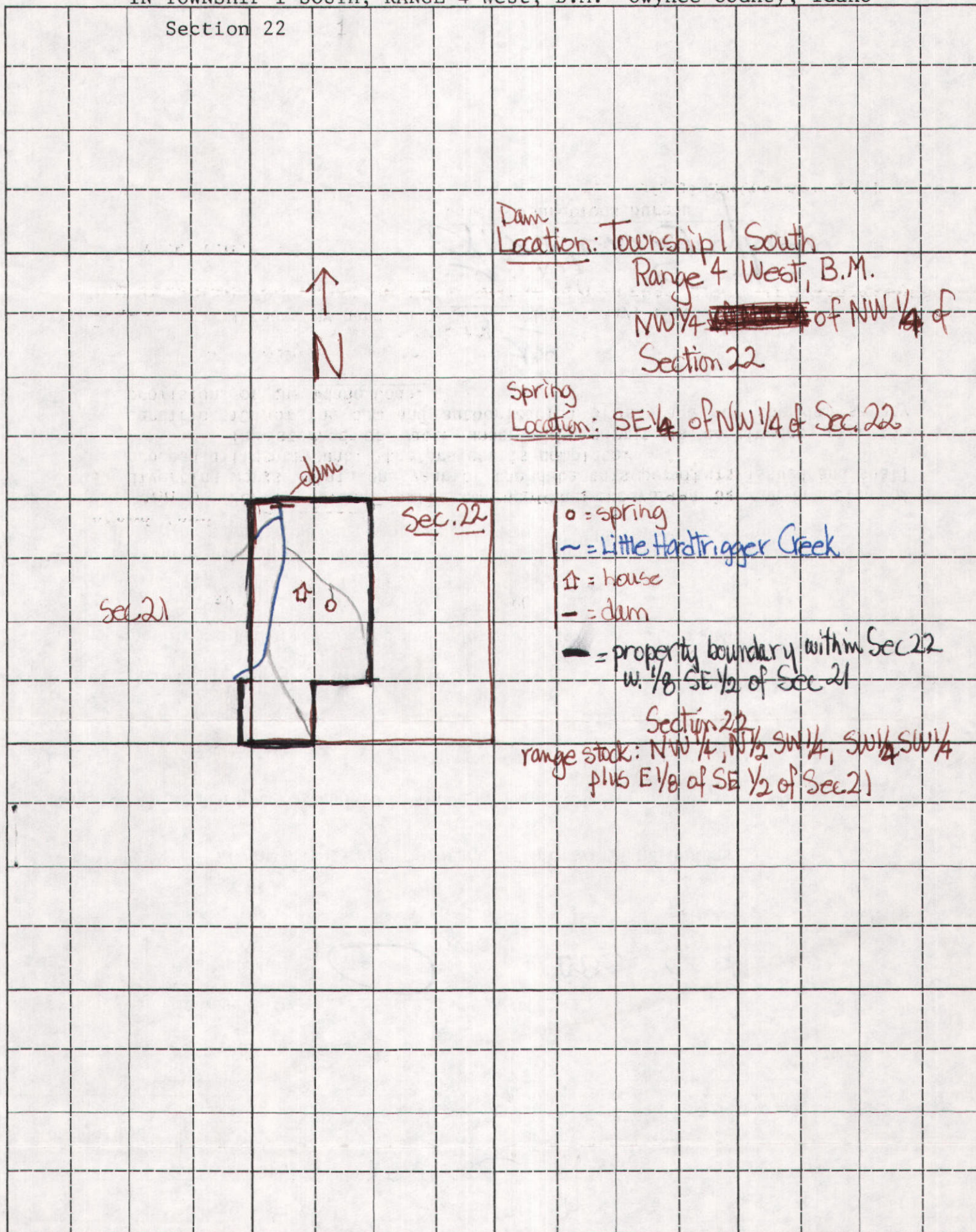


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

IN TOWNSHIP 1 SOUTH, RANGE 4 West, B.M. Owyhee County, Idaho



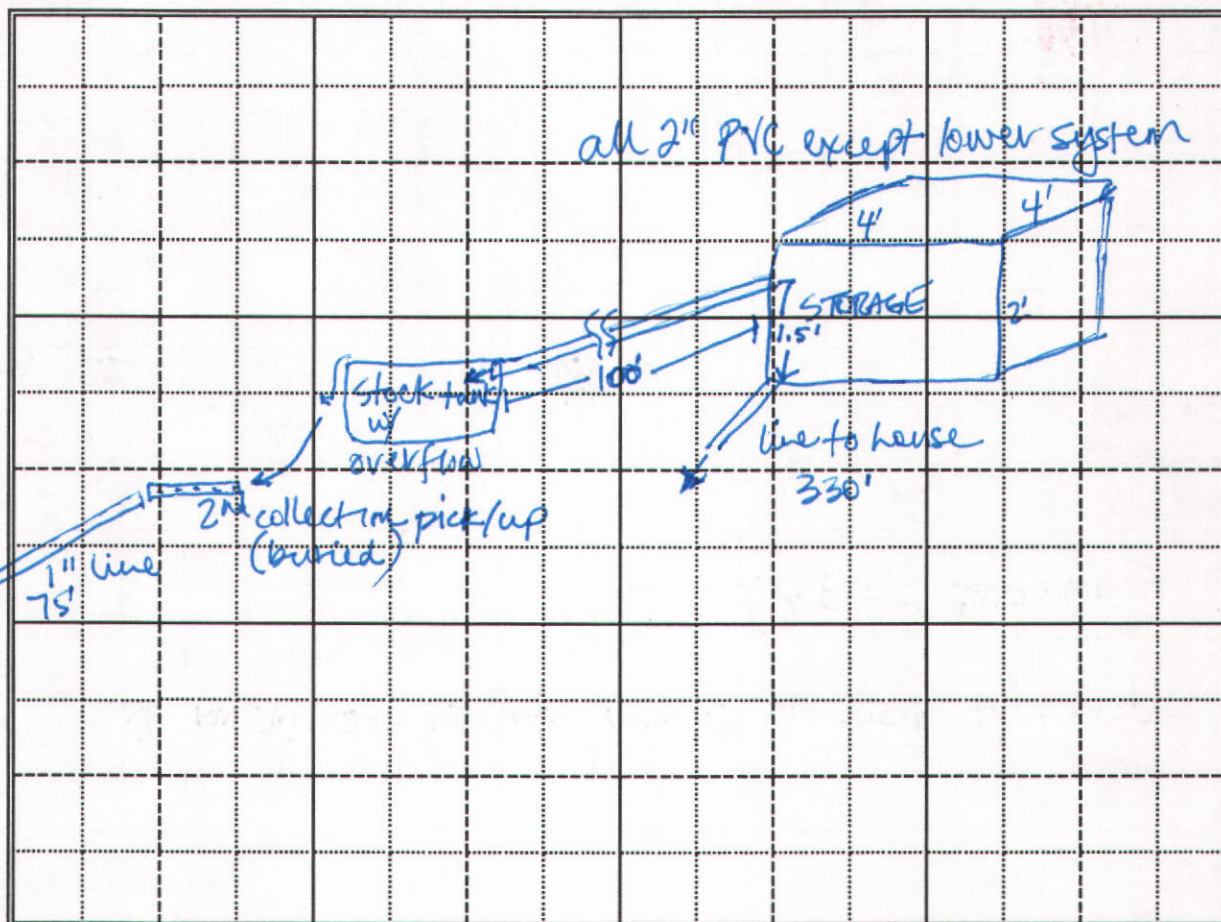
Scale: 2 inches equal 1 mile.

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

Alfred E. Brach & KC Kelly
(Applicant)

MICROFILMED

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

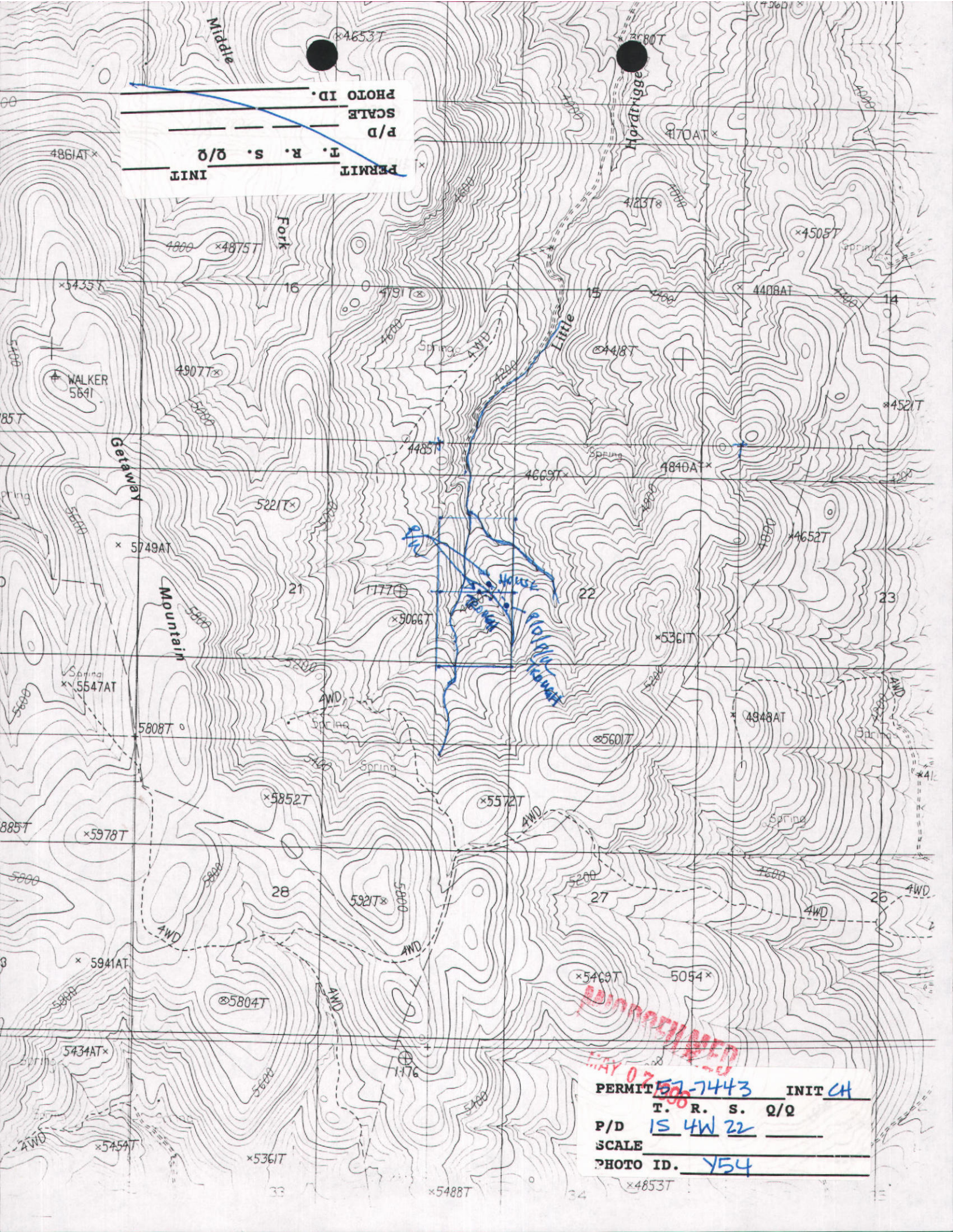
D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Timed fill @ house top 5 gal in 18 sec (2x). Even though spring was not running much, this flow from Storage represents system potential. Head ~ 110' pressure @ tank ~ 40 psi (1 1/4" valve restriction)

MAY 07 1996



PERMIT
T. R. S. Q/Q
SCALE
P/D
PHOTO ID.

RECORDED
MAY 07 1968
PERMIT 57-7443 INIT CH
T. R. S. Q/Q
P/D IS 4W 22
SCALE
PHOTO ID. Y54



MAY 07 1996

57-07443



Stock tank #1
pipeline comes
down from
collection



Stock tank #2

MAY 07 1996

51-7443



P/u
domestic.
Hydrant in
foreground



P/u
stock

MAY 07 1996

57-7443

The Owyhee Avalanche

P.O. BOX 97

HOMEDALE, IDAHO 83628

208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
COUNTY OF OWYHEE)

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 am 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, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of 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 in a supplement

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

April 3, 1985

April 10, 1985

(Signed).....

Joe E Aman

Subscribed and sworn to before me this 10th day of April
A.D., 1985...

Notary Public in and for the State of Idaho,
residing at Homedale, Idaho.

My commission expires March 26, 1988.....

NOTICE OF APPLICATION FOR WATER RIGHT

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

57-7443 ✓ 1P

BREACH, FLOYD E.

KELLY, K.C.

P.O. BOX 763, HOMEDALE, ID 83628

Source: SPRING trib. to LITTLE
HARDTRIGGER CREEK.

LITTLE HARDTRIGGER CREEK
trib. to HARDTRIGGER CREEK

Date Filed: 03/14/1985

Diversion Pt: NWNW SENW Sec 22 T
01S R 04W

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

RECREATION STORAGE (2.5 AF)

In: NWSW SWNW NWNW Sec 22 T
01S R 04W

57-7444

U.S. DEPT. OF INTERIOR

BUREAU OF LAND MGMT.,

IDAHO STATE OFFICE, 3380

AMERICAN TERRACE, BOISE,

ID. 83706

Source: UNNAMED STREAM trib.
to JUMP CREEK

Date Filed: 03/21/1985

Diversion Pt: NESW Sec 32 T 01N R
05W

Use:

Stockwater Storage (2.7 AF)

Stockwater from Storage (2.7 AF)

Wildlife Storage (0.3 AF)

Wildlife from Storage (0.3 AF)

In: NESW Sec 32 T 01N R 05W

The permit(s) will be subject to all prior water rights. Protests must be filed with the Directors, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before APRIL 22, 1985.

Ken Dunn, Director

Publish 04/03 & 04/10/1985

RECEIVED
APR 10 1985

Department of Water Resources
Western Regional Office

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-07443

Priority: March 14, 1985

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

0.9 AF

This is to certify, that K C KELLY
FLOYD E BREACH

PO BOX 763

HOMEDALE ID 83628

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 14, 1985; and has submitted Proof of Beneficial Use on July 28, 1992. An examination indicates that the works have a diversion capacity of 0.180 cfs of water from:

SPRING

tributary to LITTLE HARDTRIGGER CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.04 CFS	0.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NENWSW , Sec. 22, Township 01S, Range 04W
OWYHEE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

01S 04W 22

SWNW

NWSW

PLACE OF USE: DOMESTIC

TWN RGE SEC

01S 04W 22

SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MAY 07 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

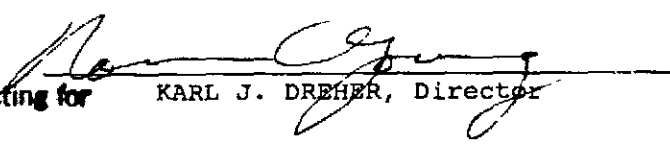
WATER RIGHT NO. 57-07443

CONDITIONS OF APPROVAL AND REMARKS

5. Two points of diversion are located within NENWSW, S22, T01S, R04W.
6. Domestic use is for 1 home.
7. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18TH day of April, 1996.

Acting for


KARL J. DREHER, Director

State of Idaho
Department of Water Resources

RECEIVED

APR 16 1996

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-07443

Department of Water Resources

Date of Priority: March 14, 1985

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.9 AF

Comes now

K C KELLY
FLOYD E BREACH

PO BOX 763
HOMEDALE ID 83628

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 57-07443, and requests that the permit be changed as follows:

Source: **SPRING**

tributary to **LITTLE HARDTRIGGER CREEK**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.04 CFS	0.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NENWSW , Sec. 22, Township 01S, Range 04W
OWYHEE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

01S 04W 22 SWNW

NWSW

PLACE OF USE: DOMESTIC

TWN RGE SEC

01S 04W 22 SWNW

MAY 07 1996

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Homedale, Idaho, this 15 day of April, 1996.

KC Kelly
(Signature)
Floyd E. Breach

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 57-07443

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by JW # C035332 Date 4-16-96

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 57-07443 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Two points of diversion are located within NENWSW, S22, T01S, R04W.
6. Domestic use is for 1 home.
7. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 18TH day of April, 19 96.

Acting for Karl J. Dreher
KARL J. DREHER, Director

RECEIVED

JUL 28 1992

OFFICE USE ONLY

Amt. of Fee \$ 50.00Date 7-29-92Receipt No. 0025038Receipt by [Signature]STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 57-07443 Telephone No. (208) 337-3580 / 337-3140
2. Name(s) of Permit Holder(s): Floyd E. Breach & K.C. Kelly
3. Mailing Address: Box 763, Homedale, Idaho 83628
4. Source of Water: Unnamed Spring east of Little Hardtrigger Creek

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Extent of Use (as authorized by the permit).

Domestic 1 (No. of households) Stockwater 20 bovines/5 horses (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.06 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly.

Measuring device: Required? _____ Yes ☒ No Installed? _____ Yes _____ No

Flow Measurement Port. Required? _____ Yes ☒ OR No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Either of the permit holders at the address and phone #'s above stated.

Name _____ Telephone No. _____

Address _____

10. The above information 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.

27 July '92

Date

KC Kelly
Signature (and title, if on behalf of a company or organization)

AUG 20 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Receipted by J. Saxon
Date 7/30/90
Receipt # C019843

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 57-7443

Name(s) of Permit Holder: Floyd E. Breach & K. C. Kelly

Post Office Address: Box 763, Homedale, Idaho 83628

Telephone No. 337-3580 or 337-3140

Date Proof is Due: 1 August 90

Describe what work has been completed toward the development of this water right: no excavation
(This must be filled out! If no work has been completed, show "none".)

Due to the extreme rural location of the property for which the permit was requested, we found that it would be more cost effective to buy the needed equipment than to hire the work done. We have purchased a small bulldozer and backhoe attachment at the cost of \$5,500.00 so that we can do our own work. Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

please see attached

Permit holder(s) request an extension to 1 August, 1995
(1 yr. minimum)

KC Kelly

(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

RECORDED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 1992.

Signed this 29th day of August, 1990.

J. Glen Saxon
Chief, Water Allocation Bureau

At the time we applied for a water right, we were anticipating the sale of our business, which would enable us to have the time we need to work on the various necessary projects on our property to establish a permanent home.

However, the sale of our business has not transpired. Our responsibility to it has kept us tied down in town and has forced us to use all of our spare time to take care of the highest priority on our property - fighting erosion on the creek banks and hillsides.

It was our observation that the traffic of cattle on the stream (with the devastation of plant life that entails) was a primary cause of the erosion of the creek which runs through our property. Consequently, we have used our spare time fencing.

The rocky, steep terrain of the property line which bounds our three hundred acres is virtually inaccessible to vehicle traffic - the exceptions to this being our front gate and our extreme southwest corner. Thus, all material must be packed horseback.

Now that we have cow-proofed nearly all of our BLM allotment boundaries, we are to the point of being ready to go on to our second priority, which is the development of our water.

We are confident that we can complete the goals described in our permit request, and would be pleased to discuss this request for more time - on the phone, or in your office.

1990 JUL 27

1990 JUL 27

1990 JUL 27

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 57-7443 IN THE)
NAME OF FLOYD E. BREACH & K.C. KELLY)
_____)

ORDER

WHEREAS, the Department issued the above-referenced permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1990; and,

WHEREAS, the Department failed to properly notify the permit holder sixty days prior to that date that proof of beneficial use was due;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use is extended to August 1, 1990.

Dated this 31st day of May, 1990.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

SEP 12 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 57-7443

RECEIVED
APR 14 1985

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Floyd E. Breach & K. C. Kelly Phone (208) 337-3580
Post office address Box 763, Homedale, Idaho 83628
2. Source of water supply Unnamed Spring Little Hardtrigger Creek which is a tributary of Hardtrigger Creek/
Snake River
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22 Township 1 South
Range 4 West B.M. Owyhee County, additional points of diversion if any: Spring:
SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 1 South, Range 4 West B.M.
Owyhee County

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or ~~acre-feet per annum~~) 6.5 per fed. con 3/26/85
Amount 2.5 for Storage for purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(~~cfs or~~ acre-feet per annum) Recreation
Amount .02 for stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or ~~acre-feet per annum~~)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.06 cubic feet per second and/or b. 2.5 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Developed pipeline from spring to
house for domestic purposes. An on stream earth and rock filled dam
to store water for recreation and erosion control.
b. Height of storage dam 15 feet, active reservoir capacity 2.0 acre-feet; total reservoir
capacity 2.5 acre-feet, materials used in storage dam: soil, rock, concrete, steel
Period of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is five years (minimum 1 year - maximum 5 years).

8. Description of proposed uses.

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22 Township 1 South
Range 4 W. B.M. See above for domestic place of use and
recreation purposes.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 20 beef cattle, five horses

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water one.

(5) If water is to be used for other purposes describe: We wish to construct an on-stream
dam to retain water for recreation for our private use only. The
water not needed will pass through regulated outlet The amount of water
we have requested is the amount we have determined to maintain water deep
enough to prevent winter kill of fish. (see Remarks section)

MICROFILMED

UNRECORDED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion _____ applicants

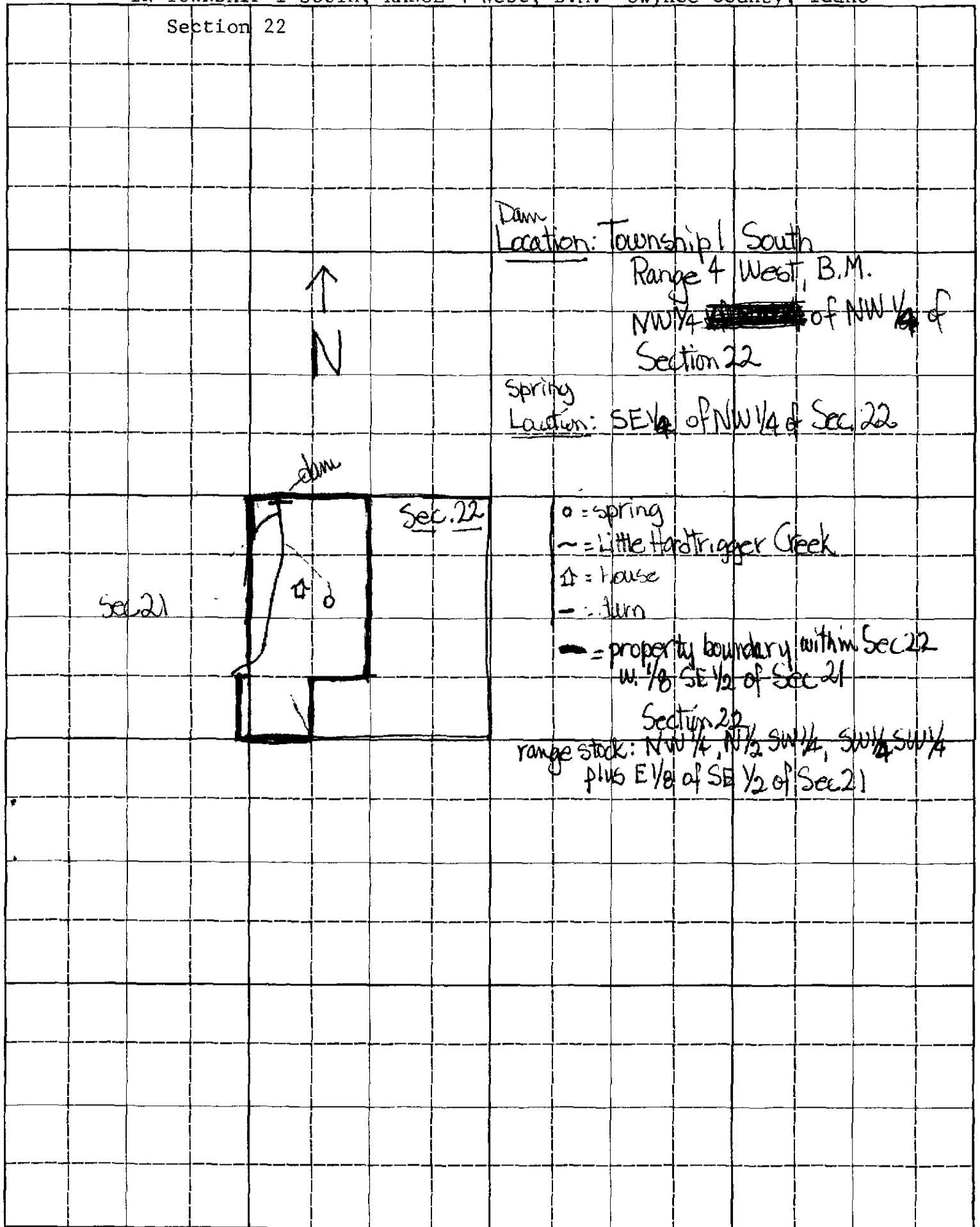
b. Who owns the land to be irrigated or place of use _____ applicants

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

10. Remarks This request to appropriate the public waters of Idaho is part of a long range personal project which will include the restoration of the badly eroded stream bank of Little Hardtrigger Creek which runs through our property. The property upon which the water will be used is a privately owned parcel, surrounded by Bureau of Land Management supervised land. The spring which we wish to use for domestic purposes is located on our property. Little Hardtrigger Creek heads on an adjoining parcel, which is also privately owned by other members of our family.
- We wish to establish the on-stream reservoir on Little Hardtrigger Creek for our own fishing use, and we have contacted Mr. Will Reed of the Department of Fish and Game about this project and we understand our responsibility to work with that agency with respect to proper planning for fish. This small dam is also part of our overall plan to control and prevent erosion on our property and will also help with erosion problems immediately downstream from our property through the control of "run off" water from melting snow, and excessive rainfall. The retention of water on this year-round stream will also contribute positively to the natural beauty of the area, as well as to the birds and wildlife.
- The representatives of the U. S. Soil Conservation Service and the Department of Fish and Game have indicated enthusiasm for this project and a willingness to provide us with the expert planning needed to successfully complete our project.

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

IN TOWNSHIP 1 SOUTH, RANGE 4 West, B.M. Owyhee County, Idaho



Scale 2 inches equal 1 mile.

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

Arvid E. Branch & K.L. Kelly
(Applicant)

MICROFILMED

Proposed Priority 3/14/85

3-18-85

9:00 A.M.

Received by LS

Date 3-14-85

Time 2:10 P

Preliminary check by 6LS

Fee \$

30130000

Receipted by AP

Date 3/18/85

Publication prepared by AP

Date 3/22/85

Published in Owyhee Avalanche

Publication dates 4/3 & 4/10/85

Publication approved AP

Date 4/10/85

Protests filed by: NONE

Copies of protests forwarded by

Hearing held by

Date

Recommended for

approval

denial

by DBS kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 57-7443, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 90.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Witness my hand this 13th day of May, 1985.

J. Glen Saxton
Chief, Operations Bureau



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

April 18, 1996

K C KELLY
FLOYD E BREACH
PO BOX 763
HOMEDALE ID 83628

RE: WATER RIGHT NO. 57-07443

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

MAY 07 1996



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

April 9, 1996

K C KELLY
FLOYD E BREACH
PO BOX 763
HOMEDALE ID 83628

RE: WATER RIGHT NO. 57-07443

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7946

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure



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

March 18, 1996

K C KELLY
FLOYD E BREACH
PO BOX 763
HOMEDALE ID 83628

RE: WATER RIGHT NO. 57-07443

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

LICENSE REVIEW CHECKLIST

PERMIT NO. 57-07443 DATE 3-14-96



NAME Change OK ☒ Assignment Needed

PRIORITY DATE ☒ Advance? Advanced to:
 Order to reinstate needed?
 Incorrect fee for rate recommended?

SOURCE ☒ Changes or just clarification of originally intended source? ONLY SOURCE IS THE SPRING
 Notice of Intent to Void necessary?

POINT OF DIV ☒ Amendment needed? Change to NE NWSW 1/4 1/4
 ☒ Overlaps?

PLACE OF USE ☒ Amendment needed?
 ☒ Overlaps?

DIV RATE ☒ Permit/fee limits: .06 CFS
 Meas Q(41) .04 ~~THE~~ Q = .14 Recommend: .04
(at home is .04 CFS) STOCK @ .02
INT/DOM @ .02
 Combined rates exceed capacity

ANNUAL VOLUME ☒ Volume Limit: Season: 1-1 to 12-31
 Calculations: INT/DOM @ .6
Stock @ .3
 Flow limit: cfs x x 1.9835 =
 Combined volumes exceed capacity/allowable

USES ☒ Change in Nature of Use or additional uses?
 Amendment necessary?

NEW CONDITIONS Irrigation Overlap Replaces Surface Water 050
 Supplemental GW 065
 Water Quality/Dam Safety/Heat-Cool/Fish
 WM Control- District Meas/Lock Devices
 Other

NEW REMARKS Supplemental GW [in Snake River Plain] WB8/WB7
(JUST BECAUSE INT/DOM Combination WB5 PPU Recommendation
INT USE ONLY) Boise River/Wood River Source Aes/Rec Uses W38
(W32) YES Multiple p/d(s) in 1/4 1/4? NE NWSW SEC 22 IS 4W
YES Fire Protection WB6
YES Other

COMMENTS: No storage under this right - not developed.
FINEND P/D

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	NO
<u>Domestic</u>	<u>.02</u>	<u>.6</u>	Adjustment Memo Needed	<u>YES</u>
<u>Stock</u>	<u>.02</u>	<u>.3</u>	LICENSE	<u> </u>
<u>TOTAL</u>	<u>.04</u>	<u>.9</u>	1ST AMEND LETTER <u>P39 + P39</u>	
			2ND AMEND LETTER <u>P47</u>	

MEMORANDUM

TO: File 57-07443 / K C Kelly & Floyd Breach
FROM: Brenda Chapman
DATE: March 15, 1996
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for Right 57-07443 are based on the information below:

F. FLOW CALCULATIONS

The domestic rate has been adjusted. With the current guidelines, if there is no irrigation of a lawn, garden, etc., the domestic recommendation is reduced to an internal use rate of .02 cfs.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Domestic	1-01 to 12-31	.02	.6
Stockwater	1-01 to 12-31	.02	.3

MAY 07 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 25 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 57-7443

1. Owner: K.C. Kelly &/or Floyd E Breach

Phone No.

Current Address: Bx 763 Homedale ID 83628

2. Accompanied by: Owners

EXAM DATE: 10-5-95

Address:

Phone No.

Relationship to Permit Holder:

3 Source: Spring tributary to Little Hardtigger Cr

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Method of Determination/Remarks
		NE	NW	SW	22	1S	4W	Owyhee	Site Visit, topo map
									(2 pts of diversion)

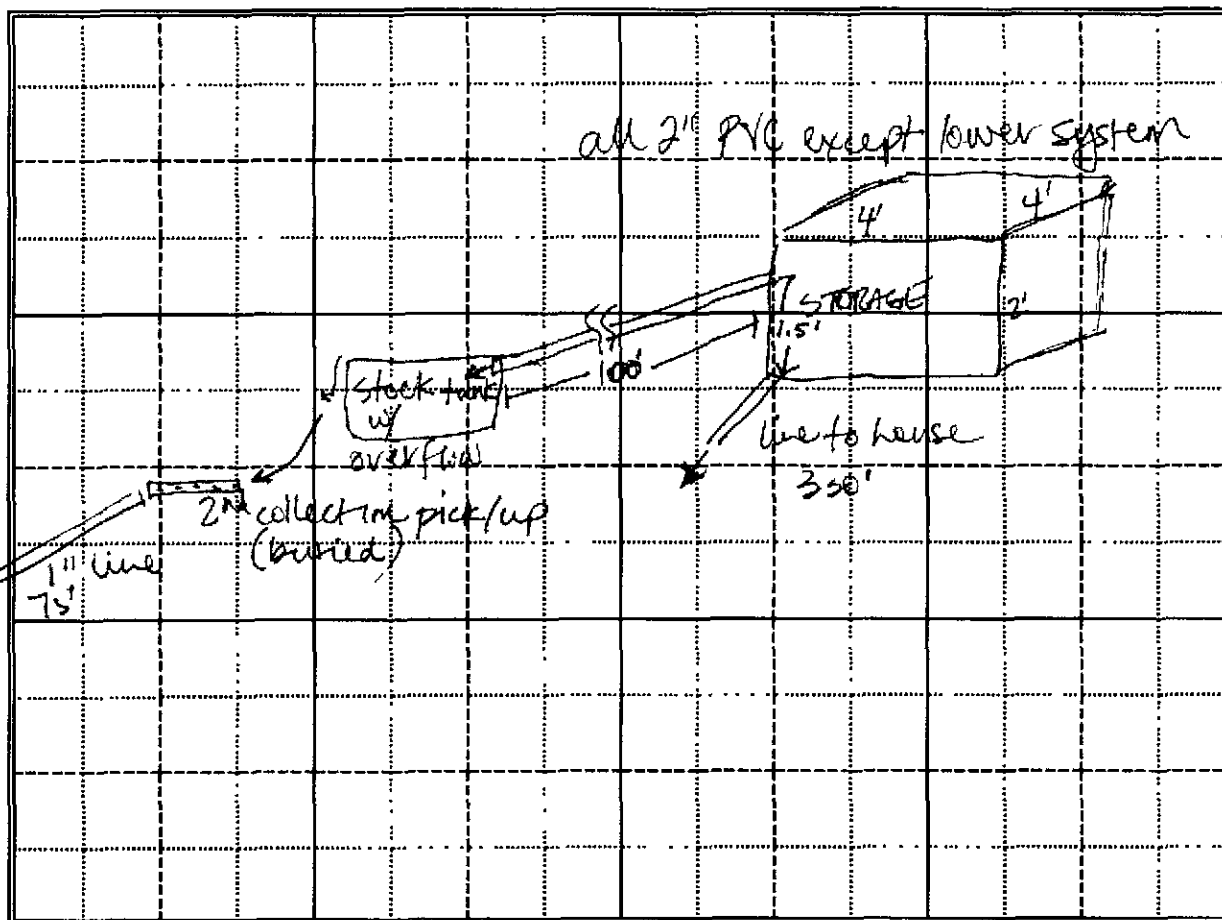
2 Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	4W	22							D/S			S							

MAY 17 1997

3. **Delivery System Diagram** Indicate all major components and distances between components Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** Timed fill @ house tap 5 gal in 18 sec (2x). Even though spring was not running much, this flow from Storage represents system potential. Head - 110'
pressure @ tap ~ 40 psi (1 1/4" valve restriction)

E. NARRATIVE/REMARKS/COMMENTS

Developed Spring for domestic & stock use. Domestic is for one home. Stockwater is for up to 20 ^(range) cattle & 5 horses.

* Dam & Storage on Little Hardtrigger Creek not developed.

Spring was not running above a trickle at time of exam. Remote area, access times limited. Used measurement from Storage tank to domestic tap (represents max pipeline capacity), Supplemented w/ theoretical calculations.

A 200 gal ^(tank) collection at Spring has 2 exit lines: 330' of 2" PVC ~~from the~~ to house hydrant, and a 2" overflow line which fills a stock tank approx 100' below springhead. The overflow from the stock tank #1 is picked up immediately below in the natural drainage using a buried perforated collection and a 1" line to a second stock tank.

Although the two points of diversion are not physically tied together, ~~they represent~~ I consider them a part of an integral system. A pipeline from the 1st ~~to~~ to the 2nd stock tank had been planned ~~by~~ but could not be installed/buried because of rock. The 2nd pick up point, approx 100' below the 1st tank, is the first available point that a buried line could be installed.

No overlaps. P/B amendment req'd. Incorrect drainage identified at time of filing.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: timed full

$$\frac{5 \text{ gal} \times 60 \text{ sec/min}}{18 \text{ sec}} = 16.7 \text{ gpm} = .037 \text{ cfs @ house tap}$$

check: theoretical pipe discharge = .035 cfs @ house tap

> .1 cfs @ stock overflow
(no restrictions in pipeline)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation.

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

Domestic internal = .6 AFA

Stockwater: 25 head $\times$.0134 = .3 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* DOMESTIC	1/1	12/31	.04	0.6
STOCKWATER	1/1	12/31	.02	0.3
Totals:			.06	0.9

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Cindy Hodges Date 10.6.95

Reviewer _____ Date _____

SEAL

* SEE adjustment memo. 3

Pipeflow Computation Spreadsheet (DRT 12/31/1992).

Data Entered By: Cindy Hodges
 10/06/95
 Project: Flow Computation for Permit No. 57-07443
 Kelly/Breach- overflow to stock tank
 Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^4.8655 * \text{Length} / 100)$$

To Find: Compute Rate of Flow

Data Table

Total Head: 30.00 feet
 Pressure Req'd: 0.00 psi
 Available Head: 30.00 feet
 Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
 aluminum - joint length 20' = 125, joint length
 30' = 130, joint length 40' = 132, joint length
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast iron = 95,
 old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.50	100.00	30.05	
13.50	0.00	0.00	
11.50	0.00	0.00	
9.50	0.00	0.00	30.05

Rate of Flow: 0.142 CFS

Solution is obtained by entering an estimated rate of flow and adjusting until Total Head Loss approximates Available Head.

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: Cindy Hodges
 10/06/1995
 Project: Flow Computation for Permit No. 57-07443
 Kelly/Breach - to house top
 Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^4.8655 * \text{Length} / 100)$$

To Find: Compute Rate of Flow

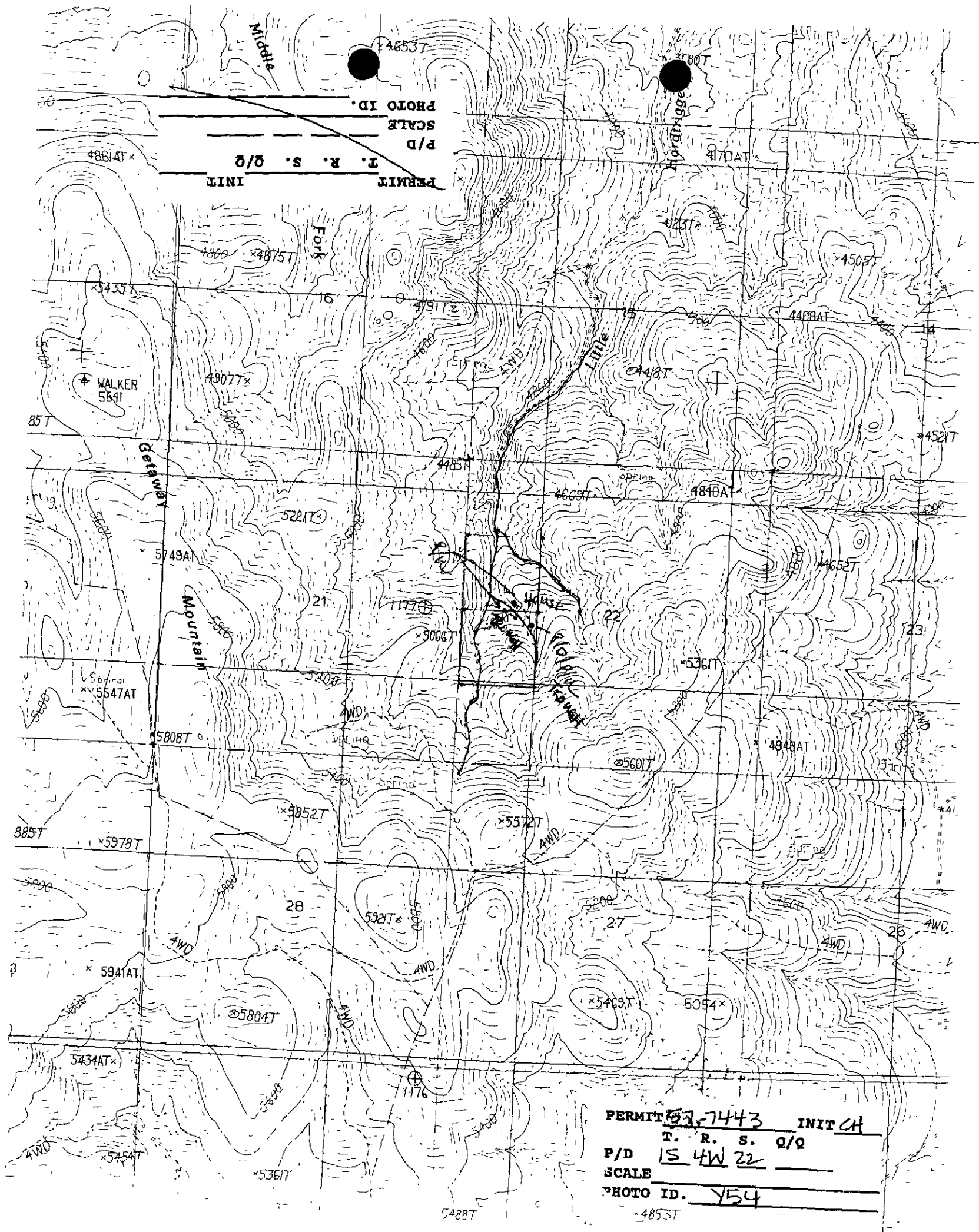
Data Table

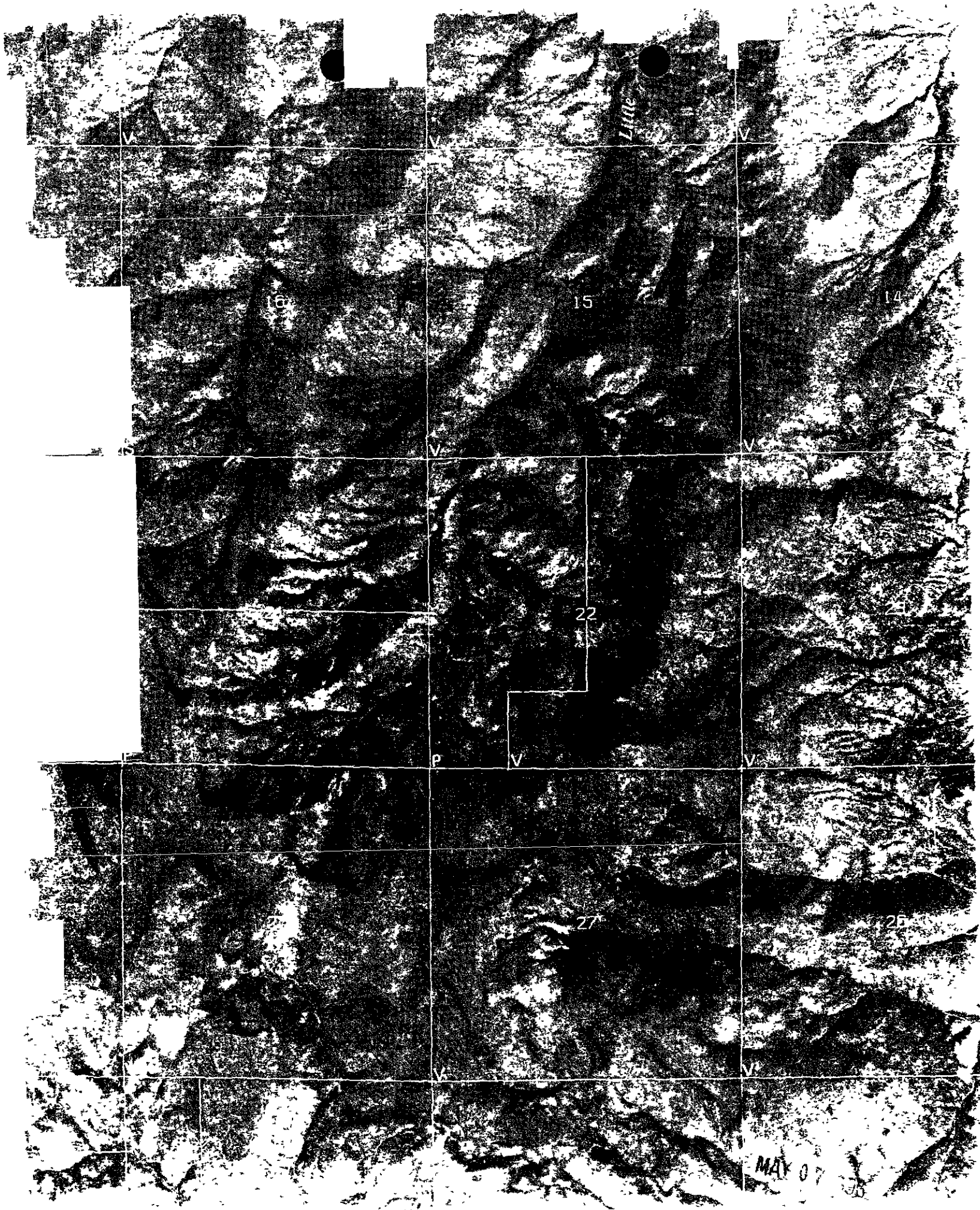
Total Head: 100.00 feet
 Pressure Req'd: 40.00 psi
 Available Head: 7.60 feet
 Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
 aluminum - joint length 20' = 125, joint length
 30' = 130, joint length 40' = 132, joint length
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast iron = 95,
 old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.50	330.00	7.41	
13.50	0.00	0.00	
11.50	0.00	0.00	
9.50	0.00	0.00	7.41

Rate of Flow: 0.035 CFS

Solution is obtained by entering an estimated rate of flow and adjusting until Total Head Loss approximates Available Head.



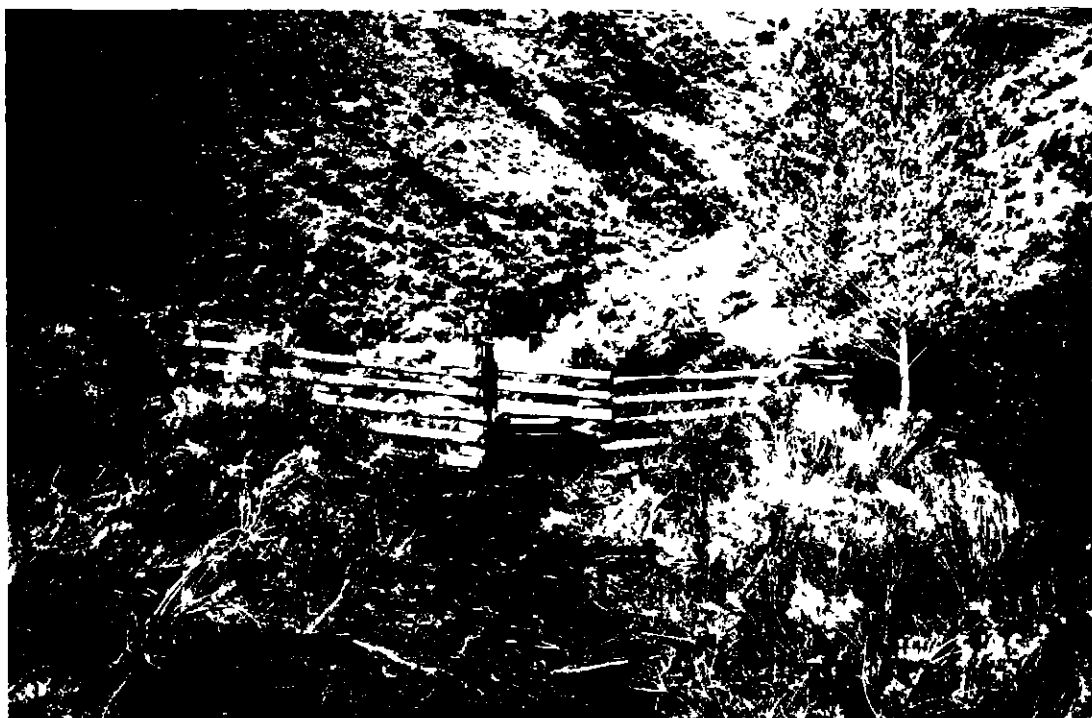


MAY 07

57-07443

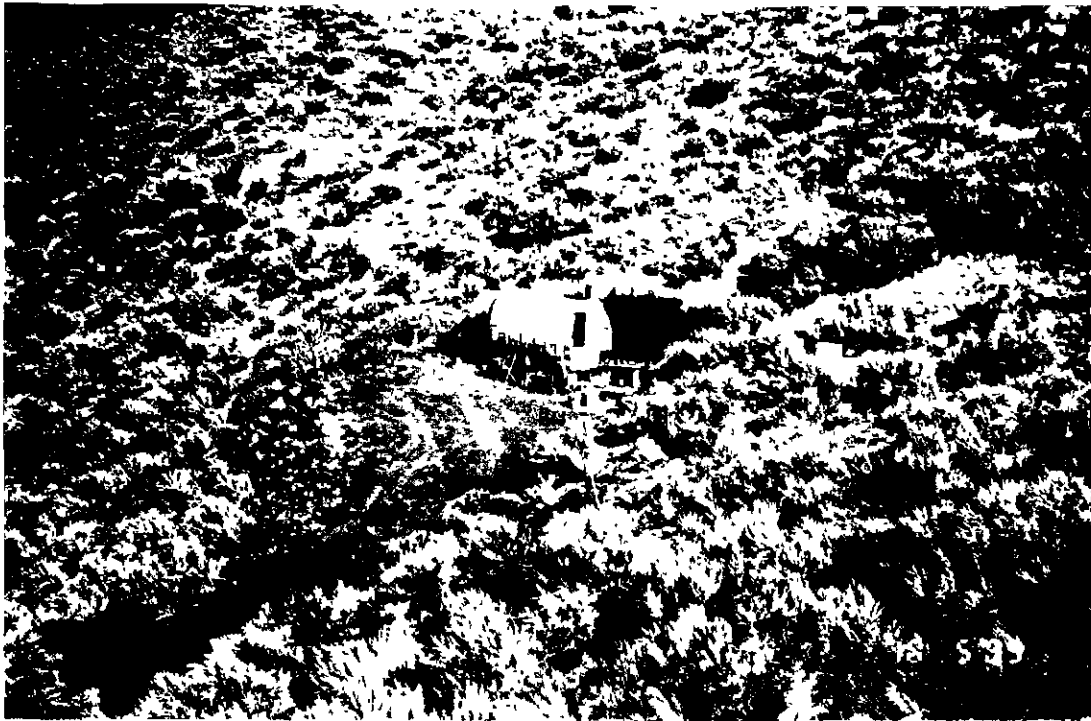


Site #1
 51-2443-1
 6-11-68
 10-11-68



Site #2
 51-2443-2
 6-11-68
 10-11-68

51-2443



1/10
 1000 ft.
 11. 1000 ft.
 1000 ft.



1/10
 1000 ft.

57-1442

July 31, 1992

FLOYD E. BREACH
K. C. KELLY
P.O. BOX 763
HOMEDALE ID 83628

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-07443

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

AUG 20

RECEIVED

JUL 28 1992

Floyd E. Breach
K. C. Kelly

Department of Water Resources
Box 763
Homedale, Idaho
83620

27 July 92

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Permit # 57-07443

Enclosed is your form 217/Proof of Beneficial Use.

Please note that the Extent of Use reflects use as 0.06 cfs, while the permit was approved for an additional 2.5 af. We have not built the structure necessary to provide proof for that storage water.

Can we receive a license of water right for the 0.06 cfs, or do we need amend the application?

We intend to develop the storage reservoir in the future. Do we need to re-apply to you?

RECEIVED
AUG 20 1992

KC Kelly



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

May 31, 1992

Floyd E. Breach
K. C. Kelly
Box 763
Homedale, ID 83628

PROOF DUE NOTICE

RE: Permit No. 57-07443

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 August 1, 1992. (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.

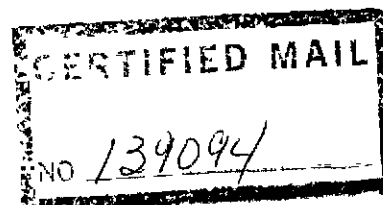
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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 days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosures



57-07443
MAY 31 1992

September 5, 1990

Floyd E. Breach and
K. C. Kelly
Box 763
Homedale, ID 83628

Gentlemen:

Re: Permit No. 57-7443

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to August 1, 1992.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

SEP 11 1990

May 31, 1990

Floyd E. Breach &
K. C. Kelly
Box 763
Homedale, ID 83628

138907

PROOF DUE NOTICE

RE: PERMIT NO. 57-7443

Dear Permit Holders:

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 August 1, 1990. (See the enclosed order). 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.

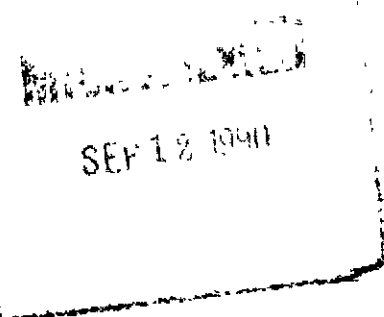
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding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

RITA I. FLECK
Secretary/Records Manager

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 15, 1985

RE: Permit No. 57-7443

Floyd E. Breach &
K. C. Kelly
Box 763
Homedale, ID 83628

Dear Permit Holders:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosures

MICROFILMED

208/337-4681

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 28, 1985

OWYHEE AVALANCHE
P O BOX 97
HOMEDALE ID 83628

Gentlemen:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before APRIL 22, 1985.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before APRIL 22, 1985.

KEN DUNN, Dir.

Published 04/03 & 04/10/85.

MICROFILMED

5Z-2443-

BREACH, FLOYD E.
KELLY, K. C.

P.O. BOX 763, HOMEDALE, ID 83628

Source: SPRING trib. to LITTLE HARDTRIGGER CREEK
LITTLE HARDTRIGGER CREEK trib. to HARDTRIGGER CREEK

Date Filed: 03/14/1985

Diversion Pt. N4NW SENW Sec 22 T 01S R 04W

Use: STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)
RECREATION STORAGE	(2.5 AF)

In: N4SW SWNW N4NW Sec 22 T 01S R 04W

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Lee Sisco

DATE 3/26/85

TO File # 57- Breach & Kelly

SUBJECT Change in water use

Called and visited with K.C. Kelly regarding fish culture that she had put on the app. In reviewing the app., it became clear that they are not going to raise fish but just stock the small reser. for their own use. The reservoir would also enhance wildlife plus provide ^{some} erosion control. She agreed that the use should be changed to reflect storage for recreation or wildlife

MICROFILMED

lee

SIGNATURE