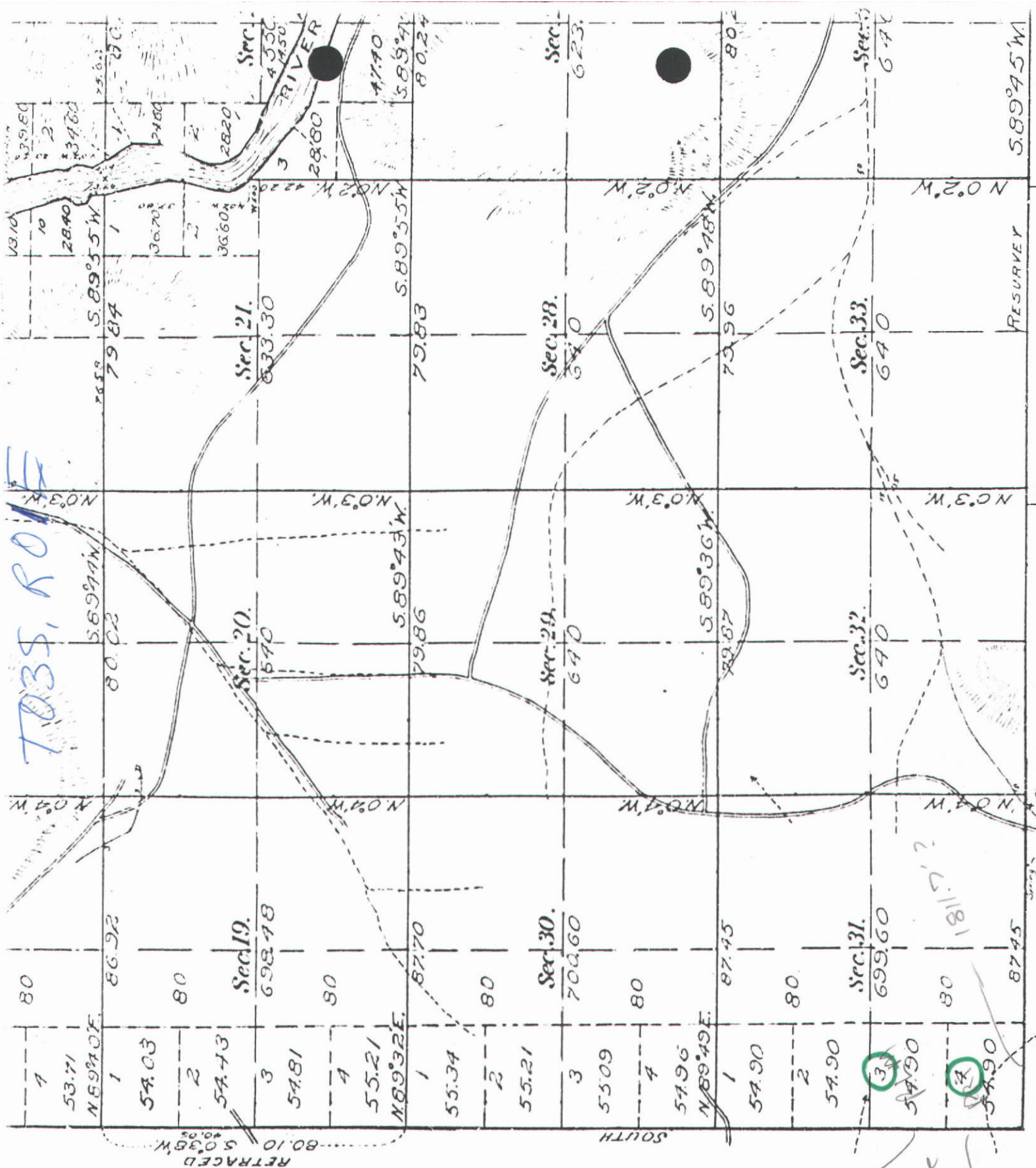


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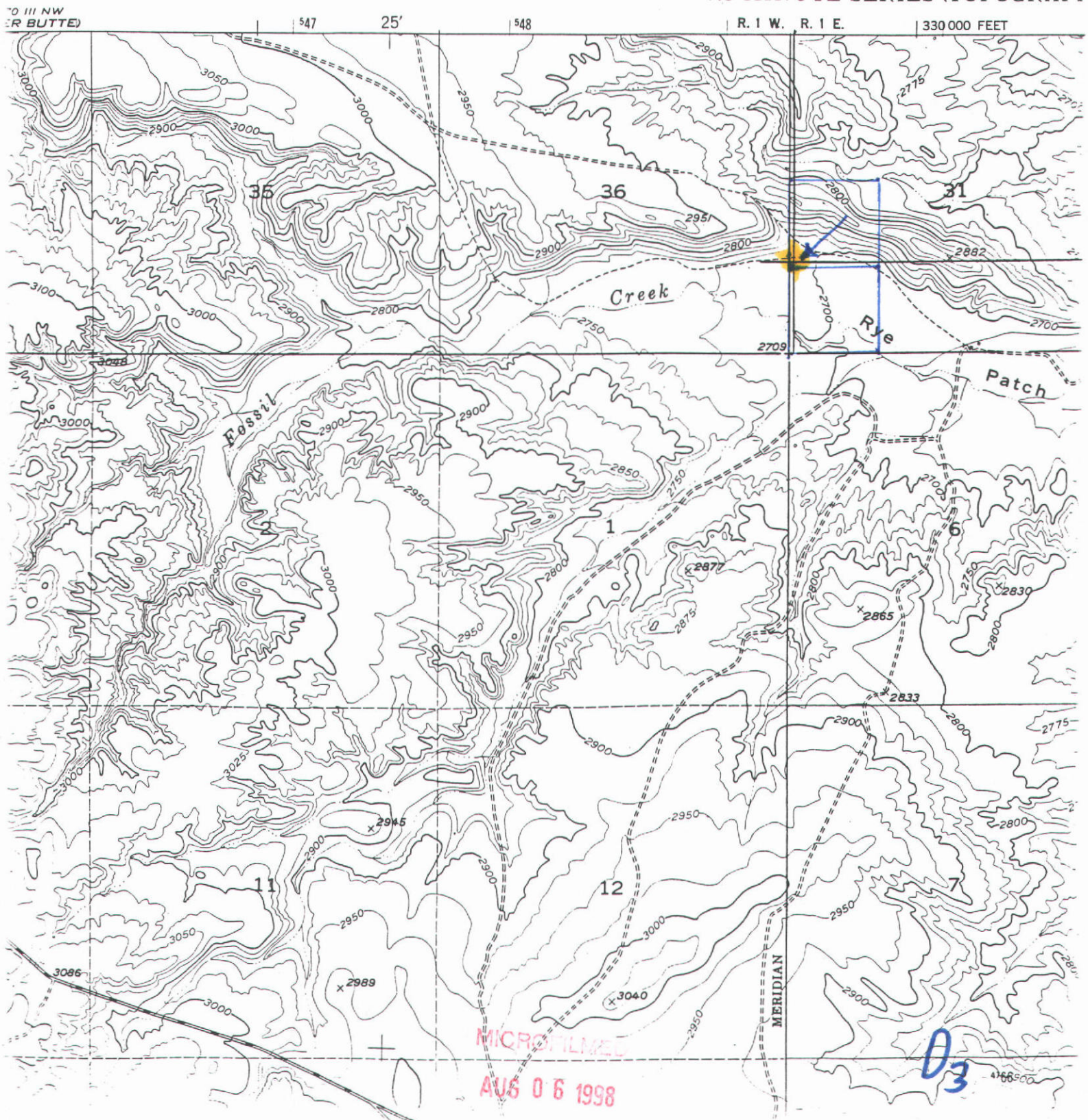
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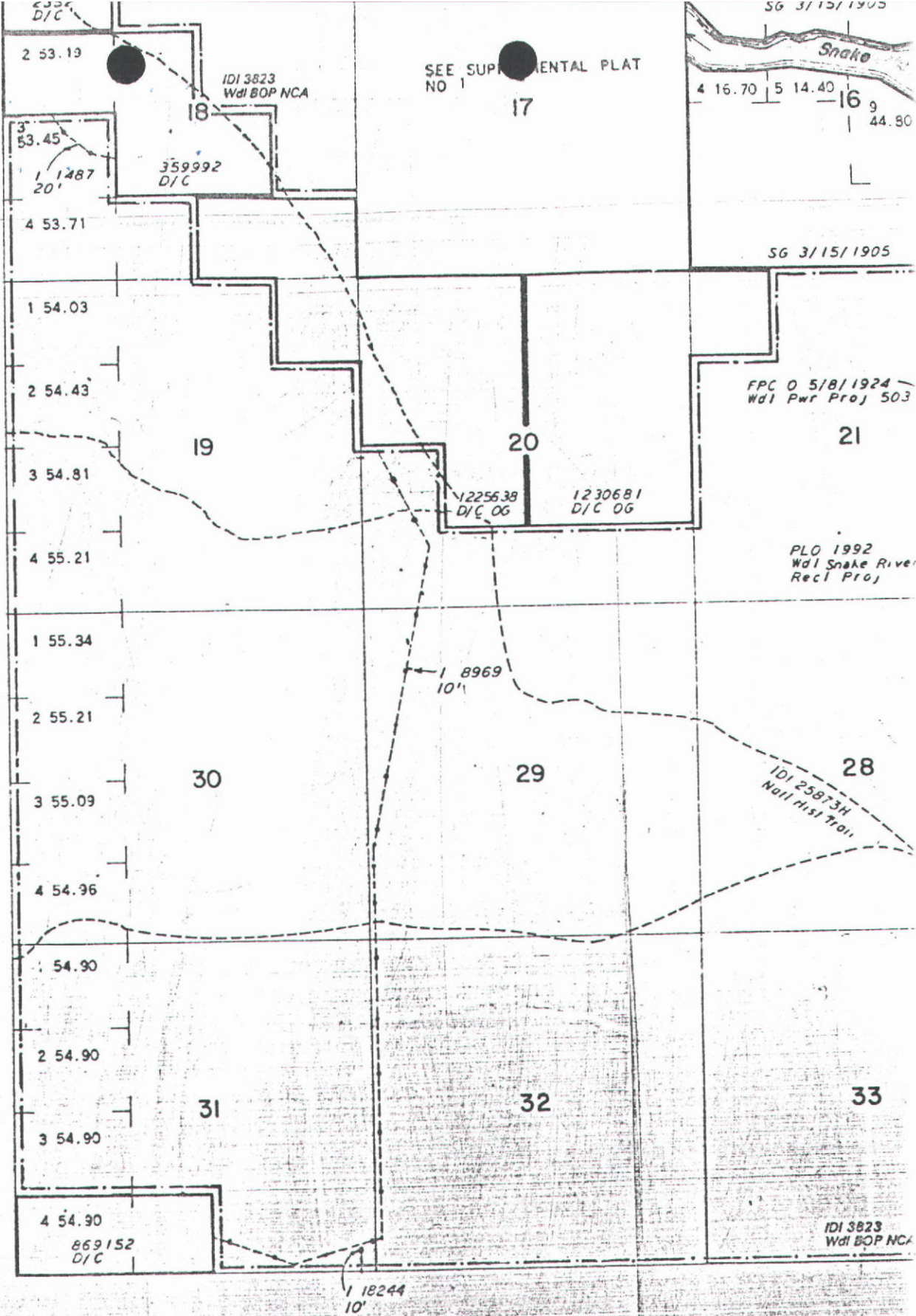
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OREANA QUADRANGLE
IDAHO-OWYHEE COUNTY
7.5 MINUTE SERIES (TOPOGRAPHIC)





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AUG 06 1998

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TOHS ROIE

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MICROFILMED
AUG 06 1998

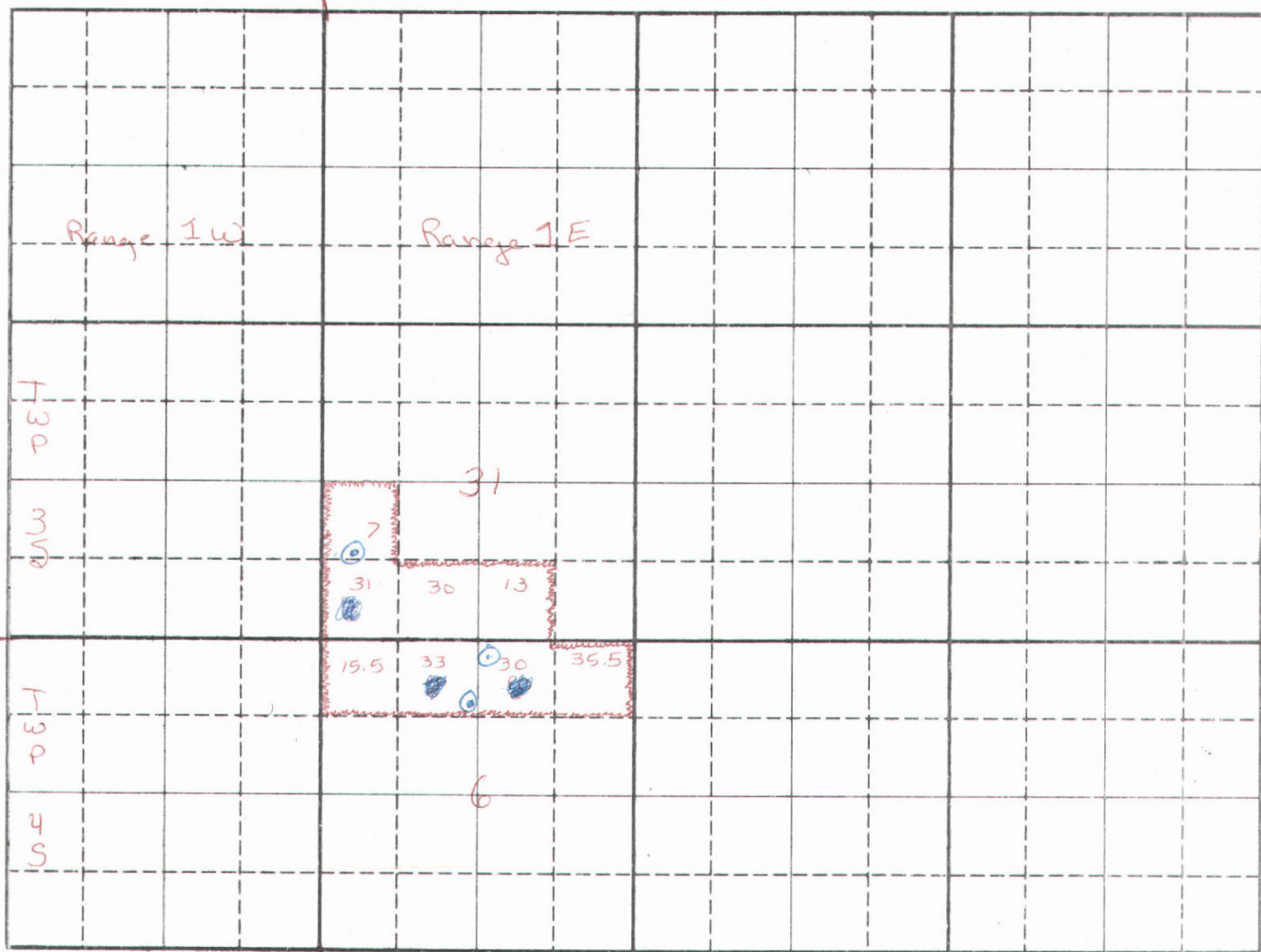
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F7

1 0456
100'

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, 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 holder's own risk.

Signed at Boise, this 13 day of Nov., 19 69.

Wayne F. Smith
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for permit no. 57-2266.

Witness my hand this 14th day of November, 19 69.

R. Keith Higginson
State Reclamation Engineer

RECEIVED

JAN 14 1969

Department of Reclamation

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 26 day of January, 1968, and the last publication being on the 2 day of January, 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 2 day of January, 1969.

Louise L. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF APPROVED APPLICATION FOR WATER

Notice is hereby given that Wayne F. Smith, Oreana, Idaho,

has received an approved permit No. G-31597 to divert 5.92 cubic feet per second of water from a subterranean source. The priority to be established under this permit is December 13, 1963. Water will be diverted by pump, gravity irrigation and two wells within the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 6, T. 4 S., R. 1 E.; SW $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 31, T. 3 S., R. 1 E., B. M., Owyhee County, and is to be used for irrigation in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 1, T. 4 S., R. 1 W.; N $\frac{1}{2}$ -NE $\frac{1}{4}$, N $\frac{1}{2}$ -NW $\frac{1}{4}$, Sec. 6, T. 4 S., R. 1 E.; W $\frac{1}{2}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 31, T. 3 S., R. 1 E., B. M.

Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Idaho, on December 26, 1968 and January 2 1969.

31597

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

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

May 7 & 14, 1997

Signed



Subscribed and sworn to me this 14th day of May A.D., 19 97



Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 22, 2002

MICROFILMED
AUG 06 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 5075

Notice is given that Wayne Smith of PO Box 12, Rye Patch Ranch, Murphy, Id, 83650 has applied to the Department of Water Resources to change

the place of use pursuant to I.C. §42-222 for the following right(s) in T03S R01E and T04S R01E, Owyhee County:

License 57-02266, priority 12-13-1963, 3.73 cfs, diverted from ground water at three points in N1/2 S06 and NWSW S31 for irrigation of 196 acres in S06 and S31.

PROPOSED CHANGE

Irrigated acres to be redistributed in order to move 20 acres irrigation off of public lands and onto private lands. After the change, a total of 195 acres within N1/2 S06 and SW S31 will be irrigated from the Two Sources.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25.00, on or before May 27, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
5/7&14/97

RECEIVED

MAY 15 1997

WATER RESOURCES
WESTERN REGION

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

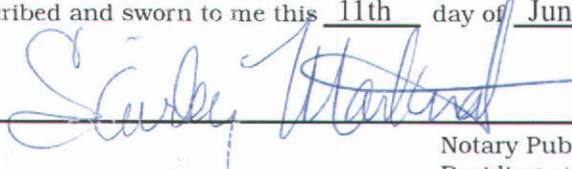
said newspaper, in Two (2)

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

June 4 & 11, 1997

Signed 

Subscribed and sworn to me this 11th day of June A.D., 1997


Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 22, 2002

MICROFILMED

AUG 06 1999

corrected notice

CORRECTED NOTICE OF PRO- POSED CHANGE OF WATER RIGHT TRANSFER NO. 5075

Notice is given that Wayne Smith of PO Box 12, Rye Patch Ranch, Murphy, Id. 83650 has applied to the Department of Water Resources to change the place of use pursuant to I.C. §42-222 for the following right(s) in T03S R01E and T04S R01E, Owyhee County:

License 57-02266, priority 12-13-1963, 3.73 cfs, diverted from ground water at three

points in N1/2 S06 and NWSW S31 for irrigation of 196 acres in S06 and S31.

License 57-07434, priority 6-29-1984, 0.48 cfs, diverted from an unnamed tributary to Fossil Creek in NENE S06 for irrigation of 196 acres in S06 and S31.

PROPOSED CHANGE

Irrigated acres to be redistributed in order to move 20 acres irrigation off of public lands and onto private lands. After the change, a total of 195 acres within N1/2 S06 and SW S31 will be irrigated from the Two Sources.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25.00, on or before May 27, 1997. The protestant must also send a copy of the protest to the applicant.

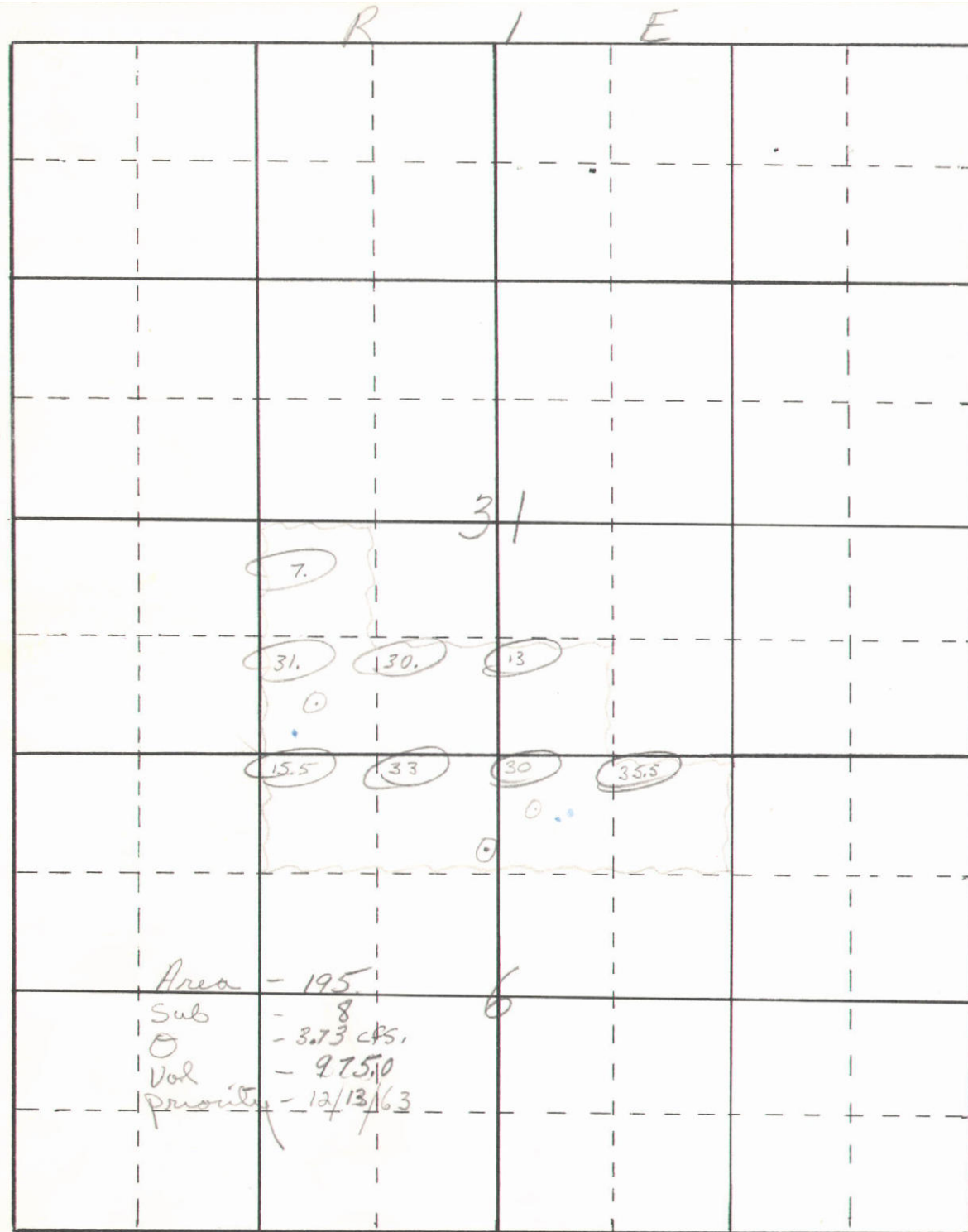
Karl J. Dreher, Director

RECEIVED

JUN 27 1997

WATER RESOURCES
WESTERN REGION

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Permit No. G-31597 **57**
 Name of Applicant Wayne E. Smith, Oreana, Idaho
 Source of Water Sub.
 a tributary of _____
 Location of P.D. (2) NW 1/4 NE 1/4, Sec. 6, T. 4 S, R. 1 E, B.M. and
(1) SW 1/4 SW 1/4, Sec. 31, T. 3 S, R. 1 E, B.M.

Water is used for Irrigation
 Quantity of water claimed: Permit 5.92 c.f.s. Depositions 5.92 c.f.s.
 Type of measuring device installed or method of measurement and general description
 of diversion works #1 - ~~xxxxxx~~ 65 hp. diesel engine 340'x12"
#2 - 400'x12" 40 hp. diesel engine
#3 - 400'x8" 40 hp. diesel engine

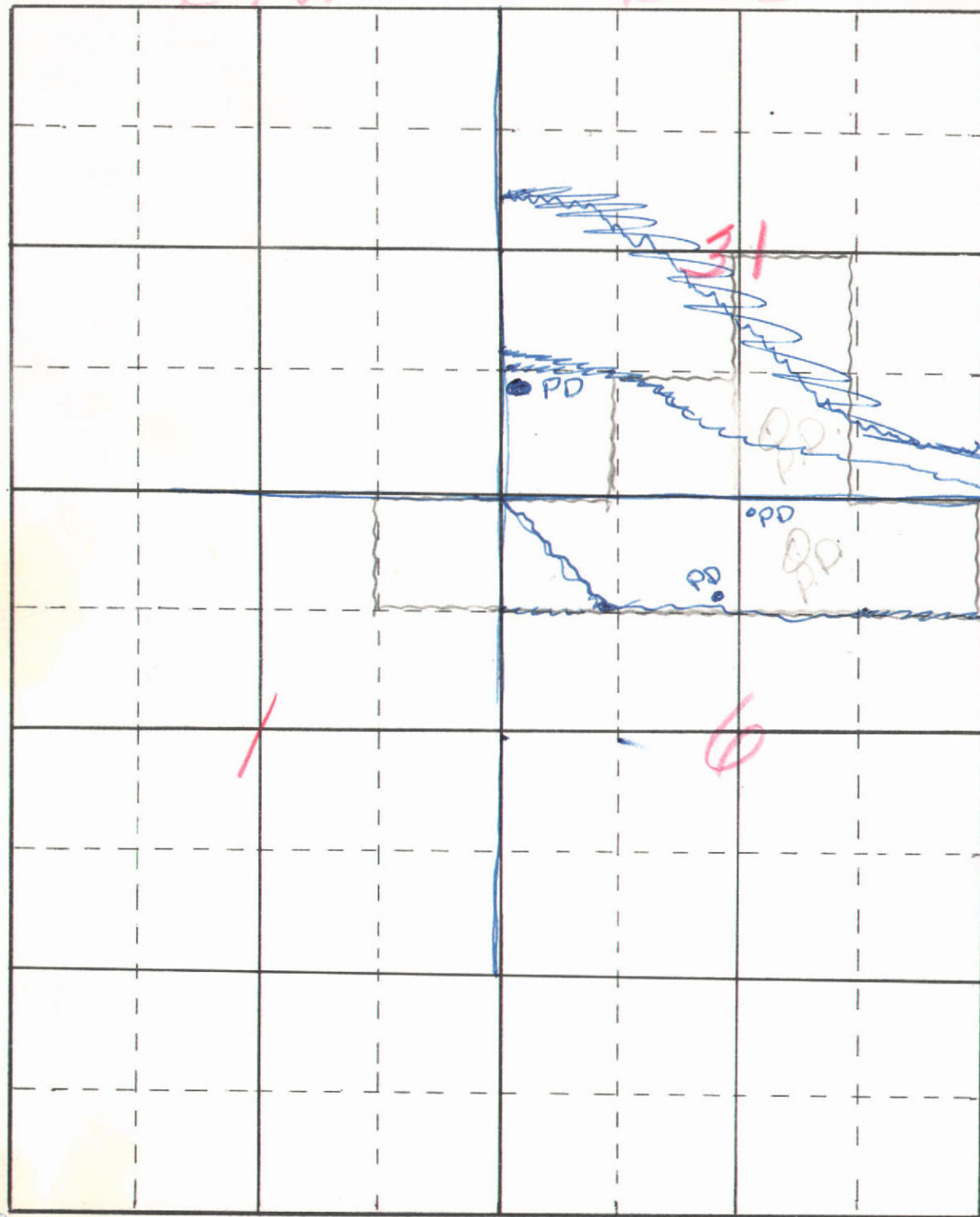
Land to be irrigated or place of use:			
TWP.	RGE.	SEC.	Description
3S	1E	31	W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4
4S	1E	6	N 1/2 NE 1/4, N 1/2 NW 1/4

Filed - December 13, 1963 Total acreage 261
 Due - December 20, 1968
 Made - December 6, 1968
 Priority - December 13, 1963

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and
 acreage covered by subdivision; also show land covered on the map.)

None
5 acre fl 1/2 acre Allow 0=3.73
Vol = 975.0

31597
57-22264



Permit No. G-31597

Name of Applicant Wayne F. Smith, Oreana, Idaho

Source of Water Ground water

a tributary of

Location of P.D. NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 6, T. 4 S, R. 1 E; SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec.

31, T. 3 S, R. 1 E, B.M., Owyhee County

Water is used for Irrigation

Quantity of water claimed: Permit 5.92 c.f.s. Depositions 5.92 c.f.s.

Type of measuring device installed or method of measurement and general description

of diversion works No measuring device required - none installed
one hundred feet of 8 inch pump with 12 $\frac{1}{2}$ inch bowls, 65 HP diesel engine
on a 12 inch well casing, 340 feet deep 120 feet of 6 inch pump
with 8 inch bowls, 40 HP Diesel Engine on 12 inch well casing, 400
feet deep 100 feet of 6 inch pump, 40 HP diesel engine on 8 inch
sell casing, 400 feet deep

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
4 S	1 W	1	NE $\frac{1}{4}$ NE $\frac{1}{4}$ <u>wrong (see Remarks #2)</u>
4 S	1 E	6	N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$
3 S	1 E	31	W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Filed - December 13, 1963

Total acreage 296

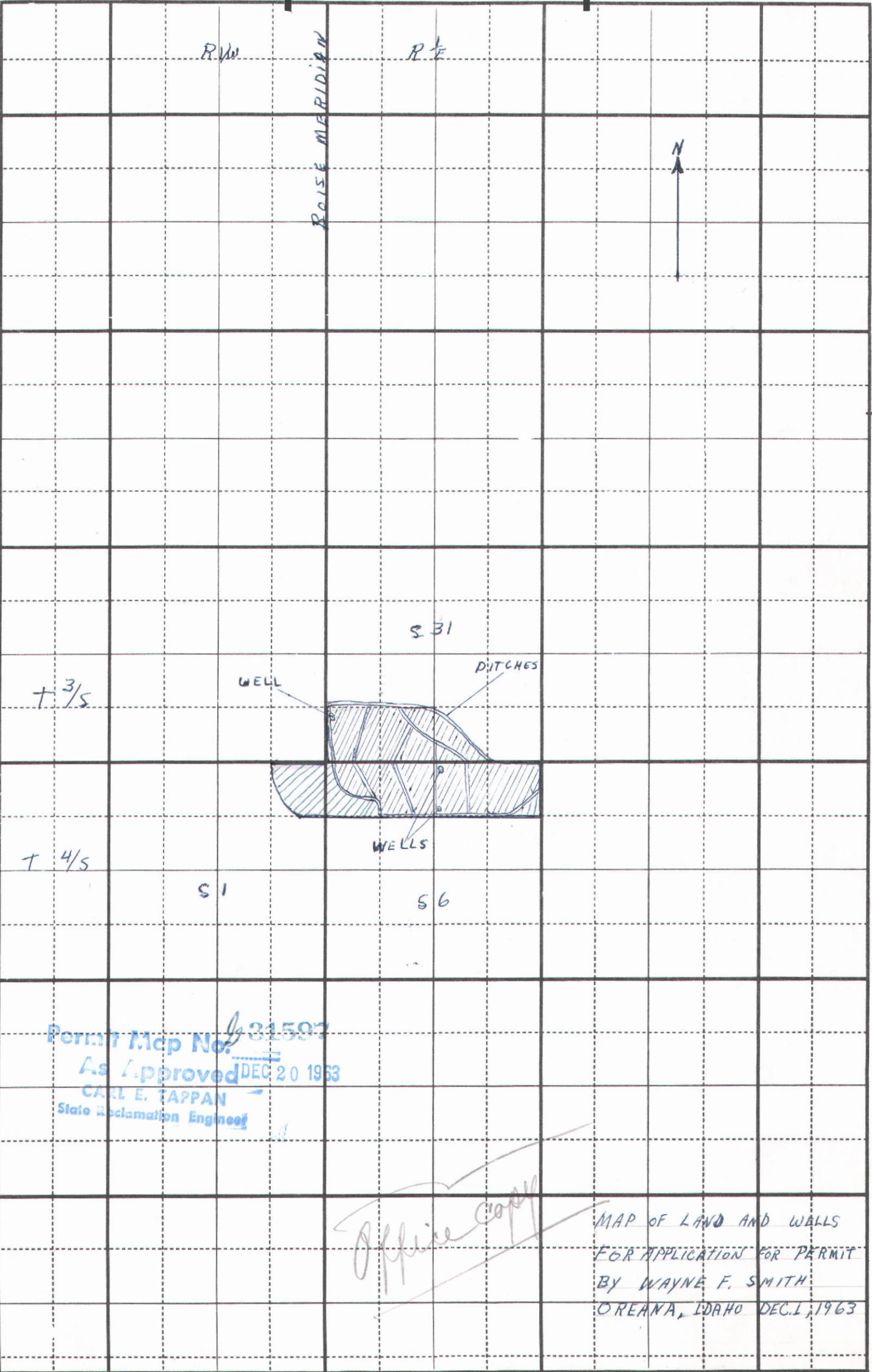
Due - December 20, 1968

Made - December 6, 1968

Priority - December 13, 1963

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and
 acreage covered by subdivision; also show land covered on the map.

none



Permit Map No. 31597
As Approved DEC 20 1963
CARL E. TAPPAN
State Reclamation Engineer

Office Copy

MAP OF LAND AND WALLS
FOR APPLICATION FOR PERMIT
BY WAYNE F. SMITH
OREANA, IDAHO DEC. 1, 1963

一四

WS



Not All Invited

31597

57.2266

214 $\frac{1}{2}$ AC.

TRANSFER OF WATER RIGHT

This is to certify that: **WAYNE SMITH**
RYE PATCH RANCH
PO BOX 12
MURPHY ID 83650

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 57-02266 :			
IRRIGATION	03/15 to 11/15	3.73 CFS	877.5 AF
Priority: 12/13/1963			
Right No. 57-07434 :			
IRRIGATION	03/15 to 11/15	0.48 CFS	234.2 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.6 AF
Priority: 06/29/1984			
		0.48 CFS	235.8 AF
	TOTAL:	* 3.93 CFS	* 879.1 AF

Right No. 57-02266 :

NWSW , Sec. 31, Township 03S, Range 01E
NWNE , Sec. 6, Township 04S, Range 01E
NENW , Sec. 6, Township 04S, Range 01E

Right No. 57-07434 :

Lot 1(NENE), Sec. 6, Township 04S, Range 01E
OWYHEE County

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
03S	01E	31	Lot	4(SWSW)	49	SESW	19		68
04S	01E	6	Lot	1(NENE)	34	Lot	2(NWNE)	37	
			Lot	4(NWNW)	21	Lot	3(NENW)	35	
									127
						Total number of acres irrigated:			195

PLACE OF USE: STOCKWATER, same as IRRIGATION use

TRANSFER NO. 5075
WATER RIGHT NO(S). 57-02266/57-07434

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of Transfer 5075 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- * 6. Rights 57-02266 and 57-07434 when combined shall not exceed a total diversion rate of 3.93 cfs, a total annual maximum diversion volume of 879.1 af at the field headgate, the irrigation of 196.0 acres, and the authorized stockwater use.

Dated this

29th

day of

June

1998



Chief, Water Allocation Bureau

Page 1 of 7
RECEIVED
APR 04 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Transfer No. 5875
RECEIVED
APR 21 1998

WATER RESOURCES
 WESTERN REGION
 Name of Applicant

WAYNE SMITH

Phone 834-2535

Postal address PO BOX 12, RYE PATCH RANCH City MURPHY St ID Zip 83650

A. PURPOSE OF THE TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe reason for the proposed changes: Redistribute land list to accurately reflect irrigated acres which involve transferring water off public lands to private lands.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment)

1.	Right No.	Priority	Amount (cfs/ac-ft)	Nature of use	Period of Use
	<u>57-02266</u>	<u>12/13/1963</u>	<u>3.73</u>	<u>IRRIGATION</u>	<u>3/15</u> to <u>11/15</u>
	<u>57-07434</u>	<u>6/29/1984</u>	<u>.48</u>	<u>IRRIGATION</u>	<u>3/15</u> to <u>11/15</u>
			<u>.03</u>	<u>STOCKWATER</u>	<u>1/1</u> to <u>12/31</u>
					to

2. Total diversion rate/volume being transferred: _____ cfs and/or _____ ac-ft per annum

3. Source of water: 57-02266 - GROUNDWATER
57-07434 - UNNAMED STREAM tributary to: FOSSIL CR

4. Points of diversion (or ☐ see Attachment):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local divers
<u>4S</u>	<u>1E</u>	<u>6</u>	<u>NW</u>	<u>NW</u>	<u>NE</u>	<u>2</u>	<u>OWYHEE</u>	<u>WELL</u>
		<u>6</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>3</u>	<u>OWYHEE</u>	<u>WELL</u>
<u>3S</u>	<u>1E</u>	<u>31</u>	<u>SW</u>	<u>NW</u>	<u>SW</u>	<u>3</u>	<u>OWYHEE</u>	<u>WELL</u>
<u>4S</u>	<u>1E</u>	<u>6</u>		<u>NE</u>	<u>NE</u>	<u>1</u>	<u>OWYHEE</u>	<u>UNNAMED STREAM</u>

(NO CHANGE)
 } 57-2266
 ↓ 57-7434

5. Lands irrigated or place of use (or ☐ see Attachment): SEE REMARKS

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>3S</u>	<u>1E</u>	<u>31</u>											<u>44</u>	<u>19</u>					<u>68</u>
<u>4S</u>	<u>1E</u>	<u>6</u>	<u>34</u>	<u>37</u>			<u>35</u>	<u>21</u>											<u>127</u>

Total acres 195

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment _____): NO CHANGEb. Remarks (or ☐ see Attachment _____): Plu stockwater 57-07434 is SAME AS
(Irrigation).

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? / Yes _____ No _____
If yes, please complete Part 2, item 6.Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? _____ Yes _____ No _____
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

Wayne F. Smith
(Signature and Title of Applicant)Subscribed and sworn before me on this 4th day of April, 1997.William T. Schulte
(Signature of Notary Public)

(seal)

My commission expires: 7-24-2001

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 6 attachmentsReceived by Ly Date 3/26/97 Fee \$100Receipted by MTS Date 3/26/97 # W022070

**APPLICATION FOR TRANSFER OF WATER RIGHT
ADDITIONAL DOCUMENTATION
PART 2**

ATTACHED (Required)

- ✓ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks). ps 5+6 = unel
ps 7 = Aj

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- N/A 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- ✓ 3. Written description of present system and changes required to accommodate the proposed transfer.
- ✓ 4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows: Attach A
- a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- N/A b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- N/A c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s). Attach B
- ✓ 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right.
- ✓ 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer. Attach C
- N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- ✓ 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation. OK

- continued on reverse side -

ps 3+4 include updates 4/3/98 by JR.

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

NA

- a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
- b) pump power records
- c) water master records and/or comments if use is within a water district
- d) irrigation crop reports
- e) reports from other government agencies and/or qualified consultants
- f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
- g) describe any defenses to forfeiture - CRP, extension of time, etc
- h) other....list other verification documentation for the water right below:

OK

SEBA Verification plus other site checks by IDWR

N/A

10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.

✓

11. Identify any other documentation that clarifies the transfer application:

Attach D-F helps explain

F = Release from public land near water

WR5809NP
No. 57-02266

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/29/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE F. SMITH OREANA ID 83659	12/13/1963	IRRIGATION	04/01 10/31	3.730 CFS	975.00 AFA
TOTAL DIVERSION:					3.730 CFS	975.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T03S R01E S31 NWSW Owyhee County
T04S R01E S06 NWNE NENW Owyhee County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
03S	01E	31	:					:					:			07	31	30	:				13	:	81.0
04S	01E	6	:	36		30		:	33		16		:					:						:	115.0
TOTAL ACRES																								196.0	

on BLM land

Pou County: Owyhee

Remarks: AC, IRR.=195.

Dates: App. Received: Priority Date: 12/13/1963
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/07/1979

Misc: Water District Number: Field Exam Fee:

Audit: 02/20/85 05/01/88 CONVERT

PS 5 of 7
Water Right Record

WR5809NP
No. 57-07434

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/29/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE F SMITH PO BOX 12 RYE PATCH RANCH MURPHY ID 83650 (208) 834-2409	06/29/1984	IRRIGATION STOCKWATER	03/15 11/15 01/01 12/31	0.480 CFS 0.030 CFS	234.20 AFA 1.60 AFA
TOTAL DIVERSION:					0.480 CFS	235.80 AFA
C	PATRICIA A SMITH					

Water Source: UNNAMED STREAM

Tributary to: FOSSIL CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.480 CFS

Point(s) of Diversion: T04S R01E S06 Lot 01(NENE)

OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
03S	01E	31	:						:								03-07	04-31	30	:											81.0	
04S	01E	6	:	01-36	02-30				:	03-33	04-16																				115.0	
TOTAL ACRES																												196.0				

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: OWYHEE

Other Rights: 57-2266

Remarks: This right when combined with Right 57-02266 shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
Stockwater use is for 120 range cattle.

Dates: App. Received: 06/29/1984 Priority Date: 06/29/1984
Proof Due Date: 09/01/1991 Proof Made Date: 08/22/1991
Exam Made Date: 06/18/1993 Exam Sent to S.O.: 08/17/1993
Licensed Date: 07/15/1994

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 06/27/1994 User-ID: BCHAPMAN Subject: SUPPLEMENTAL RIGHT
This right is supplemental to the primary groundwater right 57-02266.

to SRBA MA license

*pg 6 of 7
Water Right Record*

AJ5809NP
No. 57-02266

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE F SMITH	12/13/1963	IRRIGATION	03-15 11-15	3.73 CFS	882.00 AFA
C	PATRICIA A SMITH					
	PO BOX 12					
	MURPHY ID 83650			TOTAL DIVERSION:	3.73 CFS	882.00 AFA
	(208) 834-2409			CONSUMPTIVE USE:		686.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T03S R01E S31	SWNWSW		OWYHEE County
	T04S R01E S06	NWNWNE	SENENW	OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac				
03S	01E	31	:					:					:		07	31	30	:			13		:	81.0		
04S	01E	6	:	36		30		:	33		16		:					:					:	115.0		
																						TOTAL ACRES			196.0	

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date: Verified Date: Objection Filed Date: 02/26/1993

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AS 7 of 7
SRBA Record

LANDS
REMOVED

P/D (WELL)

ditch

406

T461

NHEL

gated pipe

29.3

36

6

3

8.3

a1

4

19.3

21.1

35

ditch

(WELL)
P/D

13.7

10

35

6

13.2

P/D (WELL)

8

24.7

11

7.9

23.5

Buried main

LANDS
REMOVED

ST. 7434

STREAM

P/D

31

34

5

ATTACHMENT A
(3 Pgs)

pg 41

MERIDIAN

K

BOISE

L

M

This m

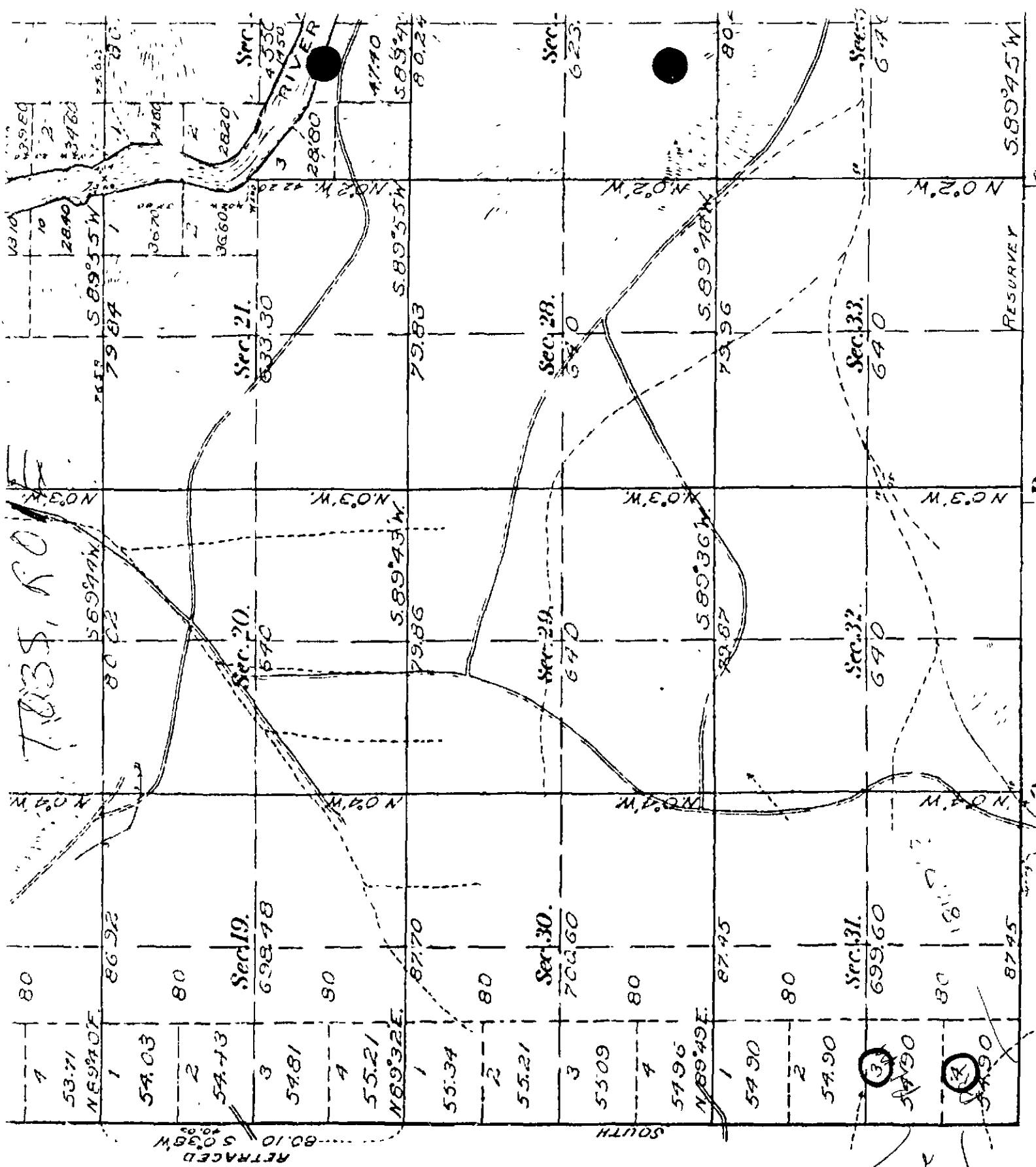
State

1320'

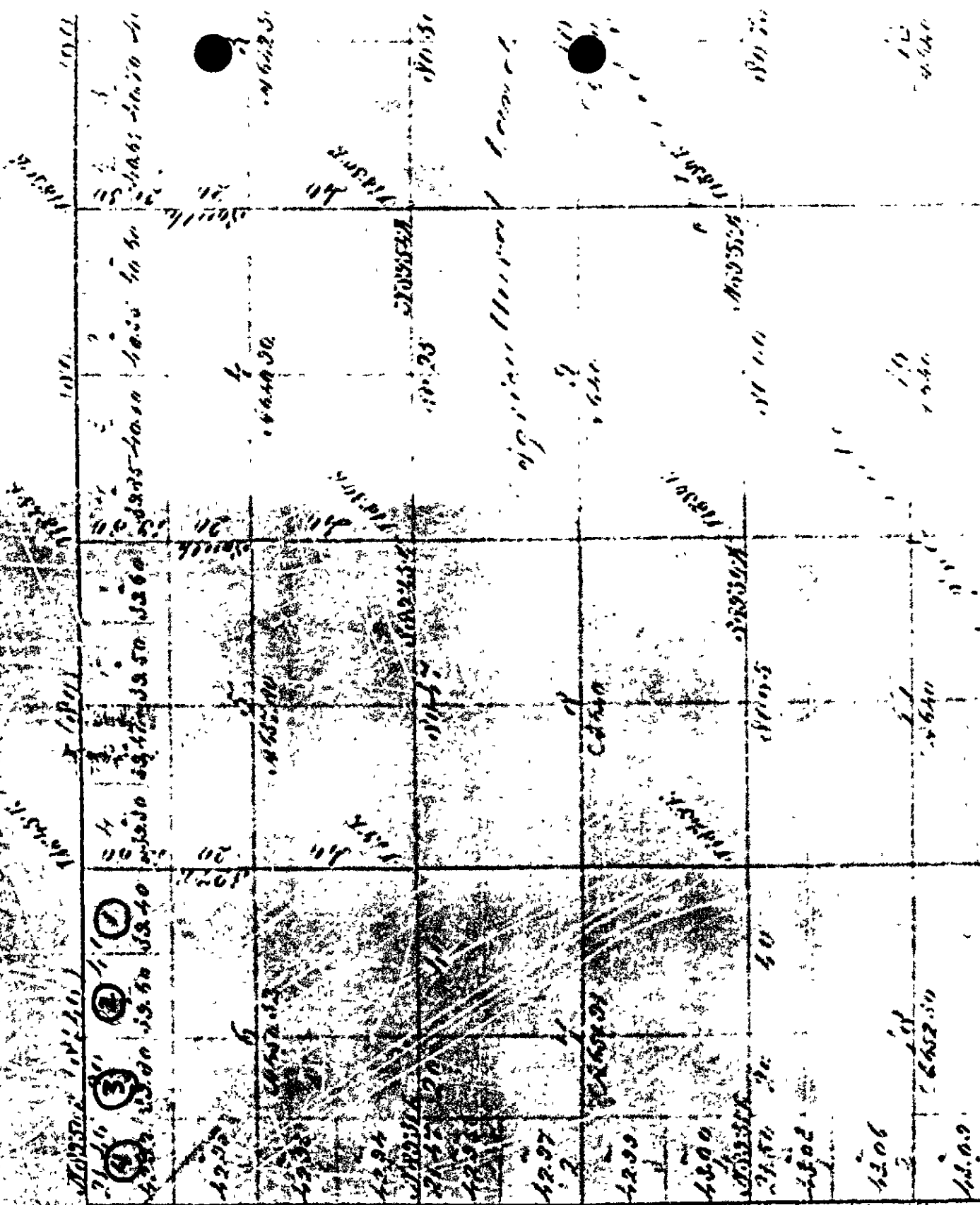
N

Should be N 0.4' W

A₂



Pharmacia, Inc. Smith, R. Conrad, 1045, R.O. 111, East 1



PHOTOGRAPH

AUG 06 1998

A₃

MAKE CHECK PAYABLE TO:
BARBARA WRIGHT TAX COLLECTOR
WAYNE COUNTY COURTHOUSE
MURPHY, ID 83650
DE-495-1158 OR 337-4222

1996 TAX BILL/RECEIPT

PARCEL NUMBER
RP04S01E06000
44,7

BILL# 4191 CODE AREA 24-00 L

	1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	
TAX	235.61	TAX 235.61	TAX 471.22		44,7
PEN		PEN			
INT		INT			
COST		COST			
TOT		TOT		TOT ACS	161.7

SMITH WAYNE
BOX 12 RYE PATCH RANCH
MURPHY ID 83650

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004114433	184.
SCHOOL 365	.005364013	240.
OWY/PION CEM	.000011768	.
EAST/OWY LIB	.000214958	9.
COUNTY RD	.000826162	36.
AMOUNT DUE	.010531334	471.

LOTS 1-4 6 4S 1E

(N $\frac{1}{2}$ N $\frac{1}{2}$ Sec 6)

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE
KEEP TOP PORTION FOR YOUR RECORDS
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

ENCLOSE RIGHT STUB FOR 1ST HALF OR FULL PAYMENT
LEFT STUB IS FOR 2ND HALF PAYMENT IN JUNE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

SMITH, WAYNE

1996
4191

SMITH, WAYNE

19
4

2ND HALF TAX

1ST HALF TAX

FULL TAX

AMOUNT DUE 235.61

AMOUNT DUE 235.61 471

WAYNE COUNTY
P04S01E060001A
24-00

PEN
INT
COST
TOT

WAYNE COUNTY
RP04S01E060001A
24-00

PEN
INT
COST
TOT

PEN
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1997

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1996

Attachment B (2 pgs)

MAKE CHECK PAYABLE TO:
BARBARA WRIGHT TAX COLLECTOR
WAYNE COUNTY COURTHOUSE
MURPHY, ID 83650
78-495-1158 OR 337-4222

1996 TAX BILL/RECEIPT

PARCEL NUMBER
RP03S01E31600

BILL# 3872 CODE AREA 24-00

L 28,
I 8,1

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	
TAX	184.65	TAX	184.65	TAX	369.30	HM-	3,
PEN		PEN		PEN		NET MV	33,
INT		INT		INT		TOT ACS	94.1
COST		COST		COST			
TOT		TOT		TOT			

SMITH WAYNE
BOX 12 RYE PATCH RANCH
MURPHY ID 83650

TAXING DISTRICT	RATE	AMOL
STATE	.000000000	
COUNTY	.004114433	136.
SCHOOL 365	.005364013	177.
OWY/PION CEM	.000011768	
EAST/OWY LIB	.000214958	7.
COUNTY RD	.000826162	27.
DISTRICT TOTAL	.010531334	349.
SOLID WASTE FEE		20.
AMOUNT DUE		369.

(SWSW)

LOT 4, SESW 31 3S 1E

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE

KEEP TOP PORTION FOR YOUR RECORDS

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

CLOSE RIGHT STUB FOR 1ST HALF OR FULL PAYMENT
LEFT STUB IS FOR 2ND HALF PAYMENT IN JUNE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

SMITH, WAYNE

1996 SMITH, WAYNE
3872

19
38

2ND HALF TAX

1ST HALF TAX

FULL TAX

AMOUNT DUE 184.65

AMOUNT DUE 184.65 369.

WAYNE COUNTY
RP03S01E316000A
24-00

PEN
INT
COST
TOT

OWYHEE COUNTY
RP03S01E316000A
24-00

PEN
INT
COST
TOT

PEN
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1997

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1996

B2

United States
Department of
Agriculture

Farm
Service
Agency

Agriculture Credit
510 Arthur Street
Caldwell, Idaho 83605
Phone (208) 454-8696
FAX (208) 454-1037

RECEIVED

MAR 31 1997

WATER RESOURCES
WESTERN REGION

March 28, 1997

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, ID 83705-5082

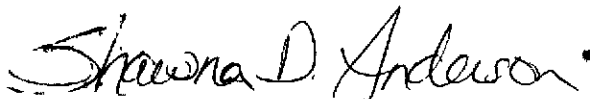
ATTN: MEL SCHULTE

RE: WAYNE SMITH, TRANSFER OF WATER RIGHT

Dear Mr. Schulte:

This letter is to confirm to you that Farm Service Agency (FSA), formerly Farmers Home Administration (FmHA) has no objection to the filing of Wayne Smith's application for transfer of water rights from public lands to private lands.

Sincerely,



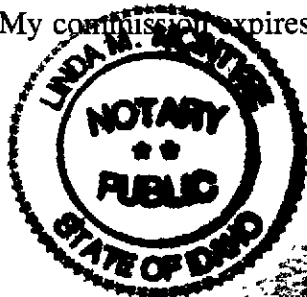
SHAWNA D. ANDERSON
AGRICULTURE CREDIT OFFICER

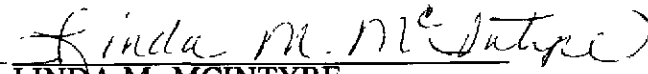
STATE OF IDAHO
COUNTY OF CANYON

On this 28th day of March, 1997, before me, the subscriber, a Notary Public, in and for the above county and State, appeared Shawna D. Anderson, known to me to be Agriculture Credit Officer, Farm Service Agency, United States Department of Agriculture, and the person who executed the foregoing instrument, and he/she acknowledged to me that he/she executed the same as the free act and deed of the United States of America, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Caldwell, Idaho the day and year aforesaid.

My commission expires January 31, 2000.




LINDA M. MCINTYRE
NOTARY PUBLIC

Attachment C

MEMORANDUM TO FILE

To: Wayne Smith Transfer Application (57-02266 & 57-07434)
From: Mel Schulte *ms*
Date: April 4, 1997

Re: Meeting with BLM concerning well located on public land.

On April 3, 1997 myself and Dan Tomich met with Don Josie and Kelly Moore at the BLM's Boise District Office. The purpose of the meeting was to discuss with them the results of a GPS exercise performed 3/28/1997. This exercise was conducted to try to resolve the question as to whether a well subject to right 57-02266 was on Federal or State land. The GPS results revealed that the well is on Federal land.

Don Josie and Kelly Moore indicated the well being located on BLM land is what they have always thought to be correct. They said the Public Lands Act of 1866 allows them to recognize the well location in the public land records without being required to issue a right-of-way agreement to Wayne Smith. This recognition is their authority to allow Mr Smith to have his well on public land with unrestricted access to the well. They provided us with a letter to Wayne Smith signed by Jay K. Carlson, Owyhee Area Manager, that addresses this matter. They also indicated a copy of the public land map could be obtained at a later date to confirm the well has been added to the public land records.

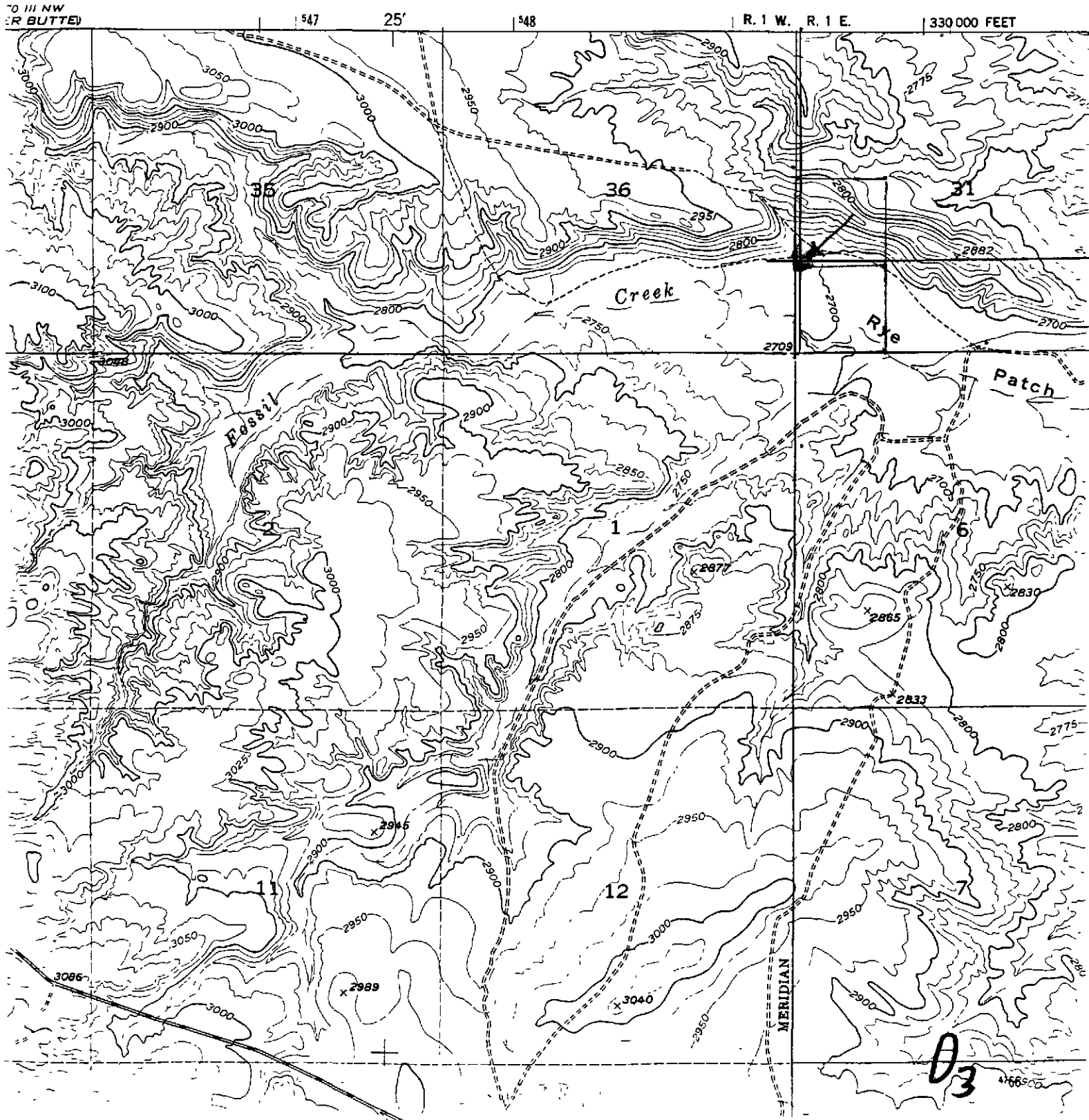
MTS

*See
attachment
E*

ps D,

*Attachment D
(5 pgs)*

TO THE NW
COR BUTTE



	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	208	43°06'56.888"N	1.576	43°06'56.866"N	43°06'56.947"N
Longitude	208	116°23'38.205"W	7.680	116°23'38.333"W	116°23'38.042"W
Altitude	208	2769.286	6.417	2757.719	2780.559

o velocity records in file.

o DOP records in file.

Start GPS Week #898 on 03/28/97 at 18:33:22
 End GPS Week #898 on 03/28/97 at 18:36:35

Datum : NAD-27 CONUS
 Coordinate System : Latitude/Longitude
 Altitude Mode : Mean Sea Level
 Altitude/Distance Units : Feet
 Velocity Units : Feet/Second

MEMORANDUM TO FILE

DATE: March 12, 1997

To: A57-02266

From: Mel Schulte *MS*

Re: Field examination on March 11, 1997

On March 11, 1997 I participated in a field examination of the place of use appurtenant to the above referenced claim. This review was motivated by a protest filed by the USDI-BLM because seven acres of the place of use in the NWSW, Sec. 31, T03S, R01E is BLM land. I accompanied the claimant, Wayne Smith and two BLM employees, Kelly Moore and Don Josie.

There is agreement by the parties that the NWSW, Sec. 31 is BLM land. However, the disagreement is focused on how many acres are irrigated in this parcel and how do the parties resolve the protest.

The options presented to Mr. Smith by the BLM employees to resolve the protest are as follows:

- 1) Stop irrigating any land in the NWSW, Sec. 31 and transfer the water to another piece of land.
- 2) Obtain a three year permit from the BLM and request the water right be split between the claimant and the BLM.
- 3) Exchange private land of equal value for the irrigated land in the NWSW, Sec. 31. This is Mr. Smith's preference but the BLM indicated this option was not likely because this land is in the Snake River Birds of Prey area and current regulations are very restrictive.

To resolve the issue of how many acres are irrigated, Kelly Moore said she would request a BLM survey crew mark the line in the field that represents the 1/16th line between the NWSW and the SWSW, Sec. 31. They are hopeful this can be accomplished on Friday, March 14th. Mr. Smith located and showed us two markers in place that establish a section corner and a 1/4 corner that can be used as beginning references.

The well in the NWSW, Sec. 31 is located on BLM property but an agreement is already in place to allow the well to stay on BLM land.

Ms. Moore and Mr. Josie said Mr. Smith did not have to decided immediately on which option he wanted to pursue. They indicated he could wait until the size of the trespass parcel was resolved.

It appears that about the same number of acres are currently being irrigated that were originally licensed. However, the number of acres in each legally described lot that are now being irrigated may have changed through the years. A transfer application may need to be filed by Mr Smith to reestablish the correct place of

use and legalize the changes that have taken place. This possibility was discussed briefly with Mr. Smith in response to his inquiry as to why there are only 31 acres licensed in the SWSW, Sec. 31 when there are 54.9 actual acres.

I queried Don Josie about the 13 acres licensed in the SWSE, Sec. 31 that are also on BLM land. He said they have resolved this problem with the claimant.

Based on the attached ASCS aerial photo there also appear to be a small corners of irrigated fields in the SESE, Sec. 31, T03S, R01E and in the NWNW, Sec. 5, T04S, R01E that are on BLM land. These small parcels were not discussed during the March 11th field exam.

Before the department can proceed in this matter the claimant and objectors need to resolve the issue of how many acres are irrigated in the NWSW, Sec. 31 and which option will be utilized to resolve the objection.

MTS

DS



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Boise District Office
3948 Development Avenue
Boise, Idaho 83705

IN REPLY REFER TO

Well in SWNW SW (1+3), S31, 35, 1E 2800

Wayne F. Smith
Box 12
Murphy, Idaho 83650

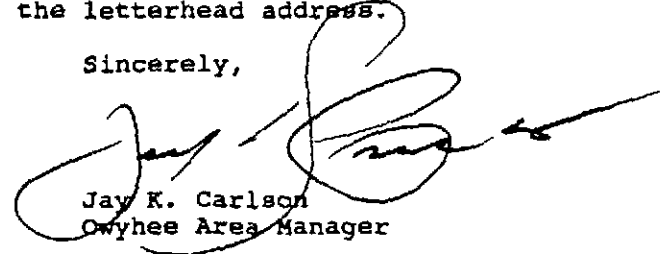
Dear Water User:

Your water right number(s) 57-02266 indicates that the point of diversion is located on public land. Ditches and canals constructed on public lands prior to October 21, 1976, under the authority of the 1866 Act will be recognized and may be noted to the public land records without filing a right-of-way application. However, to protect your rights, we should record your use of public lands on the official public land records.

Please complete the enclosed document with the location of your point of diversion and conveyance (ditch, canal, reservoir, well, etc.) on the enclosed map. We will recognize a ten foot width unless otherwise requested. You are required to furnish the length of your water facility. No fees, reimbursement costs or rentals are required.

If you have any questions, please contact Blackie Bruegman at (208) 384-3434, or Kelley Moore at (208) 384-3452, or at the letterhead address.

Sincerely,



Jay K. Carlson
Owyhee Area Manager

Enclosure

*Attachment E
(2 pgs)*

Bureau of Land Management
Boise District Office
3948 Development Avenue
Boise, Idaho 83705

Dear Sirs:

I am presently utilizing a 1300 ditch ¹⁰
 canal ¹⁴⁰⁰
 reservoir
200 other *pipe & well*

which was constructed in Dec 13, 1968 and involves public lands as shown on the enclosed map. I have acquired a vested water right dated Dec 3, 1963 in the form of a

X permit
 license
 decree
 claim.

A copy of my water right is enclosed.

I feel I have established a right-of-way under the authority of the Act of July 26, 1866. Please note this right-of-way to the public land records.

Sincerely,

834-2535

W. _____
Name
Address
Telephone No.

E₂



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

RECEIVED

NOV 26 1997

WATER RESOURCES
WESTERN REGION

In Reply Refer To
7250 (SRWR) (931)

November 24, 1997

Steve Lester
Western Regional Office
Idaho Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705

RE: Wayne Smith Transfer:
SRBA Claim 57-02266
Allocations Claim 57-07434

Dear Mr Lester

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Wayne F. and Patricia A. Smith, wish to transfer water under rights 57-02266, and 57-07434 from the federal public property to land which the Smiths own as private property. The federal public property legal descriptions are as follows:

T03S R01E S31 Lot 3 (NWSW)	7.0 acres
T03S R01E S31 SWSE	<u>13.0 acres</u>
20.0 acres TOTAL to be transferred off of public land.	

Note: The SRBA claim should refer to the presence of government lots in the POD and POU elements, but does not. The allocations claim, which describes the same list of permissible places of use, does correctly describe the presence of government lots. See attached claim descriptions and BLM Master Title Plats (MTP).

I understand that the Idaho Dept. of Water Resources (IDWR) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right

Smith Transfer

REDISCOVER YOUR PUBLIC LANDS

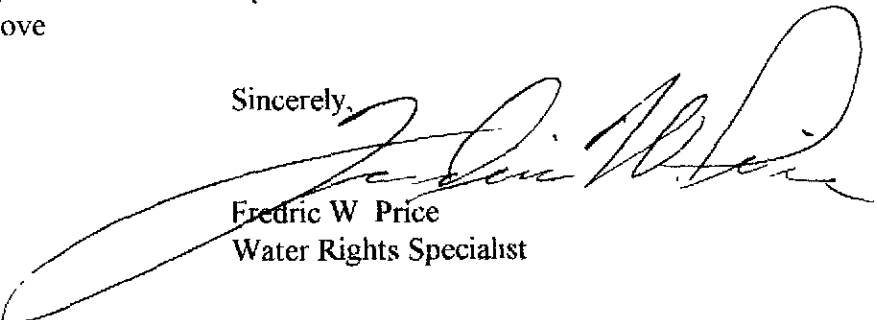
50
Attachment F
(7 pgs)

describes land not owned by the transfer applicant

On behalf of the United States and the U S D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above

Sincerely,


Fredric W Price
Water Rights Specialist

Enclosures

57-02266 claim description

57-07434 POD and POU description

MTP T03S R01E

MTP T04S R01E

cc

P Fritz Holleman, Dept of Justice, ENRD

John Marshall, Attorney for IDWR

Roxanne Brown, IDWR-ISO

CACI, Boise

Smith Transfer

REDISCOVER YOUR PUBLIC LANDS



SUBSCRIBED and SWORN to before me this 24 day of November 1997.

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 24 day of November 1997, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Seal

Jean Earl
JEAN EARL
Notary public in and for the
State of Idaho,
County of Ada
Residing at Boise, ID
My commission expires 8/1/2002

Smith Transfer

REDISCOVER YOUR PUBLIC LANDS

 F_3

SRBA

DIRECTORS REPORT 57-02266

Return to SRBA Home Page

Name and Address: WAYNE F SMITH
PATRICIA A SMITH
BOX 12
MURPHY, ID 83650

Source of Water: GROUNDWATER

Priority Date: 12-13-1963

Purpose of Use: Irrigation

Period of Use	Quantity
03-15 TO 11-15	3.73 CFS
	882.00 AFY

Total Quantity:	3.73 CFS
	882.00 AFY

Consumptive Use: 686.0 AFY

Basis of Claim: License

Non-Irrig. Uses: NONE

Diversion Point: T03S R01E S31 LOT 3 (SWNWSW)
T04S R01E S06 LOT 2 (NWNWNE)
LOT 3 (SENENW)

Place of Use: Irrigation

T03S R01E S31	LOT 3 (NWSW) 7.0 BLM	LOT 4 (SWSW) 31.0 ✓
	SESW 30.0 ✓	SWSE 13.0 BLM
T04S R01E S06	LOT 1 (NENE) 36.0 ✓	LOT 2 (NWNE) 30.0 ✓
	LOT 3 (NENW) 33.0 ✓	LOT 4 (NWNW) 16.0 ✓
196.0 Acres Total		

Return to SRBA Home Page

GOVERNMENT LOTS SHOULD BE
USED TO DESCRIBE SEVERAL OF THE
TRACT DESCRIPTIONS.

F₄

Remarks

SD-4106 Idaho Department of Water Resources Date: 11/24/97
INQUIRY Water Rights Point(s) of Diversion Screen Time: 13:07:45
Water Right Number: 57-07434 FIRST PAGE

Point(s) of Diversion:							PoD	County	County
TWP	RNG	Sect	1/4	1/4	1/4	Lot	Flag	Code	Name
04S	01E	6		NE	NE	1	✓	73	OWYHEE

POD

57-07434

(Enter=Exit) (GOLD4=Prev Screen) (GOLD6=End of Data) (GOLD8=Cancel)
(GOLD5=Next Screen)

SD-4109 Idaho Department of Water Resources Date: 11/24/97
WR INQUIRY Water Rights Places of Use Screen Time: 13:07:52
Water Right Number: 57-07434 FIRST PAGE

10.	TWP	RNG	SEC	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
	03S	01E	31	NW	SW	3	7.0	01 BLM	IRR	73	OWYHEE
	03S	01E	31	SW	SW	4	31.0	01	IRR	73	OWYHEE
	03S	01E	31	SE	SW	✓	30.0	01	IRR	73	OWYHEE
	03S	01E	31	SW	SE	✓	13.0	01 BLM	IRR	73	OWYHEE
	04S	01E	6	NE	NE	1	36.0	01	IRR	73	OWYHEE
	04S	01E	6	NW	NE	2	30.0	01	IRR	73	OWYHEE
	04S	01E	6	NE	NW	3	33.0	01	IRR	73	OWYHEE
	04S	01E	6	NW	NW	4	16.0	01	IRR	73	OWYHEE

POU

GOVERNMENT LOT DESCRIPTIONS
ARE CORRECT.

(Enter=Exit) (GOLD4=Prev Screen) (GOLD6=End of Data) (GOLD8=Cancel)
(GOLD5=Next Screen)

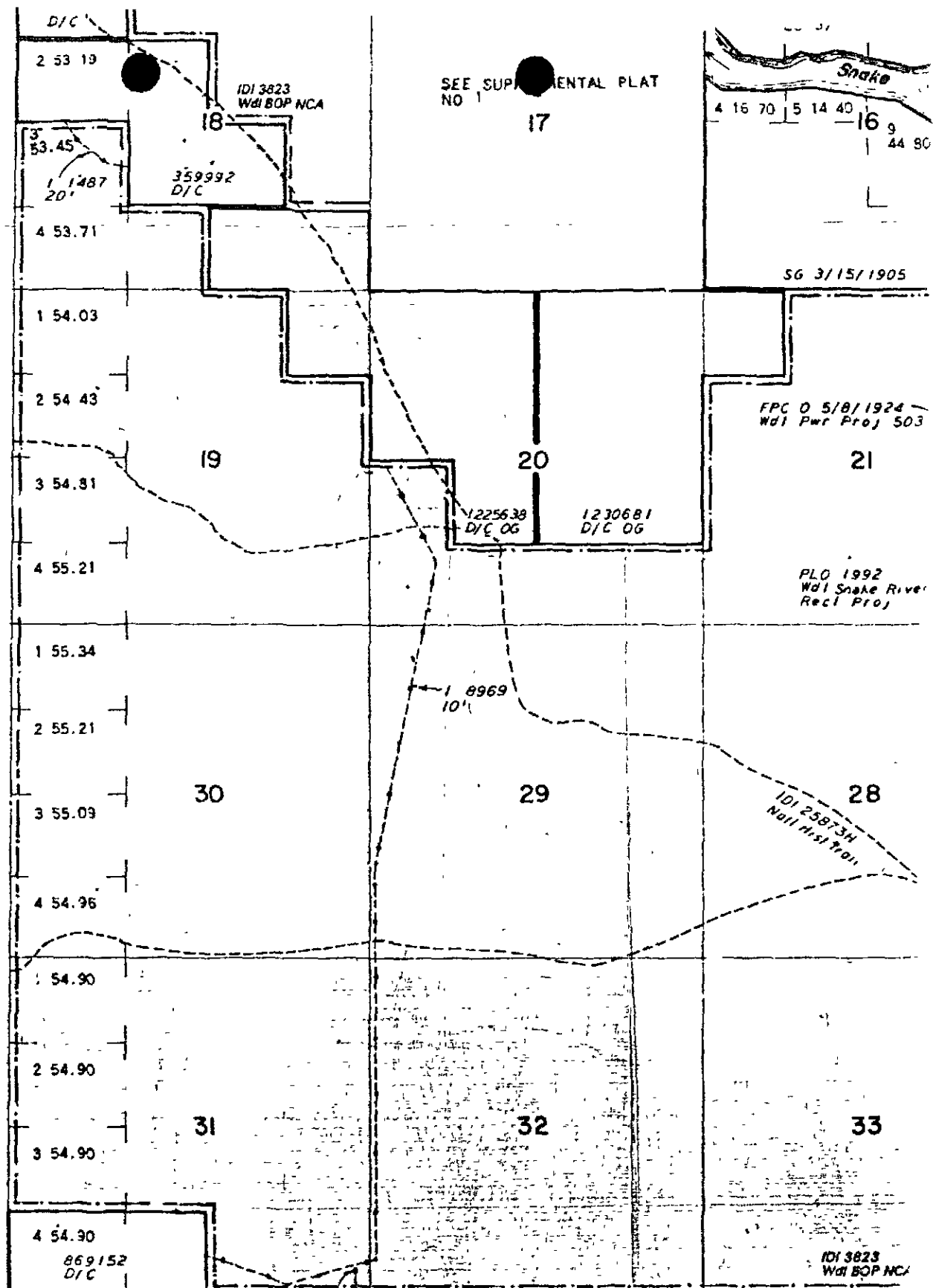
SD-4113-1 Idaho Department of Water Resources Date: 11/24/97
Water Right Inquiry Selection Time: 13:08:08

Water Right Number: 57-07434 - LICENSE

Names

Total Div. Rate & Volume, Non-Irrigation Uses, & Other Rights

F5



T035 R01E

F6

40



WATER LICENSE

Water License No. G-31597/57-2266 Priority December 13, 1963 Amount 3.73 c.f.s.

THIS IS TO CERTIFY, that WAYNE F. SMITH
 of Oreana, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated December 13, 1963; that Permit G-31597/57-2266 was issued pursuant
 to said application; that the proposed works were completed on or about December 6, 1968,
 with a storage/or carrying capacity of 3.73 c.f.s., said works consisting of 3 wells,
ditches
pumps, motors, wooden diversion works and earth /; and that on December 6, 1968,
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 975
 acre feet per season, with a maximum rate of diversion of 3.73 cubic feet per second of the waters
 of ground-water, tributary of _____,
 for the purpose of Irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in (1) NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 4 S, R. 1 E, B.M., and
 other additional points (1) NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T. 4 S, R. 1 E, B.M.; (1) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T. 3 S, R. 1 E, B.M., in the County of 1 EBM
Owyhee; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 975 acre feet per year.

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 $\frac{1}{4}$	
3 S	1 E	31									7	31	30				13		81
4 S	1 E	6	35.5	30			33	15.5											114

Total number of acres irrigated 195

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

22nd day of January, 19 70.

R. Keith Higgins
 State Reclamation Engineer

57 2266

57 2266
 57-2266

57

57

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-39707
Permit No. G- 31597
District No.

1. Name of Applicant: Wayne F. Smith
Postoffice address: Oreana County: Owyhee State: Idaho
2. Quantity of water claimed: 5.92 cubic feet
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the 2 wells NW NE 6
SW 1/4 of the SW 1/4 of Section 31
1/4 S 1 E
Twp. 3 S , Rge. 1 E , B.M., County of Owyhee
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp , Rge , B.M.
7. Kind of works: Pumping Gravity Irrigation
8. Estimated cost of works: \$ 7,500
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I (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) Bonds to be issued.
(d) Other resources.
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) 5.92 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 S	1 W	1	37																37
4 S	1 E	6	30 40				40 40												150
3 S	1 E	31									9 40 40				20				109
																	296		

373

373

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR AMENDMENT

Permit No. 57-2266

Comes now Wayne F. Smith of (address) Oreana,
Idaho 83659, and represents to the State Reclamation
Engineer of the State of Idaho.

No. 31597/57-2266, and requests that the permit and permit map be changed as follows:

1. Point of diversion: (1) NW 1/4 NE 1/4, Sec. 6, T. 4S, R. 1E, B.M. Other points of diversion (1) NE 1/4 NW 1/4, Sec. 6, T. 4S, R. 1E, B.M.; (1) NW 1/4 SW 1/4, Sec. 31, T. 3S, R. 1E, B.M.

2. Period and nature of use. (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated: (no change)

[illegible]**Total number of acres to be irrigated**

Range 1W

Range 1E

31

32

33

34

35

36

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38

39

40

41

42

43

44

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That no one will be injured by such change, and that such change will be made at permit holder's own risk

Wayne F. Smith
(signature)

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho,
hereby approve the above application for amendment for permit no. 57-2266.


State Reclamation Engineer

✓	FILED
	INDEXED
	RECORDED
	DISPOSED

Identification No. _____

Permit No. G-31597

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

DEC 6 1968

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder WAYNE E. SMITH
b) Post Office Address OREANA IDAHO
2. Permit Number G-31597
3. Date of Priority that you are prepared to establish DECEMBER 13, 1963
4. a) Source from which water was appropriated SUBTERRANEAN
b) Location of the point of diversion: 2 Wells NW 1/4 NE 1/4 Section 6
Township 4 S, Range 1 E Boise Meridian. Other points of diversion: SW 1/4 SW 1/4, SEC. 31, T. 3 S., R. 1 E. B.M.
5. a) The amount of water and use to which the water has been applied:
amount 5.92 for IRRIGATION purposes from 1-1 to 12-31 incl.
(cfs and/or acre feet per annum) (Mo-Day) (Mo-Day)
amount _____ for Domestic purposes from 1-1 to 12-31 incl.
(cfs and/or acre feet per annum) (Mo-Day) (Mo-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Mo-Day) (Mo-Day)
b) Total amount appropriated 5.92 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: Ed Smith
Water master for Wilson Ditch Area Co.
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) One hundred feet of 8 inch pump with 12 inch bowls, 6.5 H.P. Diesel Engine on a 12 inch well casing, 340 feet deep. 2/ 120 feet of 6 inch Pump with 8 inch bowls, 40 H.P. Diesel Engine on 12 inch well casing 400 ft deep. 3/ 100 ft. of 6 inch Pump, 40 H.P. diesel engine on 8 inch casing.

31597

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 Johnston
Drilling Co. Arzana, Idaho

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				TOTAL
			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	
35	1E	21									9	40	40	42		12			101 92
45	1E	6	40	40			40	40											160

Total number of acres irrigated 262

10. Remarks: _____

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

Dec. 6, 1968
(Date)

Wayne F. Smith
(Signature)

State of Idaho)
County of Blaine) ss.

On this 6th day of December, 1968, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

M. Russell Scott
Notary Public residing at
Boise, Idaho.

My commission expires Jan 19, 1969

31597

RECEIVED

JAN 14 1969

Department of Reclamation

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 26 day of January, 1968; the last publication being on the 2 day of January, 1968;

That the said newspaper has been published continuously and uninterrupted 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 2 day of January, 1968.

Lorna L. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF APPROVED APPLICATION FOR WATER

feet per second of water from a subterranean source. The priority to be established under this permit is December 13, 1963. Water will be diverted by pump, gravity irrigation and two wells within the NW1/4, NE1/4, Sec. 6, T. 4 S., R. 1 E.; SW1/4SW1/4, Sec. 31, T. 3 S., R. 1 E., B. M., Owyhee County, and is to be used for irrigation in the NE1/4NE1/4, Sec. 1, T. 4 S.

Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Idaho, on December 26, 1968 and January 2 1969.

31597



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WAYNE SMITH
RYE PATCH RANCH
PO BOX 12
MURPHY ID 83650

RE: Water Rights 57-02266/57-07434 (Transfer 5075)

Dear Mr. Smith:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5075). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

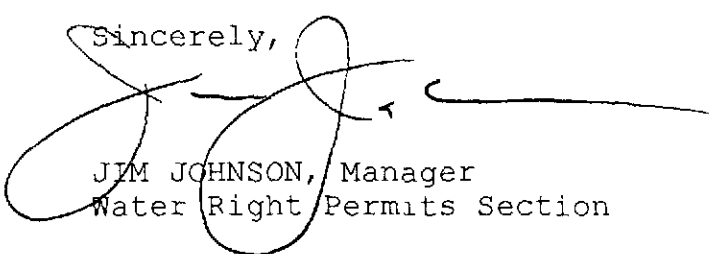
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

APR 11 1998

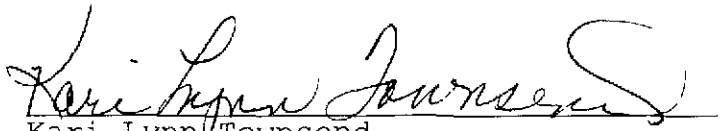
208 327 7947

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 57-02266/57-07434 (Transfer 5075)

WAYNE SMITH
RYE PATCH RANCH
PO BOX 12
MURPHY ID 83650


Kari Lynn Townsend
Secretary

APPROVED

DATE

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Files 57-02266 & 57-07434

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5075

DATE: June 26, 1998

Transfer 5075 changes the place of use and reduces total irrigated acres by one (1) under Rights 57-02266 and 57-07434. 20 acres are being moved from land owned by BLM to the applicant's private land. BLM has agreed to the transfer as a correction to move all the irrigated acres from their land. There is a separate agreement authorizing use of a well located on BLM land.

The new place of use reduces the total irrigation by one (1) acre and the diversion volume has been adjusted to reflect the change. The rights when combined shall not exceed the standard irrigation limits for rate and volume for 195.0 acres plus the stockwater use under Right 57-07434. ✓

Recommended conditions include future measuring devices & reporting, right-of-way, combined limits, irrigation overlap and standard transfer conditions.

TRANSFER REVIEW SHEET

(04-98)

Transfer # 5075

Date Reviewed 6-24-98

Right(s) 57-02266 - AJ Recommendation
57-07434 - WR License

☒ WRQ/Split Summary

☐ Run POU Comparison Report

B:Change P/D C:Add P/D

☒ D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership BLM letter agreeing to transfer 20 Acres from BLM land
well approved on BLM land.

Leinholder's approval - letter FSA 3-28-97 Tax Notices for proposed P/U

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. D/4.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☒ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NO Water District (12) Yes Pertinent Conditions (13) No Expansion
Irroverlap

(5) Reduced by 1 Acre 4.5 x 195 = 877.5 afa (57-02266)

(8) Move 20 acres from NWSW + SWSE S31
Rearrange Acres & reduce by 1 Acre total

P/D on BLM land - W57, W35 3.93 cfs / 879.1 afa w/ stock (.03 cfs / 1.6 afa)
 Transfer Remarks Combined Rt. Limits 3.90 cfs / 877.5 afa
 Conditions 01M, R65, T07, T08

Database/Processing Notes

Standard ☐

Non-Standard ☒

Copy 157-02266 to an "X" on WR database when approved! Comment to
base rt. T Files Deleted

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

33 6-24-98

WR0749NP
No. T57-02266

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/25/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE SMITH RYE PATCH RANCH PO BOX 12 MURPHY ID 83650 (208) 834-2535	12/13/1963	IRRIGATION	03/15 11/15	3.730 CFS	877.50 AFA
TOTAL DIVERSION:					3.730 CFS	877.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T03S R01E S31	NWSW		OWYHEE County
	T04S R01E S06	NWNE	NENW	OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03S	01E	31	:					:					:			04-49	19	:					:	68.0
04S	01E	6	:	01-34	02-37			:	03-35	04-21			:					:					:	127.0
TOTAL ACRES																							195.0	

Pou County: OWYHEE

Conditions of Approval:

- 01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.
- R65 - This right when combined with all other rights shall provide no
- more than 0.02 cfs per acre nor more than 4.5 afa per acre at the
- field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

Remarks: GEN Approval of Transfer 5075 does not grant any right-of-way or
easement for use of a delivery system owned by person(s) other
than the right owner.
Rights 57-02266 and 57-07434 when combined shall not exceed a
total diversion rate of 3.93 cfs, a total annual maximum
diversion volume of 879.1 af at the field headgate, the
irrigation of 196.0 acres, and the authorized stockwater use.

Dates:	App. Received:	Priority Date:	12/13/1963
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

WR0749NP
No. T57-02266

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/25/98
PAGE: 2

=====
Comments: Date: 01/23/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*NAME/ADDRESS CONFORMED TO AVOID DUPLICATE MAILING LABELS

Date: 06/25/1998 User-ID: PSKAGGS Subject: TRANSFER 5075
Transfer 5075 changes/reduces the place of use under Rights
57-02266 & 57-07434.

Audit: 04/30/97 STAYLOR 02/08/98 CLEARFLD 06/25/98 PSKAGGS 06/25/98 PSKAGGS

WR0749NP
No. T57-07434

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/25/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE SMITH	06/29/1984	IRRIGATION	03/15 11/15	0.480 CFS	234.20 AFA
	RYE PATCH RANCH		STOCKWATER	01/01 12/31	0.030 CFS	1.60 AFA
	PO BOX 12					
	MURPHY ID 83650					
	(208) 834-2535			TOTAL DIVERSION:	0.480 CFS	235.80 AFA

Water Source: UNNAMED STREAM

Tributary to: FOSSIL CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.480 CFS

Point(s) of Diversion: T04S R01E S06 Lot 01(NENE)

OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
03S	01E	31	:																												68.0	
04S	01E	6	:	01-34	02-37																										127.0	
																												TOTAL ACRES	195.0			

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: OWYHEE

Conditions of Approval:

- 01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.
- R65 - This right when combined with all other rights shall provide no
- more than 0.02 cfs per acre nor more than 4.5 afa per acre at the
- field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

Remarks: GEN Approval of Transfer 5075 does not grant any right-of-way or
easement for use of a delivery system owned by person(s) other
than the right owner.
Rights 57-02266 and 57-07434 when combined shall not exceed a
total diversion rate of 3.93 cfs, a total annual maximum
diversion volume of 879.1 af at the field headgate, the
irrigation of 196.0 acres, and the authorized stockwater use.

WR0749NP
No. T57-07434

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/25/98
PAGE: 2

=====
Dates: App. Received: 06/29/1984 Priority Date: 06/29/1984
Proof Due Date: 09/01/1991 Proof Made Date: 08/22/1991
Exam Made Date: 06/18/1993 Exam Sent to S.O.: 08/17/1993
Licensed Date: 07/15/1994

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 06/27/1994 User-ID: BCHAPMAN Subject: SUPPLEMENTAL RIGHT
This right is supplemental to the primary groundwater right
57-02266.

Date: 06/25/1998 User-ID: PSKAGGS Subject: TRANSFER 5075
Transfer 5075 changes/reduces the place of use under Rights
57-02266 & 57-07434.

Audit: 04/30/97 STAYLOR 02/08/98 CLEARFLD 06/25/98 PSKAGGS 06/25/98 PSKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T03S R01E S 31																			
7 - Acres Moved - 13																			
5702266	GROUNDWATE :											7	31	30			13		81
*5702266	GROUNDWATE :											7	31	30			13		81
A5702266	GROUNDWATE :											7	31	30			13		81
T5702266	GROUNDWATE :												04-49	19					68
5707434	UNNAMED ST :											03-7	04-31	30			13		81
T5707434	UNNAMED ST :												04-49	19					68
--86 MAP--	C73Q-Z 57 :													27			8	4	39
NO QTRS	MAPPING	Lot03-09 Lot04-50																	

No Other Overlapping Rts.

[illegible]

(Menu _____)

[illegible]

(Menu _____)

T 5075

RECEIVED

APR 21 1998

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

ABO 566
"p 3" of form
added 4/3/98

APPLICANT Smith, Wayne

TRANSFER NO. 5075

INITIAL ALLOCATION REVIEW BY jyl

DATE 4-29-97

*SRBA SUPERVISOR REVIEW BY —

DATE —

1. Right number(s) 57-2266 (G.W.) 57-7434 (unnamed stream)

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: —

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim Not req'd for 57-7434
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use NO OTHER

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information = (JH) 4/29/97
memo

a. ☒ All of right
b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)

c. ☒ Description of point(s) of diversion NOTE: 3 pts for 57-2266
1 pt for 57-7434

d. ☒ Description of place of use

e. ☒ Map showing P/D & P/U after transfer

f. ☒ Correct notarized signature and \$100 fee

g. ☒ Proof of ownership of right &/or land from which water is transferred see memo - release req'd from BUM

h. ☒ Expansion in use of right - Comments: NONE

NEED
rec'd,
see
attachment F

* per BUM, file AS7-02266 is a 5.0 ac "objection RESOLVED". Since transfer will resolve objection, ok to forward file without Region's AT Sup review. — JH 4/3/98

T5075

i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): only listed rights.

j. ✓ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Claim A57-02246 recommended as licensed.

k. N/A Comment letters ☐ Yes ☒ No
If yes ☐ Water District #
☐ Other, see #2 below for name and address

PUBLICATION REVIEW BY AT

1. Legal Notice electronically sent to DWR03::VAULT ☒ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on N/A, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ☒ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes

6. Copies made for Region file (see attached supplemental page)? ☒ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

(Standard transfer conditions)

4. By Gary S

Date 4/20/98

T. 5075

Page 3 of 5th Analysis
Form

"Pilot Transfer" form used so:

Application = Pg. 1-7 where pg 5+6 show WR &
Pg. 7 shows AJ for 57-02266.

(no "R Record" available yet in d'base -
waiting for this transfer). OK ✓

map = Attach. A (ps A₁). OK ✓

Ownership = Attach. B for private land. OK ✓

Lienholder = Attach. C OK ✓

AJ input = Attach. D (led to xfer appl.) OK ✓

ACCESS TO WELL

BLM Laxel = Attach E OK ✓

BLM consent to

move H₂O from = Attach F
public land

OK ✓

NOT RECORDED
APR 16 1998

SL
4/3/98

MEMORANDUM

April 29, 1997

TO: Wayne Smith Transfer File
Right Nos. 57-02266 and 57-07434

FROM: Cindy Hodges *ch*

RE: Review Memo

The purpose of this transfer is to resolve an objection filed by the BLM against the recommendation of right no. 57-02266 in the SRBA. This right, diverted from ground water, was licensed with one well (of three total) located on public land in NSW Section 31, T03S R01E and including 7 acres in NSW and 13 acres in SWSE S31, also on public land. Total irrigated acres = 196. The SRBA recommendation mirrored the original license. License 57-07434, diverted from surface water, was issued in 1994 with the same place of use. Although 57-07434 is not a part of the SRBA, both rights are affected by the change.

BLM is willing to withdraw its objections and grant the right holder easement to the Section 31 well if irrigation is removed from the public lands and redistributed onto private lands. Accordingly, this transfer proposes that change. The land list will be reduced slightly, to 195 acres, by the change. There should be no rate of flow reduction on either right because the original system rate of flow is less than 0.02 cfs/ac.

Andrew Helmlinger has solicited a release of water right statement from the BLM for the 20 acres in question, which will facilitate the approval of this transfer. Because time is of the essence in dealing with the SRBA court, I have chosen to advertise this application pending the receipt of that document. The BLM is motivated to resolve this issue and Andrew assures me the release will be forthcoming. All other ownership and acknowledgement documents are attached.

License 57-07434 states that its use is supplemental to the ground water right 57-02266. For a total 195 acres, use of the two rights together should be limited to total diversions of 3.9 cfs.

300 - 1000
1000 - 1000

CONVERSATION MEMORANDUM

DATE 11/17/97

FILE _____

NAME OF PARTY John Marshall & Doug 7-5404EMPLOYEE JKRE: Status of Transfer Appls.

① Randall 57-00084 etc

Trial this Thursday -

a) new R records, gave back Hro/over had
out for expansion some resolved.

b) I'll print new records & let him know

* → < Thurs 11/20 if after OK to process
now.

c) BLM releases ID file, see 3/13/97 letter

② Smith 57-02266 etc.

a) need BLM release letter John will
contact them & ask.* Followup < 11/20 needed - call John
w/ newest status report & letter

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say.

1 That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

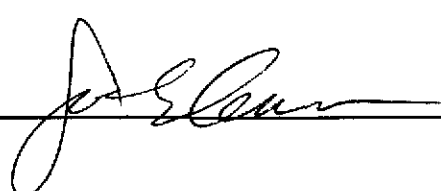
3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4 That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

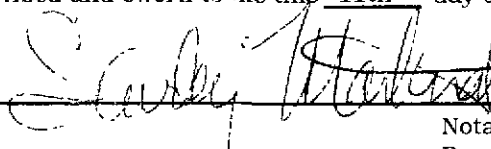
said newspaper, in Two (2)

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

June 4 & 11, 1997

Signed 

Subscribed and sworn to me this 11th day of June A D , 1997


Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 22, 2002

CORRECTED NOTICE OF PRO- POSED CHANGE OF WATER RIGHT TRANSFER NO. 5075

Notice is given that Wayne Smith of PO Box 12, Rye Patch Ranch, Murphy, Id, 83650 has applied to the Department of Water Resources to change the place of use pursuant to I.C. §42-222 for the following right(s) in T03S R01E and T04S R01E, Owyhee County:

License 57-02266, priority 12-13-1963, 3.73 cfs, diverted from ground water at three

points in N1/2 S06 and NWSW S31 for irrigation of 196 acres in S06 and S31.

License 57-07434, priority 6-29-1984, 0.48 cfs, diverted from an unnamed tributary to Fossil Creek in NENE S06 for irrigation of 196 acres in S06 and S31.

PROPOSED CHANGE

Irrigated acres to be redistributed in order to move 20 acres irrigation off of public lands and onto private lands. After the change, a total of 195 acres within N1/2 S06 and SW S31 will be irrigated from the Two Sources.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25.00, on or before May 27, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

RECEIVED

JUN 27 1997

WATER RESOURCES
WESTERN REGION

corrected notice

January 22, 1970

Re: Permit No. C-31597/57-2266

Mr. Wayne F. Smith
Oreana,
Idaho 83659

Dear Mr. Smith:

Enclosed herewith is your Water License issued on the above
numbered permit.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosure

December 2, 1969

Re: Permit No. G-31957

Wayne F. Smith
Oreana,
Idaho 83659

Dear Mr. Smith:

The Department still has some question as to which lands you are beneficially irrigating under the above referenced permit.

If you would mark the lands you are beneficially using on the enclosed map, it would be greatly appreciated.

Very truly yours,

Dorian T. Clay
Field Examiner

DTC:mh

Enclosure

57-5364
31597

October 28, 1969

Re: Permit No. 31597/57-2266

Wayne F. Smith
Oreana,
Idaho 83659

Dear Mr. Smith:

Be informed that before a license can be issued on the above referenced permit, it is necessary that the enclosed Application for Amendment be signed and returned with a \$5.00 fee. This application for amendment allows the Department to correct the description of the points of diversion on the original filing to their present locations.

Please remit the amendment with the \$5.00 fee within 30 days of the date of this letter. If you have any questions, please feel free to contact this office.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:mh

31597/57-2266
OCT 29 1969



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 1997

THE OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

Re: Error in Advertising, Application for Transfer of Permits 57-
2266 and 57-7434 in the Name of Wayne Smith

Dear Legal Dept.:

Enclosed is a copy of the original notice for the
above-referenced application and the affidavit of publication
received by our office. Note that there is a discrepancy in the
two notices.

Please readvertise this application with the enclosed notice of
correction. Upon receipt of an affidavit of publication for the
correction notice, we will forward the bill for the first
publication to our accounting section.

Thank you for your cooperation.

Sincerely,

Sue Taylor
Secretary, Office Coordinator

Enclosures: Copy of Original Notice
Copy of Affidavit
Legal notice



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1997

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 27, 1997.

Yours truly,

Sue Taylor
Secretary, Office Coordinator

Enclosure

CORRECTED
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 5075**

Notice is given that Wayne Smith of PO Box 12, Rye Patch Ranch, Murphy, Id, 83650 has applied to the Department of Water Resources to change the place of use pursuant to I.C. §42-222 for the following right(s) in T03S R01E and T04S R01E, Owyhee County:

License 57-02266, priority 12-13-1963, 3.73 cfs, diverted from ground water at three points in N½ S06 and NWSW S31 for irrigation of 196 acres in S06 and S31.

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PROPOSED CHANGE

Irrigated acres to be redistributed in order to move 20 acres irrigation off of public lands and onto private lands. After the change, a total of 195 acres within N½ S06 and SW S31 will be irrigated from the two sources.

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Karl J. Dreher, Director

Published in the Owyhee Avalanche on May 7 and 14, 1997.

*Corrected
Notice*

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say.

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4 That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

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

May 7 & 14, 1997

Signed Joe E. Aman

Subscribed and sworn to me this 14th day of May A D , 19 97

Shirley Martin

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 22, 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 5075

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Karl J. Dreher, Director
5/7&14/97

RECEIVED

MAY 15 1997

WATER RESOURCES
WESTERN REGION

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TRANSFER NO. 5075**

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Karl J. Dreher, Director

Published in the Owyhee Avalanch on May 7 and 14, 1997.

November 17, 1969

Re: Permit No. 57-2266

Mr. Wayne F. Smith
Oreana,
Idaho 83659

Dear Mr. Smith:

Enclosed please find a copy of the APPROVED application for amendment along with receipt #3844 in the amount of \$5.00 for the filing fee.

A representative from this department has made an examination of your works covered by Permit 57-2266. The works were found capable of producing 3.73 c.f.s. of which 3.73 c.f.s. can be recognized as beneficially used and licensed under Idaho law. The water is used for irrigation of 195 acres within the W₁SW₄, SE₁SW₄, SW₁SE₄, Sec. 31, T. 3S, R. 1E and within the N₁NE₄, N₁NW₄, Sec. 6, T. 4S, R. 1E, B.M.

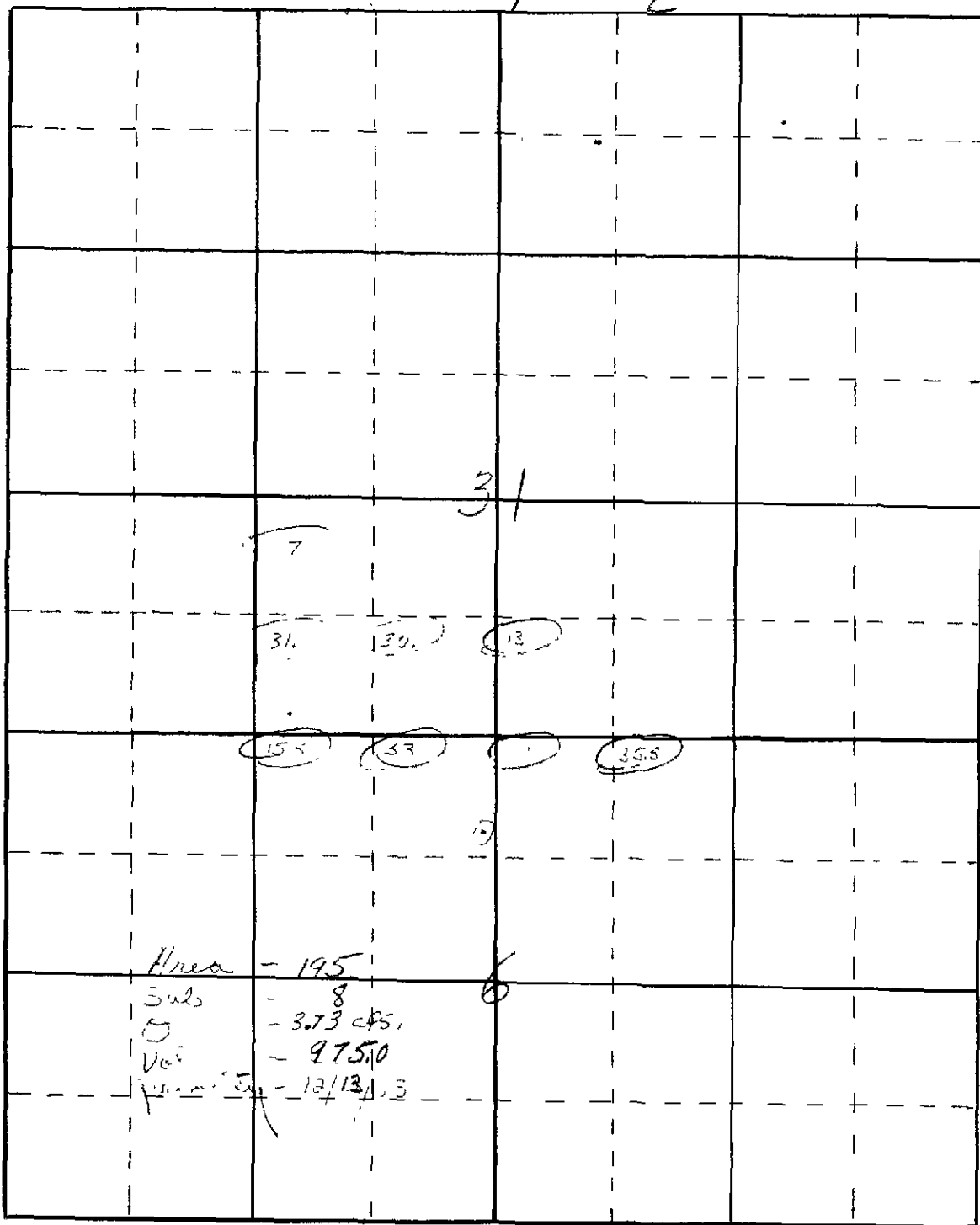
If you disagree with the findings, please advise us within 10 days; otherwise, a license will be issued showing the findings as set forth in this letter.

Very truly yours,

C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

CSA:dr
Enc: Copy of amendment w/receipt

315
11-17-69



Permit No. G-31537

57

Name of Applicant Wayne F. Smith, Oreana, Idaho

Source of Water Sub.

a tributary of

Location of P D (2) NE 1/4, Sec. 6, T. 4 S, R. 1 E, B.M. and

(1) SW 1/4, Sec. 31, T. 3 S, R. 1 E, B.M.

Water is used for Irrigation

Quantity of water claimed. Permit 5.92 c.f.s. Depositions 5.92 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works #1 - 100'x24'x 65 hp. diesel engine 340'x12"

#2 - 400'x12" 40 hp. diesel engine

#3 - 400'x12" 40 hp. diesel engine

Land to be irrigated or place of use.

TWP RGE. SEC. Description

3S 1E 31 W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4

4S 1E 6 NE 1/4, NE 1/4

Filed - December 13, 1963

Total acreage 261

Due - December 20, 1968

Made - December 6, 1963

Priority - December 13, 1963

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

None

5 acre 1/4 acre

11.50 C=3.73

Vol = 975.0

Source of supply S. b. terranum

a tributary of _____

Location of P.D (s) #1 SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 31 T4S R1E
#2 NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 6 T4S R1E

Water is used for _____

Quantity of water found _____

How was the measurement made? _____

Measurement calculations _____

Diversion works description and diagram

Indicate area irrigated in each subdivision on the map

Total acreage irrigated _____

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Report checked? _____

Examination date _____

Signature _____

SPARKING
METER

1

73°

Jaegerzi Pump #12145B2-1521
WFO 100
TSP1

50 HP Right angle Drive
1760 RPM Ratio 1:1

8" DISCHARGE 5' INTO WOODROW
DIVISION WORKS

Powered by 65 HP Diesel unit
INTERNATIONAL UD 282

SW WELL 12"
UPPER END OF PULLEY

37.7

50

1.363 cfs
50
67"

Q1

100 "3.4" 100 = 49" .97 cfs

1:43.4

Q2

1.01.2 = 1.64 cfs = 82"

5
100
52.2

1.92

= 16"

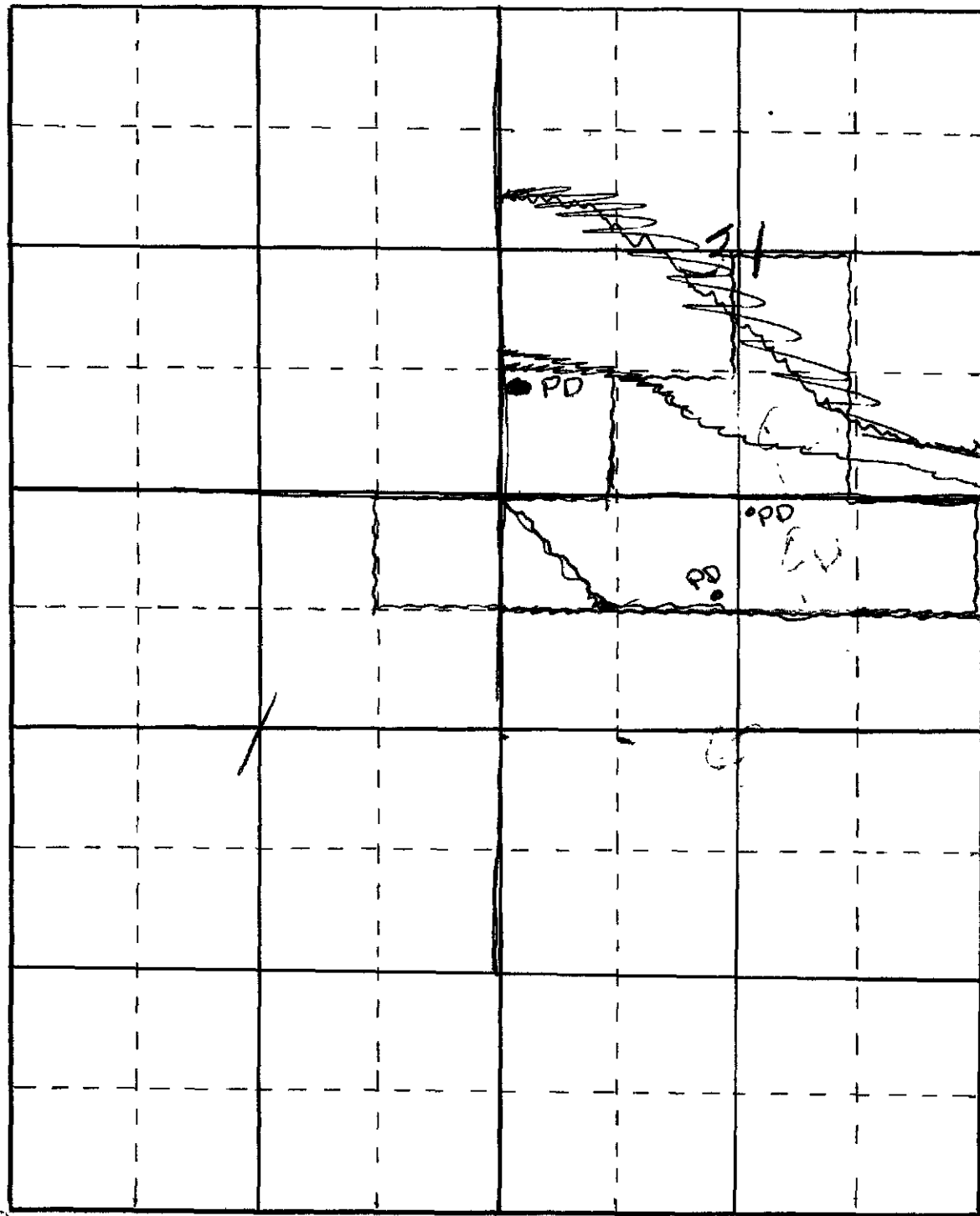
Q3

100
52

52

1.925 = 96.9" max

37-2266
31597



NO H 310's

EXAMINATION REPORT

3-7 14070

Permit No. G-31597

Name of Applicant Wayne F. Smith, Oreana, Idaho

Source of Water Ground water

a tributary of

Location of P.D. NW 1/4 NE 1/4, sec. 6, T. 4 S, R. 1 E; SW 1/4 SW 1/4, sec. 31, T. 3 S, R. 1 E, B.M., Owyhee County

Water is used for Irrigation

Quantity of water claimed: Permit 5.92 c.f.s. Depositions 5.92 c.f.s.

Type of measuring device installed or method of measurement and general description

of diversion works No measuring device required - none installed one hundred feet of 8 inch pump with 12 inch bowls, 65 HP diesel engine on a 12 inch well casing, 340 feet deep 120 feet of 6 inch pump with 8 inch bowls, 40 HP Diesel Engine on 12 inch well casing, 400 feet deep 100 feet of 6 inch pump, 40 HP diesel engine on 8 inch well casing, 400 feet deep

Land to be irrigated or place of use:

TWP.	RGE	SEC.	Description
4 S	1 W	1	NE 1/4 NE 1/4 wrong (see Remarks #2)
4 S	1 E	6	N 1/2 NE 1/4, N 1/2 NW 1/4
3 S	1 E	31	W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4

Filed - December 13, 1963

Total acreage 296

Due - December 20, 1968

Made - December 6, 1968

Priority - December 13, 1963

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

none

see Remarks #1

815 91 946

Source of supply SubTerraN

a tributary of _____

Location of P.D.(s) #1 NW 1/4 SW 1/2 Sec. 31 #2 NW 1/4 NE 1/4 S. 6
#3 NE 1/4 NW 1/4 Sec. 6

Water is used for irrigation

Quantity of water found 186.4" 3.73 cfs.

How was the measurement made? SPARK meter

Measurement calculations #1 Q₁ 49" .98 cfs Q₂ 82" 1.64 cfs Q₃ 96.4" 1.93 cfs
will Allow 96.4" 1.93 cfs

#2 Q₁ = 45" .9 cfs Q₂ = 36" .17 will Allow ~~36~~ 45" .9 cfs

#3 8" well cased with a 1 1/2" line flowing through
2" pipe 50' long into stock water trough. last used 1968
owner says it will pump the same as well
number 2. so Allow 45" or .9 cfs

Diversion works description and diagram

#1 65 HP Diesel engine UD282. Tourazzi Pump #121082
8" Discharge pipe 5' long into wooden Diversion works earth Ditches

#2 40 HP Diesel Power Unit L4B Right Angle Drive Unit
6" Discharge pipe 6' long into wooden Diversion works
into earth Ditches

Indicate area irrigated in each subdivision on the map. 12 sub.

Total acreage irrigated 214 1/2 Ac.

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use

Who represented the permit holder at the examination?

MR. Smith

Recommended allowance for licensing 3.73 cfs 186.4"

Description of required amendments. Comments. now NW 1/4 NW 1/2
Permit Holder Has 7 Acres in NW 1/4 Sec. 5 T. 4 S
R. 1 E; + 2 1/2 Acres SW 1/4 SW 1/4 Sec. 32 T. 3 S
R. 1 E

#1 P.D. #1 ~~NW 1/4 SW 1/4~~ T 3s R. 1 E Sec. 31
P.D. #3 NE 1/4 NW 1/4 T 4s 1E Sec. 6

#2 Land in 4s 1w Sec. 1 NE 1/4 NE 1/4 is not
Developed at This Time.

Report checked? _____

Examination date _____

Signature _____

January 16, 1969

Re: Permit No. G-31597

Wayne F. Smith
Oreana, Idaho

Dear Mr. Smith:

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 field examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted, please advise.

6

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:TG

31597
exam
typed

December 16, 1968

Re: Permit No. G-31597

**Wayne F. Smith
Greene, Idaho**

Dear Mr. Smith:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit ~~G-31597~~.

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 so that you may show him the system. If someone other than yourself should be contacted, please advise.

Very truly yours,

**Donald W. McEldeaney
Appropriation Examiner**

DWM:tg

**Enc: Copy of letter to newspaper (please read note underlined
in red)**

31597

6 1968

Department of Reclamation

(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.

Wingman R. Smith
(signature)

Boise, Idaho
(address)

Oct 13 1968
(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

31597

December 16, 1968

Re: Permit No. G-31597

**Gryhee Nugget
Marsing, Idaho**

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 can not publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by _____
Smith, Orem, Idaho

to whom you should furnish an affidavit of publication.

Very truly yours,

**Donald W. McElowney
Appropriation Examiner**

DWM:tg

Enc: Legal Notice

cc: Wayne F. Smith

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

31597

NOTICE OF APPROVED APPLICATION FOR WATER

Notice is hereby given that Wayne F. Smith, Oreana, Idaho

has received an approved permit No. G-31597 to divert store

0.9 cubic feet per second add feet of water from

a subterranean source

. The priority to be established
under this permit is December 17, 1968.

Water will be diverted by pump, and gravity irrigation and two wells

within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6,
T. - S., R. 1 E. ; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 3 S., R. 1 E., Bx~~xxx~~ B. M.,

Owyhee County

and is to be used for irrigation

in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. ~~4~~ S., R. 1 W.; N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6,
T. 4 S., R. ~~1~~W. ~~1~~W., R. 1 E.; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31,
T. S., R. 1 E., B. M.

Any protests against the intent of the permit must be filed with the
Department of Reclamation within ten days from the last date of publication
of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Owyhee Nugget, Marsing, Idaho

on December 26, 1968 and January 2, 1969

31597

October 1, 1968

Re: Permit No. G-31597

Wayne F. Smith
Oreana, Idaho 83659

Dear Mr. Smith:

One of the conditions of the approval of your permit G-31597 was that proof of application of the water to beneficial use be submitted to this office on or before December 20, 1968.

Enclosed is an affidavit form which must be used to submit this proof. You may also request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension 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.

R. Keith Higinson

State Reclamation Engineer

Enclosure: Proof form

31597

RECEIVED

DEC 17 1968

Department of Reclamation

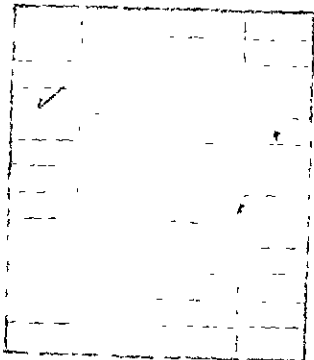
NOTICE OF APPROVED APPLICATION FOR WATER

Notice is hereby given that Wayne F. Smith, Oreana, Idaho, has received an approved permit No G-31597 to divert 592 cubic feet per second of water from a subterranean source. The priority to be established under this permit is December 13, 1963. Water will be diverted by pump, gravity irrigation and two wells within the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 6, T. 4 S., R. 1 E.; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 3 S., R. 1 E., B. M., Owyhee County, and is to be used for irrigation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4 S., R. 1 W., N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T. 4 S., R. 1 E., W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 3 S., R. 1 E., B. M.

Any protests against the intent of the permit must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer

Published in the Owyhee Nugget, Marsing, Idaho, on December 26, 1968 and January 2 1969.



31597

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$200

POSTMARK OF
DELIVERING OFFICE

OCT
9
1968

RETURN
TO

INSTRUCTIONS Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

NAME OF SENDER

STREET AND NO OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

DO NOT, UNDER ANY CIRCUMSTANCES, REMOVE THIS POSTAGE LABEL FROM THE BACK OF THE ARTICLE

4-31597

655-16-71548-10

Apr. 1967

POD Form 3811

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver **ONLY**
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

October 1, 1968

Re: Permit No. G, -31597

Wayne F. Smith
Oreana, Idaho 83659

Dear Mr. Smith:

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 those 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 and are now submitting proof of beneficial use. 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,

C. Stephen Allred
Assistant State Reclamation
Engineer

CSA:tg

Enc: Order

Proof due notice

Proof package

Advertising package

31597

December 31, 1963

Re: Permit No. G-31597

Mr. Wayne F. Smith,
Greena, Idaho.

Dear Mr. Smith:

We enclose Permit No. G-31597 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~We also enclose~~ Departmental Receipt No. G-8443 which was issued covering payment in the amount of \$ 6.25 for the filing fee of the above mentioned permit, was given to you while in our office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

31597

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-31597)
in the name of Wayne F. Smith) ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER
Oreana, Idaho)

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. G-31597 was issued previous to that date;

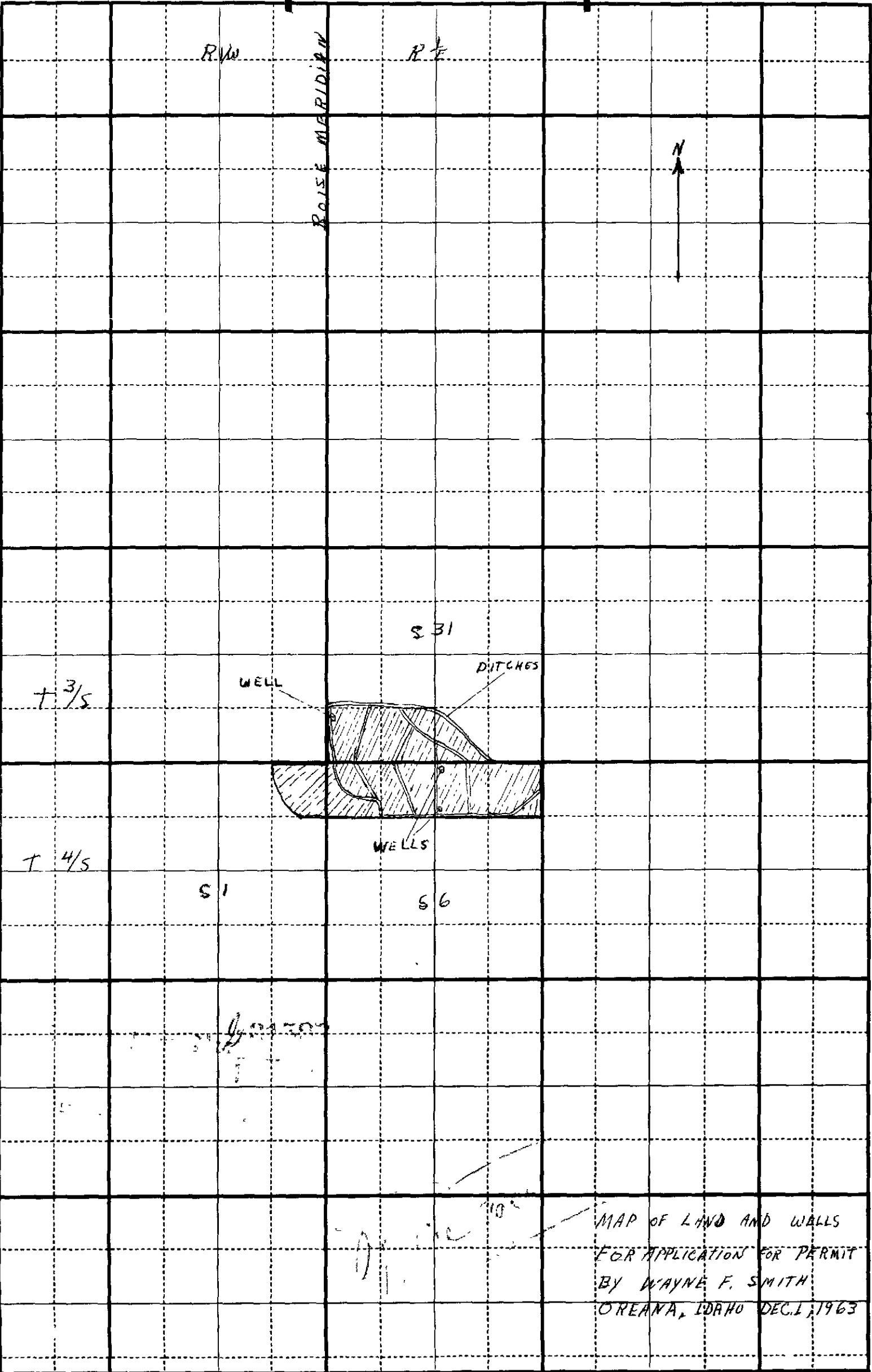
NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

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.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Reclamation of the application of the water to beneficial use on or before December 20, 1968. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for Completion of Works may be grounds for cancellation at the instance of the Department.

Dated this _____ day of _____, 19____.

R. KEITH HIGGINSON
State Reclamation Engineer

31597

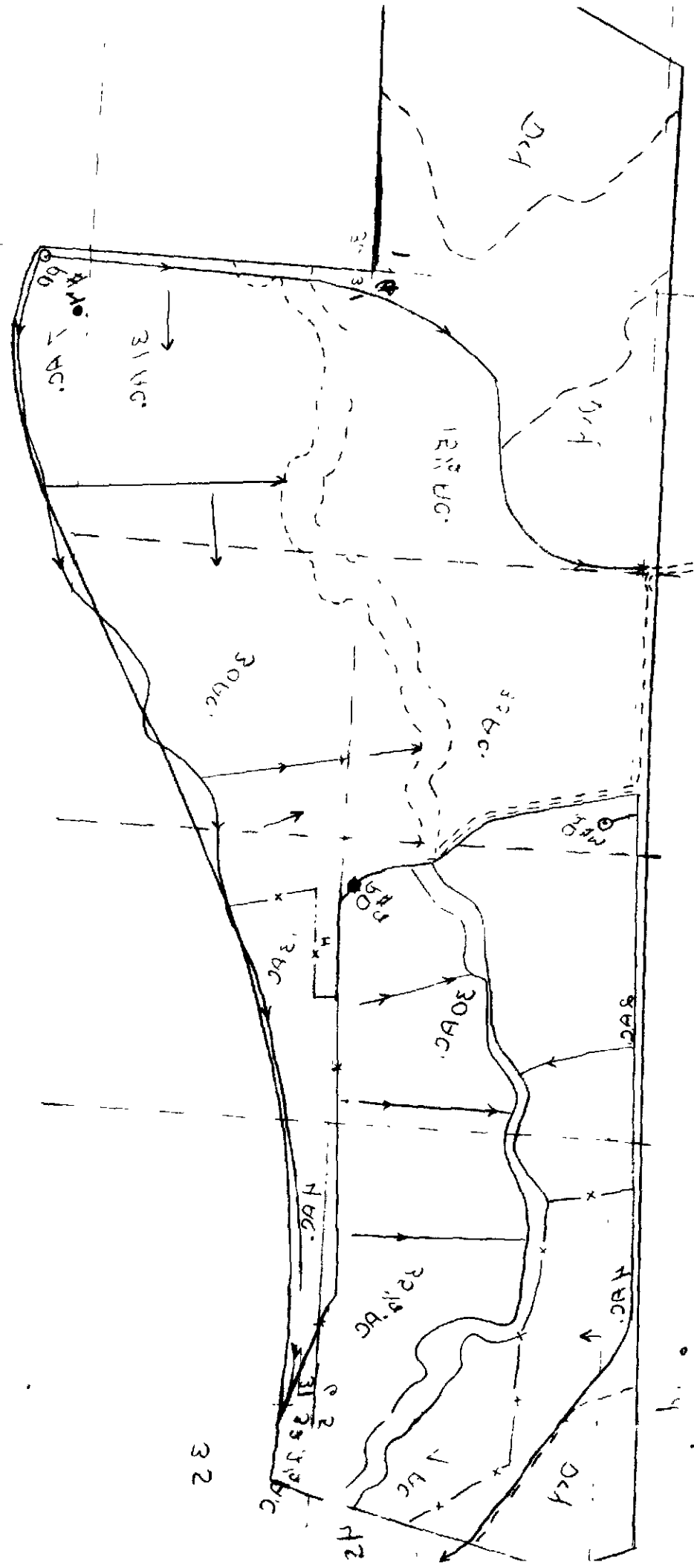


MAP OF LAND AND WALLS
FOR APPLICATION FOR PERMIT
BY WAYNE F. SMITH
OREANA, IDAHO DEC. 1, 1963

514 1/2 AC

1 M

1 E



10-15-17-19-21-23-25-27-29-31-33-35-37-39-41-43-45-47-49-51-53-55-57-59-61-63-65-67-69-71-73-75-77-79-81-83-85-87-89-91-93-95-97-99-101-103-105-107-109-111-113-115-117-119-121-123-125-127-129-131-133-135-137-139-141-143-145-147-149-151-153-155-157-159-161-163-165-167-169-171-173-175-177-179-181-183-185-187-189-191-193-195-197-199-201-203-205-207-209-211-213-215-217-219-221-223-225-227-229-231-233-235-237-239-241-243-245-247-249-251-253-255-257-259-261-263-265-267-269-271-273-275-277-279-281-283-285-287-289-291-293-295-297-299-301-303-305-307-309-311-313-315-317-319-321-323-325-327-329-331-333-335-337-339-341-343-345-347-349-351-353-355-357-359-361-363-365-367-369-371-373-375-377-379-381-383-385-387-389-391-393-395-397-399-401-403-405-407-409-411-413-415-417-419-421-423-425-427-429-431-433-435-437-439-441-443-445-447-449-451-453-455-457-459-461-463-465-467-469-471-473-475-477-479-481-483-485-487-489-491-493-495-497-499-501-503-505-507-509-511-513-515-517-519-521-523-525-527-529-531-533-535-537-539-541-543-545-547-549-551-553-555-557-559-561-563-565-567-569-571-573-575-577-579-581-583-585-587-589-591-593-595-597-599-601-603-605-607-609-611-613-615-617-619-621-623-625-627-629-631-633-635-637-639-641-643-645-647-649-651-653-655-657-659-661-663-665-667-669-671-673-675-677-679-681-683-685-687-689-691-693-695-697-699-701-703-705-707-709-711-713-715-717-719-721-723-725-727-729-731-733-735-737-739-741-743-745-747-749-751-753-755-757-759-761-763-765-767-769-771-773-775-777-779-781-783-785-787-789-791-793-795-797-799-801-803-805-807-809-811-813-815-817-819-821-823-825-827-829-831-833-835-837-839-841-843-845-847-849-851-853-855-857-859-861-863-865-867-869-871-873-875-877-879-881-883-885-887-889-891-893-895-897-899-901-903-905-907-909-911-913-915-917-919-921-923-925-927-929-931-933-935-937-939-941-943-945-947-949-951-953-955-957-959-961-963-965-967-969-971-973-975-977-979-981-983-985-987-989-991-993-995-997-999-1001-1003-1005-1007-1009-1011-1013-1015-1017-1019-1021-1023-1025-1027-1029-1031-1033-1035-1037-1039-1041-1043-1045-1047-1049-1051-1053-1055-1057-1059-1061-1063-1065-1067-1069-1071-1073-1075-1077-1079-1081-1083-1085-1087-1089-1091-1093-1095-1097-1099-1101-1103-1105-1107-1109-1111-1113-1115-1117-1119-1121-1123-1125-1127-1129-1131-1133-1135-1137-1139-1141-1143-1145-1147-1149-1151-1153-1155-1157-1159-1161-1163-1165-1167-1169-1171-1173-1175-1177-1179-1181-1183-1185-1187-1189-1191-1193-1195-1197-1199-1201-1203-1205-1207-1209-1211-1213-1215-1217-1219-1221-1223-1225-1227-1229-1231-1233-1235-1237-1239-1241-1243-1245-1247-1249-1251-1253-1255-1257-1259-1261-1263-1265-1267-1269-1271-1273-1275-1277-1279-1281-1283-1285-1287-1289-1291-1293-1295-1297-1299-1301-1303-1305-1307-1309-1311-1313-1315-1317-1319-1321-1323-1325-1327-1329-1331-1333-1335-1337-1339-1341-1343-1345-1347-1349-1351-1353-1355-1357-1359-1361-1363-1365-1367-1369-1371-1373-1375-1377-1379-1381-1383-1385-1387-1389-1391-1393-1395-1397-1399-1401-1403-1405-1407-1409-1411-1413-1415-1417-1419-1421-1423-1425-1427-1429-1431-1433-1435-1437-1439-1441-1443-1445-1447-1449-1451-1453-1455-1457-1459-1461-1463-1465-1467-1469-1471-1473-1475-1477-1479-1481-1483-1485-1487-1489-1491-1493-1495-1497-1499-1501-1503-1505-1507-1509-1511-1513-1515-1517-1519-1521-1523-1525-1527-1529-1531-1533-1535-1537-1539-1541-1543-1545-1547-1549-1551-1553-1555-1557-1559-1561-1563-1565-1567-1569-1571-1573-1575-1577-1579-1581-1583-1585-1587-1589-1591-1593-1595-1597-1599-1601-1603-1605-1607-1609-1611-1613-1615-1617-1619-1621-1623-1625-1627-1629-1631-1633-1635-1637-1639-1641-1643-1645-1647-1649-1651-1653-1655-1657-1659-1661-1663-1665-1667-1669-1671-1673-1675-1677-1679-1681-1683-1685-1687-1689-1691-1693-1695-1697-1699-1701-1703-1705-1707-1709-1711-1713-1715-1717-1719-1721-1723-1725-1727-1729-1731-1733-1735-1737-1739-1741-1743-1745-1747-1749-1751-1753-1755-1757-1759-1761-1763-1765-1767-1769-1771-1773-1775-1777-1779-1781-1783-1785-1787-1789-1791-1793-1795-1797-1799-1801-1803-1805-1807-1809-1811-1813-1815-1817-1819-1821-1823-1825-1827-1829-1831-1833-1835-1837-1839-1841-1843-1845-1847-1849-1851-1853-1855-1857-1859-1861-1863-1865-1867-1869-1871-1873-1875-1877-1879-1881-1883-1885-1887-1889-1891-1893-1895-1897-1899-1901-1903-1905-1907-1909-1911-1913-1915-1917-1919-1921-1923-1925-1927-1929-1931-1933-1935-1937-1939-1941-1943-1945-1947-1949-1951-1953-1955-1957-1959-1961-1963-1965-1967-1969-1971-1973-1975-1977-1979-1981-1983-1985-1987-1989-1991-1993-1995-1997-1999-2001-2003-2005-2007-2009-2011-2013-2015-2017-2019-2021-2023-2025-2027-2029-2031-2033-2035-2037-2039-2041-2043-2045-2047-2049-2051-2053-2055-2057-2059-2061-2063-2065-2067-2069-2071-2073-2075-2077-2079-2081-2083-2085-2087-2089-2091-2093-2095-2097-2099-2101-2103-2105-2107-2109-2111-2113-2115-2117-2119-2121-2123-2125-2127-2129-2131-2133-2135-2137-2139-2141-2143-2145-2147-2149-2151-2153-2155-2157-2159-2161-2163-2165-2167-2169-2171-2173-2175-2177-2179-2181-2183-2185-2187-2189-2191-2193-2195-2197-2199-2201-2203-2205-2207-2209-2211-2213-2215-2217-2219-2221-2223-2225-222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