of use: \_\_\_\_\_ P/D  
☒ Nature of proposed use: (Include description of use) \_\_\_\_\_ P/U  
☒ Description of diverting works:  
☒ Time required for beneficial use of water:  
☒ Place of use or acres irrigated:  
☒ Map:  
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)  
☒ Fee:  
☒ Yes \_\_\_\_\_ No\* In form to receipt:

ADDITIONAL INFORMATION

- | YES                                 | NO                                  |  |
|-------------------------------------|-------------------------------------|--|
| _____                               | _____                               | Overlapping place of use: (Describe source & relationship to present application on the back.)         |
| _____                               | _____                               | Overlapping point of diversion:  |
| _____                               | <input checked="" type="checkbox"/> | Field check required: Field check by: _____  |
| _____                               | <input checked="" type="checkbox"/> | Field report attached:   |
| _____                               | <input checked="" type="checkbox"/> | Critical groundwater area:   |
| _____                               | <input checked="" type="checkbox"/> | Groundwater management area:   |
| _____                               | <input checked="" type="checkbox"/> | Send dam safety information:   |
| _____                               | <input checked="" type="checkbox"/> | Send power requirement letter:   |
| _____                               | <input checked="" type="checkbox"/> | Send fish farm requirement letter:   |
| _____                               | <input checked="" type="checkbox"/> | Power residency affidavit:   |
| _____                               | <input checked="" type="checkbox"/> | Power efficiency form:   |
| <input checked="" type="checkbox"/> | _____                               | Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)                |
| <input checked="" type="checkbox"/> | _____                               | Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.) |
| _____                               | _____                               | *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT   |

DATE REQUESTED: \_\_\_\_\_

Additional information on reverse side: \_\_\_\_\_

PROCESSING

YES NO

☒ ☐  
☐ ☒  
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒  
☐ ☒  
☐ ☒  
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒  
☐ ☒  
☐ ☒  
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # \_\_\_\_\_

Other \_\_\_\_\_

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐  
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Advertised in January of 1992. \$2.

☒ ☐  
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Publication dates, and paper recorded on application: January 20, 1992

Protests received. Final date for protest July 23, 1990

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # \_\_\_\_\_

Special conditions of approval or cover letter: \_\_\_\_\_

See below for additional information

Recommended Date or Priority \_\_\_\_\_

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_

STATE OFFICE REVIEW

See below for additional information. By \_\_\_\_\_ Date \_\_\_\_\_

ADDITIONAL INFORMATION

SPECIAL NOTE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application No. 57-7522

PROTEST INFORMATION SHEET

Protestant - Name(s)

Jay Hulet  
\_\_\_\_\_  
\_\_\_\_\_

Address HC 79 Box 2020, Murphy, ID83650  
\_\_\_\_\_  
\_\_\_\_\_

Attorney - Name & Address \_\_\_\_\_  
\_\_\_\_\_

Date Filed 4-19-90 Protest Date 1-21-92

Issues \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant - Attorney - Name & Address \_\_\_\_\_  
\_\_\_\_\_

Dates: \_\_\_\_\_

Acknowledgement letters: \_\_\_\_\_

Hearing Notice: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Protest Information submitted in Computer (following hearing): \_\_\_\_\_

9/89

Drilling Permit No.

57-W-90-003

Water Right Permit No.

N/A

57-07522

Injection Permit No.

Verbal  
Approval  
2/28/90 DPK

State of Idaho  
Department of Water Resources

## DRILLING PERMIT

1. Applicant Paul Nettleton Joyce Livestock Co.2. Mailing Address Sinker Cr. Murphy Id 83650Telephone 8342237

☒ Well Owner    ☐ Well Operator    ☐ Other, specify \_\_\_\_\_

3. Proposed well location NW 1/4 SE 1/4, or Gov't lot No. \_\_\_\_\_,Sec. 16, Twp. 35, Rge. 1W, County Owyhee,

Street Address of Well Site \_\_\_\_\_,

Lot, block and subdivision \_\_\_\_\_

4. Proposed use of well:

☐ Single family or stockwater use (less than 13,000 gallons per day)☐ Irrigation (more than 1/2 acre)

☐ Monitoring - A well bore schematic and map is required for each well.  
No. of proposed wells: \_\_\_\_\_

☒ Other (describe fully) Test Well

5. Well construction information:

A. ☒ New well    ☐ Deepen    ☐ Replace - See Condition 9.B. Proposed surface diameter 6" Maximum depth 600'

C. Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)☐ 85°F to 212°F (Low temp. geothermal well)☐ 212°F or more (Geothermal well)6. Construction Start Date March 1, 19907. Anticipated Well Driller Wayne Smith or Sheryl Johnson

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Joyce Livestock Co. by Paul NettletonTitle Owner

(Owner, Firm Representative, Other)

NOV 24 1990

## ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 4/19/1990

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. 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.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. 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.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

David R. Tuttle  
Signature of Authorized Department Representative

Mgr, Western Reg Off  
Title

Receipt No. W012256 Received by AW Fee 10.00 Date 4/19/1990

EXTENSION OF DRILLING PERMIT

Extension approved by \_\_\_\_\_ Approval Date \_\_\_\_\_

This extension is good for 60 days beyond the above extension approval date.

NOV 21 1991

9/89

Drilling Permit No. 57-90-W-004

Water Right Permit

Injection Permit No.

57-4008 (Transfer)State of Idaho  
Department of Water Resources

## D R I L L I N G   P E R M I T

1. Applicant Joyce Livestock Co.
2. Mailing Address Sinker Creek  
Murphy, Idaho 83650 Telephone (208) 834-2237  
☒ Well Owner    ( ) Well Operator    ( ) Other, specify \_\_\_\_\_
3. Proposed well location NW 1/4 SE 1/4, or Gov't lot No. \_\_\_\_\_,  
Sec. 16, Twp. 3S, Rge. 1W, County OWYHEE,  
Street Address of Well Site N/A,  
Lot, block and subdivision \_\_\_\_\_
4. Proposed use of well:  
( ) Single family or stockwater use (less than 13,000 gallons per day)  
☒ Irrigation (more than 1/2 acre)  
( ) Monitoring - A well bore schematic and map is required for each well.  
No. of proposed wells: \_\_\_\_\_  
( ) Other (describe fully) \_\_\_\_\_
5. Well construction information:  
A. ☒ New well    ( ) Deepen    ( ) Replace - See Condition 9.  
B. Proposed surface diameter 16" / 20" on surface Maximum depth 310'  
C. Anticipated bottom hole temperature:  
☒ 85°F or less (Cold water well)  
( ) 85°F to 212°F (Low temp. geothermal well)  
( ) 212°F or more (Geothermal well)
6. Construction Start Date ASAP
7. Anticipated Well Driller SHERAL JOHNSTON  
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature Paul Nettles Date 4-18-90  
Title OWNER/MANAGER  
(Owner, Firm Representative, Other)

NOV 28 1993



## ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is

Approved

Date

7/19/1990

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. 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.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. 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.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

10. Pumping shall not occur until a water right is issued.

D. E. T. [Signature]  
Signature of Authorized Department Representative

Mgr, Western Reg Off  
Title

Receipt No. W012255 Received by Dns Fee 100<sup>00</sup> Date 4/19/1990

EXTENSION OF DRILLING PERMIT

Extension approved by \_\_\_\_\_ Approval Date \_\_\_\_\_

This extension is good for 60 days beyond the above extension approval date.

APR 20 1993

57-07522

JOYCE LIVESTOCK CO.  
SINKER CREEK  
MURPHY, ID 83650

Source: GROUNDWATER

Diversion Pt: NWSE Sec 16 T 03S R 01W in OWYHEE County.

Use: IRRIGATION ( 5.000 CFS)  
Total Diversion: ( 5.000 CFS)

Date Filed: 4/19/1990

In: OWYHEE County				
T03S R01W S16	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENW
	NESW	NWSW		
S17	NESE			

320.0 ACRES TOTAL

NOV 9 1993