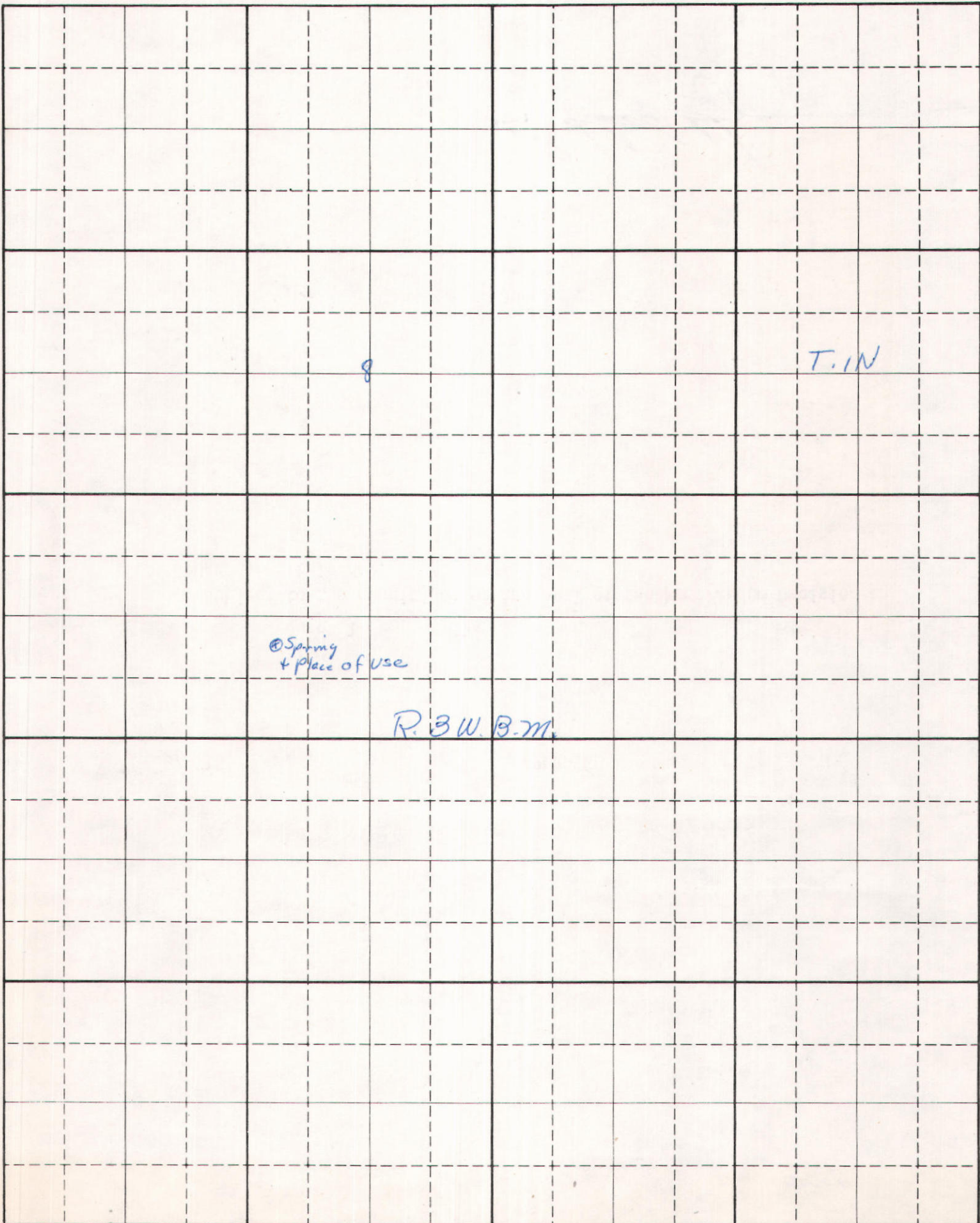




8

T.I.N.

Spring
& place of use

R.B.W.B.M.

Robert Flynn
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 22 1994
Department of Water Resources

A. GENERAL INFORMATION

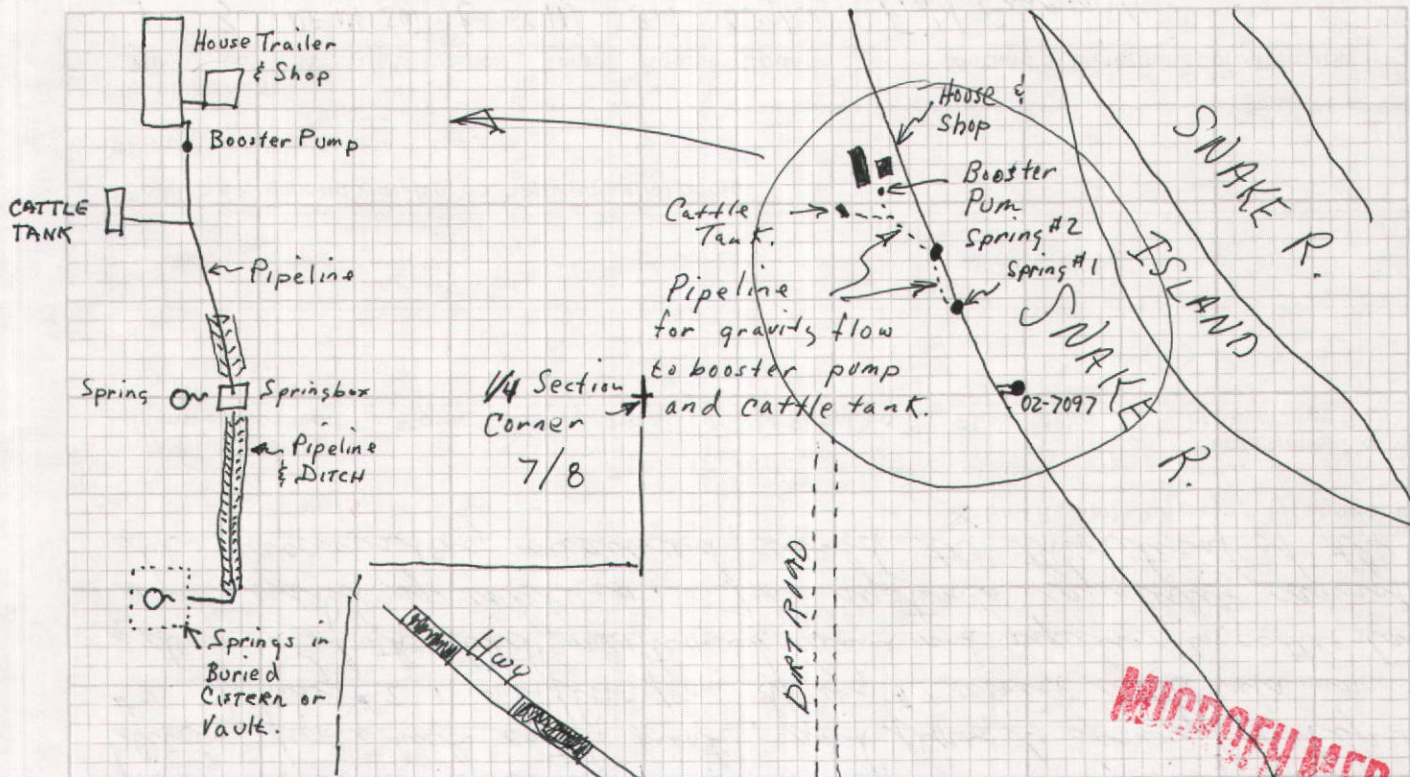
1. Owner: Robert Flynn Permit No. 57-7156 o/c
Current Address: P.O. Box 66 Melba, Idaho 83641 Phone No. _____
2. Accompanied by: same as above EXAM. DATE: July 9, 1990
Address: _____ Phone No. _____
Relationship to Permit Holder: owner
3. Source: Unnamed Springs tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: A02-10058, A02-07089
02-7140, 02-7297 ☒ Copies Attached
2. Other water rights with same point of diversion: 57-7097 o/c (Same POD, Same POU, Same Uses)
see attached lists ☒ Copies Attached ☐ Copies of Field Exam's Attached
02-07140, 02-07297, A02-07140

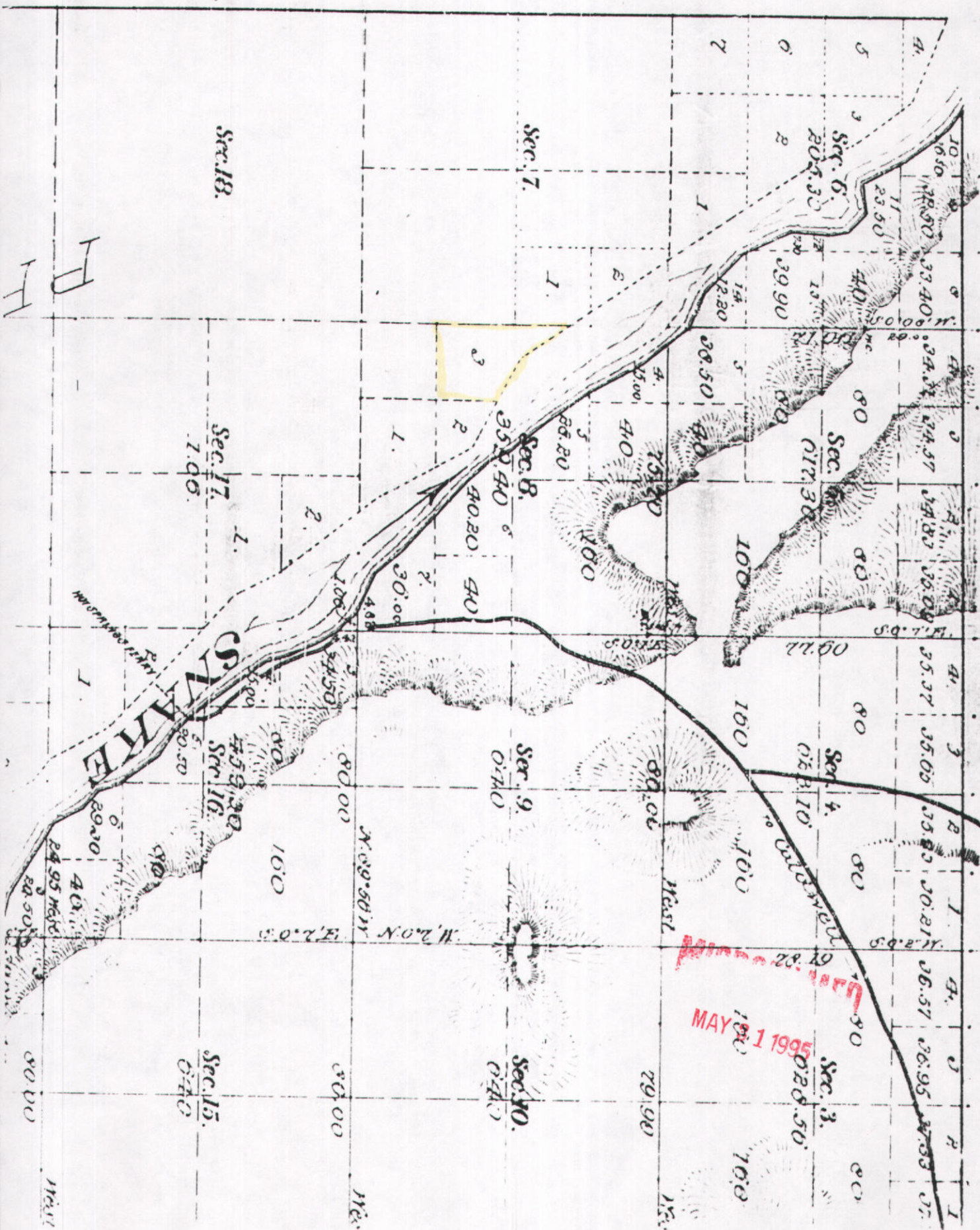
C. SYSTEM DESCRIPTION

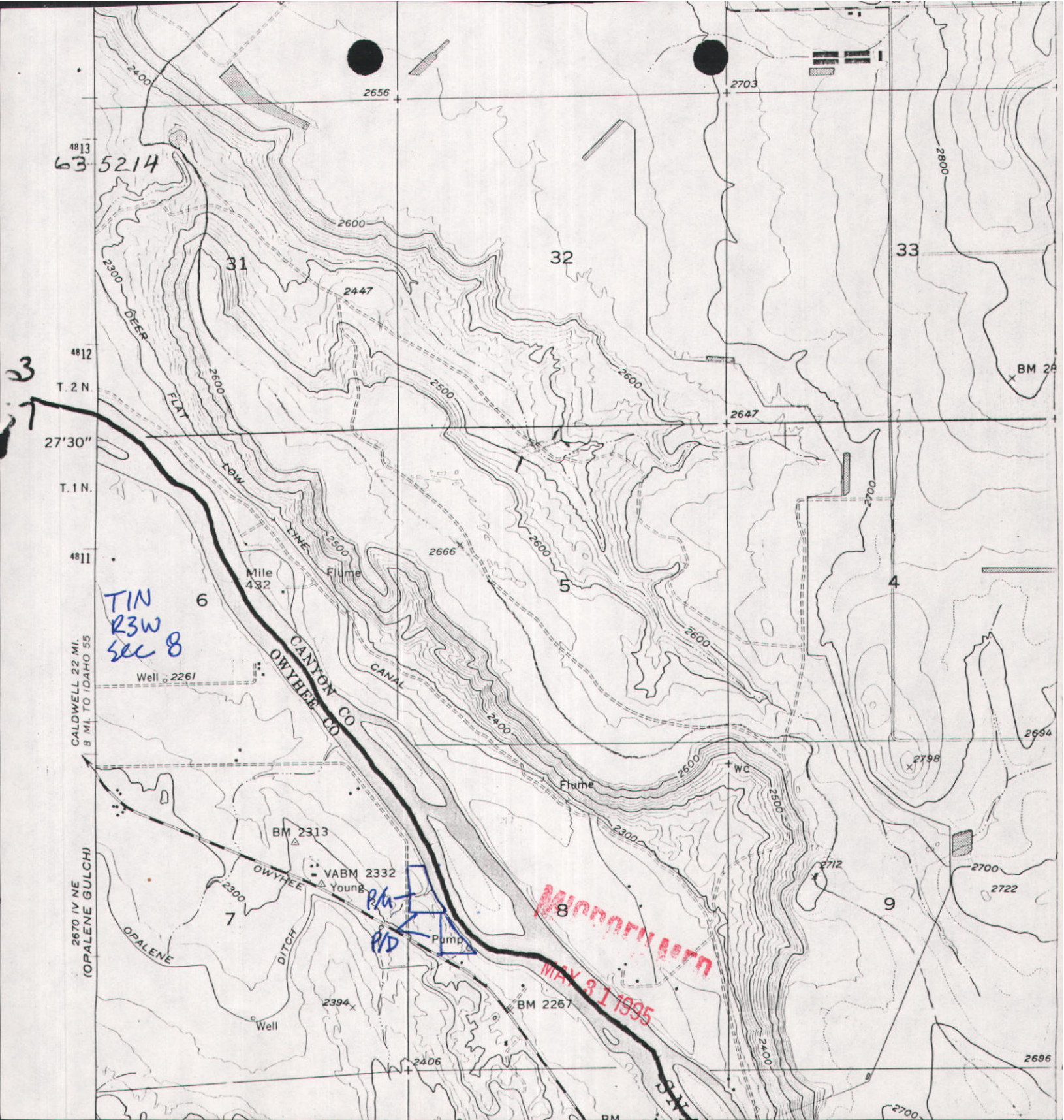
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

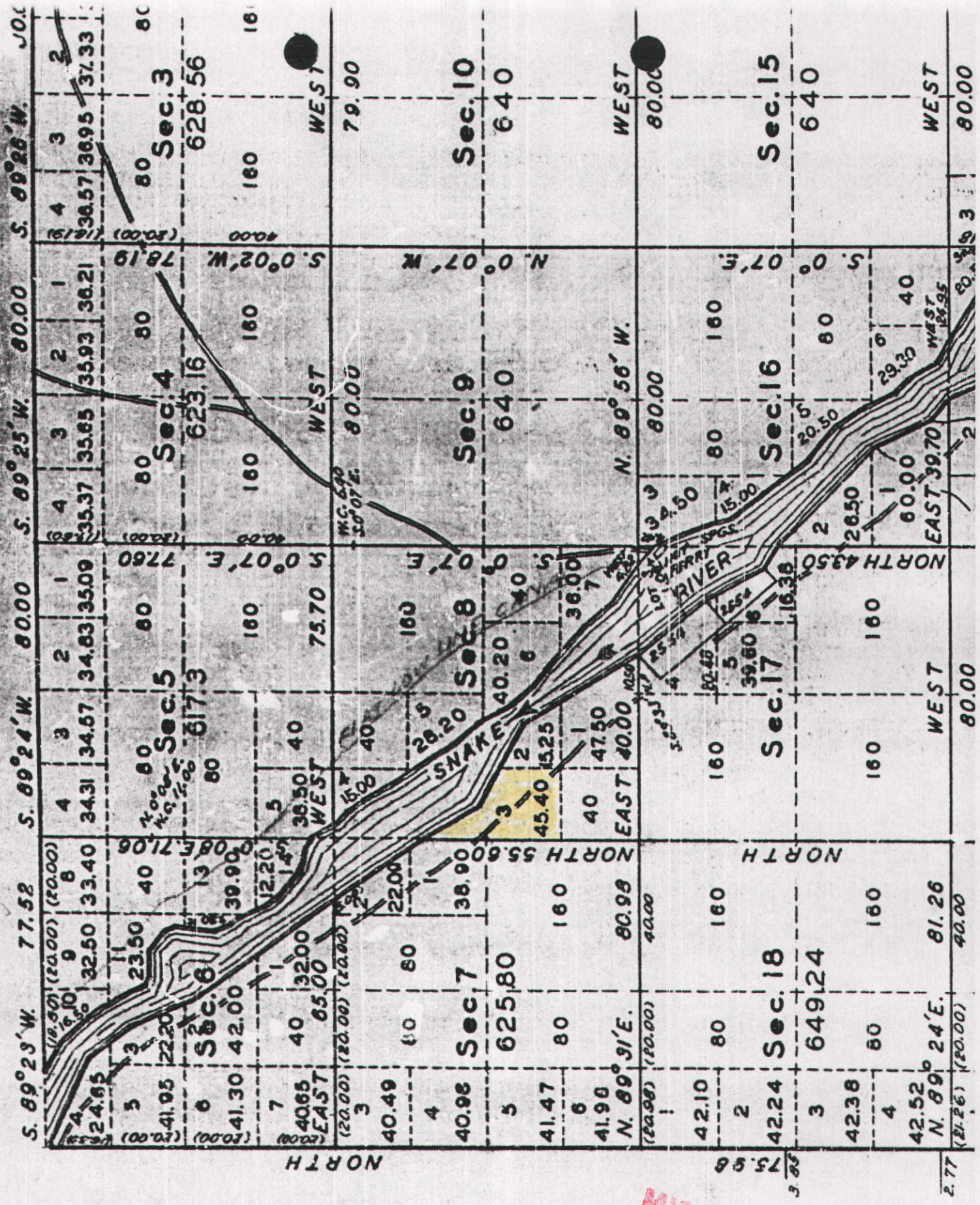


Scale: 1" = 660'

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).







57-07156

MAY 31 1995

Sec. 13



Springs #1 can only be seen by the overflow outlet and subsidence features above the buried vault. Pipeline and ditch run parallel to the Snake River to the springbox at Spring #2 and the House.



Ditch and pipeline serve as conveyance system from Spring #1 to cattle, house, and springbox at Spring #2 and then from Spring #2 to cattle, and yard sprinklers.

REPRODUCED
MAY 31 1995

57-07156



Springs #2 can only be seen by the overflow outlet, pipeline and ditch which run parallel to the Snake River to the house and stock.



The cattle are maintained in an improved pasture and water from the ditch along the river to the right of the above frame. The house and shop are located in the trees to the right of the telephone pole. Looking due north.

RECORDED
MAY 31 1995

57-07156

State of Idaho

DEPARTMENT OF WATER RESOURCES

Western District

Statehouse — Boise, Idaho

83720

Pictures

*not
filmed*

R. Flynn Upper Spring



R. Flynn upper spring



R. Flynn Upper Spring



R. Flynn Upper Spring



R. Flynn Lower Spring



R. Flynn Spring back side lower spring



R. Flynn Lower Spring



PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

} s.s.

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

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 18 day of March, 1976, and the last publication being on the 25 day of March, 1976;

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.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 25 day of March, 1976.

Laura Spawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ROBERT FLYNN, Box 66, Melba, ID has on March 10, 1976 submitted Application No. 57-7156 for a permit to appropriate 0.20 cubic feet per second per annum of water from unnamed spring trib. of Snake River by means of screen box, pipeline & pump within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 1 N., R. 3 W., B. M., Owyhee County to be used from Jan. 1 to Dec. 31 for stockwater and domestic purposes and Apr. 1 to Oct. 31 for irrigation of 7 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 1 N., R. 3 W.

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 April 5, 1975.

R. KEITH HIGGINSON,
Director

Published in the Owyhee Nugget, Marsing, ID on March 18, 1976 and March 25, 1976.

MAR 29 1976

OK
3-29-76
EB

INDEXED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-07156

Priority: April 10, 1976

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
1.5 AF

This is to certify, that ROBERT FLYNN
PO BOX 66
MELBA ID 83641

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 10, 1976; and
has submitted Proof of Beneficial Use on March 4, 1988. An examination indicates
that the works have a diversion capacity of 0.040 cfs of water from:

SPRINGS

tributary to **SNAKE RIVER**

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	0.01 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION Lot 3(SW1/4NW) Sec. 8, Township 01N, Range 03W
Lot 3(NEN1/4NW) Sec. 8, Township 01N, Range 03W
OWYHEE County

PLACE OF USE: STOCKWATER
TWN RGE SEC
01N 03W 8 Lot 3(SWNW)

PLACE OF USE:
DOMESTIC, same as STOCKWATER use

CONDITIONS/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. Stockwater use is for 20 range cattle.
6. Domestic use is for 1 home.

MAY 31 1995

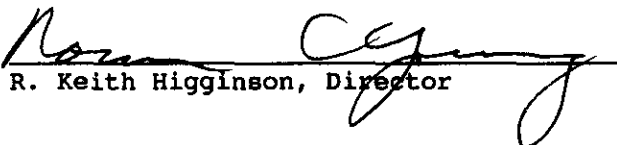
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-07156

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 10TH
day of MAY, 1995.

Acting for


R. Keith Higginson, Director





MAY 31 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 57-7156 IN THE
NAME OF ROBERT FLYNN

)
) ORDER OF REINSTATEMENT
)
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before February 1, 1988; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the 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 why the permit should be reinstated by submitting proof of beneficial use on March 4, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 57-7156 be REINSTATED and the priority advanced to April 10, 1976.

Dated this 18th day of March, 1988.

RECEIVED

JUN 29 1988

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau



MAR - 4 1988

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

OK 30
For Office Use Only
Fee Received 0 N/A
Date 3/3/88
Receipt # N/A
Receipt by [Signature]
Reviewed by [Signature]
Sent to region [Signature]

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 57-7156

Name(s) of Permit Holder: Robert Flynn ✓

Post Office Address: P.O. Box 66, Melba ✓ 83641

Telephone No. no phone

Source of Water: Unnamed Spring ✓

Extent of Use:

Domestic 2 ✓ (number of households) Stockwater 17 ✓ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .04 ✓ cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: _____

Measuring Device: Required? Yes ✓ No
Installed? Yes ✓ No

Fee enclosed \$ 0
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes ✓ No
Installed? Yes ✓ No

Person to contact to accompany the Department representative during the field examination:

(Name)

(Telephone Number)

(Address)

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.

RECEIVED

JUN 29 1988

3/3/88
Date

Robert Flynn ✓
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received <u>11</u>
Date <u>5-29-86</u>
Receipt # <u>37743</u>

REQUEST FOR EXTENSION OF TIME

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

ROBERT FLYNN of BOX 66, MELBA, ID
(Name) (Address)

State of Idaho, deposes and says

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the

State of Idaho No. 57-7156

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
June 1, 19 86

That he has heretofore performed the following work described under said permit _____
(This must be filled out! If no work has been completed put none)
Built a dirt dam which presently waters 27 head of stock, named as a defendant in
the Idaho Power Swan Falls Law Suit

Costing \$ 1,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit.
Named as a defendant in the Idaho Power Swan Falls Law Suit; dismissed in the suit
October 25, 1984

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to June 1, 19 88
(1 yr minimum,
5 yrs maximum)

X Robert Flynn
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied

FEE: \$15.00

MICROFILMED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit proof of beneficial use is extended to February 1, 1988.

Signed this 21st day of July, 19 86

A. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

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

APR 22 1981

Department of Water Resources

ROBERT FLYNN of BOX 66, MELBA
(Name) (Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public Waters of the State of Idaho No. 57-7156.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 19 81.

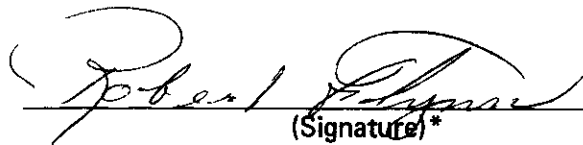
That he has heretofore performed the following work described under said permit: _____

Cleaned the area around the spring and built a temporary box

Costing \$ 500

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Not able to finance the project at the present time

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to June 1, 19 86.


(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to June 1, 1986.

Signed this 6th day of May, 19 81.


Chief, Operations Bureau

\$15.00 fee received by hed Date 4/22/81 Receipt # 18859

MICROFILMED

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

IN THE MATTER OF APPLICATION FOR PERMIT NO. }
57-7156 IN THE NAME OF ROBERT FLYNN }

MEMORANDUM DECISION
AND ORDER

On March 10, 1976, Robert Flynn of Melba, Idaho, filed with the Department of Water Resources an application to appropriate 0.20 cubic foot per second of water from an unnamed spring, tributary to the Snake River, to be diverted within Government Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 8, Twp. 1N, Rge. 3W, B.M., Owyhee County, to be used for domestic and stockwater purposes and for irrigation of 7 acres of land.

On March 18 and March 25, 1976, the Department caused notice of the application to be published in the Owyhee Nugget, Marsing, Idaho. On March 24 and April 6, 1976, the Department received protests against the granting of said permit from Joe C. Howell and Dean E. Miller, Attorney for the Opaline Irrigation District, respectively.

On May 7, 1976, a conference on the matter was held at Murphy, Idaho. The applicant was present and represented himself. Ted Gammett, Vice-President for the Opaline Irrigation District was present and represented the District. Joe C. Howell was present and represented himself.

After reviewing all of the evidence submitted at the conference the pertinent information in the Department's official files and information gathered at a field examination of the area, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order;

FINDINGS OF FACT

1. The waters of the unnamed spring sought to be appropriated is undeveloped at present and are located upon the land of the applicant.
2. The waters of said spring are not used by other appropriators and are not used to supply any prior rights.

CONCLUSIONS OF LAW

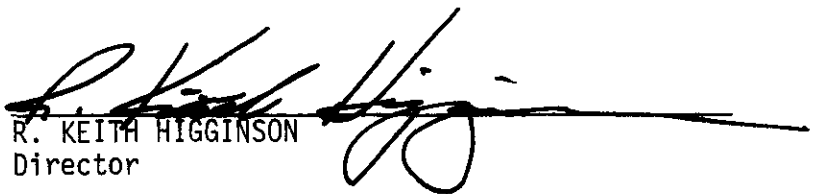
1. Diversion of the water sought to be appropriated under said application will not interfere with existing rights.
2. The applicant is entitled to a permit from the Department of Water Resources.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 57-7156
is APPROVED subject to the following conditions:

1. That the permit be and is subject to all prior existing water rights.
2. That proof of construction of works and application of water to a
beneficial use be submitted to the Department on or before June 1, 1981.

Dated this 10 day of June, 1976.


R. KEITH HIGGINSON
Director

Identification No. _____

Application No. 57-7156

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 ROBERT FLYNN Phone: _____
post office address Box 66, Melba, ID

2 Source of water supply Unnamed spring which is a tributary of Snake River

3 a Location of point of diversion is NW Lot 3 of SW $\frac{1}{4}$ of Section 8 Township 1 N
Range 3 W 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 0.14 for Irrig. purpose from Apr. 1 to Oct. 31 (both dates inclusive)
(cfs or acre feet per annum)

Amount 0.02 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.08 for Domestic purpose from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)

5. Total quantity to be appropriated

a 0.20 cubic feet per second and/or

b _____ acre feet per annum.

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc screen box, pipeline & pump

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 \$ 1,000.00

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 Section 8 Township 1N
Range 3W 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 30 head of stock

(4) Name of municipality to be served 2 homes, 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

[illegible]

Total number of acres to be irrigated 7.0

c Describe any other water rights used for the same purposes as described above _____
None

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 _____

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

A grid of graph paper with handwritten notes. The notes are as follows:

- Top right: $T.1N$
- Top center: g
- Bottom left: $\odot$ Spring
+ place of use
- Bottom center: $R.3W.B.M.$

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.

(Applicant)

March 10, 1976

Received by PHH Date 3-10-76 Time 12:05 PM.
Preliminary check by PHH Fee \$ 10.00
Receipted by CS Date March 10 1976 # 3093
Publication prepared by sh Date 3-11-76
Published in Idahoan Nugget
Publication dates March 18 + 25
Publication approved FB Date 3-29-76
Priority reduced to _____ Reason _____

Protests filed by Joe C. Howell

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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 57-7156, 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 June 1, 19 81.
- c Other Subject to the conditions of approval of the Memorandum Decision and Order dated this day.

2 Denial of said application is for the following reasons _____

Witness my hand this 10 day of June 19 76.

R. Keith Lugin
Director



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

May 10, 1995

ROBERT FLYNN
PO BOX 66
MELBA ID 83641

RE: WATER RIGHT NO. 57-07156

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECORDED

MAY 31 1995

LICENS REVIEW CHECKLIST

PERMIT NO. 57-07156 DATE 2-15-95



NAME	Yes ☐ No ☐	Or Address Change?
PRIORITY DATE	☒	Advance? <u>YES</u> Advanced to: <u>4-10-76</u> Order to reinstate needed? <u>DONE</u> Incorrect fee for rate recommended? <u>YES</u>
SOURCE	☐	* PAID NO FEES / FOR .04 CFS ONLY Changes or just clarification of originally intended source? <u>Unnamed Springs (2)</u> Notice of Intent to Void necessary? ☐
POINT OF DIV	☐	Amendment needed? <u>Add SWSWNW (LOT 3 ALSO)</u> Overlaps? ☒
PLACE OF USE	☐	Amendment needed? <u>CHANGE to SWNW (LOT 3)</u> Overlaps? ☒
DIV RATE	☒	Permit/fee limits: <u>.20/.04</u> Meas Q = <u>Dom @ .04</u> Theo Q = <u>STOCK @ .01</u> Recommend: <u>.04</u> Combined rates exceed capacity ☐ <u>[NEW]</u>
ANNUAL VOLUME	☒	Volume Limit: <u>D/4.5 (3-15 to 11-15)</u> Calculations: <u>Dom @ 1.2 (to include yard)</u> <u>STOCK @ .3 (20 BEEF)</u> Flow limit: <u> </u> cfs x <u> </u> x 1.9835 = <u> </u> Combined volumes exceed capacity/allowable ☐
USES	☐	Change in Nature of Use or additional uses? ☒ Amendment necessary? ☐
REMARKS	☒	Multiple p/d(s) in 1/4 1/4? <u> </u> Other <u>WO1/WO2 - 20</u>
CONDITIONS	☐	Measuring/Locking Devices ☒ Watermaster control - District ☒ Irrigation Overlap ☒ Water Quality ☒ Other ☒ Heat/Cool/ Fish verified ☐

COMMENTS: Permit limited by proof submitted at .04 cfs.
Reduce rate & eliminate irrigation.

RECOMMENDED	CFS	VOL
<u>DOMESTIC</u>	<u>.04</u>	<u>1.2</u>
<u>STOCKWATER</u>	<u>.01</u>	<u>.3</u>
<u>Total</u>	<u>.04</u>	<u>1.5</u>

SRBA Claim Filed (WAS WITHDRAWN) NO
Adjustment Memo Needed YES

LICENSE Gov Lot Wb Correct
~~1ST AMENDMENT LETTER~~ PS7+PS8+305
FINAL AMENDMENT LETTER

SD-4110
INQUIRY

Ida. Department of Water Resources
Adjudication Remarks Screen

Date: 02/15/95
Time: 09:15:36

Water Right Number: A57-07156

FIRST PAGE

13. Remarks: REINSTATED 3-18-1988.

THIS CLAIM WAS WITHDRAWN AS PROOF WAS SUBMITTED AFTER THE
11/19/1987 ADJ. COMMENCEMENT DATE. 6/04/90. JDC.

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

REV 22 1991
Department of Water Resources

A. GENERAL INFORMATION

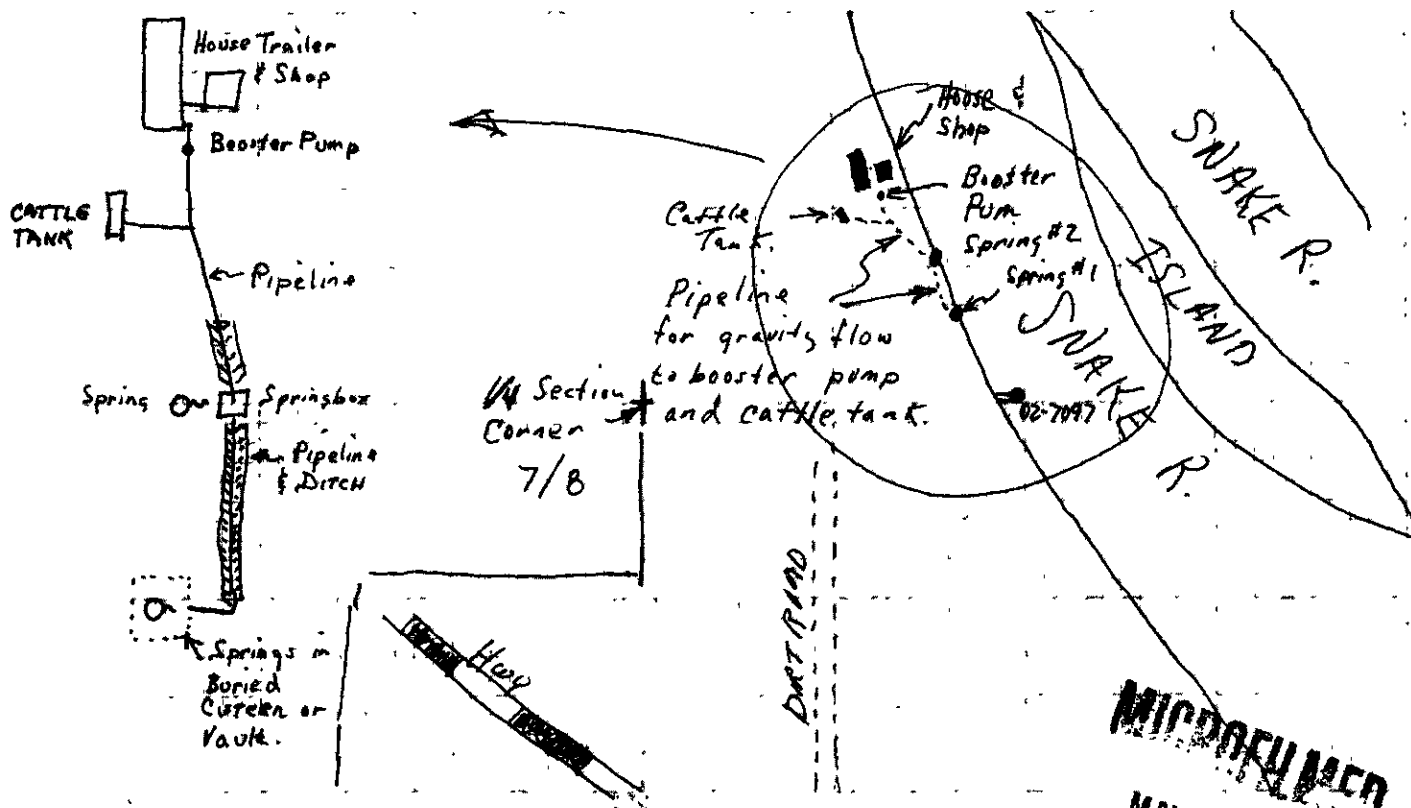
1. Owner: Robert Flynn Permit No. 57-7156 ok
Current Address: P.O. Box 66 Melba, Idaho 83641 Phone No. _____
2. Accompanied by: same as above EXAM. DATE: July 9, 1990
Address: _____ Phone No. _____
Relationship to Permit Holder: owner
3. Source: Unnamed Springs tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: A02-10058, A02-07089
02-7140, 02-7297 ☒ Copies Attached
2. Other water rights with same point of diversion: 57-7097 ^{OK} (Same POD, Same POU, Same Uses)
see attached lists ☒ Copies Attached ☐ Copies of Field Exam's Attached
02-07140, 02-07297, A02-07140

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 660'

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2 springs serve this water right. Spring #1 was developed with vault or cistern built around it and piping for gravity feed to booster pump for household and lawn (1/2 acre) and stock tank. overflow enters ditch, from which cattle drink, and flows to spring box at Spring #2. Spring #2 + overflow from Spring #1 service cattle via an extension of the ditch mentioned above and pipeline to cattle tank and yard sprinklers. The system's capability cannot be accurately measured, and the theoretical of the

☒ See Remarks on page 4 for continuation

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1	3	NE	NW	SW	8	1N	3W	Owyhee	Field Examination
	3	SW	SW	NW	"	"	"	"	" " "

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	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	
1N	3W	8							.5										.5
									D										
									S										

Do not use this space

RECORDED

MAY 31 1995

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .5 \times \frac{3.5}{1.5} \text{ AFA} = 3.5 \text{ AFA}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .02 \times \frac{246}{160} \text{ days} \times 1.9835 = \frac{9.52 \text{ cfs}}{9.8}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 3.5 \text{ AFA}$$

2. Volume Calculations for Other Uses:

Stockwatering $0.02 \text{ cfs} \times 365 \text{ days} \times 1.9835 = 14.47 \text{ AFA}$

Domestic $0.02 \text{ cfs} \times 365 \text{ days} \times 1.9835 = 14.47 \text{ AFA}$

20 beef x 12 gpd x 365 / 325850 = .3 afa ; 7/25/94

internal drain = .6 afa

* See attached adjustment memo. BC

MAY 31 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

* the booster pump is not applicable, therefore the maximum diversion rate of 0.02 cfs from domestic household use, 0.015 cfs, rounded to 0.02 cfs for lawn and garden irrigation, and 0.02 cfs for stockwatering of up to 50 head of beef, various small farm animals. Total recommended, therefore is 0.06 cfs for licensing.

Will go ahead + recommend this permit as examined since 57-07097 was not filed in the SRBA. An SRBA claim was not required for this permit.

(Pls verified during 7/27/94 field exam for same owner for permit 02-07297.)

I. 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	0.02	~~11.47~~ .6
Irrigation	3/15	11/15	0.02	~~9.52~~ 1.8
Stockwatering	1/1	12/31	0.02	~~11.47~~ .3
Totals:			0.06	~~38.48~~ 2.7

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 *Added Stockwatering
Added Irr for Yard.*

J. AUTHENTICATION

Field Examiner's Name

Bruce A. Scheld

Signature

Bruce A. Schell

Certification Date

by 7/25/94 by 8/27/94

Field Report Preparation Date

8/9/90

CONSULTANT SEAL

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

* See attached adjustment explanation memo BC

RECEIVED

MAY 31 1995

MEMORANDUM

TO: File 57-07156 / Robert Flynn
FROM: Brenda Chapman
DATE: February 15, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

E. FLOW CALCULATIONS

The domestic and irrigation recommendations have been changed. A standard domestic rate of .04 cfs will cover 1 home with up to $\frac{1}{2}$ acre of lawn. Therefore, the irrigation use is not necessary and has been deleted.

The current stockwater rate for 20 head of range cattle is .01 cfs.

G. VOLUME CALCULATIONS

Domestic volume adjusted to 1.2 af based on Item E.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Stockwater	1-01 to 12-31	.01	.3
Domestic	1-01 to 12-31	.04	1.2

See items E & G.

2. Recommended Amendments

☐ Change P.D.	☒ Add P.D.	☐ None
☒ Change P.U.	☐ Add P.U.	☐ Other

The exam confirms there is a change in the p/u location but was not checked. Because the Government Lot remains the same, however, no amendment is necessary. The "Other" block does not need checked. There were no new uses added.

RECEIVED
MAY 31 1995

NEEDS Followup with ADJ. STAFF

AND WITH OWNER

INTER-DEPARTMENT MEMO--1

FROM Steve L.

DATE 8/26/94

TO Lori G.

SUBJECT 57-07097

Upon closer review, found:

Proof - 1978 SD SRBA claim rec'd

Bt. 57 SRBA rec'ds - pg B-30 (Attached) - Right not claimed & thus not rec'd.

Cannot license since not claimed & not rec'd.

Question - can submit late claim to Court so can include in Pr. 57 & we can license? Rec'd asking JAN @ this.

If yes - if court will accept claim & we have verification of that, can continue with licensing, see next memo.

If no - Rec'd cancellation of permit & replace with new application?
-OR- better is to re-visit rec'd in 57-07156.

SIGNATURE

SL

RECEIVED

MAY 31 1995

57-07097 - memo continued

8/26/94

JP

"If yes" - what is license req'd?

- Permit D/3 with 2 ac irrig.
- Exam fee \$0 so limit to .04 cts normally.
- Examiner found D/1 int + ext (up to 1/2 acre)
S/50 range.
- " described ext. Dom. as irrig 1/2 acre which is
an option but I would treat as within D/1
use.

REVISED REC'D:

D/1 int + ext	.04 cts	1.2	AFA
Stockwater	.02 cts	0.7	AFA *
TOTAL	.04 cts	1.9	AFA

Amend N/W to add stockwater, not an expansion of
permit since D/3 + I/2 will allow D/1 + S/50.

TOTAL RATE .04 cts or .06 cts? At time of Exam
Fee, no fee ~~they~~ charged for exam or stock even
if total for D/1 + stock exceeds .04 cts (Lic. Memo #5).

Amend ... So could add to .06 cts these uses.

MAY 31 1995 However, no info in exam to show system can
produce this so rec'd max .04 cts w/o add'l info
to show can ~~divert~~ divert > .04 cts.

$$* V_R = \frac{(50)(12)(365)}{325,850} = .7 \text{ AFA}$$

$V_R < V_D$,

$$V_D = (.02)(365)(1.0835) = 14.5 \text{ AFA}$$

need V_R

57-07097

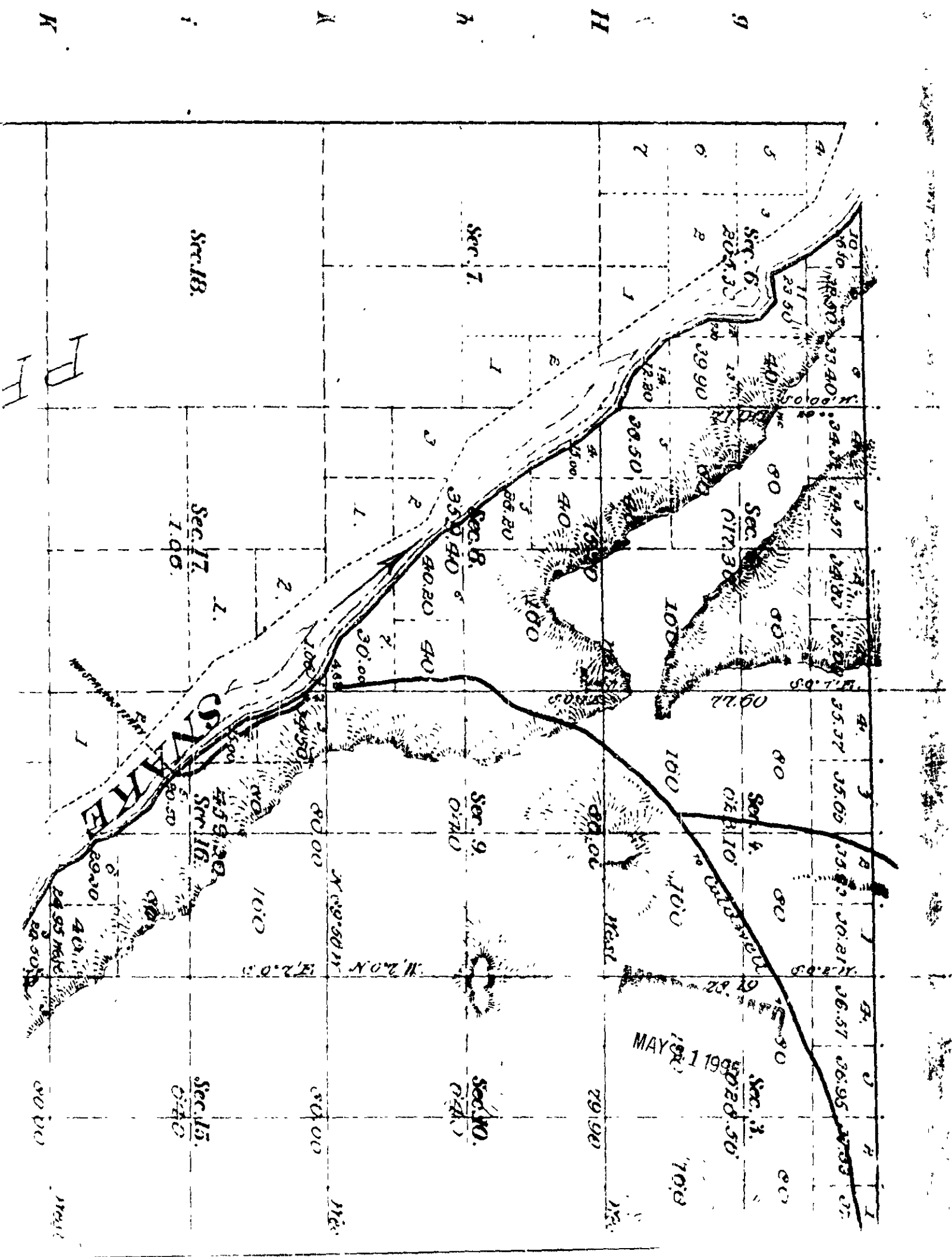
- memo continued

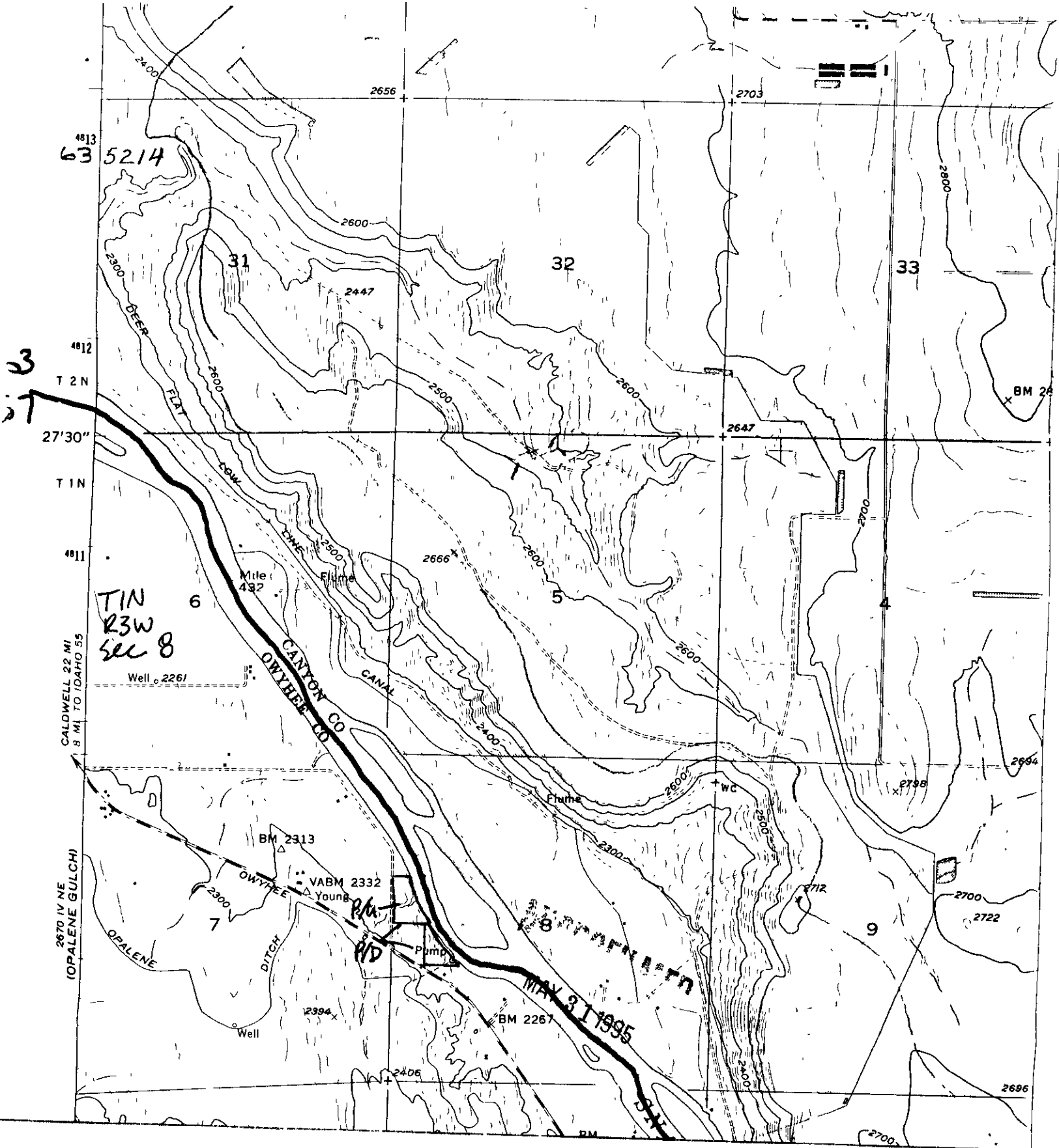
8/26/94

"IF NO" what is 57-07156?

In this case, second permit could be used
to replace 57-07097? Would require re-writing
exam report etc. for this later priority
right.

MAY 31 1995







Springs #1 can only be seen by the overflow outlet and subsidence features above the buried vault. Pipeline and ditch run parallel to the Snake River to the springbox at Spring #2 and the House.



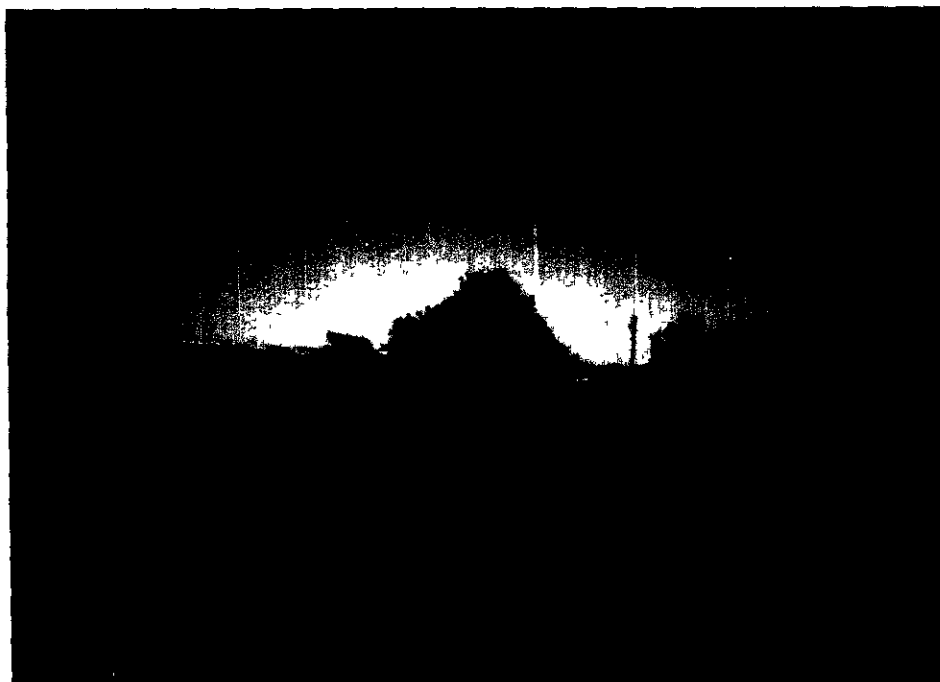
Ditch and pipeline serve as conveyance system from Spring #1 to cattle, house, and springbox at Spring #2 and then from Spring #2 to cattle, and yard sprinklers.

MAY 31 1995

57-07156



Springs #2 can only be seen by the overflow outlet, pipeline and ditch which run parallel to the Snake River to the house and stock.



The cattle are maintained in an improved pasture and water from the ditch along the river to the right of the above frame. The house and shop are located in the trees to the right of the telephone pole. Looking due north.

RECEIVED
MAY 31 1995

57-07156



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 15, 1988

Robert Flynn
P.O. Box 66
Melba, ID 83641
57-7156

Dear Applicants(s):

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Judy Pense", is written below the word "Sincerely,".

Judy Pense
Secretary

/jdp

MICROFILMED

JUN 29 1988

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 57-7156

Date: 3-7-88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
Y Address change If yes, prepare a data entry
Y Proof received timely
Rein Reinstated

Source of Water:

Y Surface water
 Groundwater
 1. well log in file
 2. drilling permit
 A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?
Y Has one been installed?
Y Waiver or modification of measuring device requested

Remarks: Prog acceptable

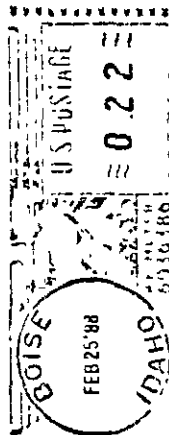
Priority Calculation:
Date proof received Mar 4 63
Date proof due Feb 1 + 32
No. of days late = 31
Priority date March 10 + 69
NEW PRIORITY DATE Apr 10, '76 = 100

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Lapse notice was
dated Feb. 10,
yet ~~the~~ envelope
was postmarked
Feb. 25, 1988
Brad

**Statehouse
Boise, Idaho**

JUN 29 1988

[illegible]

February 10, 1988

FLYNN, ROBERT
P.O. BOX 66
MELBA, ID 83641

LAPSE NOTICE

RE: Permit No. 57-7156

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated November 30, 1987.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this Department within sixty days of the date of mailing of this lapse notice.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note 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 which might bring title to the water in question.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

JUN 29 1988

CERTIFIED
This is a true and correct copy of the original as filed in the office of the Idaho Department of Water Resources.
2-25-88
L. Glen Saxton
Idaho Department of Water Resources

138101
CERTIFIED MAIL
November 30, 1987

FLYNN, ROBERT
P.O. BOX 66
MELBA, ID 83641

PROOF DUE NOTICE

RE: Permit No. 57-7156

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 February 1, 1988. (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 completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MAILED

JUN 29 1988

July 23, 1986

Robert Flynn
Box 66
Melba, ID 83641

Dear Mr. Flynn:

Re: Permit No. 57-7156

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 February 1, 1988.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 57-2156Reviewed by [signature]Date 7-15-1986

BASIC INFORMATION

- Y Date stamp received
Y Extension received timely
(not prior to 6 month before proof due date or after reinstatement period)
Y Fee received and receipted
Y Name and signature same as permit
N Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- Y Has adequate work been completed to demonstrate due diligence?
Has the cost incurred been adequate to demonstrate an intent to complete the project?

- Y Has the permit been involved in litigation?

a. Swan Falls Yes Dismissed from Swan Falls Yes
Other Yes Identify Yes

- b. Is supporting documentation needed to complete the file?
Requested _____

- c. Calculate the period of delay

~~Date litigation completed~~ (11-1-1984)
Dismissed 10-25-1984

Date litigation began (3-1-1983)
- 3-4-1983

Total period of delay = 8mo 1yr

Present proof due date + 6-1-1986

NEW PROOF DUE DATE = 2-1-1988

- N Is delay by a government agency?

Is supporting documentation needed to complete the file?
Requested _____

ACTION TAKEN - Recommend approval for 8mo plus 1 yr
based on litigation - Swan Falls

Special conditions or remarks:

N/A Reinstatement Date extension received _____ = _____
Proof due date _____ = _____
No. of days late _____ = _____
Priority date _____ = + _____
ADJUSTED PRIORITY DATE _____ = _____

____ Prepare coding sheet
____ Change rolodex card

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MARCH 31, 1986

138068

FLYNN, ROBERT
P.O. BOX 66
MELBA, ID 83641

PROOF DUE NOTICE

RE: PERMIT NO. 57-7156

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 JUNE 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM 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 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 A COMPLETED PROOF OF BENEFICIAL USE FORM 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

MICROFILMED

May 21, 1981

Robert Flynn
Box 66
Melba, ID 83641

Dear Mr. Flynn:

Re: Permit No. 57-7156

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to June 1, 1986.

Also enclosed is receipt No. 18859 in the amount of \$15.00.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

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

FLYNN, ROBERT
P.O. BOX 66
MELBA, ID 83641

138572

MARCH 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF ~~APPROVAL OF YOUR~~ WATER PERMIT NO. 57-7156 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

MICROFILMED

MEMORANDUM

TO: File

DATE: 5-11-76

FROM: Lee Sisco

Subject: Examination of Unnamed Spring

I visited the Flynn property on April 6, 1976. Mr. Flynn's daughter showed me the springs in question. Both springs were down river from the Opaline Irrigation District pumps. The springs were more like seeps (not much water); but there were springs along the river bank. Also see photos.

Lee

AGREEMENT

(I) (We), the undersigned, hereby agree to allow the Director of the Department of Water Resources to reach a decision with regard to protested Application No. 57-7156 in the name of Robert Flynn.

Said decision to be based upon information in the official records of the Department, the Director's understanding of the law, and evidence &/ or information presented at the conference held this date.

Dated this 7th day of May, 1976, at Murphy, Idaho.

Phil E. Jammitt VICE President,
for the Opashine Irrigation Dist.
Joe C. Jammitt

57-7156 - ROBERT FLYNN

OWYHEE COUNTY COURTHOUSE, MURPHY, IDAHO

COURTROOM

Friday, May 7, 1976 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Robert Flynn F.O. 66 Melba		Applicant
MRS. R. L. FLYNN	"	
Ed. Sammitt	Star Rt. Melba.	Protestor for Valerie Ingleton Dist.
Mary A. Howell	Star Rt. Melba	Protestor
Joe C. Howell	"	PROTESTOR

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western District
Statehouse — Boise, Idaho
83720

*Returned
Receipts*

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below
- Complete items 1, 2, and 3 on reverse side.
 - Moisten gummed ends and attach to back of article.

**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



SENDER. Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on
reverse

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY 30
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION

REGISTERED NO

CERTIFIED NO

INSURED NO

139108

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE

☐ Addressee

☐ Authorized agent

DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

57-7156

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

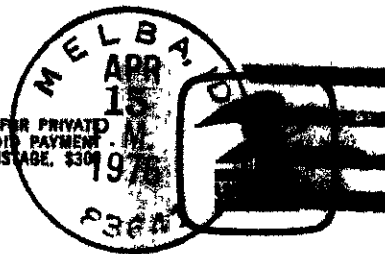
- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



● SENDER - Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one). ☐ Show to whom and date delivered..... 15¢ ☐ Show to whom, date, & address of delivery.. 35¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered..... 65¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢	
2. ARTICLE ADDRESSED TO: 	
3. ARTICLE DESCRIPTION REGISTERED NO.	CERTIFIED NO. INSURED NO. 
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent 	
4. DATE OF DELIVERY	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	CLERK'S INITIALS

57-7156

☆ GPO : 1975-O-568-047

RR

● **SENDER.** Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
 - ☐ Show to whom, date, & address of delivery..... 35¢
 - ☐ **RESTRICTED DELIVERY.**
Show to whom and date delivered..... 65¢
 - ☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO.....

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

POSTMARK

ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

57-7156

☆ GPO 1975-O-588-047

RB

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

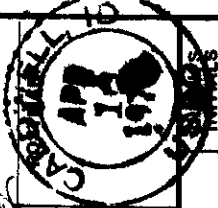
**RETURN
TO**

IDAHO J. MEYER
WESTER. REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720
WATER RESOURCES

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



● SENDER - Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.							
1. The following service is requested (check one). ☐ Show to whom and date delivered..... 15¢ ☐ Show to whom, date, & address of delivery.. 35¢ ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢							
2. ARTICLE ADDRESSED TO: <i>CD</i>							
3. ARTICLE DESCRIPTION: <table border="1"> <thead> <tr> <th>REGISTERED NO.</th> <th>CERTIFIED NO.</th> <th>INSURED NO.</th> </tr> </thead> <tbody> <tr> <td colspan="3">139109</td> </tr> </tbody> </table> (Always retain signature of addressee or agent)		REGISTERED NO.	CERTIFIED NO.	INSURED NO.	139109		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.					
139109							
I have received the article described above. SIGNATURE <i>[Signature]</i> ☐ Addressee ☐ Authorized agent							
4. DATE OF DELIVERY APR 1 1976							
5. ADDRESS (Complete only if requested)							
6. UNABLE TO DELIVER BECAUSE:							



57-7156

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on reverse side.
- Moistan gummed ends and attach to back of article

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720

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.R. FEE	S.D. FEE	S.H. FEE	REST. DEL. FEE	
1	139104 Jack Yensen, Route 1, McCall, ID 83638									65-7457	
2	139105 William Eld, Eld Ranch, Inc., McCall, ID 83638									"	
3	139106 Robert Flynn, Box 66, Melba, ID 83641									57-7156	
4	139107 Joe C. Howell, Box 106A, Star Route, Melba, ID									"	
5	139108 Opaline Irrigation District, c/o Adam Blackstock,									"	
6	Star Route, Melba, ID 83641									"	
7	Dean E. Miller, Attorney, 1801 Ellis St., Caldwell									"	
8	139109 ID 83605									"	
9											
10											
11	139110 William Hegeler Bruttland, ID, Route 1									63-8283	
12	139111 Allan V. & E. Louise Jones, Route 1, Box 179A									"	
13	Bruttland, ID 83619									"	
14											
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 fourth-class parcels. Special-delivery service also includes special-handling service.					
8											

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western District
Statehouse — Boise, Idaho
83720

Pictures

*not
filmed*

R. Flynn Upper Spring



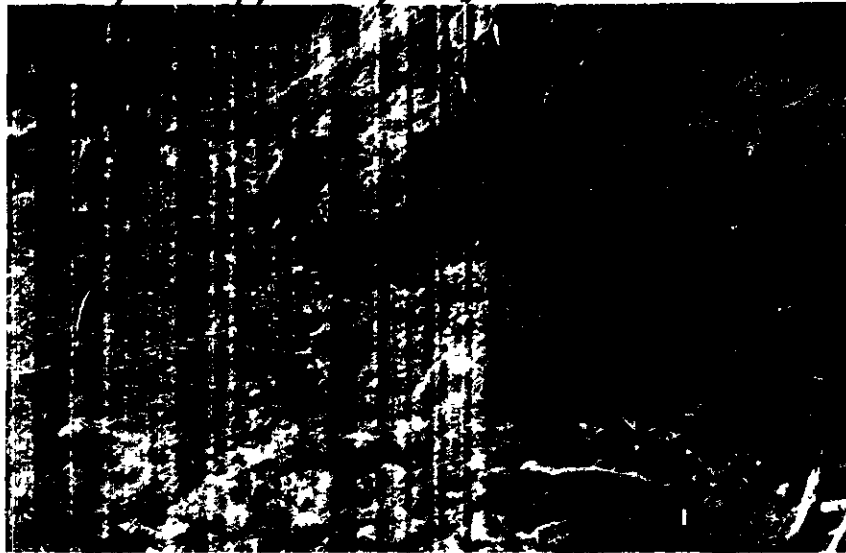
R. Flynn upper spring



R. Flynn Upper Spring



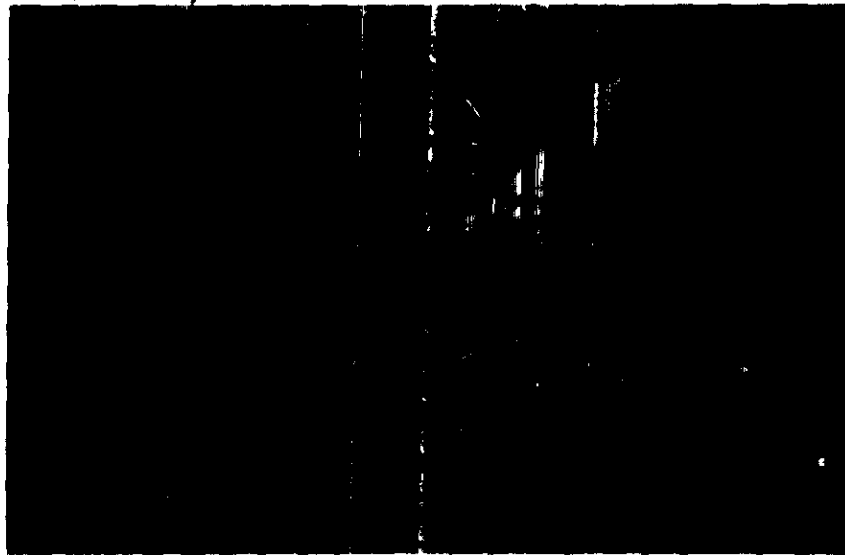
R. Flynn Upper Spring



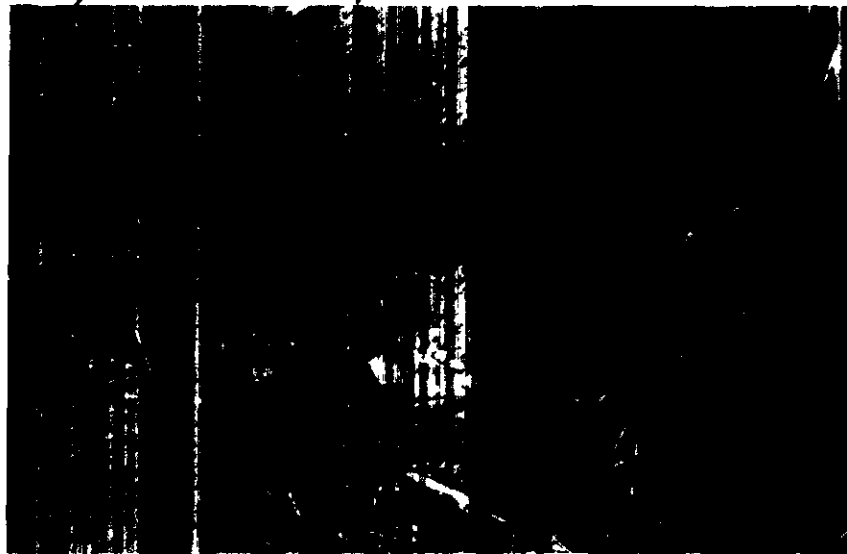
R. Flynn Lower Spring



R. Flynn Spring back side lower spring



R. Flynn Lower Spring



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

IN THE MATTER OF PROTEST AGAINST APPROVAL	)	
	)	
OF THE APPLICATION FOR PERMIT NO. 57-7156	)	NOTICE OF CONFERENCE
	)	
IN THE NAME OF ROBERT FLYNN	)	AND/OR HEARING

On March 10, 1976, Robert Flynn filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 24, 1976 and April 6, 1976, the Department received protests against approval of said application from Joe C. Howell and Dean E. Miller, Attorney for the Opaline Irrigation District.

The Department has set the matter of protests for conference and/or hearing for Friday, May 7, 1976 at 10:00 a.m. in the courtroom of the Owyhee County Courthouse, 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 protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 13th day of April, 1976.



L. GLEN SAXTON, P.E.

Western Regional Supervisor

April 13, 1976

Owyhee County Courthouse
Murphy,
Idaho 83650

Gentlemen:

This is to confirm the use of the courtroom for conference and/or hearing to be held by this office on Friday, May 7, 1976, at 10:00 a.m.

Thank you for your cooperation.

Sincerely,

RITA BUNDELE
Senior Clerk

RB

April 6, 1976

Re: Application for Permit No. 57-7156 Robert Flynn

Opaline Irrigation District
c/o Mr. Adam Blackstock
Star Route
Melba, ID 83641

Dear Mr. Blackstock:

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:rb

cc: Dean E. Miller, Attorney

bc: State Office

April 6, 1976

Re: Application for Permit No. 57-7156

Robert Flynn
Box 66
Melba, ID 83641

Dear Mr. Flynn:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your application No. 57-7156. 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?
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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:rb

Enc: copy of protest

bc: State Office

DEAN E. MILLER
GERALD L. WESTON
ROBERT F. TUNNICLIFF

MILLER, WESTON & TUNNICLIFF
ATTORNEYS AT LAW
PROFESSIONAL BUILDING
1801 ELLIS ST.
CALDWELL, IDAHO 83605

P. O. BOX 1116
TELEPHONE 459-3646
AREA CODE 208

April 5, 1976

Idaho Department of Water Resources
Western District Office
506 North 5th
Boise, Idaho 83700

Attention: Mr. Saxton

Gentlemen:

I am writing this on behalf of Opaline Irrigation District pursuant to a telephone conversation with Mr. Saxton of your office this date.

On behalf of Opaline Irrigation District, the District does hereby protest the application of Mr. Robert Flynn to appropriate public waters, application no. 57-7156.

The basis of this protest is that the water sought to be appropriated by Mr. Flynn arise and are located within the boundaries of the Opaline Irrigation District and flow into waters used by said District and are not subject to appropriation by any other person.

The address of the Opaline Irrigation District is:

c/o Mr. Adam Blackstock
Star Route
Melba, Idaho 83641

Yours very truly,

MILLER, WESTON & TUNNICLIFF

By


Dean E. Miller
Attorney for Opaline Irrigation District

DEM:pb

consider as
Reduce quantity of
water under
existing rights
HJ

CONVERSATION MEMORANDUM

DATE 4-5-76FILE 57-7156NAME OF PARTY Dean Miller-CaldwellEMPLOYEE L. Glen SaxtonRE: Protest against application 57-7156

Mr. Dean Miller called on behalf of the Opaline Irrigation District and stated that he wished to file a protest against 57-7156.

He was concerned that the protest would not be rec'd timely by this office. I advised him that we would accept it ~~to~~ (the written protest) & consider it timely based on his phone call.

LLS
4-5-76
7:10 P.M.

March 26, 1976

Re: Application No. 57-7156 -- Robert Flynn

Joe C. Howell
Box 106A
Star Route
Melba, ID 83641

Dear Mr. Howell:

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):

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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
Western Regional Supervisor

LGS:rb

bc: IDWR __ State Office

March 26, 1976

Re: Application for Permit No. 57-7156

Robert Flynn
Box 66
Melba, ID 83641

Dear Mr. Flynn:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 57-7156. 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 purpose 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
Western Regional Supervisor

LGS:

Enc: Copy of protest

bc: IDWR State Office

NOTICE OF PROTEST

I, Joe Howell, hereby protest Application for Permit No. 57-7156 on the basis that it will reduce the quantity of water under existing water rights.

Dated this 24th day of March, 1976.

Joe C. Howell

Box 106A
Star Route
Melba, ID 83641

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

} s.s.

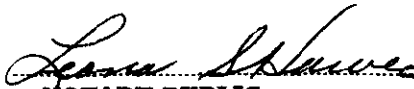
I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 18 day of March, 1976, and the last publication being on the 25 day of March, 1976;

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 25 day of March, 1976.


NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)



OK 3-29-76
EB



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

Cecil D. Andrus
Governor

R. Kerth Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

March 11, 1976

Re: Application for Permit No. 02-7222 --- Roger G. Young
57-7156 --- Robert Flynn =

Owyhee Nugget
Marsing,
Idaho 83639

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) ---

Sincerely,

Bill submitted

3-29-76
RB

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ROBERT FLYNN
Box 66, Melba, ID
has on ~~XX~~ March 10, 1976 submitted Application No. 57-7156
for a permit to appropriate 0.20 cubic feet per second ~~XXXXXX~~
per annum of water from unnamed spring trib. of Snake River
by means of screen box, pipeline & pump
within the NW¹SW⁴, Sec. 8, T 1 N, R 3 W, B.M., Owyhee County
to be used from Jan. 1 to Dec. 31
for stockwater and domestic purposes and Apr. 1 to Oct. 31 for irrigation
of 7 acres
within the NW¹SW⁴, Sec. 8, T 1 N, R 3 W

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
April 5.

R. KEITH HIGGINSON

Director

Published in the Owyhee Nugget, Marsing, ID
on March 18, 1976 and March 25, 1976.