

State of Idaho  
License and Certificate of Water Right

Water License No. 8571  
Water District No. 55

Amount 3 cu. ft.  
Priority Oct. 21, 1912

THIS IS TO CERTIFY that HENRY E. RUBELT,  
of Riddle, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated July 31, 1912; that Permit No. 8571  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3  
second feet, was issued thereunder on October 27, 1917, showing that said works  
were completed on the 16th day of October, 1917; and that on the 15th  
day of November, 1919,

HENRY E. RUBELT,  
of Riddle, State of Idaho, made proof to the satisfaction of the  
~~Commissioner of Reclamation~~ Commissioner of Reclamation of Idaho, of a right to the use of the waters of Shoo Fly Creek & tributaries,  
a tributary of Owyhee River, for the purpose of irrigation & domestic use,  
under Use Permit No. 8571 of the State Engineer, and that said right to the use of said  
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State  
~~Engineer~~ Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2671, on the 6th  
day of October, 1920;

The right hereby confirmed dates from October 21, 1912;

The Point of Diversion is located S. 56° 21' W. 1186 feet from NE Corner  
in the 1/4-1/4-1/4 Sec. 1, Tp. 14 S., R. 1 E., B. M. County of Owyhee.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not  
exceed 3 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|------------------|----------------------------------|---------------------------------|
| 14 S | 2 E   | 6    | Lot 5            | )                                | 40                              |
|      |       |      | Lot 6            | )                                | 40                              |
|      |       |      | Lot 7            | ) -- 160                         | 40                              |
|      |       | 7    | Lot 1            | )                                | 40                              |

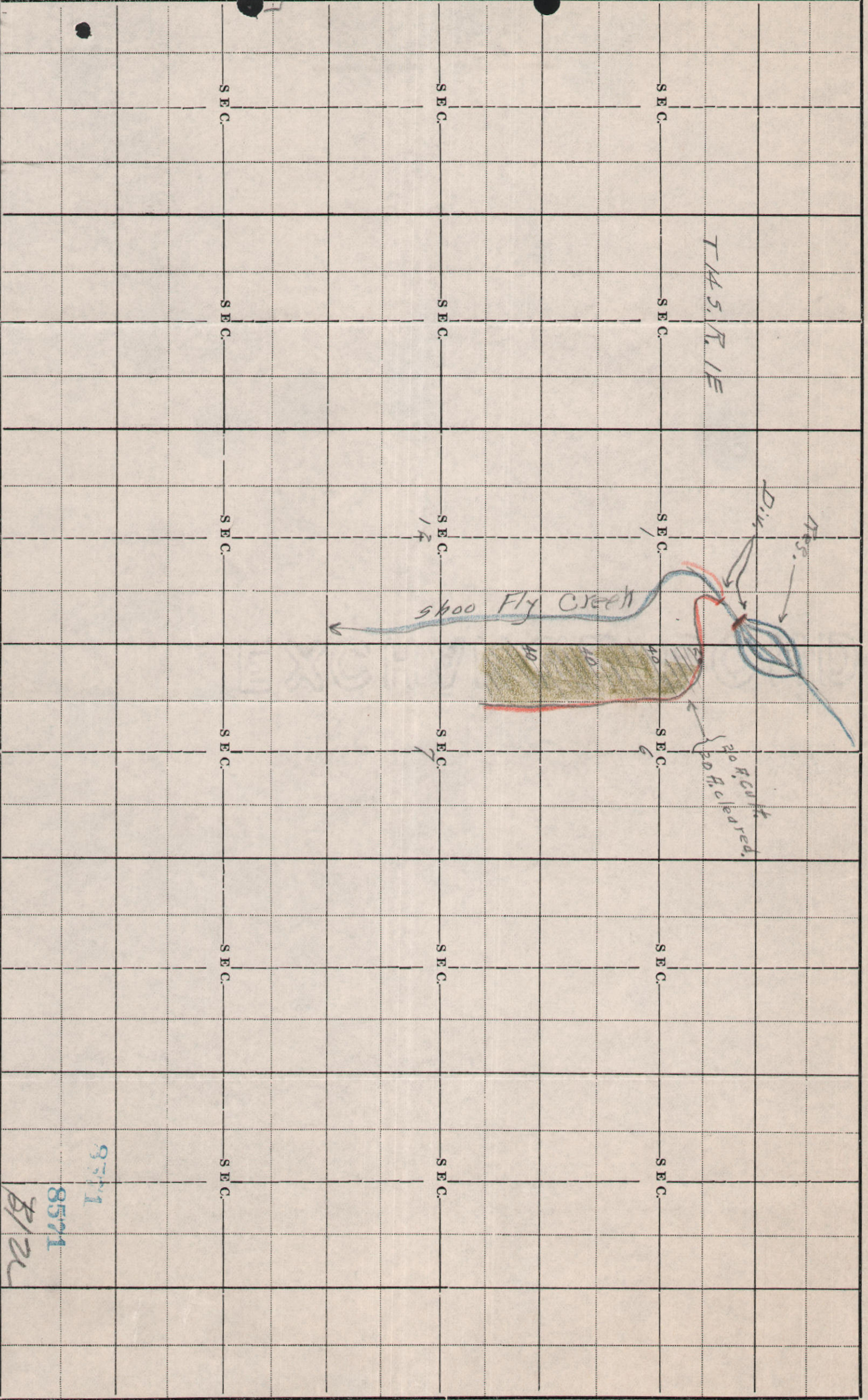
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of  
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation  
day of October, 1920, affixed at Boise, Idaho, this 6th

V. G. STENSDEN  
Commissioner of Reclamation State Engineer  
By S. T. BAER,  
Deputy.

(SEAL)

NAME OF APPLICANT Henry E. Rubelt. # 8571.



8571  
8/22

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

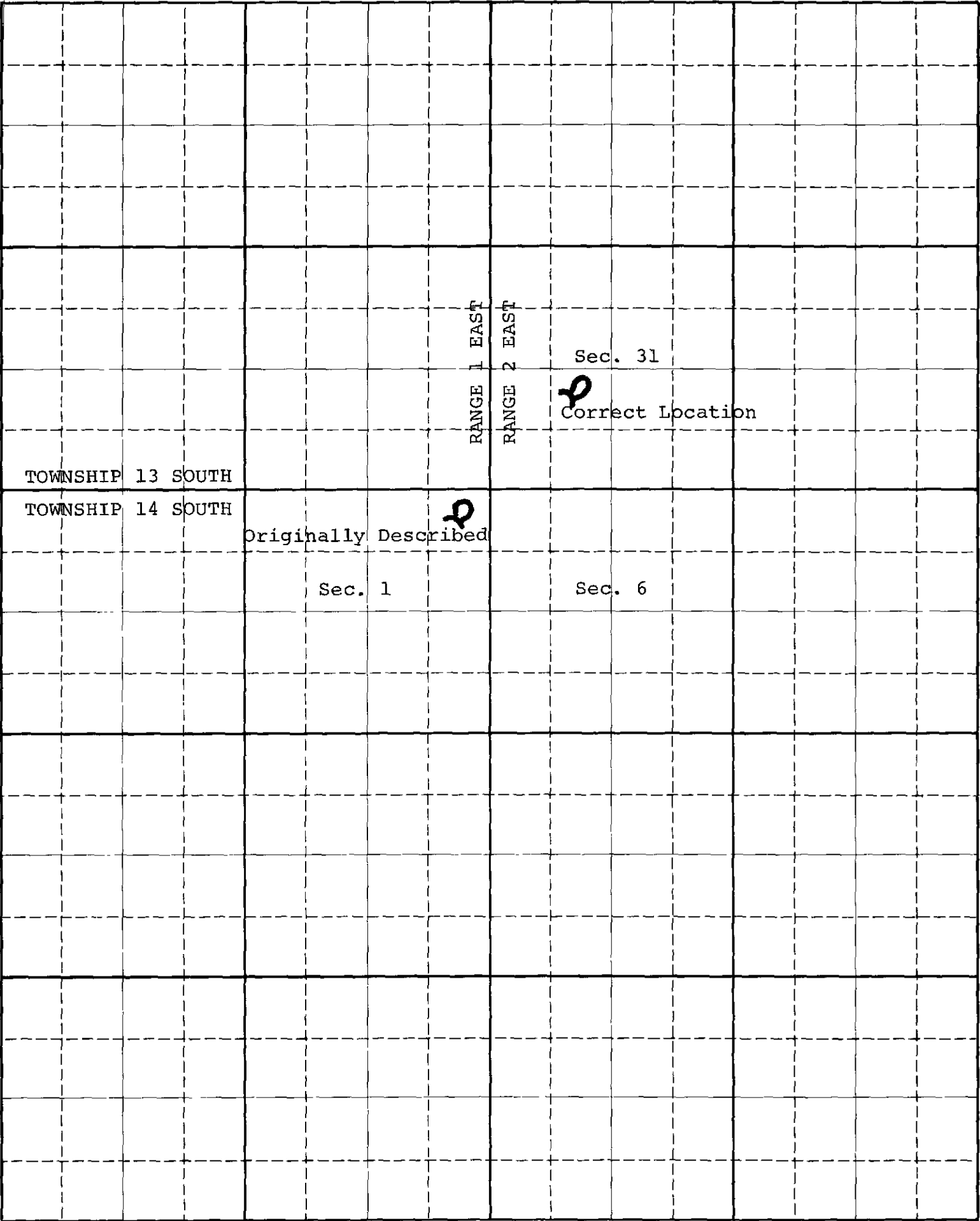
**APPROVED**  
**RECEIVED**

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**To Change the Point of Diversion and/or the Place of Use**

1. Name of Right Holder Riddle Ranches, Inc.  
Post office address Riddle via Grasmere, Idaho 83625
2. Right obtained by:  
a. Decree to \_\_\_\_\_ in Case of \_\_\_\_\_  
(Name)  
vs \_\_\_\_\_, Dated \_\_\_\_\_ in \_\_\_\_\_  
(Name of Court)  
Court. County of \_\_\_\_\_  
b. License No. 8571 / ~~and 13965~~ issued by the State of Idaho, Department of Reclamation.
3. Source of water Shoo Fly tributary to Owyhee River  
(Name of stream or source)
4. Date of Priority 8571 - Oct. 21, 1912 - ~~13965 April 7, 1919~~
5. Amount of water a 5.8 c.f.s. and/or 8571 - 3 cfs  
~~13965 2.8 cfs~~  
b 950 acre feet/annum
6. Water is used for Irrigation from April 1 to October 31  
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 1,  
Township 14 S, Range 1 E, B.M. in Owyhee County;  
Additional points of diversion, if any \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Lands presently irrigated or 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 $\frac{1}{4}$ |         |
| <u>8571</u><br><u>14 S</u>          | <u>2 E</u>     | <u>6</u>     |                  |                  |                  |                  |                  |                  | <u>L. 5</u>      |                  | <u>L. 6</u>      |                  |                  | <u>L. 7</u>      |                  |                  |                  |                  | 120     |
|                                     |                | <u>7</u>     |                  |                  |                  |                  |                  | <u>L. 1</u>      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40      |
|                                     |                |              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 160 ac. |
| <del>13965</del><br><del>14 S</del> | <del>1 E</del> | <del>1</del> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | <u>20</u>        |                  | <u>40</u>        | )                |         |
|                                     |                | <u>12</u>    |                  |                  | <u>40</u>        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | )                | 140 ac. |
|                                     |                |              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |         |
|                                     |                |              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |         |
|                                     |                |              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |         |
|                                     |                |              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |         |

Total number of acres presently irrigated 300



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

9. If applicant was not the original holder of this right explain how it was acquired: by purchase of land and water rights (including reservoirs) as per attached copy of deed

## 10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 5.8 c.f.s. and/or 950 acre feet

b New point of diversion: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 31, Township 13S  
                    , Range 2E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: storage dam and reservoir

d. Is water to be conveyed to the lands previously irrigated? Yes X No \_\_\_\_\_.

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

It was incorrectly described on original application

f. Do you intend to make the transfer permanent? yes

g. Do you intend to abandon completely the old point of diversion? yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated

## 11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated\_\_\_\_\_

b Do you intend to make the transfer permanent? \_\_\_\_\_

c Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

e Indicate on the above plat the new land to be irrigated and the point of diversion

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge

RIDDLE RANCHES, INC.

BY: Peter S. Hanson  
 President (signature of applicant)

Subscribed and sworn to before me this 22nd day of February, 1971

Laura J. Spangler  
 (notary public)

My commission expires 2/2/74

**APPROVED**

**ACTION OF STATE RECLAMATION ENGINEER  
 AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No 55-2035,  
 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

That an adequate measuring device of a type approved by this Department be  
permanently installed and maintained.

2 Denial of said application is for the following reasons: \_\_\_\_\_

\_\_\_\_\_

Witness my hand this 29th day of September, 1971

R. Keith Higgins  
 State Reclamation Engineer  
 DIRECTOR

**FOR DEPARTMENT USE ONLY**

Received by JJ Date 3-25-71

Protest filed by \_\_\_\_\_ Date \_\_\_\_\_

Prelim check by JJ Date 20<sup>th</sup>

Fee received by JJ Date 3/24/71 Fee \$ 20<sup>00</sup>

Approved for publication by \_\_\_\_\_

Published in Public Works Dates Jan 12 & 1971

Hearing held \_\_\_\_\_

Watermaster Recommendation sent \_\_\_\_\_

of the second part, and to its successors and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

D. O. Bybee (SEAL)  
D. O. Bybee  
Thelma C. Bybee (SEAL)  
Thelma C. Bybee

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

On this 30th day of December, in the year 1960, before me, the undersigned, a Notary Public in and for said State, personally appeared D. O. Bybee and Thelma C. Bybee, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(NOTARY SEAL)

Ferne W. Allen  
Notary Public for the State of Idaho,  
Residing at Grand View, Idaho.

3-pho

55 2035

RECEIVED

1971

Department of State Administration

WARRANTY DEED

THIS INDENTURE, Made this 29th day of December, in the year of our Lord one thousand nine hundred and sixty, between D. O. BYBEE and THELMA C. BYBEE, husband and wife, of Grand View, County of Owyhee, State of Idaho, the parties of the first part, and RIDDLE RANCHES, INC., an Idaho corporation, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns, forever, all of the following described real estate, situated in the County of Owyhee, State of Idaho, to-wit:

The north half of the northeast quarter, and the east half of the northwest quarter and the southeast quarter of Section 13, and the east half, and the east half of the west half, and the west half of the southwest quarter and the southwest quarter of the northwest quarter of Section 25, and the southeast quarter of the southeast quarter of Section 26, Township 13 South, Range 1 East, Boise Meridian;

The east half of the southeast quarter of Section 1, and the east half of the east half

of Section 12, and the east half of the northeast quarter of Section 13, Township 14 South, Range 1 East, Boise Meridian;

The east half of the southwest quarter, and Lots 3 and 4 of Section 18, and the east half of the northwest quarter, and Lots 1 and 2 of Section 19, Township 13 South, Range 2 East, Boise Meridian;

Lots 5, 6 and 7 in Section 6, and Lots 1, 3 and 4 and the east half of the southwest quarter of Section 7, and Lots 1 and 2 and the east half of the northwest quarter of Section 18, and the west half of the northwest quarter and the north half of the southwest quarter of Section 15, Township 14 South, Range 2 East, Boise Meridian;

Together with all water, water rights, and rights to the use of water appurtenant to the above described land or used or enjoyed in connection therewith, together with all reservoirs, dams, ditches, canals, flumes, waterways and all other means or methods for the diversion, impounding, distribution or use of the waters appurtenant to said real property or used in connection therewith or any part thereof;

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party

(\$66.00 in documentary stamps  
attached & cancelled)

55 2035

2-pho

# PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

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

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 1 day of April, 1971, and the last publication being on the 8 day of April, 1971;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes  
PUBLISHER

Subscribed and sworn to before me this 8 day of April, 1971.

Leonard L. Hawes  
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 55 - 2035/1666

Notice is hereby given that Riddle Ranches, Inc., of Riddle via Grasmere, Idaho, has applied to the Department of Water Administration for a change of point of diversion of the waters of Shoo Fly, tributary of Owyhee River. The right sought to be changed is evidenced by License and is recorded as follows.

Amount: 3 c.f.s. Priority: October 21, 1912. Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 1, T. 14 S., R. 1 E., B. M., Owyhee County. The water is used for irrigation purposes within Lots 5, 6 and 7, Sec. 6, T. 14 S., R. 2 E., B. M., and Lot 1 in Sec. 7, T. 14 S., R. 2 E., B. M.

### TO BE CHANGED AS FOLLOWS

Amount: 5.8 c.f.s. Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 31, T. 13 S., R. 2 E., B. M. The water will be used for purposes.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before April 19, 1971.

R. KEITH HIGGINSON,  
Director

Published in the Owyhee Nugget, Marsing, Idaho on April 1, 1971, and April 8, 1971.

55 21 25

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 8571

Amount 3 cu. ft.

Water District No. 55

Priority Oct. 21, 1912

THIS IS TO CERTIFY that HENRY E. RUBELT,  
of Riddle, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated July 31, 1912; that Permit No. 8571  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3  
second feet, was issued thereunder on October 27, 1917, showing that said works  
were completed on the 16th day of October, 1917; and that on the 15th  
day of November, 1919,

HENRY E. RUBELT,

of Riddle, State of Idaho, made proof to the satisfaction of the  
~~Commissioner of Reclamation~~ of Idaho, of a right to the use of the waters of Shoe Fly Creek & tributaries,  
a tributary of Owyhee River, for the purpose of irrigation & domestic use,  
under Use Permit No. 8571 of the State Engineer, and that said right to the use of said  
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the ~~State~~  
~~Commissioner of Reclamation~~  
~~Engineer~~ of Idaho and entered of record in Volume 5 of Licenses, at page 2671, on the 6th  
day of October, 1920;

The right hereby confirmed dates from October 21, 1912;

The Point of Diversion is located 3. 56° 21' N. 1136 feet from NE corner  
in the 1/4 Sec. 1, Twp. 14 N., R. 1 E., B. M. County of Owyhee.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not  
exceed 3 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|------------------|----------------------------------|---------------------------------|
| 14 S | 2 S   | 6    | Lot 5            | 10                               | 40                              |
|      |       |      | Lot 6            |                                  | 40                              |
|      |       |      | Lot 7            |                                  | 40                              |
|      |       | 7    | Lot 1            |                                  | 40                              |

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

WITNESS the seal and signature of the ~~State Engineer~~ Commissioner of Reclamation affixed at Boise, Idaho, this 6th  
day of October, 1920.

W. G. FREDERSEN  
Commissioner of Reclamation ~~State Engineer~~  
By S. T. PAER,  
Deputy.

(SEAL)

55 2035

55-2035

No. 12881

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Idaho

1 Name of applicant: Henry E. Rubelt

Postoffice address: Riddle County: Owyhee State: Idaho

- I. If applicant is a corporation, give (a) Date and place of incorporation  
 (b) The amount of capital stock: (c) The amount paid in:  
 (d) Names and addresses of directors:

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

2. The quantity of water claimed is three (3) cubic feet per second.

3. Source of water supply: Shoo Fly Creek and its tributaries

4 Location of point of diversion: for canal line, S. 56°21' W., 1186 ft. from NE. cor. sec. 1  
T. 14 S., R. 1 E., B. M.

County of Owyhee

5. To be used for: Irrigation

- I. Irrigation and domestic use: (a) Amount of land to be irrigated 200 acres.  
 (b) In the following legal subdivisions:  $W\frac{1}{2}$  of  $SW\frac{1}{4}$ , Sec. 6, T. 14 S., R. 2 E.,  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ .  
 Sec. 1;  $E\frac{1}{2}$  of  $NE\frac{1}{4}$ , Sec. 12, T. 14 S., R. 1 E.

II Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point.

[b] Amount of power to be generated:

H. P. under ft. head

[c] Is water to be returned to any stream?  
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$5000.00

7. Description of works for diversion:

I. Kind of works: Dam and ditch and reservoir

II. Dimensions of works: [a] Height of dam 23 feet, length of dam at top 316 feet,  
 length of dam at bottom 160 feet. Material used in construction: Earth and stone.

[b] Capacity of reservoir 938 acre feet. [c] Size of headgate, width 3 feet,

Height 4 feet. (d) Conduit ditch width at bottom 4 feet,

width at water line 6 feet, depth of water 1.5 feet; diameter of pipe

inches; average grade per mile is 7.5 feet. Length of conduit is .58 miles,  
 and it crosses the following quarter sections:  $NE\frac{1}{4}$  Sec. 1, T. 14 S., R. 1 E.;  $NW\frac{1}{4}$  and  $SW\frac{1}{4}$   
 Sec. 6, T. 14 S., R. 2 E.

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

9 Time required for the complete application of the water to the proposed use is 4  
additional years.

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

Henry E. Rubelt..... Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.30 a.m. July 31, 1912

Returned to applicant for correction

Corrected application received

### APPROVAL OF STATE ENGINEER.

The number of this permit is 8571

Recorded in Book 27 Page 8571 Approved August 24, 1912.

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 October 23, 1912, 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 February 24, 1914.

The whole of said work to be completed on or before August 24, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1919.

Witness my hand this 24th day of August, 1912.

A. E. Robinson,  
State Engineer.

#### Remarks:

It is proposed to impound the waters of Shoo Fly Creek in a reservoir located in Secs. 30 and 31, T. 13 S., R. 2 E., the point of dam being S. 75° 26' E., 2600 ft. from the  $W\frac{1}{4}$  cor. sec. 31, T. 13 S., R. 2 E., and the water from said reservoir to be allowed to run down the natural channel of Shoo Fly Creek to the proposed point of diversion as stated in Paragraph 4 above for the Shoo Fly Creek canal.

Time asked for in section 8 above is hereby reduced to 3 years.

A. E. Robinson,  
State Engineer  
C.V.B.

On proper request of the holder of the above numbered permit I have this 17th day of July, 1915, extended the time for Completion of Works thereunder to the 24th day of August, 1917.

J.H. Smith,  
State Engineer.

Proof of completion of works made October 16, 1917.  
Certificate of completion of works issued October 27, 1917.

Permit No. 8571.

### CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Henry E. Hubelt, of Middle, County of Owyhee, and State of Idaho, the holder of Permit No. 8571, issued upon Application No. 12881, bearing date of priority of July 31, 1912, authorizing the diversion of three (3) second feet of the waters of Shoo Fly Creek and its tributaries, County of Owyhee, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use three (3) second feet of the waters of Shoo Fly Creek; that the point of diversion of said waters is

Recorded by *CEB* License issued for 3 second feet  
Checked by *CEB* Page 2671

S. 56° 21' W. 1186 ft. from NE Cor. of Sec. 1, T. 14 S., R. 1 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 200 acres in W $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 6, T. 14 S., R. 2 E., SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 1, E $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 12, T. 14 S., R. 1 E., B. M.

Witness my hand this 27th day of October, A. D. 1917.

J. H. Smith,

State Engineer of the State of Idaho.

#### APPLICATION FOR AMENDMENT

#### TO PERMIT TO APPROPRIATE THE PUBLIC WATERS

OF THE STATE OF IDAHO NO. 8571

Comes now Henry E. Rubelt, and represents to the Commissioner of Reclamation of the State of Idaho,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 8571, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lots five (5), six (6) and seven (7), Section six (6) and Lot one (1), Section seven (7), Township 14 south, Range 2 east, Boise Meridian, Idaho, making a total of 160 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Riddle, Ida. this 2d day of Oct. 1919.

Henry E. Rubelt.

Date of receipt at Office of Department of Reclamation Oct. 3, 1919.

#### APPROVAL OF COMMISSIONER OF RECLAMATION.

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 8571. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

W. G. Swendsen,  
Commissioner of Reclamation.

By: S. T. Baer.  
Deputy.

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9 A. M. Oct. 3, 1919.

W. G. Swendsen.  
Commissioner of Reclamation.

For value received I hereby convey to Henrietta Rubelt the right to store 4.69 cubic feet of water in my reservoir, located in Sections 30 and 31, Township 13 South, Range 2 East, and described in detail in Water Permit No. 8571 on file with the Department of Reclamation, State of Idaho, said water being diverted from Shoo Fly Creek, Owyhee County, Idaho.

Dated May 15, 1921.

Henry E. Rubelt.

Received and filed for record in the Department of Reclamation, at Boise, Idaho, at 9:00 A.M. May 20, 1921.

W. G. Swendsen,  
Commissioner of Reclamation.

October 4, 1971

Re: Transfer Nos. 55-2035/1666  
55-2211/1666

Riddle Ranches, Inc.  
Riddle, via  
Grasmere, Idaho 83625

Gentlemen:

Please find enclosed copies of the two APPROVED Applications for Transfer, as referenced above.

We wish to direct your attention to the limitations and conditions of approval as listed on page four (4) of the transfers.

If you should have any questions in reference to this matter, please do not hesitate to contact this Department.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:CS

Enclosures

# South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Beverly Fisher  
Treasurer

Tom Cotton  
Secy.-Mgr.

September 10, 1971

Mr. Keith Higginson, Director  
Idaho Dept. of Water Administration  
Statehouse  
Boise, Idaho 83707

Dear Mr. Higginson;

As stipulated by our attorney, Mr. Maurice Greene,  
at the conference held July 29, 1971 - The Gem  
Irrigation District and South Board of Control,  
Owyhee Project, withdraw their protest for the  
Notices of Proposed Change of Water Right, No.  
55-2035/1666 and 55-2211/1666.

Yours very truly,

*Tom Cotton*

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

*South Board of Control, Owyhee Project*

HOMEDALE, IDAHO

337-3760

FELISA ISAGUIRRE

TREASURER

T. H. COTTON

SECY-MGR

April 19, 1971

Mr. Keith Higginson, Director  
Idaho Dept. of Water Administration  
Statehouse  
Boise, Idaho 83707

Dear Mr. Higginson:

The Gem Irrigation District and the South Board of Control, Owyhee Project; wish to protest the following Notices of Proposed Change of Water Right, No. 55-2035/1666 and 55-2211/1666.

We have entered a protest against an application for storage (No. 55-7009) which has the same description for point of diversion as the above mentioned changes and therefore are considered as one and the same.

Our reason for protest on the diversion change is the same as set forth in the letter of protest dated March 30, 1971; namely, that the new storage would be a detriment to the Owyhee Project water users.

Yours very truly,

*Tom Cotton*

Tom Cotton, Secty Mgr.  
South Board of Control  
And Gem Irrigation District

55 2035

**September 3, 1971**

**Re: Transfer of Water Right No. 1666 - Riddle Ranches, Inc.**

**Mr. Tom Cotton, Sec-Mgr.  
South Board of Control and  
Gem Irrigation District  
Homedale, Idaho 83626**

**Dear Mr. Cotton:**

**At the conference held July 29, 1971, in connection with the above referenced transfer, the Department assumed you would be withdrawing your protest against this transfer application. To this date, we have not heard from you regarding this matter. Would you please advise this office by return mail as to your intentions, your cooperation is most appreciated.**

**Very truly yours,**

**BOBBY D. FLEENOR  
Assistant Director**

**BDF:DR**

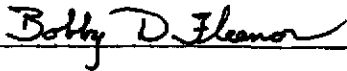
46 3035

MEMORANDUM

Re: Transfer No. 1666

A conference was held on July 29, 1971, in Boise, Idaho to consider Application for Transfer No. 1666. The proposed transfer would change the description of the point of diversion of License No. 55-2035 and No. 55-2211. This Application for Transfer was protested by the South Board of Control and the Gem Irrigation District.

It was explained at the conference that this transfer was filed only to correct an erroneous description of the point of diversion named in the original applications. The protestants then agreed to withdraw the protest. This letter of withdrawal should be submitted within thirty (30) days. If it is not, a letter should be written requesting a withdrawal of the protest.



Bobby D. Fleenor  
Assistant Director

55 2035

July 8, 1971

Re: Application for Permit No. 55-7009  
Transfer No. 1666

- Riddle Ranches, Inc.

Mr. Tom Cotton, Sec-Mgr.  
South Board of Control and  
Gem Irrigation District  
Homedale, Idaho 83628

Dear Mr. Cotton:

We have received a request to vacate and reschedule the conference &/or hearing primarily set for July 14, 1971, regarding the above referenced applications.

It is our understanding, based upon Mr. Barnett's letter to us of July 7th, that you have agreed to vacate the hearing date of July 14, 1971, and reschedule the date for July 29, 1971. Mr. Barnett's letter to us indicated that you received a copy of that communication.

Based upon Mr. Barnett's statement, we are rescheduling the matter for conference &/or hearing at 9:00 a.m., July 29, 1971, at the offices of the Dept. of Water Administration, Statehouse - Annex 2, 614 State Street, Boise, Idaho.

If you have any questions, please feel free to contact this office.

Very truly yours,

C. STEPHEN ALLRED  
Deputy Director

CSA:dr

Certified Mail #22935

55 2035

July 8, 1971

Re: Application for Permit No. 55-7009  
Transfer No. 1666

Riddle Ranches, Inc.  
Riddle -via- Grasmere,  
Idaho 83625

Gentlemen:

We have received a request to vacate and reschedule the conference &/or hearing primarily set for July 14, 1971, regarding the above referenced applications. It is our understanding, based upon Mr. Barnett's letter to us of July 7th, that you have agreed to vacate the hearing date of July 14, 1971, and reschedule the date for July 29, 1971. Mr. Barnett's letter to us indicated that you received a copy of that communication.

Based upon Mr. Barnett's statement, we are rescheduling the matter for conference &/or hearing at 9:00 a.m., July 29, 1971, at the offices of the Dept. of Water Administration, Statehouse - Annex 2, 614 State Street, Boise, Idaho.

If you have any questions, please feel free to contact this office.

Very truly yours,

C. STEPHEN ALLRED  
Deputy Director

CSA:dr

Certified Mail #22933

55 2035

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

|                                                 |                      |
|-------------------------------------------------|----------------------|
| IN THE MATTER OF PROTEST AGAINST THE APPROVAL ) |                      |
| OF APPLICATIONS FOR TRANSFER OF WATER RIGHT )   | NOTICE OF CONFERENCE |
| NO. 55-2035/1666 and 55-2211/1666 in the name ) | AND/OR HEARING       |
| of RIDDLE RANCHES, INC. )                       |                      |
| _____ )                                         |                      |

On February 23, 1971, Riddle Ranches, Inc., Riddle -via- Grasmere, Idaho, filed with the Department of Water Administration an application for transfer of water right. Said application was subsequently given the numbers of 55-2035/1666 and 55-2211/1666. On April 30, 1971, the Department received a protest against the applications for transfer from Mr. Tom Cotton, Sec.-Mgr., South Board of Control and Gem Irrigation District, Homedale, Idaho.

The Department has set the matter of protest for conference and/or hearing on July 14, 1971, at 1:30 p.m., at the office of the department, Statehouse - Annex 2, 614 State Street, Boise, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or the protestant may allow the department, without prejudice, to dismiss the protest or the applications. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 29th day of June, 1971.

Bobby D. Fleenor  
BOBBY D. FLEENOR  
Assistant Director

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).  
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address  
where delivered

☐ Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

22874

1

*Riddle Ranches Inc.*

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

*by Peter Johnson*

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

*no return*

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS



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

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55 2035

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### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

22876

1

2

*Jack A Barnett Cus*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

JUL 1 1971

3

55 2035

POD Form 381A Apr. 1969, c55-10-71548-11

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TO**

DEPARTMENT OF WATER RESOURCES  
STATE OF IDAHO  
BOISE, IDAHO 83707

55 2035

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where delivered

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Deliver ONLY  
to addressee

### RECEIPT

*Received the numbered article described below.*

REGISTERED NO.

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

CERTIFIED NO.

22875

1

*South Board of Control*

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

*Henry C. Fisher*

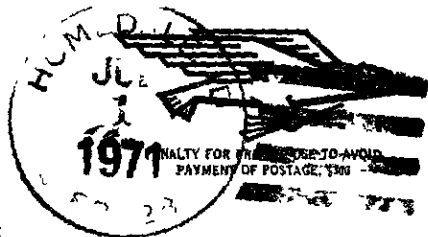
DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

55 2035

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moistened gummed ends and attach this card to back of article.

**RETURN  
TO**



POD Form 3811 Apr. 1969 653-10-71548-11

55 2035

April 23, 1971

Re: Applications for Transfer of Water Right Nos. 55-2035 (1666)  
55-2211

Riddle Ranches, Inc.  
Riddle -via- Grassmere,  
Idaho 83625

Gentlemen:

We are enclosing a copy of the protest which this Department has received against the issuance of your two above numbered applications for transfer of water right. We will notify you at a later date as to the time, place, and date set for a conference and/or hearing to review the matters of protest.

If we can be of any assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR  
Enclosure

55 2035

April 23, 1971

Re: Application for Transfer of Water  
Right Nos. 55-2035 and 55-2211 (1666)

Mr. Tom Cotton, Sec-Mgr.  
South Board of Control  
and Gem Irrigation District  
Homedale, Idaho 83628

Dear Mr. Cotton:

This letter is to acknowledge receipt of your protest to the above numbered applications for transfer of water right. The Department will notify you at a later date as to the time, place and date set for a conference and/or hearing to review the matters of protest.

Please contact us, if we can be of further assistance.

Very truly yours,

BOBBY D. FLENNOR  
Assistant Director

BDF:DR

55-2035

March 22, 1971

Re: Transfer No. 55-2035/1666

The Owyhee Nugget  
Marsing,  
Idaho 83639

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear 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 the same has been paid."

-----  
(signature of claimant)

Very truly yours,

Donald N. McElDowney  
Appropriation Supervisor

DNM:CM

Enc: Legal Notice

*Bill submitted  
April 13, 1971*

55 2035

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. ~~55-2035/1666~~

Notice is hereby given that ~~Riddle Ranches, Inc.~~  
of ~~Riddle via Grasmere, Idaho~~ has applied to the Department of Water  
Administration for a change of ~~point of diversion~~ of the waters of ~~Shoo Fly, tributary of Owyhee River~~.  
The right sought to be changed is evidenced by ~~License~~  
and is recorded as follows.

Amount: ~~3 c.f.s.~~ Priority: ~~October 21, 1912~~  
Point of Diversion: ~~NELNEL, Sec. 1, T. 14S, R. 1E, B.M., Owyhee County~~  
The water is used for ~~irrigation~~ purposes ~~within Lots 5, 6 and 7, Sec. 6, T. 14S, R. 2E, B.M., and Lot 1 in Sec. 7, T. 14S, R. 2E, B.M.~~

TO BE CHANGED AS FOLLOWS

Amount: ~~5.8 c.f.s.~~  
Point of Diversion: ~~NELSW, Sec. 31, T. 13S, R. 2E, B.M.~~  
~~The water will be used for irrigation purposes within Lots 5, 6 and 7, Sec. 6, T. 14S, R. 2E, B.M., and Lot 1 in Sec. 7, T. 14S, R. 2E, B.M.~~

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before  
~~April 19, 1971~~.

R. KEITH HIGGINSON  
Director

Published in the ~~Owyhee Nugget, Marsing, Idaho~~  
on ~~April 1, 1971~~ and ~~April 8, 1971~~.

55 2035

February 25, 1971

Idaho Land and Appraisal  
Box 1603  
Boise, Idaho 83701

Gentlemen:

Attached herewith is Departmental Receipt No. <sup>5679</sup>~~(520.00)~~ ~~(5100.00)~~ in the amount of  
\$120.00 for Transfer and Application for Permit in the name  
of Riddle Ranches, Inc.

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH  
Administrative Assistant

MRB:ejw

Enclosure

# IDAHO LAND & APPRAISAL SERVICE

HARLEY M. McDOWELL  
E. J. McDOWELL  
MGR OWNERS

633 N. 4TH

BOISE, IDAHO 83701

P. O. Box 1603  
PHONE 344-2547

MERVIN J. CHRISTENSEN  
(LICENSED SURVEYOR)

JOSEPH J. THACKABERRY

ROBERT W. SMITH

February 22, 1971

ALL PROPERTY APPRAISALS  
CUSTOM DRAFTING, MAPPING  
LAND PURCHASES  
OIL AND GAS LEASES

GRAZING MANAGEMENT  
FEDERAL LAND APPLICATIONS  
WATER FILINGS & PROOF  
STATE LAND LEASES & ASSIGNS

Mr. R. Keith Higginson, Director  
Department of Water Administration  
Statehouse - Annex 2  
Boise, Idaho 83707

Dear Mr. Higginson:

RE: Application for Water Permit - Riddle Ranches, Inc.  
Application for Transfer of Water Right

Enclosed herewith please find the following:

1. Application for water permit in the name of Riddle Ranches, Inc.
2. Power of Attorney naming Idaho Land & Appraisal Service
3. Application for Transfer of Water Right in the name of Riddle Ranches, Inc. with an attached copy of the deed showing the purchase of the land and water rights.
4. Check in the amount of \$120 to cover the filing fee for 9,000 acre feet - \$100; and Transfer of 5.8 cfs - \$20.

If you require any further information, do not hesitate to let us know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

*Harley M. McDowell*  
Harley M. McDowell

ls

encl

55 2 25

# REPORT OF ENGINEER

This proof is for beneficial use.In Water District No. 55

1. State name of applicant and number of permit: Henry E. Rubelt, Permit No. 8571
2. State source of water supply: Shoo Fly Creek
3. Location of point of diversion: NE 1/4 Sec. 1 T. 14 S. R. 1 E. B. M.
4. Describe works as they exist, giving dimensions and capacities of same:
 

Earth dam, 25' H. 320' L. Cap. reservoir, 920 A.F.  
Concrete outlet, 2.5' B. 3' H.  
" Spillway, 20' B. 60' L. 9' D.  
Div. from Creek, No dam, Wood H.G. 2' x 2'  
2 ditches, 4' B. 1' D. Cap. 4 S.F. each.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Lots 5, 6, and 7, Sec. 6, and Lot 1, Sec. 7, T. 14 S. R. 2 E.  
Boise Meridian, Idaho  
All in cultivation.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? Two.
9. Give names and amount of each right: Henry Rubelt 1/2  
Henrietta Rubelt 1/2
10. What large stream would the water here appropriated finally reach? Snake River.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: From land to Shoo Fly Creek, to Blue Creek, to Owyhee River,  
to Snake River.

Remarks:

This examination was made on the 4<sup>th</sup> day of August 1912.

(Signed)

*L.R. Annett*  
 L.R. Annett.

Examiner.

8571

OVER

三

## Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. 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.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. 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.

(This report must be sworn to when not made by an attaché of the office)

STATE OF IDAHO,

SS.

County of \_\_\_\_\_

being first duly sworn, deposes and says that the

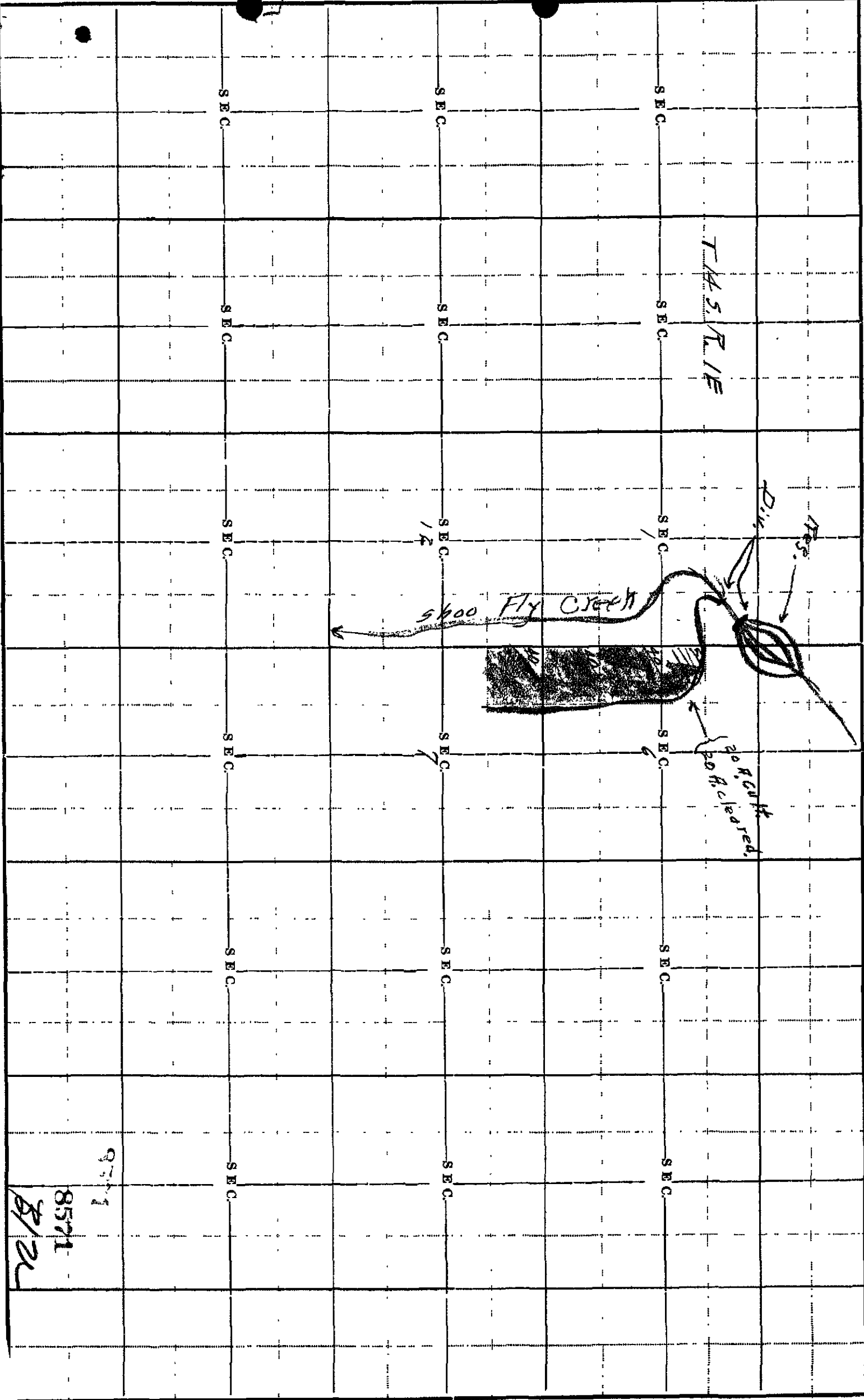
statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

My commission expires \_\_\_\_\_

Notary Public.

NAME OF APPLICANT Henry E. Hubert # 8571



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.