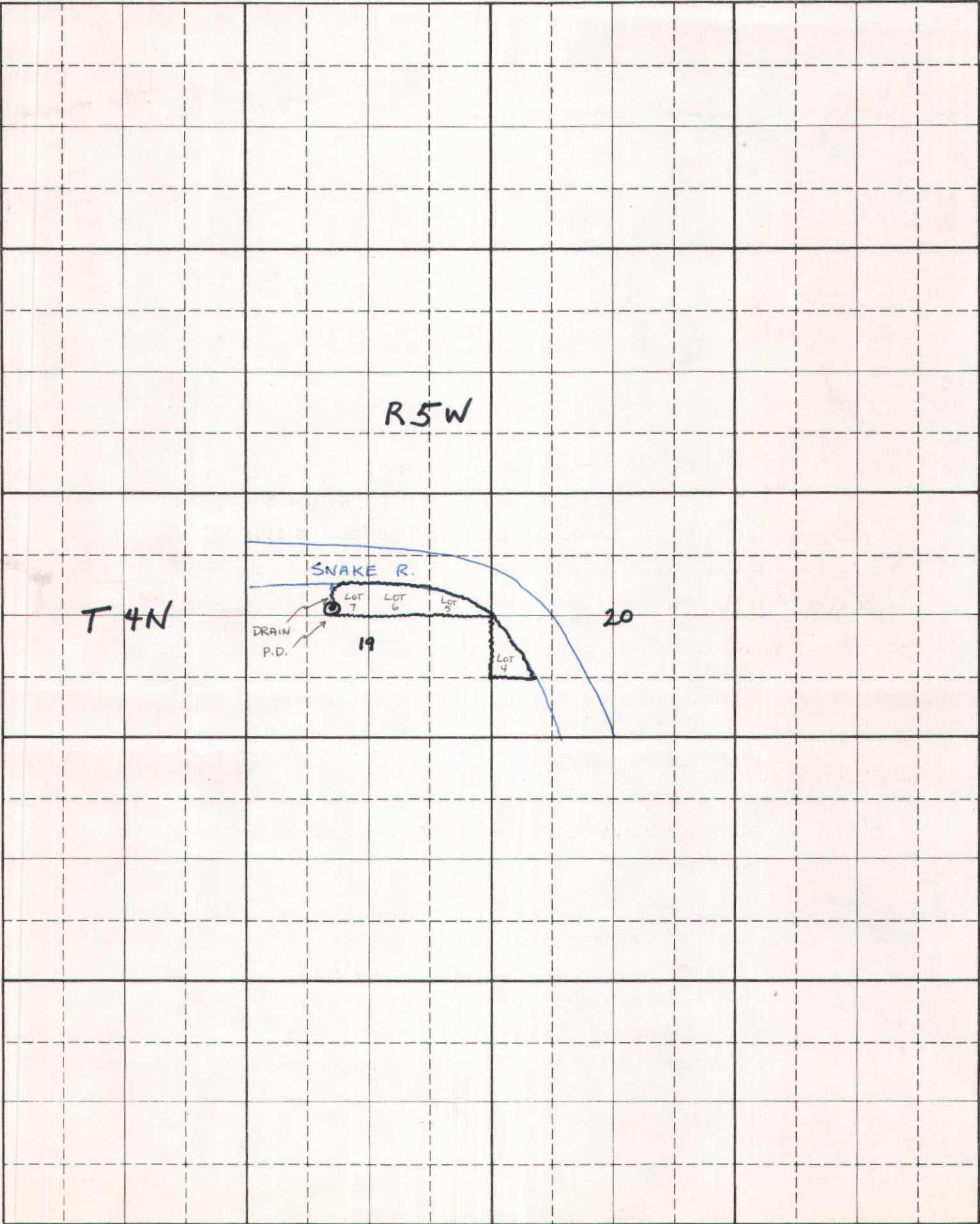


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

James D. Nylander
(Applicant)

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 16 1976

ATTACH CLIPPING
HERE

STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

Department of Water Resources
Western Regional Office

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 men-
tioned, I was and now am the or publisher of
THE OWYHEE CHRONICLE, a newspaper of general circulation printed and
published weekly, on Thursday of each and every week, in the City of
Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and pub-
lished 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 attached

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 (consecutive)
calendar weekly issue(s) of said newspaper, on the following date(s):

August 6 and
September 2, 1976

(Signed) Joe E. Aman

Subscribed and sworn to before me this 28 day of Aug

A. D., 19 76

Maemi J. Aman

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires Nov. 2, 19 78

NOTICE OF APPLICATION FOR WATER PERMIT

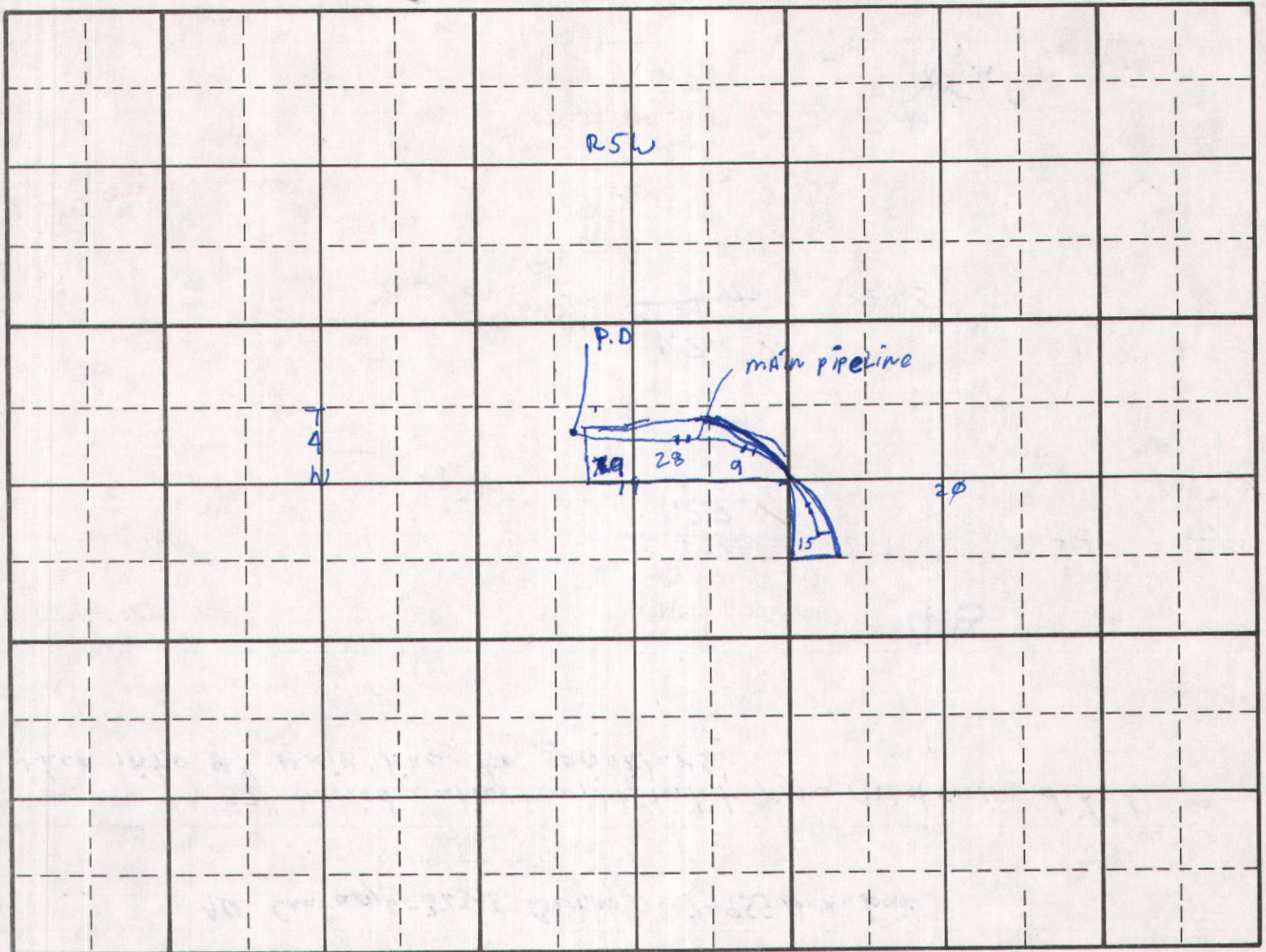
Notice is hereby given that
JAMES D. NYLANDER Home-
dale, ID has on August 17, 1976
submitted Application No. 63-8360
for a permit to appropriate 1.43
cubic feet per second of water from
a surface drain trib. Snake River
by means of pump and sprinkler
system within Government Lot 7
(SEnw) Sec 19 T4N-R5W B.M.,
Owyhee County to be used from
Apr 1 to Nov 1 for irrigation of 71.5
acres within Government Lots 5, 6
& 7 Sec 19; Lot 4 Sec 20 T4N-R5W.
✓ If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Resources,
Statehouse, Boise, Idaho 83720, on
or before September 13, 1976.

R. KEITH HIGGINSON
Director

Published in the Owyhee
Chronicle, Homedale, ID on
August 26, 1976 and September 2,
1976.

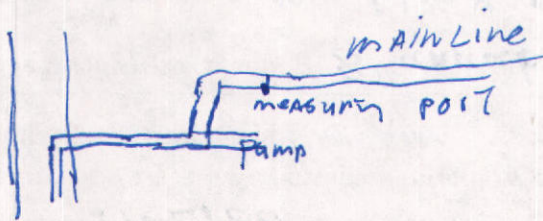
OK
9-20-76
RF

MICROFILMED



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE NW 5 19 4N 54

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	5W	19			28	9													16
4N	5W	20																	15
																			61

* 0 = not identified on permit

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

- ☒ None
☐ Other

* Lot 7 was in fact identified on the permit. Date 4/26/83

Examiner's Signature Carl E. Mann

Date 21-July 1980

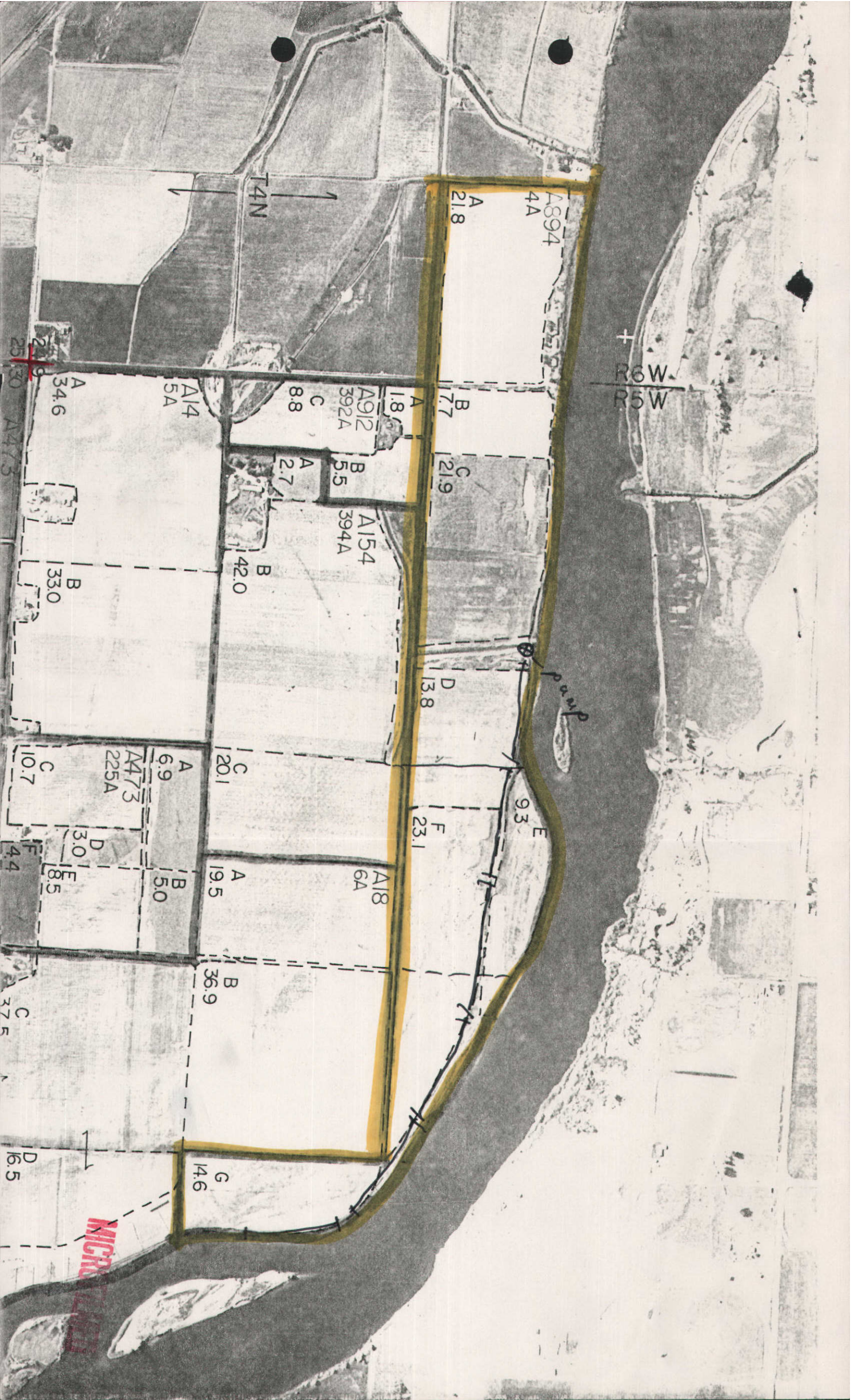
Checked by D.B.S.

Date 7/22/80

Approved by Robyn

1-14-83

Date 12/30/80



A894
4A

A
21.8

T4N

R6W
R5W

A912
392A
C
8.8

A
1.8

C
21.9

A
2.7

B
5.5

A154
394A

B
42.0

D
13.8

pump

F
23.1

E
9.3

A18
6A

C
20.1

A473
225A

B
5.0

A
19.5

B
36.9

G
14.6

A
34.6

A14
5A

B
13.0

C
10.7

D
3.0

E
8.5

F
4.4

C
3.7

D
16.5

25.1
30

A473

MICRO

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 57-7176 Priority August 17, 1976 Amount 1.22 cfs

THIS IS TO CERTIFY, that James D. Nylander
of Homedale, Idaho, has complied with the terms and conditions of Permit
No. 57-7176 issued pursuant to Application for Permit dated August 17, 1976,
and has submitted proof to the Department of Water Resources on July 22, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.31 cfs of water from unnamed drain,
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>Irrigation</u>	<u>from March 15 to November 15</u>	<u>at 1.22 cfs</u>	<u>and 274.5 acre feet</u>
	<u>from</u>	<u>cfs and</u>	
	<u>from</u>	<u>at</u>	<u>cfs and</u>

(both dates inclusive)

Subject, however, to the condition that no more than 1.22 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 confined for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
274.5 acre feet per year, said waters to be diverted within the Government Lot 7 (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
Section 19, Twp. 4N, Rge. 5W in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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 $\frac{1}{4}$	
4N	5W	19		GL5					GL7						46
		20									GL4				15

Total number of acres irrigated 61

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 4.5 afa per acre for the lands above.

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of
May, 19 83

Acting for the Director

Norman C. Young

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 57-7176

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

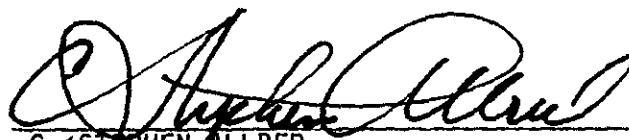
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

RECEIVED
AUG 21 1978

Identification No. _____

Application No. ~~1-1-1-1-1-1~~

57-7176

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 JAMES D. NYLANDER Phone: 339-4423
post office address Box 172 HOMEDALE, ID 83628
2 Source of water supply SURFACE DRAIN which is a tributary of SNAKE R
3 a Location of point of diversion is SE ^(LOT 7) $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 4 N
Range 5 W B.M. OWYHEE County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into SNAKE R at a point in SE $\frac{1}{4}$ of NW ^(LOT 7) $\frac{1}{4}$ of Section 19 Township 4 N Range 5 W B.M. _____

4 Water will be used for the following purposes:

Amount 1.43 for IRRIGATION purpose from APRIL 1 to NOV 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated

a 1.43 cubic feet per second and/or
b _____ acre feet per annum

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc. PUMP TO SPRINKLING SYSTEM

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir capacity _____ acre feet, materials used in storage dam. _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo Day) (Mo Day)

c Proposed well diameter is _____ inches; proposed depth of well is _____ feet

7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years

b Estimated construction cost is \$ 19,500.00

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.

(2) Amount of power to be generated _____ hp under _____ feet of head

(3) List number of each kind of livestock to be watered _____

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

(5) If water is to be used for other purposes describe _____

RECORDED

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	
4 N	5 W	19			LOT 6 24.4	LOT 5 9.5				LOT 7 25							LOT 7 25		58.9
		20								5.3		LOT 4 12.6						J	12.6

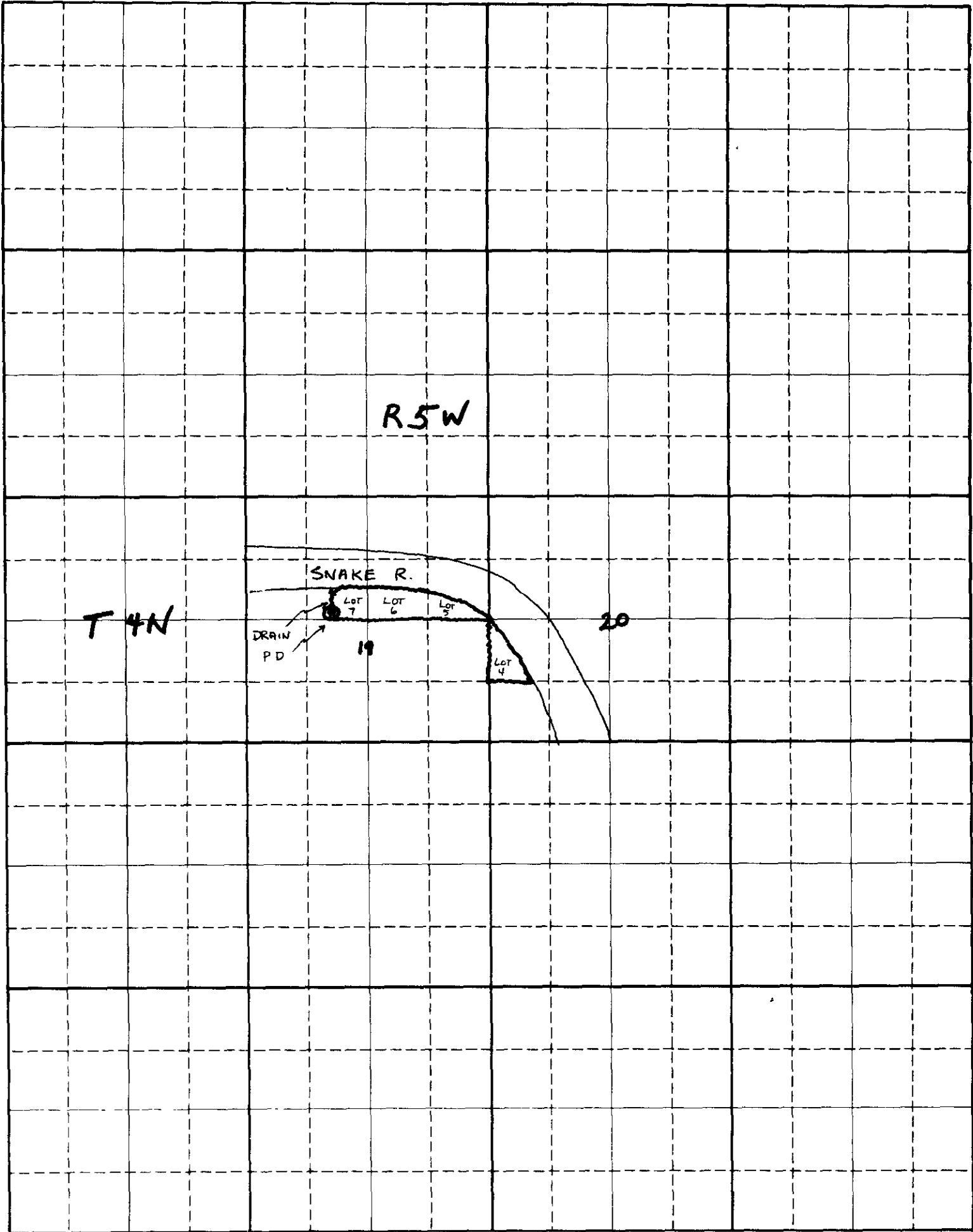
Total number of acres to be irrigated 71.5

c. Describe any other water rights used for the same purposes as described above 02-2432 for Snake
water on Lot 7, Sec. 19 : This DRAIN WATER IS SUPPLEMENTAL

- 9 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 _____

10. Remarks SUPPLEMENTAL

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



Scale 2 inches equal 1 mile

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

James D. Nylander
(Applicant)

Proposed Priority 8-17-76

Received by DRT Date Aug 17, 76 Time 12:30

Preliminary check by DRT Fee \$ 35.00

Receipted by DRT Date 8-17-76 # 5314

Publication prepared by RB Date 8-20-76

Published in Owyhee Chronicle

Publication dates Aug 26 + Sept 2

Publication approved RF Date 9-20-76

Priority reduced to _____ Reason _____

Protests filed by Erich Knehan for the South Board of Control, Owyhee Project

Copies of protests forwarded by RF 9-15-76

Hearing held by LGSD 82F Date 10-6-76

Recommended for approval denial by JLS 515

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. 63-8360, 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 October 1, 1981.

c Other. 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2 Denial of said application is for the following reasons: _____

Witness my hand this 27 day of October, 19 76.

R. Karl Hing
Director

AFFIDAVIT OF PUBLICATION

RECORDED
SEP 16 1976

ATTACH CLIPPING
HERE

STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

Department of Resources
Western Regional Office

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 men-
tioned, I was and now am the or publisher of
THE OWYHEE CHRONICLE, a newspaper of general circulation printed and
published weekly, on Thursday of each and every week, in the City of
Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and pub-
lished 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 attached

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 (consecutive)
calendar weekly issue(s) of said newspaper, on the following date(s):

August 6 and
September 2, 1976

(Signed)

Joe E. Aman

Subscribed and sworn to before me this 28 day of Aug.

A. D., 19 76

Moni J. Aman

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires Nov. 9, 19 78

[A large, dark, rectangular area containing a heavily obscured and illegible document, likely a newspaper clipping as mentioned in the affidavit.]

OK
9-20-76
RF

May 3, 1983

RE: Permit No. 57-7176

James D. Nylander
Route #1, Box 227
Homedale, ID 83628

Dear Mr. Nylander:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MAY 10 1983



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

March 3, 1983

RE: Permit No. 57-7176

James D. Nylander
Route #1, Box 227
Homedale, ID 83628

Dear Mr. Nylander:

A representative of this Department has made an examination of the works covered by your Permit No. 57-7176, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.22 cfs Source: unnamed drain

The maximum quantity diverted shall not exceed 274.5 acre feet
per year.

Point(s) of diversion: Gov. Lot 7(SE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 19, Twp. 4N, Rge. 5W,
Owyhee County

Beneficial use: Irrigation of 61 acres within the Gov. Lot 8(SW $\frac{1}{4}$ NE $\frac{1}{4}$),
Gov. Lot 5(SE $\frac{1}{4}$ NE $\frac{1}{4}$), Gov. Lot 7(SE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 19; Gov. Lot 4(NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec.
20, Twp. 4N, Rge. 5W

Priority date established: August 17, 1976

Conditions (if any): This right when combined with all other rights shall
provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the
lands above.

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 Distribution Supervisor

jd:kw

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

57-7176

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)	22 July 1980	Cem	
	10:00 AM		

EXAMINATION

Date 7/22/80 Accompanied by Mr. Nylander Total Q measured 2.31 CFS
If source is surface water, estimate total flow of source _____
Methods of measurement Annubar Meets Permit requirements? yes capacity

Measurement calculations: 8" annubar at 5 inches = 588 gpm = 1.32 cfs
448.8
Allow .02 per AC: 61 AC x .02 = 1.22 cfs
V = 61 AC x 4.5 = 274.5 | 1.22 cfs x 245 days x 1.9835 = 592.86

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	10	Centar	6-323053	Barkby	7674955	Annubar		

System Description 36" buried culvert with inlet pipe in drain ditch
then into 8" main line to sprinklers

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

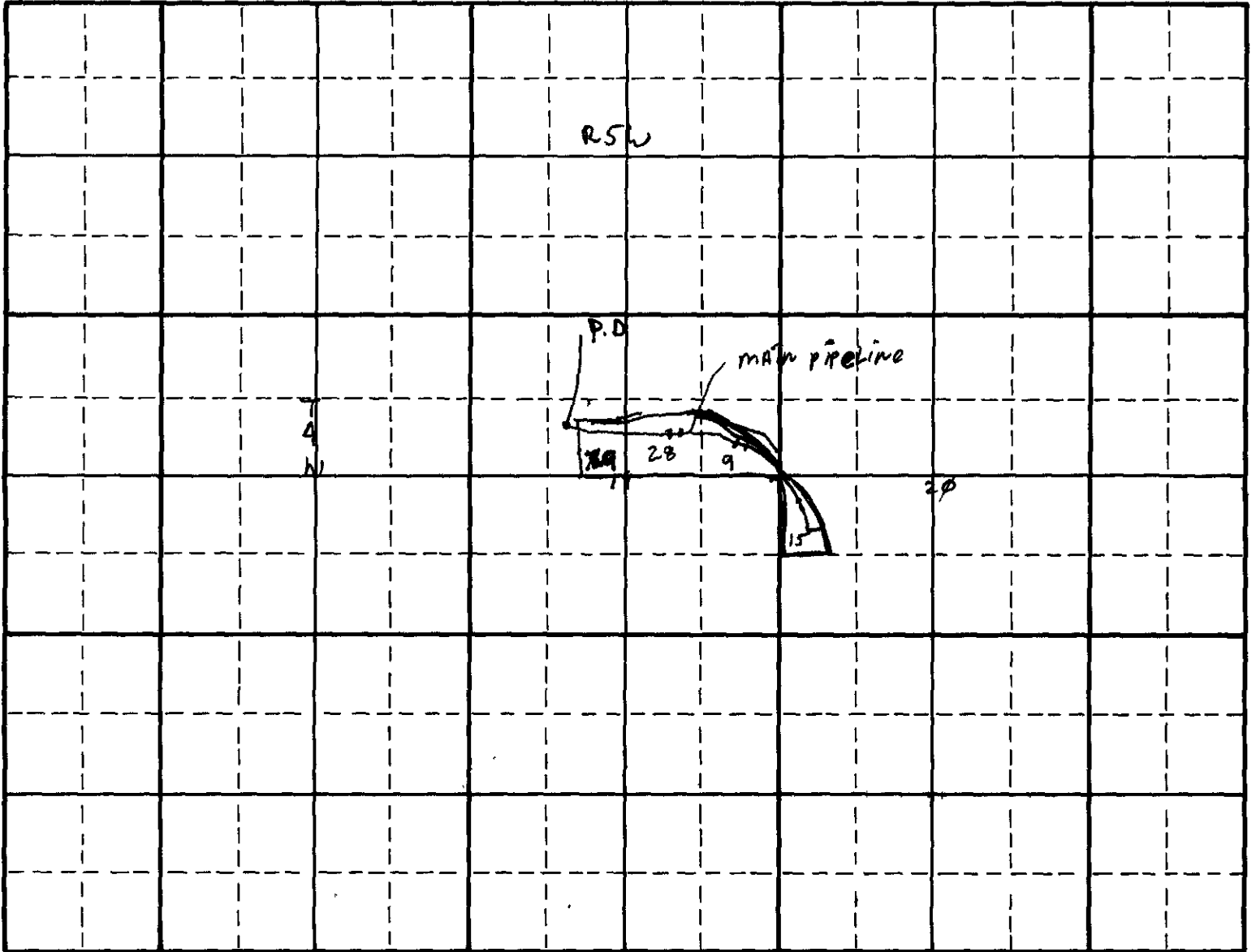
USE	Irrigation requirement = <u>4.5</u>		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>IRRIGATION</u>	<u>2.31 CFS</u>	<u>274.5</u> ✓	<u>3.15</u>	<u>12/25</u>
	<u>1.22</u> ✓			
	<u>1.22</u> ✓			
Total	<u>2.31 CFS</u>	<u>274.5</u> ✓		

Remarks _____

02-2 Snake R - No Overlap, different source
Recommend R16
Jim 3-4-83

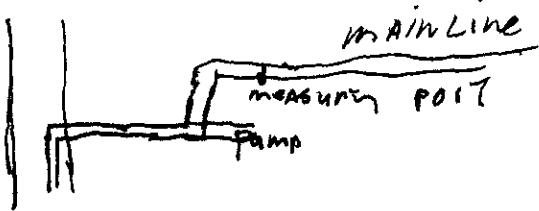
MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



(967)

Point(s) of diversion: SE NW 5 19 4N 54

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	3W	19			28	9			28										16
4N	3W	20											14.6						15
																			61

* 0 = not identified on permit

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

* Lot 7 was in fact identified on the permit on 4/26/83

Examiner's Signature Carl E. Homan

Date 21-July 1986

Checked by D35

Date 7/22/80

Approved by Robyn 1-14-83

Date 12/30/80



DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 57-7876.

Name(s) of Permit Holder: JAMES D. NYLANDER

Post Office Address: _____

Source of Water: SURFACE DRAIN

Extent of Use:

☐ Domestic	_____	(number of households)
☐ Stockwater	_____	(number and type of stock)
☐ Irrigation	<u>72</u>	(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.

11/22/80
 Date

James D. Nylander
 Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

*received when field
exam was made on
7-22-1980*

INTER-DEPARTMENT MEMO — 1

FROM

Rita

DATE 7/21/90

TO

File #57-7176

SUBJECT

Field Exam

Mr. Nylander contacted us about having the field exam completed for this persist. I let him speak with Lee and asked Lee to get the b/v postcard when he does the exam.

[Signature]
SIGNATURE

James D. Nylander
Route 1, Box 227
Homedale, ID 83628

Re: Permit No. 57-7176

If you have any questions concerning this item, please contact me.

RITA FLECK
Sr. Secretary

Enc: 1

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

[illegible]

Total number of acres irrigated 71.5

10. Remarks: This permit is for supplemental water.

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

4/16/79
(Date)

James H. Nylander
(Signature)

State of _____)
County of Ada) ss.

On this 16th day of April, 19 79, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

ne that he (she) (they) executed the same.

Gita Bendele
Notary Public
Residing at Gower Rd

My commission expires 3/8/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

RECEIVED
APR 16 1979

Department of Water Resources

1. a) Name of permit holder James D. Nylander
b) Post office address Route 1, Box 227, Homedale, ID
2. Permit number 57-7176
3. Date of priority that you are prepared to establish 8-17-76
4. a) Source from which water was appropriated surface drain
(Lot 7)
b) Location of the point of diversion: SE 1/4 NW 1/4, Section 19
Township 4N, Range 5W Boise Meridian. Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 1.43 for irrigation purposes from 4-1 to 11-1 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
b) Total amount appropriated 1.43 cfs and/or acre-feet per annum.
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the permit holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):
40 HP pump, sprinkler system
b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other) _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 31, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P.E.

Supervisor, Water Allocations Section

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

MP

October 27, 1976

Re: Permit No. 63-8360

James D. Nylander
Box 172
Homedale, ID 83628

Dear Mr. Nylander:

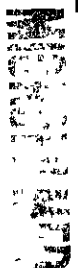
Enclosed is a copy of your approved Application for Permit No. 63-8360 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit



South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Beverly Fisher
Treasurer

Erich Knehans
~~Tom Cotton~~
Secy.-Mgr.

October 11, 1976

RE: Protest against approval of Application
for Permit No. 63-8360 to James D. Nylander

Mr. L. Glen Saxton, P. E.
Western Regional Supervisor
92 South Cole Road
Boise, Idaho 83705

RECEIVED
OCT 13 1976

Department of Water Resources
Western Regional Office

Dear Mr. Saxton:

With reference to the matter of Protest against approval of the Application for Permit No. 63-8360 in the name of James D. Nylander, we herewith withdraw our Protest, an action taken at our Board of Directors meeting, October 7th and quotation from minutes is as follows:

"A request by Jim Nylander and his attorney Roderick B. Woods to withdraw the Protest on a Permit for a water right from the State, on which a hearing was held in Murphy on October 6, which was protested by the South Board. Upon a motion by Don Parker, seconded by Frank Tanikuni and unanimously agreed to withdraw our Protest so the Permit can be granted."

Mr. Nylander is to obtain a Permit from the district to install his installation to meet our specifications.

Thank you.

Very truly yours,

Erich Knehans
Erich Knehans, Secy.-Mgr.
South Board of Control

RECEIVED

South Board of Control, Owyhee Project

SEP 10 1970

Homedale, Idaho 83628

Department of Water Resources

Phone 337-3760

Beverly Fisher
Treasurer

Erich Knehans
~~Tom Cotton~~
Secy.-Mgr.

September 9, 1970

RECEIVED
SEP 13 1970

Mr. R. Keith Higginson
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources
Western Regional Office

Dear Mr. Higginson,

I am writing you in regard to James D. Nylander's
Application for Water Permit (No. 63-8360).

According to the Application an amount of 1.43 c.f.s.
will be pumped from a surface drain within Government Lot 7,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19 T. 4N., R. 5W.B.M.

The drain is considered by us to be a Project Drain
and the water which flows in the drain is Project water. In
our contract with the Bureau of Reclamation it states; The
United States does not abandon or relinquish any of the waste,
seepage or return-flow waters attributable to the irrigation
of the lands to which water is supplied under this contract.
All such waters are reserved and intended to be retained for
the use and benefit of the United States as a source of sup-
ply for the lands of the project.

We feel the water in the discussed drain is under our
control and that the State of Idaho cannot give a right to
this water.

Therefore, the Directors and Management of the South
Board of Control hereby protest the Application for Water Per-
mit from the above drain by the State of Idaho to James D.
Nylander of Homedale, Idaho.

Very truly yours,

Erich Knehans

Erich Knehans, Secy.-Mgr.
South Board of Control

YH

RECEIVED

RECOMMENDED

CONDITIONS OF APPROVAL

- ☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☒ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) PJC 8-18-76

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) PJC 8-18-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) RF OK

Affidavit of Publication received(date) 9-20-76

(12) _____

Final date for protests Sept. 14, 1976

Protests received: yes ☒ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

☒ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By JLS

Date 10-14-76

October 19, 1976

Re: Application for Permit No. 63-8360
James D. Nylander

Erich Knehans
South Board of Control
Owyhee Project
Homedale, ID 83628

Dear Mr. Knehans:

This office acknowledges receipt of the withdrawal of protest on the above referenced application for permit.

Please be advised that the protest has been removed from the department's records and processing will continue on the application.

If you have any questions concerning ~~this~~ matter, please contact this office.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

RECEIVED

October 19, 1976

Re: Application for Permit No. 63-8360

James D. Nylander
Box 172
Pomedaale, ID 83628

Dear Mr. Nylander:

Enclosed is a copy of the letter withdrawing the protest filed by Erich Knehans on October 13, 1976.

The protest has been removed from our department's records and we will now continue processing your application.

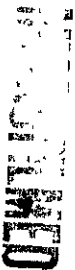
If this office can be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enc.



63-8360 - James D. Nylander

Meeting Room, New Courts Building, Murphy, Idaho

Wednesday, October 6, 1976 - 10 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
James D. Nylander	Box 172 Honsalee Ida	DM
Roderick B. Wood	Box 1180 Homedale, Ida	Applicant
Frank Janikune	Raute ² Box 103	Member Bureau Director - South Branch of Control
Erick Knehan	Box 67 Mission So. Bd. of Control	Homedale

MICROFILMED

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES Western Region		Indicate type of mail ☐ REGISTERED ☐ COD ☐ INSURED ☒ CERTIFIED		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT					
NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if registered)	DUE SENDER IF C.O.D.	R. F. FEE	S. D. FEE	S. H. FEE	REG. DEL. FEE	REMARKS
1	139191 James D. Nylander, Box 172, Homedale, ID 83628										63-8360
2	139192 Erich Knehan, Sec-Treas., South Board of Control,										
3	Oaxabee Project, Homedale, ID 83628										
4											
5											
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15											
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		Declaration of value is required on international registered mail. Special-handling charges apply only to third- and service also includes special-handling service.					

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U. S. GOVERNMENT PRINTING OFFICE 1975 O - 573-715

RECEIVED

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

IN THE MATTER OF PROTEST AGAINST APPROVAL	)	
	)	NOTICE OF CONFERENCE
OF THE APPLICATION FOR PERMIT NO. 63-8360	)	
	)	AND/OR HEARING
IN THE NAME OF JAMES D. NYLANDER	)	
_____	)	

On August 17, 1976, James D. Nylander filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On September 10, 1976, the Department received a protest against approval of said application from Erich Knehans, Secretary-Treasurer of the South Board of Control.

The Department has set the matter of protest for conference and/or hearing for Wednesday, October 6, 1976 at 10:00 a.m. in the Meeting Room of the New Courts Building, Murphy, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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. 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.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 20th day of September, 1976.



L. GLEN SAXTON, P.E.
Western Regional Supervisor

September 20, 1976

County Clerk
Owyhee County Courthouse
Murphy, Idaho 83628

Dear Clerk:

This is to confirm the use of the meeting room of the new courts building for conference and/or hearing to be held by this office on Wednesday, October 6, 1976 at 10:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

RITA FLECK
Secretary

RF

RECEIVED

September 15, 1976

Re: Application for Permit No. 63-8360
James D. Nylander

Erich Knehans
South Board of Control
Owyhee Project
Homedale, ID 83628

Dear Mr. Knehans:

This office acknowledges receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water 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 project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

bc State Office
Bob Fleenor

September 15, 1976

Re: Application for Permit No. 63-8360

James D. Nylander
Box 172
Homedale, ID 83628

Dear Mr. Nylander:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 63-8360. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water 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 project?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest.

If we may be of any assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enc.

bc: Bob Fleenor
State Office - IDWR

South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

RECEIVED

AUG 26 1976

Beverly Fisher
TreasurerTom Cotton
Department of Water Resources
Secy.-Mgr.

August 27, 1976

Mr. R. Keith Higginson
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Higginson,

I am interested in some information on an Application for Water Permit that appeared in the Homedale paper on August 26. The application is submitted by James D. Nylander and assigned No. 63-8360.

According to the Notice an amount of 1.43 c.f.s. will be pumped from a surface drain which is a tributary of the Snake River. I assume that he will be pumping from a drain and not the river itself.

This drain is maintained by the South Board of Control and the water which flows into the drain is created by our Project lands.

I question the fact that Mr. Nylander can apply for a Water Permit on this drain considering the above information.

I would like an opinion on the above question and any information you could send us on the exact location of diversion.

The final date for protests is September 13, 1976. I would appreciate an answer before this date so we will have time to file a protest if we find it in our best interest.

Thank you.

Sincerely yours,

Drew F. Eggers

Drew F. Eggers, Ass't. Mgr.
South Board of Control

DE/mt

✓ JH
I contacted Eggers by phone on 9-7-76.
He may file a formal protest. JH



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

August 20, 1976

Re: Notice of Application for Water Permit No. 63-8360 - James D. Nylander

Owvhee Chronicle
20 East Idaho Avenue
Homedale, ID 83628

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(Signature of Claimant)

Bill Submitted

9-20-76
RF

Sincerely,

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JAMES D. NYLANDER
Homedale, ID
has on August 17, 1976 submitted Application No. 63-8360
for a permit to appropriate 1.43 cubic feet per second acre feet
~~XXXXXXX~~
~~XXXXXXX~~ of water from a surface drain trib. Snake River
by means of pump and sprinkler system
within ~~the~~ Government Lot 7 (SE1/4) Sec 19 T4N-R5W B.M., Owyhee County
to be used from Apr 1 to Nov 1
for irrigation of 71.5 acres
within ~~the~~ Government Lots 5, 6 & 7 Sec 19; Lot 4 Sec 20 T4N-R5W

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Idaho Depart-
ment of Water Resources, Statehouse, Boise, Idaho, 83720, on or before
September 13, 1976.

R. KEITH HIGGINSON

Director

Published in the Owyhee Chronicle, Homedale, ID
on August 26, 1976 and September 2, 1976.

MICROFILMED