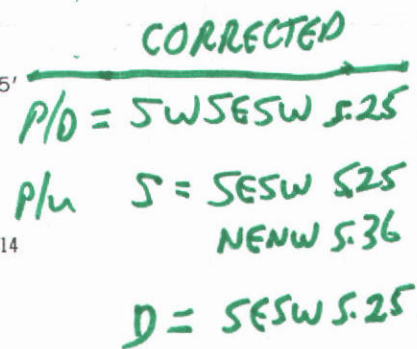
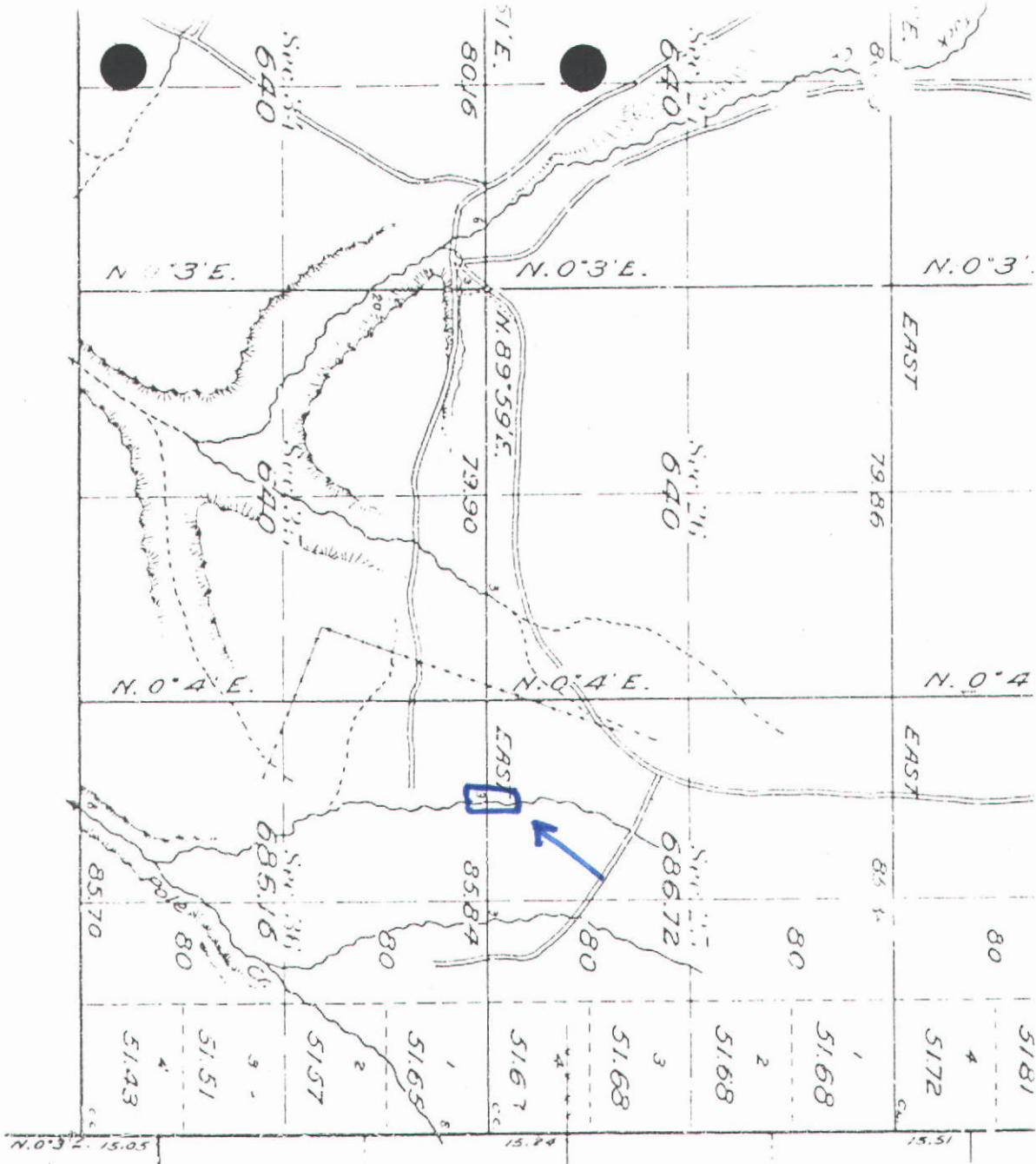


2769 III NW
(CLOVER MOUNTAIN)





q R S T

Surveyed
Completed
May 29 1916
29
17
Oct 20 1915
Sept 29

The above map of Township No. 9 South, Range No. 2 West of the Boise Meridian, Idaho, is strictly conformable to the field notes of the survey thereof in this office, which have been examined and approved

U. S. Surveyor General's Office.

Public Land	2410.88
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	
Total Area	2410.88

Lat: 42° 35' 34" N. to 2° 15' 00" N. Long: 116° 31' 20" W. Scale: 60 chains to an in.

Magn. Magnetic Declination not recorded.

Note lots East side of Section.

T9S R2W

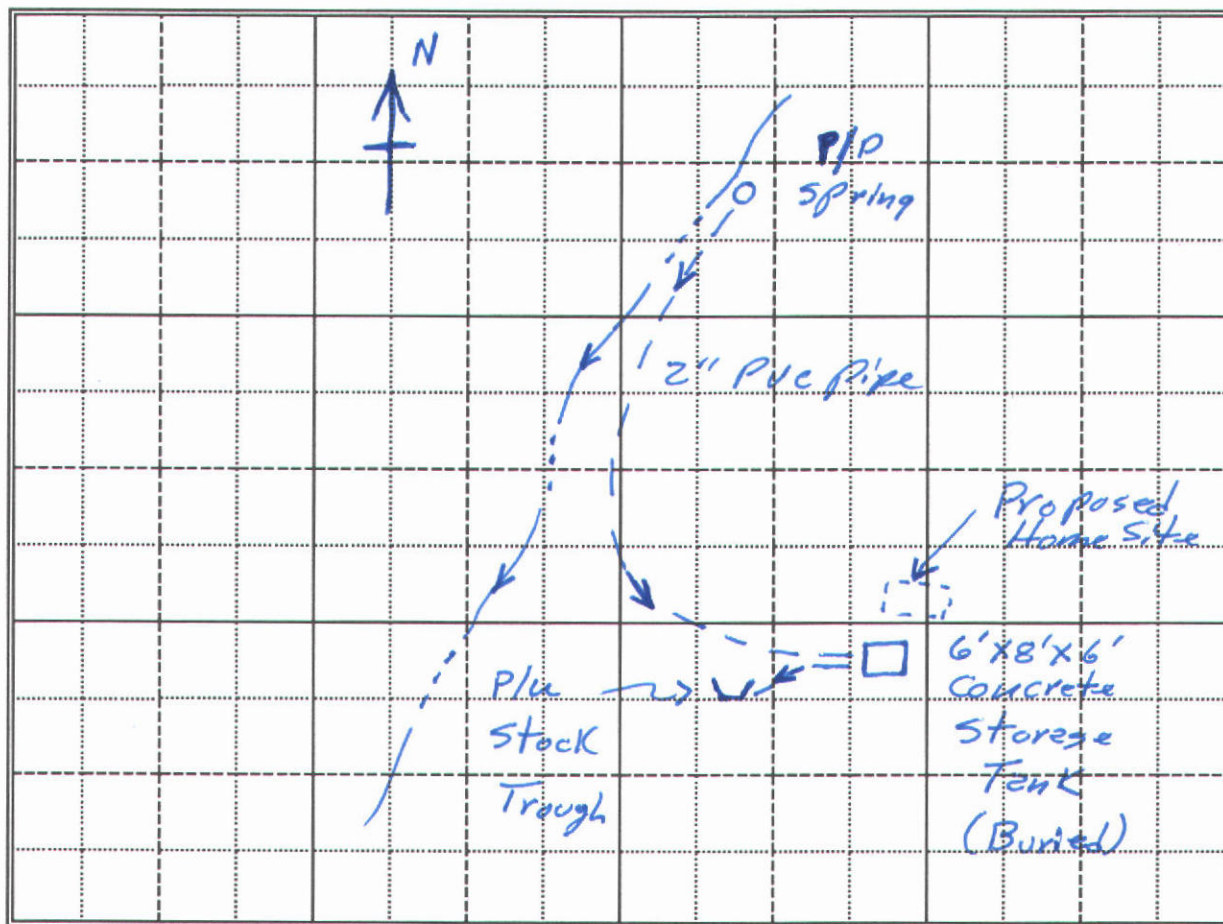
REPROFILED

DEC 11 1995

10/25/88

Edward H. H. H.

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

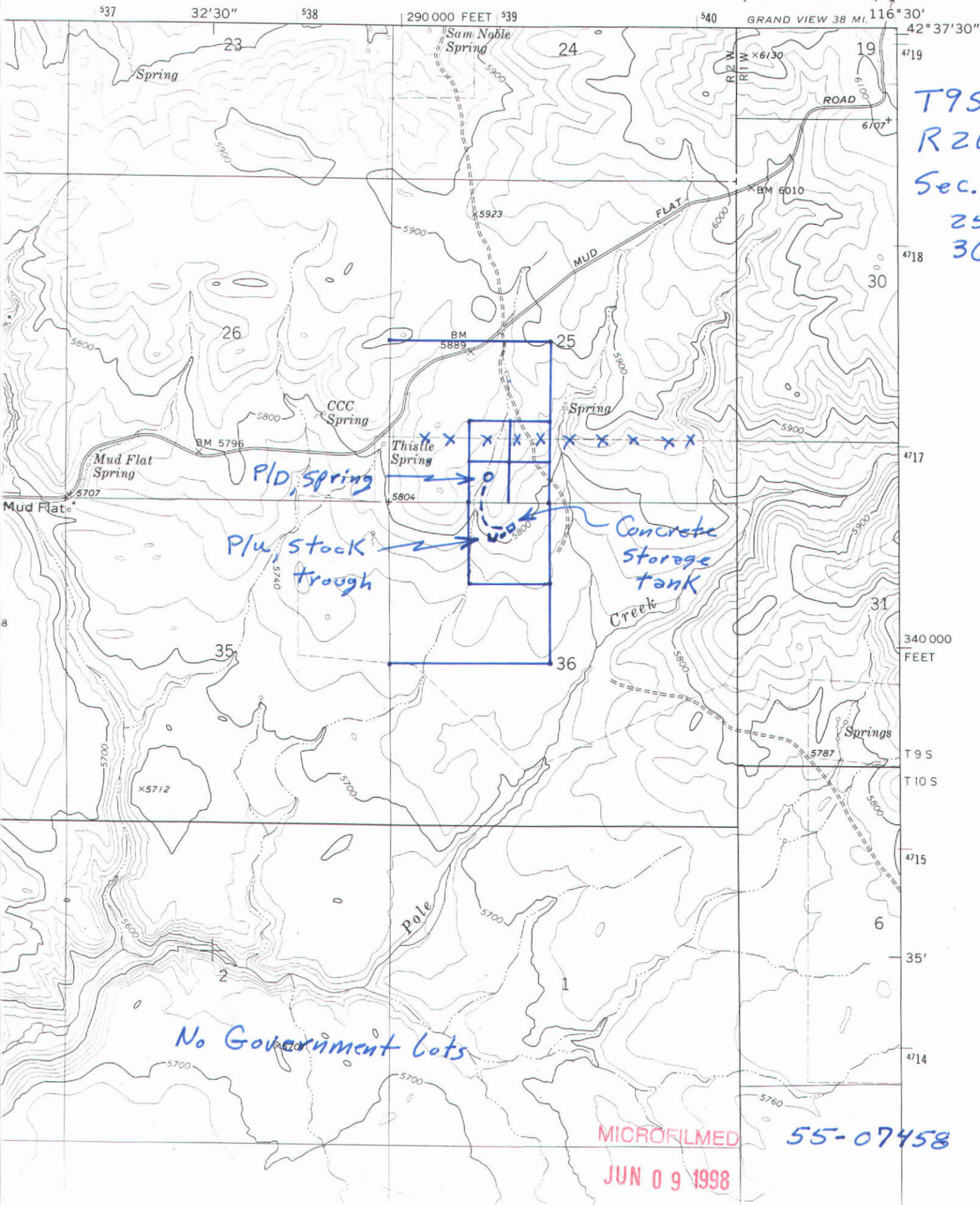
2. Measurements: None; Spring, pipeline, and stock Trough
were dry 2nd time of exam.

MICROFILMED

JUN 09 1998

WAGON BOX SIN QUADRANGLE
IDAHO-OWYHEE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2769 III NW
(CLOVER MOUNTAIN)



T9S
R2W
Sec.
25
36

MICROFILMED

55-07458

JUN 09 1998



P/D

Spring
Development
Site.

View
Looking
North



P/u

Stock
watering
Trough

View
Looking
Northwest

MICROFILMED
JUN 09 1998

55-07458

2 of 2



Site of
buried
Concrete
Storage
Tank.

View
Looking
Northeast



Site of
buried
Concrete
Storage
Tank.

View
Looking
South

MICROFILMED
JUN 09 1998

55-07458

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

November 24 & 29, 1994

Signed _____

Subscribed and sworn to me this 9th day of Nov A.D., 1994

Conie Bowling
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires October 7, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

55-07458 ✓

OWEN REVOCABLE

TRUST A

ELMA & BURKE

702 W IDAHO FL 10

PO BOX 1539

BOISE, ID 837011539

Source: SPRING Tributary:

POLE CREEK

Diversion Pt: SWSESW Sec

25 T 09S R 02W in OWYHEE

County.

Use: DOMESTIC (.040 CFS)

STOCKWATER (.020 CFS)

Total Diversion: (.060 CFS)

Date Filed: 10/21/1994

In: OWYHEE County

T09S R02W S25 SESW

S36 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria 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 together with a protest fee of \$25.00 on or before NOVEMBER 21, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON,

Director

Published November 2 & 9, 1994

RECEIVED

DEC 01 1994

WATER RESOURCES
WESTERN REGION

DEC 11 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 55-07458

Priority: October 21, 1994

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.4 AF

This is to certify, that OWEN REVOCABLE TRUST A

C/O RICHARD L OWEN

502 N 3RD ST #205

BRUNEAU ID 83604-0590

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 21, 1994; and has submitted Proof of Beneficial Use on November 14, 1995. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

SPRING

tributary to POLE CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSESW , Sec. 25, Township 09S, Range 02W
OWYHEE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09S 02W 36

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of JANUARY, 1998.

Acting for  KARL J. DRTNER, Director

RECEIVED

NOV 14 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. # 55-07458 Telephone No 208-634-5861

2. Name(s) of Permit Holder(s): Richard L Owen, Owen Family Revocable Trust

3. Mailing Address: 502 North Third Street, Suite 205, McCall, Idaho 83638

4. Source of Water: ground If **GROUNDWATER** (well), Date Drilled: mo. 6 / yr. 95

a. Well Driller: Asa Black, Bruneau, Idaho 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): 1 (one) Stockwater (No. and type of stock): cows and horses

Irrigation (No. of acres): Other:

6. Total rate of diversion and/or volume for which proof is submitted: .06 cfs OR 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
Has the measurement port been installed? Yes or No

8. Fee Enclosed: \$ 50.00 (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: Richard L. Owen Tr. Telephone Number: 208-634-5861

Address: 502 North Third Street, Suite 205, McCall, Idaho 83638

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: [Signature] Date: 11 Nov 95

(include your title, if on behalf of company or organization)

DFC 11-14-95

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 55-07458

Proposed Priority: October 21, 1994 Maximum Diversion Rate: 0.06 CFS

This is to certify, that OWEN REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU ID 83604-0590
has applied for a permit to appropriate water from:

SPRING tributary of POLE 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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSESW , Sec. 25, Township 09S, Range 02W
OWYHEE County

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
09S	02W	25 SESW
	36	NENW

PLACE OF USE: DOMESTIC

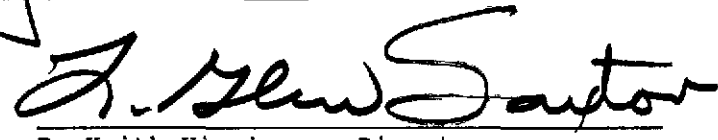
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
09S	02W	25 SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1997.
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.
4. Stockwater use is for 50 range cattle.
5. Domestic use is for 1 home.

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

3rd day of January, 1995

for 
R. Keith Higginson, Director

RECEIVED

DEC 28 1994

Ident. No. 55-07458

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: OWEN REVOCABLE TRUST A
Address: RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU ID 83604
208-845-2001
2. Source: SPRING Trib. to: POLE CREEK
3. Location of Point of Diversion: ~~SE~~SW Sec. 25, Township 09S, Range 02W
SWSE OWYHEE County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		
5. Total quantity to be appropriated is:
0.060 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
SPRING BOX, PIPED TO HOME AND STOCK TANKS
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. 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 3 year(s).
8. Place of Use: STOCKWATER

TWN RGE SEC
09S 02W 25
36

SE
SWSW
SWNW
NE

* d'base corrected per govt lot plat but no govt lots in A/d, B/u.
See topo & govt lot plat, attached. -SL 10/25/94

Place of Use: DOMESTIC

TWN RGE SEC
09S 02W 25 SE
SWSW

*

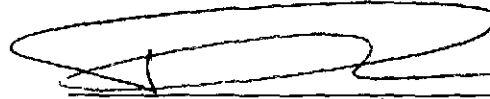
9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks: Stockwater use is for 50 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.


Applicant
Richard L. Olson Trustee

Received by Rdh Date 21 OCT 94 Time 15:24 Preliminary check by Rdh

Fee \$ 50.00 Receipted by Rdh # W018273 Date 21 OCT 94

Publication prepared by St Date 10-26-94 Published in Owyhee Avalanche

Publication approved St Date 12-5-94

Plm corrected per govt. lot plat.

* Item 10 per conversation with Rdh.
Receipt # data entered.

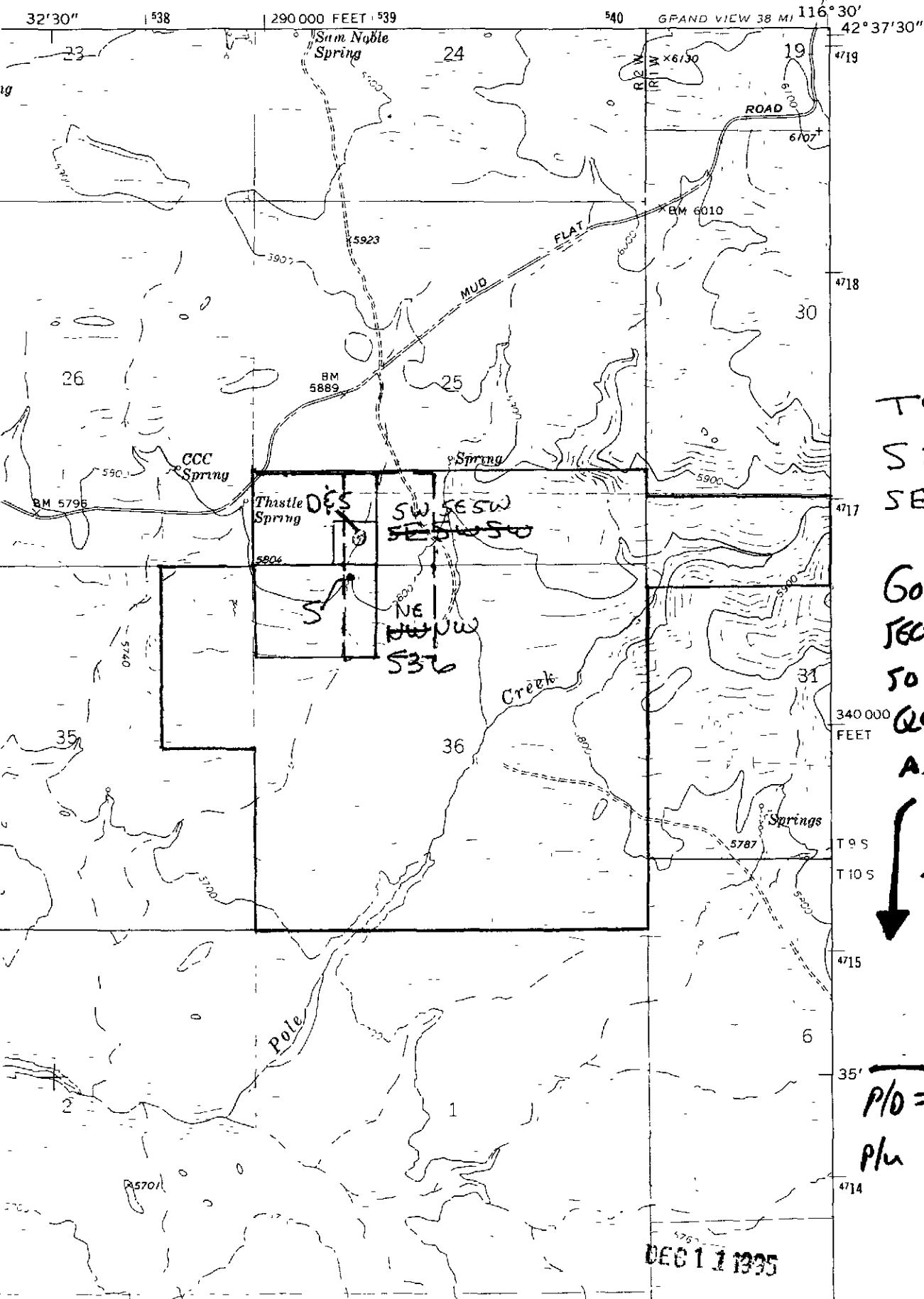
D'base updated 10/25/94 -SZ

DEC 1 1994

55-01458

WAGON BOX BASIN QUADRANGLE
IDAHO-OWYHEE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2769 III NW
(CLOVER MOUNTAIN)



T9S, R2W
S25
SESWSW

Govt lots both
sections in E $\frac{1}{2}$ E $\frac{1}{2}$
so corrected
QQ lines shown
as dashed lines.

↓ -P
10/25/94

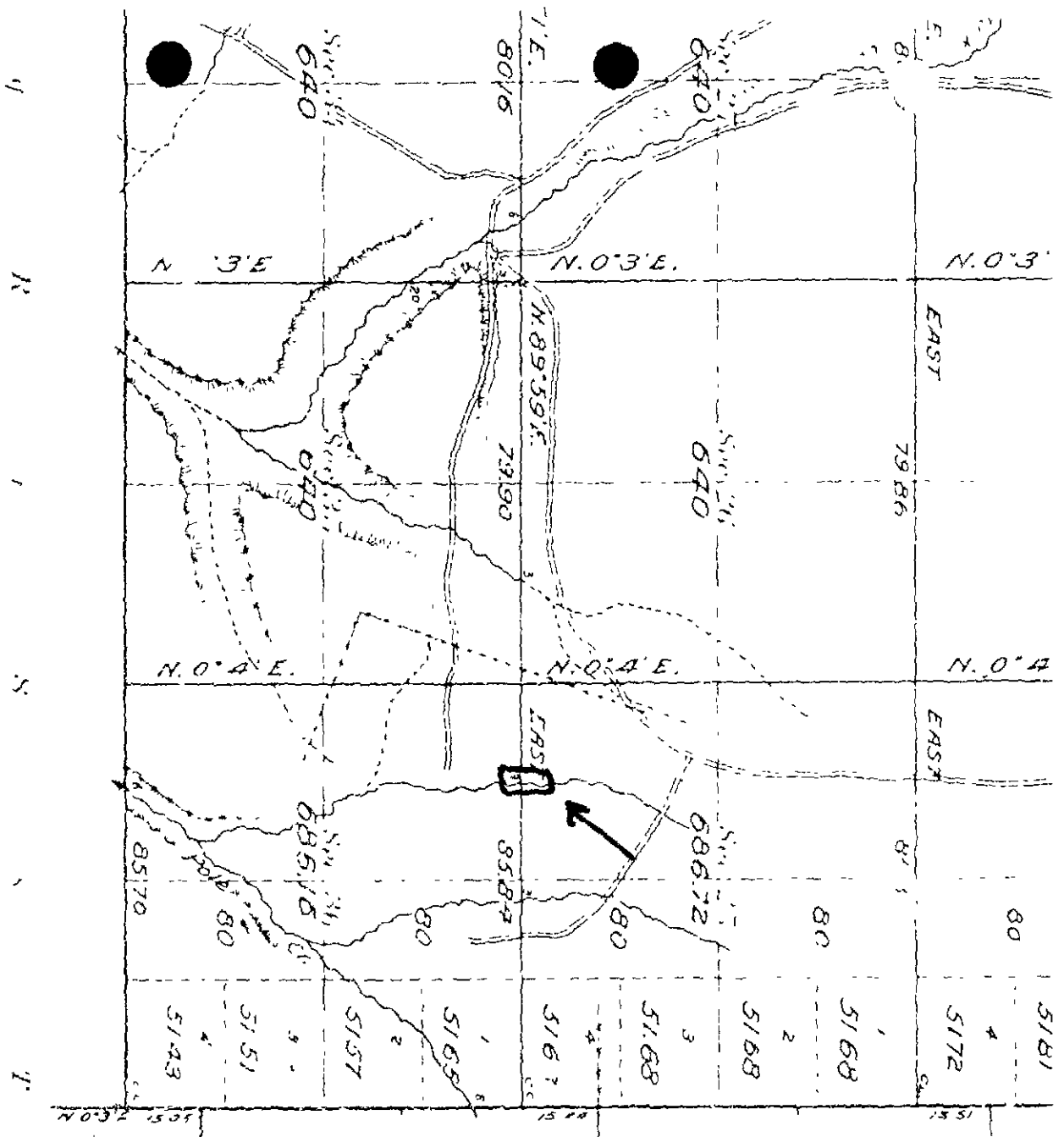
CORRECTED

P/O = SWSESW S.25

P/u S = SESW S.25
NENW S.36

D = SESW S.25

DEC 1 1935



Surveyed
 Completed
 MAY 29 1916
 29
 17
 OCT 20 1915
 SEP 29

The above map of Township No. 9 South, Range No. 2 West of the
 Meridian, Idaho, is strictly conformable to the field notes of the survey thereof
 in this office which have been examined and approved

U. S. Surveyor General's Office

Edward H. Wells

T9S
 R2W
 Note lots East side of
 Section

10/25/1919
 10/25/1919

Public Land
 Indian Reservation
 Indian Allotments
 Mineral Claims
 Water Surface

Total Area 24110.88

Lot 12 35 37 39 41 43 45 47 49 51 53 55 57 59 61 63 65 67 69 71 73 75 77 79 81 83 85 87 89 91 93 95 97 99
 Area 116.31 2 AC
 Scale feet bars shown to
 Mean Magnetic Declination not provided.

M E M O R A N D U M

DATE: March 5, 1998

TO: File 55-07458

FROM: Kari Lynn Townsend

RE: Returned Mail

=====

The license mailed in January 1998 was returned by the postoffice for address correction.

I called the phone number on the Proof of Beneficial Use form and while talking to Mrs. Owen realized that the right holders address had been incorrectly entered into the database. The town of residence was shown as Bruneau and should have been McCall.

I changed the database and resent the license today.

RECEIVED
JAN 29 1998
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
1501 N. Orchard St.
P.O. Box 85720
Coeur d'Alene, ID 83720-0005
(208) 765-7300

RETURNED TO
ORIGIN
FORWARD EXPIRED

1/29/98
MAIL PERMITS 111111
COURT REPORTER
COURT REPORTER
COURT REPORTER
COURT REPORTER



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

January 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OWEN REVOCABLE TRUST A
C/O RICHARD L OWEN
502 N 3RD ST #205
BRUNEAU ID 83604-0590
MC CALL 23638

RE: WATER RIGHT NO. 55-07458

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

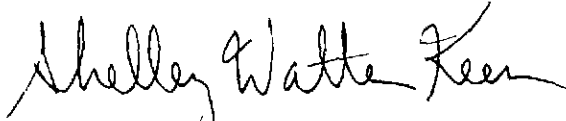
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

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

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

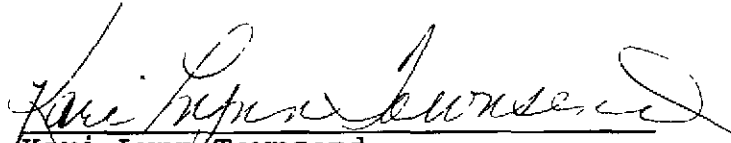
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 55-07458

OWEN REVOCABLE TRUST A
C/O RICHARD L OWEN
502 N 3RD ST #205
BRUNEAU ID 83604-0590


Kari Lynn Townsend
Secretary

PERMIT NO 55-07458 DATE 1/20/98 REVIEWER SHARLA

Does map agree with written description? ☒ yes ☐ no

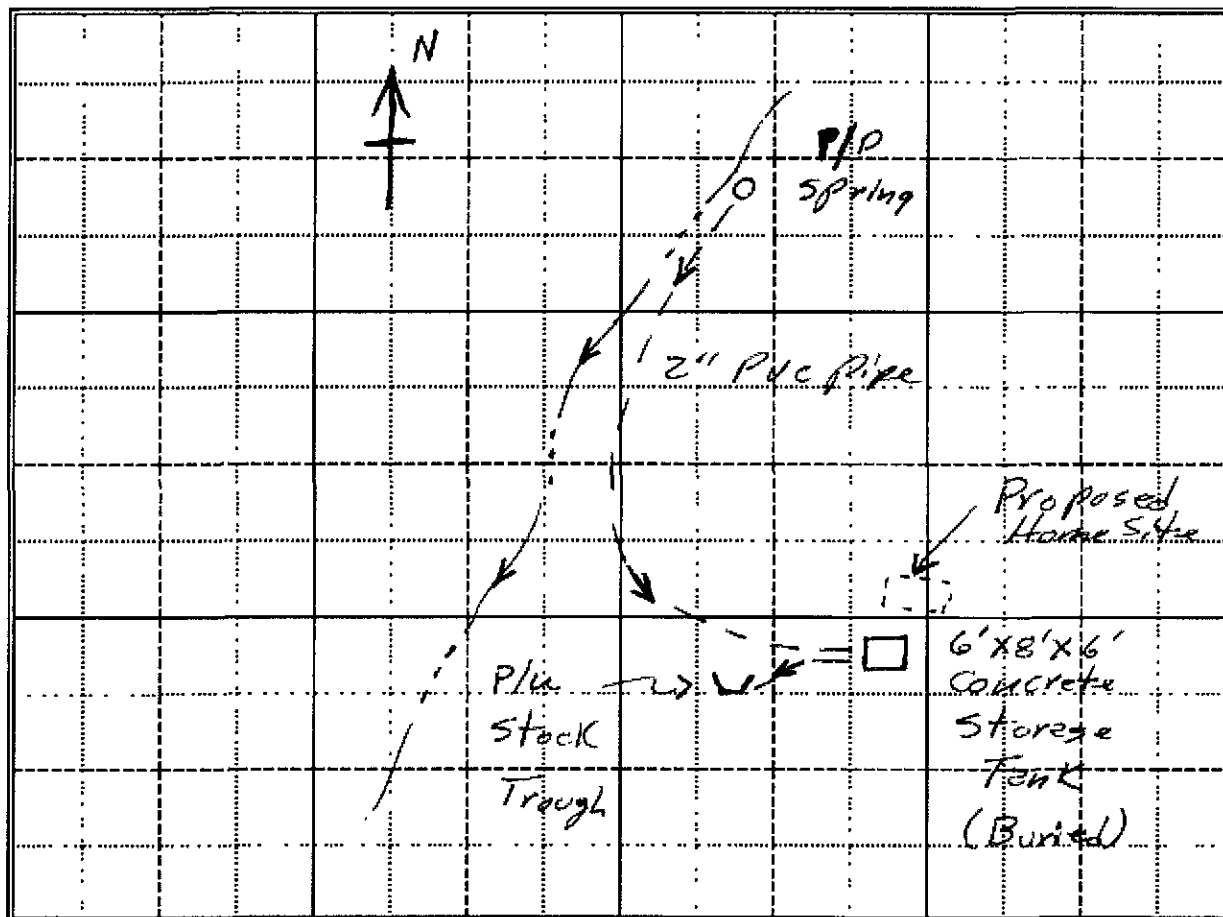
Recommended Total Div Rate .02 cfs

Flow rate .02 cfs X 180 days X 198 = 7.1 af
Total volume recommended .4 af
(SUBTOTAL or Flow Rate, whichever is less)

1st Amend Letter NA
2nd Amend Letter NA

[illegible]

3. **Delivery System Diagram.** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i d as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None; Spring, pipeline, and stock Trough
were dry at time of exam.

E. NARRATIVE/REMARKS/COMMENTS

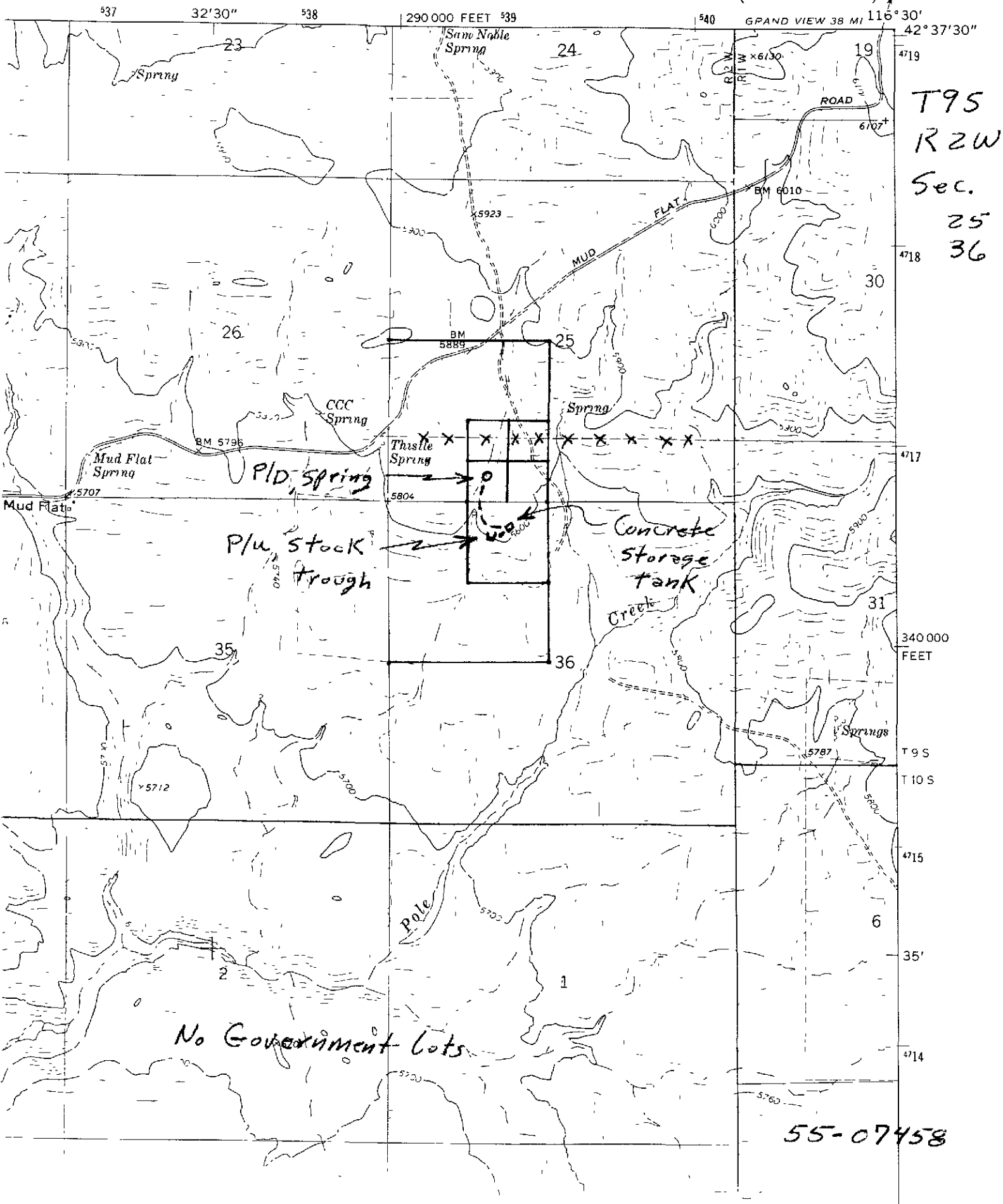
1. The water system consists of a spring development, a 2" PVC gravity pipeline to a 6'x8'x6' concrete storage tank, and a 2" PVC pipeline from the tank to a single stock trough.
2. Although the permit shows two PLU's for stockwater; there is only one in NE NW, Sec. 36, and no development in SE SW, Sec. 25.
3. There is no PLU at this time for domestic; the permit shows location as SE SW, Sec. 25. There is a planned (future) home site located at the concrete storage tank; NE NW, Sec. 36, but no structure had been built at the time of the exam. The house plans include using the storage tank as part of its water supply, but the tank ~~is~~ only serves one stock trough at the present time.
4. Tom Hall presently leases the land from Richard Owen, which has 1013 Acres for grazing.
5. Although the spring and water system was dry at the time of the exam, Richard Owen said that it produces about 12 GPM at peak ~~the~~ flow.
6. 50 head of stock use the water from about May 1 to Nov. 1 each year.

Have conditions of permit approval been met? ☒ yes ☐ no

except for domestic + one stock PLU
in Section 25.

SEAL

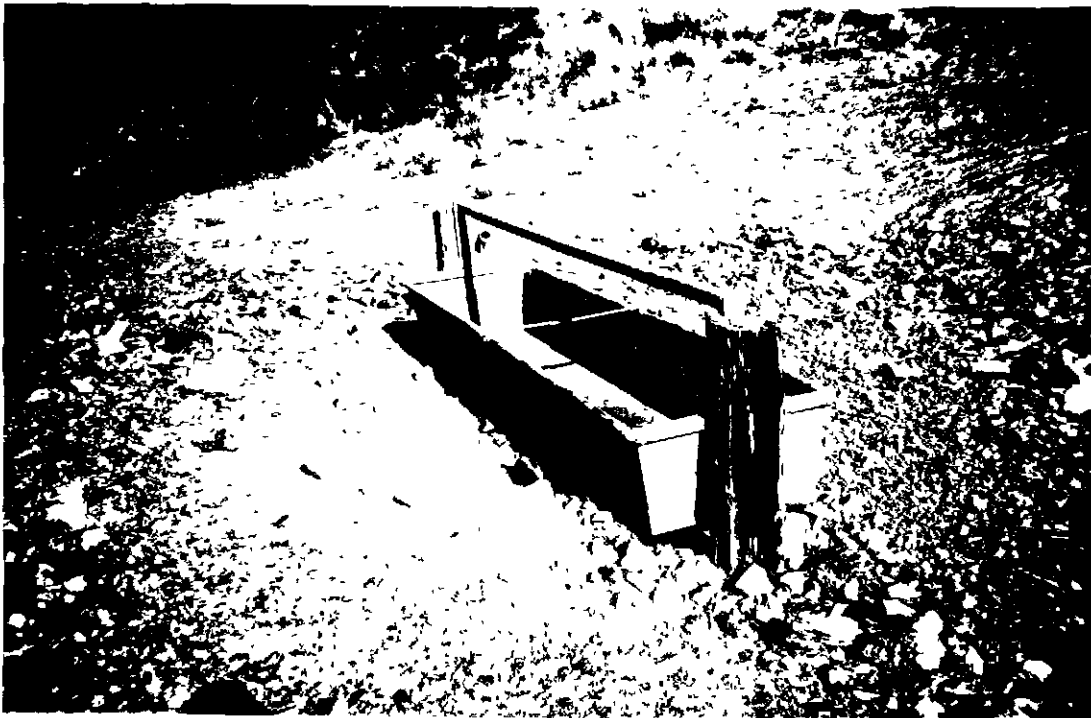
2769 III NW
(CLOVER MOUNT A)





P/D
Spring
Development
Site.

View
Looking
North



P/u
Stock
watering
Trough

View
Looking
Northwest

2 of 2



Site of
buried
Concrete
Storage
Tank.

View
Looking
Northeast



Site of
buried
Concrete
Storage
Tank.

View
Looking
South

55-07458

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 55-074 Reviewed by [Signature] Date 1-10-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no 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?
50⁰⁰ Amount Submitted
yes Correct?
no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 50-1342 212 2 5 Proof Made 1-10-95
new 1-10-95



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

November 17, 1995

OWEN REVOKABLE TRUST
ATTN RICHARD L OWEN
502 N 3RD ST
SUITE 205
MCCALL ID 83638

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 55-07458

Dear Permit Holder:

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

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, please feel free to contact the WESTERN Regional Office in Boise, at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region



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

October 16, 1995

Richard L. Owen
Owen Revocable Trust
P.O. Box 590
Bruneau, ID 83604-0590

RE: Water Right Permit No. 55-07458

Dear Mr. Owen:

I am in receipt of the letter you mailed Jim Johnson October 9, 1995, regarding the above referenced water right. You state in the letter that you have completed development of the water right and are diverting water for a beneficial use.

Proof of beneficial use is not due until January 1, 1997, however if you are complete with the development of the water right you can file proof now so the department can proceed with the field examination.

I have enclosed the proof form and instructions for your convenience. If you have any questions, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

OCT 12 1995

Department of Water Resources

RICHARD AND MARIE OWEN

502 NO 3RD STREET
SUITE 205
McCALL ID 83638
(208) 634-5861
(208) 634-7634 FAX

OCTOBER 9, 1995

JIM JOHNSON
WATER RIGHTS PERMIT SECTION
STATE OF IDAHO - DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
STATE HOUSE MAIL
BOISE, IDAHO 83720 - 9000

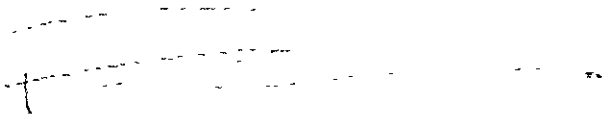
SUBJECT PERMIT NO 55-07458

DEAR MR JOHNSON,

PLEASE BE INFORMED THAT THE CONSTRUCTION WORK UNDER PERMIT
#55-07458 IS COMPLETE. THIS WORK WAS COMPLETED BY AND UNDER THE
SUPERVISION OF ASA BLACK. MR BLACK PHONE NUMBER IS 208-845-2542,
RESIDING IN BRUNEAU, IDAHO

TOM HALL OF BRUNEAU, IDAHO HAS GRAZED AND WATERED HIS ANIMALS ON THIS
PROPERTY THIS PAST SUMMER. MR HALL'S PHONE NUMBER IS 208-845-2248.

YOURS TRULY,



RICHARD L. OWEN

RICHARD AND MARIE OWEN

502 NO. 3RD STREET
SUITE 205
McCALL, ID 83638
(208) 634-5861
(208) 634-7364 FAX

January 11, 1995

Jim Johnson
State of Idaho Dept of Water Resources
Water Rights Permit Section
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RECEIVED
JAN 13 1995

Department of Water Resources

Subject: Permit Approval - Pole Creek No #55-07458

Dear Mr Johnson,

Enclosed is a confirmation copy of the subject permit. Please note that my mailing address has been changed. Thank you.

Yours truly,


Richard L. Owen

c.c. Terry Scanlan - Scanlan Engineering
c.c. Asa Black
c.c. Cole Townley

Computer updated
1/15/95
14 0000 7 0000
20



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 3, 1995

OWEN REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU ID 83604

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 55-07458

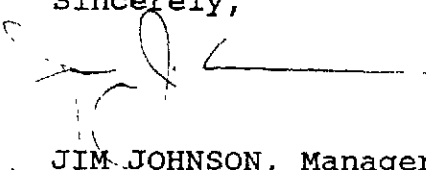
Dear Permit Holder:

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.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: SS-741E Name: Swan Date: 12/29/97 Correct Fee? ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust

SYSTEM COMPLETED:

No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - 01G (new), 01K (existing), No MD
- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. _____, P99
Existing well - NA (pre 7/1/87)
No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - 01K (+.2 w/pump), No MD <FLOW CHART>

LOCATION:

Water District(~~dem~~) - WD No. _____
*Surface water - 005 (req) 01J-P08 <(-.2 w/pump) FLOW CHART>
(doesn't sink) or 01H-P01 (+.2) <FLOW CHART>; No MD
Groundwater - P05 (new irrigation well)
In stream channel - 030 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (-85° GW temp only)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA
Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA
Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)
Irrigation - 03A/057, 803(if GW use SW 1st) (+5A PU comp), NA
Power - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Mining - 054 (req) & 06A/010/09E-P10
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
Domestic (surface) - 021(Boise R + L Peak), 064(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU)

PROTESTED:

- 020(Prehearing agreement)/W19(See Order)

OTHER CONDITIONS:

REMARKS:

- Swan Falls, ID, 0102/50 R2

BENEFICIAL USE DUE:

- 1-1-1997

COMMENTS:

WR0749NP
No. P55-07458

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/29/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	OWEN REVOCABLE TRUST A RICHARD L OWEN TRUSTEE PO BOX 590 BRUNEAU ID 83604-0590 (208) 845-2001	10/21/1994	STOCKWATER DOMESTIC	01-01	12-31	0.02 CFS	
				01-01	12-31	0.04 CFS	
				TOTAL DIVERSION:		0.06 CFS	

Water Source: SPRING

Tributary to: POLE CREEK

Stage: PERMIT

Point(s) of Diversion: T09S R02W S25 SWSESW OWYHEE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
09S	02W	25	:					:					:					:					:
09S	02W	36	:					:					:					:					:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
09S	02W	25	:					:					:					:					:

Pou County: OWYHEE

Conditions of Approval:

- 26A - 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.

Remarks: Stockwater use is for 50 range cattle.
Domestic use is for 1 home.

Dates: App. Received: 10/21/1994 Priority Date: 10/21/1994
Proof Due Date: 01/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 12/29/94 CZIMMERM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: _____ DATE: _____ APPLICATION: _____

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:
____ 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

RECEIVED
DEC 28 1994

ADDITIONAL INFORMATION

Department of Water Resources

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):
____ ☒ Send dam safety information:
____ ☒ Send power requirement letter:
____ ☒ Send fish farm requirement letter:
____ ☒ Power residency affidavit:
____ ☒ Power efficiency form:
____ ☒ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
____ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
____ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

____ DATE REQUESTED: _____
____ Additional information on reverse side:

PROCESSING

APPLICATION NO.

YES NO

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES / NO

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 11-21-94

Protest dates, resolution of protest recorded on application:

Recommendations attached: *Approve, DM*

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

26A (Allow 2 yrs)

See below for additional information

Recommended Date or Priority 10/21/94

Recommended by: _____ *Ans*

Date 12/21/94

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

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):

November 2 & 9, 1994

Signed _____

Subscribed and sworn to me this 9th day of Nov, A.D., 1994

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires October 7, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

55-07458

OWEN REVOCABLE

TRUST A

ELMA & BURKE

702 W IDAHO FL 10

PO BOX 1539

BOISE, ID 837011539

Source: SPRING Tributary

POLE CREEK

Diversion Pt: SWSESW Sec

25 T 09S R 02W in OWYHEE

County.

Use DOMESTIC (.040 CFS)

STOCKWATER (.020 CFS)

Total Diversion (.060 CFS)

Date Filed: 10/21/1994

In: OWYHEE County

T09S R02W S25 SESW

S36 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria 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 together with a protest fee of \$25 00 on or before NOVEMBER 21, 1994. The protestant must also send a copy of the protest to the applicant

R. KEITH HIGGINSON,

Director

Published November 2 & 9, 1994

RECEIVED

DEC 01 1994

WATER RESOURCES
WESTERN REGION

55-07458

OWEN REVOCABLE TRUST A
ELAM & BURKE
702 W IDAHO FL 10
PO BOX 1539
BOISE, ID 837011539

Source: SPRING

Tributary: POLE CREEK

Diversion Pt: SWSESW Sec 25 T 09S R 02W in OWYHEE County.

Use: DOMESTIC	(.040 CFS)
STOCKWATER	(.020 CFS)
Total Diversion:	(.060 CFS)

Date Filed: 10/21/1994

In: OWYHEE County	
T09S R02W S25	SESW
S36	NENW