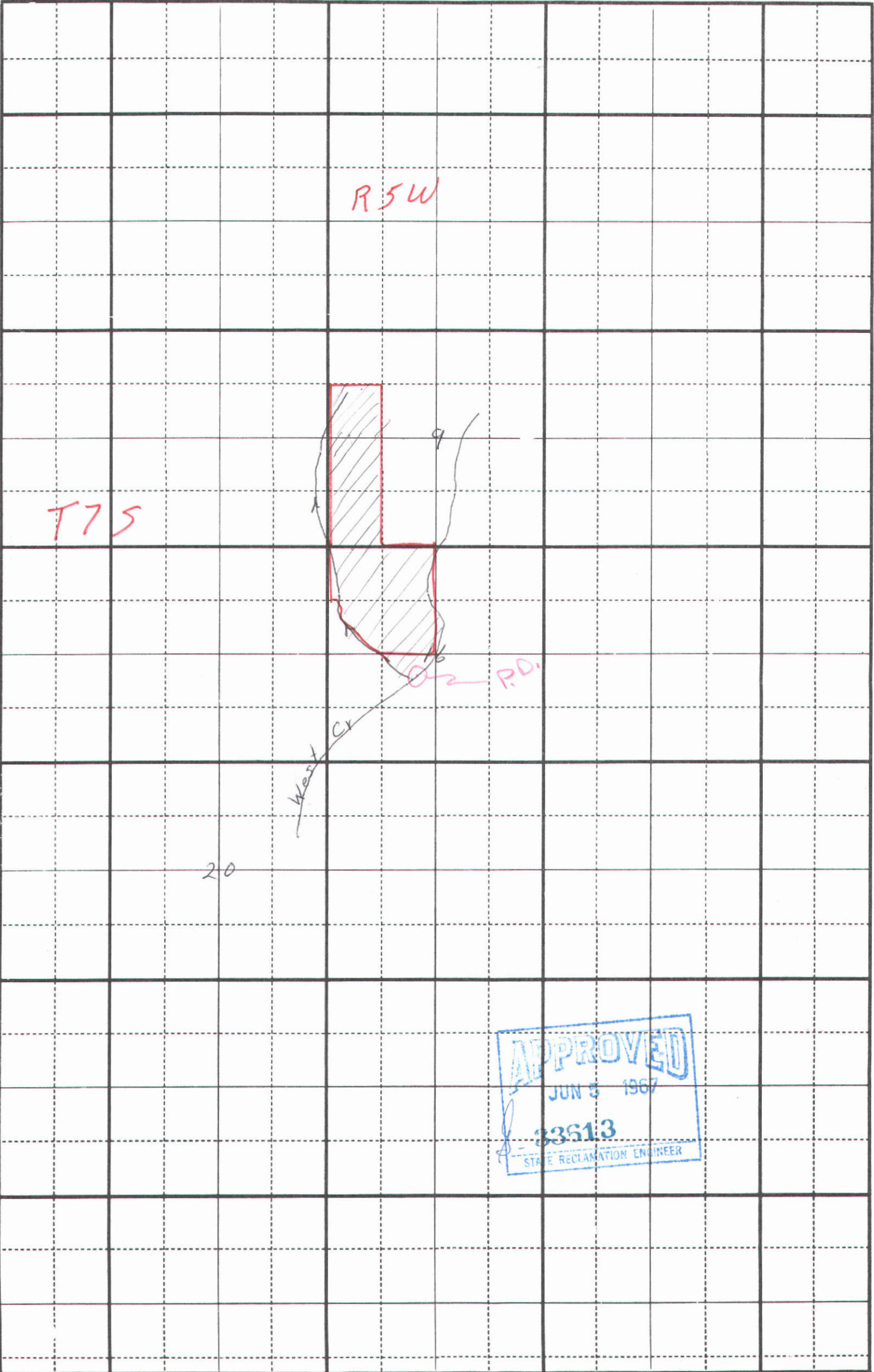


NAME OF APPLICANT

Wayne L. Berrett

Form No. 0



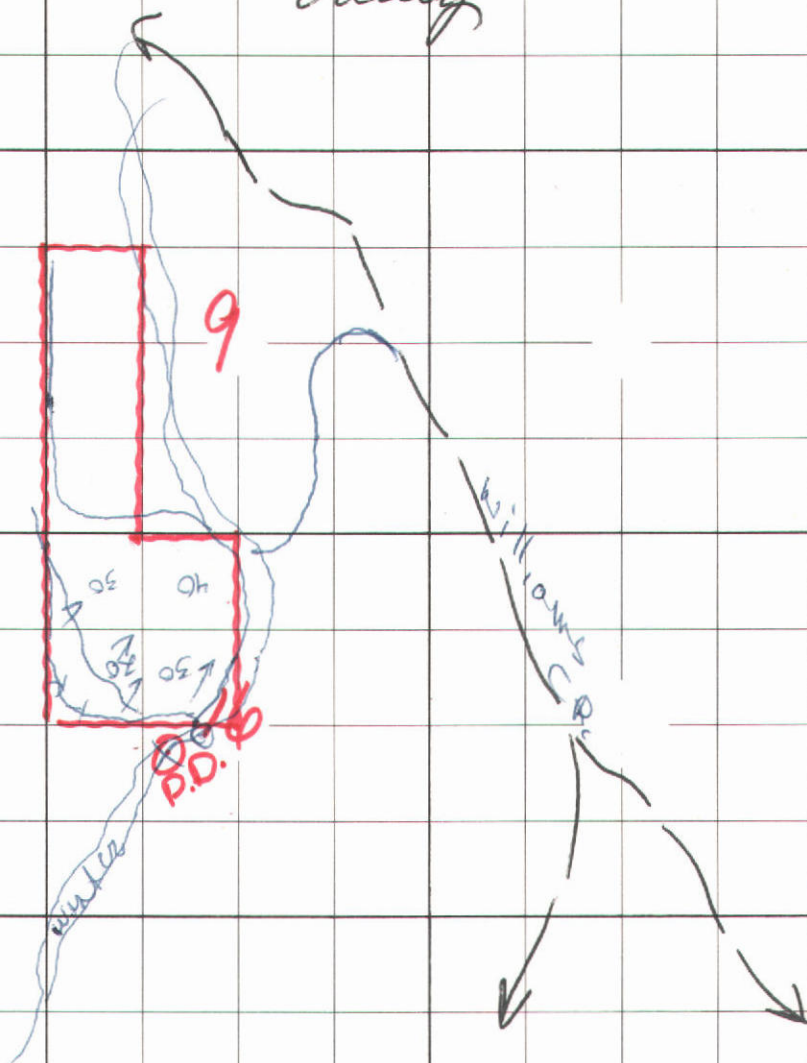
APPROVED
JUN 5 1967
33513
STATE RECLAMATION ENGINEER

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

33413

R-5W

toward Jordan Valley



T-75

Q measured .55 cfs

Q recommended 2.4 cfs

Volume 360 H/Ann

Acreage =

Found 1200

recommended 1200

Subdv. _____

Amendments

- ☐ None
- ☐ P.D.
- ☐ Place of use
- ☐ _____

**NOTICE OF PROOF OF
COMPLETION OF WORKS
AND APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that on August 4, 1967 at Homedale, County of Owyhee, State of Idaho, before notary public (name & address) F. D. McPherson, Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 5.0 c.f.s. of the waters of West Creek, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 33613, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Wayne L. Berrett, Route No 2, Nyssa, Oregon.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 5.0 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 5.0 c.f.s.

4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 7 S, R. 5 W, B. M.

5. The place where said water is used is NW $\frac{1}{4}$, Sec. 16; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 7 S, R. 5 W, B. M.

6. The date of priority which said user is prepared to establish is May 22, 1967.

R. KEITH HIGGINSON
State Reclamation
Engineer

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

I, Thomas E. Mills, 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 editor 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 PROOF OF
COMPLETION OF WORKS AND APPLICATION OF
WATER TO BENEFICIAL USE.

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

July 13, 1967

July 20, 1967

July 27, 1967

August 3, 1967

(Signed) Thomas E. Mills

Subscribed and sworn to before me this 3rd day of August
A. D., 1967

Sandra L. Mills
Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires October 27, 1969.

OCT 16 1967
Department of Reclamation

33613

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. 33613

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

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

Lerna B. Feltwell, age 52 Wife Santa mt. Idaho
post office Jordan Valley Ore.

Ques. 2 Are you acquainted with Wayne L. Berrett, the holder of

Permit No. 33613? How long have you known him and where does he reside?

Ten years Rt. 2 Nys sa, Oregon

Ques. 3. Have you read or heard said Permit No. 33613 read, and are you familiar with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: West Creek

Give location of place of diversion, showing subdivision, section, township and range

NE 1/4 SW 1/4 Sec. 16, T 7 S, R. 5 W. B. M.

Describe works for conveying water to place of use: Surveying, leveling, ditching

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 5.0 c.f.s How much water have you seen being so conveyed? 5.0 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

T. 7 S, R 5 W Sec. 16 NE 1/4 40; NW 1/4 40; SW 1/4 10; SE 1/4 w0

T 7 S, R 5 W Sec 9 SW 1/4 40; NW 1/4 40, SW 1/4 40

6 + NW 1/4 1/4 SW 1/4 1/4 of SW 1/4

33613

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Cleared of sagebrush for pasture & hay 5 Cu. ft.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? June 1967

Other times you have seen such use: several

(Signed):

Lema B. Feltwell

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

County of Owyhee, State of Idaho, on this 5th day of Sept, A. D. 1967

OK
per DMCE
10-10-67
DJ

Edm: Olson

Notary Public for the State of Idaho

Residing Homedale, Idaho.

My commission expires March 18, 1968

33613

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33613

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

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

Clifford E. Feltwell 57 yrs. South mt Idaho
Jordan Valley Ore. Rancher

Ques. 2 Are you acquainted with Wayne L. Berrett, the holder of
Permit No. 33613? How long have you known him and where does he reside?

Ten years Rt. 2 Nyssa, Oregon

Ques. 3. Have you read or heard said Permit No. 33613 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: West creek

Give location of place of diversion, showing subdivision, section, township and range
NE 1/4 Sec. 16, T 7S, R. 5 W. B.M.

Describe works for conveying water to place of use: Surveying, leveling, ditching

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 5.0 c.f.s. How much water have you seen being so
conveyed? 5.0 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

T. 7 S R 5.W Sec. 16 NE 1/4 40; NW 1/4 40; SW 1/4 10; SE 1/4 40 (of NW 1/4)

T 7S, R5.W Sec 9 SW 1/4 40; NW 1/4 40, SW 1/4 40

of NW 1/4 of SW 1/4 of SW 1/4

33613

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?
If so, in what way and to what extent? No

Other times you have seen such use: several

Clifford Feltwell

* * * * *

_____, County of Owyhee, State of Idaho, on
this 5 day of Sept, A. D. 1967

19 61
 Tom = Bkerson
 Cliff = Feltwell

Notary Public for the State of Idaho

Residing Homestead, Idaho

My commission expires March 18 1968

OK D McE.
per 10-10-67
DJ

33613

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 33613/55-2161 Priority May 22, 1967 Amount 2.40 cfs

THIS IS TO CERTIFY, that WAYNE L. BERRETT
of Nyssa, Oregon, has complied with the terms and conditions of Permit
No. 33613/55-2164 issued pursuant to Application for Permit dated May 22, 1967,
and has submitted proof to the Department of Water Administration on August 4, 1967,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 2.40 cfs of water from West Creek,
tributary to Williams Cr. & Owyhee River, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.40</u> cfs and	<u>360 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.40 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
360 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16,
Twp. 7 S, Rge. 5 W, B. M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				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 $\frac{1}{4}$	
7 S	5 W	16					40	30	20	30									120

Total number of acres irrigated 120

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 21 day of
January, 19 74.

Director

55 2161

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

55-
211

APPLICATION No. 41870
PERMIT No. 33613
DISTRICT No.

1. Name of Applicant: **Wayne L. Berrett**

Postoffice address: **Route #2, Nyssa**

County: **Malheur**

State: **Oregon**

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: **5.0** cubic feet per second.

3. Source of water supply: **West Creek** which is a tributary of **Williams Creek & Owyhee River.**

4. Location of point of diversion: **NE 1/4 SW 1/4** feet distant from the

corner of Section **16**, T. **7 S**, R. **5 W**, B.M., and is in the

of section **16**, T. **7 S**, R. **5 W**, B. M., County of **Owyhee**

5. Water is to be used for **irrigation**

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

(a) Point of use of water: **NE 1/4 SW 1/4** feet distant from **NE 1/4 SW 1/4** corner of Section

T. 7 S, R. 5 W, B.M., in the **NE 1/4 SW 1/4** of Section of **T. 7 S, R. 5 W, B.M.**

(b) Amount of power generated: **5** H.P., under **10** feet head.

(c) Water is to be returned to **NE 1/4 SW 1/4** at a point **10** feet

distant from the **NE 1/4 SW 1/4** corner of Section **16**, T. **7 S**, R. **5 W**, B.M., in the **NE 1/4 SW 1/4** of Section **16**, T. **7 S**, R. **5 W**, B.M.

7. Estimated cost of works: \$ **150.00**

8. Kind of works: **Ditches and diversion works**

9. Height of dam **10** feet; length of dam at top **100** feet; length of dam at bottom **100**

feet; material used in dam:

10. Size of headgate: Width **10** feet; height **10** feet.

11. Ditch: Width at bottom **2** feet; width at water line **3** feet; depth of water **1** feet;
dimensions of flume:

Diameter of pipe **12** inches; length of conduit **1 1/4** miles.

Average grade per mile **5** feet.

12. The time required for the completion of such work is **1** years.

13. The time required for the complete application of the water to the proposed use is **-0-** additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

Use claim to same source.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ WAYNE L. BERRETT Applicant.

By Agent.

Date of first receipt at Department of Reclamation: May 22, 1967 9:45 A.M..

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33613

Recorded in Book 117 Page 33613 Approved June 5, 1967

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before August 5, 1967 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 5, 1967

The whole of said work to be completed on or before June 5, 1968

Beneficial use of water appropriated in accordance herewith, to be made on or before June 5, 1968

WITNESS My hand this 5th day of June, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, DON SAMUELSON, Governor of the State of Idaho,

and PETE T. CENARRUSA, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th

day of June, 1967.

STATE OF IDAHO

Countersigned:

(SEAL)

By /s/ PETE T. CENARRUSA
Secretary of State.

By /s/ DON SAMUELSON
Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	5 W	16 9					40	40	10 40	40		40	40						130 120
Total number of acres to be irrigated:																			250

LICENSE ISSUED FOR 240 SEC. FT.
LICENSE PAG. NO.

ACKNOWLEDGEMENT

33613

Date: May 22-1967

Re: Application No. 41870

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. 41870, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed:

Wayne L. Burnett

Applicant

33613

Address all communications to

Form No. 1
5M 1-65

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41820
Permit No. 33513
District No. _____

RECEIVED
MAY 22 1967
9:45 A.M.
Department of Reclamation

1. Name of Applicant: Wayne L. Berrett
Post Office address: Rt # 2 County Malheur State Oregon
Nyssa, Ore.

If applicant is a corporation, give:

- (a) Date and place of incorporation: _____
(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____
(d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ _____
(b) Treasury stock: _____ (c) Bonds to be issued: _____
(d) Other resources: _____

2. Quantity of water claimed: 5 cubic feet per second
3. Source of water supply: West Creek
which is tributary of Williams Creek & Owyhee River
4. Location of point of diversion: _____ feet distant from the _____ corner
of Section _____, Twp. _____, Rge. _____, B. M., and is in the NE 1/4 SW 1/4
of Section 16, Twp. 7S, Rge. 5W B.M., County of Owyhee
5. Water is to be used for: Irrigation

6. If for any non-irrigation purpose, give:

- (a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, B. M.
(b) Amount of power generated: _____ H. P., under _____ feet head.
(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$150.00
8. Kind of works: Ditches & diversion works
(Reservoir, dam, ditch, flume, pipe, etc.)
9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____
feet; material used in dam _____
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for
Regulations.)
10. Size of headgate: Width _____ feet; Height _____ feet
11. Ditch: Width at bottom 2 feet; Width at water line 3 feet; Depth of water 1 feet;
Dimensions of flume _____; Diameter of pipe _____ inches;
Length of conduit 1 1/4 miles. Average grade per mile 5 feet.

16. (a) Is reservoir to be used? *no* (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks:

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

.....
 Applicant

By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO) ss.
County of .)

On this day of, 19...., before me, a Notary Public for the State of Idaho, residing
at, personally appeared.....
known to me to be the person.... whose name.... .. subscribed to the foregoing certificate, and acknowledged
to me that he. executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires

Notary Public.

→ 3.6/3

Approval of State Reclamation Engineer

The number of this permit is **33613**

Recorded in Book **117** Page **33613** Approved **JUN 5**
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed before

Work to begin on or before **August 5, 1967**, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **December 5, 1967**

The whole of said work to be completed on or before **June 5, 1968**

Beneficial use of water appropriated in accordance herewith, to be made on or before **June 5, 1968**

Witness my hand this **5th** day of **June**, 19 **67**

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, **DON SAMUELSON** Governor of the State of Idaho,

and **PETE T. CENARRUSA** Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this **5th** day of **June**, 19 **67**

Countersigned

STATE OF IDAHO

By ..

Pete T. Cenarrusa
Secretary of State.

By ..

Don Samuelson
Governor.

No. **33613**

PERMIT

Date of first receipt at office of State
Reclamation Engineer

May 22, 1967 9:45 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ **6.00**

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. **\$5.00**

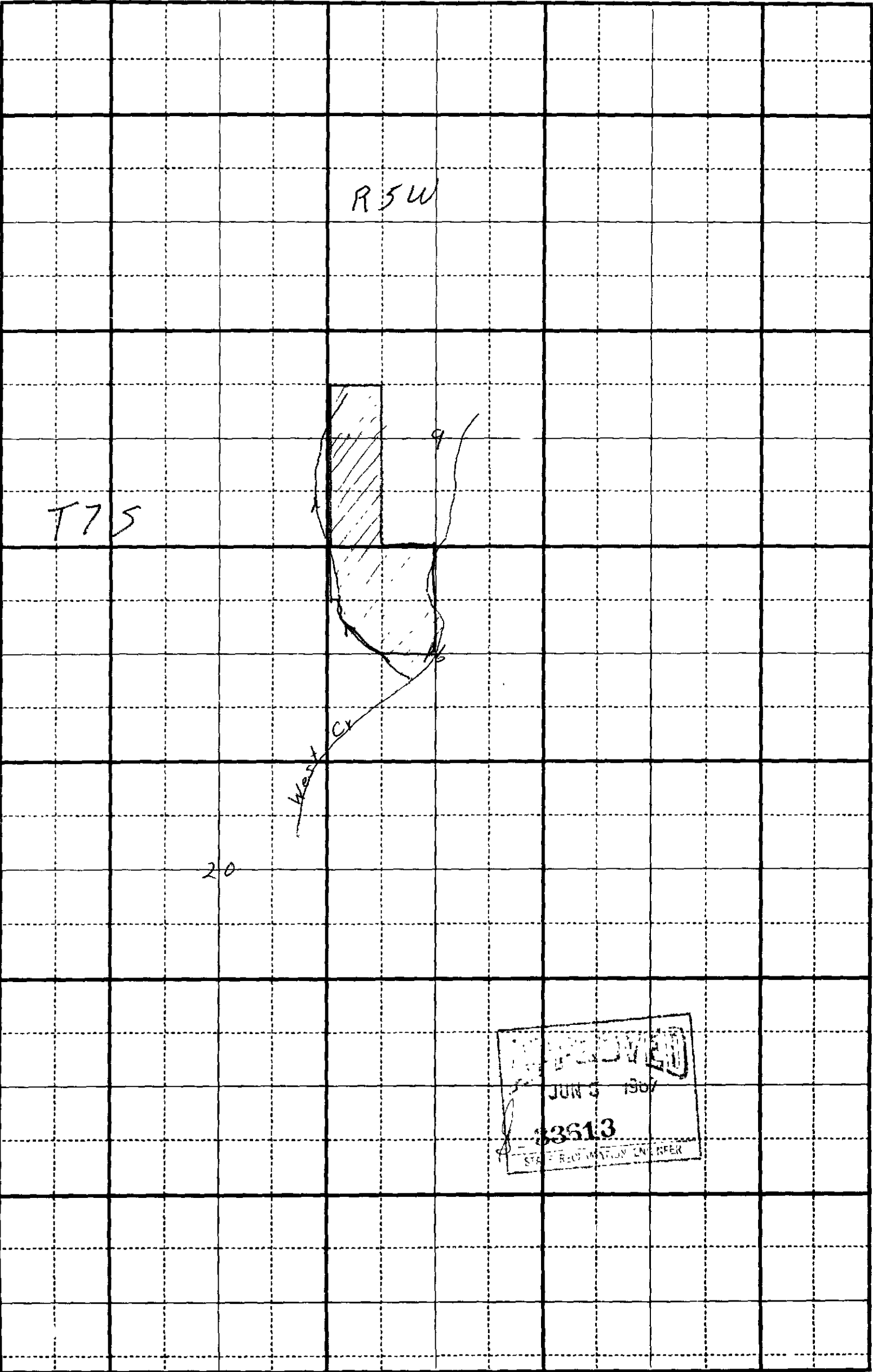
For each additional Sec. Ft. or Fraction

Thereof **25**

33613

NAME OF APPLICANT Wayne L. Berrett

Form No. 0



APPROVED
JUN 3 1967
33513
STATE RECONSTRUCTION ENGINEER



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 10, 1986

Dean W. and Elaine B. Duckett
P. O. Box 336
Jordan Valley, OR 97910

Dear Mr. and Mrs. Duckett

RE: Claim 55-4063 and License No. 55-2161

As requested in your conversation with David R. Tuthill and your letter of April 3, 1986, we have changed our data records to reflect Dean W. Duckett and Elaine B. Duckett as present owners of Claim 55-4065 and License 55-2161.

Your letter and copy of "Bargain and Sale Deed" have been placed in file.

If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

ROBERTA GARRETT
Records Supervisor

RECEIVED

RECEIVED
APR 3 1986

Department of Water Resources
Western Regional Office

P.O. Box 336
Jordan Valley, OR. 97910
April 3, 1986

Mr. David Tuthill *DT*
Water Resources - Western Region
450 West State
Boise, Idaho 83702

Dear David:

As per our phone conversation, I am writing to request that our names be recorded as the current owners of the land for which the legal description is enclosed.

The FHA has requested a current status of the water rights, so if you will mail us a copy for our records and one for them, we will see that the verification gets to them.

Thank you for your cooperation in this matter, and if you have any questions concerning this, please call us at our home, 208-583-2432

Sincerely,

Elaine B Duckett

Dean W. and Elaine B. Duckett

DWD:ed

RECEIVED
APR 3 1986

BARGAIN AND SALE DEED

For value received, ELAINE B. DUCKETT, does hereby bargain, sell, and convey unto DEAN W. DUCKETT and ELAINE B. DUCKETT, husband and wife, whose current address is Idaho Side, Jordan Valley, Oregon, Grantee, the following described premises, together with their appurtenances:

Land in Owyhee County, Idaho, as follows:

Township 7 South, Range 5 West, Boise Meridian, Idaho:

Section 5, SE1/4SE1/4

Section 8, E1/2NE1/4, NE1/4SE1/4, that portion of the SE1/4SE1/4 lying north and east of a line running from the northwest corner thereof in a straight line to the southeast corner thereof

Section 9, SW1/4NE1/4, SE1/4NW1/4, W1/2W1/2, E1/2SW1/4, W1/2SE1/4, SE1/4SE1/4

Section 16, W1/2

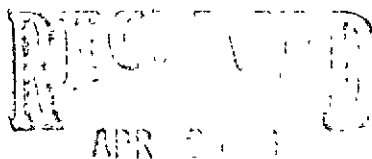
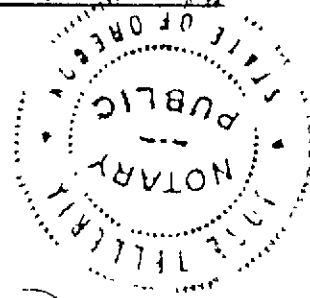
Dated this Dec 20 day of _____, 1984.

Elaine B. Duckett
Elaine B. Duckett

STATE OF OREGON)
 : ss
County of Malheur)

The foregoing instrument was acknowledged before me this 20th day of Dec, 1984, by Elaine B. Duckett.

Jose Telleria
Notary Public for Oregon
My commission expires: 7-30-87



January 23, 1974

Re: Permit No. 33613/55-2161

Wayne L. Berrett
Route 2
Nyssa, Oregon

Dear Mr. Berrett:

Enclosed herewith is a copy ~~of~~ the water license issued on the above referenced permit.

We are also enclosing Receipt #13501 in the amount of \$13.00 covering the licensing fee for the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

55 2161

December 14, 1973

Re: Permit No. 33613/55-2161

Wayne L. Berrett
Route 2
Nyssa, Oregon

Dear Mr. Berrett:

A representative of this Department has made an examination of the works covered by your Permit No. 33613/55-2161 and has found the following:

Quantity of water diverted: 2.40 cfs Source: West Creek

Amount of water that can be recognized as beneficially used under Idaho law: 2.40 cfs

The maximum quantity of water diverted shall not exceed 360 acre feet per season.

Beneficial use: For irrigation of 120 acres within the NW $\frac{1}{4}$, Sec. 16, Twp. 7 S, Rge. 5 W

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 7 S, Rge. 5 W, B.M.

The priority date established is: May 22, 1967

A fee totaling \$ 13.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth above.

If you do not concur with these findings, please contact this office within the 30 day period.

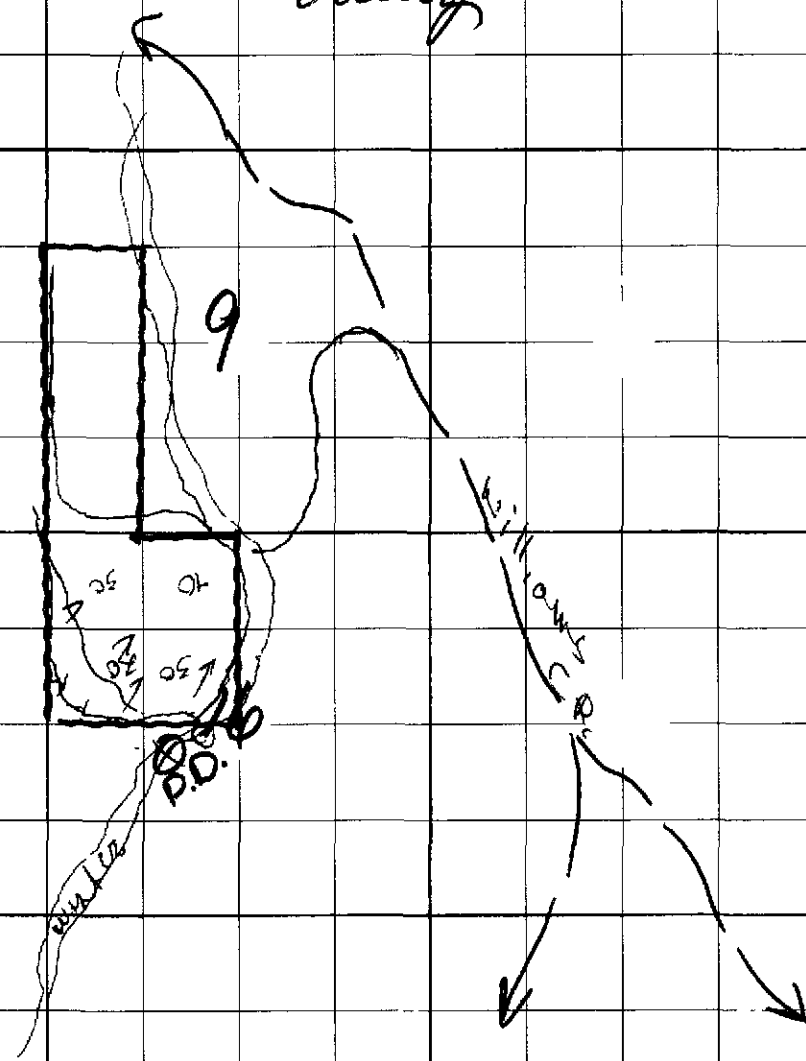
Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

R-5W

toward Jordan Valley



T-75

Q measured 0.55 cfs

Q recommended 2.4 cfs

Volume 360 ft³/Dnn

Acreage =

Found 120.0

recommended 120.5

Subdv. _____

Amendments

- ☐ None
- ☐ F.R.
- ☐ 100-100
- ☐ _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 33613 /55-2161

REPORT ON PROOF OF Completion of Works & Beneficial Use

LJ- 200
1- 63

120 PM

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 24 July, 1973 DISCHARGE MEASUREMENT NOTES

Barratt Ditch River at 2.5' below diversion

[illegible]

No. 1 of 1 Sheets. Comp. by EF Obk. by EF

DATE

EXAMINATION RECORDS

by

by

by

by

No PHOTO

No photos Available
F.E. 4/1/71

INSTRUCTIONS TO EXAMINERS

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

55 2161

Wayne L. Berrett

Route #2

Nyssa, Oregon

Permit No. 33613 / 55-2161

Examination for C/W & B/U

County Owyhee

Quantity: 5.0 c.f.s. Sec. 16 T. 7 S. R. 5W

Source: West Creek

P.D.: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 7 S, R. 5 W, B.M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights: Use Claim to same source

Filed: May 22, 1967

Due: June 5, 1968

Made: August 4, 1967

Priority: May 22, 1967

MR FETWELL

October 16, 1967

Re: Permit No. 33613

Wayne L. Berrett
Route 2
Nyssa, Oregon

Dear Mr. Berrett:

We acknowledge receipt of the depositions and affidavit of publication in the
Owyhee Chronicle submitted as proof of completion of works and beneficial use on Permit 33613.

Before a certificate and license of water right 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.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

33613

October 10, 1967

Re: Permit No. 33613

Wayne L. Berrett
Route 2
Nyssa, Oregon

Dear Mr. Berrett:

We are in receipt of the depositions taken in connection with the above referenced permit; however, before we can proceed, we need the affidavit of publication from the Owyhee Chronicle.

Please submit the affidavit promptly.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

33613

R

OCT 10 1967

DEPT. OF AGRICULTURE

I hereby certify that on the 4th day of August 1967 that one protested at the Cam Agency, Homedale, Idaho, to water permit #33613.

Notice had been published in the Owyhee Chronicle continuously and uninterruptedly in said County for four weeks, which was submitted by Wayne L. Berrett

County of Owyhee

State of Idaho

F. D. McPherson
F. D. McPherson
Notary Public

My Commission expires March 18, 1968

J. K.
Don McElhannon
8-7-67
10-10-67

33613

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

I, THOMAS E. Mills, 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 editor 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 PROOF OF
COMPLETION OF WORKS AND APPLICATION OF
WATER TO BENEFICIAL USE.

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

July 13, 1967

July 20, 1967

July 27, 1967

August 3, 1967

(Signed) Thomas E. Mills

Subscribed and sworn to before me this 3rd day of August
A. D. 1967

Thomas E. Mills
Notary Public in and for the State of Idaho.

residing at Homedale, Idaho.

My commission expires October 27, 1969

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on August 4, 1967 at Homedale, County of Owyhee, State of Idaho, before notary public (name & address) F. D. McPherson, Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 5.0 c.f.s. of the waters of West Creek, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 33613, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Wayne L. Berrett, Route No 2, Nyssa, Oregon.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 5.0 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 5.0 c.f.s.

4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 7 S, R. 5 W, B. M

5. The place where said water is used is NW $\frac{1}{4}$, Sec. 16; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 7 S, R. 5 W, B. M.

6. The date of priority which said user is prepared to establish is May 22, 1967.

R. KEITH HIGGINSON

State Reclamation

33613

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33613

RECEIVED
AUG 21 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

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

Wayne L. Berrett, Route #2, Nyssa, Oregon- Rancher

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Self

Ques. 3. State number, approval date of permit, and date of priority: _____

33613 8/4/67 5-67 5/22/67

Ques. 4. State source of water supply: West Creek

Give location of point of diversion, showing subdivision, section, township and range

NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 16, Twp. 7 S, Range 5W, County of Owyhee

Ques. 5. Describe your works of diversion: Building a ditch, levelling

culverts and surveying; state amount of water they are capable of conveying from point of diversion to place of use: 5.0 Cu. Ft. Give name of canal or ditch or other works by which water is conducted to such place of use: _____

_____; if a well, state depth of well _____; depth and size of casing _____; depth to water _____; if pump is used, state discharge of pump: _____; tell how it was measured or determined _____

_____; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

Twp. 7 S, Range 5 W, Sec. 16- NE $\frac{1}{4}$ (40) NW $\frac{1}{4}$ (40) SW $\frac{1}{4}$ (10) SE $\frac{1}{4}$ (40) 130

Sec. 9- SW $\frac{1}{4}$ (40) SW $\frac{1}{4}$ (40) NW $\frac{1}{4}$ (40) 120

33613

State nature of all improvements which have been made as a direct result of said use:

levelling, seeding

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used: _____

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder: _____

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 6/1/67 - Time used since first use:

continuous 5.0 Cu. Ft.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

(sign) Wayne L. Bennett

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

Homedale, County of Owyhee

State of Idaho, on this 4th day of August, A. D. 19 67.

My commission expires: March 18, 1968

Edna S. Sherson
Notary Public

33013

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33613

RECEIVED
JUN 21 1967

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

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

Clifford Feltwell 51 Rancher
Jordan Valley

Ques. 2 Are you acquainted with Allyn S. Bennett, the holder of
Permit No. 33613? How long have you known him and where does he reside?

Twelve years - Tygh, Oregon
Ques. 3 Have you read or heard said Permit No. 33613 read, and are you familiar
with its provisions and conditions: Yes X No

Ques. 4 State source of water supply: West Creek
culverts

Give location of place of diversion, showing subdivision, section, township and range
NE 1/4 SW 1/4 Sec 16 T. 7. S. R. 5. W. 5. N. County of Owyhee

Describe works for conveying water to place of use: Leveling, resurfacing
ditching

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 5.0 cubic feet How much water have you seen being so
conveyed? 5.0 cubic feet

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Twp. 7. S, Range 5 W, Sec. 16..	NE 1/4 (40)	NN 1/4 (40)	SW 1/4 (10)	SE 1/4 (40)	130
Sec. 9-	SW 1/4 (40)	SW 1/4 (40)	NN 1/4 (40)		120

33613

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Sagebrush land 5.0 Cubic feet

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? June 1967

Other times you have seen such use: _____

(Signed):

Clifford Feltwell

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

Jordan Valley, County of Malheur, State of Oregon, on this 9 day of August, A. D. 1967

Jose Tellaria
Notary Public for the State of Ore
Residing Jordan Valley

My commission expires 5-21-71

33613

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho
33613
Permit No. _____

RECEIVED
JUN 11 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

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

Lema Feltwell 52 housewife
Jordan Valley

Ques. 2 Are you acquainted with Wayne L. Bennett, the holder of
Permit No. 33613? How long have you known him and where does he reside?

12 yrs. Tappa Oregon

Ques. 3. Have you read or heard said Permit No. 33613 read, and are you familiar
with its provisions and conditions: Yes X No. _____

Ques. 4. State source of water supply: West Creek

Give location of place of diversion, showing subdivision, section, township and range

NE 1/4 SW 1/4 Sec 16 T 7.5 R 5. W Sm County of Oregon

Describe works for conveying water to place of use: Leveling, surveying
ditching

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 5.0 Cubic feet How much water have you seen being so
conveyed? 5.0 Cubic feet

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Twp. 7 S Range 5 W Sec 16 NE 1/4 (40) NW 1/4 (40) SW 1/4 (10) SE 1/4 (40) 130
Sec 9 SW 1/4 (40) NW 1/4 (40) 120

33613

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Acqueduct land 5.0 cubic feet

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? June 1967

Other times you have seen such use: _____

(Signed):

Lerna Feltwell

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

Jordan Valley, County of Malheur, State of ORe, on this 9 day of August, A. D. 1967

Jane Feltwell
Notary Public for the State of Idaho
Residing Jordan Valley

My commission expires 5-21-71

33613

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33613

FILED
JUL 27 1967

Idaho

Reclamation

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

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

Lena B. Feltwell, age 52, Wife, South mt. Idaho
post office Jordan Valley Ore.

Ques. 2 Are you acquainted with Wayne L. Berrett, the holder of

Permit No. 33613? How long have you known him and where does he reside?

Ten years Rt. 2 Nys sa, Oregon

Ques. 3. Have you read or heard said Permit No. 33613 read, and are you familiar with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: West Creek

Give location of place of diversion, showing subdivision, section, township and range

NE 1/4 Sec. 16, T 7 S, R. 5 W. B. 1.

Describe works for conveying water to place of use: Surveying, leveling, ditching

Ques. 5. How many second feet of water do you estimate said works will safely conduct

to place of use: 5.0 c.f.s How much water have you seen being so

conveyed? 5.0 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

T. 7 S, R 5.W Sec. 16 NE 1/4 40; NW 1/4 40; SW 1/4 10; SE 1/4 w0

T 7 S, R 5 W Sec 9 SW 1/4 40; NW 1/4 40, SW 1/4 40

33613

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Cleared of sagebrush for pasture 3 hay 500, 100 170

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? June 1967

Other times you have seen such use: several

(Signed):

Lerna B. Feltwell

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

County of Quincy, State of Idaho, on this 5th day of Sept, A. D. 1967

Edna C. Cherson

Notary Public for the State of Idaho

Residing Homedale, Idaho

My commission expires March 12, 1968

33613

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33613

OCT 10 1967

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

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

Clifford E. Feltwell 57 yrs. Saulty Mt Idaho
Jordan Valley, Ore. Rancher

Ques. 2 Are you acquainted with Wayne L. Berrett, the holder of
Permit No. 33613? How long have you known him and where does he reside?

Ten years Rt. 2 Nyssa, Oregon

Ques. 3. Have you read or heard said Permit No. 33613 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: West creek

Give location of place of diversion, showing subdivision, section, township and range
NE 1/4 SW 1/4 Sec. 16, T 7S, R. 5 W. B.M.

Describe works for conveying water to place of use: Surveying, leveling, ditching

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 5.0 c.f.s. How much water have you seen being so
conveyed? 5.0 c.f.s.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

T. 7 S R 5.W Sec. 16 NE 1/4 40; NW 1/4 40; SW 1/4 10; SE 1/4 40 (0 + NW 1/4)

T 7S, R5.W Sec 9 SW 1/4 40; NW 1/4 40, SW 1/4 40

of NW 1/4 SW 1/4 SW 1/4

33613

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Clearing of sagebrush for pasture & hay 5 Cu. ft.
2470 ft to Cor. 1, 2, 3, 4, 5

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? June 1967
Other times you have seen such use: several

(Signed): Clifford Lattwell

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

County of Curry, State of Idaho, on this 5 day of Sept, A. D. 1967

C. L. D. M. C. B.
FEB 10 1967
115

Tom S. Cherson
Notary Public for the State of Idaho
Residing Homedale, Idaho

My commission expires March 18, 1968

*hold until,
Sept 24*

August 24, 1967

Re: Permit 33613

Wayne L. Berrett
Route #2
Nyssa, Oregon

Dear Mr. Berrett:

The depositions of witnesses which you have supplied us with in regard to permit 33613 were taken before an Oregon notary public at Jordan Valley, Oregon. Under Idaho State Law, depositions of witnesses must be taken before the notary public advertised in the legal publication. In this case Mr. F. D. McPherson of Homedale, Idaho, was the advertised notary public. In order for us to process your proof of application of water to beneficial use, we must have depositions of witnesses signed by Lema Feltwell and Clifford Feltwell before Mr. McPherson of Homedale, Idaho, and a notarized affidavit from Mr. McPherson stating that his office was open on August 4, 1967, at Homedale, Idaho, and that no one appeared to protest your proof of completion of works and beneficial use at that time.

We are enclosing additional blank depositions of witnesses forms for your use. We will proceed with the processing of your permit as soon as we receive these items.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation Engineer

CSA:nw

Enclosure: Deposition of witnesses (2)

*7/21/67
- 1-
2-1*

33613

24
July 12, 1967

Re: Permit No. 33613
Wayne L. Berrett

Mr. F. D. McPherson
Homedale, Idaho 83628

Dear Mr. McPherson:

Because of an error made by the newspaper in which the above referenced permit is being published, the date on which Mr. Berrett will appear before you has had to be changed from August 1, 1967, to August 4, 1967.

Please contact us immediately if this date conflicts with your plans.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

*Information in
last file*

33613

July 12, 1967

Re: Permit No. 33613
Wayne L. Berrett

The Owyhee Chronicle
20 East Idaho Avenue
Homedale, Idaho 83628

Gentlemen:

We are writing in regards to your letter of July 10, 1967, stating that the legal notice for the above referenced permit was run in the wrong paper.

Because of the change in the last publication date, one change will have to be made in the notice. The date on the second line of the notice (the date on which the permit holder appears before the notary) must be changed from August 1, 1967, -to August 4, 1967, because he must appear before his notary after all publication has been finished.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

33613

THE OUYHEE CHRONICLE

PHONE 237-2581

PUBLISHING
PRINTING
ADVERTISING

RECEIVED
JUL 12 1967

Department of Reclamation

THOMAS E. MILLS, PUBLISHER

20 EAST IDAHO AVENUE,
HOMEDALE, IDAHO

July 10, 1967

Donald W. McEldowney
State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. McEldowney:

Re: Permit No. 33613

The notice of proof of completion of works and application of water to beneficial use for Wayne L. Borrett, Route #2, Nyssa, ran in the wrong paper last week. We print three papers here and it was accidentally place in the Payette Valley Sentinel instead of the Owyhee Chronicle. We were operating short of help in a short week and didn't notice the error until after publication.

372-
2395

We are very sorry for the inconvenience. We will start it in the Owyhee Chronicle this week and run four weeks as ordered, put the last publication will be August 3. Please let us know if some other arrangements need to be made. Again we are sorry.

Sincerely yours,

Thomas E. Mills, Jr.
Thomas E. Mills,
editor & publisher

TM:Sm

33613

Re: Permit No. 33613

Dear Mr. Berrett:

We have mailed the notice to the Owyhee Chronicle, Homedale, Idaho,
to be published once a week for four consecutive weeks prior to August 1, 1967
_____, which is the hearing date when the permit holder _____
Wayne J. Berrett

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by Wayne L. Berrett
_____. Be sure all the forms have the notary's seal and are signed.

Very truly yours,

DWM:dj

cc: Notary

33613

June 23, 1967

Re: Permit No. 33613

The Owyhee Chronicle
Homedale, Idaho 83628

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to August 1, 1967. The expense of the publication is to paid by Wayne L. Berrett, Rt. 2, Nyssa, Oregon.

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enc: Legal notice

33613

NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on August 1, 1967 at Homedale,
County of Owyhee, State of Idaho, before notary public (name & address) F. D. McPherson, Homedale, Idaho, proof will be
submitted of the completion of works for the diversion of 5.0 c.f.s. of the waters
of West Creek, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit 33613, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Wayne L. Berrett, Route # 2,
Nyssa, Oregon.
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
5.0 cubic feet per second.
3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial
use is 5.0 c.f.s.
4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 7 S, R. 5 W, B.M.
5. The place where said water is used is NW $\frac{1}{4}$, Sec. 16; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9,
T. 7 S, R. 5 W, B.M.
6. The date of priority which said user is prepared to establish is May 22, 1967.

R. KEITH HIGGINSON

State Reclamation Engineer

33613

RECEIVED

JUN 28 1967

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at _____ M., on the 1st day of August, 1967, at Homedale, County of Owyhee, State of Idaho, before F. D. McPherson, Notary Public, at (address) Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 5 cubic feet per second of the waters of West Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 33613, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Wayne L. Berrett Route # 2 Nyssa, Oregon

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 5 cubic feet per second.

3. The use to which said water has been applied is Irrigation/Purposes purposes, and the amount applied to beneficial use is 5 cubic feet per second.

4. The point of diversion of said water is Northeast 1/4 SW 1/4 of Section 16,
Twp 7S, Rge 5W B.M., County of Owyhee

5. The place where said water is used is Section 16, NE 1/4, NW 1/4, SW 1/4, SE 1/4, Total
120 Acres. Sec. 9, SW 1/4 NW 1/4, W 1/2 SW 1/4, Total 120 Acres. T. 7S, R. 5W
SW 1/4 NW 1/4, W 1/2 SW 1/4, Total 250 Acres.

6. The date of priority which said user is prepared to establish is May 22, 1963 1967

R Keith Higginson

State Reclamation Engineer

33613

84

RECEIVED
JUN 23 1967

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at ----- M., on the 1st day of August
1967, at Homedale, County of Owyhee, State of Idaho, before
F. D. McPherson, Notary Public, at (address) Homedale, Idaho
-----, proof will be submitted of the completion of works for the diversion of
5 cubic feet per second of the waters of West Creek
-----, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 33613, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Wayne L. Berrett Route # 2 Nyssa, Oregon
2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
5 cubic feet per second.
3. The use to which said water has been applied is Irrigation Purposes
----- purposes, and the amount applied to beneficial use is 5 cubic
feet per second.
4. The point of diversion of said water is Northeast $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16
Twp 75, Rge B. N., County of Owyhee
5. The place where said water is used is Section 16, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Total
130 Acres: Sed. 9, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Total 120 Acres

----- Total 250 acres.
6. The date of priority which said user is prepared to establish is May 22, 1943
-----.

State Reclamation Engineer

33613

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) _____

(P. O.) _____

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the The Owyhee Chronicle of Homedale Idaho Published in
the county in which the works are situated.

Stanley Bessett

(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)

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

Engineer

83013

June 12, 1967

RE: Permit No. 33613

Wayne L. Berrett
Route #2
Nyssa, Oregon

Dear Mr. Berrett:

We enclose Permit No. 33613 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~ Departmental Receipt No. 33788 which was issued covering payment in the amount of \$ 6.00 for the filing fee of the above mentioned permit. **It was given to you at the time you were in our office.**

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Enclosures

33613

CHRON Gal 12
**NOTICE OF PROOF OF
COMPLETION OF WORKS
AND APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that on August 1, 1967 at Homedale, County of Owyhee, State of Idaho, before notary public (name & address) F. D. McPherson, Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 50 cfs of the waters of West Creek, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 33613, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Wayne L. Errett, Route No 2, Nyssa, Oregon.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 50 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 50 cfs.

4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 16, T 7 S, R 5 W, B M.

5. The place where said water is used is NW $\frac{1}{4}$, Sec 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 7 S, R. 5 W, B M.

6. The date of priority which said user is prepared to establish is May 22, 1967.

R. KEITH HIGGINSON
State Reclamation
Engineer

7-6-4tc

24

33613

**NOTICE OF PROOF OF
COMPLETION OF WORKS
AND APPLICATION
OF WATER TO
BENEFICIAL USE**

Notice is hereby given that on August 4, 1967 at Homedale, County of Owyhee, State of Idaho, before notary public (name & address) F. D. McPherson, Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 5.0 cfs of the waters of West Creek, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 33613, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Wayne L. Berrett, Route No 2, Nyssa, Oregon.

2. Said works of diversion will be fully completed on the date for such completion and the amount of water which said works are capable of conveying to the place of use is 5.0 cubic feet per second

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 5.0 cfs.

4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 16, T 7 S, R. 5 W, B. M.

5. The place where said water is used is NW $\frac{1}{4}$, Sec. 16; SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T 7 S, R. 5 W, B. M.

6. The date of priority which said user is prepared to establish is May 22, 1967.

R. KEITH HIGGINSON
State Reclamation
Engineer 7-13-4tc

LEGAL NOTICE

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on August 1 1967 at Homedale, County of Owyhee, State of Idaho, before notary public (name & address) F. D. McPherson, Homedale, Idaho, proof will be submitted of the completion of works for the diversion of 5.0 c.f.s. of the waters of West Creek, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 33613, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Wayne L. Berrett, Route No 2, Nyssa,

Oregon.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 5.0 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 5.0 c.f.s.

4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 16, T. 7 S, R. 5 W, B. M.

5. The place where said water is used is NW $\frac{1}{4}$, Sec 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 9, T. 7 S, R. 5 W, B. M.

6. The date of priority which said user is prepared to establish is May 22, 1967.

R KEITH HIGGINSON
State Reclamation
Engineer 7-13-4tc