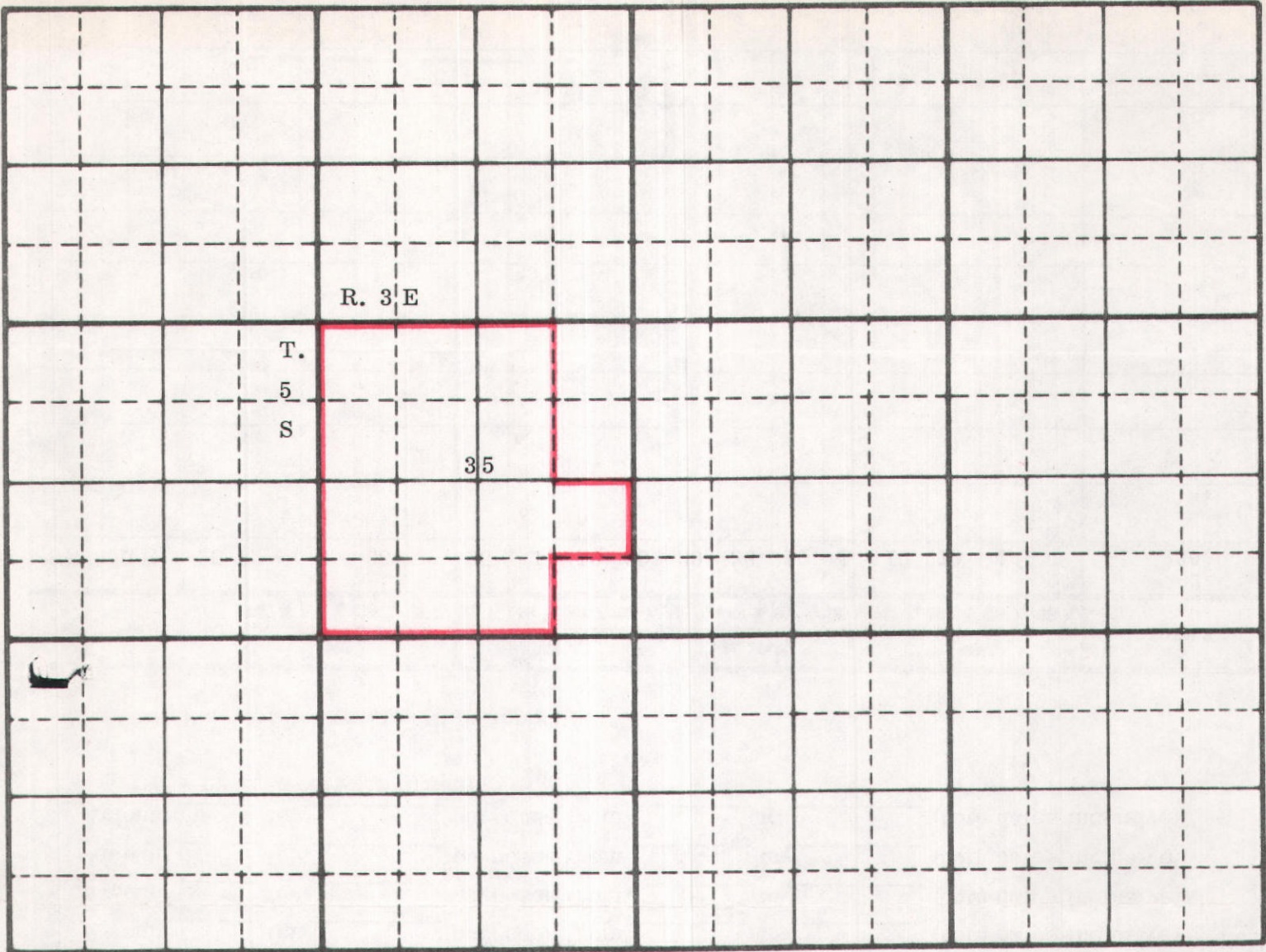


57 2327

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at _____, this _____ day of _____, 19 ____.

John O. Field Secretary
(signature)
Myrtle Craig Ass

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 28394/57-2327.

Witness my hand this 4th day of September, 19 73.

R. Keith Higginson
Director

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

RECEIVED
NOV 17 1969
Department of Reclamation

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 2 day of Oct, 1969, and the last publication being on the 9 day of Oct, 1969;

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 9 day of Oct, 1969.

Lerna S. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Owyhee Grazing Association, Inc., Grand View, Idaho has received an approved permit No. 28394 issued by the Idaho State Reclamation Department authorizing the diversion of 4.6 cubic feet per second of water from Twenty Mile Creek tributary of Shoofly Creek, subject to all prior rights. The priority to be established under this permit is January 18, 1960 and the permit was approved January 20, 1960.

Water is to be diverted by a headgate and canal from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 5 S., R. 3 E., B. M., Owyhee County, to be used for irrigation in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T. 5 S., R. 3 E., B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 20, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Idaho on October 2 and October 9, 1969.

57-2327

28394

GRAND
VIEW

R. 3 E

1.6 24.7 6

10.2 39 26

35

36 39 18.8 10.4

9.6 4.2 4.2

GULCH

CR.

Pd

SHOOFLY

CANAL

5X219.3

Q measured 6.01 cfs

Q recommended 4.386 cfs

Volume 1096.5 AFSNN

Acreage - 1148.5

Found 219.3 229.7

recommended 219.3

Subdv. 13

Amendments

☐ None

☐ P.D.

☒ Place of use

☐

57 2327

5

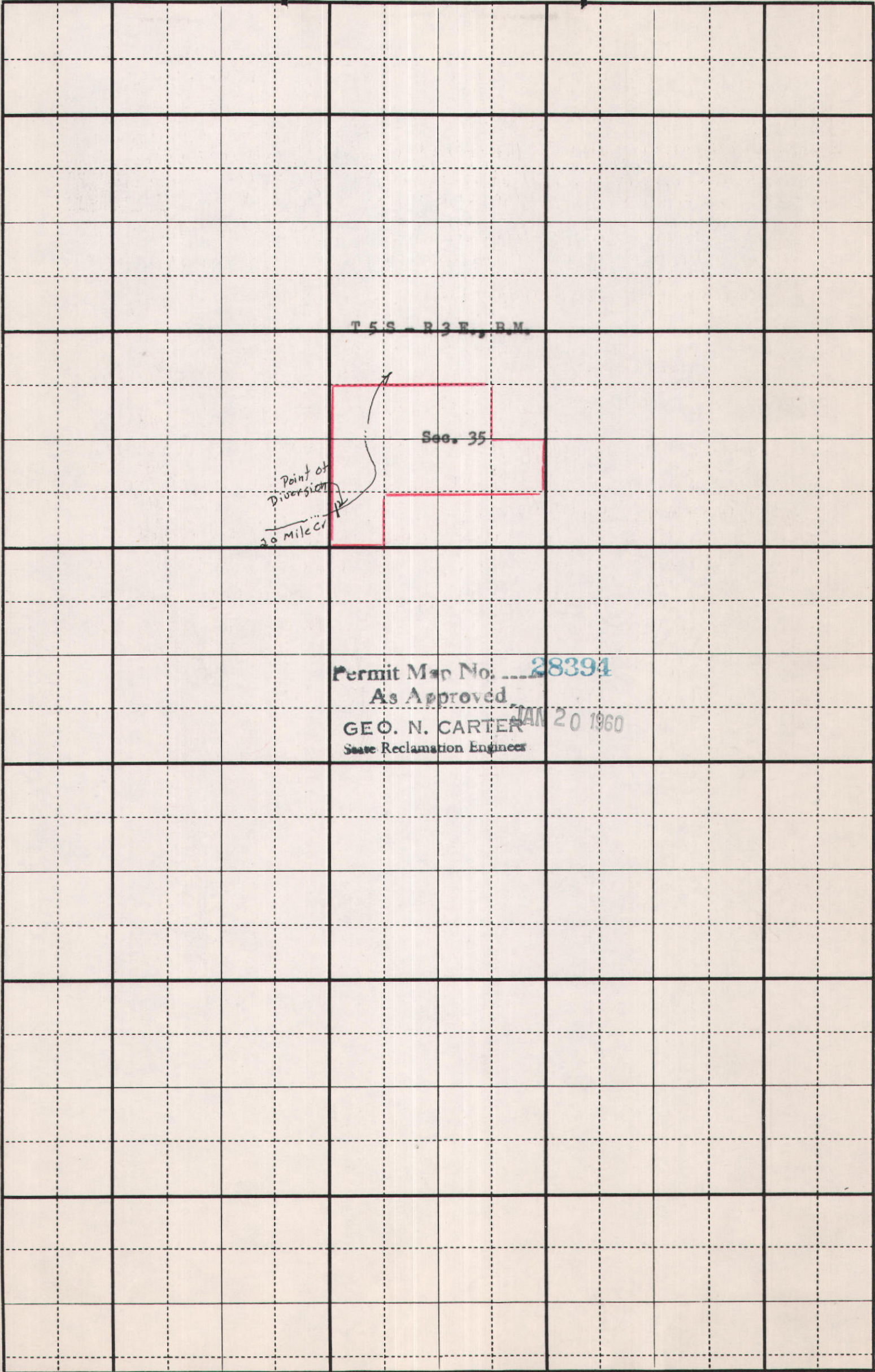
OWYHEE GRAZING ASSOCIATION

T6S R3E



NAME OF APPLICANT.....V. A. Roberts.....

Form No. 0



Permit Map No. 28394
As Approved
GEO. N. CARTER
State Reclamation Engineer

JAN 20 1960

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28394/57-2327 Priority Jan. 18, 1960 Amount 4.60 cfs

THIS IS TO CERTIFY, that OWYHEE GRAZING ASSOCIATION, INC.
of Grandview, Idaho, has complied with the terms and conditions of Permit
No. 28394/57-2327 issued pursuant to Application for Permit dated January 18, 1960,
and has submitted proof to the Department of Water Administration on September 19, 1969,
that he has applied water to a beneficial use, an examination by the Department indicates that the
works have a capacity of 6.01 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Twenty Mile Creek
tributary of Shoofly Creek, is hereby confirmed in the following amounts:
Amount 4.60 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 4.60 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 5 S, Rge. 3 E, B.M.

in the county of Owyhee; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,150 acre feet per year or _____
5.0 acre feet per acre.

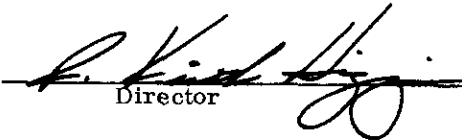
Description and location of place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 S	3 E	35		6	26		25	2	10	39	39	36	10	4	10	19	4		230

Total number of acres irrigated 230

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of
September, 19 73.


Director

57 2327

RECEIVED

AUG 30 1973

Department of Water Administration

Comes now Owyhee Grazing Association, Inc. of (address) _____

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 28394/57-2327, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE $\frac{1}{4}$ $\frac{1}{4}$, Sec. Twp.

Rge. _____, B. M., County of _____. Other points of diversion:

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

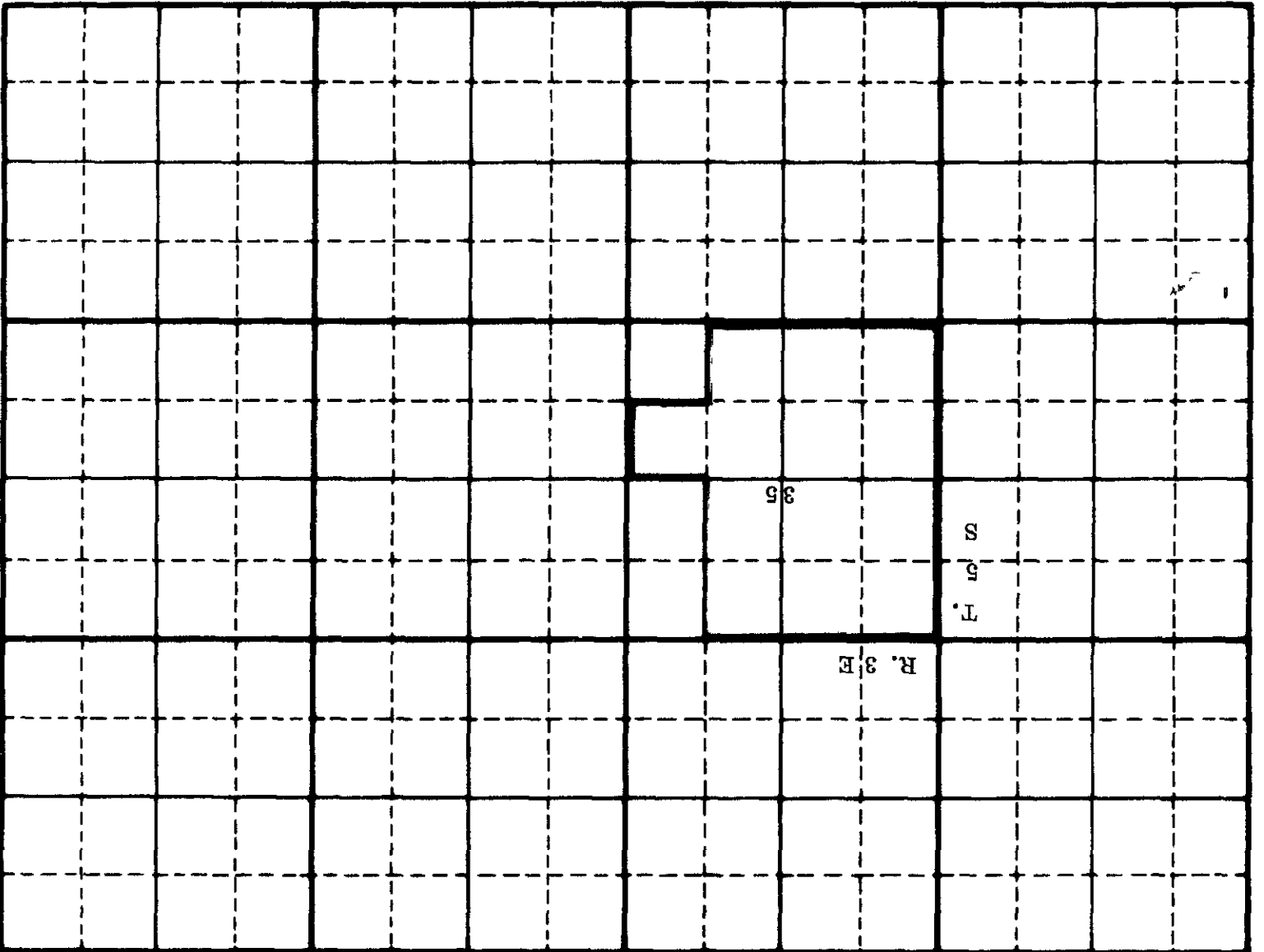
3. Place of use or land to be irrigated:

[illegible]

230

57 2327

(Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale. 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at _____, this _____ day of _____, 19 _____

(Signature)

John O. Field
Director, DEPARTMENT OF WATER ADMINISTRATION
Auguste Gregory Co.
Sec. Tre.

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 28394/57-2327.

Witness my hand this _____ day of _____, 19 73

(Signature)

Director

Application For Permit
To Appropriate the Public Waters of the State of Idaho

51-2155

APPLICATION No. 36369
PERMIT No. 28394
DISTRICT No.

See assignment
57-2327

1. Name of Applicant: V. A. ROBERTS

Postoffice address: 4912 Roberts Rd., Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 4.6

cubic feet per second.

3. Source of water supply: Twenty Mile Ck.
Shoofly Ck

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW 1/4

of section 35 , T. 5 S. , R. 3 E. , B. M., County of Owyhee

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1,500

8. Kind of works: Headgate, canal

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width 13 feet; height 3 feet.

11. Ditch: Width at bottom 20" feet; width at water line 36" feet; depth of water 12" feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

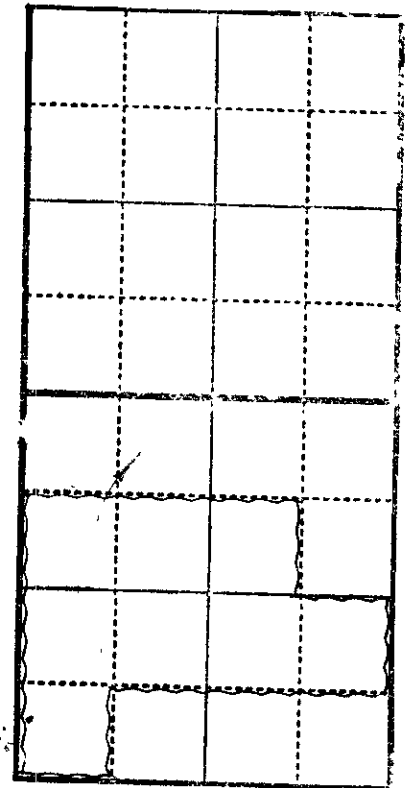
Average grade per mile 3% feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 5 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: G-28259 - 27110 and 27111



16. (a) Is reservoir to be used? **no** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

V. A. ROBERTS *Applicant.*

By Harley M. McDowell Agent.

Date of first receipt at Department of Reclamation: 9:30 A. M., January 18, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is **28394**
 Recorded in Book **100** Page **28394** Approved **Jan. 20, 1960**
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
 Bond in the sum of \$ _____ to be filed on or before _____
 Work to begin on or before **March 20, 1960** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before **July 20, 1962**
 The whole of said work to be completed on or before **January 20, 1965**
 Beneficial use of water appropriated in accordance herewith, to be made on or before **January 20, 1970**

WITNESS My hand this 20th day of January, 1960

GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,
and 2 ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20
day of January, 19 60
Countersigned:
(SEAL) By ARNOLD WILLIAMS
Secretary of State.

STATE OF IDAHO
By ROBERT E. SMYLIE
Governor.

REMARKS: This permit applied for to collect and put to beneficial use waste waters flowing in Twenty Mile Cr. and originating at a higher elevation.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 S.	3 E.	35	30				30 30				30 30 20				30 30				230
			Permit No. 28394 ✓ CERTIFICATE OF COMPLETION OF WORKS																
TO ALL WHOM IT MAY CONCERN:																			
This is to			certify that V. A. ROBERTS ESTATE, The Idaho First National Bank, Executor, C. E. Ivey, Vice President and Trust Officer of Boise, County of Ada, and State of Idaho, the holder of Permit No. 28394, issued upon Application No. 36369, bearing date of priority of January 18, 1960, authorizing the diversion of 4.6 second feet of waters of Twenty Mile Creek, County of Owyhee, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.6 second feet of the waters of Twenty Mile Creek, tributary of Shoofly Creek, that the point of diversion of said waters SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 5 S., R. 3 E., B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:																
SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 5 S., R. 3 E., B. M.																			
Witness my hand this 2nd day of April, A. D. 1965.																			
Proof of Completion of Works Made: March 29, 1965																			
			s/ RALPH W. THOMAS, Deputy State Reclamation Engineer																

Dwyer Grazing Assoc. 8/30/73
New address: Box 204A
Grandview, Idaho
83624

A S S I G N M E N T

For value received, The Idaho First National Bank of Boise, National Association, executor of the estate of Verlin A. Roberts, deceased, does hereby assign all right, title and interest of the executor and of said decedent in and to Permit to appropriate the Public Waters of the State of Idaho, Permit No. 28394 to Owyhee Grazing Association, Inc. an Idaho corporation, whose address is Grandview, Idaho.

THE IDAHO FIRST NATIONAL BANK OF BOISE,
National Association

/s/ by WILLIAM BUSKETT
Executor of the Estate of Verlin A. Roberts
deceased

State of Idaho)
) ss.
County of Ada)

On this 9th day of June, 1967, before me, the undersigned a Notary Public in and for said State, personally appeared William Buskett, known to me to be the persons (Trust Office of the Idaho First National Bank of Boise) National Association, that executed the foregoing instrument as Executor of the Estate of Verlin A. Roberts, deceased, and acknowledged to me that such bank, as such Executor executed the same.

In witness whereof, I have hereunto set my hand and affixed my official Seal the day and year in this certificate first above written.

/s/ RICHARD ANDERSON
Notary Public residing for the State of Idaho
Residing at Boise, Idaho

(S E A L)

LICENSE ISSUED FOR 46 SEC. FT.
LICENSE PAGE NO. _____:

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 28394)
in the name of Owyhee Grazing Assoc., Inc)
Grandview, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

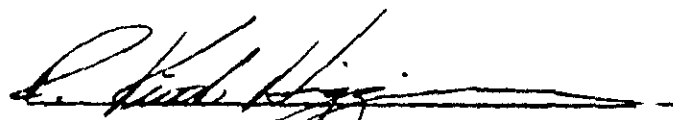
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 28394 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 14th day of August, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

57-2327
28394

Identification No. _____

Permit No. 28394

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder Payson Grazing Association Inc.
b) Post Office Address Grandview, Idaho
2. Permit Number 28394
3. Date of Priority that you are prepared to establish Jan. 18, 1960
4. a) Source from which water was appropriated Twenty mile Creek Trib. of Snake River
b) Location of the point of diversion SW 1/4 SW 1/4, Section 35
Township 5S, Range 3E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 4.6 for Irrigation purposes from 2-1 to 11-1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.6 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) natural channel flows into our Collection Reservoir. Dispersed through headgate into our Canal That delivers it to our lands.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed _____

EXAMINER TYPED
11-17-69

gms

57-2327
28394

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: _____

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	
55	3E	35			X				X	X	X	X	X		X	X			320a

Total number of acres irrigated 320a

10. Remarks: _____

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

9/18/69 (Date) John C. Steiner Pres. (Signature)

State of Idaho ss. County of Owyhee

On this 18 day of September, 1969, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.

Leon Weckel Notary Public residing at Grand View, Idaho

My commission expires 4-23-72

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

S.S.

DEPARTMENT OF RECLAMATION

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 2 day of Oct, 1969, and the last publication being on the 9 day of Oct, 1969;

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 9 day of Oct, 1969.

Lerna S. Hawes
NOTARY PUBLIC

My commission expires 4-10-72

(SEAL)

NOTICE OF DIVERSION PERMIT

Notice is hereby given that Owyhee Grazing Association, Inc., Grand View, Idaho has received an approved permit No. 22394 issued by the Idaho State Reclamation Department authorizing the diversion of 4.6 cubic feet per second of water from Twenty Mile Creek tributary of Shoshone Creek, subject to all prior rights. The priority to be established under this permit is January 15, 1960 and the permit was approved January 20, 1969.

Water is to be diverted by a headgate and canal from a point within the SW 1/4, Sec. 35, T. 5 S., R. 3 E., B. 1 M., Owyhee County, to be used for irrigation in the SW 1/4, NE 1/4, SE 1/4, NW 1/4, SW 1/4, SW 1/4, NW 1/4, NE 1/4, Sec. 35, T. 5 S., R. 3 E., B. 1 M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 20, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HEGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Idaho on October 2 and October 9, 1969.

57-2327

28394

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

September 6, 1973

Re: Permit No. 28394/57-2327

Owyhee Grazing Association, Inc.
c/o Gary Cunningham
Grandview, Idaho 83624

Dear Mr. Cunningham:

Enclosed please find a copy of the Water License issued on the above referenced permit.

We are also enclosing a copy of the approved amendment for this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

bjg

Enclosures

57 2327

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

August 21, 1973

Owyhee Grazing Association, Inc.
% Gary Cunningham
Grandview, Idaho 83624

Dear Mr. Cunningham:

A representative of this Department has made an examination of the works covered by your Permit No. 28394/57-2327 and has found the following:

Quantity of water diverted: 6.01 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 4.60 cfs

The maximum quantity diverted shall not exceed 1,150 acre feet per year.

Beneficial use: Irrigation of 230 acres within the W1/2NE1/4, NW1/4, SW1/4, NE1/4SE1/4, W1/2SE1/4, Sec. 35, Twp. 5 S, Rge. 3 E, B.M.

Point of diversion: SW1/4SW1/4 Sec. 35, Twp. 5 S, Rge. 3 E, B.M.

Priority date established: January 18, 1960

The place of use found by our field examiner differs from that listed under your permit, therefore, it will be necessary for you to amend the permit before a Water License can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 10 days of the date of this letter in order that we may issue a water license as set forth above.

If you do not concur with these findings or have any questions, please contact us within the 10 day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

57 2327

BDF/bjg

Enclosure

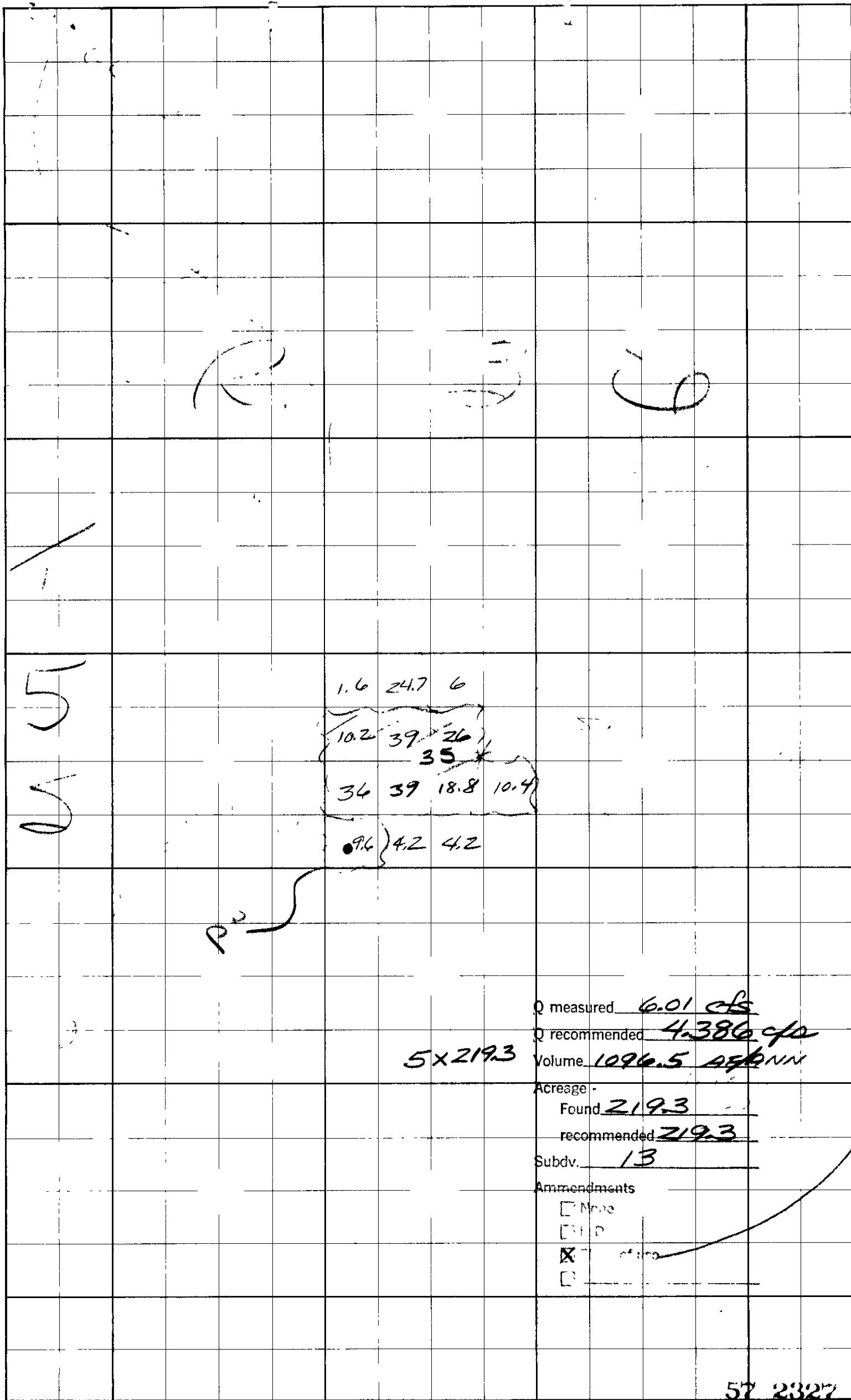
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 28394/51-2155-50-2

REPORT ON PROOF OF Owyhee Grazing Association

57 2327



Q measured 6.01 cfs
Q recommended 4.386 cfs
Volume 1096.5 ac-ft
Acreage -
Found 219.3
recommended 219.3
Subdv. 13
Amendments
☐ None
☐ P
☒ Other

Grand View, Idaho
July 20, 1970 **KD**

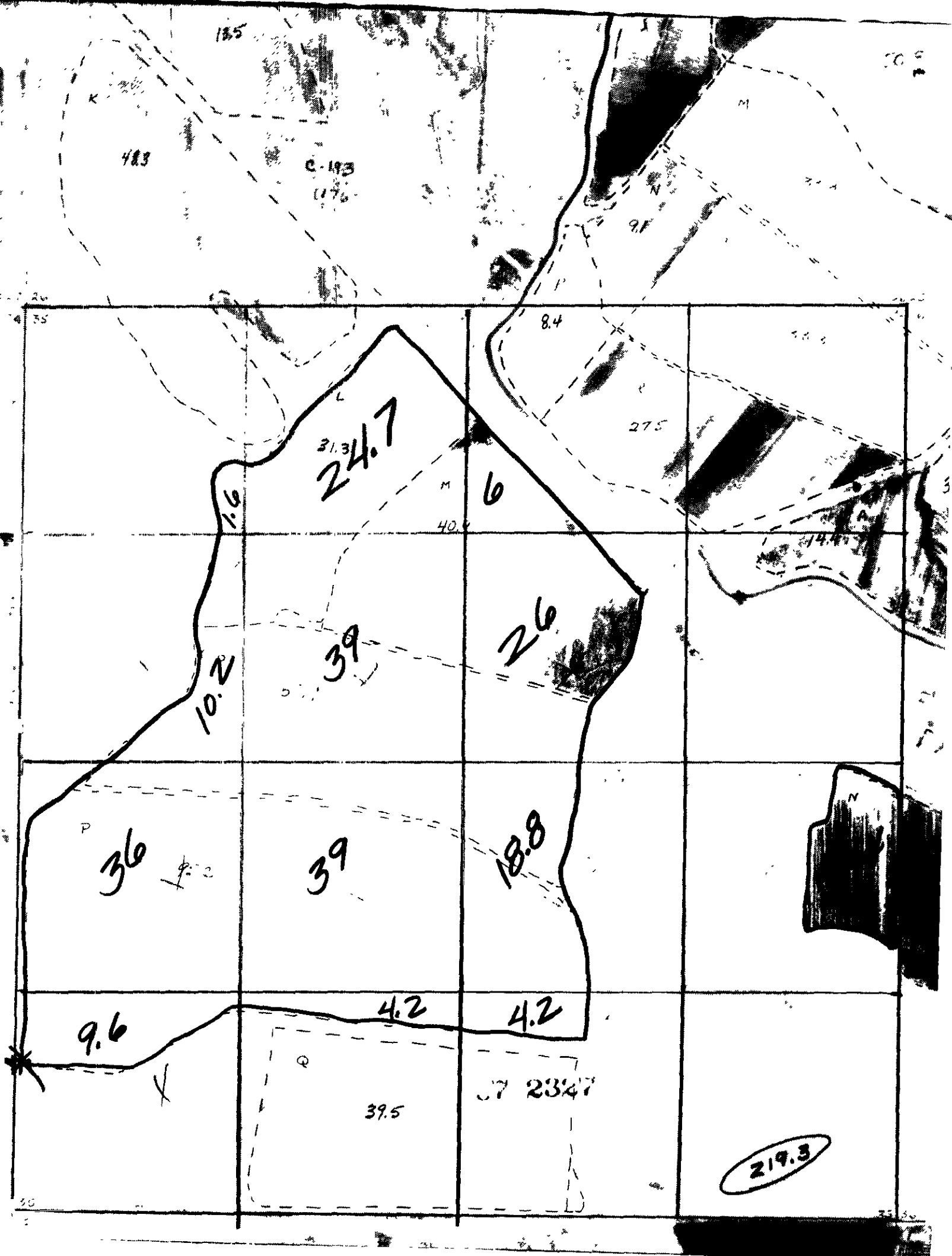
State of Idaho
Bureau of Reclamation
Boise, Idaho

51-2155-

Dear Sirs:

This is to verify our telephone conversation last week with your department. All pumps are now running and we are requesting measurement of water for obtaining the water license for our property at Grand View in Township 5 S. 3 E Sec 27, 28, 22, and 34.

Thank you
Frank Cunningham



1-63

DEPARTMENT OF RECLAMATION

Date _____, 19____ **DISCHARGE MEASUREMENT NOTES**

River at

[illegible]

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

157 0102

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

834-2381

REPORT OF EXAMINER

Permit No. 28394/51-2155 57-2327

This proof is for 4.6 cfs In Water District No.

1. Name of applicant Owyhee Grazing Association, (% Gary Cunningham), Grandview, Idaho

2. Source of water supply: Twenty Mile Creek, tributary of Shoofly Creek

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35

T. 5 S R. 3 E County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same:

PERMIT - headgate, canal Headgate - 13' wide, 3' high Ditch - 20" bottom, 36" wide at water line, 12" deep

PROOF - natural channel flows into our collection reservoir. Dispersed through headgate into our canal, that delivers it to our lands.

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

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

5S, 3 E, Sec. 35 SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ 230 acres

PROOF-320 acres

He is also irrigating land in 5S 3E Sec 35 NW $\frac{1}{4}$ NW $\frac{1}{4}$ - NE $\frac{1}{4}$ NW $\frac{1}{4}$ - NW $\frac{1}{4}$ NE $\frac{1}{4}$ - SE $\frac{1}{4}$ SW $\frac{1}{4}$ - SW $\frac{1}{4}$ SE $\frac{1}{4}$ an additional 40.7 but when combined with other land listed does not exceed 320 acres

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

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

Remarks: This permit was assigned from V. A. Roberts of Boise. OTHER RIGHTS - G-28239, 27110, and 27111.

This examination was made on the 9 day of Sept, 1971

(Signed) Rex L. Chapman Examiner.

57 2327

57-

Should be in
either Bureau.
5-7 0.61

Permit No. 28394/51-2155 57-2327

Examination for b/u - Owyhee Grazing Assoc.

County Owyhee

Quantity: 4.6 cfs Sec. 35 T. 5S R. 3E

Source: Twenty Mile Cr., trib. of Shoofly Cr.

P.D.: SW 1/4

Use: Irrigation

Extension:

Project:

Completion of Work:

Other Rights: G-28239, 27110, and 27111

Filed: 1-18-60 Due: 1-20-70
Made: 9-19-69 Priority: 1-18-60

Date: CHKO. gnd
BS

57 2327

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

November 17, 1960

Re: Permit No. 28394/51-2155

Owyhee Grazing Association, Inc.
% Gary Cunningham
Grandview, Idaho 83624

Dear Mr. Cunningham:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McElderney
Permit Section Examiner

DWM:JMB

57-2327
28394

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

November 10, 1969

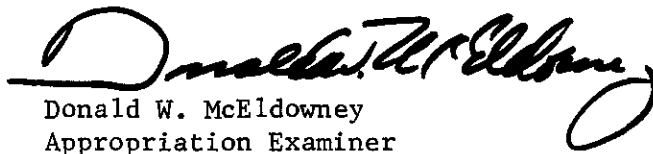
Re: Permit No. 28394/51-2155

Owyhee Grazing Association, Inc.
Grandview, Idaho 83624

Gentlemen:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. 28394. You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Owyhee Nugget, Marsing, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

Very truly yours,


Donald W. McEldowney
Appropriation Examiner

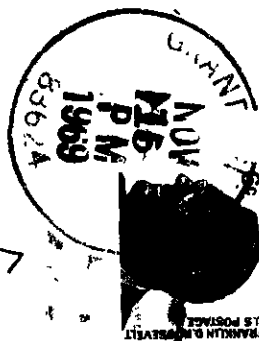
DWM:JMB

57-2327
28394

RECEIVED - RECLAMATION ATTACHED JMB

Very truly yours,
J. Edgar Hoover
Director, FBI
Washington, D.C.
83624

State of Idaho
Dept. of Education
Statehouse - Annex 2
Boise, Idaho 83707



57-2327

28394

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

November 10, 1969

OFFICE COPY

Re: Permit No. 28394/51-2155

Owyhee Grazing Association, Inc.
Grandview, Idaho 83624

Gentlemen:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. 28394. You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Owyhee Nugget, Marsing, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

*57-2327
28394*

September 22, 1969

Re: Permit No. 28394 (New No. 51-2155)

Owyhee Grazing Association, Inc.
Grandview, Idaho 83624

Gentlemen:

The legal notice for the above referenced permit is being published in the Owyhee Nugget, Marsing, Idaho,
on October 2 and October 9, 1969.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

NOTE: We are in receipt of the affidavit submitted as proof of beneficial use for Permit No. 28394/51-2155.

57-2827

28394

September 22, 1969

Re: Permit No. 28394 - Owyhee Grazing Association, Inc.

Owyhee Nugget
Marsing, Idaho 83639

Gentlemen:

Enclosed is a legal notice which we wish to have published 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 our 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 date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by the Owyhee
Grazing Association, Inc., Grandview, Idaho 83624,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

57-2327
28394

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that the Owyhee Grazing Association, Inc., Grand View, Idaho has received an approved permit No. 34 issued by the Idaho State Reclamation Department, authorizing the diversion of 4.6 cubic feet per second of water from Twenty Mile Creek tributary of Smooty Creek, subject to all water rights. The priority to be established under this permit is January 18, 1960 and the permit was approved January 20, 1960.

Water is to be diverted by a dam and canal from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 38, T. 5 S., R. 8 E., B. M. Owyhee County to be used for irrigation in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, T. 5 S., R. 8 E., B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 20, 1970. Any protests against the issuance of a license for the above reference permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date benefit use proof is due without further notice.

K. KEITH HIGGINS
State Reclamation Engineer
Published in the Owyhee News
Martinsburg, Idaho on October 8, 1969.

57-2327
28394

RECEIVED

SEP 19

NOTICE OF EXISTING WATER PERMIT

Department of Reclamation

Notice is hereby given that Owyhee Grazing Association, Inc., Grandview,

Idaho has received an approved permit No.

28394 issued by the Idaho State Reclamation Department authorizing the

diversion ~~storage~~ of 4.6 cubic feet per second acre/foot/per/annum/

of water from Twenty Mile Creek tributary of Shoofly Creek,

subject to all prior rights. The priority to be established under this permit is

January 18, 1960 and the permit was approved January 20, 1960.

Water is to be diverted by a headgate and canal

from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 5S, R. 3E, B.M.,

Owyhee County

to be used for irrigation

in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T. 5S, R. 3E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 20, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Owyhee Nugget, Marsing, Idaho on

October 2 and October 9, 1969.

57-2327
28394

28394

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Owyhee Nugget of Marsing Idaho; published in the county in which the works are situated.

Secretary — Owyhee Grazing Assn. Inc.
(signature)
Harry Cunningham
Franklin Idaho
(address)
Sept 5, 1969
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

57-2327
28394

August 15, 1969

RE: Permit No. 28394

Owyhee Grazing Association, Inc.
Grandview
Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit [REDACTED]. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

sc

Enc: Order
Adv. Package

57-2327
28394

28394 —



See 28395 & 29544
for part of same land

See 28239 for

see of state

57-2327

28394

June 22, 1967

RE: Permit No. 28394 and 33264
Verlin A. Roberts Estate

Richard Anderson
Anderson, Kaufman, Anderson and Ringert
Lawyers
P.O. Box 2773
Boise, Idaho 83701

Dear Mr. Anderson:

Thank you for the Letters Testamentary of the bank in reference to the above referenced permits. We have filed this copy along with the assignments herewith enclosed. These assignments have been recorded to the respective permits.

If we can be of further help please advise.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Enclosures

28394

ANDERSON, KAUFMAN, ANDERSON AND RINGERT

LAWYERS

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

IDAHO BUILDING
BOISE, IDAHO 83701

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

June 15, 1967

RECEIVED
JUN 16 1967

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Department of Reclamation

Attention: Mr. Donald W. McEldowney

Re: Permits 28394 & 33264
Verlin A. Roberts Estate

Dear Mr. McEldowney:

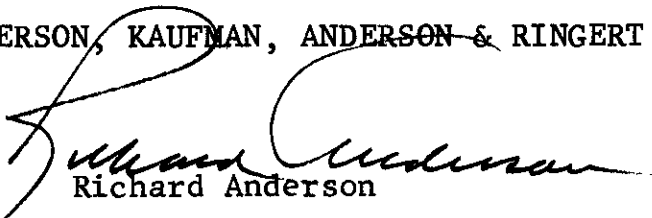
The assignments of the above numbered water permits recently sent to your office were signed by the Idaho First National Bank as the executor of the Verlin A. Roberts Estate. William Buskett is the trust officer of the bank.

A certified copy of Letters Testamentary of the bank as executor is herewith as you requested.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By


Richard Anderson

RA:sm

Encl.

D
28394

RECEIVED
JUN 16 1967

Department of Reclamation

IN THE PROBATE COURT OF THE COUNTY OF ADA, STATE OF IDAHO.

★
★
★

IN THE MATTER OF THE ESTATE OF)
VERLIN A. ROBERTS, DECEASED.) LETTERS TESTAMENTARY

★
★
★

STATE OF IDAHO,)
COUNTY OF ADA,) ss.

The last will and testament of Verlin A. Roberts, deceased, a copy of which is annexed hereto, having been proved and recorded in the Probate Court of the County of Ada, State of Idaho, The Idaho First National Bank of Boise, National Association, who is named therein, is hereby appointed executor of said Will.

WITNESS, W. E. Smith, Clerk of the Probate Court of the County of Ada, with the seal of the court affixed, the 19th day of December, 1961.

By Order of the court.

(COURT SEAL)

W. E. Smith

Clerk

STATE OF IDAHO,)
COUNTY OF ADA,) ss

I, William Buskett, the Trust Officer of The Idaho First National Bank of Boise, National Association, DO SOLEMNLY SWEAR that The Idaho First National Bank of Boise, National Association, will perform, according to law, the duties of executor of the last will and testament of Verlin A. Roberts, deceased.

William Buskett
William Buskett

Subscribed and sworn to before me, in open court, this 19th day of December, 1961.

W. E. Smith

(COURT SEAL)

Probate Judge

C
O
P
Y

LAST WILL AND TESTAMENT

OF VERLIN A. ROBERTS AND ELLEN M. ROBERTS, HUSBAND AND WIFE.

I, VERLIN A. ROBERTS, and I, ELLEN M. ROBERTS, and each and both of us, of Boise, County of Ada, State of Idaho, being of sound and disposing mind and memory, but not unmindful of the uncertainties of life, do hereby MAKE, PUBLISH and DECLARE this to be our Last Will and Testament, hereby revoking all wills heretofore by us, or either of us, made.

FIRST

We declare that we are husband and wife and that we have one child whose name is Barbara Ann Roberts, who was born December 31, 1939 and is of the age of eighteen (18) years.

SECOND

It is the will of each and both of us that our just debts and the debts of each of us and the expenses of the last illness and funeral of each of us be paid as soon as practicable.

THIRD

It is the will of each of us that upon the death of either of us the residence property where we shall live at the time of such death and all of the household furniture, fixtures and equipment of every nature, kind and description and the automobiles

which we, or either of us, may own for family use be, and the same are hereby, devised and bequeathed to the survivor of us.

FOURTH

Each of us appoints executors, and trustees of the trust herein created, as follows:

If Ellen M. Roberts shall survive Verlin A. Roberts, then the said Ellen M. Roberts shall be, and is hereby, appointed executrix and trustee under this will during her lifetime;

If Verlin A. Roberts shall survive Ellen M. Roberts, then the said Verlin A. Roberts shall be, and is hereby, appointed executor and trustee under this will during his lifetime;

After the death of the survivor of Verlin A. Roberts and Ellen M. Roberts, then The Idaho First National Bank of Boise shall be, and is hereby, appointed executor and trustee under this will;

If the survivor of the said Ellen M. Roberts and Verlin A. Roberts shall fail or refuse to act as executor or trustee, then The Idaho First National Bank of Boise shall be, and is hereby, appointed to fill the vacancy in the office of executor and trustee as the case may be.

Barbara Ann Roberts shall be, and is hereby, appointed joint executrix and trustee under this will, to serve jointly with each

of the executors and trustees hereinbefore named, unless she should not survive or unless she should fail or decline to act.

None of the persons named as executor, executrix, or trustee, shall be required to furnish any bond in any such capacity.

Hereinafter, for convenience, each of the words "executor" and "trustee" in the singular shall also include the plural where the context so requires. The word "executor", when used herein, shall also be construed to be "executrix" when the context so requires.

The executor and trustee is hereby empowered to segregate the community property interest of the survivor of Verlin A. Roberts and Ellen M. Roberts from the community property interest of the first of them to die, according to the judgment of the executor and trustee.

FIFTH

We, and each of us, hereby gives, devises and bequeaths unto the trustee all the rest, residue and remainder of our property and the property of each of us, real, personal and mixed, of which each of us may die possessed and of whatsoever kind and character, and wheresoever the same may be situate, IN TRUST NEVERTHELESS, and upon the following uses and trusts and for the purposes hereinafter set forth, and none other, to-wit:

1. To hold, manage, control and preserve all of the

property hereby devised and bequeathed to said trustee, and in the discretion of said trustee to sell and to invest and keep the same invested in income-producing property and interest-bearing securities, with power from time to time to change and vary the investment thereof, and to reinvest the same in such properties or interest-bearing securities as in the judgment of said trustee may seem advisable, and to collect and receive all income, dividends, issues and profits arising therefrom, and to do all other things necessary to carry the trust herein created into effect, and in and for the management, preservation, operation, maintenance, settlement and distribution of the trust estate to bargain, sell, mortgage, convey or otherwise to dispose of said estate, in one or more parcels, at public or private sale, with or without notice, to such persons, at such times, and for such consideration and upon such terms as said trustee shall deem expedient and for the best interests of the trust estate and beneficiary. The trustee may invest, reinvest and keep invested the trust property or any part thereof in securities, regardless of whether they are eligible for investment of trust funds under the laws of the State of Idaho. The trustee may cause the securities and property composing said trust estate or any part thereof to be registered in the name of said trustee as trustee, or in the name or names of the appointee or appointees of said trustee.

2. To pay all reasonable charges, expenses and costs incidental to the administration of said trust, including all taxes, assessments, charges and expense against the trust property; and, any such payment may be made out of the principal or income of the trust as the trustee in its discretion shall determine.

3. To use, employ and pay from said trust estate, to or for our daughter, Barbara Ann Roberts, such amounts of the principal and income thereof as in the judgment of said trustee may be necessary and proper for the care, support, maintenance and education of the said Barbara Ann Roberts. It is our wish and the wish of each of us in determining the amount necessary and proper to be expended from the trust property for the welfare of, or for the care, support, maintenance and education of, the said Barbara Ann Roberts, that the trustee shall at all times take into consideration the amount of the trust estate and the needs of such beneficiary and whatever income and property such beneficiary may have from time to time.

4. The trust herein created shall continue until the said Barbara Ann Roberts shall attain the age of thirty-five (35) years, at which time the trust herein created shall terminate, but the duration of this trust shall in no event nor by any possibility extend beyond the death of the said Barbara Ann Roberts should she not survive to the age of thirty-five (35) years.

5. Upon the termination of the trust herein created, the trustee shall pay and deliver the balance, residue and remainder of the trust property to the said Barbara Ann Roberts, if she shall then survive, but if she shall not survive to the final distribution of the trust estate and should leave child or children born to her, then surviving, then the whole of the trust estate shall be paid, delivered and distributed to such child or children and if there be more than one such child, then to such children share and share alike. If the said Barbara Ann Roberts shall not survive to the final distribution of the trust estate and shall not then have a child or children born to her surviving, then the whole of the trust estate remaining for distribution shall be paid, delivered and distributed to the survivor of the said Verlin A. Roberts and Ellen M. Roberts, if one of them be then surviving, and if neither of them be then surviving, then to the heirs of the said Barbara Ann Roberts per stirpes and not per capita.

6. The trustee may make any payment for the care, support, maintenance and education of the beneficiary Barbara Ann Roberts in any one or more of the following ways:

Directly to such beneficiary, to the legal guardian of such beneficiary, to a surviving relative of such beneficiary to

be expended by such relative for the care, support and maintenance of such beneficiary, or, by the trustee expending the same for the care, support, maintenance and education of such beneficiary.

7. Each of us directs that neither the income from the trust estate hereby provided for the beneficiary, nor the principal fund, shall be liable for the debts of any beneficiary, present or future, and shall not be subject to the right on the part of any creditor to seize or reach the same under any writ or by any proceedings at law or in equity. The beneficiary shall have no power to give, grant, sell, convey, mortgage, pledge or otherwise dispose of, encumber or anticipate the income of the trust estate or any payment therefrom, or any share in the principal thereof, it being the will of each and both of us that no right of disposition of any such property shall vest in any beneficiary until the same shall have been actually transferred or paid over to the beneficiary, or in behalf of the beneficiary; but each of us specifically authorizes and directs that this provision of this will shall in no respect restrict the trustee in the exercise of the powers of the trustee.

SIXTH

The provisions of this will shall be in full force and effect as to all of the estate of the first of us to die

immediately upon the death of the first of us to die, and shall bind the property and estate of the survivor of us from thence forward and shall be in full force and effect with respect to the provisions hereof as to the property and estate of the survivor of us immediately upon the death of the survivor of us.

SEVENTH

This will and testament is made in performance of a contract heretofore entered into between us, the aforementioned Verlin A. Roberts and Ellen M. Roberts, husband and wife, by the terms of which each of us contracted with the other to execute this will and testament and agreed that neither of us would revoke this instrument in whole or in part nor make any attempt to do so.

IN WITNESS WHEREOF, we have hereunto set our hands at Boise, Idaho this 25th day of November in the year of our Lord one thousand nine hundred and fifty-eight.

Verlin A. Roberts
Verlin A. Roberts

Ellen M. Roberts
Ellen M. Roberts

The foregoing instrument, consisting of nine (9) pages including the following page, was, at the date hereof, by the

said Verlin A. Roberts and Ellen M. Roberts signed and sealed, and by them published, acknowledged and declared to be their joint and mutual will and testament, in our presence, and in the presence of each of us, and we, at the same time, at their request and in their presence, and in the presence of each other, have hereunto subscribed our names and residences as attesting witnesses thereto, this 25th day of November, 1958.

Ferne W. Allen residing at Boise, Idaho

E. H. Anderson Residing at Boise, Idaho

Re: Permits 28394 & 33264
Verlin A. Roberts Estate

Ander, Kaufman, Anderson & Ringert
Law Offices
Idaho Building
Boise, Idaho 83701

ATTENTION: Richard Anderson

Gentlemen:

We are in receipt of your letter of June 9, 1967 on the above referenced permit.

However, before further action can be taken in recording the assignment on the above referenced permits, this office feels it necessary to receive a document verify the position of William Buskett as executor of the estate of Verlin A. Roberts.

Your prompt attention to this matter will be greatly appreciated. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

10.10.70

28394

RECEIVED
JUN 12 1967

A S S I G N M E N T

Department of Reclamation

For value received, The Idaho First National Bank of Boise, National Association, executor of the estate of Verlin A. Roberts, deceased, does hereby assign all right, title and interest of the executor and of said decedent in and to Permit to Appropriate the Public Waters of the State of Idaho, Permit No. 28394, to Owyhee Grazing Association, Inc., an Idaho corporation, whose address is Grand View, Idaho.

THE IDAHO FIRST NATIONAL BANK OF BOISE,
NATIONAL ASSOCIATION

By *William Roberts*
Executor of the Estate of Verlin
A. Roberts, deceased.

STATE OF IDAHO)
) ss.
County of Ada)

On this 9th day of June, 1967, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be the Trust Officer of the Idaho First National Bank of Boise, National Association, that executed the foregoing instrument as Executor of the estate of Verlin A. Roberts, deceased, and acknowledged to me that such Bank, as such Executor, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Richard Anderson
Notary Public for the State of Idaho
Residing at Boise, Idaho

28394

ANDERSON, KAUFMAN, ANDERSON AND RINGERT
LAWYERS

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

IDAHO BUILDING
BOISE, IDAHO 83701

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

June 9, 1967

RECEIVED
JUN 12 1967

Department of Reclamation

State of Idaho
Department of Reclamation
Statehouse
Boise, Idaho

Gentlemen:

Idaho First National Bank, as executor of the estate of Verlin A. Roberts, has sold and assigned Water Permits No. 28394 and No. 33264 to Owyhee Grazing Association, Inc., whose address is Grand View, Idaho. Assignments covering each of the permits is herewith for your records.

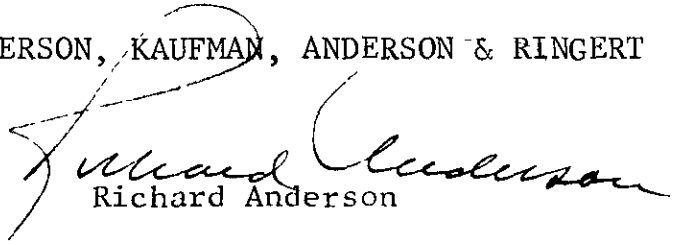
Owyhee Grazing Association intends to make Proof of Completion of Works and Application of Water to Beneficial Use, and authorization to publish notice of same and two copies of said notices of proof are herewith.

Any costs and fees for filing the assignments are to be paid by Owyhee Grazing Association and you should notify the Association of any amount owing.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By


Richard Anderson

RA:sm

Enclosures

cc: Owyhee Grazing Association
Idaho First National Bank

28394

ANDERSON, KAUFMAN, ANDERSON AND RINGERT
LAWYERS

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

IDAHO BUILDING
BOISE, IDAHO 83701

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

June 9, 1967

RECEIVED
JUN 12 1967

Department of Reclamation

State of Idaho
Department of Reclamation
Statehouse
Boise, Idaho

Gentlemen:

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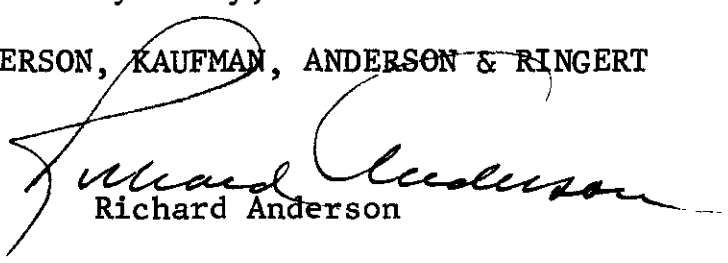
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Yours very truly,

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By


Richard Anderson

RA:sm

Enclosures

cc: Owyhee Grazing Association
Idaho First National Bank

28394

June 25, 1965

RE: Permit Nos. 28394, 28395, 28396,
29544, 27110, 27111,
G-28239

Victor C. Ford, Manager
Owyhee County Abstract Company
Murphy, Idaho

Dear Mr. Ford:

Enclosed is Departmental Receipt No. G-9358 in the amount of \$2.00 and No. 32819 in the amount of \$10.60 covering the fees for photo copies of the above numbered permits.

Copies of Permit Nos. 27110 and 27111 are enclosed. The copies of the others were mailed to you previously.

Very truly yours,

CARL E. TAFFAN
State Reclamation Engineer
By

(Mrs.) Edna F. Hule
Chief Clerk

cc: Mr.

Enc. receipts 2
copies of permits 2

28374

June 22, 1965

RE: Permit Nos. 28394, 28395, 28396,
G-28230, 29544

Owyhee County Abstract Company
Murphy, Idaho

Gentlemen:

Enclosed are photo copies of the above numbered permits which
you requested by phone.

The fee for making the copies is \$9.00 which you may remit
to this office.

Very truly yours,

CARL H. TALLAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

ELR:mr

Enc. copies of permits 5

28394

~~March~~ ²5, 1965

Re: Permit No. 28394
V. A. Roberts Estate

C. L. Ivey, Vice Pres. & Trust Officer
First National Bank
Executor Estate of V. A. Roberts
Boise, Idaho

Dear Sir:

Enclosed is the Certificate of Completion of Works
issued on the above numbered permit for the estate of V. A.
Roberts.

Also enclosed is departmental receipt #32667, in
the amount of \$5.00 covering fee.

V y truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
receipt

PERMIT No. . . . 28394 .

Proof of Completion of Works

APR 1965

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Department of Reclamation

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. The Idaho First National Bank, Executor, under the Will of V. A. Roberts,

Deceased, By, C. E. Ivey, Vice President & Trust Officer, 205 N. 10th St., Boise, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Same as above,

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No.: 28394; Date: January 18, 1960; Amount of Water: 4.6 cfs; Source:

20 Mile Ck; Point of Diversion: SW1/4SW1/4, Sec. 35, T5S-R3E, B.M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you have reclaimed or intend to reclaim.

Ans. Water is to be used to irrigate 230 acres of land. The land to be reclaimed

is described as: Township 5 South - Range 3 East, B.M., Section - 35 - SW1/4NE1/4; S1/4NW1/4, N1/4SW1/4, SW1/4SW1/4, N1/4SE1/4.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water was first diverted by these works in May, 1960.

Ques. 6. State whether or not the works of diversion are fully completed, if so on what date, and whether or not they comply in all respects with terms of the permit.

Ans. Works were fully completed in March, 1960, and they comply to the terms of the permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. ---

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on May, 1960, and give cost of same.

Ans. DAM: Height-5'; Length at top-15'; Length at bottom-10'. HEADGATE:

2' wide by 4' high. DITCH: 2' at bottom; 4' at top; 2' deep. Works capable of conveying 5 cfs to place of use. Cost of works was about \$2,000.

(Sign here.)

The Idaho First National Bank, Executor, under the will of V. A. Roberts, Deceased. C. E. Ivey, Vice Pres. & Trust Officer.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Boise, County of

Ada, State of Idaho, on this 29th day of March, A. D. 1965.

My Commission expires 9/28/68.

Notary Public.

28394

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. . . . 28394.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. D. O. Bybee, Grandview, Idaho, Farmer, Grandview, Idaho.

Ques. 2. Are you acquainted with .. Estate of V. A. Roberts .. , the

holder of Permit No. 28394 .. authorizing the diversion of .. 4.6 .. second-feet of the waters
of .. 20 Mile Creek .. , at .. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T5S-R3E,
for .. irrigation .. purposes? How long have you known him, and where does he reside?

I had been acquainted with Mr. Roberts for many years and I know the The Idaho
Ans. First National Bank is the Executor of his Estate and is located at 205 North
10th Street, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 28394 .. , and are you familiar with
its terms and conditions?

Ans. .. Yes. ..

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.

Ans. I am familiar with land to be irrigated. .. The soil is a sandy silt loam.
.. texture and 1" of water per acre is necessary for productive, profitable ..
.. cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the
entire amount of water set out in the permit from point of diversion to place of use? If so, when
were they so completed?

Ans. Works will convey 5 cfs. to place of use and were completed in March, 1960.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question
5. and give your estimate of their capacity on that date.

Ans. Diversion dam, headgate and ditches and they are capable of conveying
5 cfs of water to place of use.

(Sign here.)

D. O. Bybee

I hereby certify that the foregoing testimony was read to the above subscriber before its signing,
that I believe him to be the person he represents himself to be, and that said testimony was subscribed
and sworn to before me, at my office in .. Boise .. , County of

Ada .. , State of Idaho, on this 26th .. day of
March .. A. D. 1965 .

My Commission expires... 9/28/68...

Sharon Deakin
Notary Public.

28394

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 28394...

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Mervin J. Christensen, 1803 Larch Street, Boise, Idaho, Surveyor-Appraiser,

Ans. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

1803 Larch Street, Boise, Idaho.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Ques. 2. Are you acquainted with C. E. Ivey, Vice Pres. & Trust Officer, IFNB..., the

holder of Permit No. 28394 authorizing the diversion of 4.6 second-feet of the waters

of Twenty Mile Creek, at SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T5S-R3E

for irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known Mr. Ivey 1 year & know he is Vice Pres. & Trust Officer of the Idaho First National Bank the Executor of the V. A. Roberts Estate, Mr. Roberts being the

original applicant of this permit, located at 205 North 10th Street, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 28394, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes, I am acquainted with this permit. The land is level and has a sandy texture

silt loam soil. All of the water used is required for the productive, profitable cultivation of this soil.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Works were completed in March, 1960 and are sufficient in capacity to convey 4.6 cfs to place of use

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Diversion dam, headgate and ditches and their carrying capacity on

date mentioned above was 4.6 cfs.

(Sign here.)

Mervin J. Christensen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of

Ada, State of Idaho, on this 24th day of

March, A. D. 19 65.

My Commission expires 9/28/68.

Mervin J. Christensen

Notary Public.

28394

Permit No. 28394

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

MAR 5 1965

STATE OF IDAHO

County of Ada

SS.

THE IDAHO FIRST NATIONAL BANK, EXECUTOR, UNDER THE WILL OF V. A. ROBERTS, DECEASED,
BY C.E. IVEY, VICE PRES. & TRUST OFFICER, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 28394, and that his postoffice address is 205 North 10th Street, Boise, State of Idaho

Second: That the name of the stream from which said water is to be diverted is 20 Mile Creek

Third: That the point of diversion of said water is SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 5 South - Range 3 East, B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 20, 1965

Fifth: That the use for which said water is intended is irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: Diversion Dam and ditches

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 15 feet, length of dam at bottom 10 feet. Material used in construction Concrete

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 2 feet, height 4 feet.

(d) Conduit Ditch width at bottom 2 feet, width at water line 4

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water 2 feet; diameter of pipe -- inches, average grade per mile is 15 feet. Length of conduit is 1 miles.

Seventh: That said works are capable of conducting to the place of intended use 5 second feet of water.

Eighth: That water appropriated under said permit is available for 230 acres of land described as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 35, Township 5 South - Range 3 East, B.M.

Ninth: Remarks:—That

The Idaho First National Bank, Executor,
under the will of V. A. Roberts, Deceased.

(SIGN HERE)

C.E. Ivey, Vice President & Trust Officer

Subscribed and sworn to before me this 31st day of March, 1965

Sharon Desain

NOTARY PUBLIC

My commission expires 9/28/68

28394

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 19, 1965

Re: Permit No. 28394

To V. A. Roberts Estate
4912 Roberts Road
Boise, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 28394
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of Works Proof which was due January 20, 1965

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 28394
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 28394 claims the use of 4.6 cubic feet per second of the
waters of Twenty Mile Creek & Shoofly Creek with point of diversion located
SW 1/4 Sec. 35., Twp. 5 S., Rge. 3 E.B.M. Owyhee County, and
was approved January 20, 1960

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
19th day of February, 1965

State Reclamation Engineer.

By Assistant.

cc: Harley M. McDowell

28394

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho

Re: Permit No. ~~28394~~; 28395
28396 - V. A. Roberts Estate

Nov. 2, 1964

Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

Under the terms of your Permit No. ~~28394~~
28395
28396 you are required to complete your diversion works on or before ~~Jan. 28, 1965~~. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

Enc. Form 6 (3)

28394

February 3, 1960

Re: Permits No. 28394 - 28395 - 28396
V. A. Roberts

Idaho Land and Map Service
P. O. Box 2161
Boise, Idaho

Attn: Harley M. McDowell

Dear Mr. McDowell:

We enclose Permits No. 28394, No. 28395 and No. 28396 in which we direct your attention to the limitations and conditions as given on the fourth page under the approval of the State Reclamation Engineer.

We enclose departmental receipt No. 29967 in the amount of \$17.00 which was issued covering payment of the fees for filing of the above mentioned permits.

Very truly yours,

W. H. GARDNER
State Reclamation Engineer

By:

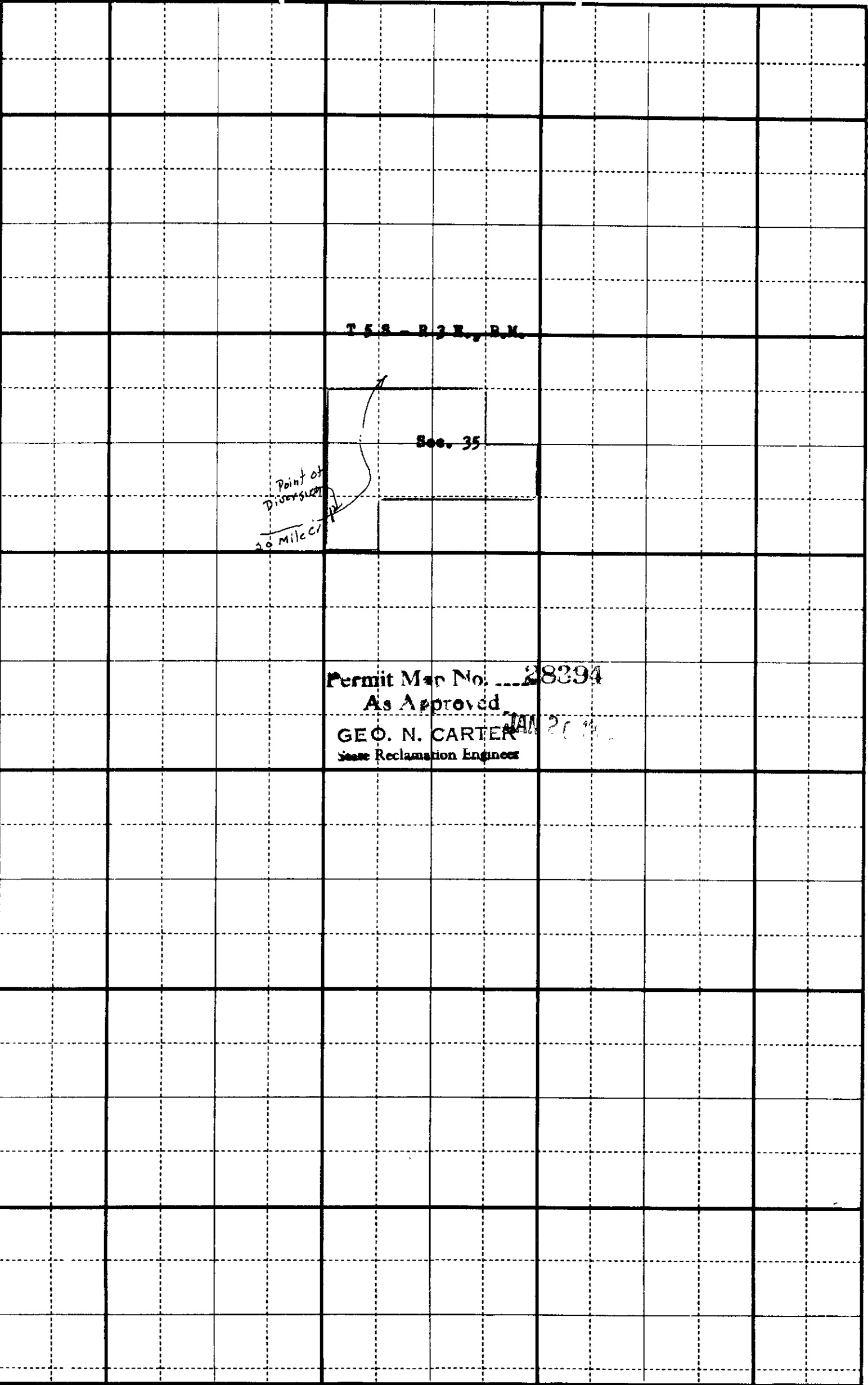
(Mrs.) Anna L. Hale
Chief Clerk

Enclosure

Enc. permits (3)
receipt

cc: V. A. Roberts
4912 Roberts Rd.
Boise, Idaho

28394



Permit Map No. 28394
As Approved
GEO. N. CARTER
State Reclamation Engineer

JAN 20 1914

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Loise, Idaho,

January 19, 1960

Nº 29967

RECEIVED
FROM

Harley M. McRae of Boise, Idaho
Seventeen and no/100

\$17

00

DOLLARS

FOR

# 36369-70-36371	Carey Act Trust Fund - - -	\$	
	Application for Permit No. - - -	\$	17 00
	Proofs - - - - -	\$	
	Certified Copy - - - - -	\$	
	Recording Deed - - - - -	\$	
	Certificate - - - - -	\$	
	TOTAL - - - - -	\$	17 00

Geo. W. Carter

State Reclamation Engineer

By Cedra P. Rutledge

29374