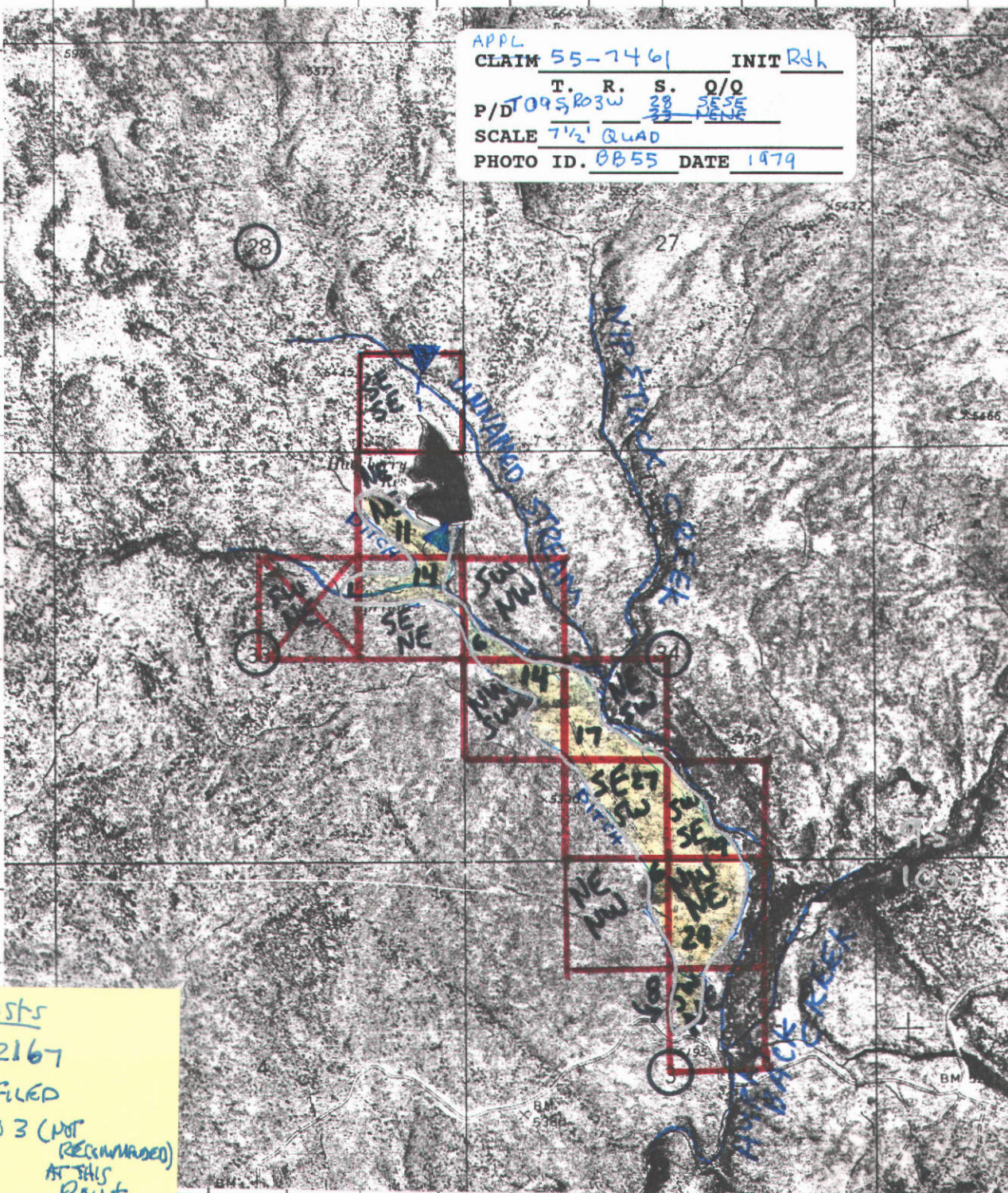


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

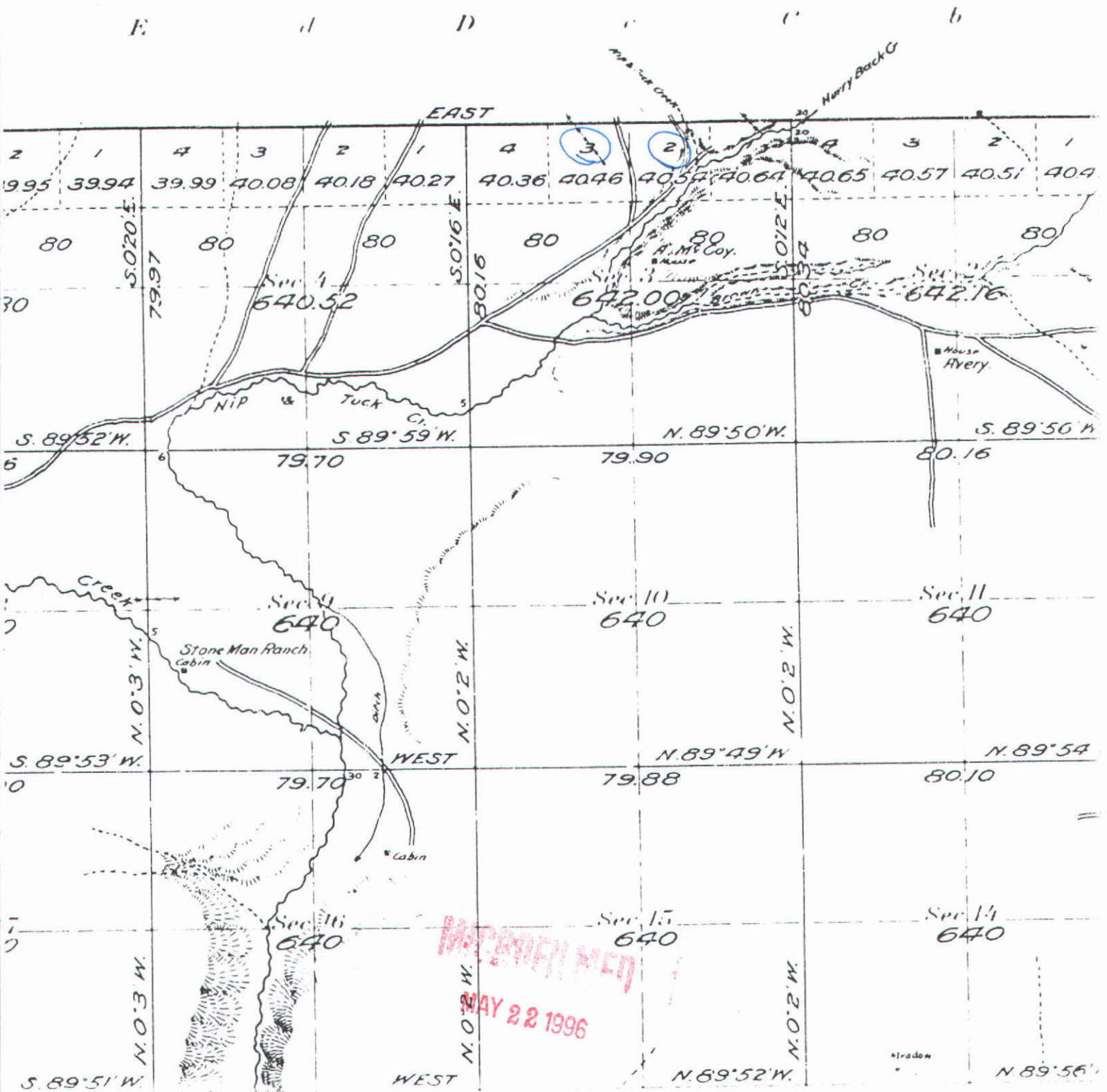
MAY 22 1990

(Dam breached approx 15 yrs ago)

(Applicant)

(4-675a)

th Range N^o 3 West of the Boise Me.



The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

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

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

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

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

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

said newspaper, in Two (2)

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

April 17 & 24, 1996

RECEIVED

MAY 02 1996

WATER RESOURCES
WESTERN REGION

Signed

Subscribed and sworn to me this 24th day of April A.D., 19 96

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires August 18, 2001

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s)
have been filed to appropriate
the public waters of the State
of Idaho:

55-07461

ASHBY, RAYMOND ED-
WARD

ASHBY, PAULA T

PO BOX 247

BRUNEAU, ID 83604

Source: UNNAMED STREAM

Tributary: NIP AND TUCK
CREEK

Diversion Pt: SESE Sec 28
T 09S R 03W in OWYHEE
County.

Use:
DIVERSION TO STORAGE

(3.020 CFS)

IRRIGATION

(3.020 CFS)

IRRIGATION STORAGE

(110.00 AF)

IRRIGATION FROM STOR-
AGE

(110.00 AF)

STOCKWATER STORAGE

(5.40 AF)

STOCKWATERFROMSTOR-
AGE

(5.40 AF)

Total Diversion:

(3.020 CFS)

(110.00 AF)

Date filed: 3/28/1996

In: OWYHEE County

T09SR03WS33 NENESENE

S34 SWNW NESW NWSW

SESW SWSE T10S R03W S03

Lot 2(NWNE) SWNE Lot

3(NENW)

151.0 ACRES TOTAL

57-07626

WINTERCAMP RANCH
TRUST

HC 79 BOX 2195

OREANA, ID 83650

Source: GROUNDWATER

Diversion Pt: SESENW Sec

10 T 05S R 01E in OWYHEE

County.

Use: COMMERCIAL

(2.930 CFS)

Total Diversion:

(2.930 CFS)

Date Filed: 4/9/1996

In: OWYHEE County

T05S R01E S10 NESW

NWSW SWSW

Permits will be subject to all
prior water rights. Protests may
be submitted based on the cri-
teria of Sec. 42-203A, Idaho
Code. Any protest against the
approval of this application
must be filed with the Director,
Dept. of Water Resources,
Western Region, 2735 Airport
Way, Boise, Idaho 83705 to-
gether with a protest fee of
\$25.00 on or before MAY 6,
1996. The protestant must also
send a copy of the protest to
the applicant.

KARL J. DREHER, Director
Publish April 17 & 24, 1996

IN THE MATTER OF PERMIT NO. 55-07461)
)
IN THE NAME OF RAYMOND EDWARD)
& PAULA T. ASHBY)
)

**ORDER OF
REINSTATEMENT**

REFILMED

RECEIVED

JUL 06 1999

WATER RESOURCES
WESTERN DIVISIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 14 1999

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 55-07461 (208) Telephone No. 845-2850

2. Name(s) of Permit Holder(s): RAYMOND EDWARD ASHBY AND/OR PAULA T. ASHBY

3. Mailing Address: PO BOX 247, BRUNEAU ID 83604-0247

4. Source of Water: UNNAMED STREAM If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: ____ Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): 151 Other: ____

6. Total rate of diversion and/or volume for which proof is submitted: 3.02 cfs OR 110 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ____ or No /

Has the measuring device been installed?

Yes ____ or No ____

Flow Measurement Port: Is a flow measurement port required?

Yes ____ or No NA

Has the measurement port been installed?

Yes ____ or No ____

8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: ABOVE PERMIT HOLDERS Telephone Number: (208) 845-2850

Address: SAME AS ITEM # 3

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Paula T. Ashby Date: July 6, 1999
(include your title, if on behalf of company or organization)

RECEIVED

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 55-07461

Proposed Priority: March 28, 1996

Maximum Diversion Rate:

3.02 CFS

This is to certify, that **RAYMOND EDWARD ASHBY**

PAULA T ASHBY

PO BOX 247

BRUNEAU ID 83604-0247

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **NIP AND TUCK CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.02 CFS	
IRRIGATION STORAGE	01/01 to 12/31		110.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/15		110.0 AF
STOCKWATER STORAGE	01/01 to 12/31		5.4 AF
STOCKWATER FROM STORAGE	04/15 to 10/15		5.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	3.02 CFS	
	Totals	3.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 28, Township 09S, Range 03W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	03W	33	NENE 11.0	SENE 14.0			25.0
		34	SWNW 6.0	NESW 17.0	NWSW 14.0		
			SESW 27.0	SWSE 19.0			83.0
10S	03W	3	Lot 2(NWNE) 29.0	SWNE 8.0	Lot 3(NENW) 6.0		43.0

Total number of acres irrigated: 151.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1999**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

MAY 22 1996

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

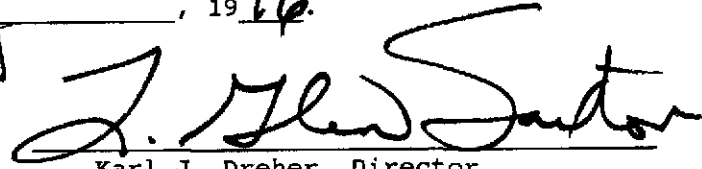
NO. 55-07461

CONDITIONS OF APPROVAL AND REMARKS

4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
8. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
9. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

15th day of May, 1976.


Karl J. Dreher, Director
for

70 1996

RECEIVED

MAY 13 1996

Ident. No. 55-07461

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: RAYMOND EDWARD ASHBY 208-845-2850
Address: PO BOX 247
BRUNEAU ID 83604
OR
Name: PAULA T ASHBY 208-845-2850
Address: PO BOX 247
BRUNEAU ID 83604

2. Source: UNNAMED STREAM Trib. to: NIP ^{AND} TUCK CREEK
3. Location of Point of Diversion: SESE Sec. 28, Township 09S, Range 03W
OWYHEE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	3.020		
IRRIGATION STORAGE	01/01	12/31			110.00
IRRIGATION FROM STORAGE	04/15	10/15			110.00
STOCKWATER STORAGE	01/01	12/31			5.40
STOCKWATER FROM STORAGE	04/15	10/15			5.40
DIVERSION TO STORAGE	01/01	12/31	3.020		

5. Total quantity to be appropriated is:
3.020 CFS (and/or) 110.00 AF

6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
OFFSTREAM, EARTH DAM, OUTLET, EARTH DITCHES, GRAVITY FLOWS
 - Height of storage dam 15 feet; active reservoir capacity 110.00
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - Proposed well diameter is inches; proposed depth of well is
feet.
 - Is groundwater with a temperature greater than 85F being sought? NO
 - If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

MAY 22 1996

8. Place of Use: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
09S	03W	33	NENE	11	SENE	14			25
		34	SWNW	06	NESW	17	NWSW	14	
			SESW	27	SWSE	19			83
10S	03W	3	Lot 2 (NWNE)	29	SWNE	08	Lot 3 (NENW)	06	43

Total number of acres irrigated: 151

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

Place of Use: STOCKWATER FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
- b. Who owns the land to be irrigated or place of use?
APPLICANT
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks: Stockwater is for 400 range cattle.

11. Map of proposed point of diversion and place of use attached? ☒

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.

Raymond E. Arday
Applicant

Received by Rdh Date 3/28/96 Time 14:11 Preliminary check by jfl

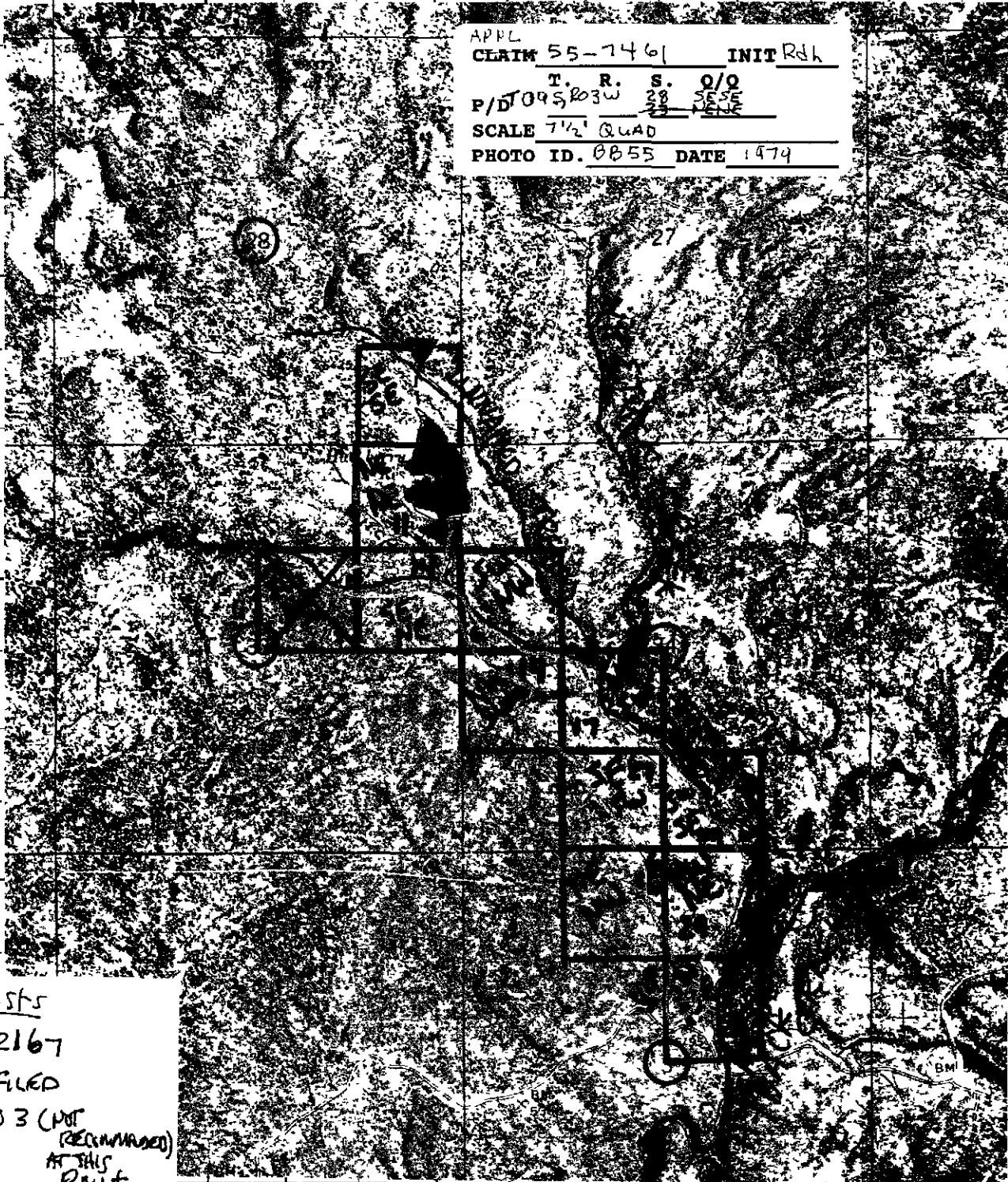
Fee \$ 160.00 Receipted by Rdh # W020622 Date 3/28/96

Publication prepared by dt Date 4-11-96 Published in Owyhee Avalanche

Publication approved dt Date 5-8-96

MAY 22 1996

13. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number



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

(Dam breached approx 15 yrs ago)

(Applicant)

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 160.00 Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a SUBJECT TO ALL PRIOR WATER RIGHTS

b Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 _____

c The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit

e. Other

503 3
SEP 12 1995

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date: 04/08/96
Time: 09:32:42

Water Right Number: 55-07461

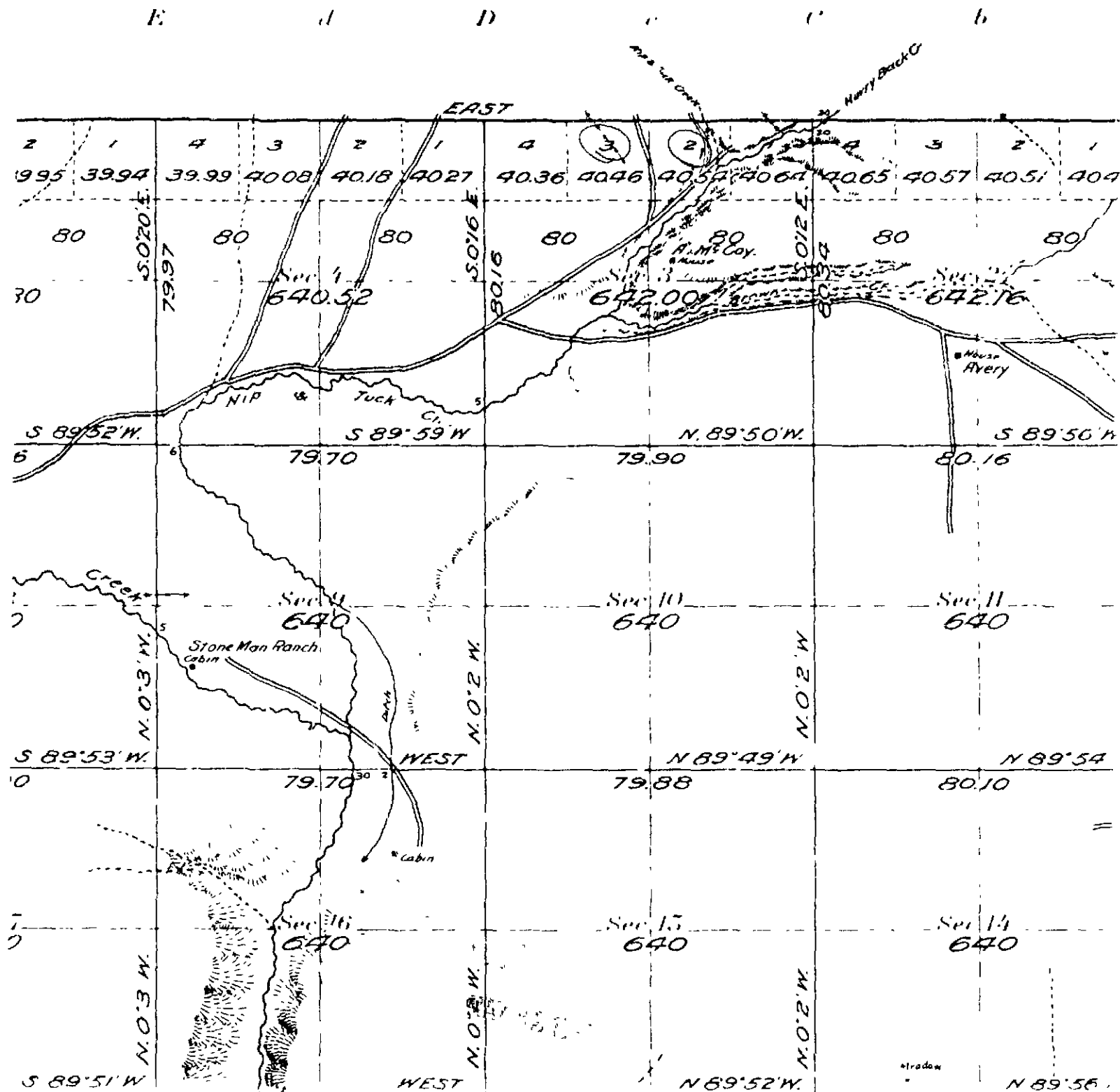
Comment Date: 4/ 8/1996 User ID: CHODGES

Subject: OVERLAPPING RIGHTS, EXISTING SYSTEM

This is an existing system originally developed under 55-02108, 02167 and also claimed under 55-04103, all with DOP of 1920. All were claimed during SRBA under A55-04103, however, field verification reveals that dam was breached approx 15 years ago and claim will likely be disallowed on the basis of abandonment. This is a replacement filing. See also dam file D55-02167, claim A55-04103 and attached memo.

(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)

th Range N^o 3 West of the Boise Me



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. SS-07461 Reviewed by [Signature] Date 11-16-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? Dr
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
Drilling permit required?
Copy in the file? / Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
175- Amount Submitted
yes Correct?
NO Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

NO advance

DEFICIENCIES OR ACTION ITEMS

Been state w/ no advance in priority
Proof Acceptable

DATA ENTRY

New Address [Signature] Proof Made 7-6-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 27, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Raymond and Paula Ashby
PO Box 247
Bruneau ID 83604

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 55-07461

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. The department feels you may not have received the certified Proof Due Notice in the mail, therefore, the priority date has not been advanced.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, you may contact the **WESTERN** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c. IDWR - Region

MICROFILMED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

July

February 28, 1999

RAYMOND EDWARD ASHBY
PAULA T ASHBY
PO BOX 247
BRUNEAU ID 836040247

PROOF DUE NOTICE

RE: PERMIT NO. 55-07461

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

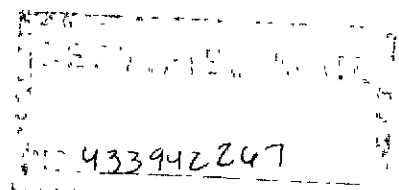
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 16, 1996

RAYMOND EDWARD ASHBY
PAULA T ASHBY
PO BOX 247
BRUNEAU ID 83604-0247

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 55-07461

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

MAY 22 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 55-7461 Name: Ashby Date: 5/14/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: W020622 Priority: 3/28/96 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - ~~NA~~/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - **P16**
+1 year - 26A-**P17**
GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)
Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, **P99**
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - **P05** (new well)
SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):
Water District(~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-**P08**
=/- 0.2 cfs - 01H(lock dev)-**P01** or No MD
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA
USE:
Domestic (surface) - 021(Boise R ↑ Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-**P10**; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(**P19**)-09E(**P10**);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-**P09**(+10' dam), NA
LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - **P52** (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - **31** <SEE CODE CHART>
Trust - 051-052-053-**P74** (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU)
OTHER CONDITIONS: _____
STANDARD REMARKS: - ~~W02/400 RG~~
BENEFICIAL USE DUE: - 5-1-1999
COMMENTS: _____

MEMORANDUM

DATE: May 14, 1996
TO: File No. 55-07461
FROM: Cindy Zimmerman *CZ*
SUBJECT: Trustwater Review

=====

This application proposes to divert 3.02 cfs of trustwater from an unnamed stream tributary to Nip and Tuck Creek to irrigate 151 acres located within S33 & S34, T09S, and S3, T10S, R03W. This application satisfies 42-203A & C requirements.

04/22/96

RECEIVED
MAY 13 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: Cjl DATE: 4/8/96 APPLICATION: 55-7461

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☐	☒	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☒	☐	Critical groundwater area:
☒	☐	Groundwater management area:
☒	☐	1992 moratorium:
☒	☐	Copy to SCA staff: (perennial stream, non-pump diversion) <u>4/8/96 by cjl</u>
☒	☐	Copy to Dam Safety staff: (for any storage) <u>4/8/96 by RDH</u>
☐	☒	Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
☐	☐	Send power requirement letter:
☐	☐	Send fish farm requirement letter:
☐	☐	Power residency affidavit:
☐	☐	Power efficiency form:
☐	☐	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☐	<u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>

DATE REQUESTED: _____

Additional information on reverse side:

APPLICATION 55-7461

SEND COPIES TO

U.S. BLM
U.S. Forest Svc.
Water Dist. # _____
Other _____

✓

Publication dates and paper recorded on application:
Protests received. Final date for protest 5-6-96
Protest dates, resolution of protest recorded on application:
Recommendations attached: Approved, DW
Measuring device required:
Measuring port required:
Water delivered by water master? District # _____
Special conditions of approval or cover letter: _____

26A (Allow 3 yrs), 18B

Recommended Date or Priority 3/28/1996

Recommended by: Dr Date 5/8/96

See below for additional information. By _____ Date _____

55-2108, 4103, 2167 - overlapping rights for project, all claimed
1920 1920
in SRBA as A55-4103 - dam breached
& likely aban low L. see attached
memo

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

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

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

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

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

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

said newspaper, in Two (2)

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

April 17 & 24, 1996

RECEIVED

MAY 02 1996

WATER RESOURCES
WESTERN REGION

Signed

Subscribed and sworn to me this 24th day of April A D . 19 96

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho.
Commission expires August 18, 2001

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s)
have been filed to appropriate
the public waters of the State
of Idaho:

55-07461

ASHBY, RAYMOND ED-
WARD

ASHBY, PAULA T

PO BOX 247

BRUNEAU, ID 83604

Source: UNNAMED STREAM

Tributary: NIP AND TUCK
CREEK

Diversion Pt: SESE Sec 28
T 09S R 03W in OWYHEE
County.

Use:

DIVERSION TO STORAGE

(3.020 CFS)

IRRIGATION

(3.020 CFS)

IRRIGATION STORAGE

(110.00 AF)

IRRIGATION FROM STOR-
AGE

(110.00 AF)

STOCKWATER STORAGE

(5.40 AF)

STOCKWATERFROMSTOR-
AGE

(5.40 AF)

Total Diversion:

(3.020 CFS)

(110.00 AF)

Date filed: 3/28/1996

In: OWYHEE County

T09S R03W S33 NENESENE

S34 SWNW NESW NWSW

SESW SWSW T10S R03W S03

Lot 2(NWNE) SWNE Lot

3(NENW)

151.0 ACRES TOTAL

57-07626

WINTERCAMP RANCH
TRUST

HC 79 BOX 2195

OREANA, ID 83650

Source: GROUNDWATER

Diversion Pt: SESENW Sec
10 T 05S R 01E in OWYHEE
County.

Use: COMMERCIAL

(2.930 CFS)

(2 930 CFS)

Total Diversion:

(2 930 CFS)

Date Filed: 4/9/1996

In: OWYHEE County

T05S R01E S10 NESW

NWSW SWSW

Permits will be subject to all
prior water rights. Protests may
be submitted based on the cri-
teria of Sec. 42-203A, Idaho
Code. Any protest against the
approval of this application
must be filed with the Director,
Dept. of Water Resources,
Western Region, 2735 Airport
Way, Boise, Idaho 83705 to-
gether with a protest fee of
\$25.00 on or before MAY 6,
1996. The protestant must also
send a copy of the protest to
the applicant.

KARL J. DREHER, Director
Publish April 17 & 24, 1996

55-07461

ASHBY, RAYMOND EDWARD
ASHBY, PAULA T
PO BOX 247
BRUNEAU, ID 83604

Source: UNNAMED STREAM

Tributary: NIP AND TUCK CREEK

Diversion Pt: SESE Sec 28 T 09S R 03W in OWYHEE County.

Use: DIVERSION TO STORAGE	(	3.020 CFS)		
IRRIGATION	(	3.020 CFS)		
IRRIGATION STORAGE			(	110.00 AF)
IRRIGATION FROM STORAGE			(	110.00 AF)
STOCKWATER STORAGE			(	5.40 AF)
STOCKWATER FROM STORAGE			(	5.40 AF)
Total Diversion:	(	3.020 CFS)	(	110.00 AF)

Date Filed: 3/28/1996

In: OWYHEE County				
T09S R03W S33	NENE	SENE		
S34	SWNW	NESW	NWSW	SESW
	SWSE			
T10S R03W S03 Lot 2 (NWNE)		SWNE	Lot 3 (NENW)	

151.0 ACRES TOTAL

MEMORANDUM

April 3, 1996

TO: JOHN WESTRA

FROM: RON HOWERTON

RE: D55-2167 & CLAIM A55-04103 & APPL 55-07461

1. Raymond & Paula Ashby bought the lands covered by dam safety reference # D55-2167. The right was claimed in the SRBA as A55-04103.
2. A SRBA field exam was done 8-5-93 by me and accompanied by Charley Burghart.
3. During the exam it appeared that the right had been abandoned and thus written up that way.
4. An ownership change was received by IDWR on 5-5-95 to the Ashby's.
5. The Ashby's came in to see if they could fix the Dam and also check the right.
6. I verbally told them I felt that this right was abandoned and suggested that they file an application for permit. They agreed.
7. They filed application for permit 55-07461 on March 28, 1996.
8. Note, that the source is UNNAMED STREAM tributary to NIP & TUCK CREEK.
9. See copy attached.