

T. 6 S.

Scale: 1" (inch) = 1 mile

- Pipeline
— Water Trough
○ PD - Point of Diversion

PARALLEL

SOUTH

T. 7 S.

R. 2 E.

R. 3 E.

R. 4 E.

T. 8 S.

SHEARING CORRAL RES.

BLACK 4061

T. 6 S.

Scale: 1" (inch) = 1 mile

— Pipeline
— Water Trough
○ PD - Point of Diversion

ARALLEL

SOUTH

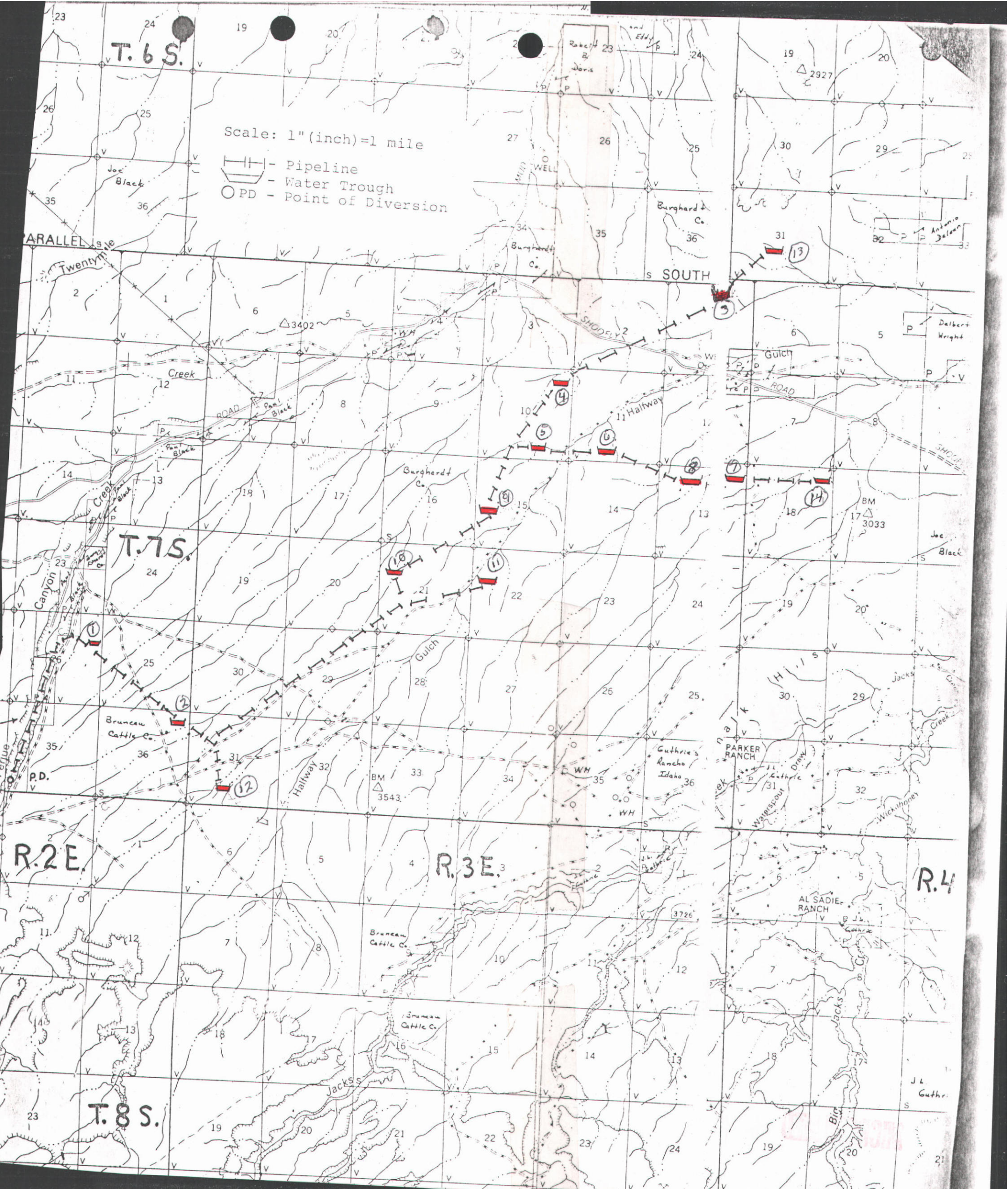
T. 7 S.

R. 2 E.

R. 3 E.

R. 4

T. 8 S.



FILED
10:00 AM P.M.

FEB 16 1988

BARBARA JAYO, CLERK
JOANN McDANIEL

JIM JONES
Attorney General

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-7920

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

BURGHARDT CO.,
an Idaho corporation

Plaintiffs,

vs.

PAUL BLACK, and MATTIE BLACK,
individually and as husband and
wife, and MICHAEL L. BLACK and
JOSETTA ANN BLACK, husband
and wife,

Defendants.

PAUL BLACK and MATTIE BLACK
individually and as husband and
wife, and MICHAEL L. BLACK and
JOSETTA ANN BLACK, husband
and wife,

Counter-plaintiffs,

vs.

BURGHARDT CO., an Idaho corpora-
tion and A. KENNETH DUNN, as
Director, Idaho Department of
Water Resources, ALBERT BLACK
and spouse, BRUNEAU CATTLE CO.,
COLYER CATTLE CO., ROBERT B.

Civil No. 4310

DECREE

RECEIVED

MAY 16 1988

Department of Water Resources

STATE OF IDAHO }
County of Owyhee }

I hereby certify that the foregoing instu-
ment is a true and correct copy of the
original on file in this office

Dated 5-16-88

Barbara Jayo, Clerk of the District Court

Joann McDaniel
Deputy Clerk

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
INDICATES TOTAL		SOURCE: SHOOFLY CREEK			TRIBUTARY TO: SNAKE RIVER			

57-7332	BRUNEAU CATTLE CO. C/O EUGENE DAVIS BRUNEAU OTHER USES: 5/2000 HEAD RANGE	09-05-1982	STOCKWATER	04-01 06-30	8.80 AFA .06 CFS	SWSW S35 T07S R02E	GENE S26 T07S R02E NENE S36 T07S R02E LT02 (NWNE) S01 T07S R03E NENE SWSE S10 T07S R03E SESW S11 T07S R03E NENE NENW S13 T07S R03E NWSW S15 T07S R03E SWNW S21 T07S R03E SWNW S22 T07S R03E SESW S31 T07S R03E NESW S31 T06S R04E NENE S18 T07S R04E	LICENSE
---------	--	------------	------------	-------------	---------------------	-----------------------	---	---------

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No 57-7332 Priority September 5, 1982 Amount 0.06 cfs

THIS IS TO CERTIFY, that Bruneau Cattle Co.
of Bruneau, Idaho, has complied with the terms and conditions of Permit
No 57-7332 issued pursuant to Application for Permit dated September 1, 1982,
and has submitted proof to the Department of Water Resources on December 5, 1983,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.06 cfs of water from Shoofly Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Stockwater</u> from <u>March 1</u> to <u>June 30</u> at <u>0.06</u> cfs and <u>8.8</u> acre feet			
_____ from _____ to _____ at _____ cfs and _____			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
8.8 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35,
Twp 7S, Rge 2E in the County of Owyhee

Description and location of place of use:

SEE ATTACHED LAND LIST

Twp	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

WATER RIGHT

MICROFILMED

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of OCTOBER, 19 85.


Director

Description and location of place of use:

[illegible]

Total number of acres irrigated _____

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 57-7332 IN THE)
NAME OF BRUNEAU CATTLE CO.) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1983; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on December 5, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 57-7332 be REINSTATED and the priority advanced to September 5, 1982.

Dated this 5th day of January, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

Identification No. 57-7332

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Bruneau Cattle Co. Phone: (208) 845-2762
post office address c/o Eugene C. Davis, Bruneau, Idaho 83604
- 2 Source of water supply Shoofly Creek which is a tributary of Snake River
- 3 a Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 7S
Range 2E B M Owyhee County, additional points of diversion if any _____

- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____
- 4 Water will be used for the following purposes
Amount .45 cfs for stockwater purpose from 3/1 to 6/30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated
a .45 cfs cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc A perforated plastic pipe 4"
diameter, diverts water from stream to a settling box. Approxi-
mately 20.25 miles of P.V.C. pipe varying between 2½" and 1" dia-
meter, distributes water to 14, 685 gallon water troughs.
- b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)
- c Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years Completion of works and application of water to beneficial
use completed 4/9/82.
b Estimated construction cost is \$ \$32,700.00
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M See attached sheet Exhibit "A"
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered 2,000 cattle watered at various
times between 3/1 and 6/30 (see remarks).
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

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

TWP	RANGE	SEC	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	

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 Glenns Ferry Grazing Association, Inc.

b. Who owns the land to be irrigated or place of use State of Idaho and U.S. Dept. of the Interior, Bureau of Land Management.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Glenns Ferry Grazing Association, Inc., and Paul Black have granted a right-of-way across their respective private lands for the pipeline and access road. Cooperative agreement with Bureau of Land Management for installation of pipeline and troughs on ~~xxxxxxx~~ Bureau of Land Management Land. Permit issued by State of Idaho, Department of Lands for pipeline and trough situated on State land.

10. Remarks: Livestock watered by this water right are owned or controlled by Battle Creek Allotment permittees of the Boise District, Bureau of Land Management.

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

See Attached Map

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

Bruneau Cattle Co.

by

(Applicant)

Eugene C. Davis
Eugene C. Davis, President

Proposed Priority: 9/1/1982

Received by SK Date 9/1/82 Time 12:12
Preliminary check by SK Fee \$ 45.00
Receipted by SK Date 9/1/82 # 24135
Publication prepared by SK Date 9/16/82
Published in Owyhee Nugget
Publication dates 9/23 & 9/30/82
Publication approved SK Date 9/15/82
Priority reduced to _____ Reason _____

Protests filed by None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS

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 57-7332, 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 December 1, 19 83.
- c Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

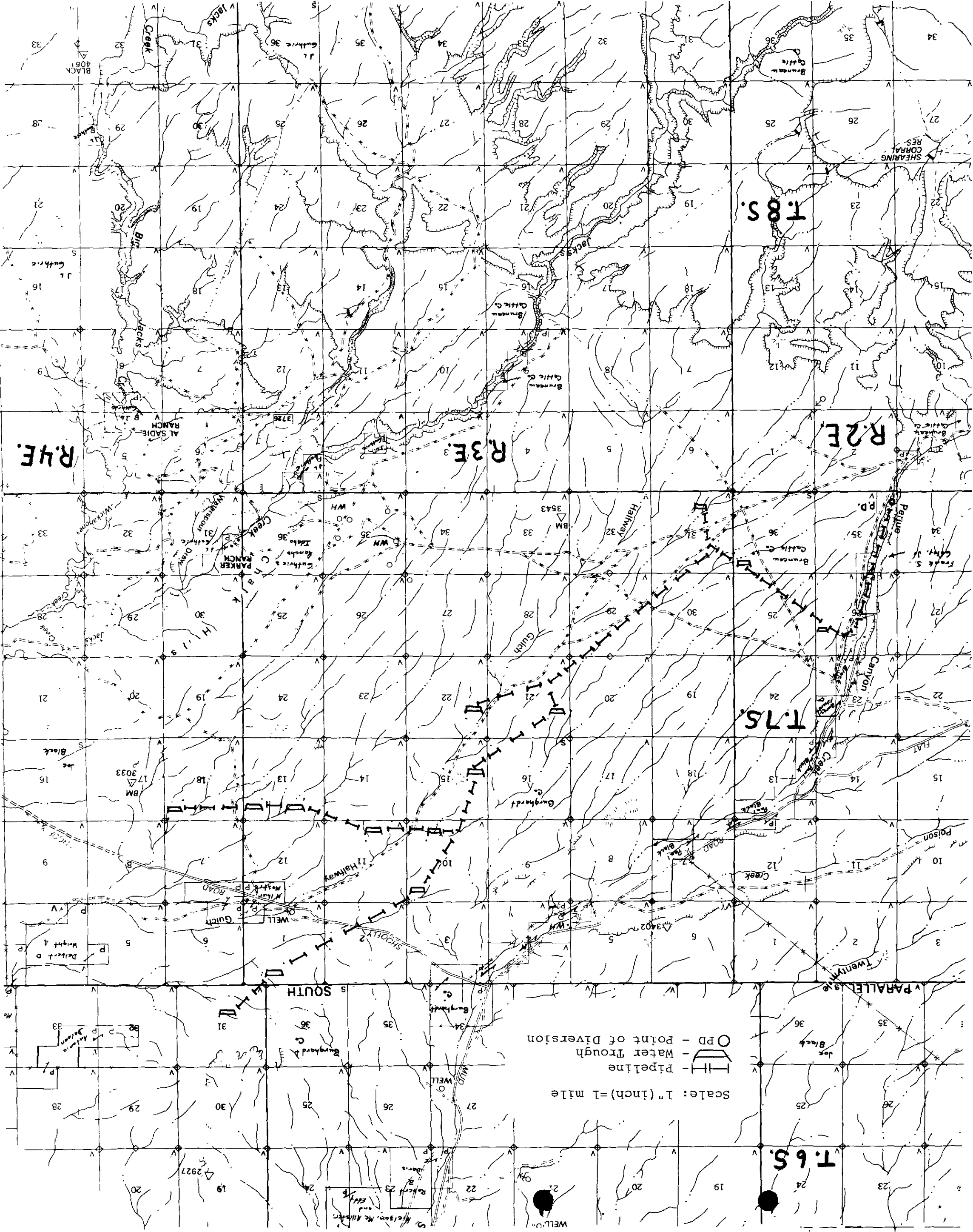
Witness my hand this 1st day of November, 19 82.

L. Glen Sayton
Chief, Operations Bureau

Application for Permit
Bruneau Cattle Co.
Exhibit "A"

Item 8a.(1)
Place of Use:

T. 7S., R. 2E., B.M.,	Sec. 26	SE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
	Sec. 36	NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
T. 7S., R. 3E., B.M.,	Sec. 1	Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) ✓
	Sec. 10	NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
	Sec. 10	SW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓
	Sec. 11	SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
	Sec. 13	NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
	Sec. 13	NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓
	Sec. 15	NW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
	Sec. 21	SW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓
	Sec. 22	SW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓
Sec. 31	SE $\frac{1}{4}$ SW $\frac{1}{2}$ ✓	
T. 6S., R. 4E., B.M.,	Sec. 31	NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
T. 7S., R. 4E., B.M.,	Sec. 18	NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓



R.4E.

R.3E.

R.2E.

T.8S.

T.7S.

T.6S.

Scale: 1" (inch) = 1 mile
- Pipeline
- Water Trough
○ PD - Point of Diversion

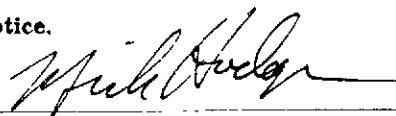
PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

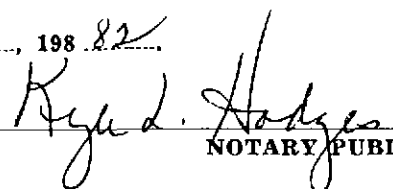
That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 22 day of September, 1982, and the last publication being on the 29 day of September, 1982;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.


PUBLISHER

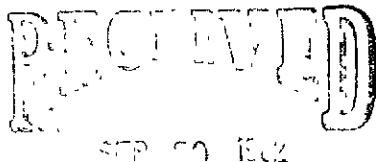
Subscribed and sworn to before me this 29 day of

September, 1982.


NOTARY PUBLIC

My commission expires 3-86

(SEAL)


SEP 30 1982

Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

57-7331

BLACK, MIKE &/or JOANN
P.O. BOX 341, GRAND VIEW,
ID 83624

Source: SHOOFLY CREEK tributary to SNAKE RIVER

Date Filed: 09/03/1982

Amount: 3.20 CFS 35.0 AC-FT

Diversion Point: NWSW Sec 13 T 07S R 02E, OWYHEE Co.

Use: IRRIGATION (1.60 CFS) from 3/15 to 11/15

IRRIGATION STORAGE (35.0 AC-FT) from 01/01 to 12/31

IRRIGATION FROM STORAGE (35.0 AC-FT) from 03/15 to 11/15

DIVERSION TO STORAGE (1.60 CFS) from 11/15 to 05/15

Place of Use: NENE SENE LOT 04 (SWSW) SESW NESE NWSE Sec 07 T 07S R 03E FOR 210 ACRES

Diversion Means: DITCH, RES. & PIPELINES

57-7332

BRUNEAU CATTLE CO.

C/O EUGENE C. DAVIS, BRUNEAU, ID 83604

Source: SHOOFLY CREEK tributary to SNAKE RIVER

Date Filed: 09/01/1982

Amount: 0.45 CFS

Diversion Point: SWSW Sec 35 T 07S R 02E, OWYHEE Co.

Use: STOCKWATER (0.45 CFS) from 03/01 to 06/30

Place of Use: SENE Sec 26 T 07S R 02E NENE Sec 36 T 07S R 02E LOT 02 (NWNW) Sec 01 T 07S R 03E NENE SWSE Sec 10 T 07S R 03E SESW Sec 11 T 07S R 03E NENE NENW Sec 13 T 07S R 03E NWSW Sec 15 T 07S R 03E SWNW Sec 21 T 07S R 03E SWNW Sec 22 T 07S R 03E SESW Sec 31 T 07S R 03E NESW Sec 31 T 06S R 04E NENE Sec 18 T 07S R 04E

Diversion Means: PIPE, SET-TELING BOX & TROUGHS

57-7333

BLACK, MIKE &/or JOANN

P.O. BOX 341, GRAND VIEW

ID 83624

Source: GROUNDWATER

Date Filed: 09/03/1982

Amount: 1.23 CFS

Diversion Point: SWNW Sec 13 T 07S R 02E, OWYHEE Co.

Use: IRRIGATION STORAGE (35.0 AC-FT) from 01/01 to 12/31

IRRIGATION FROM STORAGE (35.0 AC-FT) from 3/15 to 11/15

STOCKWATER STORAGE (2.7 AC-FT) from 01/01 to 12/31

STOCKWATER FROM STORAGE (2.7 AC-FT) from 01/01 to 12/31

DIVERSION TO STORAGE (1.23 CFS) from 01/01 to 12/31

Place of Use: NENE SENE LOT 04 (SWSW) SESW NESE NWSE Sec 07 T 07S R 03E FOR 210 ACRES

Diversion Means: WELL & RES.

The permits 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 OCTOBER 11, 1982.

KEN DUNN, Dir.

Published in the Owyhee

October 30, 1985

RE: Permit No. 57-7332

Bruneau Cattle Co.
Rt. 8, Box 138
Bruneau, ID 83604

Gentlemen:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson", with a horizontal line extending from the end of the signature.

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

October 7, 1985

RE: Permit No. 57-7332

Bruneau Cattle Co.
Rt. B Box 138
Bruneau, ID 83604

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 57-7332 and has found the following:

Amount of water that can be recognized as beneficially used
under Idaho law: 0.06 cfs Source: Shoofly Creek trib to
Snake River

The maximum quantity diverted shall not exceed 8.8 acre feet per
year.

Point(s) of diversion: SWSW, Sec. 35, Twp 7S, Rge 2E

Beneficial Use: Stockwater within SENE, Sec. 26; NENE, Sec. 36;
Twp 7S, Rge 2E, NWNE (Gov. Lot 2) Sec. 1; NENE, SWSE, Sec. 10;
SESW, Sec. 11; NENE, NENW, Sec. 13; NWSW, Sec. 15; SWNW, Sec.
21; SWNW, Sec. 22; SESW, Sec. 31; Twp 7S, Rge 3E, NESW, Sec. 31,
Twp 6S, Rge 4E, and NENE, Sec. 18, Twp 7S, Rge 4E

Priority date established: September 5, 1982 (Late Proof)

Conditions (if any):

If you do not concur with these findings, please contact us within 10 days;
otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
SEP 27 1985

57-7332
Permit No

Department of Water Resources

1 Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Measured 5 gallons 12.5 sec. = 24 GPM some
spillage so allowed 25 GPM maximum
flow. $25 \text{ GPM} \times .002225 = .06551$
 $.0134 \times 2000 \text{ Ad/range} = 26.8 \text{ AFA}$
for 90 day period = $\frac{777}{120}$
8.8AF

- b) Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

- c) Volume Calculations for Other Uses:

See 1a

2. Overlap Review

- a) Other water rights with same place of use: none
- b) Other water rights with same point of diversion: none
- c) Analysis:

MICROFILMED

10 day

4. Permit Holder: (Bruneau) Brunneau cattle co. ✓

5. Source: Shoofly Creek tributary to Slate River

Stockwater ✓	$\frac{3}{4} \frac{1}{1}$	6/30 ✓	0.06 cfs ✓	T8.8
--------------	---------------------------	--------	------------	------

7. Point(s) of Diversion: ✓

[illegible]

8. Place(s) of Use

[illegible]

Total Acres _____

☐ 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 _____

Date 4/18/95

Date 9/26/85

Date 10-3-85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

Permit No. 27-7332

Phone No.

1. Owner: Bournear Cattle Co. Phone No. _____
Current Address: At B. Box 138 Bournear, Ida 83604
2. Accompanied by: Gene Davis EXAM. DATE: 3/28/85
Address: At B Box 138 Bournear Phone No. 845-2762
Relationship to Permit Holder: owner
3. Source: Shoshly Creek tributary to Snake River

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

4" drainage pipe in Shoofly Creek running into a concrete diversion box with baffles & overflow pipe back into Shoofly Creek. Measured water at Sta # 5921 with a 5 gallon bucket 5 gallons in 1.5 sec. G.O.P.S.1 at Sta. See attached map for system layout.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket	~~5 gal~~ plastic				5 gal	

7. Measurements ☐ Additional data/computation sheets attached

☐ Additional data/computation sheets attached

5 gallon $\times$ 12.5 hrs = 24 GPM, some spillage is allowed
25 GPM maximum flow. 25 GPM $\times$.002278 = .06095
.0134 $\times$ 2000 hd/range = 26.8 HFFH for 90 days =
16.7 HFFH Rec 7 HFFH .5

- 8. Point(s) of Diversion:**

Indicate Method of Determination

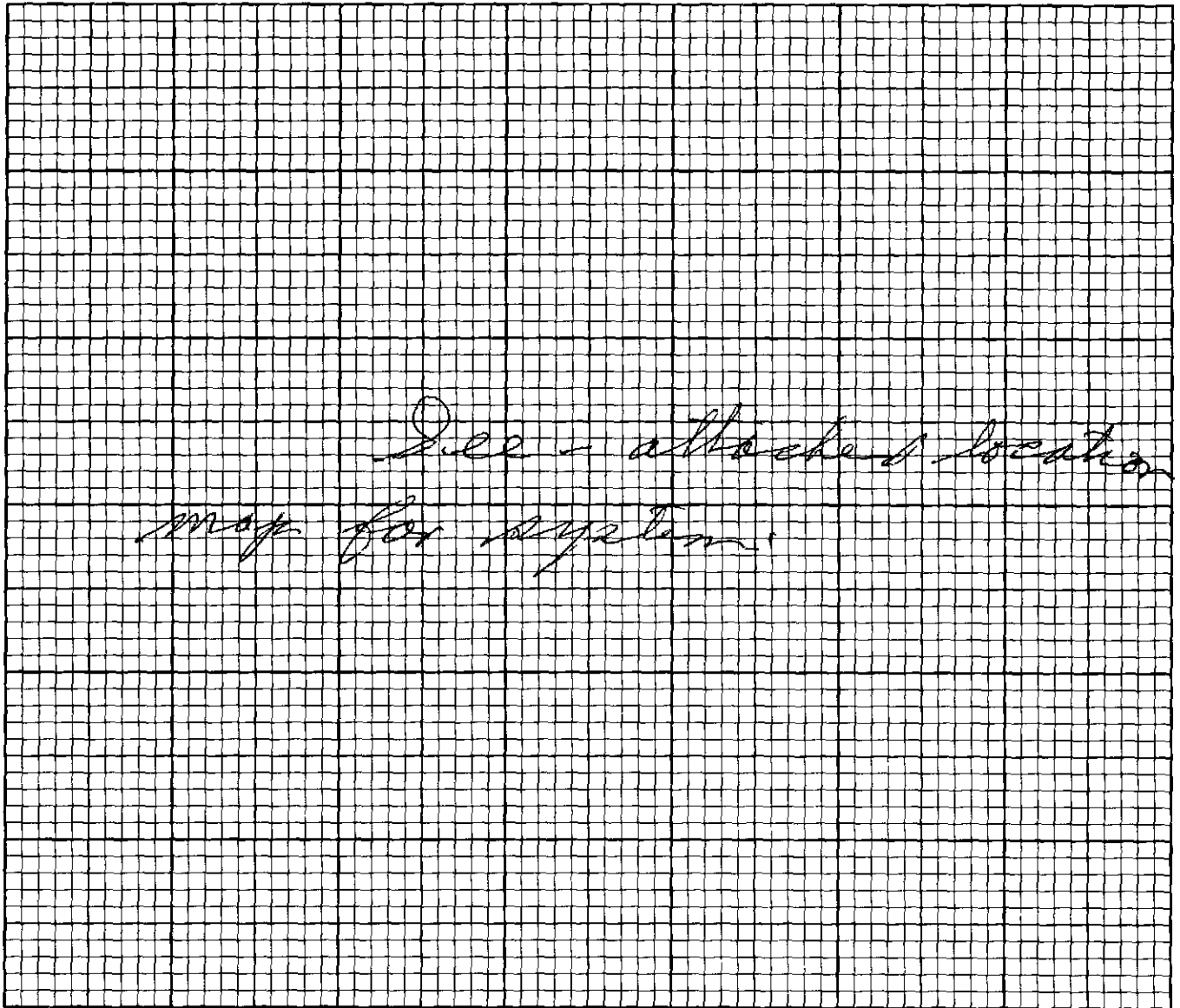
[illegible]

- | | | |
|----|------------------|---|
| 9. | Place(s) of Use: | Irrigation - give acres served by system at time of exam.
Indicate Method of Determination |
|----|------------------|---|

**Irrigation - give acres served by system at time of exam.
Indicate Method of Determination**

[illegible]

10. Other water rights on these lands none
11. Other water right diverted from same p.d. none
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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 |

16. Examiner's/Consultant's Signature John W. Noyes Date _____
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination 4/17/89
Date

CONSULTANT SEAL

57-7332

Notice of Claim to a Water Right
 Branson Cattle Co
PATENT "A"

*correspond to number
 on attached map.*

Item 6A
 Place of Use:

T. 7S., R. 2E., B.M., Sec. 26 SE¹NE¹ OK L ①
 Sec. 36 NE¹NE¹ OK L ②

T. 7S., R. 3E., B.M., Sec. 1 Lot 2 (NE¹NE¹ OK ③)
 Sec. 10 NE¹NE¹ ④
 Sec. 10 SW¹SE¹ ⑤
 Sec. 11 SE¹SW¹ ⑥
 Sec. 13 NE¹NE¹ ⑦
 Sec. 13 NE¹NW¹ ⑧
 Sec. 15 NW¹SW¹ ⑨
 Sec. 21 SW¹NW¹ ⑩
 Sec. 27 SW¹NW¹ ⑪
 Sec. 31 SE¹SW¹ ⑫

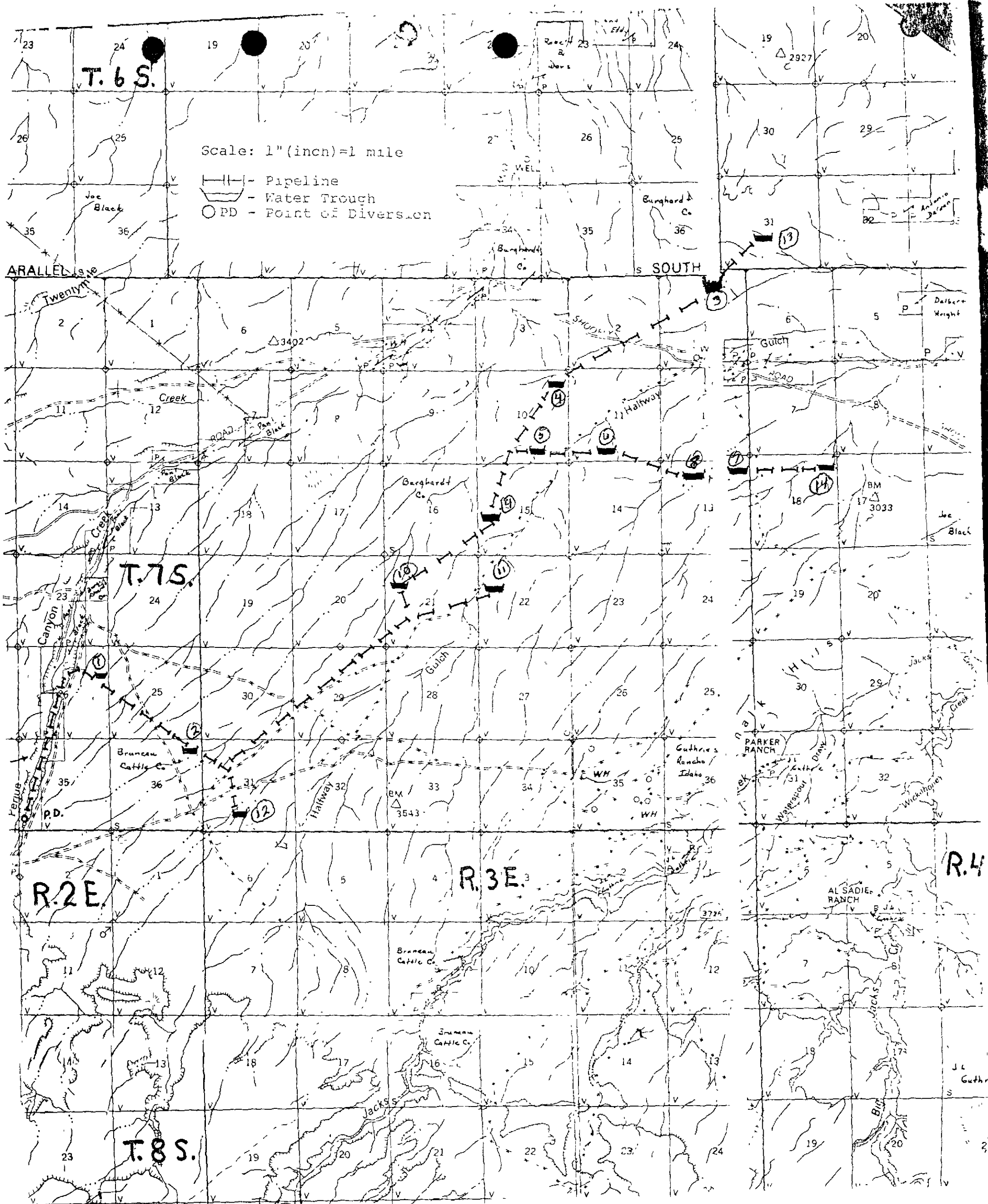
14 troughs

T. 6S., R. 4E., B.M., Sec. 31 NE¹SW¹ ⑬

T. 7S., R. 4E., B.M., Sec. 18 NE¹NE¹ ⑭

*✓ location of troughs as indicated
 by B.M. Ray a guler 4/17/85*

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

APRIL 25, 1984

BRUNEAU CATTLE CO.
RT. 8 BOX 138
BRUNEAU ID 83604

RE: Permit No. 57-7332

Dear Permit Holder

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Enclosed please find a copy of an order involving your permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

Enclosure

MICROFILMED

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 57-7332

DATE: Jan 5, 1984

Date proof received

339

Dec 5, 1983

Proof due

-335

Dec 1, 1983

Number of day proof late

4

Priority date

+244

Sept. 1, 1982

New priority date

248

Sept 5, 1982

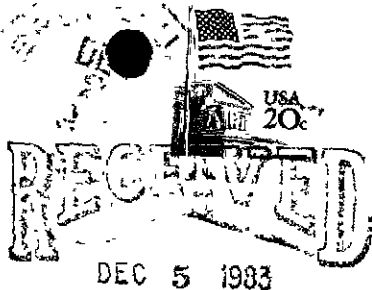
Remarks:

MICROFILMED

Burns Cattle Co
Rt. B Box 138
Burley, Idaho
83404



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



Department of Water Resources

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources is using this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 57-7332

Name(s) of Permit Holder. Bureau Cattle Co.

Post Office Address. RR. B Box 138

Bureau Idaho 83604 Tel. No. (208) 845-2762

Source of Water: Shoe-Flv Creek

Extent of Use

☐ Domestic	(number of households)
☒ Stockwater <u>2000 cows</u>	(number and type of stock)
☐ Irrigation	(acres)
☐ Other	

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

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

11-30-83
Date

Bureau Cattle Co
E. Eugene C. Davis
Signature of Permit Holder

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BRUNEAU CATTLE CO.
C/O EUGENE C. DAVIS
BRUNEAU, ID 83604

LAPSE NOTICE

DECEMBER 01, 1983

DEAD PERMIT HLDGR:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 57-7332 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED SEPTEMBER 30, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

12-8-1983

[Handwritten signature]

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138026

BRUNEAU CATTLE CO.
C/O EUGENE C. DAVIS
BRUNEAU, ID 83604

PROOF DUE NOTICE

SEPTEMBER 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 57-7332 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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 FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MAIL
OCT 11 1983

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BRUNEAU CATTLE CO.
C/O EUGENE C. DAVIS
BRUNEAU, ID 83604

NOVEMBER 23, 1982

RE: PERMIT NO. 57-7332

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID R. TOTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

ENTER THE NUMBER,
WHEN IT IS ASSIGNED,
OF THIS APPLIC. ON

ADJUDICATION CLAIM
BASED ON THIS APPL.
FILED THIS DATE BY
JIM THACKERBERRY FOR
BRUNEAU CATTLE CO.



State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan J. [Signature]

APPLICATION NUMBER: 57-7332

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☒ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: October 11, 1982
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9/30/82
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 45/24135
☒ Publication dates and paper, recorded on application. Answer requested 9/23 & 9/30/82
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
9/1/82 Date of priority recommended.
Special conditions of approval or cover letter. Right-of-way clause

Is in Bureau of Land Mgmt Area

By: DBS Date: 10/21/82

STATE OFFICE REVIEW:

SW/LIB

- ☐ See attached sheet for more information.
By: _____

Date: 10/21/82

RECEIVED

OCT 25 1982

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

RECEIVED

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX



IN REPLY
REFER TO

7200

Proj. No. 5921

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Boise District Office
3948 Development Avenue
Boise, Idaho 83705

OCT 12 1982

David B. Shaw
Department of Water Resources
Western Regional Supervisor
450 West State Street
Boise, Idaho 83702

Re: 57-7332

Dear Mr. Shaw:

We have no protest in regards to the application for a water permit on Shoofly Creek by Bruneau Cattle Company. However, as stated in the "Remarks" section, all of the Battle Creek permittees' livestock have a right to use this water on the public lands. Also, some wildlife will use this diverted water during the season of pipeline operation.

Sincerely yours,

C. Vernon Peugh
Bruneau Area Manager

Department of the Interior
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 21, 1982

Vincent S. Strobelt
Bureau of Land Management
Room 398 Federal Bldg.
550 W. Fort St.
Boise, ID 83724

Re: 57-7332

Dear Mr. Strobelt:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application, your written protest must be received in this office by October 11, 1982.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "David B. Shaw", is written over the typed name.

DAVID B. SHAW
Western Regional Supervisor

DES:jpb

Enclosure

57-2332

BRUNEAU CATTLE CO.

C/O EUGENE C. DAVIS, BRUNEAU, ID 83604

Source: SHOOFLY CREEK tributary to SNAKE RIVER

Date Filed: 09/01/1982

Amount: 0.45 CFS

Diversion Point: SWSW Sec 35 T 07S R 02E, OMYHEE Co.

Use: STOCKWATER (0.45 CFS) from 03/01 to 06/30

Place of Use: SENE Sec 26 T 07S R 02E NENE Sec 36 T 07S R 02E LOT 02 (NWNE)
Sec 01 T 07S R 03E NENE SWSE Sec 10 T 07S R 03E SESW
Sec 11 T 07S R 03E NENE NENW Sec 13 T 07S R 03E NWSW
Sec 15 T 07S R 03E SWNW Sec 21 T 07S R 03E SWNW
Sec 22 T 07S R 03E SESW Sec 31 T 07S R 03E NESW
Sec 31 T 06S R 04E NENE Sec 18 T 07S R 04E

Diversion Means: PIPE, SETTLING BOX & TROUGHS