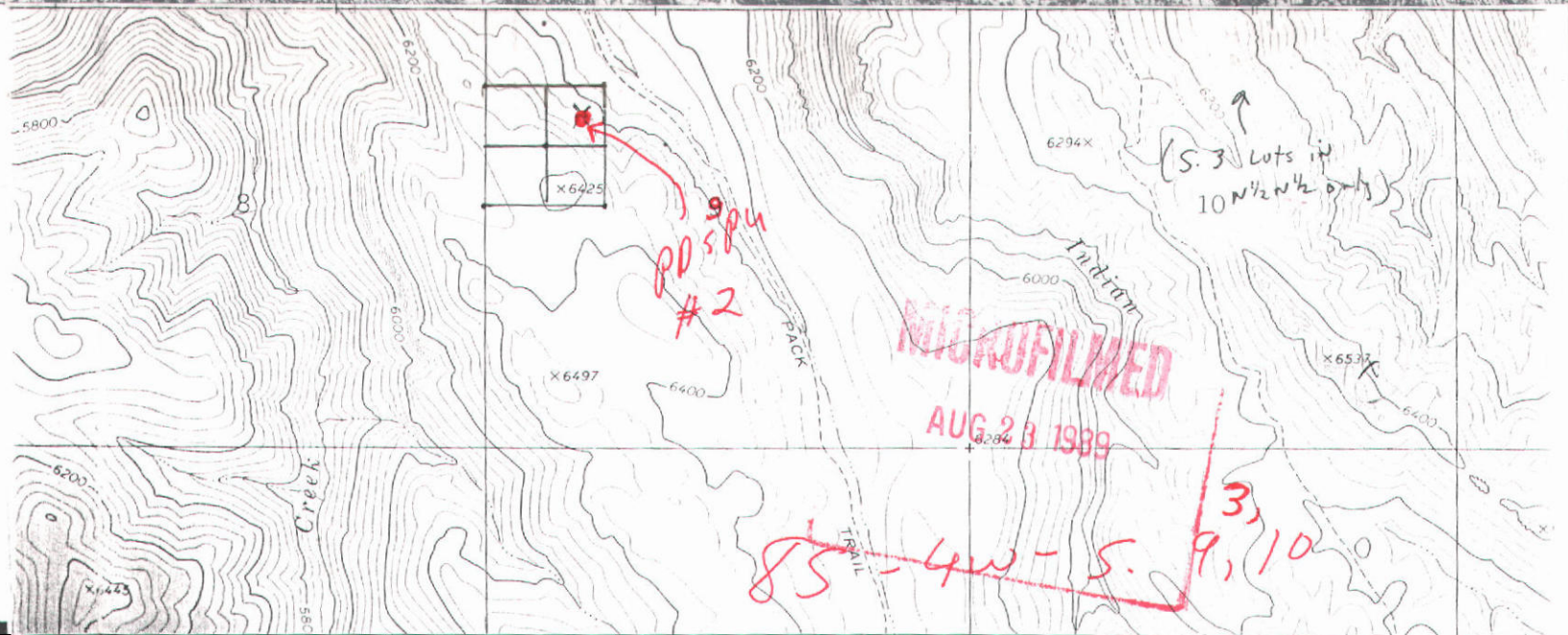
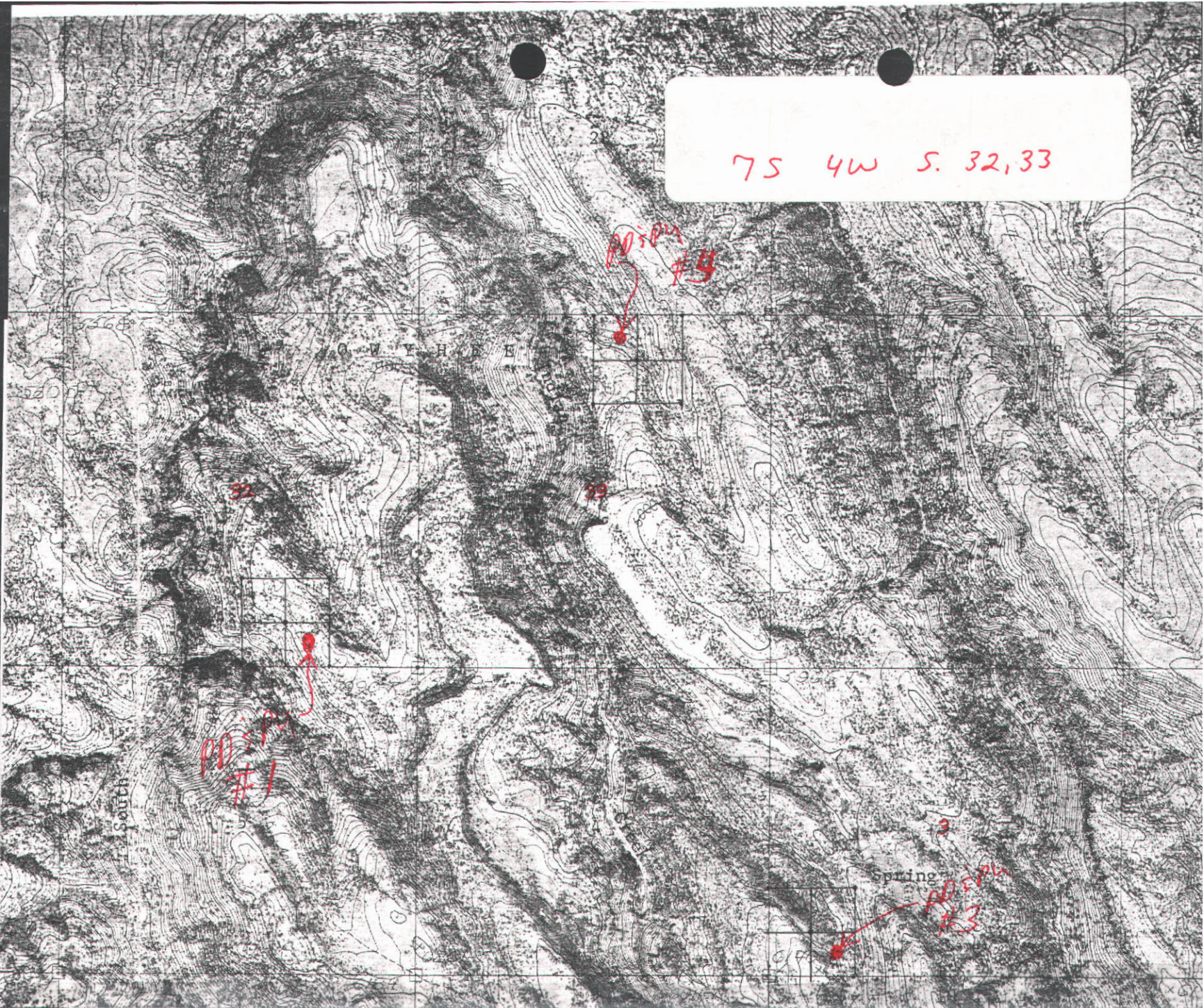


75 4W S. 32,33



MICROFILMED

AUG 23 1989

85-4W-S. 9, 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- 1 Name of applicant Kenneth Mackenzie Phone 896-4441
Post office address Rt. 1, Box 210 Marsing, Id. 83639
- 2 Source of water supply springs which is a tributary of sinks
- 3 Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt Lot _____
Sec 32 Township 7S Range 4W B.M. Owyhee County; additional
points of diversion if any. NESWNW, S. 9 & SESWSW S. 3, T8S, R4W; NWNWNE, S. 33,
T. 7S, R4W, B.M. ; all in Owyhee County.
- 4 Water will be used for the following purposes
Amount .05 for Diversions to Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs ~~acre-feet per annum~~)
Amount .05 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs ~~acre-feet per annum~~)
Amount 2.3 for Stockwater Storage purposes from 1/1 to 12/31 (both dates inclusive)
(~~cfs~~ acre-feet per annum)
Amount 2.3 for Stockwater from Storage purposes from 1/1 to 12/31 (both dates inclusive)
(~~cfs~~ acre-feet per annum)
Domestic 1/1 12/31
5 Total quantity to be appropriated is (a) .09 and/or (b) 2.3
cubic feet per second acre feet per annum
6 Proposed diverting works.
a Description of ditches, flumes, pumps, headgates, etc 4 springs & ponds: 2 include div. to storage
& 2 include storage at spring. Ponds are 60'x40'x4' (2 ponds each that size), 180'x150'x3',
and 15'x12'x5'. Domestic line will run from 1st spring to own home.
b. Height of storage dam (max.) 5 feet, active reservoir capacity 2.32 acre-feet, total
reservoir capacity 2.32 acre-feet, period of year when water will be diverted to storage:
1/1 to 12/31 inclusive
c Proposed well diameter is _____ inches, proposed depth of well is _____ feet.
d Is ground water with a temperature of greater than 90°F being sought? _____
7 Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year)

RECEIVED

8 Description of proposed uses (if irrigation only, go to item 9):

- a Hydropower; show total feet of head and proposed capacity in KW. _____
- b Stockwatering, list number and kind of livestock 165 h.d. range cattle
- c Municipal, show name of municipality. _____
- d Domestic, show number of households. one
- e Other, describe fully _____

9 Description of place of use

- a If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b If water is used for other purposes, place a symbol of the use (example *D* for Domestic) in the corresponding place of use below See instructions for standard symbols.

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
75	4w	32															S		-
		33		S															-
85	4w	3											D/S						-
		9						S											-

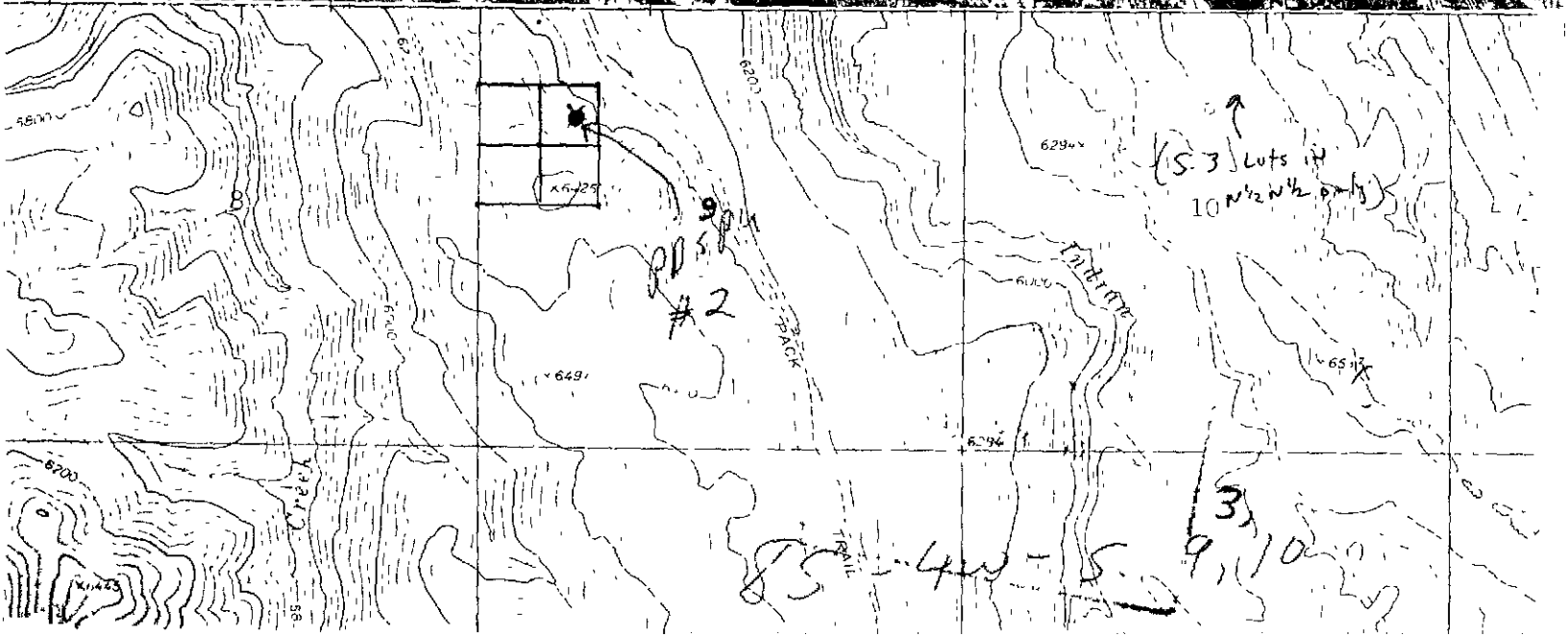
Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above None

11. 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. _____

12. Remarks: _____

7S 4W S. 32, 33



Additional information to file 55-

<u>DIVERSION & LOCATION</u>	<u>DESCRIPTION</u>	<u>STORAGE</u>
1 (S.32)	60' x 40' x 4'	.22 ac.-ft.
2 (S.9)	60' x 40' x 4'	.22 ac.-ft.
3 (S.3)	180' x 150' x 3'	1.86 ac.-ft.
4 (S.33)	15' x 12' x 5'	.02 ac.-ft.

TOTAL 2.32 AC-ft. = 2.3 AC-ft.

.05 cfs $\times$ 1.9835 = .099 ac-ft stored in 24 hrs., thus storage exceeds storage capacity of 24-hr. period, storage required on water right description.

Divisions 1 to 4 will be ponds at spring site.

Diversion 2 & 3 " " spring flows to ponds (diversion to storage).

The four springs are on one application because they are in the Indian Creek drainage.

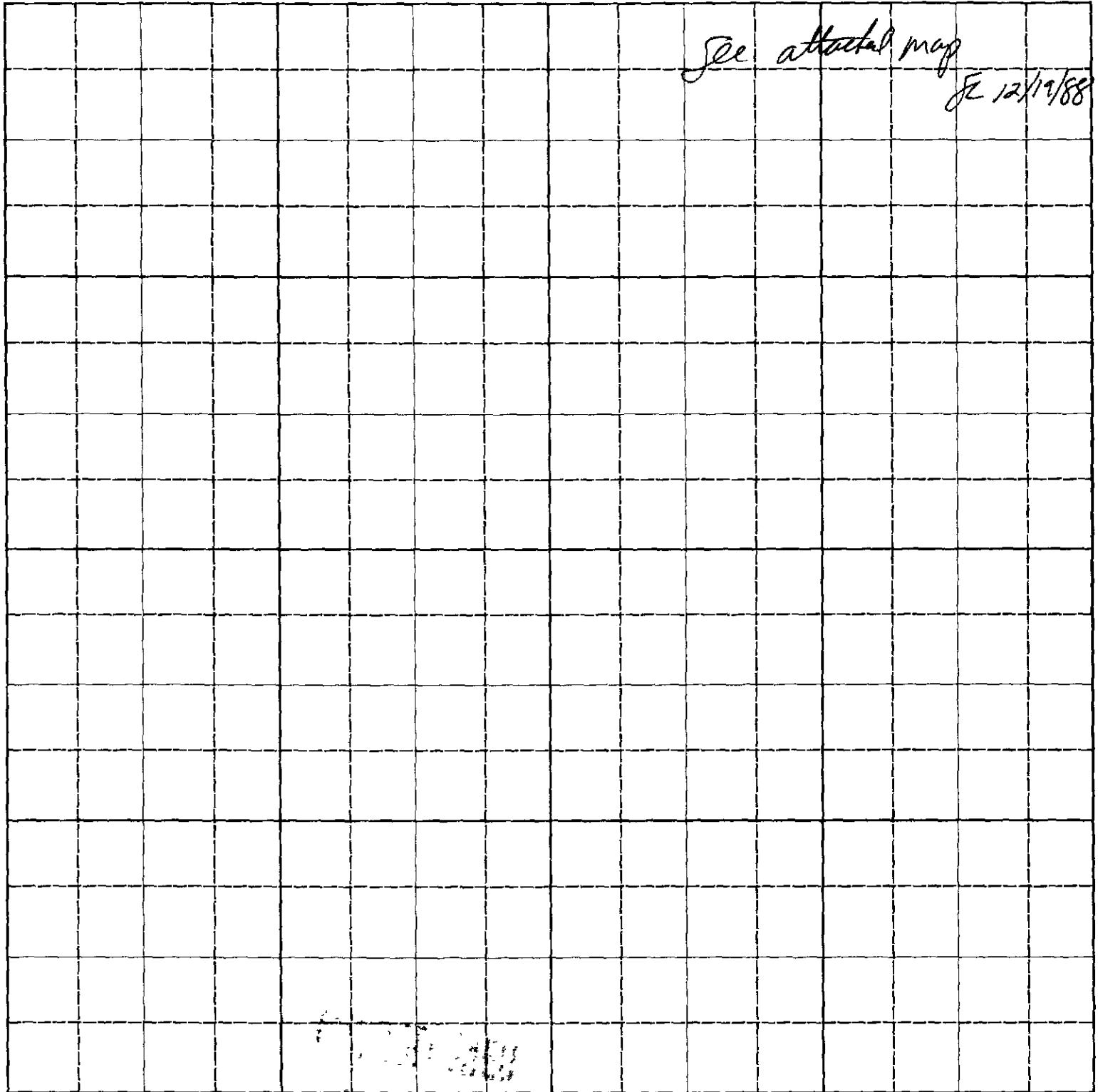
1990

44723

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

See attached map

JE 12/17/88



Scale 2 inches equal 1 mile

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

Kenneth MacKenzie
(Applicant)

12/30/88

Received by ml Date 12-30-88 Time 11:00 Preliminary check by SL
Fee \$ 30⁰⁰ Receipted by L Werner # M2145 Date 12-30-88
Publication prepared by GG Date 1-25-89 Published in Owyhee Avalanche
2/1 & 2/8/89
Publication approved SL Date 3/29/89

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 55-7397, and said application is hereby APPROVED

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

a SUBJECT TO ALL PRIOR WATER RIGHTS

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 91

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 Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 30th day of May, 1989.

J. Glen Saxton

The Owyhee Avalanche.

P.O. BOX 97

HOMEDALE, ID 83628

(208) 337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

RECEIVED

Department of Water Resources
Western Regional Office

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 am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

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

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

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

thereto, in said newspaper, in two (2) (consecutive)
calendar weekly issue(s) of said newspaper, in the following date(s):

February 1, 1989

February 8, 1989

(Signed).....

Joe E Aman

Subscribed and sworn to before me this 9th day of February
A.D., 1989.

Leanne Hermann

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho

My commission expires...

1-19-95

NOTICE OF APPLICATION FOR WATER RIGHT

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

~~55-07397~~ **55-07397**

MAC KENZIE, KENNETH
RT 1, BOX 210
MARSING, ID 83639
Source: SPRINGS
Tributary: SINKS
Diversion Pt: SESWSE Sec
32 T 07S R 04W; NWNWNE
Sec. 33 T 07S 04W; SESWSW
Sec 3 T 08S R 04W; NESWNW
Sec 9 T 08S R 04W.

Use: STOCKWATER (.050
CFS); STOCKWATER
STORAGE (2.30 AF);
STOCKWATER FROM
STORAGE (2.30 AF);
DOMESTIC (.040 CFS);
DIVERSION TO STORAGE (.050 CFS).

Date Filed: 12/30/1988

In: T07S R04W S32 SWSE

S33 NWNE

T08S R04W S03 SWSW

S09 SWNW

57-07485

STATE OF IDAHO
D E P T . O F
TRANSPORTATION
DIVISION OF HIGHWAYS
P.O. BOX 7129
BOISE, ID 83720

Source: GROUNDWATER

Diversion Pt: NWSW Sec. 31

T 02N R 04W

Use: DOMESTIC (.020
CFS)

Date Filed: 1/11/1989

In: T02N R 04W S 31 NWSW

57-07486

DOWNING, MARIE
C/O JOHN BRANDT,
MANAGER
203 11TH AVE. S.
NAMPA, ID 83651

Source: WASTE WATER

Tributary: JUMP CREEK

Diversion Pt: SESE Sec 2 T

02N R 05W

Use: IRRIGATION (.600
CFS); IRRIGATION
STORAGE (3.70 AF);
IRRIGATION FROM

STORAGE (3.70 AF)

In: T02N R05W S02 SESE

S11 NENE

30.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before FEBRUARY 21, 1989.

R. KEITH HIGGINSON

Director

Published: February 1, 8, 1989

April 25, 1991

KENNETH MAC KENZIE
RT. 1 BOX 210
MARSING, ID 83639

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 55-07397

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 55-7397

Date 4-19-91

- GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☒ Surface water source
☐ Ground water source
☒ Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? _____ Correct?
☐ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
☐ Amount submitted?
☐ Correct amount?

MEASURING DEVICE

- ☒ Measuring device or access port required?
☐ Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

proof acceptable

PRIORITY CALCULATION

Date proof received NA

Date proof due _____ - _____

No. of days late _____ = _____

Priority date _____ + _____

NEW PRIORITY DATE _____ = _____

LB

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

BEST TIME FOR
FIELD INSPECTION
IS LATE JUNE

RECEIVED
JUN 14 1991

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department

1 Permit No. 55-07397 Telephone No. 896-4441

2 Name(s) of Permit Holder(s): KENNETH MACKENZIE

3 Post Office Address: RT1 BOX 210 MARSING ID. 83639

4 Source of Water: SPRINGS

a If ground water, well driller's name _____ Date drilled: _____

b Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5 Extent of Use:

Domestic 1 (No. of households)

Irrigation _____ (No. of acres)

Stockwater 145 CATTLE (No. and type of stock)

Other storage for stockwater

6 Total rate and/or volume for which proof is submitted 0.09 cfs _____ acre/feet

7 Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes XNo Installed? Yes No

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes No

8 Fee Enclosed: \$ 0 (See License Examination Fee Schedule)

9 Person to contact to accompany the Department representative during the field examination:

Kenneth Mackenzie

896-4441

Name

Telephone No

same as above

Address

10 The above information 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.

4/14/91
Date

Kenneth Mackenzie
Signature (and title if on behalf of a company or organization)

1991

March 31, 1991

KENNETH MAC KENZIE
RT. 1 BOX 210
MARSING, ID 83639

PROOF DUE NOTICE

RE: PERMIT NO. 55-07397

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 June 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

03 1991

Kenneth Mackenzie
Box 1 Box 12914
Marking, ID. 83639



TO THE
ARCH OF DIMES

Buffalo Bill Cody



JUN 03 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 55-07397

Name(s) of Permit Holder(s): KENNETH MACKENZIE

Post Office Address: RT. 1 BOX 210

MARSING ID. 63639 Tel No 896-4441

☒ I hereby certify that construction of diversion works for the above referenced permit began on HAS BEEN COMPLETED (date) I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason

2/15/1990
Date

Kenneth Mackenzie
Signature of Permit Holder

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
May 30, 1989

KENNETH MAC KENZIE
RT. 1 BOX 210
MARSING, ID 83639

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 55-07397

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECORDED

AUG 23 1989

P/10 75 4W S. 32 - SE SW SE P/10 - SW SE
 " S. 33 - NWNW N - NWNE
 85 4W S. 3 - SE SW SW - SWSW
 " S. 9 - NE SW NW - SWNW

Form No. 202a.
4/87

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: 82 DATE: 1/19/89 APPLICATION: 55-07397

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: Gov't. Lots: N P/D
 Nature of proposed use: (Include description of use) N P/U
 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 signator is required)
 Fee:
 yes ___ No* In form to receipt:

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

DATE REQUESTED: _____
 Additional information on reverse side:

RECEIVED
 APR 20 1989

Department of Water Resources

PROCESSING

YES NO

- ☒ In form for advertising:
☒ Statewide advertising:
☒ 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 District # _____
☐ 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 February 21, 1988
☒ Protests, dates, resolution of protest recorded on application:

☒ Recommendations attached: Approve, Dnt

☒ Measuring device required:

☒ Measuring port required:

☒ Water delivered by water master? District # _____

☒ Special conditions of approval or cover letter: (see additional info. below)

☒ See Below For Additional Information

Recommended Date of Priority 12/30/1988

Recommended by: Dnt Date 4/18/1989

STATE OFFICE REVIEW

P17 26

See below for additional information. By KW Date 5/24/89

ADDITIONAL INFORMATION

Overlap, Dnt - Different source:
55-02147 Cottonwood CK For early & domestic on Snow 5.9

→ 26A, ~~Recommend that 2 years be allowed for completion of this project.~~

Outside S.F. area

55-07397

MAC KENZIE, KENNETH
RT. 1 BOX 210
MARSING, ID 83639

Source: SPRINGS

Tributary: SINKS

Diversion Pt:	SESWSE	Sec 32	T 07S	R 04W
	NWNWNE	Sec 33	T 07S	R 04W
	SESWSW	Sec 3	T 08S	R 04W
	NESWNW	Sec 9	T 08S	R 04W

Use: STOCKWATER	(.050 CFS)	
STOCKWATER STORAGE		(2.30 AF)
STOCKWATER FROM STORAGE		(2.30 AF)
DOMESTIC	(.040 CFS)	
DIVERSION TO STORAGE	(.050 CFS)	

Date Filed: 12/30/1988

In: T07S R04W S32	SWSE
S33	NWNE
T08S R04W S03	SWSW
S09	SWNW

RECORDED

AUG 23 1989