

NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that Petan Company—YP Ranches, Tuscarora, Nevada, has on July 23, 1969, applied for permit under application No. 55-7004 to store 12.0 acre feet of water from an unnamed stream.

Water will be diverted by dam and reservoir within the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 14, T. 16 S, R. 3 W, B.M., Owyhee County and is to be used from January 1 to December 31 for stockwater in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 14, 16 S, R. 3 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Owyhee Chronicle, Homedale, Idaho, on August 7 and August 14, 1969.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

I, Everett A. Colley, being first duly sworn, depose and say:

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

2. That during the time of the publication of the notice herein after mentioned, I was and now am the printer or publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice

NOTICE OF APPLICATION FOR WATER

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement

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

Aug. 7, 1969

Aug. 14, 1969

(Signed) Everett A. Colley

Subscribed and sworn to before me this 14th day of Aug.
A. D., 1969

Evelyn S. Colley
Notary Public in and for the State of Idaho

residing at Homedale, Idaho.

My commission expires 2-6, 1972

*Bill submitted
8-15-69*

55-7004

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 55-7004 Priority July 23, 1969 Amount 12 acre feet

THIS IS TO CERTIFY, that PETAN COMPANY OF NEVADA, INC.
of Tuscarora, Nevada, has complied with the terms and conditions of Permit
No. 55-7004 issued pursuant to Application for Permit dated July 23, 1969,
and has submitted proof to the Department of Water Resources on January 16, 1974,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the storage of 12 acre feet of water from unnamed intermittent stream,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from Jan 1 to Dec 31	at - cfs and	12 acre feet
	from	cfs and	
	from	at cfs and	

Subject, however, to the condition that no more than 12 acre feet of water be stored at any one time, and
that the amount of water so stored and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
12 acre feet per year, said waters to be diverted within the NE 1/4 NE 1/4 of Sec. 14,
Twp. 16 S, Rge. 8-W, B. M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 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	
16 S	3 W	14													

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
January, 19 76.

Director

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT
C. H. Jackson, Jr. and Ann G. Jackson, his wife, a co-partnership
I, d/b/a Petan Company, hereby assign to Petan Company of Nevada,
of Tuscarora, Nevada 89834 Inc.

Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 55-7004
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 7 day of January, 1974.
C. H. Jackson, Jr. and Ann G. Jackson, his wife, a co-partnership
d/b/a Petan Company

by C. H. Jackson, Jr.
Permit Holder
C. H. Jackson, Jr.

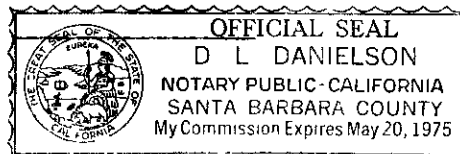
by Ann G. Jackson
Spouse of Permit Holder
Ann G. Jackson

State of California)
County of Santa Barbara) ss.

On this 7th day of January, 1974, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

D. L. Danielson
Notary Public residing at

My commission expires:



55 7004

Identification No. 55-7004
Application No. _____

LICENSE ISSUED FOR 12 AF
LICENSE PAGE NO. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

APPROVED

ASSIGNED TO: PETAN COMPANY OF NEVADA,
Tuscarora, NV 89834 INC.

1 Name of applicant Petan Company - YR Ranches
post office address Tuscarora, Nevada

2 Source of water supply unnamed intermittent stream which is a tributary of _____

3 a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14 Township 16 S
Range 3 W B.M. Owyhee County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 12 ac. ft. stock water purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. _____ cubic feet per second and/or

b. 12 acre feet per annum.

6 Proposed diverting works

a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam 4 ft. freeboard; length 400'
12' including active reservoir capacity 12 acre feet; total reservoir
capacity 12 acre feet, materials used in storage dam earth fill

Period of year during which storage will occur November 1 to April 30 inclusive.
(Mo. Day) (Mo. Day)

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

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

b. Estimated construction cost is \$ 2,900.

8. Description of proposed uses:

a. If water is **not** for irrigation same as point of diversion

(1) Give the place of use of water same as point of diversion $\frac{1}{4}$ of $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

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

(3) List number of each kind of livestock to be watered 350 cattle

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

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

55-7004

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

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes_____

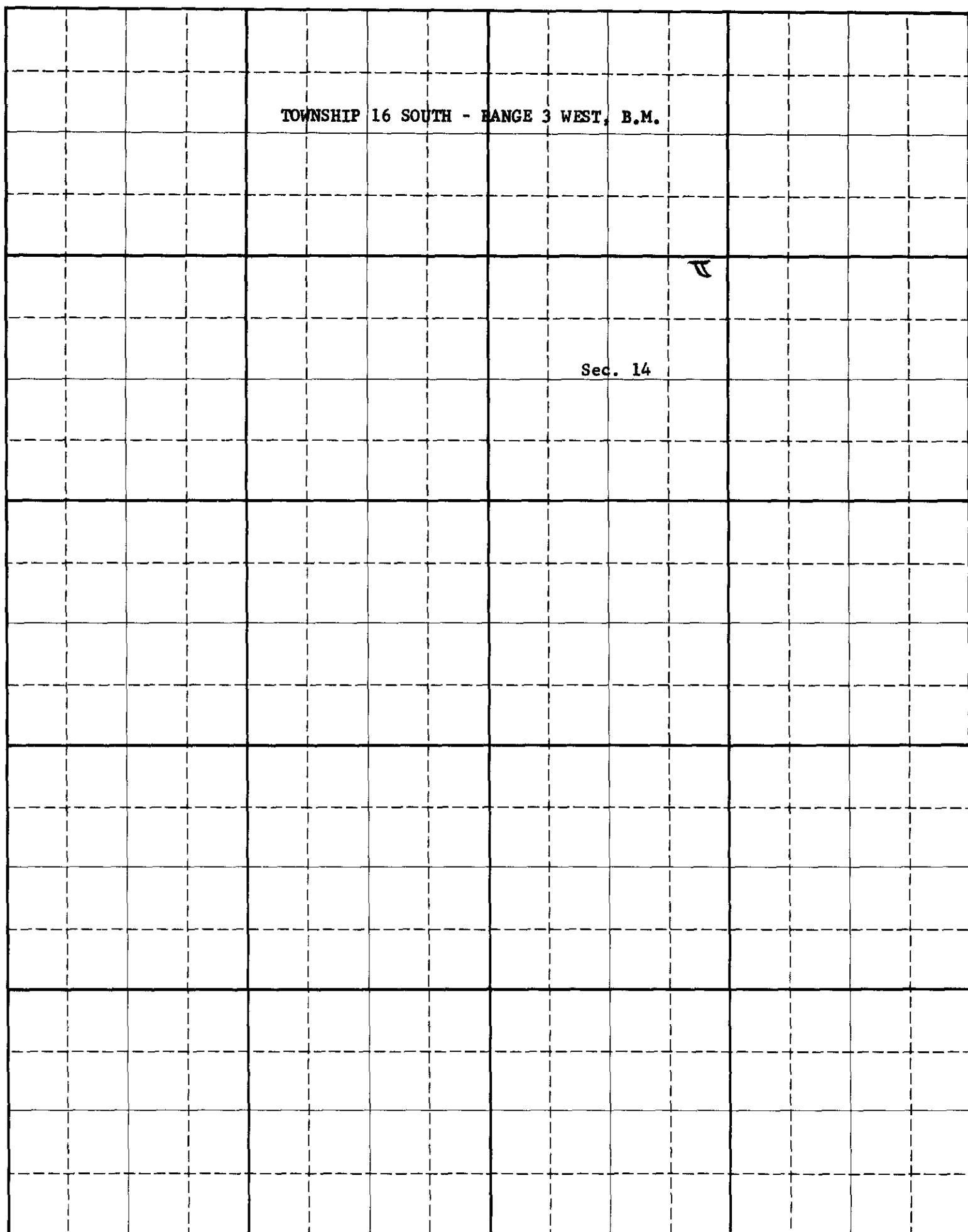
9 a. Who owns the property at the point of diversion U. S. Government

b. Who owns the land to be irrigated or place of use same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing U.S. B.L.M. Cooperative Agreement

10. Remarks _____

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

PETAN COMPANY -YP RANCHES

BY: John M. Dewar
(Applicant) John M. Dewar, Manager

55-7004

Received by ef Date 7-23-69 Time 11:00 am
Preliminary check by DW Fee \$ 10.00
Receipted by ef Date 7-24-69 Rec'd # 3379
Publication prepared by dw Date 7-28-69
Published in Owyhee Chronicle
Publication dates 8-7-14-69
Publication approved dw Date 8-7-69
Priority reduced to _____ Reason _____

Protests filed by Alvin Glen Livingston
Director's So. Board of Control -
Owyhee Project
Copies of protests forwarded by _____
Hearing held by _____ Date Withdrawn
Recommended for approval denial by DW
AED

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 55-7004, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions.
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 75.
 - c. Other. _____

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

Witness my hand this 8th day of June 19 70.

R. Kent Higgins
State Reclamation Engineer

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
COUNTY OF OWYHEE) ss

Notary Public

I, Everett A. Colley, being first duly sworn, depose and say:

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

2. That during the time of the publication of the notice herein-after mentioned, I was and now am the printer or publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice

NOTICE OF APPLICATION FOR WATER

.....
of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement

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

Aug. 7, 1969

Aug. 14, 1969

(Signed) Everett A. Colley

Subscribed and sworn to before me this 14th day of Aug.
A D., 1969

Evelyn S. Colley
Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires 2-6, 1972.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Kerth Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 23, 1976

Re: Permit Nos: 55-7003
55-7004

R-1177/55-2204
R-1178/55-2205
R-1179/55-2206
R-1181/55-2207

Petan Company of Nevada, Inc.
Tuscarora,
Nevada 89834

Gentlemen:

Enclosed herewith are copies of your water licenses issued on the above referenced permits.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:rb

Enc.



FIELD REPORT

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions: _____

Measuring device required yes ☐ no ☒

- [illegible]

TOTAL ACREAGE

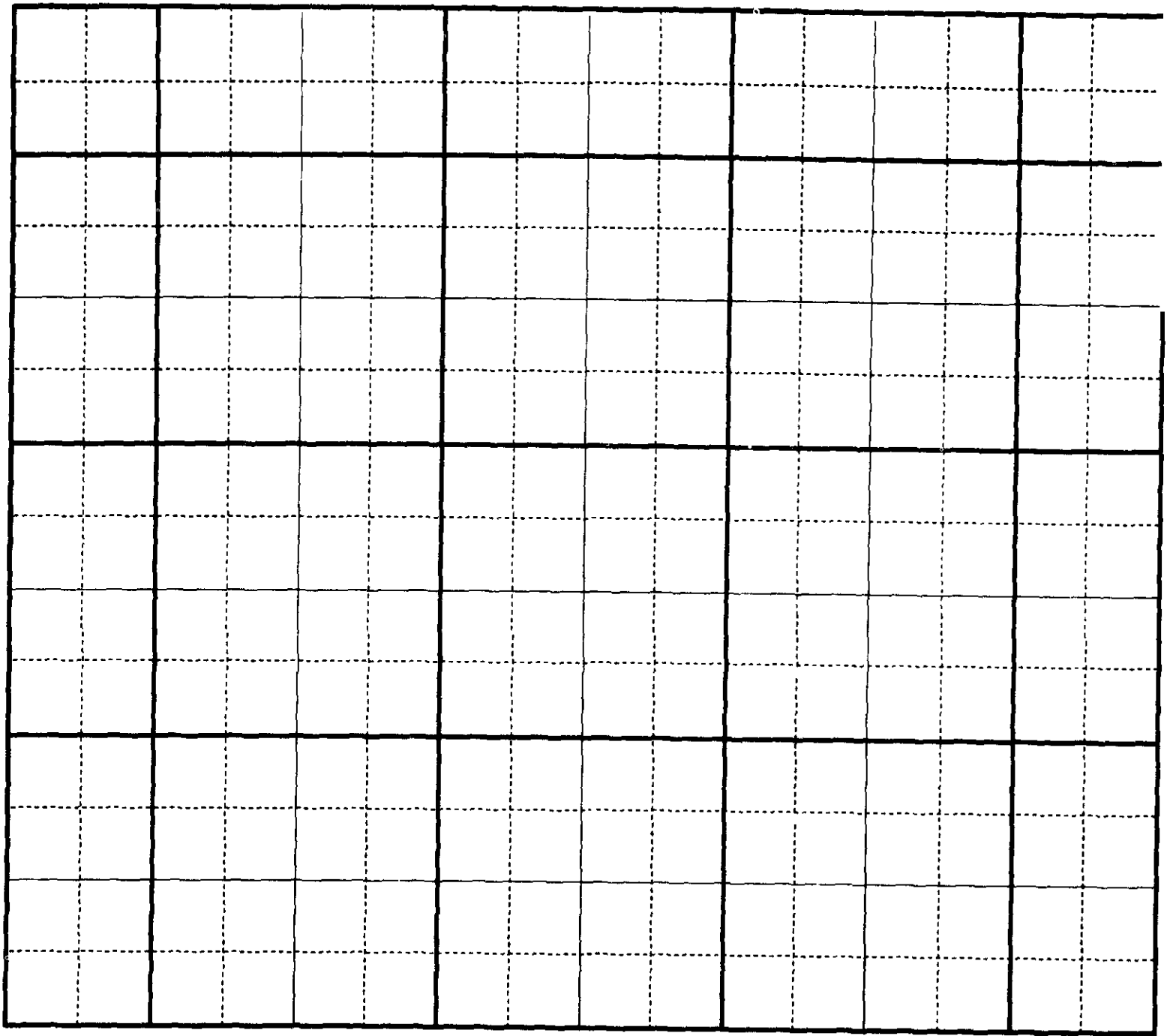


Diagram of System

ATTACHED SHEET

(1) Location of Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp. 16
South, Range 3 West.

Capacity of Reservoir: 12 acre feet.

Area of High Water Line: 2 acres.

Description of Dam: Top length - 400 ft.;
Spillway - 20 ft.; top
width - 24 ft.; back
slope - 12 ft. slope 3-1;
Face - 12 ft. slope 3-1;
Freeboard - 4 ft.

Backwater: 400 feet.

Cost of Reservoir: \$2,900.

DATE OF EXAM 19 Aug 75

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= 12 AF/Ann. from 1/1 to 12/31

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 12 AF Method of measurement Est Res. Capacity

Total Q recommended 12 AF Meter No. _____ Type _____ Condition _____

Total V recommended 12 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

see Attached sheet

SYSTEM DESCRIPTION:

see Attached sheet

REMARKS:

I met w/ Paton Co Representative and then
w/ Mr. Joe Thackeray - He takes care of the
water rights for the Co. From these men and
information provided (Maps) we determined location
and cap.

Examiner's Signature Quinn E Ballen Date 10 Aug 75

Checked by THA Date 12-3-75

Approved by _____ Date _____

July 19, 1974

Petan Company of Nevada, Inc.
Tuscarora, Nevada 89834

Re: 55-2204, 2205, 2206, 2207/and 55-7003, 7004

Gentlemen:

As you are aware we must make an inspection before a water right license can be issued. I would like to inspect the above referenced permits, however, the area and distance to the points listed creates a transportation problem. I understand that your organization has offered to provide air transportation over the areas that are in question so we can visually verify the existence of the dams and reservoirs.

If possible I would like to accompany your crew on any flights over these areas, complete the examinations, and finalize your water rights.

Very truly yours,

ERVIN E. BALLOU
W. R. Technician II

EEB:cla

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

January 17, 1974

Re: Permit No.'s 55-2204, 55-2205, 55-2206, 55-2207, 55-7003, 55-7004 & 55-7005

Petan Company of Nevada, Inc.
Tuscarora,
Nevada 89834

Gentlemen:

We acknowledge receipt of the assignments conveying the above referenced permits to you. The assignments have been recorded, and the Department's records changed.

We also acknowledge receipt of the affidavits submitted as proof for Permit No.'s 55-2204, 55-2205, 55-2206, 55-2207, 55-7003, and 55-7004.

Before licenses can be issued, field examinations must be made by a representative of this Department. We cannot tell just when these examinations will be made, but our examiner will try to contact you at the time he makes the examinations so that you may show him the systems.

If you have any questions concerning these matters, please do not hesitate to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC

cc: Joseph J. Thackaberry
Land Management Consultant

55 7004

Identification No. _____

Permit No. 55-7004

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JUN 15 1974

Department of Water Administration

1. a) Name of Permit Holder Petan Company of Nevada, Inc.
b) Post Office Address Tuscarora, Nevada 89834
2. Permit Number 55-7004
3. Date of Priority that you are prepared to establish 7/23/69
4. a) Source from which water was appropriated unnamed intermittent stream.
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 14
Township 16S, Range 3W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 12 ac. ft. for livestock water purposes from 1/1 to 12/31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 12 acre feet 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: Calculated from reservoir description and dimensions.
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: Improvement covered by Bureau of Land Management Cooperative Agreement
b) Describe the agreement or understanding by which you take water from the works: Livestock licensed by Bureau of Land Management.
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) Dams and Reservoirs - see attached description.
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed _____

Exam typed 4/18/74 by jc

55 7004

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

[illegible]

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.
PETAN COMPANY OF NEVADA, INC.

1-7-74
(Date)

by Art Jacobowitz
(Signature) President

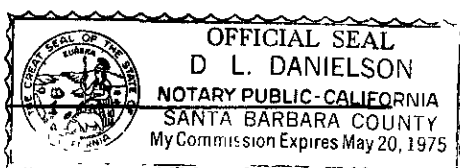
1-8-74
(Date)

by [Signature]
(Signature) Secretary

State of California)
County of Santa Barbara) ss.

On this 7th day of January, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

D. L. Danielson
Notary Public residing at _____



My commission expires

JOSEPH J. THACKABERRY
LAND MANAGEMENT CONSULTANT

(208) 345-0975

January 15, 1974

RECEIVED
JAN 16 1974
528 Idaho Building
P O Box 1405
Boise, Idaho 83701
Department of Water Administration

Mr. R. Keith Higginson, Director
State of Idaho Dept. of Water Admin.
614 State Street
State House No. 2
Boise, Idaho 83720

Dear Mr. Higginson:

Enclosed herewith please find Assignment of Permits
as follows:

- (1) Permit No. 55-7003.
- (2) Permit No. 55-7004. ✓
- (3) Permit No. 55-7005.
- (4) Permit No. 55-2204.
- (5) Permit No. 55-2205.
- (6) Permit No. 55-2206.
- (7) Permit No. 55-2207.

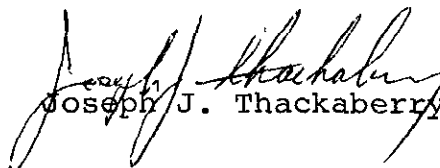
Also enclosed herewith please find Proof of Application
of Water to Beneficial Use for the following permits:

- (1) Permit No. 55-2204.
- (2) Permit No. 55-2205.
- (3) Permit No. 55-2206.
- (4) Permit No. 55-2207.
- (5) Permit No. 55-7003.
- (6) Permit No. 55-7004.

Should you have any question on any of the above
documents, please feel free to contact me. I would
appreciate your sending me a copy of any correspondence
you may have relating to the above permits.

Thank you in advance for your consideration in this
matter.

Very truly yours,


Joseph J. Thackaberry

55 7004

JJT/bm
Enclosure
CC: Mr. Mike Chrisman

June 11, 1970

Re: Permit Nos. 55-7003, 55-7004 & 55-7005

Petan Company - YP Ranches
Tuscarora,
Nevada

Gentlemen:

Enclosed are copies of your approved Applications for Permit Nos. 55-7003, 55-7004 & 55-7005. We direct your attention to the condition of approval on the fourth page under approval of the State Reclamation Engineer on Permit No. 55-7005 only.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosures: Copies of permits
Receipt No. 3379 for \$50
1 informational letter

cc. Anderson, Kaufman, Anderson & Ringert
Attn: Eugene H. Anderson
P.O. Box 2773
Boise, Idaho 83701

55-7004

May 13, 1970

C
O
P
Y

Mr. Tom Cotton, Secty-Mgr.
Gem Irrigation District &
South Board of Control, Owyhee Project
Homedale, Idaho 83628

Dear Mr. Cotton:

Would you please advise us within 20 days of your intent in the matter of your protest to the approval of the Petan Company - YP Ranches applications for permit. As the applications now stand, your protest has been withdrawn on the basis that no further permits for stockwatering purposes will be required. Since this is not true, we would appreciate being advised as to whether or not you intend to reinstate your protest or if you no longer have any objections to the approval of the applications.

If we have not heard from you within the above stated length of time, we will consider your protest withdrawn and will continue to process the applications.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh
cc. Petan Company - WP Ranches
Tuscarora, Nevada

35-7004

ANDERSON, KAUFMAN, ANDERSON AND RINGERT

LAWYERS

IDAHO BUILDING

BOISE, IDAHO 83701

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

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

September 9, 1969

Mr. Keith Higginson
State Reclamation Engineer
State Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit Nos. R-1177, R-1178, R-1179 and
R-1181, and Application Nos. 55-7003,
55-7004 and 55-7005
Petan Company - YP Ranches

Dear Mr. Higginson:

I write for Petan Company.

Reference is to the letter to you, dated August 27, 1969, from Tom Cotton as Manager of Gem Irrigation District and of The South Board of Control, Owyhee Project. Mr. Cotton by his letter withdrew the protests of the Irrigation District and South Board of Control to the permits and applications captioned above.

Mr. Cotton, in the last paragraph of his letter, makes the following statement:

"The basis for this withdrawal is a statement made by Mr. Harley McDowell, agent for Petan Company, YP Ranches; and confirmed by Mr. Pete Jackson, operator of Petan Company, YP Ranches, that these permits are all for stock watering and they are the last that will be constructed for such purpose."

Mr. Cotton's statement is in error.

I have discussed the matter with Mr. McDowell. He indicated to Mr. Cotton that he thought there were no more earthen stock water reservoirs to be filed on, but he certainly did not

55-7004

Mr. Keith Higginson

-2-

September 9, 1969

intend to represent that there would be no further livestock reservoirs or watering tanks or water developments in the Garat unit.

As a matter of fact, the Bureau of Land Management is developing very extensive management plans for the Garat unit, which includes water development for livestock.

C. H. Jackson, who operates Petan Company, made no representations.

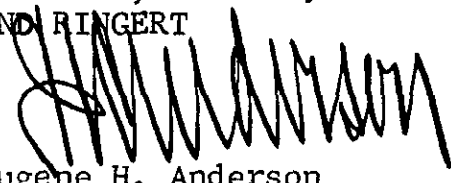
I was present at the same conference at which Peter Jackson was present. He did not make any representations whatever with respect to the Petan Company reservoirs.

If the above quoted statement of Mr. Cotton is the basis for withdrawal of the protests of Gem Irrigation District and South Board of Control, Owyhee Project, then I believe it only proper that the protests be reinstated and the matters taken to hearing.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON
AND RINGERT

By


Eugene H. Anderson

EHA:ij

cc: Mr. Maurice H. Greene
Mr. Tom Cotton
Mr. Harley McDowell
Mr. C. H. Jackson, Jr.

55-7004

RECEIVED

SEP 8 1969

Department of Reclamation

4 September 1969

Mr Tom Cotton
Secretary-Manager
Gem Irrigation District
South Board of Control, Owyhee Project
Homedale, Idaho

Dear Mr. Cotton:

Following up our conversation yesterday morning on the telephone, I want to confirm that Petan Company is completely dissatisfied with the last paragraph in your letter of August 27th addressed to Mr. Keith Higginson, State Reclamation Engineer and I hereby quote:

"The basis for this withdrawal is a statement made by Mr. Harley McDowell, agent for Petan Company, YP Ranches; and confirmed by Mr. Pete Jackson, operator of Petan Company, YP Ranches, that these permits are all for stock watering and they are the last that will be constructed for such purposes. Furthermore most of the sites are located in areas where the water would never reach a flowing stream."

The only accurate part of this paragraph is the last sentence, "Furthermore most of the sites are located in areas where the water would never reach a flowing stream."

I have referred this matter to our attorney, Mr. Eugene Anderson, and you will be hearing from him shortly, I am sure. It is my desire that this erroneous paragraph be corrected so that all those concerned will have a proper record. In other words, no statement was made by any representative of the Petan Company and certainly not confirmed by me as operator of the Petan Company, YP Ranches, that the protest covering the existing water holes was being withdrawn by you because they are to be the last that will be constructed for such purposes. At this time we have no intention of constructing further water holes but, certainly, the permit for the existing ones should not be dependent on what might be deemed necessary in the future.

55-7004

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 5, 1969

Re: Permit Nos. R-1177, R-1178, R-1179, R-1181
Application for Permit Nos. 55-7003, 55-7004, 55-7005

Petan Company - YP Ranches
Tuscarora,
Nevada

Gentlemen:

Enclosed is a copy of the letter received on August 28, 1969, by this Department from Tom Cotton, Sec'y.-Mgr., Gem Irrigation District and South Board of Control, Owyhee Project, withdrawing the protest on the above referenced permits and applications for permits.

Following is the present status of said permits and applications for permits:

R-1177)	
R-1178)	Proof of application of water to beneficial
R-1179)	use due on or before February 18, 1974.
R-1181)	
55-7003)	Cannot be approved until such time the Department
55-7004)	receives notice of allowance of desert entries
55-7005)	from the Bureau of Reclamation.

If we may be of further assistance in any way, please feel free to contact the Department at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Copy of protest withdrawal letter

55-7004

August 27, 1969

Re: Applications for Permit Nos. 55-7003, 55-7004, and 55-7005
Petan Company - YP Ranches

Owyhee Chronicle
20 East Idaho Ave.
Homedale, Idaho 83628

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced. The legal notice was to be published in your paper on August 7th and 14th, 1969.

As the above permit cannot be approved until we are in receipt of the affidavit, please help us to serve our customers.

May we please hear from you by return mail.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc

55-7004

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 19, 1969

Re: Permit Nos. R-1177, R-1178, R-1179, & R-1181
Petan Co. - YP Ranches

South Board of Control and Gem Irrigation District
Tom Cotton, Secretary
Homedale, Idaho 83628

Dear Mr. Cotton:

Please be advised that on August 19, 1969, the Department of Reclamation received a signed stipulation from the legal counsel for the permit holder and protestant for the above referenced permits.

The Department of Reclamation hereby agrees to vacate the hearing set for August 26, 1969, at 10:00 a.m., in favor of an informal conference to be held at 1:30 p.m., August 26, 1969, in the office of the State Reclamation Engineer, Statehouse Annex 2, Boise, Idaho.

If the matters of the protest are not resolved, the Department of Reclamation shall have the option to schedule a formal conference and/or hearing to resolve the matters at hand.

Enclosed is a copy of the protest received against the application for permit Nos. 55-7004 and 55-7005. It is the request of the State Reclamation Engineer that the matters of the protests also be discussed at the above scheduled informal conference.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:DWM:kh
Enclosure

*This letter was also sent to Petan Co. - YP Ranches,
Eugene Anderson & Idaho Land & Appraisal*

55-7004

South Board of Control, Owyhee Project

HOMEDALE, IDAHO

337-3760

AUG 18 1969

FELISA ISAGUIRRE

TREASURER

Department of Reclamation
F. H. COTTON

August 18, 1969

Mr. Keith Higginson
State Reclamation Engineer
State Department of Reclamation
Boise, Idaho

Withdrawn

Dear Mr. Higginson,

The Gem Irrigation District and the South Board of Control, Owyhee Project; wish to protest the following Notices of Application for Water Application No. 55-7005, made in the name of Petan Company - YP Ranches, Tuscarora, Nevada, to store 36 acre feet of water from an unnamed stream. Water to be diverted by two dams and two reservoirs within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; (Reservoir #1) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32 (Reservoir #2) T. 15 S., R. 2 W. B. M., Owyhee County.

Application No. 55 - 7004 made in the name of Petan Company - YP Ranches, Tuscarora, Nevada to store 12 acre feet of water from an unnamed stream. Water to be diverted by dam and reservoir within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 16 S., R. 3 W. B. M., Owyhee County.

The Owyhee River and its tributaries are fully appropriated except for years when the Owyhee Reservoir fills and spills. In the past 23 years this fill and spill condition has happened six times, which includes this year. There was one span of six years when it did not fill at all, (1959 through 1964).

The Owyhee Project waterrights are filed in Oregon and have also been established for water originating in Idaho. This was verified by a letter dated September 8, 1960 from George Carter who was at that time State Reclamation Engineer.

Our storage certificate allows for 715,000 acre feet of live storage plus 420,000 acre feet of dead storage. The certificates for diversion allows for 1718 cubic feet per second.

The South Board of Control and Gem Irrigation District directors do not feel that there is sufficient water to allow anymore diversion from the Owyhee River or its tributaries.

Yours very truly,

Tom Cotton

Tom Cotton
Secty-Mgr. South Board
of Control & Gem
Irrigation District

55-7004

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 29, 1969

Re: Applications filed in connection with desert entries

Mr. Curtis Taylor, Acting Manager
BUREAU OF LAND MANAGEMENT
Idaho Land Office
Room 334, Federal Bldg.
550 W. Fort Street
Boise, Idaho 83702

Dear Mr. Taylor:

Please be advised that the following applications have been received in connection with desert entries:

<u>Desert Entry No.</u>	<u>Application No.</u>	<u>Applicants Name</u>
I-2461	47-7075	Frank King
	55-7003	Petan Company - YP Ranches
	<u>55-7004</u>	Petan Company - YP Ranches
	55-7005	Petan Company - YP Ranches
	77-7013	Rodney T. Cox

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

55-7004

**NOTICE OF APPLICATION
FOR WATER.**

Notice is hereby given that Petan Company—YP Ranches, Tuscarora, Nevada, has on July 23, 1969, applied for permit under application No 55-7004 to store 12.0 acre feet of water from an unnamed stream

Water will be diverted by dam and reservoir within the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec 14, T. 16 S, R. 3 W, B.M., Owyhee County and is to be used from January 1 to December 31 for stockwater in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec 14, 16 S, R. 3 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R KEITH HIGGINSON

State Reclamation Engineer
Published in the Owyhee Chronicle, Homedale, Idaho, on August 7 and August 14, 1969.

July 28, 1969

Re: Applications for Permit Nos. 55-7003, 55-7004 and 55-7005
Petan Company - IP Ranches

Owyhee Chronicle
20 East Idaho Ave.
Hamada, Idaho 83429

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

Signature of claimant

Very truly yours,

Donald W. McKidowney
Appropriation Examiner

BWM:DR
Enc: Legal notices (3)

55-7004

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Petan Company - YP Ranches, Tuscarora,
Nevada, has on July 23, 1969,
applied for permit under application No. 55-7004
to divert store 12.0 ////////// cubic feet per second acre feet
of water from an unnamed stream.
Water will be diverted by dam and reservoir

within the NE1/4, Sec. 14, T. 16 S, R. 3 W, B.M., Owyhee County

and is to be used from January 1 to December 31 for stockwater

in the NE1/4, Sec. 14, T. 16 S, R. 3 W, B.M.

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Owyhee Chronicle, Homedale, Idaho,

on August 7 and August 14, 1969.

55-7004