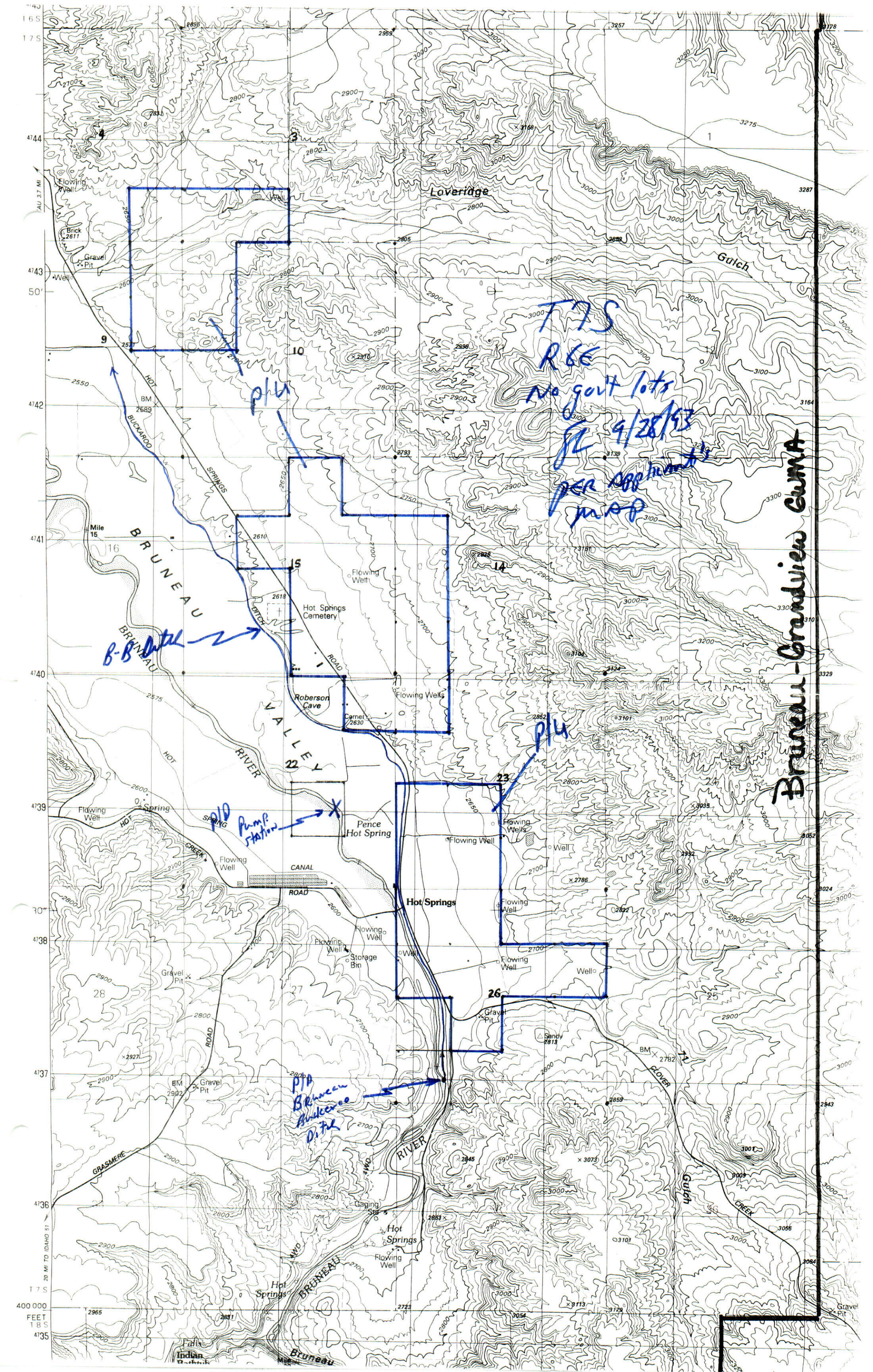
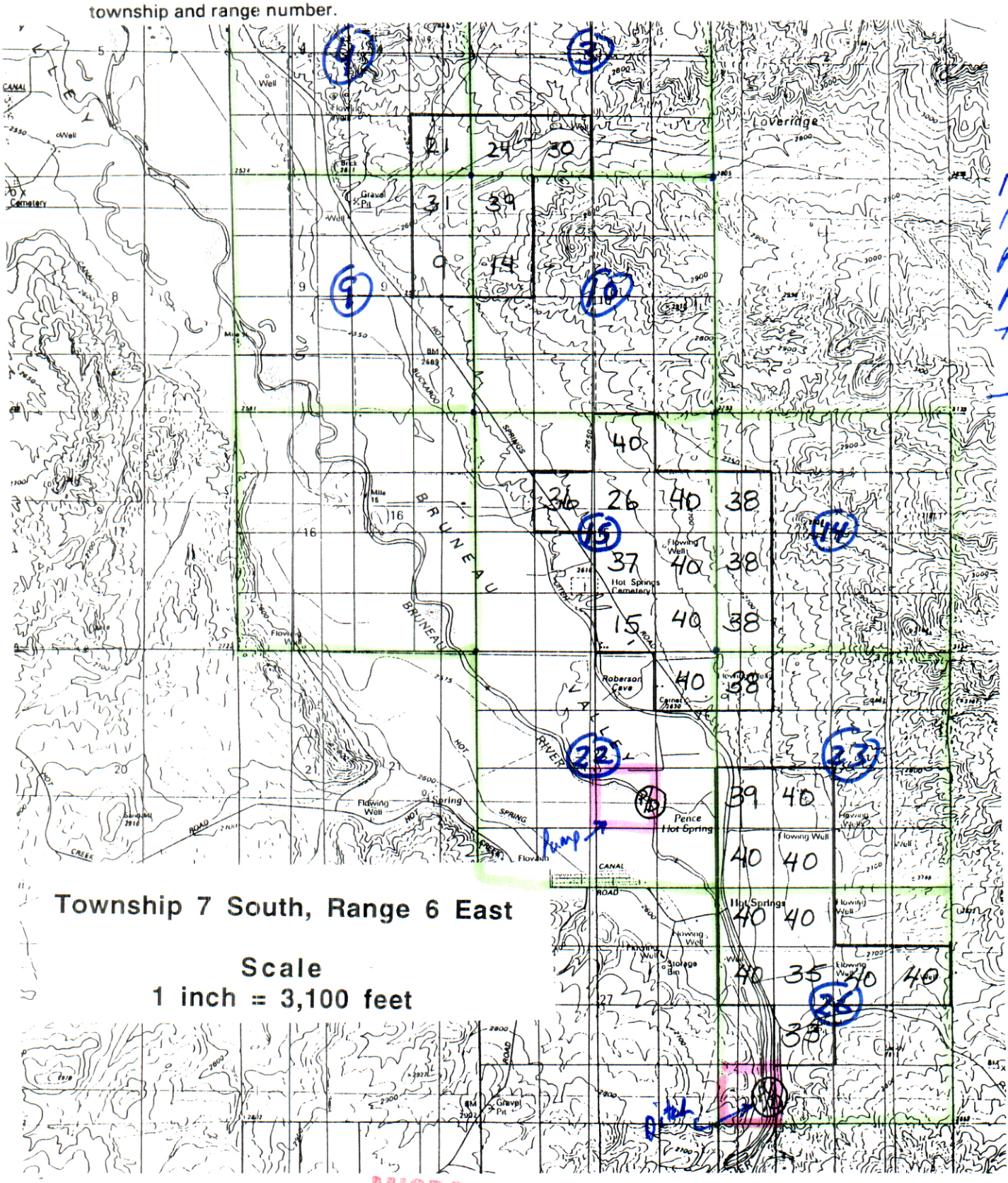

T 7 S
R 6 E
No govt lots
JL 4/28/93
per conversation
with BOB
P/U
P/U
B-B Butte
P/U
Pump station
P/U
Bruneau Bridge Dist
Bruneau-Grandview CUMA
Loveridge
Gulch
BRUNEAU
VALLEY
RIVER
Hot Springs
Hot Springs Cemetery
Roberson Cave
Pence Hot Spring
Hot Springs
Hot Springs
Flowing Well
Gravel Pit
Brick
Mile 15
Corner
Storage Bin
Gaging Sta
Sandy
Indian Bathtub
Falls
Bruneau
GRASMERE
ROAD
CANAL
CREEK
SPRINGS
BUCKAROO
HOT
DITCH
GLOVER
Gulch
CREEK
20 MI TO IDAHO 51
400 000
FEET

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




No Govt. lots in p/d & p/u tracts

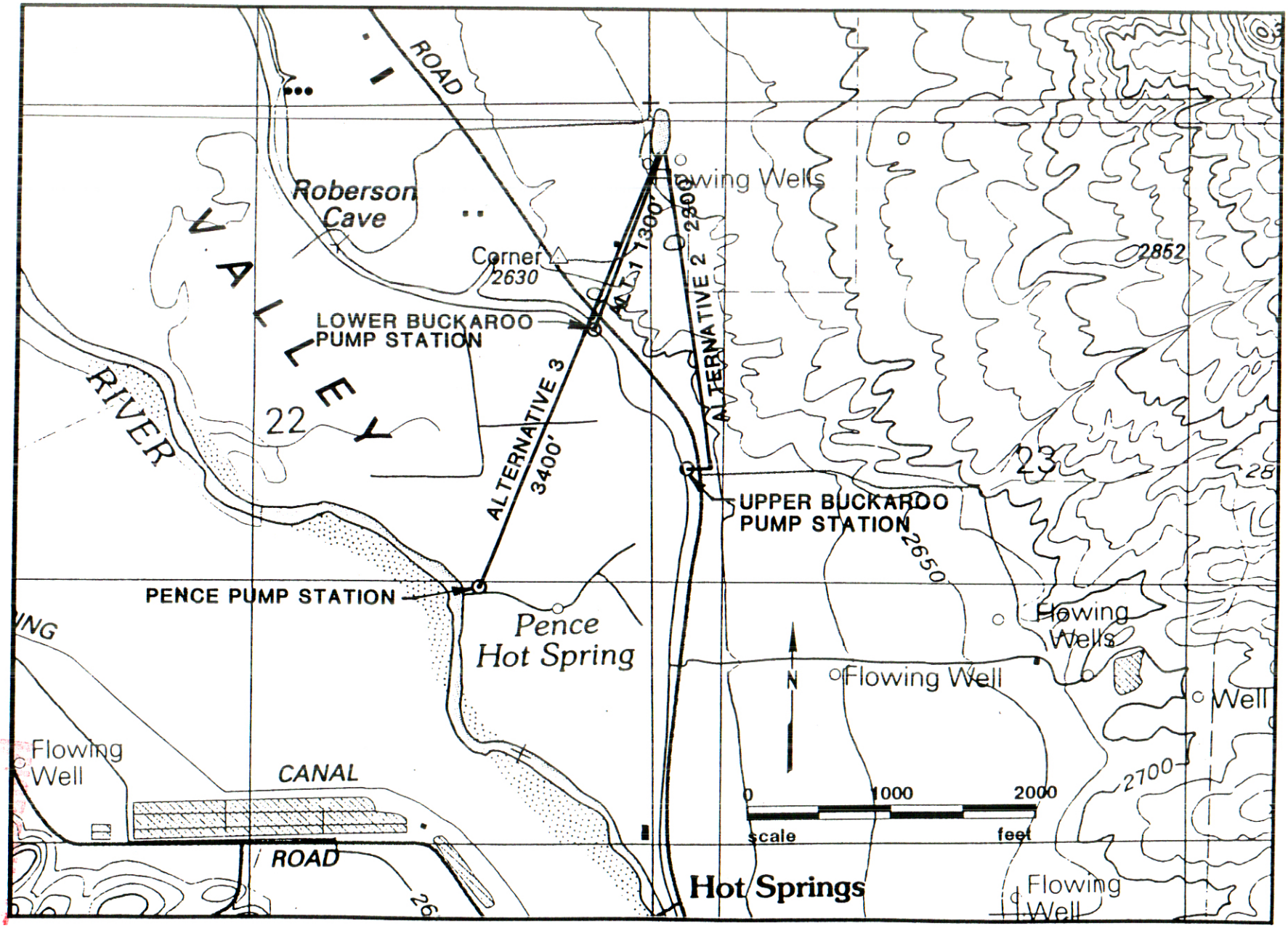
SL 9/28/93

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.

JUN 07 1995

(Applicant)

Dick Owen (Trustee)




**PIPELINE ALTERNATIVES**
**FIGURE 1**

JUN 07 1995

Sept 25, 1993

Idaho Dept of Water Resources
Water Region
2735 Airport Way
Boise, Id. 83705-5082

Gentlemen:

I am writing to protest the filing by the Owens Family Revocable Trust for Stock water use from the Bruneau River under filing No. 51-07346.

I protest for the following reasons:
1. Lack of availability of water for the full season as applied for.

II I hereby ask to protest any other stock water rights or licenses held by South Side Brunea and Co on applied for by S.S.B.C. Co upon the Snake River Aquifer Process.

MICROFILMED
JUN 07 1995

I represent Bruneau Cattle Co who is a stock[illegible] in the Bruneau South Side Canal.

Respectfully Submitted
Glen Davis

NOTICE OF APPLICATION FOR TRUST WATER RIGHT
51-07346
OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU, ID 83604
Source: BRUNEAU RIVER
Tributary: SNAKE RIVER
Diversion Pt: NWSE Sec 22 T 07S R 06E in OWYHEE County.
SWSW Sec 26 T 07S R 06E in OWYHEE County.
Use: IRRIGATION (21.220 CFS)
Total Diversion: (21.220 CFS)
Date Filed: 9/14/1993
In: OWYHEE County
T07S R06E S03 SWSW SESW
S04 SESE
S09 NENE SENE
S10 NWNW SWNW
S14 SWNW NWSW SWSW
S15 NWNE SWNE SENE SENW NESE NWSE SWSE SESE
S22 NENE
S23 NWNW NESW NWSW SWSW SESW
S26 SWNE SENE NENW NWNW SWNW SENW NESW
1061.0 ACRES TOTAL
Application seeks to use floodwaters to reduce reliance on wells that irrigate this land.
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before OCTOBER 25, 1993.
R. Keith Higginson, Director
PUBLISH: Wednesday, October 6 and 13, 1993.

RECEIVED
OCT 5 1993
WATER RESOURCES
WESTERN REGION

# Affidavit Publication

№ 25304

STATE OF IDAHO
COUNTY OF TWIN FALLS } ss.

I, Linda Capps McGuire being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated October 6, 1993, and ending with the issue dated October 13, 1993.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 20 day of October in the year of 1993, before me, a Notary Public, personally appeared Linda Capps McGuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

RECEIVED
JUN 07 1995

Irma R. Feltman
Notary Public for Idaho
Residing at Twin Falls
My commission expires: 5/19/94

RECEIVED
OCT 15 1993
WATER RESOURCES
WESTERN REGION

**The Idaho Statesman**
P.O. BOX 40, BOISE, IDAHO 83707

# LEGAL ADVERTISING INVOICE

| Amount Due |
|---|
| 55.92 |

| Account Number | Identification |
|---|---|
| 04762800 | NOTICE OF APPLICATION FOR TRUST WATER RIGHT |

| Ordered By | P.O. Number | Rate | Run Dates |
|---|---|---|---|
| Sue Taylor | | NT | October 6, 13, 1993 |

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

| Estimated Inches | Real Inches |
|---|---|
| | |
| # Affidavits | Legal Number |
| 1 | 6039 |

**LEGAL NOTICE**
**NOTICE OF APPLICATION FOR TRUST WATER RIGHT**
**51-07346**

OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU, ID 83604
Source: BRUNEAU RIVER
Tributary: SNAKE RIVER
Diversion Pt:
NWSE Sec 22 T 07S R 06E in OWYHEE County.
SWSW Sec 26 T 07S R 06E in OWYHEE County.
Use: IRRIGATION ( 21.220 CFS)
Total Diversion: ( 21.220 CFS)
Date Filed: 9/14/1993
In: OWYHEE County
T07S R06E
S03 SWSW SESW
S04 SESE
S09 NENE SENE
S10 NWNW SWNW
S14 SWNW NWSW SWSW
S15 NWNE SWNE SENE SENW NESE NWSE SWSE SESE
S22 NENE
S23 NWNW NESW NWSW SWSW SESW
S26 SWNE SENE NENW NWNW SWNW SENW NESW
1061.0 ACRES TOTAL

Application seeks to use floodwaters to reduce reliance on wells that irrigate this land.

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before **OCTOBER 25, 1993.**

R. Keith Higginson, Director
Pub. October 6, 13, 1993 6039

MICROFILMED

JUN 07 1995

CAROL PAYNE-CULPAN, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of OCTOBER 6, 1993

and ending with the issue of OCTOBER 13, 1993

C. Payne-Culpan

STATE OF IDAHO )
ss.
COUNTY OF ADA )

On this 13TH day of OCTOBER in the year of 1993, before me, a Notary Public, personally appeared CAROL PAYNE-CULPAN, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at BOISE, ID
My commission expires: 11-27-93

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

RECEIVED
NOV 0 1 1993
WATER RESOURCES
WESTERN REGION

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

October 6 and 13, 1993

Signed J. E. Aman

Subscribed and sworn to before me this 13th day of Oct. A.D., 1993

Corine Bowling

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

JUN 07 1995

**NOTICE OF APPLICATION FOR TRUST WATER RIGHT**
51-07346 Vst

OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU, ID 83604
Source: BRUNEAU RIVER
Tributary: SNAKE RIVER
Diversion Pt: NWSE Sec 22 T 07S R 06E in OWYHEE County.
SWSW Sec 26 T 07S R 06E in OWYHEE County.
Use: IRRIGATION (21.220 CFS)
Total Diversion: (21.220 CFS)
Date Filed: 9/14/1993
In: OWYHEE County
T07S R06E S03 SWSW SESW
S04 SESE
S09 NENE SENE
S10 NWNW SWNW
S14 SWNW NWSW SWSW
S15 NWNE SWNE SENE SENW NESE NWSE SWSE SESE
S22 NENE
S23 NWNW NESW NWSW SWSW SESW
S26 SWNE SENE NENW NWNW SWNW SENW NESW
1061.0 ACRES TOTAL
Application seeks to use floodwaters to reduce reliance on wells that irrigate this land.

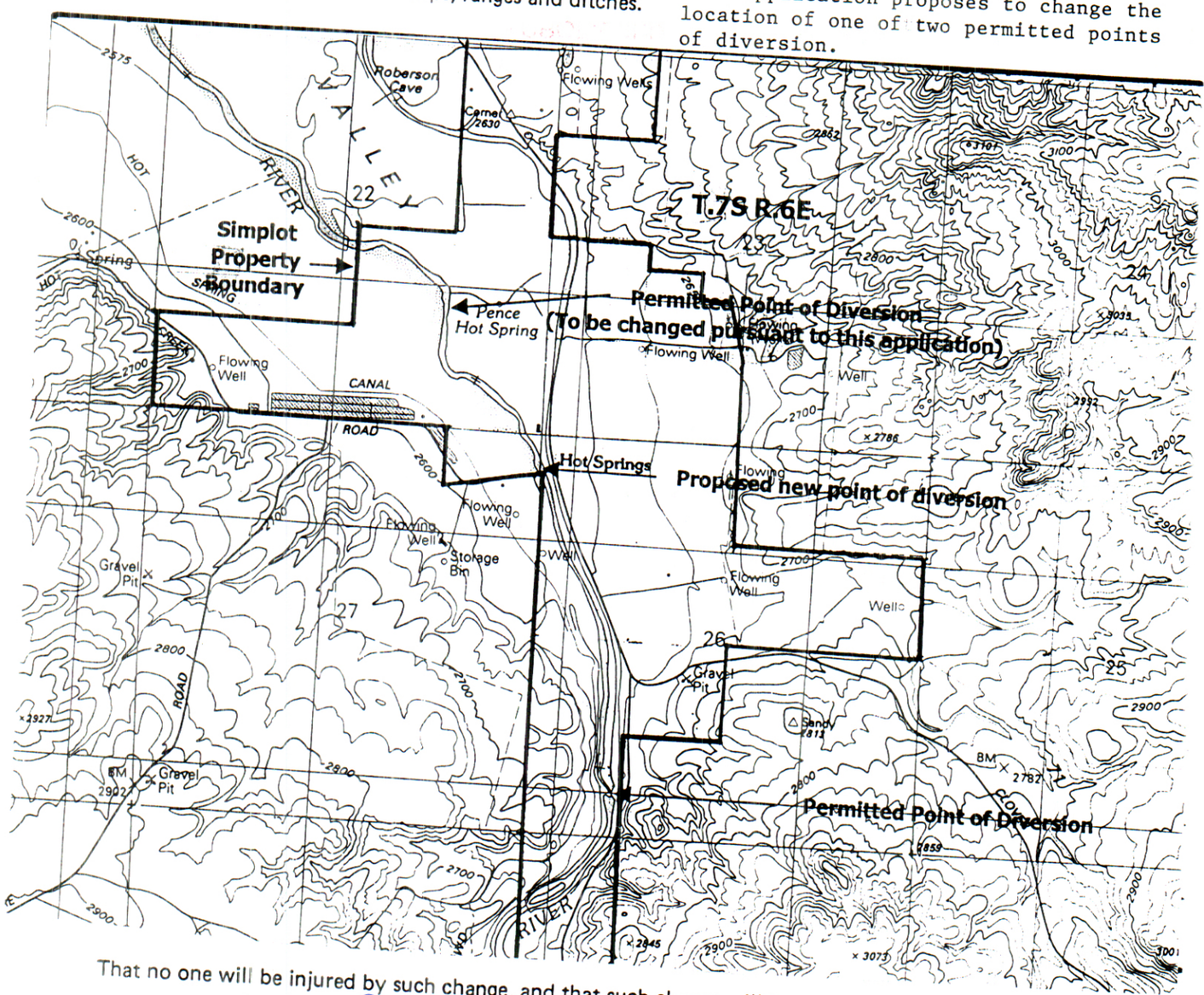
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before OCTOBER 25, 1993.

R. Keith Higginson, Director
Publish October 6 & 13, 1993

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

This application proposes to change the location of one of two permitted points of diversion.




That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 25th day of August, 19 99.

**J. R. Simplot Self-Declaration of Revocable Trust**

By: JR Simplot Trustee by Ronald Graves.

**Ronald N. Graves, Attorney-in-Fact**

---

**FOR DEPARTMENT USE ONLY**

Preliminary check by LG Fee = $20.00 50.00 Receipted by ✓ Date 8/26/99 state office

Publication prepared by M Date 9-28-99 Published in Owyhee Avalanche

Publication dates 10-6 & 13-99

---

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, _____, of the Department of Water Resources hereby

_____

_____

_____

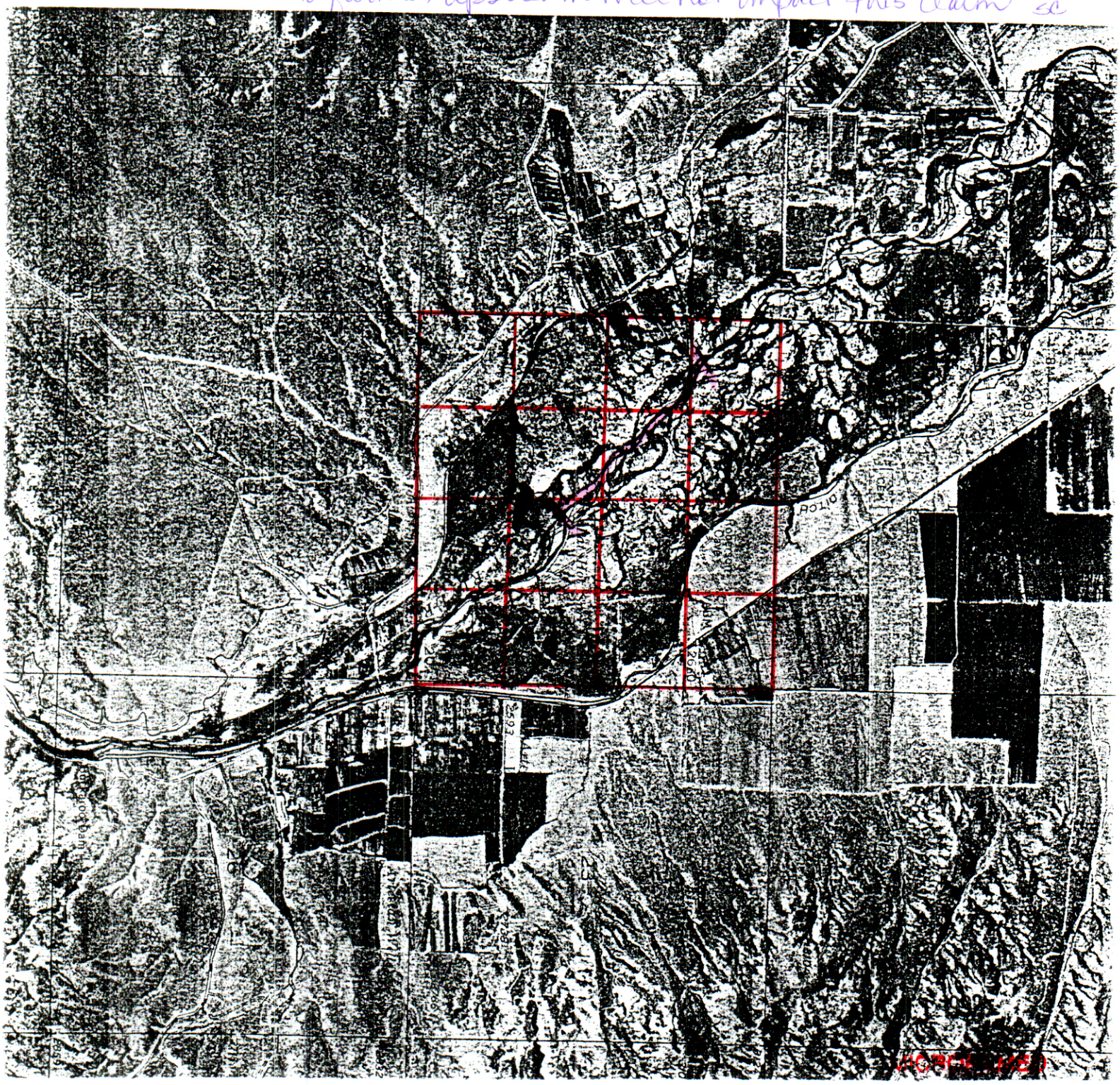
Witness my hand this _____ day of _____, 19 ____.

_____

MICROFILMED
DEC 0 1 1999

A51-10251

beginning of reach (instream stockwater) is below original pld of 51-07346, changing pld to further upstream will not impact this claim sc



*The Owyhee Avalanche*

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

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )
) ss
COUNTY OF OWYHEE )

RECEIVED
OCT 29 1999
WATER RESOURCES
WESTERN REGION

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):

October 6 and 13, 1999

Signed _____

Subscribed and sworn to me this 13th day of October A.D., 1999

SHIRLEY MARTINAT NOTARY PUBLIC STATE OF IDAHO

_____
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

## NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that **J. R. Simplot Self-Declaration of Revocable Trust** PO Box 27, Boise ID 83707 has applied to the Department of Water Resources to Change the Point of Diversion of the following water right in T7S R6E, Owyhee, County, pursuant to I.C. § 42-211:

RECORDED RIGHT

**Permit#51-07346,** Bruneau River tributary to the Snake River, filed on 9/14/1993 for 21.22 cfs diverted in NWSE S22 and SWSW S26 and used in Sections 3, 4, 9, 10, 14, 15, 22, 23, and 26 for total irrigation of 1061 acres.

PROPOSED AMENDMENT

Applicant proposes to move the Point of Diversion from the NWSE S22 upstream 1/3 mile to the NWNW S26 where river channel flow patterns are more consistent.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of $25.00 on or before October 24, 1999. The protestant must also send a copy of the protest to he applicant.

Karl. J. Dreher, Director

10/6&13/99

MICROFILMED
DEC 01 1999

# SOUTH, RANGE NO. 6 EAST OF THE

## DEPENDENT RESURVEY

Sec. 33 Sec. 34 Sec. 35

STANDARD PARALLEL

Sec. 4 Sec. 3 Sec. 2

Sec. 9 Sec. 10 Sec. 11

Sec. 16 Sec. 15 Sec. 14

Sec. 21 Sec. 22 Sec. 23

Sec. 28 Sec. 27 Sec. 26

BUCKHORN GULCH

LOVERAGE

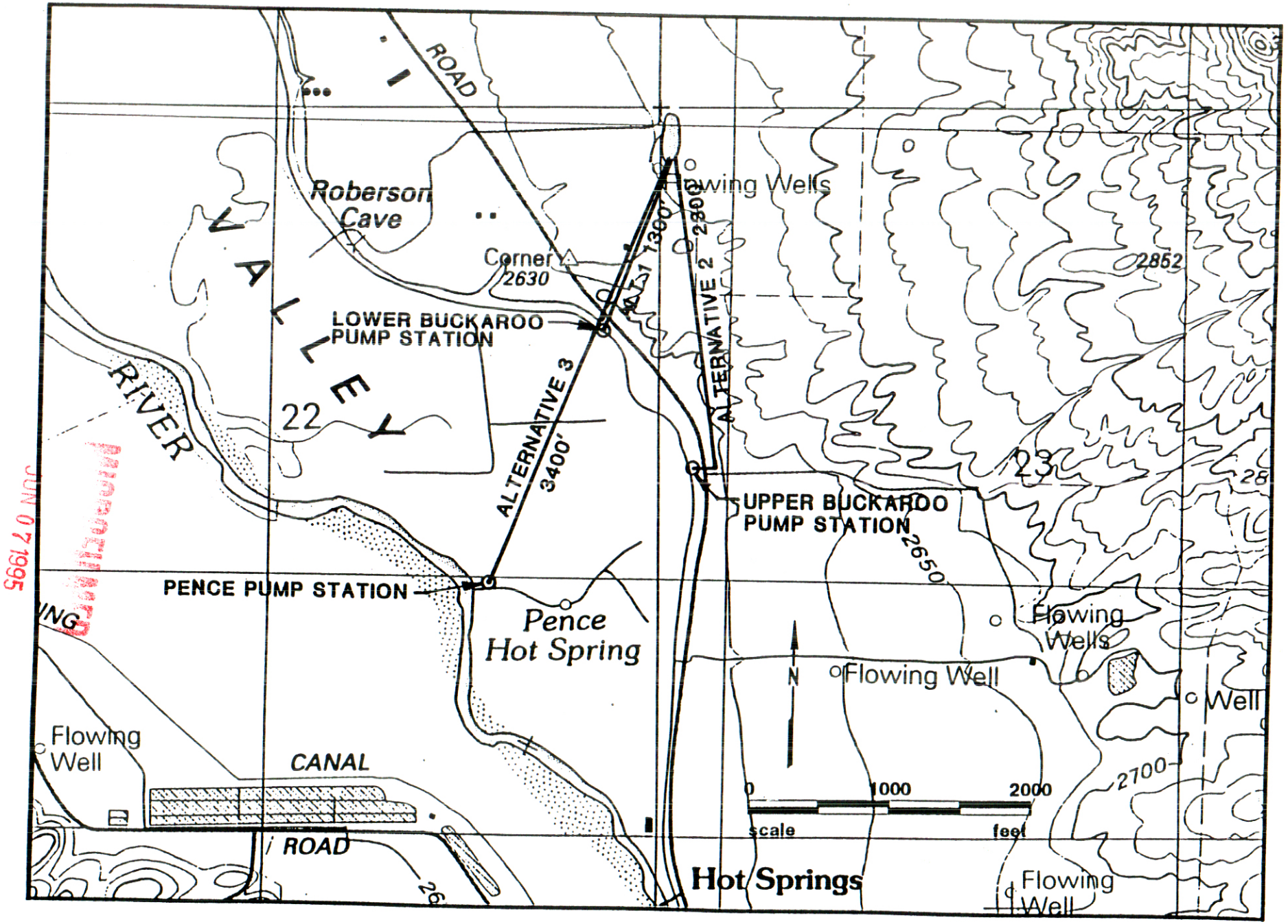
NORTH POWER LINE

BRUNEAU TELEPHONE LINE

HOT SPRINGS CANAL

RIVER SCHOOL CANAL

RECEIVED
JUN 07 1995




**PIPELINE ALTERNATIVES**
**FIGURE 1**

# WATER RIGHT SUMMARY

| ACTION | RIGHT NO. | NAME | AMOUNT CFS |
|---|---|---|---|
| Original Application | 51-07346 | Richard L Owen, Trustee<br>Owen Family Trust | 21.22 |
| Full Assignment | 51-07346 | J R Simplot, Trustee<br>J R Simplot Trust | 21.22 |

Received
JUN 07 1995

State of Idaho
Department of Water Resources

# Permit To Appropriate Water

**NO. 51-07346**

**Proposed Priority:** September 14, 1993 Maximum Diversion Rate: 21.22 CFS

This is to certify, that **J R SIMPLOT REVOCABLE TRUST**
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707-0027
has applied for a permit to appropriate water from:
**BRUNEAU RIVER** tributary of **SNAKE RIVER**

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

| BENEFICIAL USE | PERIOD OF USE | RATE OF DIVERSION |
|---|---|---|
| IRRIGATION | 04/01 to 10/31 | 21.22 CFS |

**LOCATION OF POINT(S) OF DIVERSION:** NWSE , Sec. 22, Township 07S, Range 06E
SWSW , Sec. 26, Township 07S, Range 06E
OWYHEE County

**PLACE OF USE:** IRRIGATION

| TWN | RGE | SEC | | ACRES | | ACRES | | ACRES | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 07S | 06E | 3 | SWSW | 24.0 | SESW | 30.0 | | | 54.0 |
| | | 4 | SESE | 21.0 | | | | | 21.0 |
| | | 9 | NENE | 31.0 | SENE | 9.0 | | | 40.0 |
| | | 10 | NWNW | 39.0 | SWNW | 14.0 | | | 53.0 |
| | | 14 | SWNW | 38.0 | NWSW | 38.0 | SWSW | 38.0 | 114.0 |
| | | 15 | NWNE | 40.0 | SWNE | 26.0 | SENE | 40.0 | |
| | | | SENW | 36.0 | NESE | 40.0 | NWSE | 37.0 | |
| | | | SWSE | 15.0 | SESE | 40.0 | | | 274.0 |
| | | 22 | NENE | 40.0 | | | | | 40.0 |
| | | 23 | NWNW | 38.0 | NESW | 40.0 | NWSW | 39.0 | |
| | | | SWSW | 40.0 | SESW | 40.0 | | | 197.0 |
| | | 26 | SWNE | 40.0 | SENE | 40.0 | NENW | 40.0 | |
| | | | NWNW | 40.0 | SWNW | 40.0 | SENW | 35.0 | |
| | | | NESW | 33.0 | | | | | 268.0 |

Total number of acres irrigated: 1061.0

**CONDITIONS/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.

MICROFILMED

JUN 07 1995

State of Idaho
Department of Water Resources

# Permit To Appropriate Water

**NO. 51-07346**

**CONDITIONS/REMARKS:**

4. Water shall not be diverted under this right unless the flow of the Snake River exceeds prior rights and established downstream minimum stream flows.
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. 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.
7. 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.
8. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
10. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
11. The issuance of this right in no way grants any right-of-way or easement across the land of another, and specifically does not grant utilization of the Bruneau-Buckaroo ditch.

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

19th day of May, 1995

for Karl J. Dreher, Director

MICROFILMED

RECEIVED
DEC 28 1994
Department of Water Resources

Ident. No. **51-07346**

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR PERMIT**

**To appropriate the public waters of the State of Idaho**

1. Name: J R CO SIMPLOT 208-336-2110
   Address: 999 MAIN ST STE 1300
   PO BOX 27
   BOISE ID 83707

2. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER
3. Location of Point of Diversion: SWSW Sec. 26, Township 07S, Range 06E
   OWYHEE County

4. Water will be used for the following purposes:

| Purpose | From | To | CFS | (or) | AF |
|---|---|---|---|---|---|
| IRRIGATION | ~~03/15~~ * 4/1 | ~~11/15~~ 10/31 | 21.220 | | |

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

6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc.
      PUMP, PIPELINE AND SPRINKLERS
   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 work and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

JUN 07 1995

| TWN | RGE | SEC | | ACRES | | ACRES | | ACRES | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 07S | 06E | 3 | SWSW | 24 | SESW | 30 | | | 54 |
| | | 4 | SESE | 21 | | | | | 21 |
| | | 9 | NENE | 31 | SENE | 9 | | | 40 |
| | | 10 | NWNW | 39 | SWNW | 14 | | | 53 |
| | | 14 | SWNW | 38 | NWSW | 38 | SWSW | 38 | 114 |

* Standard season

Place of Use: IRRIGATION

| TWN | RGE | SEC | | ACRES | | ACRES | | ACRES | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| | | 15 | NWNE | 40 | SWNE | 26 | SENE | 40 | |
| | | | SENW | 36 | NESE | 40 | NWSE | 37 | |
| | | | SWSE | 15 | SESE | 40 | | | 274 |
| | | 22 | NENE | 40 | | | | | 40 |
| | | 23 | NWNW | 38 | NESW | 40 | NWSW | 39 | |
| | | | SWSW | 40 | SESW | 40 | | | 197 |
| | | 26 | SWNE | 40 | SENE | 40 | NENW | 40 | |
| | | | NWNW | 40 | SWNW | 40 | SENW | 35 | |
| | | | NESW | 33 | | | | | 268 |

Total number of acres irrigated: 1061

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:
Point of withdrawal from the Bruneau Buckeroo Ditch will be a pump located in NWSE, S22, T07S, R06E.

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

Received by _____ Date _____ Time____ Preliminary check by _____

Fee $ 445.00 Receipted by _____ #W016729 Date 9/14/1993

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Comments: Date: 9/29/1993 User-ID: TAYLOR

Subject:
Purpose of Application

The purpose of this application is to utilize Bruneau River floodwaters to irrigate lands presently irrigated by wells. Use of Bruneau River water (when available in spring and early summer) will reduce the annual usage of groundwater on these lands, and should have a beneficial effect on local groundwater levels.

Comments: Date: 3/31/1994 User-ID: LESTER

Subject:
CORRESPONDENCE & OTHER INFORMATION

Send copies of all correspondence to:

Scott Campbell, Elam & Burke, PO Box 1539, Boise 83701 &

Terry Scanlan, Scanlan Engineering, 600 E. River Park Ln., Ste. 105, Boise 83706.

Diversion point is the Bruneau Buckeroo Ditch. A pump will be put into ditch in S22 for withdrawals from the ditch. This is the same pump to be used for 4.4 cfs on 250 acres in 1,311 acre rotation area approved for Owen's use in T.4265. Note condition nos. 5 & 6 in T.4265.

RECEIVED
JUN 07 1995

25.00 Filing Fee
Received 10/6/94
Receipt # C031413

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Department of Water Resources

**State of Idaho**

**Department of Water Resources**

**ASSIGNMENT OF PERMITS AND PENDING APPLICATION FOR PERMIT**

We, Richard L. Owen, Trustee of the Owen Family Revocable Trust A Established August 30, 1966, as Amended and Restated on October 12, 1988, and Velma Marie Owen, Successor Trustee of Owen's Ranch Trust Dated May 17, 1967, hereby assign to J. R. Simplot as Trustee, J. R. Simplot Self-Declaration of Revocable Trust, established by Written Instrument Dated December 1, 1989 of Post Office Box 27 Boise, ID, 83707:

All right, title, and interest in and to Permit No's 51-04104, 51-07082, 51-07107, 51-07119, ~~51-07183,~~ 51-07281, 51-07293 and all right, title, and interest in and to pending Application for Permit No. 51-07346.

Made this 31st day of August, 1994.

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Permit Holder and Applicant

Richard L. Owen, Trustee of the
Owen Family Revocable Trust A

Velma Marie Owen - TRUSTEE

Velma Marie Owen, Successor Trustee
of Owen's Ranch Trust Dated May 17,
1967

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State of Idaho )
ss
County of Ada )

On this 31st day of August, 1994, personally appeared before me Richard L. Owen, Trustee and Velma Marie Owen, Trustee known to me to be the signer(s) of the above instrument and who executed the same.

JONATHAN M. MABBUTT
NOTARY
PUBLIC
STATE OF IDAHO

Notary Public Residing at
Meridian ID

# 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


October 11, 1994

VIC CONRAD
JR SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

Re: Permit Nos. 51-07293, 51-07281, and 51-07082;
Application for Permit No. 51-07346.

Dear Vic:

This letter is to confirm that the assignments of ownership received October 6, 1994 on the above referenced water rights are satisfactory. We have modified our computer records to reflect this change in ownership.

Your assignment also identified right no. 51-07107 which was licensed October 3, 1994. As you know, a licensed water right is considered real property; therefore, proof of owning the land is proof of owning the water right unless specifically excluded in the sale. A refund of this $25.00 assignment filing fee will follow under separate cover.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:cz

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J R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

**October 5, 1994**

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Department of Water Resources

Cindy Zimmerman
Water Resource Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

**Re: Application for Permit No. 51-07346, and Permit No.s 51-07082, 51-07107, ~~51-07183,~~ 51-07281, 51-07293.**

Dear Cindy:

In response to your letter dated September 21, 1994, I have enclosed the original signed assignment form and a $125.00 check to cover your assignment fee for permit no's 51-07082, 51-07107, 51-07281, 51-07293 and application no. 51-07346.

The point of diversion and place of use for permit no. 51-07183 identify land that was recently purchased by the J. R. Simplot Self-Declaration of Revocable Trust from the Owen Family Revocable Trust A. Before locating the applicant, Fred W. Marsh, to arrange an assignment I'm researching the water use associated with this property. To avoid missing any deadlines connected with development under the permit (for instance the deadline for filing proof of beneficial use), please arrange for copies of all correspondence in your file for permit no. 51-07183 to be mailed to me.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

Encl.

Original Assignment
J. R. Simplot Check No. 4409 for $125.00

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Brineau-Grandview GWMA

T 7 S
R 18 E
Twin Falls County
Idaho

Ident. No. **51-07346**

SEND COPIES ALL CORRESPONDENCE TO:
Scott Campbell 3/29/94 request
&
TERRY SCANLAN 11/24/93 Request
Addresses - See Comments

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

amended

**APPLICATION FOR PERMIT**

**To appropriate the public waters of the State of Idaho**

1. Name: OWEN FAMILY REVOCABLE TRUST A 208-845-2001
   Address: RICHARD L OWEN TRUSTEE
   PO BOX 590
   BRUNEAU ID 83604

2. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER
3. Location of Point of Diversion: ~~NWSE Sec. 22, Township 07S, Range 06E~~ * SWSW Sec. 26, Township 07S, Range 06E
   OWYHEE County

4. Water will be used for the following purposes:

| Purpose | From | To | CFS | (or) | AF |
|---|---|---|---|---|---|
| IRRIGATION | 03/15 | 11/15 | 21.220 | | |

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

6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc.
   PUMP, PIPELINE AND SPRINKLERS from BRUNEAU BUCKEROO DITCH
   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 5 year(s).

8. Place of Use: IRRIGATION

| TWN | RGE | SEC | | ACRES | | ACRES | ACRES | TOTAL |
|---|---|---|---|---|---|---|---|---|
| 07S | 06E | 3 | SWSW | 24 | SESW | 30 | | 54 |
| | | 4 | SESE | 21 | | | | 21 |
| | | 9 | NENE | 31 | SENE | 9 | | 40 |
| | | 10 | NWNW | 39 | SWNW | 14 | | 53 |

JUN 07 1994

* d'base correction, see Remarks & Comments. -SZ 3/31/94

Revised per original application info.

Place of Use: IRRIGATION

| TWN | RGE | SEC | | ACRES | | ACRES | | ACRES | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| | | 14 | SWNW | 38 | NWSW | 38 | SWSW | 38 | 114 |
| | | 15 | NWNE | 40 | SWNE | 26 | SENE | 40 | |
| | | | SENW | 36 | NESE | 40 | NWSE | 37 | |
| | | | SWSE | 15 | SESE | 40 | | | 274 |
| | | 22 | NENE | 40 | | | | | 40 |
| | | 23 | NWNW | 38 | NESW | 40 | NWSW | 39 | |
| | | | SWSW | 40 | SESW | 40 | | | 197 |
| | | 26 | SWNE | 40 | SENE | 40 | NENW | 40 | |
| | | | NWNW | 40 | SWNW | 40 | SENW | 35 | |
| | | | NESW | 33 | | | | | 268 |

Total number of acres irrigated: 1061

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: Point of withdrawal from Brannan Bankend Ditch will be a pump located in NWSE, S22, T07S, R06E. *

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.

per original

_____
Applicant

Received by JJ Date 9-14-93 Time 9:45 Preliminary check by JR

Fee $ 445.00 Receipted by JJ #W016729 Date 9/14/1993

Publication prepared by AT Date 9-29-93 Published in Owyhee Avalanche ☆

Publication approved _____ Date _____

☆ also published in:
Id. Statesman ✓
Lewiston Morning Tribune ✓
Times News ✓
Post Register ____

JUN 07 1995

* d'base correction, also see Comments. -JR 3/31/94

Comments: Date: 9/29/1993 User-ID: TAYLOR

Subject:
Purpose of Application

The purpose of this application is to utilize Bruneau River floodwaters to irrigate lands presently irrigated by wells. Use of Bruneau River water (when available in spring and early summer) will reduce the annual usage of groundwater on these lands, and should have a beneficial effect on local groundwater levels.

Copies correspondence to

Scott Campbell
3/29/94 Elam & Burke
P.O. Box 1539
Boise 83701

11/24/93 Terry Scanlan
Scanlan Engineering
600 E. River Park Ln., Ste. 105
Boise 83706

- date entry 3/31/94

JUN 07 1995

continued

SD-0420-2 Idaho Department of Water Resources Date: 03/31/94
MODIFY RECORD Modify Comment Time: 11:51:00

Water Right Number: 51-07346

Comment Date: 3/31/1994 User ID: LESTER

Subject: CORRESPONDENCE & OTHER INFORMATION

Send copies of all correspondence to:
Scott Campbell, Elam & Burke, PO Box 1539, Boise 83701 &
Terry Scanlan, Scanlan Engineering, 600 E. River Park Ln., Ste. 105, Boise 83706.

Diversion point is the Bruneau Buckeroo Ditch. A pump will be put into ditch in S22 for withdrawals from the ditch. This is the same pump to be used for 4.4 cfs on 250 acres in 1,311 acre rotation area approved for Owen's use in T.4265. Note condition nos. 5 & 6 in T.4265.

(ENTER=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

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Department of Water Resources
Western Regional Office

Ident No. 51-7346

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# APPLICATION FOR PERMIT

**To appropriate the public waters of the State of Idaho**

**Name of Applicant:** Owen Family Revocable Trust A (Richard L. Owen, Trustee) **Phone:** 845-2001

1. **Post Office address:** P.O. Box 590, Bruneau ID 83604

send copies of notifications to (1) Scott Campbell, Davis Wright Tremaine Lawyers, 702 West Idaho, Boise ID 83702 and (2) Terry Scanlan, Montgomery Watson, 161 Mallard Drive, Boise, ID 83706

2. Source of water supply Bruneau River which is a tributary of Snake River

3 Location of point of diversion is _____ ¼ of SW ¼ of SW ¼, Govt. Lot _____

Sec. 26 Township 7 South Range 6 East B.M. Owyhee County; additional points of diversion if any: NW, SE, Section 22, Township 7 South, Range 6 East, Owyhee County

4. Water will be used for the following purposes:

Amount 21.220 (cfs ~~or acre-feet per annum~~) for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 21.220 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Diversion at (1) Bruneau Buckaroo Dam into Bruneau Buckaroo Ditch and (2) pumping station near Pence Hot Springs into irrigation pipeline. Pumping from Buckaroo Ditch into irrigation pipeline, ponds, ditches and sprinklers

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 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 five years (*minimum 1 year*).

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Contact Person = Terry Scanlon per attached letter with Application

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. _____

   c. Municipal; show name of municipality _____

   d. Domestic; show number of households. _____

   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.

| | | | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rge | Sec. | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | Totals |
| 7S | 6E | 3 | | | | | | | | | | | 24 | 30 | | | | | 54 |
| 7S | 6E | 4 | | | | | | | | | | | | | | | | 21 | 21 |
| 7S | 6E | 9 | 31 | | | 9 | | | | | | | | | | | | | 40 |
| 7S | 6E | 10 | | | | | | 39 | 14 | | | | | | | | | | 53 |
| 7S | 6E | 14 | | | | | | | 38 | | | 38 | 38 | | | | | | 114 |
| 7S | 6E | 15 | | 40 | 26 | 40 | | | | 36 | | | | | 40 | 37 | 15 | 40 | 274 |
| 7S | 6E | 22 | 40 | | | | | | | | | | | | | | | | 40 |
| 7S | 6E | 23 | | | | | | 38 | | | 40 | 39 | 40 | 40 | | | | | 197 |
| 7S | 6E | 26 | | | 40 | 40 | 40 | 40 | 40 | 35 | 33 | | | | | | | | 268 |
| | | | | | | | | | | | | | | | | | Total acres | | 1061 |

10. Describe any other water rights used for the same purposes as described above. _____
    51-07082, 51-07119, 51-07293, and the 12 licenses involved in Transfer 3324 (51-02089B, 51-02091, 51-02120, 51-02123, 51-02127, 51-02150, 51-02165, 51-02169, 51-02170, 51-02213B, 51-07047, and 51-07058).

11. a. Who owns the property at the point of diversion? Applicant/ Bruneau Buckaroo Ditch Company

    b. Who owns the land to be irrigated or place of use? Applicant

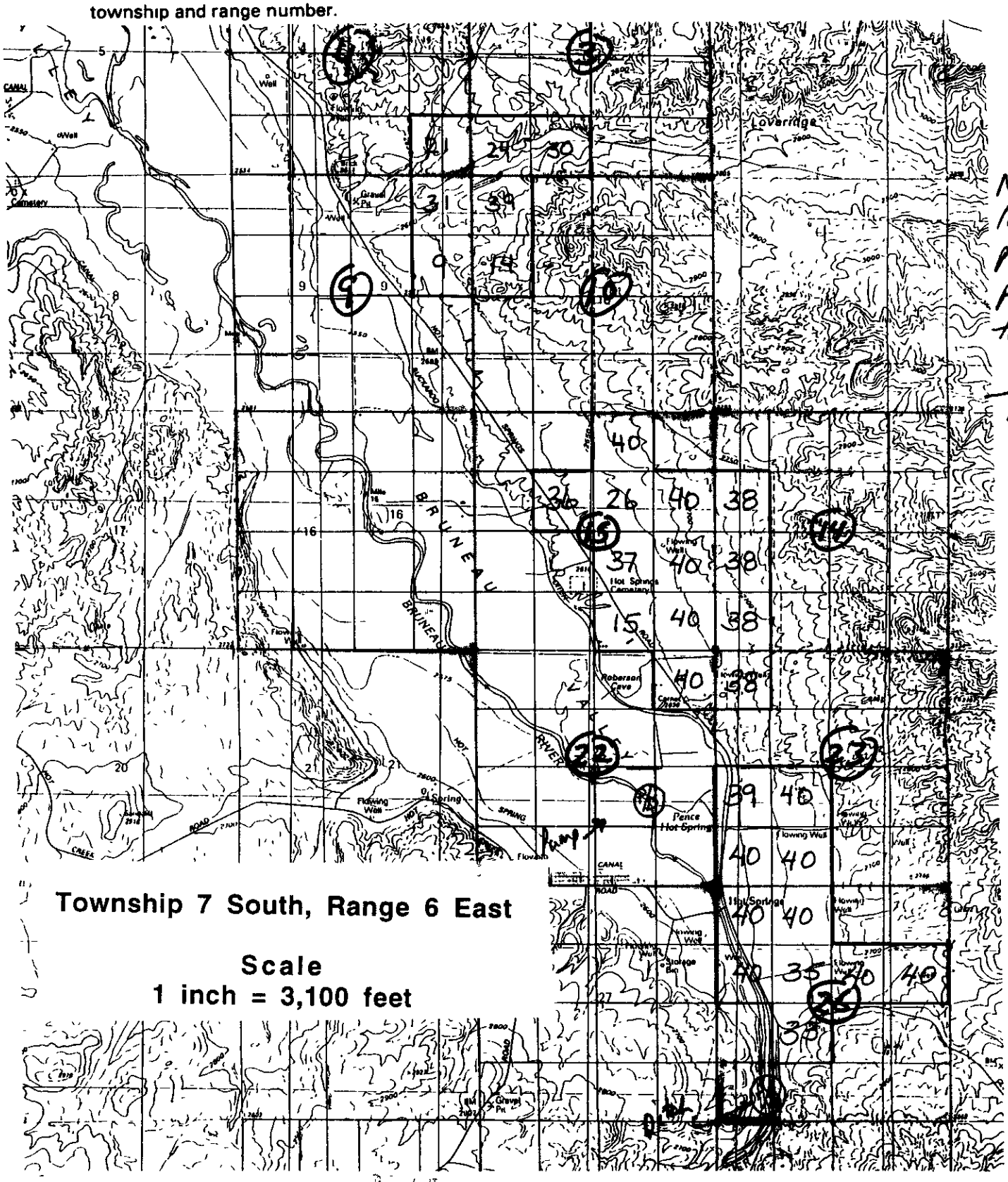
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicant is a stockholder in the Bruneau Buckaroo Ditch Company and will obtain permission from the Buckaroo Ditch Company to use the dam and ditch for diversion of the water.

12. Remarks: The purpose of this application is to utilize Bruneau River floodwaters to irrigate lands presently irrigated by wells. Use of Bruneau River water (when available in spring and early summer) will reduce the annual usage of groundwater on these lands, and should have a beneficial effect on local groundwater levels.

PLACE this info in "Comments"

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




No Govt. lots in pld; p/u tracts

SR 9/28/53

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.

JUN

(Applicant)

Dick Owen (Trustee)

Received by [illegible] Date 14-93 Time 9:45 AM Prelim. ; check by SL

Fee $ 445.00 Receipted by [illegible] # W016729 Date 9-14-93

Publication prepared by [illegible] Date 9-29-93 Published in Statesmen
owyhee avec ✓ Statesman ✓ Lewiston trib ✓ Post Reg ✓ Times News ✓
Publication approved [illegible] Date 10-2-93

## 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:

***Please file future correspondence in file 2.***

JUN 07 1995

r Dnr
# 51-07346
Protest File

GRAY YOUNG
Attorney at Law
999 Main Street, Suite 1300
P.O. Box 27
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

Attorney for Protestant
M. L. Investment Company

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WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | **PROTESTANT M. L. INVESTMENT COMPANY'S ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES TO PROTESTANT M. L. INVESTMENT COMPANY** |

COMES NOW the Protestant, M. L. Investment Company, by and through its attorney of record, and in conformance with the provisions of IDAPA 37.01.01.524 and Rule 33, Idaho Rules of Civil Procedure, hereby answers Applicant's First Set of Interrogatories as follows:

**INTERROGATORY NO. 1:** Please set forth the name and address of each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts underlying your protest to the Application of the Owen Family Revocable Trust A, for Permit No 51-07346. By this interrogatory, we seek the names and addresses of all individuals who have knowledge or who purport to have knowledge of the facts underlying the protest to the Application for Permit No 51-07346 by you

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on or about October 25, 1993.

**ANSWER TO INTERROGATORY NO. 1:** M. L. Investment Company believes the use of Bruneau River flood water for crop irrigation is a widely understood and accepted practice in the Bruneau Valley. The underlying reason for M. L. Investment Company's protest is to protect the long standing beneficial use water rights perfected by the Idaho Constitutional method (sometimes referred to as "Statutory Claims") to divert Bruneau River flood waters for use in irrigating farm land owned by M. L. Investment Company and others. These beneficial use rights are so commonly accepted and held in the local community it would be difficult to provide the Applicant with a comprehensive listing of all those who are aware of and hold these water rights. However, in response to Interrogatory No. 1 the following are the names of those individuals who the Protestant believes have knowledge of the facts underlying the protest to application no. 51-07346 filed with the IDWR by M. L. Investment Company on October 25, 1993 and amended June 7, 1994:

Richard L. Owen
P.O. Box 590
Bruneau, ID 83604

Frank Bachman
HC 85 Box 881
Bruneau, ID 83604

L. Frank Davis
HC Box 138
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

JUN 07 1995

Albert Black
HC 85 Box 101
Bruneau, ID 83604

Asa Black
HC 85 Box 101
Bruneau, ID 83604

George Turner
HC 85 Box 123
Bruneau, ID 83604

Clayton Turner
HC 85 Box 123
Bruneau, ID 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, ID 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, ID 83604

Grant Johnson
HC 85 Box 122
Bruneau, ID 83604

Joann M. Polk
HC 79 Box 2085
Oreana, ID 83650

Dixie McKay
Bruneau, Idaho

Charles E. Brockway, Ph.D., P.E.
Charles Brockway Engineering
706 Sunrise Blvd. North
Twin Falls, ID 83301



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Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise, ID 83706

Richard Bass, Chairman
Owyhee County Commissioners
Courthouse, Post Office Box 128
Murphy, ID 83650-0128

Chester Sellman
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy, ID 83650-0128

Harold Tolmie
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy, ID 83650-0128

John Lasuen
315 N. 8th Street
Mountain Home, ID 83647

Gus Oman
HC 85 Box 275
Grand View, ID 83624

State of Idaho Department of Fish and Game
Post Office Box 25
Boise, Idaho 83707

Idaho Power Company
1221 W. Idaho
Boise, ID 83702

State of Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

United States Department of Interior Geological Survey
230 Collins Rd.
Boise, ID 83702

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and all water right holders unknown to Protestant who utilize water diverted through the Bruneau Buckaroo Cooperative Ditch Company, South Side Bruneau Canal Company, Ltd., and Hot Springs Ditch Company, the names and addresses of which are not in our possession but available at the respective canal companies' mailing addresses which are as follows:

Bruneau Buckaroo Ditch Company
C/O Frank Bachman
P.O. Box 223
Bruneau, ID 83604

Hot Springs Ditch Company
C/O Ronald E. Prow
HC 85 Box 123
Bruneau, ID 83604

South Side Bruneau Canal Company, Ltd.
C/O Richard L. Owen
P.O. Box 590
Bruneau, ID 83604

**INTERROGATORY NO. 2:** Please set forth the names and addresses of those persons having knowledge of the facts of your protest whom you may call as witnesses at the hearing on the Application for Permit No. 51-07346, and for each such person, state the substance of his or her expected testimony.

**ANSWER TO INTERROGATORY NO. 2:** M. L Investment Company expects that the substance of the testimony from any of the following will include: 1) the historical use of the Bruneau River decreed water rights and Bruneau River "flood" water rights; 2) the water requirements (including but not limited to transmission losses, soil water holding capacities, soil depth, crop consumptive uses, and irrigation system efficiencies) of M. L.



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Investment Company lands and other lands that receive irrigation water from the Bruneau River in the same general location; and 3) the impact (including injury to existing water rights) of the diversion proposed in application for permit no. 51-07346 on the aforementioned decreed rights and beneficial use or statutory claim water rights of M. L. Investment Company:

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane Suite 105
Boise, ID 83706

Richard L. Owen
P.O. Box 590
Bruneau, ID 83604

Vic Conrad
P.O. Box 27
Boise, ID 83707

Gus Oman
HC 85 Box 275
Grand View, ID 83624

John Lasuen
315 N. 8th Street
Mountain Home, ID 83647

Frank Bachman
HC 85 Box 275
Grand View, ID 83624

Charles E. Brockway, Ph.D., P.E.
Charles Brockway Engineering
706 Sunrise Blvd North
Twin Falls, ID 83301

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

JUL 07 1995

Grant Johnson
HC 85 Box 122
Bruneau, ID 83604

George Turner
HC Box 123
Bruneau, ID 83604

Terry Black
Bruneau, ID

Richard Bass, Chairman
Owyhee County Commissioners
Courthouse, Post Office Box 128
Murphy, ID 83650-0128

Chester Sellman
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy, ID 83650-0128

Harold Tolmie
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy, ID 83650-0128

George Turner
HC 85 Box 123
Bruneau, ID 83604

**INTERROGATORY NO. 3:** State the names and address of each person whom Protestant expects to call as an expert witness at the hearing on the Application for Permit No. 51-07346, and for each such person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

**ANSWER TO INTERROGATORY NO. 3:** M. L. Investment Company intends to use Charles E. Brockway, Ph.D., P.E., Charles Brockway Engineering 706 Sunrise Blvd North, Twin Falls, Idaho 83301, as an expert.

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witness at the hearing on the application for permit no. 51-07346. It is expected that his testimony will be related to the availability of water for diversion into the South Side Bruneau Canal Company, Ltd. canal and other diversions in the general area from the Bruneau River; the duration and magnitude of flows available in the Bruneau River; the diversion requirements for existing water right holders; the irrigation system losses and efficiencies; the crop consumptive use and application requirements; and potential impacts and injuries to existing water right holders under the proposed application for Permit No. 51-07346

The data to be used by Dr. Brockway in supporting the expected testimony will be existing water use and diversion data from the State of Idaho Department of Water Resources and United States Department of Interior Geological Survey (see answer to Interrogatory No. 1 for addresses); field evaluations of the system water requirements, land use data including crop type, irrigated area, and meteorological data associated with consumptive use determinations.

Dr. Brockway's research is ongoing at the time the answers to these interrogatories must be served upon Applicant. Consequently Protestant reserves the right to increase the scope and breadth of Dr. Brockway's testimony at the hearing. In addition, Applicant will have the opportunity to examine Dr. Brockway in the deposition scheduled for July 8, 1994.

**INTERROGATORY NO. 4:** For each person expected to be called as an expert witness, state in a capsule summary the qualifications and background of the individual.

**ANSWER TO INTERROGATORY NO. 4:** See curriculum vitae of Charles E. Brockway attached hereto as Exhibit A and incorporated herein by



JUN 07 1995

this reference.

**INTERROGATORY NO. 5:** Please describe in full and complete detail any photographs, drawings, illustrations, memoranda, or other documents which [sic] either you or your attorneys are aware which pertain to any of the issues in this litigation. In answering this interrogatory, describe the nature and subject matter of the item, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, and for each such item, whether or not you intend to utilize it at trial [sic] as an exhibit .

**ANSWER TO INTERROGATORY NO. 5:** The subject matter of Interrogatory No. 5 is not fully known or may not exist at the time these answers to interrogatories must be served upon the Applicant. Consequently, M. L. Investment Company reserves the right to utilize additional photographs, drawings, illustrations, memoranda, and other documents not listed herein at the hearing on this matter. With respect to such documents presently known to M. L. Investment Company, M L. Investment Company may use the documents as exhibits to 1) corroborate the historical use of the Bruneau River decreed water rights and Bruneau River "flood" water rights, 2) describe the water requirements (including, but not limited to, transmission losses, soil water holding capacities, soil depth, crop consumptive uses, and irrigation system efficiencies) of M. L. Investment Company lands and other lands that receive irrigation water from the Bruneau River in the same general location; and 3) verify the impacts and injuries of the diversion proposed in application for permit no. 51-07436 on the aforementioned decreed rights and beneficial use or statutory claim water rights of M. L. Investment Company. The following list of such documents is provided:

JUN 07 1995

United States Department of Interior Geological Survey 7.5 minute series topographic map Sugar Valley, Idaho Quadrangle.

United States Department of Interior Geological Survey 7.5 minute series topographic map Hot Springs, Idaho Quadrangle.

National Aerial Photography Program colored infrared photographs flown 1987, 1988.

Photo-copy of aerial photograph (origin unknown) on which the South Side Bruneau Canal Company's ditch and distribution system are shown.

United States Department of Agriculture, Agricultural Stabilization and Conservation Service crop reports for Owyhee County, Idaho, Marsing, Idaho office.

U.S. Geological Survey, Water-Resources Investigations Report 93-4001, Effects of Well Discharges and Hydraulic Heads in and Spring Discharges from the Geothermal Aquifer System in the Bruneau Area, Owyhee County, Southwestern Idaho, Boise, Idaho 1993, address provided in Answer to Interrogatory No. 1.

Hubble Engineering, Inc and Associated Earth Sciences, Inc., Guidelines For The Evaluation of Irrigation Diversion Rates, October, 1991, Boise, Idaho.

Hubble Engineering, Inc. and Associated Earth Sciences, Inc., Evaluation Workbook for Irrigation Diversion Rates, October, 1991, Boise, Idaho.

United States Department of Agriculture Soil Conservation Service Soil Survey of Elmore County Area, Idaho, Parts of Owyhee, and Ada Counties, fieldwork completed 1985, State Office, Boise,

Idaho.

U.S. Geological Survey in cooperation with the State of Idaho and other agencies, Water Resources Data, Idaho, water years 1912, 1913, 1914, 1985, 1986, 1987, 1988, 1989, address provided in Answer to Interrogatory No. 1.

**INTERROGATORY NO. 6:** Please describe in full and complete detail any documents of which Protestant or its attorneys are aware which pertain to any of the issues of this litigation. In answering this interrogatory, describe the subject matter of the document, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, its location and for each item, whether or not you intend to utilize it at trial as an exhibit.

**ANSWER TO INTERROGATORY NO. 6:** See Answer To Interrogatory No. 5.

DATED this 23rd day of June, 1994.

GRAY YOUNG
Attorney for Protestant
M. L. Investment Company

JUN 07 1995

## CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Scott L. Campbell
Jeffrey W. Pusch
Elam & Burke, P.A.
Key Financial Center
702 West Idaho, 10th Floor
P.O. Box 1539
Boise, Idaho 83701

✓ HAND DELIVERY
___ U.S. MAIL
___ OVERNIGHT MAIL
___ TELEFACSIMILE

I hereby certify that on this 23rd day of June 1994, I caused to be served a true and correct copy of the foregoing by placing same in the United States Mail, postage prepaid, addressed to the following:

Own Family Revocable Trust A
Richard L. Owen, Trustee
P.O. Box 590
Bruneau, Idaho 83604

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

07 1995

Albert and Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Co
HC 85 Box 122
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise, Idaho 83706

Dave Tuthill, Regional Manager
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

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JUN 07 1995

# Charles E. Brockway, P.E., Ph.D.

**University of Idaho**
**Research and Extension Center**
**3793 North 3600 East**
**Kimberly, Idaho 83341**
(208) 423-6601 Office
(208) 733-0938 Residence

**June 1993**

**Summary of education beyond high school:**

| | | |
|---|---|---|
| University of Idaho 1955-59 | B.S.-C.E. | 1959 |
| California Institute of Technology 1959-60 | M.S.-C.E. | 1960 |
| University of Colorado, Denver, Colorado | Management | 1963 |
| University of Denver; Denver, Colorado | Civil Engineering | 1964 |
| Utah State University | Ph.D.-Water Resources Engineering | 1977 |

**Summary of experience:**

| | |
|---|---|
| California Institute of Technology - Pasadena, California | |
| Assistant Project Engineer, U.S. Public Health Service Research Project | 1959-60 |
| Converse Foundation Engineering, Inc. - Pasadena, California - Foundation Engineer | 1960-61 |
| U.S. Bureau of Reclamation - Boise, Idaho - Hydraulic Engineer | 1961-63 |
| Boise College - Instructor in Engineering | 1961-63 |
| U.S. Bureau of Reclamation - Hydraulic Research Laboratory, | |
| Denver, Colorado - Hydraulic Research Engineer | 1963-65 |
| University of Idaho - Assistant Research Professor, Civil Engineering | 1965-74 |
| University of Idaho - Associate Research Professor, Civil Engineering | 1974-78 |
| University of Idaho - Research Professor - Civil and Agricultural Engineering | 1978- |

**Registered Professional Engineer: Idaho and Colorado**

**Special Awards or Honors:**

Recipient of Bausch & Lomb Science Award
Member and secretary of Sigma Tau, National Engineering Honorary
Distinguished Military Graduate - University of Idaho
Top Ten Graduating Senior - University of Idaho, 1959
No. 2 in graduating class of 889, University of Idaho, 1959
Representative of USBR Div.of Research at 1963 Intergovernmental Training Program, Denver, 1964
Scholarship - University of Denver, Graduate School of Management, 1964
National Science Foundation Fellowship - Utah State University, 1967-68
Outstanding Young Engineer Award for Idaho, National Society of Professional Engineers, 1968

**Membership in professional and scholarly organizations:**

National Society of Professional Engineers, 1967 - present
Idaho Society of Professional Engineers, 1967 - present; President 1978
American Society of Civil Engineers - Irrigation & Drainage Division Committee Chairman:

1) Operation and Maintenance of Irrigation and Drainage Systems, 1975-1981
2) Water Quality Committee, 1980-1984, Chairman
3) Task Committee on Guidelines for Erosion and Sediment Control in Irrigated Agriculture, 1980-1983, Chairman
4) Publications Committee, 1985-1992

JUN 7 1995

Research Society of America
National Council of Examiners for Engineering and Surveying, 1981-1991
Idaho Board of Professional Engineers and Land Surveyors, 1981-1991, Chairman

**Scholarly and creative activity:**

**Research in progress:**

Development of systems analysis procedures for optimization of irrigation system designs with environmental, physical, and social constraints.

Evaluation of crop consumptive use, irrigation requirements, and methods of determining basin depletion from agricultural development.

Systems analysis of water use to develop mathematical methods for studying complex groundwater-surface water systems - mathematical modeling of aquifers.

Ground water quality and river system water quality evaluations for nutrient load determination and river system modeling.

**Research completed:**

Development of guidelines for design of sediment removal facilities for on-farm and irrigation distribution system wasteways.

Evaluation of attainable impacts on water quality of irrigation return flows due to implementation of best management practices for sediment and nutrient control.

Evaluation of alternate energy sources for irrigation and municipal needs in Idaho.

Analysis of operation and maintenance costs of water distribution systems and determination of the relationship of costs to known physical and organizational parameters and water use efficiency.

Evaluation of the economic potential for use of geothermal hot water and steam in Idaho.

Study of the movement of water from canals to local water tables under saturated and partially saturated conditions.

Studies of the mechanisms of microbial action, sedimentation and soil-water-chemical interactions involved in natural sealing phenomenon in canals and reservoirs.

Evaluation of irrigation management practices for sustained land disposal of geothermal fluids.

Evaluation of practices and systems for controlling sediment and other pollutant losses from irrigated lands.

Investigation of the response of aquifer systems to changes in recharge or withdrawal due to change in land use.

Evaluation of procedures for estimating crop water requirements.

Development of cost effective procedures and equipment for measurement of irrigation diversions and power use in open and closed systems.

**Related Publications:**

Fitzsimmons, D.W., G. C. Lewis, J. R. Busch, C.E. Brockway, G. M. McMaster and C. W. Berg. 1977. "On-Farm Methods for Controlling Sediment and Nutrient Losses". Proceedings, National Conference on Irrigation Return Flow Quality Management. Fort Collins, Colorado, May 16-19.

Robison, C.W. and C.E. Brockway. 1980. "Vegetal Filters for Controlling Sediment in Irrigation Return Runoff". Proceedings of the ASCE Irrigation and Drainage Division Specialty Conference. Boise, Idaho. July 23-25.

Everts, Chris and C.E. Brockway. 1982. "Reducing Soil Losses with Filter Strips". Current Information Series No. 587. University of Idaho College of Agriculture.

Robison, C.W. and C.E. Brockway. 1986. "Modelling Erosion and Sedimentation in Irrigation". Presented at ASCE Water Forum '86, at Long Beach, CA.

JUN 07 1995

Hamilton, B. and C.E. Brockway. 1991. "Effects of Non-Continuous Turnout Operation on the Aberdeen-Springfield Canal System". Research Technical Completion Report, Idaho Water Resources Research Institute, University of Idaho, Moscow, ID.

Brockway, C.E. and C.W. Robison. 1992. "Middle Snake River Water Quality Study, Phase I". Final report to Idaho Department of Health and Welfare, Division of Environmental Quality. Idaho Water Resources Research Institute, University of Idaho, Moscow, ID.

Brockway, C.E., C.W. Robison, and G.S. Johnson. 1992. "Evaluation of Water Quality in Shallow Ground-water Systems". Final Report to the Division of Environmental Quality, Contract No. 82-600945. Idaho Water Resources Research Institute, University of Idaho, Moscow, ID.

Brockway, C.E. and C.W. Robison. 1992. Middle Snake River Water Quality for Snake River at Star Falls. Submitted to B and C Energy. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.

Brockway, C.E. and C.W. Robison. 1992. Middle Snake River Water Quality for Kanaka and Boulder Rapids. Submitted to L.B. Industries. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.

Brockway, C.E., H. Neibling, C.W. Robison, S.J. Trundy, A. Wetzstein, and J.F. Hansen. 1992. Second Quarterly Report, October 1 through December 31. Water Quality Project, Twin Falls and North Side Canal Companies. Idaho Water Resources Research Institute, University of Idaho, Kimberly, ID.

Brockway, C.E. et al. 1993. Proposed Nutrient Management Plan for Middle Snake Irrigated Agriculture. Submitted to Idaho Department of Health and Welfare Division of Environmental Quality by the Mid Snake Irrigation Water Quality Coordination Committee.

07 1995

GRAY YOUNG
Attorney at Law
999 Main Street, Suite 1300
P.O. Box 27
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

Attorney for Protestant
M. L. Investment Company

RECEIVED
JUN 24 1994
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | **PROTESTANT M. L. INVESTMENT COMPANY'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR ADMISSION TO APPLICANT** |

TO: Applicant, Owen Family Revocable Trust A, and its attorney of record:

YOU WILL PLEASE TAKE NOTICE that Protestant, M. L. Investment Company, requires Owen Family Revocable Trust A to answer the following interrogatories, request for production of documents and requests for admission within fifteen (15) days from the date of service herein, pursuant to IDAPA 37.01.01 520, 37.01.01.521, 37.01.01.522, 37.01.01.524, and Rule 33, Rule 34 and Rule 36 of the Idaho Rules of Civil Procedure.

JUN 07 1995

## INSTRUCTIONS AND DEFINITIONS

The following terms, words, and phrases shall have the following meanings in this discovery pleading:

1. The term "you" or "your" refers to Owen Family Revocable Trust A and it's trustee(s), agents, employees, representatives, investigators, consultants, and attorneys.

2. The term "document" shall mean any kind of written, printed, typed, graphic, or photographic matter of any kind or nature, however produced or reproduced, and all mechanical and electronic sound recordings and written transcripts thereof, however produced or reproduced, whether in your control or not, and including without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not.

3. The term "identify" when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

4. The term "identify" when used with respect to a person shall be deemed to request the person's full name, job title, last known business and residence addresses and telephone

JUN 07 1995

numbers.

5. The term "identify" when used with respect to oral communication shall be deemed to request whether said communication was in person or by telephone, an identification of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

6. The term "Applicant" refers to Owen Family Revocable Trust A and its trustee(s), beneficiaries, agents, employees, representatives, investigators, consultants, and attorneys.

7. Each interrogatory shall be accorded a separate answer, and each subpart of an interrogatory shall be accorded a separate answer.

**INTERROGATORY NO. 1:** Please set forth the name and address of each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts underlying the Application of the Owen Family Revocable Trust A, for Permit No. 51-07346. By this interrogatory, we seek the names and addresses of all individuals who have knowledge or who purport to have knowledge of the facts underlying the Application for Permit No. 51-07346 filed by you on or about September 14, 1993.

**INTERROGATORY NO. 2:** Please set forth the names and addresses of those persons having knowledge of the facts upon which you base your Application whom you may call as witnesses at the hearing on the Application for Permit No 51-07346, and for each such person,

JUN 07 1995

state the substance of his or her expected testimony.

**INTERROGATORY NO. 3:** State the name and address of each person whom Applicant expects to call as an expert witness at the hearing on the Application for Permit No. 51-07346, and for each such person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

**INTERROGATORY NO. 4:** For each person expected to be called as an expert witness, state in a capsule summary the qualifications and background of the individual.

**INTERROGATORY NO. 5:** Please describe in full and complete detail any photographs, drawings, illustrations, memoranda, or other documents of which either you or your attorneys are aware which pertain to any of the issues in this administrative process, including, but not limited to, the administrative hearing scheduled for July 28, 1994. In answering this interrogatory, describe the nature and subject matter of the item, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, and for each such item, whether or not you intend to utilize it at the hearing as an exhibit.

**INTERROGATORY NO. 6:** Please describe in full and complete detail any documents other than those listed in Interrogatory No 5 of which Applicant or its attorneys are aware which pertain to any of the issues of this administrative process and litigation. In answering this interrogatory, describe the subject matter of the document, its date, if applicable, the name, address, job title and capacity of the person

JUN 07 199

preparing it or with knowledge of it, its location and for each item, whether or not you intend to utilize it at the hearing as an exhibit.

**INTERROGATORY NO. 7:** Please describe in full and complete detail the history of your use of Bruneau River flood waters including, but not limited to the following: 1) the date Applicant began using any irrigation waters composed in whole or in part of Bruneau River flood waters for irrigating crop land; 2) the volume and diversion rates of Bruneau River flood waters (in acre feet/acre/year and cubic feet per second if available) appropriated by the South Side Bruneau Canal Company, Ltd. attributable to your acreage each year of your use of such waters and attributable to all lands receiving water from the South Side Bruneau Canal Company, Ltd.; and 3) the duration of your use of South Side Bruneau Canal Company, Ltd. waters containing Bruneau River flood waters for each irrigation season. If Applicant has not irrigated crop land utilizing Bruneau River flood waters appropriated by the South Side Bruneau Canal Company, Ltd., answer the questions propounded in this interrogatory in full and complete detail with respect to any use of such waters by the following: 1) Richard L. Owen as Trustee of Applicant, 2) Richard L. Owen as President of South Side Bruneau Canal Company, Ltd.; 3) Richard L. Owen individually; and 4) any entity owned or operated directly or indirectly, in whole or in part by Richard L. Owen or his immediate family.

**INTERROGATORY NO. 8:** Please set forth in detail the facts, circumstances, information and data upon which the Applicant will rely in meeting the Idaho Department of Water Resources request in the May 3, 1994 Pre-Hearing Conference that Applicant demonstrate that application

JUL 07 1995

no. 51-07346 is in the local public interest.

**INTERROGATORY NO. 9:** With respect to Stephen W. Lipscomb, United States Department of Interior Geological Survey, state the subject matter upon which Mr. Lipscomb is expected to testify; the substance of the facts and any opinions to which Mr. Lipscomb is expected to testify and the facts and data underlying Mr. Lipscomb's opinions or inferences, as well as his qualifications and background.

**INTERROGATORY NO. 10:** Please describe in full and complete detail any documents and facts of which you are aware which pertain to the appropriation of Bruneau River flood waters, including, but not limited to, any claims filed in the Snake River Basin Adjudication or otherwise by you and by the South Side Bruneau Canal Company, Ltd

**INTERROGATORY NO. 11:** Please describe in full and complete detail any activities, discussions, arguments, meetings, or other actions by you or by Richard L. Owen as Trustee of Applicant, or by Richard L. Owen as President of the South Side Bruneau Canal Company, Ltd , or by Richard L. Owen, individually, in connection with the appropriation of Bruneau River flood waters by the South Side Bruneau Canal Company, Ltd., and/or by you.

**INTERROGATORY NO. 12:** Please describe in full and complete detail any activities, discussions, arguments, meetings, or other actions by you or by Richard L. Owen as Trustee of Applicant, or by Richard L. Owen as President of the South Side Bruneau Canal Company, Ltd , or by Richard L. Owen, individually, relating to the formation of a lateral ditch water users' association involving the South Side Bruneau Canal Company Ltd. [I.C. § 42-1301 et seq ]. State with particularity the source

JUN 07 1995

or sources of water and the relative priorities of such sources proposed to be utilized for such lateral ditch water users' association.

**INTERROGATORY NO. 13:** Please describe and set forth in full and complete detail the additional information provided by Terry Scanlan to the IDWR in response to IDWR's additional information requests pursuant to IDAPA 37.03.08, Subparagraphs b through h(vii). Please state the date the aforementioned information was filed with the State of Idaho Department of Water Resources.

## REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to IDAPA 37 01.01.524 and Rule 34 of the Idaho Rules of Civil Procedure, Protestant, M. L Investment Company, requests the above-named Applicant to produce the following documents to M. L. Investment Company, 999 Main Street, Suite 1300, Boise, Idaho or submit photocopies thereof within fifteen (15) days as required under Rule 34, I.R.C.P.

## DEFINITION

As used herein, the term "document" includes, but is not limited to correspondence, files, notes, notebooks, outlines, calendar entries, drafts, tape recordings, computer print-outs, external and internal memoranda, reports, personal notes, diaries, letters, photographs, drawings, maps, graphs, charts, records, agreements, contracts, checks, forms, and any other tangible form in which information is reported or conveyed in written, sound, graphic or pictorial form. The term "document" shall include the original or any item described above and all copies of such items in the possession or under the control of Applicant.

JUN 07 1995

**REQUEST FOR PRODUCTION NO. 1:** Please produce all documents relating to the subject matter of Interrogatory No. 1 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 2:** Please produce all documents relating to the subject matter of Interrogatory No. 2 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 3:** Please produce all documents relating to the subject matter of Interrogatory No. 3 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 4:** Please produce all documents relating to the subject matter of Interrogatory No. 4 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 5:** Please produce all documents relating to the subject matter of Interrogatory No. 5 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 6:** Please produce all documents relating to the subject matter of Interrogatory No. 6 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 7:** Please produce all documents relating to the subject matter of Interrogatory No. 7 of Protestant's First Set of Interrogatories, above

**REQUEST FOR PRODUCTION NO. 8:** Please produce all documents relating to the subject matter of Interrogatory No. 8 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 9:** Please produce all documents relating to the subject matter of Interrogatory No. 9 of

JUN 0

Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 10:** Please produce all documents relating to the subject matter of Interrogatory No 10 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 11:** Please produce all documents relating to the subject matter of Interrogatory No. 11 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 12:** Please produce all documents relating to the subject matter of Interrogatory No 12 of Protestant's First Set of Interrogatories, above.

**REQUEST FOR PRODUCTION NO. 13:** Please produce all documents relating to the subject matter of Interrogatory No. 13 of Protestant's First Set of Interrogatories, above.

## REQUESTS FOR ADMISSION

M. L. Investment Company, by and through its attorney of record, hereby requires you to admit or deny under oath the following Requests for Admission within fifteen (15) days from the date of service hereof. M. L. Investment Company further requires that the same be in conformance with all provisions of IDAPA 37.01.01.524 and Rule 36 of the Idaho Rules of Civil Procedure You are further notified that the matter will be deemed admitted unless, within fifteen (15) days after service of these Requests, you serve upon M. L. Investment Company a written answer or objection addressed to each specific Request. You are also on notice that M. L. Investment Company will seek attorneys' fees and costs for proving at hearing any matter you deny herein.



JUN 07 1995

**REQUEST FOR ADMISSION NO. 1:** Please admit that the Applicant has utilized for crop irrigation Bruneau River Flood water appropriated by the South Side Bruneau Canal Company, Ltd.

**REQUEST FOR ADMISSION NO. 2:** Please admit that South Side Bruneau Canal Company, Ltd., of which Richard L. Owen is President, has filed a statutory claim with the Idaho Department of Water Resources and a notice of claim in the Snake River Basin Adjudication for a water right on the basis of beneficial use of Bruneau River flood water in excess of the one inch to the acre specified by the decreed water rights of South Side Bruneau Canal Company, Ltd.

**REQUEST FOR ADMISSION NO. 3:** Please admit that Terry Scanlan, an engineer retained by Applicant, has determined that the statutory claims of South Side Bruneau Canal Company, Ltd. can be delivered in full prior to the diversion requested by Applicant.

**REQUEST FOR ADMISSION NO. 4:** Please admit that Terry Scanlan, an engineer retained by Applicant, has determined that sufficient water is available to meet at least a portion of Applicant's request for diversion of Bruneau River flood waters and satisfy the diversions rates already appropriated by senior water right owners.

**REQUEST FOR ADMISSION NO. 5:** Please admit that Terry Scanlan, an engineer retained by Applicant, filed on May 13, 1994 the information required by the Idaho Department of Water Resources, pursuant to IDAPA 37.03 08, Subparagraphs b through h(vii), more than seven months after the Department's September 29, 1993 request for such information.



JUN 07 1995

**REQUEST FOR ADMISSION NO. 6:** Please admit that on or before November 15, 1993 you received a copy of all protests of application for permit no. 51-07346 together with a cover letter from the Idaho Department of Water Resources dated October 27, 1993.

**INTERROGATORY NO. 15:** If you denied any request for admission, set forth with particularity the reasons for your denial.

DATED this 23rd day of June, 1994.

GRAY YOUNG
Attorney for Protestant
M. L. Investment Company

JUN 07 1995

## CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Scott L. Campbell
Jeffrey W. Pusch
Elam & Burke, P.A.
Key Financial Center
702 West Idaho, 10th Floor
P.O. Box 1539
Boise, Idaho 83701

√ HAND DELIVERY
___ U.S. MAIL
___ OVERNIGHT MAIL
___ TELEFACSIMILE

I hereby certify that on this 23rd day of June 1994, I caused to be served a true and correct copy of the foregoing by placing same in the United States Mail, postage prepaid, addressed to the following:

Own Family Revocable Trust A
Richard L. Owen, Trustee
P.O. Box 590
Bruneau, Idaho 83604

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

JUN 07 1995

Albert and Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

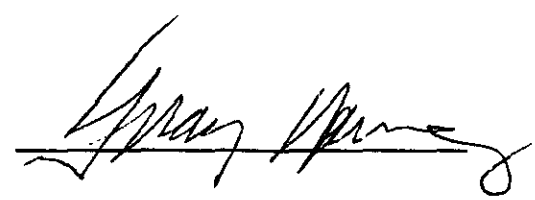
Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise, Idaho 83706

Dave Tuthill, Regional Manager
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082



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JUN 07 1995

date Stamped & returned 6/21/94 dw

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Department of Water Resources

SAX to L — Amy

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

June 17, 1994

Mr R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Enclosed for filing in the above matter please find the following documents:

1. Answer and Objection to Motion to Amend Protest; and

2. Supporting Affidavit of Scott L. Campbell with Certificate of Service.

I have also enclosed a copy of the Answer to Protests, which I request you file stamp and return to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Jeffrey W. Pusch

SLC:ma
Enclosures
cc: Mr. Richard L. Owen
Mr. Terry Scanlan
Mr. David R. Tuthill, Jr.
Mr. Norman C. Young
Certificate of Mailing

JUN 07 1995

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JUN 2 1 1994
Department of Water Resources

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho, 10th Floor
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Applicant
Owen Family Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | ANSWER AND OBJECTION TO MOTION TO AMEND PROTEST |

COMES NOW, the Applicant, Owen Family Revocable Trust A, by and through its attorneys of record, Elam & Burke, P.A., pursuant to Rules 270 and 565 (IDAPA 37.01.01.270.02, and 37.01.01.565) and in answer to M.L. Investment Company's Motion to Amend Protest, objects as follows:



PROCESSED
JUN 07 1995

I.

INTRODUCTION

Applicant, Owen Family Revocable Trust A ("Owen Trust") objects to Protestant, M.L. Investment Company's ("M.L. Investment") motion to amend its protest to the above-referenced application for permit. Protestant offers no authority authorizing an amended protest other than a misstatement of the "interests of justice." Additionally, Protestant is without standing to raise the local public interest issues asserted in its proposed amended answer.

II.

ARGUMENT

M.L. INVESTMENT'S MOTION TO AMEND ITS PROTEST SHOULD BE DENIED

Rule 260 (IDAPA 37.01.01.260) requires that a movant "[r]efer to the particular provision of statute, rule, order, notice, or other controlling law" upon which the motion is based. See, Rule 260. In this instance, M.L. Investment Company offers no authority which allows an amendment to its protest other than a misstatement of the "interests of justice."

As set forth in the Affidavit of Scott L. Campbell, filed concurrently with this objection, Applicant Owen Trust never received the protests to Application No. 51-07346 from the Department of Water Resources until May 5, 1994. (See, Affidavit of Scott L. Campbell, paragraph 4). Once Owen Trust received the protests from the Department, they were answered in a timely fashion consistent with Rule 270. Protestant's effort to attribute the delay in answering protests to applicant Owen Trust is therefore without factual foundation. Moreover, the mere fact that seven months passed before the protests were

answered demonstrates no prejudice to M.L. Investment necessary to invoke the "interest of justice." Indeed, M.L. Investment asserts no specific prejudice from the delay.

It is apparent that when it reviewed the Answer to Protests, M.L. Investment realized it had failed to raise the legal issues it now presents. A protestant should not be allowed to wait until after the applicant has revealed its legal theories to present issues for consideration in a contested case proceeding. Permitting such action would encourage protestants to file only a vague general statement of protest and amend it after the Answer is filed when the legal theories of the applicant have been revealed.

This practice conflicts with the guidelines of Rule 250 (IDAPA 37.01.01.250.02.b) which encourages that protests "refer to the particular provisions of statute, rule, order or other controlling law upon which they are based..." Moreover, it makes more difficult the Applicant's compliance with Rule 270 (IDAPA 37.01.01.270.01) which requires that answers to "protests must admit or deny each material allegation..." Obviously, it is impossible for an applicant to respond to allegations if the protest is general or if significant legal theories are omitted from a protest, only to be added after the answer is filed.

Further, by its motion, M.L. Investment seeks authorization to introduce inadmissible evidence at the hearing concerning the effect of the application on the local public interest. Idaho law and the Department's own rules are clear that the burden of production with respect to the local public interest criterion contained at Idaho Code § 42-203A(5)(e) lies with the party who possesses peculiar knowledge of the asserted impact. See, *e.g., Shokal v. Dunn*, 109 Idaho 330, 338, 707 P.2d 441, 449 (1985); see also, Rule 40 (IDAPA 37.03.03.040). M.L. Investment does not possess particular knowledge of the interests it seeks to include in



JUN 07 1995

its proposed amended answer. Instead, M.L. Investment improperly attempts to raise the concerns of non-participating third parties including the State of Idaho Department of Fish and Game, the Owyhee County Commission, and "the farming community in the Bruneau Valley." See, Motion to Amend Protest of M.L. Investment Company, paragraph 2. These concerns are not within the particular knowledge of M.L. Investment and M.L. Investment is without standing to raise them. As such, there is no basis for allowing M.L. Investment to amend its protest.

III.

CONCLUSION

M.L. Investment's motion to amend its protest should be denied. M.L. Investment offers no authority to amend its protest other than a misstatement of the "interest of justice." Further M.L. Investment is without standing to assert the local public interest concerns it seeks to invoke.

DATED this 17th day of June, 1994.

ELAM & BURKE, P.A.

By: _____
Jeffrey W. Pusch, of the firm
Attorneys for Applicant



RECEIVED
JUN 07 1995

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of June, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid, addressed to:

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Albert and Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Vic Conrad
M.L. Investment Company
Simplot Land & Development
Post Office Box 27
Boise Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604



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Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Jeffrey W. Pusch



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JUN 2 1 1994
Department of Water Resources

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho, 10th Floor
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Applicant
Owen Family Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | AFFIDAVIT OF SCOTT L. CAMPBELL |

STATE OF IDAHO )
) ss
COUNTY OF ADA )

SCOTT L. CAMPBELL, Being first duly sworn upon oath, deposes and says:

1. I am the attorney responsible for representing Owen Family Revocable Trust A in this application;

2. I am familiar with the course of this action and the proceedings to date herein;

PAID-POSTMARKED
JUN 07 1995

3. On or about September 14, 1993, Richard L. Owen, as Trustee for Owen Family Revocable Trust A, filed the above-referenced Application for Permit;

4. At the pre-hearing conference conducted in Mountain Home, Idaho, on May 3, 1994, I requested that David R. Tuthill, Jr. of the State of Idaho Department of Water Resources provide Applicant Owen Family Revocable Trust A with copies of the protests to the above-referenced application. I first received copies of the protests from the Department of Water Resources on May 4, 1994. (See, correspondence from Sue Taylor of the State of Idaho Department of Water Resources attached hereto as Exhibit "A".)

5. Once in receipt of the protests from the State of Idaho Department of Water Resources, Applicant filed a timely response consistent with Rule 260.

FURTHER YOUR AFFIANT SAITH NOT.

Scott L. Campbell

SUBSCRIBED AND SWORN TO before me this 17th day of June, 1994.

Notary Public for said State
Residing at Boise, Idaho
My Commission Expires: 1-14-99



JUN 17 1994

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of June, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid, addressed to:

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Albert and Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Vic Conrad
M.L. Investment Company
Simplot Land & Development
Post Office Box 27
Boise Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Jeffrey W. Pusch

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 4, 1994

ELAM & BURKE
MAY 05 1994

SCOTT CAMPBELL ESQ
ELAM & BURKE
702 W IDAHO ST
BOISE ID 83702

Re: Application for Permit # 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Campbell:

Enclosed are copies of the protests against the above-referenced application.

Sincerely,

Sue Taylor

Sue Taylor
Secretary, Office Coordinator

Encl.

JUN 07 1995

EXHIBIT A

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

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JUN 0 8 1994
WATER RESOURCES
WESTERN REGION

Jont File

June 7, 1994

Gray Young, Esq
J R Simplot Company
Assistant General Counsel
M.L. Investment Company
P O. Box 27
Boise, Idaho 82707

Re In the Matter of Application Permit No. 51-67346 in the Name Owen Family Revocable Trust A

Dear Gray:

I have enclosed a set of applicant's first set of interrogatories to protestant M.L. Investment Company in the above-captioned matter.

Pursuant to Rule 521 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37 01 01.521) I am requesting that you, on behalf of M.L. Investment Company, agree that this discovery may be conducted. Please indicate your response within five days of this correspondence so that I can avoid filing a motion to compel discovery with the Idaho Department of Water Resources, pursuant to Rule 521.

Additionally. since you have already agreed to the taking of the deposition of your consultant on July 8, 1994, I have enclosed a copy of the Notice of Deposition, which we are filing pursuant to Rule 528 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.528). It is my understanding based upon information provided to me by my client, that Dr. Charles Brockway is the consultant retained by M.L. Investment Company and the Bruneau Buckaroo Ditch Company. Accordingly, we have named Dr. Brockway in the Notice of Deposition. If this information is inaccurate, please notify me and we will substitute the correct name of your consultant.

JUN 07 1995

Please contact me if you have any questions. I appreciate your cooperation in these matters.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC ma
cc: Department of Water Resources
Certificate of Mailing

JUN 7 1994

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho, 10th Floor
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Applicant
Owen Family Revocable Trust A

RECEIVED
JUN 0 8 1994
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | APPLICANT'S FIRST SET OF INTERROGATORIES TO PROTESTANT M.L. INVESTMENT COMPANY |

TO: Protestant, M.L. Investment Company, and its attorney of record:

YOU WILL PLEASE TAKE NOTICE that Applicant, Owen Family Revocable Trust A, requires M.L. Investment Company to answer the following interrogatories within fifteen (15) days from the date of service herein, pursuant to IDAPA 37.01.01.524.

INSTRUCTIONS AND DEFINITIONS

The following terms, words, and phrases shall have the following meanings in this discovery pleading:



JUN 07 1995

1. The term "you" or "your" refers to M.L. Investment Company and it's agents, employees, representatives, investigators, consultants, and attorneys.

2. The term "document" shall mean any kind of written, printed, typed, graphic, or photographic matter of any kind or nature, however produced or reproduced, and all mechanical and electronic sound recordings and written transcripts thereof, however produced or reproduced, whether in your control or not, and including without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not.

3. The term "identify" when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

4. The term "identify" when used with respect to a person shall be deemed to request the person's full name, job title, last known business and residence addresses and telephone numbers.

5. The term "identify" when used with respect to oral communication shall be deemed to request whether said communication was in person or by telephone, an identification of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.



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6. The term "Protestant" refers to M.L. Investment Company and its agents, employees, representatives, investigators, consultants, and attorneys.

7. Each interrogatory shall be accorded a separate answer, and each subpart of an interrogatory shall be accorded a separate answer.

INTERROGATORY NO. 1: Please set forth the name and address of each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts underlying your protest to the Application of the Owen Family Revocable Trust A, for Permit No. 51-07436. By this interrogatory, we seek the names and addresses of all individuals who have knowledge or who purport to have knowledge of the facts underlying the protest to the Application for Permit No. 51-07436 filed by you on or about October 25, 1993.

INTERROGATORY NO. 2: Please set forth the names and addresses of those persons having knowledge of the facts of your protest whom you may call as witnesses at the hearing on the Application for Permit No. 51-07436, and for each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 3: State the name and address of each person whom Protestant expects to call as an expert witness at the hearing on the Application for Permit No. 51-07436, and for each such person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

INTERROGATORY NO. 4: For each person expected to be called as an expert witness, state in a capsule summary the qualifications and background of the individual.



JUN 07 1995

INTERROGATORY NO. 5: Please describe in full and complete detail any photographs, drawings, illustrations, memoranda, or other documents which either you or your attorneys are aware which pertain to any of the issues in this litigation. In answering this interrogatory, describe the nature and subject matter of the item, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, and for each such item, whether or not you intend to utilize it at trial as an exhibit.

INTERROGATORY NO. 6: Please describe in full and complete detail any documents of which Protestant or its attorneys are aware which pertain to any of the issues of this litigation. In answering this interrogatory, describe the subject matter of the document, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, its location and for each item, whether or not you intend to utilize it at trial as an exhibit.

DATED this 7th day of June, 1994.

ELAM & BURKE, P.A.

By: _____
for Scott L. Campbell, of the firm
Attorneys for Applicant



JUN 07 1994

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid, addressed to:

Vic Conrad
M L INVESTMENT COMPANY/
SIMPLOT LAND & DEVELOPMENT
Post Office Box 27
Boise Idaho 83707

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Albert and Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604

FILED
JUN 07 1995



JUN 07 1995

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

for Scott L. Campbell



JUN 02

Scott L. Campbell
ELAM & BURKE, P A.
Key Financial Center
Floor 10
P O. Box 1539
Boise. Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | NOTICE OF DEPOSITION |

TO: Gray Young, Esq., Attorney for Protestant M.L. Investment Company; and to All Parties of Record

PLEASE TAKE NOTICE that the undersigned will take the testimony on oral examination of Dr. Charles Brockway, pursuant to the Rules of Civil Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.528), before a duly authorized court reporter and Notary Public, on the 8th day of July, 1994, at the hour of 10:00 a.m. of said day at the offices of Elam & Burke, Key Financial Center, Floor 10, P O. Box 1539, Boise, Idaho 83701

Oral examination will continue from time to time until completed, and you are hereby notified to appear and take part in the examination.



JUN 07 1995

DATED this 7th day of June, 1994.

Scott L. Campbell

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | CERTIFICATE OF SERVICE |

I HEREBY CERTIFY that on the 7th day of June, 1994, I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION and CERTIFICATE OF SERVICE to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

Vic Conrad
Simplot Land & Development
P O. Box 27
Boise, Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

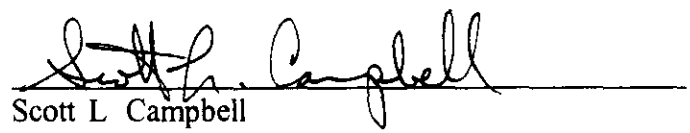
Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604



Scott L Campbell

Fil

Scott L. Campbell
ELAM & BURKE, P A.
Key Financial Center
Floor 10
P O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

RECEIVED
JUN 0 7 1994
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | MOTION FOR ISSUANCE OF SUBPOENA |

Owen Family Revocable Trust A, by and through its attorneys, Elam & Burke, P.A., hereby moves the Director of the Department of Water Resources for the State of Idaho to issue the attached subpoena in the above captioned matter pursuant to IDAPA 37.01.01 525.

DATED this 2nd day of June, 1994.

Scott L. Campbell



JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | SUBPOENA TO APPEAR BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES |

TO: STEPHEN W. LIPSCOMB, USGS

You are hereby commanded to appear before the Department of Water Resources of the above-entitled action at the Elmore County Courthouse, 150 S. Fourth Street East, Mountain Home, Idaho, on the 28th day of July, 1994, at 10:00 a.m., as a witness in the above-entitled action.

Dated this 3rd day of June, 1994.

By Order of the Department of Water Resources for the State of Idaho.

David R. Tuthill, Jr.
State of Idaho Department of Water Resources

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | ACKNOWLEDGMENT OF SERVICE |

I, Stephen W. Lipscomb, hereby acknowledge that on the 6 day of June, 1994, I was served with a subpoena to appear at the hearing scheduled for July 28, 1994, in the above-captioned matter.

Stephen W. Lipscomb

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | AFFIDAVIT OF SERVICE |

I, Steve Detmer, served the attached subpoena on Stephen W. Lipscomb at 230 Collins Road, Boise, Idaho, on June 6, 1994, at 2.30 p.m.

Steve Detmer

SUBSCRIBED AND SWORN TO before me this 6th day of June, 1994.

Notary Public

NOTARY PUBLIC for said State
Residing at: Boise, Idaho
My Commission Expires: 1-14-99



JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | CERTIFICATE OF SERVICE |

I HEREBY CERTIFY that on the 6th day of June, 1994, I caused a true and correct copy of the foregoing MOTION FOR ISSUANCE OF SUBPOENA, SUBPOENA TO APPEAR BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES, AFFIDAVIT OF SERVICE and CERTIFICATE OF SERVICE to be deposited in the United States Mail, postage paid, addressed to

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

JUN 07 1995

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HC 85 Box 127
Bruneau, Idaho 83604

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Simplot Land & Development
P.O Box 27
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Oreana, Idaho 83650

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Bruneau, Idaho 83604

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Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Scott L. Campbell



JUN 07 1995

**M. L. INVESTMENT COMPANY**
**999 Main Street, Suite 1300**
**Boise, Idaho 83702**
**(208) 336-2110**

RECEIVED
JUN 0 7 1994
WATER RESOURCES
WESTERN REGION

June 7, 1994

***Hand Delivery***

David Tuthill, Regional Manager
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RE: In the Matter of Application for Permit No. 51-07346

Dear Mr. Tuthill:

I have enclosed the original Motion to Amend Protest with Exhibits together with the Amended Protest of M. L. Investment Company for filing in the captioned matter.

Please provide the representative of M. L. Investment Company delivering the documents a photo-copy of the Motion to Amend Protest and Amended Protest with your stamp indicating receipt.

Sincerely,

Gray Young
Assistant General Counsel
M. L. Investment Company

encl. Motion to Amend Protest
Amended Protest
c: Scott L. Campbell
Certificate of Mailing

JUN 0 7 1995

GRAY YOUNG,
ASST. GENERAL COUNSEL
999 Main Street, Suite 1300
Boise, ID 83702
Telephone: (208) 389-7318
Facsimile: (208) 389-7515

RECEIVED
JUN 0 7 1994
WATER RESOURCES
WESTERN REGION

Attorney for Protestant
M. L. Investment Company

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) **AMENDED PROTEST OF** ) **M. L. INVESTMENT** ) **COMPANY** ) |

Pursuant to I.C. §42-203, M. L. Investment Company (Protestant) protests the Application of the Owen Family Revocable Trust A, Richard L. Owen, Trustee (Applicant) for Permit No. 51-07436. The grounds for this protest are as follows:

**Interests of Protestant**

Protestant owns shares of stock in the South Side Bruneau Canal Company, Limited, an Idaho Corporation ("South Side"), which own and maintain diverting works and a canal system in the Bruneau River Valley located in Owyhee County, Idaho. South Side diverts water from the Bruneau River at a point located within the SW¼ of the SE¼ of Section 5 Township 7 South, Range 6 East of the Boise Meridian. Water diverted from the Bruneau River is then conveyed through a canal and delivered to lands referenced as the place of use on decreed water right numbers 51-00006, 51-00007, 51-00008 and statutory claim number 51-04096. The priority dates for these water rights are March 23, 1896, April 1, 1897, April 1, 1905, and April 1, 1905 respectively. Water diverted under these water rights is delivered to approximately 1,200 acres and is used for irrigating cropland, watering livestock and maintaining wildlife habitat. Protestant uses water diverted

JUN 07 1995

by South Side to irrigate crops on 60 acres and to provide stock water year round for up to 1,000 head of beef cattle and up to 25 head of horses. Through its stock ownership in South Side, Protestant holds rights to divert high spring flows that are senior to Applicant's proposed project.

**Reducing the Quantity of Water Under Existing Water Rights**

Applicant proposes two diversions from the Bruneau River both of which are upstream from South Side's point of diversion. Applicant's furthest upstream point of diversion (SW¼SW¼ of Section 26 Twp 7 South Rng. 6 East B.M.) assumes available capacity in the Bruneau Buckaroo Ditch exists to accommodate Applicants large proposed flow rate. Applicants new diversion (21.22 c.f.s. approximately 9,519 gallons per minute) is large enough to likely reduce the quantity of water available downstream at South Side's diversion, thereby reducing the quantity of water available to Protestant.

Applicant's lower diversion point (NW¼SE¼ Section 22, Twp. 7 South, Rng. 6 East B.M.) may interfere with the rate at which water returns to the Bruneau River downstream from Applicant's lower proposed point of diversion and above South Side's diversion point. Applicant's proposed lower diversion may reduce the quantity of water downstream that is now available at South Side's diversion by reducing return flows to the Bruneau River upon which Protestant's water supply may be in part dependent.

**Insufficient Water Supply for Intended Purpose - Damage to Downstream Senior Water Right Holders.**

It is customary in the Bruneau Valley to divert high flows available in the Bruneau River during the beginning of each irrigation season. These high flows are traditionally available due to snow melt from higher elevations and greater levels of precipitation during the spring of each year. It is necessary to divert the higher flows available during this period and apply the additional water to crop land in order to increase the moisture levels in the soil. This historical practice of diverting higher flows to increase soil moisture content during the early part of the irrigation season is necessary to raise a successful crop in the Bruneau Valley.

Applicant proposes to divert "Floodwaters" available in the Bruneau River during the period beginning March 15 through November 15 of each year.

JUN 07 1995

Approval of this permit will reduce the high flows available to South Side during the early part of the irrigation season thereby reducing the quantity of water available to Protestant during this critical stage of the irrigation season Protestant submits to the Department of Water Resources that there are insufficient flows in the Bruneau River to accommodate the proposed large new diversion of Applicant without curtailing flows downstream which otherwise would be diverted by Protestant pursuant to its Senior water rights. As a result, Protestant's senior water rights would be damaged by Applicant's proposed diversion.

**Application Submitted for Speculative Purposes**

There may be brief periods of time when excessively high flows in the Bruneau River, from rapid spring melt, exceed the rate at which it can all be beneficially used. It is likely these periods of time, if they exist, are very early in the spring, and last for an unpredictable duration. Predicting the timing, volume and length of these excess flow periods would be difficult, if not impossible and would also be impractical. A storage facility may effectively capture at least part of these excess flows, however, storage does not appear to be a component of Applicant's proposed project. Approval of this permit may be disastrous to any farming enterprise relying on high, unpredictable, instantaneous flows as a reliable water supply.

Applicant's proposed season of use (March 15 through November 15) extends far beyond what would be considered reasonable for these supposed early spring excess flow periods. For this reason Protestant is skeptical about Applicant's intent in submitting this application.

**Application is Contrary to the Local Public Interest**

During the course of preparing for the formal hearing scheduled for July 28, 1994, factual information has come to the attention of the Protestant that indicates matters of local public interest may be affected by the Application Specifically, Protestant understands that the State of Idaho Department of Fish and Game, as lessee of certain lands owned by Idaho Power Company, relies on long standing diversion of Bruneau River flood waters under IDWR statutory claim no. 51-04096 for the purpose of providing water for conveyance loss, wildlife habitat enhancement, and irrigation. In addition, the Owyhee County Commission has indicated in a letter dated May 23, 1994, its belief that the long standing rights of

JUN 07 19[illegible]

the farming community in the Bruneau Valley, the people in the area directly affected by the proposed use, will be detrimentally affected by the Application (see Attached Exhibit A).

**Conclusion**

For the reasons stated above, Applicant's Application for Permit should be denied, or, in the alternative, granted with conditions sufficient to prevent a reduction in the quantity of water available to existing water right holders.

Submitted this 7th day of June, 1994.

M. L. Investment Company

By _____
Gray Young, Assistant General Counsel
Attorney for Protestant
M. L. Investment Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7th day of June, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid, addressed to:

Owen Family Revocable Trust A
Richard L. Owen Trustee
P.O. Box 590
Bruneau, ID 83604

Frank L Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, ID 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

JUN 07 1995

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Terry Scanlan
Scanlan Engineering
600 E River Park Ln Suite 105
Boise, Idaho 83706

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Scott L. Campbell Esq
Elam & Burke
P.O. Box 1539
Boise, Idaho 83701

Gray Young

JUN 07 1995

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

June 8, 1994

RECEIVED
JUN 0 9 1994
Department of Water Resources
date stamped
and mailed
copy 6-7-94 sy

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Pursuant to Rule 528 of the Rules of Procedure of the Idaho Department of Water Resources, enclosed please find for filing a copies of the following documents:

1. Notice of Deposition for Dr. Charles Brockway, expert witness for Protestant M.L. Investment Company.;

2. Applicant's First Set of Interrogatories to Protestant M.L. Investment Company; and

3 Motion for Subpoena for Stephen W. Lipscome, USGS (and related documents).

I have also enclosed a copy of the above documents which I request you file stamp and return to me in the enclosed pre-addressed envelope.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me.

Very truly yours,

. 07 1995

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC:ma
Enclosures
cc: Mr. Norman Young

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

RECEIVED
JUN 09 1994
... resources

June 7, 1994

Gray Young, Esq
J.R. Simplot Company
Assistant General Counsel
M.L Investment Company
P.O. Box 27
Boise, Idaho 82707

Re: In the Matter of Application Permit No. 51-67346 in the Name Owen Family Revocable Trust A

Dear Gray:

I have enclosed a set of applicant's first set of interrogatories to protestant M.L. Investment Company in the above-captioned matter.

Pursuant to Rule 521 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.521) I am requesting that you, on behalf of M.L. Investment Company, agree that this discovery may be conducted. Please indicate your response within five days of this correspondence so that I can avoid filing a motion to compel discovery with the Idaho Department of Water Resources, pursuant to Rule 521.

Additionally, since you have already agreed to the taking of the deposition of your consultant on July 8, 1994, I have enclosed a copy of the Notice of Deposition, which we are filing pursuant to Rule 528 of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.528). It is my understanding based upon information provided to me by my client, that Dr. Charles Brockway is the consultant retained by M.L. Investment Company and the Bruneau Buckaroo Ditch Company. Accordingly, we have named Dr. Brockway in the Notice of Deposition. If this information is inaccurate, please notify me and we will substitute the correct name of your consultant.

JUN 07 1995

Please contact me if you have any questions. I appreciate your cooperation in these matters.

Very truly yours,

ELAM & BURKE
***A Professional Association***

for Scott L. Campbell

SLC.ma
cc: Department of Water Resources
Certificate of Mailing

Scott L. Campbell
ELAM & BURKE, P.A
Key Financial Center
Floor 10
P O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

RECEIVED
JUN 0 9 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | NOTICE OF DEPOSITION |

TO: Gray Young, Esq., Attorney for Protestant M.L. Investment Company; and to All Parties of Record

PLEASE TAKE NOTICE that the undersigned will take the testimony on oral examination of Dr. Charles Brockway, pursuant to the Rules of Civil Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.528), before a duly authorized court reporter and Notary Public, on the 8th day of July, 1994, at the hour of 10:00 a.m. of said day at the offices of Elam & Burke, Key Financial Center, Floor 10, P.O. Box 1539, Boise, Idaho 83701.

Oral examination will continue from time to time until completed, and you are hereby notified to appear and take part in the examination.

JUN 07 1995

DATED this 7th day of June, 1994.

Scott L. Campbell



JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | CERTIFICATE OF SERVICE |

I HEREBY CERTIFY that on the 7th day of June, 1994, I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION and CERTIFICATE OF SERVICE to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604



JUN 07 1995

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

Vic Conrad
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Scott L. Campbell



JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

RECEIVED
JUN 0 9 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | MOTION FOR ISSUANCE OF SUBPOENA |

Owen Family Revocable Trust A, by and through its attorneys, Elam & Burke, P.A., hereby moves the Director of the Department of Water Resources for the State of Idaho to issue the attached subpoena in the above captioned matter pursuant to IDAPA 37.01.01 525.

DATED this 2nd day of June, 1994.

Scott L. Campbell

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | SUBPOENA TO APPEAR BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES |

TO: STEPHEN W. LIPSCOMB, USGS

You are hereby commanded to appear before the Department of Water Resources of the above-entitled action at the Elmore County Courthouse, 150 S. Fourth Street East, Mountain Home, Idaho, on the 28th day of July, 1994, at 10:00 a.m., as a witness in the above-entitled action.

Dated this 3rd day of June, 1994.

By Order of the Department of Water Resources for the State of Idaho.

David R. Tuthill, Jr.
State of Idaho Department of Water Resources

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

RECEIVED
JUN 0 9 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | ACKNOWLEDGMENT OF SERVICE |

I, Stephen W. Lipscomb, hereby acknowledge that on the 6 day of June, 1994, I was served with a subpoena to appear at the hearing scheduled for July 28, 1994, in the above-captioned matter.

Stephen W. Lipscomb

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | AFFIDAVIT OF SERVICE |

I, Steve Detmer, served the attached subpoena on Stephen W. Lipscomb at 230 Collins Road, Boise, Idaho, on June 6, 1994, at 2:30 p.m.

Steve Detmer

SUBSCRIBED AND SWORN TO before me this 6th day of June, 1994.

Notarial Seal

NOTARY PUBLIC for said State
Residing at: Boise, Idaho
My Commission Expires: 1-14-99

 JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | CERTIFICATE OF SERVICE |

I HEREBY CERTIFY that on the 6th day of June, 1994, I caused a true and correct copy of the foregoing MOTION FOR ISSUANCE OF SUBPOENA, SUBPOENA TO APPEAR BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES, AFFIDAVIT OF SERVICE and CERTIFICATE OF SERVICE to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

JUN 07 1995

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

Vic Conrad
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Scott L. Campbell

JUN 07 1995

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho, 10th Floor
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Applicant
Owen Family Revocable Trust A

RECEIVED
JUN 0 9 1994
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | APPLICANT'S FIRST SET OF INTERROGATORIES TO PROTESTANT M.L. INVESTMENT COMPANY |

TO: Protestant, M.L. Investment Company, and its attorney of record:

YOU WILL PLEASE TAKE NOTICE that Applicant, Owen Family Revocable Trust A, requires M.L. Investment Company to answer the following interrogatories within fifteen (15) days from the date of service herein, pursuant to IDAPA 37.01.01.524.

INSTRUCTIONS AND DEFINITIONS

The following terms, words, and phrases shall have the following meanings in this discovery pleading:



JUN 07 1995

1. The term "you" or "your" refers to M.L. Investment Company and it's agents, employees, representatives, investigators, consultants, and attorneys.

2. The term "document" shall mean any kind of written, printed, typed, graphic, or photographic matter of any kind or nature, however produced or reproduced, and all mechanical and electronic sound recordings and written transcripts thereof, however produced or reproduced, whether in your control or not, and including without limitation, originals, all file copies, all other copies no matter how or by whom prepared, and all drafts of such documents whether used or not.

3. The term "identify" when used with respect to a document, or the description or identification of a document, shall be deemed to request the nature and subject matter of the document; the date thereof; the title or name thereof; the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the person who prepared it or who has knowledge of it; and the name, address, and job title or job capacity of the recipient thereof.

4. The term "identify" when used with respect to a person shall be deemed to request the person's full name, job title, last known business and residence addresses and telephone numbers.

5. The term "identify" when used with respect to oral communication shall be deemed to request whether said communication was in person or by telephone, an identification of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.



JUN 07 1995

6. The term "Protestant" refers to M.L. Investment Company and its agents, employees, representatives, investigators, consultants, and attorneys.

7. Each interrogatory shall be accorded a separate answer, and each subpart of an interrogatory shall be accorded a separate answer.

INTERROGATORY NO. 1: Please set forth the name and address of each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts underlying your protest to the Application of the Owen Family Revocable Trust A, for Permit No. 51-07436. By this interrogatory, we seek the names and addresses of all individuals who have knowledge or who purport to have knowledge of the facts underlying the protest to the Application for Permit No. 51-07436 filed by you on or about October 25, 1993.

INTERROGATORY NO. 2: Please set forth the names and addresses of those persons having knowledge of the facts of your protest whom you may call as witnesses at the hearing on the Application for Permit No. 51-07436, and for each such person, state the substance of his or her expected testimony.

INTERROGATORY NO. 3: State the name and address of each person whom Protestant expects to call as an expert witness at the hearing on the Application for Permit No. 51-07436, and for each such person, state the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

INTERROGATORY NO. 4: For each person expected to be called as an expert witness, state in a capsule summary the qualifications and background of the individual.



JUN 07 1995

INTERROGATORY NO. 5: Please describe in full and complete detail any photographs, drawings, illustrations, memoranda, or other documents which either you or your attorneys are aware which pertain to any of the issues in this litigation. In answering this interrogatory, describe the nature and subject matter of the item, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, and for each such item, whether or not you intend to utilize it at trial as an exhibit.

INTERROGATORY NO. 6: Please describe in full and complete detail any documents of which Protestant or its attorneys are aware which pertain to any of the issues of this litigation. In answering this interrogatory, describe the subject matter of the document, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, its location and for each item, whether or not you intend to utilize it at trial as an exhibit.

DATED this 7th day of June, 1994.

ELAM & BURKE, P.A.

By: _____
for Scott L. Campbell, of the firm
Attorneys for Applicant



JUN 07 1995

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid. addressed to:

Vic Conrad
M L INVESTMENT COMPANY/
SIMPLOT LAND & DEVELOPMENT
Post Office Box 27
Boise Idaho 83707

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

Gene Davis
HC 85 Box 138
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Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604



JUN 07 1995

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

for Scott L. Campbell



JUL 07 1995

✓Dist File

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

May 27, 1994

RECEIVED
MAY 31 1994
WATER RESOURCES
WESTERN REGION

***Via Facsimile: 384-5844***

Scott L. Campbell, Esq.
Elam & Burke
P.O. Box 1539
Boise, ID 83701

RE: Postponement of Hearing Date - Idaho Department of Water Resources Proceeding Re Application for Permit No. 51-07346 in the Name of Owen Family Revocable Trust A

Dear Scott.

I am in receipt of your May 25 facsimile letter. I think I can speak for all of the protestants of the captioned application in expressing thanks to both you and Mr. Owen for cooperating to reschedule the June 1, 1994 hearing with the Department of Water Resources.

I have been advised by Frank Bachman, President of Bruneau-Buckaroo Cooperative Ditch Company, and Vic Conrad that all of the protestants have been contacted and have concurred that the subject hearing may be postponed to July 28. All of the protestants have given Mr. Bachman and M.L. Investment broad authority to select among available dates at that time, although the July 28 hearing date that we tentatively set is acceptable to everyone. In addition, the protestants' consultant has calendared July 28 for the hearing and will be available on July 8 for a deposition if so desired by your client A Motion to Compel Discovery will not be necessary.

I am advised by Sue Taylor of the IDWR that a notice of rescheduling of the hearing for July 28 will be mailed to all individuals on the certificate of mailing today. I will communicate your confirmation of the July 28 date to Ms. Taylor by phone this afternoon. Have a good holiday.

Sincerely,

GRAY YOUNG
Assistant General Counsel

GY:clt/5574v
Enclosure
cc: David R. Tuthill, Jr.
Glen Saxton
Sue Taylor (via facsimile)
Certificate of Mailing

JUN 07 1994

## CERTIFICATE OF MAILING

Non-Certified U.S. Mail

Owen Family Revocable Trust
Richard L. Owen, Trustee
P.O. Box 590
Bruneau, ID 83604

Frank L. Bachman
Bruneau-Buckaroo Cooperative Ditch Co.
HC 85, Box 881
Bruneau, ID 83604

L. Frank Davis
HC 85, Box 179
Bruneau, ID 83604

Gene Davis
HC 85, Box 138
Bruneau, ID 83604

Albert &/or Asa Black
HC 85, Box 101
Bruneau, ID 83604

George &/or Clayton Turner
HC 85, Box 123
Bruneau, ID 83604

Ronald E. Prow
HC 85, Box 127
Bruneau, ID 83604

Mabel Johnson
Johnson Ranch
HC 85, Box 122
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Grant Johnson
Hot Springs Ditch Co.
HC 85, Box 122
Bruneau, ID 83604

Joann M. Polk
HC 79, Box 2085
Oreana, ID 83650

Vic Conrad
Simplot Land & Development
P.O. Box 27
Boise, ID 83707-0027

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise, ID 83706

RECEIVED
MAY 3 1 1994
Department of Water Resources

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

May 27, 1994

Gray Young, Esq.
M.L. Investment Co.
P.O. Box 27
Boise, Idaho 83707

Re: Application for Permit No. 51-7346 In the Name of Owen Family Revocable Trust A -- Rescheduled Hearing Date

Dear Gray:

This will confirm that we have agreed to postpone the hearing date in the above matter from June 1, 1994, to July 28, 1994. We also have agreed that your expert will be available for deposition on July 8, 1994.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC:ma

cc: Mr. Richard L. Owen
Mr. Terry Scanlan
Mr. David R. Tuthill, Jr.
Mr. Norman C. Young
Certificate of Mailing

JUN 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST | NOTICE OF CHANGE OF HEARING DATE |

Pursuant to a request by protestant M.L. Investment Co. and agreement by the applicant and the remainder of the protestants, the Department has changed the date of hearing in this matter from Wednesday, June 1, 1994, to Thursday, July 28, 1994, at 10:00 a.m., at the Elmore County Courthouse, 150 S. 4th St. E., Mountain Home, Idaho 83647.

The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 27th day of May, 1994.

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

I hereby certify that on the 27th day of May, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor

Sue Taylor
Senior Secretary

JUN 07 1995

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

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

SCOTT CAMPBELL ESQ
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

M L INVESTMENT CO
C/O VIC CONRAD & GREY YOUNG
PO BOX 27
BOISE ID 83707

JUN 07 1995

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Department of Water Resources

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

May 25, 1994

Mr. R Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Pursuant to IDAPA 37.01 01.008 and IDAPA 37.01.01.270.01, I have enclosed the original Answer to Protests for filing in the above-referenced matter.

I have also enclosed a copy of the Answer to Protests, which I request you file stamp and return to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC.ma
Enclosures
cc: Mr. Richard L. Owen
Mr. Terry Scanlan
Mr. David R. Tuthill, Jr.
Mr. Norman C. Young
Certificate of Mailing

JUN 07 1995

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho, 10th Floor
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Applicant
Owen Family Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | ANSWER TO PROTESTS |

COMES NOW, the Applicant, Owen Family Revocable Trust A, by and through its attorneys of record, Elam & Burke, P.A., and in answer to protests to the above-referenced application for permit, admits, denies, and alleges as follows:

FIRST DEFENSE

Applicant denies each and every allegation asserted by Protestants which is not specifically admitted herein.

JUN 07 1995

SECOND DEFENSE

Protestants do not allege or provide the Director with any grounds for finding: (1) that this application is made in bad faith, or for delay or speculation (except M.L. Investment Company) [Idaho Code § 42-203A(5)(c)]; (2) that the Applicant possesses insufficient financial resources to complete the project [Idaho Code § 42-203A(5)(d)]; (3) that the application conflicts with the local public interest [Idaho Code § 42-203A(5)(e)]; and (4) that the application is contrary to the conservation of water resources in Idaho [Idaho Code § 42-203A(5)(f)].

THIRD DEFENSE

I.

In answer to the protest of Frank L. Bachman, on behalf of the Bruneau Buckaroo Cooperative Ditch Company, Applicant admits only that the application identifies the Buckaroo Ditch Dam as a point of diversion. If the Application for Permit No. 51-7346 is granted, access to and use of the canal for delivery of the water will be negotiated with the Bruneau Buckaroo Cooperative Ditch Company, or alternatively, Applicant may exercise entitlement under Idaho law to condemn a right of way. In answer to the remaining grounds of the protest, Applicant denies that Protestant alleges any valid basis for denying the application permit.

II.

In answer to the protest of M.L. Investment Company, Applicant denies the allegations of the protest.



JUN 07 1995

III.

In answer to the protest of L. Frank Davis, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

IV.

In answer to the protest of Gene Davis, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

V.

In answer to the protest of Albert Black and Asa Black, Applicant denies that Protestants allege any valid basis for denying the application for permit.

VI.

In answer to the protest of George and Clayton Turner, Applicant denies that Protestants allege any valid basis for denying the application for permit.

VII.

In answer to the protest of Ronald E. Prow, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

VIII.

In answer to the protest of Mabel Johnson, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

IX.

In answer to the protest of Grant Johnson, on behalf of the Hotsprings Ditch Company, Applicant denies that Protestant alleges any valid basis for denying the application for permit.



JUN 07 1995

X.

In answer to the protest of Joann M. Polk, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

WHEREFORE, having fully answered the protests to Application for Permit No. 51-7346, the Owen Family Revocable Trust A prays:

1. That the protests against the Application for Permit be denied with prejudice and Protestants take nothing thereby;

2. That the Department grant the Application for Permit No. 51-7346.

DATED this 25th day of May, 1994.

ELAM & BURKE, P.A.

By: Scott L. Campbell
Scott L. Campbell, of the firm
Attorneys for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of May, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid, addressed to:

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604



JUN 07 1995

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Albert and Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Vic Conrad
Simplot Land & Development
Post Office Box 27
Boise Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650



JUN 07 1995

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Scott L. Campbell

JUN 07 1995

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MAY 26 1994
Department of Water Resources

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KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

May 25, 1994

**VIA FACSIMILE**
389-7515

Gray Young, Esq.
J R. Simplot Company
Assistant General Counsel
ML Investment Company
P.O. Box 27
Boise, Idaho 82707

Re: Postponement of Hearing Date -- Idaho Department of Water Resources Proceeding Re Application for Permit No. 51-07346 in the Name of Owen Family Revocable Trust A

Dear Gray:

I am responding to your correspondence of May 24, 1994, which I received at 4:58 p.m. on that date by facsimile transmission.

I have discussed your request to reschedule a hearing set for June 1, 1994 with my client, Mr. Richard L. Owen. Mr. Owen is willing to agree with your request for a rescheduling of the hearing to accommodate the schedule of the consultant retained by M.L. Investment Company and Bruneau Buckaroo Cooperative Ditch Company. In your correspondence you indicate that the consultant will not be able to assemble the data for presentation at a hearing until the first or second week of July. This statement suggests to me that he will not have concluded his preparation until that date. If that is the case, I do not believe that scheduling a hearing for July 7 or 8 would be appropriate because of my desire to depose your expert before the hearing. If your consultant has completed his work and is available for a deposition at least ten days prior to the rescheduled hearing date of July 7 or 8, I believe that would provide us with sufficient time. If he has not finished his evaluation and would not be prepared to speak to the issues involved in this proceeding during a deposition until the first part of July, I do not believe the July 7 or 8 hearing would provide sufficient time. A date later in July would be more appropriate.

JUN 07 1995

I also request your position with regard to an agreement that your consultant's deposition can be taken. My reading of IDAPA 37.01.521 suggest that unless you agree to the deposition of your consultant, I must file a motion to compel discovery with the Department of Water Resources. I will proceed to do so if necessary but I would prefer to avoid that formality if possible. Please advise me of your client's position on this issue.

Thank you for your anticipated cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC:ma

cc: Mr Richard L. Owen
Mr. Terry Scanlan
Certificate of Mailing
David R. Tuthill, Jr.
Norman C. Young

JUN 17 1995

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MAY 26 1994
Department of Water Resources

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KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

May 25, 1994

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JUN 0 1 1994
WATER RESOURCES
WATER RESOURCE

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson.

Pursuant to IDAPA 37.01.01.008 and IDAPA 37.01.01.270.01, I have enclosed the original Answer to Protests for filing in the above-referenced matter.

I have also enclosed a copy of the Answer to Protests, which I request you file stamp and return to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC:ma
Enclosures
cc: Mr. Richard L. Owen
Mr. Terry Scanlan
Mr. David R. Tuthill, Jr.
Mr. Norman C. Young
Certificate of Mailing

JUN 07 1994

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MAY 26 1994
Department of Water Resources

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JUN 01 1994
WESTERN REGION

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho, 10th Floor
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Applicant
Owen Family Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | ANSWER TO PROTESTS |

COMES NOW, the Applicant, Owen Family Revocable Trust A, by and through its attorneys of record, Elam & Burke, P.A., and in answer to protests to the above-referenced application for permit, admits, denies, and alleges as follows:

FIRST DEFENSE

Applicant denies each and every allegation asserted by Protestants which is not specifically admitted herein.



JUN 07 1995

SECOND DEFENSE

Protestants do not allege or provide the Director with any grounds for finding: (1) that this application is made in bad faith, or for delay or speculation (except M.L. Investment Company) [Idaho Code § 42-203A(5)(c)]; (2) that the Applicant possesses insufficient financial resources to complete the project [Idaho Code § 42-203A(5)(d)]; (3) that the application conflicts with the local public interest [Idaho Code § 42-203A(5)(e)]; and (4) that the application is contrary to the conservation of water resources in Idaho [Idaho Code § 42-203A(5)(f)].

THIRD DEFENSE

I.

In answer to the protest of Frank L. Bachman, on behalf of the Bruneau Buckaroo Cooperative Ditch Company, Applicant admits only that the application identifies the Buckaroo Ditch Dam as a point of diversion. If the Application for Permit No. 51-7346 is granted, access to and use of the canal for delivery of the water will be negotiated with the Bruneau Buckaroo Cooperative Ditch Company, or alternatively, Applicant may exercise entitlement under Idaho law to condemn a right of way. In answer to the remaining grounds of the protest, Applicant denies that Protestant alleges any valid basis for denying the application permit.

II.

In answer to the protest of M.L. Investment Company, Applicant denies the allegations of the protest.



JUN 07 1995

III.

In answer to the protest of L. Frank Davis, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

IV.

In answer to the protest of Gene Davis, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

V.

In answer to the protest of Albert Black and Asa Black, Applicant denies that Protestants allege any valid basis for denying the application for permit.

VI.

In answer to the protest of George and Clayton Turner, Applicant denies that Protestants allege any valid basis for denying the application for permit.

VII.

In answer to the protest of Ronald E. Prow, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

VIII.

In answer to the protest of Mabel Johnson, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

IX.

In answer to the protest of Grant Johnson, on behalf of the Hotsprings Ditch Company, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

JUN 07 1995

X.

In answer to the protest of Joann M. Polk, Applicant denies that Protestant alleges any valid basis for denying the application for permit.

WHEREFORE, having fully answered the protests to Application for Permit No. 51-7346, the Owen Family Revocable Trust A prays:

1. That the protests against the Application for Permit be denied with prejudice and Protestants take nothing thereby;

2. That the Department grant the Application for Permit No. 51-7346.

DATED this 25th day of May, 1994.

ELAM & BURKE, P.A.

By: Scott L. Campbell
Scott L. Campbell, of the firm
Attorneys for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of May, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid, addressed to:

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

JUN 07 1995

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Albert and Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Vic Conrad
Simplot Land & Development
Post Office Box 27
Boise Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

JUN 07 1995

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Scott L. Campbell

JUN 07 1995

**M.L. INVESTMENT CO.**
P.O. Box 27
Boise, Idaho 83707
(208) 336-2110

RECEIVED
MAY 26 1994
Department of Water Resources

May 24, 1994

***Via Facsimile: 384-5844***

Scott Campbell, Esq.
Elam & Burke
P.O. Box 1539
Boise, Idaho 83701

RE: Postponement of Hearing Date -- Application For Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Scott:

Per our telephone conversation, I have been requested by M.L. Investment Company, as a protestant of the captioned application for permit, to pursue a continuance of the hearing set for June 1, 1994 at 10:00 a.m. at the Elmore County Courthouse to some time in the first part of July at the same time and location.

M.L. Investment Company and Bruneau-Buckaroo Coop Ditch Co. have retained a consultant whose schedule will not permit him to assemble data for presentation at a hearing on the captioned matter until the first or second week of July.

As we discussed, July 7 or 8 would work for my client, for Bruneau-Buckaroo Coop Ditch Co. and apparently would fit your schedule also. Vic Conrad is checking with the other protestants and the Department of Water Resources to determine whether July 7th or 8th would be acceptable.

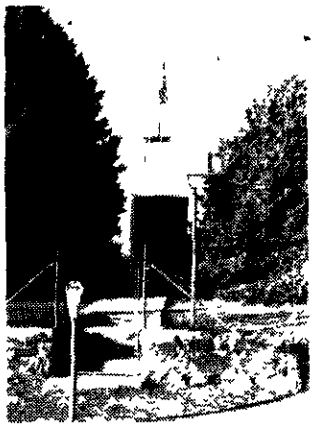
We understand that you will discuss the matter with Mr. Owen and will advise us in the next couple of days.

Sincerely,

GRAY YOUNG
Assistant General Counsel

GY:hp
c: Frank Bachman
Vic Conrad
David Tuthill, Jr.
Norman C. Young
5572v

JUN 07 1995



# Owyhee County Commissioners

COURTHOUSE, POST OFFICE BOX 128
MURPHY, IDAHO 83650-0128
TELEPHONE (208) 495-2421

RECEIVED
JUN 0 1 1994
WATER RESOURCES
WESTERN REGION

BOARD OF COMMISSIONERS

DISTRICT NO 1
RICHARD BASS
H C 88, BOX 1050
MURPHY, ID 83650
495-2891

DISTRICT NO 2
HAROLD TOLMIE
P O BOX 996
HOMEDALE, ID 83628
337-4644

DISTRICT NO 3
CHESTER SELLMAN
H C 85, BOX 169 A
BRUNEAU, ID 83604
845-2283

CLERK
BARBARA JAYO

May 23, 1994

Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

RECEIVED
MAY 2 6 1994
Department of Water Resources

Re: Water right application 51-7346

Dear Sirs:

The Board of Owyhee County Commissioners unanimously supports the prior rights use of the Bruneau River flood waters by the Bruneau Buckaroo Cooperative Ditch Co., the Hot Springs Ditch Co. and the Southside Canal Co.

The above-mentioned canal companies have made beneficial use of the flood waters since the 1800's, providing water to **multiple** users. Granting the Owen ranch priority to merely supplement its existing well irrigation exalts the wants of one user over the needs of many users. We believe that this is unjust and inequitable.

It is extremely imperative that the canal companies continue to provide the water so heavily relied upon over the past century by the multiple canal users.

Thank you for your attention and well-reasoned opinion in this matter.

Sincerely,

Richard Bass

Commissioner Richard Bass
Chairman

JUN 07 1995

Commissioner Chester Sellman

Commissioner Harold Tolmie

ATTEST: _____
Barbara Jayo, Clerk

Date: 5/23/94

JUN 07 15

**SCANLAN ENGINEERING**

*Groundwater and Environmental Engineering*

RECEIVED
MAY 16 1994
WATER RESOURCES
WESTERN REGION

RECEIVED
MAY 18 1994
Department of Water Resources

May 13, 1994

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention Mr Steve Lester, Water Rights Supervisor

Subject Additional Information Requested for Application for Permit No 51-07346

Gentlemen.

This letter provides response to your letter of September 29, 1993 for additional information needed for Application for Permit No. 51-07346 submitted by Owen Family Revocable Trust A for the appropriation of 21.22 cfs of Bruneau River water for irrigation purposes The additional information is detailed below

**Item 4,5,3,1,3. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impacts on other water users.**

Replaced by Rules 37.03.08.05 c.iii-n

Potential impacts to other water users that could occur as a result of this permit would be (1) increased flows in the Buckaroo Ditch and (2) reduced flows in the Bruneau River. These items are discussed below

**Buckaroo Ditch Impacts.** The water for the proposed permit will be diverted at a either a pump station near Pence Hot Springs and/or at the Buckaroo Dam. If diverted at the Buckaroo Dam, the water will flow down the Buckaroo Ditch to a pump station located approximately one-half mile downstream from the Hot Springs Bridge The new permit will increase flow in the Buckaroo Ditch by about 30 percent (i.e., from about 60 cfs to about 80 cfs) Based upon an evaluation of ditch capacity conducted by Terry Scanlan in June 1993, the ditch has sufficient capacity upstream of the pumping station to carry this flow However, downstream sections of the ditch do not have sufficient freeboard to accept an additional 21 cfs that would flow past the pump station in the event of a power outage As a result, Owen Ranches will construct an emergency overflow spillway on their property to divert these additional flows to waste in order to prevent downstream property damage in the event of a power outage

The overflow spillway will be designed to function in a similar manner to the existing weir and overflow at the Hot Springs Bridge. The structure will be designed to pass the desired flows to downstream irrigators, but will spill the majority of excess flows in the event of an unplanned shutdown of the new pumping station. The spilled flows will flow into Owen Ranch pastures below the spillway and drain to the river through the existing drain ditch system Spilling will continue until either the flow is reduced upstream (at either Hot Springs Bridge or the Buckaroo Dam) or the pump station is restarted. Such a system should provide fail-safe protection of downstream reaches of the ditch

JUN 07 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

**Reduced Flows in the Bruneau River.** We do not anticipate adverse impacts to downstream water users with valid water rights as a result of this permit. Flows in the Bruneau River will be reduced when water is available to fill this permit. When Bruneau River flows drop to the level where water is no longer available to fill this permit, diversions for this permit will cease. As such, senior water right holders will not be impacted by this permit.

**4,5,3,2,2. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.**

The Bruneau River water utilized will be used to supplement groundwater sources presently used to irrigate the 1,061 acres proposed for irrigation under the proposed permit. The use of Bruneau River water will occur during the spring and early summer, when river flows are high. Groundwater will then be used later in the summer when river flows are not available to fill the 1993 priority right. This mode of operation will reduce the annual production of groundwater and should have a beneficial effect on local groundwater levels.

A review of the availability of Bruneau River water to fill the permit application has been completed The review consisted of (1) a determination of water right adjudication claims on the Bruneau River below the Hot Springs gage and (2) a determination of Bruneau River flows at the Hot Springs gage during the irrigation season

Snake River Basin adjudication claims with points of diversion located on the Bruneau River between the Hot Springs gage and C J. Strike Reservoir total about 255 cfs We expect that portions of some claims will be disallowed as part of the adjudication. Several small claims are probably for winter stockwater and will not impact the availability of water for irrigation Return flow to the river probably satisfies some of the lower river diversion requirements. As a result, sufficient water should be available for 1993 priority diversion when flow exceeds about 225 cfs at the Hot Springs gage

Bruneau River flows were determined by evaluation of monthly flow duration curves obtained from the USGS for the Bruneau River at the Hot Springs gage The flow duration curves are statistical analyses of flow data for the years 1909 though 1915 and 1944 through 1992 (These curves are available for your review upon request) The curves suggest that during an "average" year the flow will exceed 225 cfs for about 36 percent of the year. Historically, flows have exceeded 225 cfs for 56 percent of the days in March, 93 percent of the days in April, 99 percent of the days in May, 94 percent of the days in June, 44 percent of the days in July, 4 percent of the days in August, 0.4 percent of the days in September, and 0 6 percent of the days in October. Thus, river flows will exceed 225 cfs in a "average" year for about half of the months of March and July, and nearly all of the months of April, May, and June; water would be available for 1993 priority rights until about the second week of July during average years.

JUN 07 1995

Similarly, if we were to assume that all 255 cfs of the adjudication claims must be filled plus the 21 cfs for the proposed permit, then during an "average" year the flow at the Hot Springs gage will exceed 276 cfs for about 32 percent of the year. Historically, flows have exceeded 276 cfs for 44 percent of the days in March, 86 percent of the days in April, 98 percent of the days in May, 92 percent of the days in June, and 35 percent of the days in July Thus, under this scenario, Bruneau River water would be available for 1993 priority rights until about the first week of July during average years

**4,5,3,3,1. The applicant shall submit copies of deeds, leases, easements or application for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.**

Attached as Appendix A are copies of deeds for the lands proposed for irrigation under these rights and the land occupied by the new pump station.

**4,5,3,3,2. The applicant shall submit copies of applications for other needed permits, licenses, and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.**

A copy of the application for approval to the Buckaroo Ditch Company is attached in Appendix B If in-stream modifications are required for a Pence Hot Springs area pumping station on the Bruneau River, a stream alteration permit will be obtained No other significant permits or approvals are anticipated for this project

**4,5,3,4,1. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.**

A financial commitment letter has been requested from Mr Owen's financial institution and will be forwarded to you under separate cover

**4,5,3,4,2. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.**

The applicant plans to develop the system using a phased approach, starting with 1994 installation of a 75 hp pump at the existing upper Buckaroo Ditch pump station and utilization of existing pipelines in 1995. If permission is obtained for a large pump station on the Buckaroo Ditch, installation of the pump station and emergency overflow weir will occur during 1995 or 1996 Pumping and pipeline capacity will gradually be increased up to the full capacity of 21 22 cfs over a period of several years

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Cost estimates and conceptual-level details for the project facilities are presented in Appendix C Biddable plans and specifications for pump station improvements, pipeline, and emergency overflow spillway will be prepared as needed

**4,5,3,5,1. The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the ... county, ..... canal company within which the proposed project is located, and any other entities as determined by the director.**

Attached in Appendix B are letters to Owyhee County and Bruneau Buckaroo Ditch Company requesting comment on the proposed project Comments will be addressed to the Idaho Department of Water Resources

**4,5,3,6,1. A project design and estimated cost of development shall be submitted. The design shall be definite enough to reflect the project's impacts and implications as required in subsequent rules.**

Conceptual-level design and estimated costs for the pump station, pipeline improvements, and emergency overflow spillway are included in Appendix C. Capital costs for the fully developed system range from about $250,000 to $360,000, depending upon the alternative selected. No significant costs are anticipated for other components of the irrigation system as they are already in existence.

Based on pumping 1.5 acre feet per acre, 1,061 acres total, lift of 90 feet, 68 percent overall efficiency, and an irrigation energy rate of $0.0273 per kw-hr, the annual power cost will be about $6,000 per year. Monthly demand charges (4 months at $2 69/kw/mo) will increase the annual electrical cost by about $2,500 to a total of about $8,500. Costs to pump from the storage ponds into various sprinkler systems have not been estimated, as these costs are currently incurred with the existing system Costs savings resulting from not having to pump groundwater from the wells will offset much of the new pumping station power costs

**4,5,3,6,2. If the project proposes development for irrigation purposes, information shall be submitted on crop rotation, including acreages, for lands when newly developed.**

Not applicable as no new lands will be developed under this permit and no changes in crops are anticipated

**4,5,3,6,3. Information shall be submitted concerning the number and kinds of jobs that will be created or eliminated as a direct result of project development, including both the construction and operating phases of the project. If jobs are seasonal, the estimated number of months per year of employment shall be submitted.**

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The project is not anticipated to result in the formation of new jobs The project may save existing jobs that would be lost in the event of reductions in groundwater pumping associated with efforts to raise local aquifer water levels.

**4,5,3,6,5. Information shall be submitted concerning the source of energy for diverting and using water for the project, the estimated instantaneous demand and total amount of energy that will be used, the efficiency of use, and energy conservation methods.**

Three-phase power from Idaho Power is currently present at the proposed pump station site Idaho Power has indicated that sufficient local power capacity is available to power the 275 hp of pumping capacity required for full development of the project The instantaneous demand required for the pumps is estimated to be 240 kw, with an annual use of 215,000 kw-hrs The annual use estimate is based upon pumping 1 5 acre feet per acre, 1,061 acres total, total lift of 90 feet, and overall efficiency of 68 percent.

The net increase in local energy use will be relatively small because existing well pumps will be idle when the proposed pumping station is in use The actual net increase in energy use will be equivalent to the increase resulting from differences in pumping lifts between the artesian wells and the proposed pump station.

**4,5,3,6,6. Information shall be submitted concerning the location, amount, and quality of return flow water, and any water conservation features of the proposed project.**

No changes in return flow are anticipated as a result of this permit. As all of the lands proposed for irrigation under this permit are currently sprinkler irrigated, very little water runs off as surface flow Return flow resulting from deep percolation of irrigation will be unchanged because the rate of application of water is anticipated to be unchanged as a result of this permit. Some increases in discharge from local warm springs may occur as a result of reduced groundwater pumping, but the quantity of increase cannot be accurately determined with existing information The proposed project will have a net benefit on local water resources by reducing the annual production of groundwater

Please contact me if you require additional information

Sincerely,

Terry M Scanlan, P E
Supervising Hydrogeologist

Enclosures

cc Richard Owen
Scott Campbell

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# APPENDIX A

JUN 07 1995

# QUITCLAIM DEED

FOR VALUE RECEIVED, EUGENE M. PERKINS and CHARLENE R. PERKINS, husband and wife, do hereby convey, release, remise and forever quitclaim unto RICHARD L. OWEN, Trustee of the Owen Family Revocable Trust A Established August 30, 1966 as Amended and Restated October 12, 1988, whose current address is P.O. Box 590, Bruneau, Idaho 83604, the following described real property located in Owyhee County, Idaho, to-wit:

The S½ of the SW¼ and the NE¼ of the SW¼ of Section 10, Township 7 South, Range 6 East, Boise, Meridian,

together with their appurtenances.

Dated this 5th day of October, 1990.

Eugene M. Perkins

Charlene R. Perkins

STATE OF IDAHO )
) ss.
County of Ow )

On this _____ day of October, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Eugene M. Perkins and Charlene R. Perkins, husband and wife, known or identified 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 first above written.

Notary Public for Idaho
Residing at _____ Idaho
My Commission Expires: _____

(SEAL)

JUN 07 1995

COPY

# WARRANTY DEED

For Value Received, EUGENE M. PERKINS and CHARLENE R. PERKINS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto RICHARD L. OWEN, Trustee of the Owen Family Revocable Trust A Established August 30, 1966 as Amended and Restated October 12, 1988, Grantee, whose current address is P.O. Box 590, Bruneau, Idaho 83604, the following described real property located in Owyhee County, Idaho, to-wit:

SE¼ of the SE¼ of Section 4, Township 7 South, Range 6 East, Boise Meridian;

S½ of the SW¼ of Section 3, Township 7 South, Range 6 East, Boise Meridian;

E½ of the NE¼ of Section 9, Township 7 South, Range 6 East, Boise Meridian;

NE¼ of the SE¼ of Section 9, Township 7 South, Range 6 East, Boise, Meridian;

W½ of the NW¼ of Section 10, Township 7 South, Range 6 East, Boise Meridian;

NW¼ of the SW¼ of Section 10, Township 7 South, Range 6 East, Boise Meridian;

N½ of the NW¼ of Section 15, Township 7 South, Range 6 East, Boise Meridian.

Subject to those special exceptions which are listed as Items 7 through 33 on Exhibit A, attached hereto and by reference made a part hereof, and that certain FHA Mortgage dated December 30, 1982 and recorded in Owyhee County, Idaho as Instrument No. 175602.

Grantee is accepting title to the above property and all improvements thereon relying solely upon information and knowledge obtained from Grantee's own investigation and personal inspection of the premises. No warranties, agreements or representations

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COPY

have been made unless set forth herein.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto said Grantee, its transferees and assigns forever. Grantors do hereby covenant to and with the said Grantee that Grantors are the owners in fee simple of said premises except the real property described in the Black Agreements (Exhibit A, Items 23 and 26); that Grantors are entitled to receive fee simple title to the property described in the Black Agreements upon satisfaction of the terms of said Agreements; that said premises are free and clear of all encumbrances, except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee, and except for general taxes and assessments for the current year, which are not yet due and payable, easements and rights of way recorded or apparent upon visual examination of the property, exceptions and reservations contained in the United States patents, restrictions and obligations imposed by governmental regulation and boundary encroachments; and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated this ____ day of October, 1990.

_____
Eugene M. Perkins

_____
Charlene R. Perkins

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STATE OF IDAHO )
) ss.
County of _____ )

On this ____ day of October, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Eugene M. Perkins and Charlene R. Perkins, husband and wife, known or identified 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 first above written.

_____
Notary Public for Idaho
Residing at _____ Idaho
My Commission Expires: _____

(SEAL)

203802

FILED-RECORDED
Nov 5 11 23 AM '90

OTC
33.00

JUN 07 1995

RECORDIN AQUESTED BY:

OWYHEE COUNTY TITLE COMPANY
STANLEY D. SMITH

WHEN RECORDED MAIL TO:

PAUL, HASTINGS, JANOFSKY & WALKER
LINDA R. KRAM
695 Town Center Drive, 17th Floor
Costa Mesa, California 92626

MAIL TAX STATEMENTS TO:

Richard L. Oven, Trustee
P.O. Box 590
Bruneau, Idaho 83604

FILED-RECORDED
OCT 26 10 ⁵⁰ AM '90
203748

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Richard L. Oven, as Trustee of The Oven Family Revocable Trus established August 30, 1966, who acquired title as "The Oven Family Revocab Trust established August 30, 1966," "Richard L. Oven, Trustee under Declara tion of Trust established August 30, 1966, by Richard L. Oven and Mary Loui Oven, Trustors," "The Oven Family Revocable Trust, c/o Richard L. Oven, Trustee," "Richard L. Oven, as Trustee of The Oven Family Revocable Trust created August 30, 1966," and "Richard L. Oven, as Trustee of The Oven Fami Revocable Trust established August 30, 1966", does hereby REMISE, RELEASE A FOREVER QUITCLAIM to Richard L. Oven, Trustee of The Oven Family Revocable Trust A established August 30, 1966, as amended and restated on October 12, 1988, whose current mailing address is P.O. Box 590, Bruneau, Idaho 83604, the real property in the County of Owyhee, State of Idaho, described as:

Per legal description attached hereto as Exhibit "A"
and by this reference incorporated herein.

"This conveyance is solely for the purpose of correcting the fee ownership record and thus causing title to vest in accordance with the terms of the Trust Agreement."

DATED: 24 Oct. '90

Richard L. Oven, Trustee

STATE OF IDAHO )
) ss.
COUNTY OF Owyhee )

On October 24 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard L. Oven, Trustee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument as Trustee and acknowledged to me that he executed the same as such Trustee.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

JUN 07 1995

COD

EXHIBIT "A"

IN TOWNSHIP 6 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Sections 22 and 23: Those portions of the SE¼NW¼, the SW¼NE¼, the NW¼SE¼ and the NE¼SE¼ of Sec. 22; and the NW¼SW¼ of Sec. 23, lying South of the following described line, to-wit:
BEGINNING at the Section corner common to Sections 15, 16, 21 and 22; thence South 42°32' East 1915.8 feet to a point on the West line of the SE¼NW¼, Sec. 22, which is the REAL POINT OF BEGINNING: thence South 60°43' East 209.2 feet; thence South 58°52' East 442.6 feet; thence South 69°05' East 226.2 feet; thence South 57°42' East 340.3 feet; thence South 29°44' East 293.4 feet; thence South 40°50' East 218.8 feet; thence South 63°58' East 598.3 feet; thence South 77°54' East 686.9 feet; thence South 21°50' East 258.2 feet; thence South 71°05' East 448.4 feet; thence South 57°39' East 117.6 feet; thence South 32°34' East 379.3 feet; thence North 87°32' East 670.6 feet; thence South 72°47' East 1392.6 feet to the SE corner of NW¼SW¼ of Section 23.

Section 22: NE¼SW¼, S½SE¼ EXCEPTING from the SE¼SE¼ the following three (3) tracts of land more particularly described as follows:

COMMENCING at the Section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet, said point being the REAL POINT OF BEGINNING; running thence South 89°55' West a distance of 428 feet; thence North a distance of 30 feet; thence North 89°55'East, a distance of 128 feet; thence North a distance of 270 feet; thence North 89°55' East a distance of 300 feet; thence South 300 feet to the POINT OF BEGINNING

and

COMMENCING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet; running thence South 89°55' West, a distance of 428 feet; thence North a distance of 30 feet, being the REAL POINT OF BEGINNING; thence North 89°55' East, a distance of 128 feet; thence North a distance of 270 feet; thence South 89°55' West, a distance of 128 feet; thence South 270 feet to the REAL POINT OF BEGINNING.

and

BEGINNING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M.; thence North 37.0 feet to the Northwesterly line of the Bruneau to Grand View Highway, the point being marked by a right of way marker, POC-427+72.3; thence North 89°20' West a distance of 989.95 feet, (formerly South 89°55' West a distance of 990.30 feet) to a point, which is the REAL POINT OF BEGINNING; thence North 89°20'00" West a distance of 300.00 feet; thence North 00°44'43" West a distance of 707.96 feet to a point on the South right of way of County Road; thence South 67°36'28" East along the South right of way of County Road a distance of 450.06 feet; thence South 00°44'43" East a distance of 241.32 feet; thence North 89°20'00" West (formerly south 89°55' West) a distance of 113.98 feet; thence South 00°44'43" East (formerly South) a distance of 300.00 feet to the REAL POINT OF BEGINNING.

(continued)

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Section 23: S|SW| and all of that part of the NE|SW| lying South of the main channel of the Bruneau River.
Section 24: E|SE|SW|
Section 25: W|NE|, NW|, W|SW|
Section 26: NE|, E|SE|
Section 36: SW|NE|, W|, W|SE|

EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY various irregular strips of land as conveyed by Warranty Deed recorded August 17, 1954 as Instrument Number 89769 in Book 46 of Deeds page 117+ to the State of Idaho for the Grand View connection as surveyed and shown on the official plat of the Bruneau - Duck Valley St. 3806 (501) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the portions SE|SE| of Section 22, E|NE| of Section 26, NW|NW| of Section 25, SE|SW| of Section 24, NE|NW| of Section 25, NW|NE| of Section 25

ALSO EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY a strip of land as conveyed by Warranty Deed recorded May 27, 1955 as Instrument No. 91956 in Book 47 of Deeds page 129 to the State of Idaho as surveyed and shown on the official plat of Bruneau -Duck Valley - Project No. St. 3806(2) Highway Survey on file in the office of the Department of Highways of the State of Idaho.

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 31: Lots 1 and 2, NE|NW|

IN TOWNSHIP 8 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 1: Lot 3, SW|NW|
Section 2: NE|SW|

IN TOWNSHIP 8 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 5: SW|SE|, SE|SW|
Section 8: NW|NE|, NE|NW|
Section 29: SE|NE|

IN TOWNSHIP 8 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 16: All

IN TOWNSHIP 10 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 15: NW|NE|, S|NE|, SE|NW|, W|SW|
Section 21: N|NE|, SE|NE|, N|NW|, E|SE|
Section 22: W|SW|
Section 28: E|, SE|NW|, SE|SW|
Section 33: NW|NE|, E|NW|, NE|SW|

IN TOWNSHIP 11 South, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 3: SW|NW|, SW|
Section 10: W|NE|, E|NW|, NW|NW|, NE|SW|, NW|SE|
Section 27: S|S|

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 8: SE|SW|
Section 17: E|NW|, NE|SW|

IN TOWNSHIP 12 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 7: SW|SE|

IN TOWNSHIP 9 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 31: Lot 1, NE|NW|
Section 33: SW|SE|

IN TOWNSHIP 9 SOUTH, RANGE 2 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 25: Lot 4, SW|SE|, S|SW|
Section 35: E|NE|
Section 36: Lot 2, SW|NE|, NW|SE|, NE|SW|

(continued)

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IN [redacted]SHIP 10 SOUTH, RANGE 1 W[illegible]. B. [illegible], OWYHEE COUNTY, IDAHO
Section 1: SW¼SE¼
Sect[illegible] 3: SW¼, S½SE¼
[redacted] 4 Lot 2, [redacted], E½SE¼, SW[illegible]¼
Section 9: NE¼, SE¼, E½SW¼, that portion of E½NW¼ lying Easterly of the line described as follows:
BEGINNING at a point on the Section line between Sections 4 and 9, T10S, R1W, B. M., 23 feet East of the quarter corner common to said Sections 4 and 9; thence running South 18° West a distance of 2,750.0 feet, more or less, to the South boundary line of the E½NW¼ of Section 9.

Section 10: N½, N½S½, SW¼SW¼, SE¼SW¼, S½SE¼,
EXCEPTING the one-half (½) acre of land in the NW corner of NE¼SE¼, as Reserved in Deed dated April 22, 1916 and recorded April 26, 1916 in Book 10 of Deeds, page 327, Owyhee County Records.
Section 14: SW¼SW¼
Section 15: W½NE¼, E½NW¼, E½SE¼
Section 23: N½NW¼, SE¼NW¼, SW¼NE¼, W½SE¼, SE¼SE¼
Section 25: W½NW¼, NW¼SW¼, E½SW¼
Section 26: E½NE¼
Section 36: E½W½, SW¼NW¼, NW¼SW¼

IN TOWNSHIP 11 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 24: NW¼SW¼
Section 35: SW¼SE¼

IN TOWNSHIP 12 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 7: NE¼SW¼
Section 21: W½E½, E½W½
Section 35: W½SE¼

IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 2: SW¼NE¼, NW¼SE¼, N½SW¼

IN TOWNSHIP 10 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼SE¼
Section 13: NE¼NE¼
Section 14: N½NE¼
Section 33: SE¼SE¼
Section 34: NW¼SE¼, NE¼SW¼, S½S½
Section 35: W½W½, NE¼SW¼, SE¼SW¼

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 18: Lot 1, NE¼NW¼
Section 22: W½NW¼, N½SW¼

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼, W½NE¼, SE¼NE¼
Section 12: S½SW¼, S½SE¼
Section 13: N½NW¼, SE¼NW¼, E½
Section 14: NE¼NE¼

IN TOWNSHIP 11 SOUTH, RANGE 3 East, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3
Section 18: Lot 4, SE¼SW¼
Section 19: Lots 1 and 2, E½NW¼

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SE¼ SAVING AND EXCEPTING the following described real property to-wit:
A tract of land located in the NW¼SE¼ and NE¼SE¼, bounded and described as follows: BEGINNING at the NW corner of NW¼SE¼, the TRUE POINT OF BEGINNING; running thence North 89°57' East a distance of 2,056.8 feet to a point; thence South 54°57' West 905 feet to a point; thence South 59°39' West 860 feet to a point; thence North 33°42' West 79 feet to a point; thence South 67°04' West 598.8 feet to a point on the West boundary line of NW¼SE¼; thence running North a distance of 1165 feet to the POINT OF BEGINNING.

(continued)

Section 23: S|SW| and
tract of land located in the SE| bounded and described as follows:
BEGINNING at the East quarter corner of Section 23; the TRUE POINT OF BEGINNING: running thence South 89°57' West 583.2 feet to a point; thence North 54°57' East 273 feet to a point; thence North 73°32' East 380.2 feet, more or less, to the East Section line of said Section 23, running thence South a distance of 264.6 feet, more or less, to the POINT OF BEGINNING

Section 24: NW|SW|, W|NW|
Section 26: N|NE|, NE|NW|, W|NW|, SE|NW|

IN TOWNSHIP 7 South, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: E|SW| EXCEPT the following parcel:
BEGINNING at the south quarter corner, a brass cap properly identified as Sec. 23, T7S, R6E, B. M.; thence North 00°24' West a distance of 1152.6 feet along the north-south center line to an iron pin, the TRUE POINT OF BEGINNING; thence North 13° 31' West a distance of 1020.9 feet to an iron pin; thence North 89°56' West a distance of 405.8 feet to an iron pin; thence North 00°04' East a distance of 359.2 feet to an iron pin; thence North 89|50' West a distance of 677 feet, more or less, to the west boundary line of NE|SW|; thence North 00°04' East along the West boundary line of NE|SW| a distance of 125 feet to a point; thence South 89°50' East along the north boundary line of NE|SW| a distance of 1311 feet, more or less, to the north-east corner of NE|SW|; thence South 00°04' West a distance of 1479 feet, more or less, to the POINT OF BEGINNING

Section 23: NW|SW| EXCEPT the following two (2) parcels of land:
BEGINNING at the west quarter corner of Sec. 23, thence South 89°50' East a distance of 181.5 feet along the north boundary line of NW|SW| to an iron pin; thence South 02°50'55" West a distance of 1321.5 feet to an iron pin on the south boundary line of NW|SW|; thence North 89°50' West a distance of 115.5 feet to an iron pin on the West boundary line of NW|SW|; thence North 00°22' East a distance of 1320 feet, more or less, to the POINT OF BEGINNING.
Also
BEGINNING at the West quarter corner of Sec. 23, thence South 89°50' East along the North boundary line of NW|SW| a distance of 320.1 feet to an iron pin, the TRUE POINT OF BEGINNING; thence South 89°50' East along the North boundary of NW|SW| a distance of 987 feet, more or less, to the NE corner of NW|SW|; thence South 00°04' West a distance of 30 feet along the East boundary line of NW|SW| to a point; thence North 89°50' West a distance of 987 feet to a point on the East right of way line of a county road; thence North 03°43'40" West a distance of 30.1 feet to the POINT OF BEGINNING.

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W|SW|
Section 35: W|NW|

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 17: S|SW|
Section 18: S|SE|
Section 19: NE|, N|SE|
Section 20: NW|, N|SW|

(continued)

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IN TOWNSHIP 6 SOUTH, RANGE 6 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 19: A portion of Government Lot 4 (SW¼,SW¼) more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of the said Section 19, also said point being the Southwest corner of the said Government Lot 4 of Section 19; thence North 0°54'09" West 46.47 feet along the Westerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the Northwesterly right-of-way line of State Highway 51, Federal Aid Project No. S-97(1), also said point being the REAL POINT OF BEGINNING; thence continuing North 0°54'09" West 1,291.08 feet along the said Westerly boundary of Government Lot 4 of Section 19 to an iron pin marking the Northwest corner of the said Government Lot 4 of Section 19; thence North 89°37'53" East 1,203.18 feet along the Northerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the said Northwesterly right-of-way line of State Highway 51 marking a point of beginning of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 32.15 feet, said curve having a central angle of 1°56'52", a radius of 945.92 feet, tangents of 16.08 feet, and a long chord of 32.15 feet bearing South 45°46'35" West to a highway monument stamped "P.C. Sta. 2615+80.0" marking the point of ending of curve; thence South 3°30'48" West 248.17 feet along the said Northwesterly right-of-way line of State Highway 51 to an iron pin; thence South 46°45'00" West 1,346.38 feet along the said Northwesterly right-of-way line of State Highway 51 to a highway monument stamped "P.T. Sta. 2600+52.1" marking a point of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 196.26 feet, said curve having a central angle of 20°42'38", a radius of 542.96, tangents of 99.21 feet, and a long chord of 195.20 feet bearing South 57°06'19" West to a point of ending of curve, also said point being the point of beginning.

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 22: SE¼, SE¼NE¼, S½SW¼
Section 23: That portion of NW¼SW¼ more particularly described as follows:

COMMENCING at the NW corner of NW¼SW¼, Sec. 23, T7S, R6E, B.M., and running thence South 80 rods; thence East 7 rods; thence North along the West bank of the Buckaroo Ditch 80 rods; thence West 11 rods to the PLACE OF BEGINNING.

Section 27: That portion of NE¼NE¼ described as follows:

BEGINNING at the Section corner common to Sections 22, 23, 26 and 27, T7S, R6E, B. M., being the REAL POINT OF BEGINNING; thence North 89°04' West on the Section line between said Sections. 22 and 27, a distance of 1320.66 feet to the NW corner of NE¼NE¼, Sec. 27; thence South 0°14' West along the West sideline of NE¼NE¼, Sec. 27, a distance of 788.5 feet; thence North 80°41' East a distance of 1291.2 feet; thence North 64°18' East a distance of 53.9 feet to a point on the section line between said Sections 26 and 27; thence North 0°17' East on the Section line between Sections 26 and 27, a distance of 535 feet to the POINT OF BEGINNING.

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 34: E½SE¼
Section 35: W½SW¼

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 24: E½SE¼
Section 25: E½NW¼, S½NE¼, NE¼NE¼

(continued)

IN TOWNSHIP 7 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 19: Lots 1, 2, 3, 4, NE¼NW¼
EXCEPT THE FOLLOWING PARCEL OF LAND:
COMMENCING at the North quarter corner of Section 19, thence North 89°33' West 260.75 feet; thence South 52°06' West 40.29 feet to the REAL POINT OF BEGINNING; thence North 89°33' West 34.64 feet; thence South 0°27' West 10 feet; thence South 89°33' East 22 feet; thence North 52°06' East 16.12 feet to the REAL POINT OF BEGINNING

ALSO EXCEPTING THE RIGHT OF WAY as described in Warranty Deed recorded December 12, 1958, as Instrument No. 99240 in Book 51 of Deeds, page 61 as follows: A strip of land 80.0 feet wide, being 40.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of State Highway 51 Project No. S-3806 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across Government Lots 4, 3, 2 and 1 and the NE¼NW¼ OF Section 19, T7S, R5E, B. M.
BEGINNING at a point in the South line of Section 19, T7S, R5E, B. M., coincident with Station 36+04.75 of the said Highway Survey, which station is a point on tangent approximately South 89°19'55" East - 666.79 feet from the Southwest corner of said Section 19, thence North 1°24'45" East - 1550.94 feet to Station 51+55.69 of said Survey, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 53+55.69, which station is a point of circular curvature; thence 1522.50 feet with a 1°00' curve right, said curve having a central angle of 15°13'30", to Station 68+78.19, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 70+78.19, which station is a point of tangent; thence North 18°38'15" East on tangent 1921.23 feet to a point in the North line of said Section 19, coincident with Station 89+99.42, which station is a point on tangent approximately North 89°32'25" West - 883.14 feet from the North Quarter corner of said Section 19.

AND ALSO,
Additional irregular strips of land adjacent and contiguous to and on both sides of the above described right of way being as follows: On the Westerly Side, a strip of land widening from 0.0 feet at Station 70+78.19 to 10.0 feet wide at Station 72+00, continuing 10.0 feet wide to Station 74+00 and tapering to 0.0 feet at Station 75+00; on the Easterly Side, a strip of land widening from 0.0 feet at Station 57+00 to 15.0 feet wide at Station 57+50, continuing 15.0 feet wide to Station 59+00, and tapering to 0.0 feet wide at Station 59+50, a strip of land widening from 0.0 feet feet at Station 68+50 to 10.0 feet at Station 69+50, continuing 10.0 feet wide to Station 79+00, and tapering to 0.0 feet at Station 80+00.

Section 30: Lots 1 and 2, SE¼NW¼

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: NW¼SW¼
Section 3: NE¼SE¼ and Lots 1 and 2

• • •

JUN 07 1995

# APPENDIX B

JUN 07 1995

MONTGOMERY WA ON

October 12, 1993

Owyhee County Commissioners
P.O. Box 128
Murphy, ID 83650

Attention: Mr. Chester Sellman

Subject: Comment Regarding Application For Permit No. 51-07346

Gentlemen:

As required under Section 42-203A(5)(e), Idaho Code, Owen Family Revocable Trust A is seeking comment concerning local public interest related to the effect and operation of a pumping project associated with water right Application for Permit No. 51-07346.

Application for Permit No. 51-07346 seeks 21.22 cfs of Bruneau River water for irrigation of 1,061 acres of land located above the Buckaroo Ditch. A copy of the Notice of Application for Trust Water Right, provided by the Idaho Department of Water Resources, is attached which details the application. The lands to be irrigated by this permit are currently irrigated by deep artesian wells. Under the proposed permit, Bruneau River water would be utilized during the spring and early summer when river flows exceed current irrigation diversion requirements. We anticipate that these excess river flows will be available for diversion by permit No. 51-07346 until early July during average years. Later in the summer, when river levels drop, the lands would be irrigated from the existing wells using existing groundwater rights. The net effect of this permit will be to decrease the annual groundwater production by Owen Ranches, which should have a beneficial effect on local aquifer water levels. The project will not adversely impact existing surface water rights.

The points of diversion for this permit are (1) Buckaroo Dam and (2) a pumping station near Pence Hot Springs. Water diverted at Buckaroo Dam would flow down the Bruneau Buckaroo Ditch to a new pump station in NWSW Sec. 23, T7S, R6E. The water would then be pumped through a new pipeline to the existing irrigation system. An emergency overflow weir would be installed in the Buckaroo Ditch near the pump station to prevent downstream damage in the event of a pump failure or power outage. Water diverted from the river near Pence Hot Spring would be pumped through an existing pipeline to the existing irrigation system. No new lands will be irrigated as the result of this project.

JUN 07 1995

161 Mallard Drive
Boise, Idaho
83706-3974

Tel 208 345 5865
Fax 208 345 5897

*Serving the World's Environmental Needs*

Please send any comments you have regarding this project to:

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr. Steve Lester, Water Rights Supervisor

I would appreciate receiving a copy of your comments as well. Please call me if you have any questions concerning this project.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosure

cc: Richard Owen
Scott Campbell
Steve Lester

JUL 07 1995

MONTGOMERY WA ON

October 12, 1993

Bruneau Buckaroo Ditch Company
Bruneau, ID 83604

Attention: Mr. Frank L. Bachman, President

Subject: Comment Regarding Application For Permit No. 51-07346

Gentlemen:

As required under Section 42-203A(5)(e), Idaho Code, Owen Family Revocable Trust A is seeking comment concerning local public interest related to the effect and operation of a pumping project associated with water right Application for Permit No. 51-07346.

Application for Permit No. 51-07346 seeks 21.22 cfs of Bruneau River water for irrigation of 1,061 acres of land located above the Buckaroo Ditch. A copy of the Notice of Application for Trust Water Right, provided by the Idaho Department of Water Resources, is attached which details the application. The lands to be irrigated by this permit are currently irrigated by deep artesian wells. Under the proposed permit, Bruneau River water would be utilized during the spring and early summer when river flows exceed current irrigation diversion requirements. We anticipate that these excess river flows will be available for diversion by permit No. 51-07346 until early July during average years. Later in the summer, when river levels drop, the lands would be irrigated from the existing wells using existing groundwater rights. The net effect of this permit will be to decrease the annual groundwater production by Owen Ranches, which should have a beneficial effect on local aquifer water levels. The project will not adversely impact existing surface water rights.

The points of diversion for this permit are (1) Buckaroo Dam and (2) a pumping station near Pence Hot Springs. Water diverted at Buckaroo Dam would flow down the Bruneau Buckaroo Ditch to a new pump station in NWSW Sec. 23, T7S, R6E. The water would then be pumped through a new pipeline to the existing irrigation system. An emergency overflow weir would be installed in the Buckaroo Ditch near the pump station to prevent downstream damage in the event of a pump failure or power outage. Water diverted from the river near Pence Hot Spring would be pumped through an existing pipeline to the existing irrigation system. No new lands will be irrigated as the result of this project.

JUN 07 1995

161 Mallard Drive
Boise, Idaho
83706-3974

Tel 208 345 5865
Fax 208 345 5897

Serving the World's Environmental Needs

Please send any comments you have regarding this project to:

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr. Steve Lester, Water Rights Supervisor

I would appreciate receiving a copy of your comments as well.

In addition to comments to Idaho Department of Water Resources concerning local public interest, Owen Family Revocable Trust A will need permission to utilize the Buckaroo Ditch for diversion of this water. I assume that this request will be considered during the a future meeting of the Buckaroo Ditch Board. Please contact me when a meeting date has been scheduled. Feel free to call me at 345-5865 if you have any questions concerning this Application for Permit and associated pump station project.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosure

cc: Richard Owen
Scott Campbell
Steve Lester

JUN 07 1995

# APPENDIX C

JUN 07 1995

**SCANLAN ENGINEERING**

*Groundwater and Environmental Engineering*

May 5, 1994

Mr. Richard Owen
Owen Ranches
P O. Box 590
Bruneau, ID 83604

Subject: Conceptual-Level Cost Estimate for Trust Water Pipeline and Pump Station

Dear Dick·

Enclosed please find conceptual-level cost estimates for three alternative 24-inch pipelines and a related pump station associated with your 21 22 cfs Application for Permit to appropriate Trust Water from the Bruneau River. Estimated total costs for pipeline and pumping station range from about $250,000 to $360,000, depending upon the location selected for the pump station.

The estimates include engineering and inspection (10%) and construction contingency (15%). This level of engineering and inspection does not provide for detailed plans and specification. Instead, similar to the recent design work for the upper Buckaroo pump station. The cost estimates are conceptual-level, but should be considered accurate to within +35% / -25%. Pipeline and pump costs from the existing storage pond into the irrigation system have not been included in the estimates, as these facilities already are present. Details are described below.

**Pipeline**

The criteria used for determining pipeline diameter is a maximum pipeline velocity of about 6 feet per second. Based upon a peak flow rate of 9,500 gpm, a 24-inch pipeline diameter is recommended which will have a velocity of about 6.7 feet per second.

Estimates are based on utilizing 125 psi pressure class PVC pipe, although the actual pipe used for design could be steel, ductile iron, or PVC. Each pipe type has various advantages and disadvantages. For instance, PVC is corrosion resistant but lacks the strength of steel and ductile iron to withstand transient pressure conditions (i e., surge, water hammer). However, material costs for PVC are considerably lower than steel or ductile iron.

Pipeline costs will be influenced by excavation conditions. For the purpose of these cost estimates, I have assumed that the depth to bedrock is more than six feet so that no rock excavation will be necessary. Pipeline cost estimates were obtained from Boise area utility contractors.

The exact location of the pipeline alignment has not been determined, but three alternative locations are proposed. The alternatives are shown on Figure 1 and detailed below.

- Alternative 1 extends from the bend in the Buckaroo Ditch where the ditch turns away from the Hot Springs Road (in SENE Section 22, T7S, R6E) to the existing irrigation pond adjacent to your wells near the northwest corner of Section 23. The straight-line distance from this pump station to the storage pond is about 1,300 feet.

JUN 07 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

- Alternative 2 extends from the recently constructed pump station for the relocated Perkins Ranch pump located along Hot Springs Road to the existing irrigation pond. The straight-line distance for this option is about 2,300 feet

- Alternative 3 extends from the Bruneau River near Pence Hot Springs to the existing irrigation pond. The straight-line distance for this option is about 3,400 feet. The actual distance from Pence may be slightly more due to routing of the pipeline around the swampy area south of the lower Buckaroo pump station site.

Pipeline costs are detailed on Tables 1, 2, and 3. Included in the estimates are valves (air/vacuum, pressure relief, drainage, etc ), a small outlet structure, and miscellaneous appurtenances (drain access, surge control equipment).

**Pump Station**

A pump station cost estimate is provided in Table 4. A single estimate is provided. Pump station requirements for each pipeline alignment are similar, except that the pump station on the Bruneau River near Pence Hot Springs will not require an overflow weir. Vertical turbine pumps producing about 90 feet total head (75 feet lift, 15 feet friction loss) have been assumed for each pump station. Motors would be standard efficiency, and would include two 100 hp units and one 75 hp unit. Backup pumps have not been assumed in the cost estimates.

Each pump discharge would be equipped with a gate valve (for throttling), pump control valve (to reduce pipeline surge), check valve, air relief valve, and pressure relief valve. A single flow meter would be installed on the outlet side of the pump manifold.

The pump station is assumed to consist of a simple concrete inlet structure with trash rack, wet well for pumps, cyclone fencing for security, and outdoor electrical panels. An emergency overflow spillway would be constructed on the downstream side of a Buckaroo Ditch pump station. The spillway would spill excess ditch flows to waste in the event of a power outage or pump failure, and would also increase the water depth in the ditch adjacent to the pump station to provide increased submergence for the turbine pumps.

Electrical service (3-phase) is available within about 100 feet of each pump station site. I have talked to the Idaho Power representative for the area, Tim Nelson, regarding power availability. He said that they have sufficient capacity in the area to handle the increased load

**Recommendations**

Based upon pipeline cost, I would recommend pipeline alternative No. 1. This pipeline could be used to supply the existing Upper Ranch irrigation pond pumps for irrigation of the Perkins and Upper Ranches. At the same time, the existing Pence Hot Springs and upper Buckaroo pump station pumps could be used to supply the Flat Ranch irrigation system and/or the Upper Ranch pond. The lower and upper pump Buckaroo pump stations could both supply 3rd priority Buckaroo and 1993 priority Trust Water, depending upon where you planned to deliver the water at any time.

Under the scenario described above, you would have pumping capacity for (1) about 9.5 cfs (1,060 inches) to the Upper Ranch irrigation pond from the lower Buckaroo pump station, and (2) about 4.4

J 7 1995

cfs (220 inches) from the upper Buckaroo pump station and 2.5 cfs (125 inches) from the existing Pence Hot Springs pump station to the Flat Ranch irrigation system or Upper Ranch pond.

Note that if an irrigation rate of 6 gpm/acre is used rather than 9 gpm/acre (i.e., 1 inch/acre), a 20-inch pipeline and smaller pumps would be applicable. This would probably cut project costs by about 20 percent.

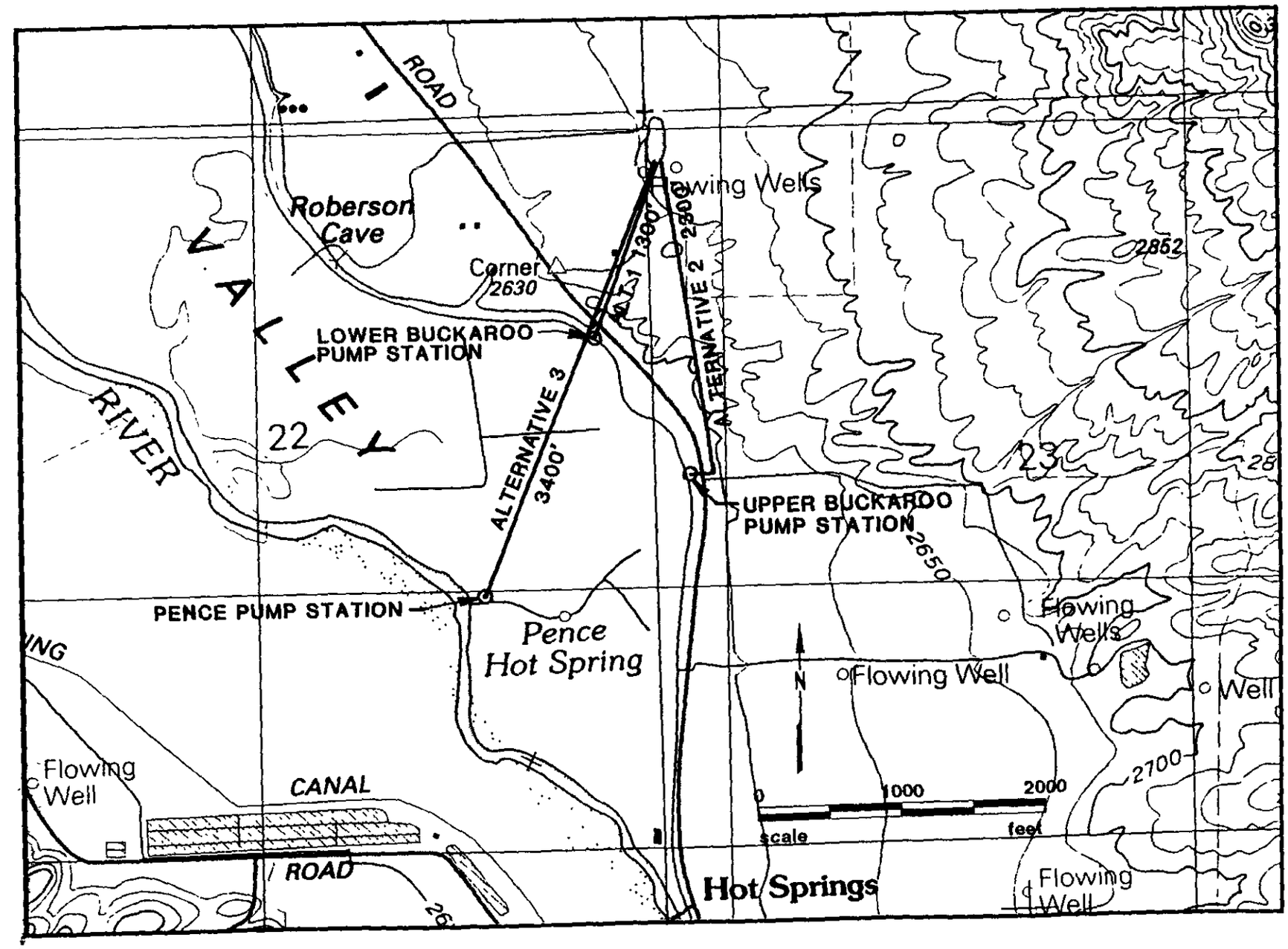
Please call me to discuss.

Sincerely,

Terry M. Scanlan, P.E.

Enclosures

JUN 07 1995




**PIPELINE ALTERNATIVES**
**FIGURE 1**

**TABLE 1**
**24-INCH PIPELINE COST ESTIMATE**
**FOR PUMP STATION AT THE DOWNSTREAM SITE ON BUCKAROO DITCH**

| Item | Units | Quantity | Unit Price | Total |
|---|---|---|---|---|
| 24-inch PVC pipe, 125 psi class (material) | L.F. | 1300 | 25.00 | $32,500 |
| Trenching/backfill/compact | L.F. | 1300 | 12.00 | $15,600 |
| Bedding | L.F. | 1300 | 3.00 | $3,900 |
| Outlet structure | lump sum | 1 | 2,000 | $2,000 |
| Valves (drains, air/vac, etc.) | lump sum | 1 | 15,000 | $15,000 |
| Misc appurtances | lump sum | 1 | 5,000 | $5,000 |
| Subtotal | | | | $74,000 |
| | | | | |
| Estimating and Construction Contingency @25% | | | | $18,500 |
| Construction Subtotal | | | | $92,500 |
| | | | | |
| Engineering and Inspection @ 10% | | | | $9,250 |
| | | | | |
| **Project Total** | | | | $101,750 |

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**TABLE 2**
**24-INCH PIPELINE COST ESTIMATE**
**FOR PUMP STATION AT THE UPSTREAM SITE ON BUCKAROO DITCH**

| Item | Units | Quantity | Unit Price | Total |
|---|---|---|---|---|
| 24-inch PVC pipe, 125 psi class (material) | L.F. | 2300 | 25.00 | $57,500 |
| Trenching/backfill/compact | L.F. | 2300 | 12.00 | $27,600 |
| Bedding | L.F | 2300 | 3.00 | $6,900 |
| Outlet structure | lump sum | 1 | 2,000 | $2,000 |
| Valves (drains, air/vac, etc.) | lump sum | 1 | 18,000 | $18,000 |
| Misc appurtances | lump sum | 1 | 7,500 | $7,500 |
| Subtotal | | | | $119,500 |
| | | | | |
| Estimating and Construction Contingency @15% | | | | $17,925 |
| Construction Subtotal | | | | $137,425 |
| | | | | |
| Engineering and Inspection @ 10% | | | | $13,743 |
| | | | | |
| **Project Total** | | | | $151,168 |

**TABLE 3**
**24-INCH PIPELINE COST ESTIMATE**
**FOR PUMP STATION ON BRUNEAU RIVER NEAR PENCE HOT SPRINGS**

| Item | Units | Quantity | Unit Price | Total |
|---|---|---|---|---|
| 24-inch PVC pipe, 125 psi class (material) | L.F. | 3400 | 25.00 | $85,000 |
| Trenching/backfill/compact | L.F. | 3400 | 12.00 | $40,800 |
| Bedding | L.F. | 3400 | 3.00 | $10,200 |
| Outlet structure | lump sum | 1 | 2,000 | $2,000 |
| Valves (drains, air/vac, etc.) | lump sum | 1 | 21,000 | $21,000 |
| Misc appurtances | lump sum | 1 | 10,000 | $10,000 |
| Subtotal | | | | $169,000 |
| Estimating and Construction Contingency @15% | | | | $25,350 |
| Construction Subtotal | | | | $194,350 |
| Engineering and Inspection @ 10% | | | | $19,435 |
| **Project Total** | | | | $213,785 |

07 1995

**TABLE 4**
**9,500 GPM PUMP STATION COST ESTIMATE**

| Item | Quantity | Unit Price | Total |
|---|---|---|---|
| 14-inch pump, 3,500 gpm, 90' TDH, | 2 | 3,000 | $6,000 |
| 14-inch pump, 2,500 gpm, 90' TDH | 1 | 2,500 | $2,500 |
| 100 h.p hollow-shaft motor - 3 phase, 460V | 2 | 4,000 | $8,000 |
| 75 h.p hollow-shaft motor - 3 phase, 460V | 1 | 3,000 | $3,000 |
| 10 feet water lube pump column | 3 | 500 | $1,500 |
| Strainer | 3 | 150 | $450 |
| Line-shaft discharge head | 3 | 1,500 | $4,500 |
| Electrical panels and miscellaneous electrical | 1 | 8,000 | $8,000 |
| Transformer | 1 | 10,000 | $10,000 |
| Pump control valves | 3 | 2,000 | $6,000 |
| Throttling valves (butterfly) | 3 | 800 | $2,400 |
| Pressure relief valves | 3 | 1,200 | $3,600 |
| Air/Vac valves | 3 | 250 | $750 |
| Check valves | 3 | 750 | $2,250 |
| Flow meter | 1 | 1,500 | $1,500 |
| Miscellaneous piping | 1 | 5,000 | $5,000 |
| Pressure Filters | 3 | 2,000 | $6,000 |
| Pump Station - civil and structural | 1 | 25,000 | $25,000 |
| Overflow Weir (Buckaroo Ditch site) | 1 | 20,000 | $20,000 |
| 3-Phase Power, per foot | 100 | 6 | $600 |
| Subtotal | | | $117,050 |
| Construction contingency @15% | | | $17,558 |
| Construction Subtotal | | | $134,608 |
| Engineering @ 10% | | | $13,461 |
| **Project Total** | | | **$148,068** |

JUN 07 1995

RECEIVED
MAY 19 1994
Department of Water Resources

RECEIVED
MAY 17 1994
WATER RESOURCES
WESTERN REGION

F&M BANK

FARMERS & MERCHANTS BANK
23772 Rockfield Blvd. • El Toro • CA • 92630
714 • 855 • 8221

*STRONG • CONSERVATIVE • FRIENDLY*

May 12, 1994

David Tuthill
Dept of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Application #51-7346 Financial Responsibility

Dear Mr. Tuthill:

Please be advised that Richard L. Owen is financially responsible and capable to complete the work of construction in connection with the above application for water use permit. Mr. Owen has been well know to our Bank for some 35 years. He is a very well thought of customer.

Sincerely,

Lee E. Drocco
Senior Vice President & Manager

CC Scott Campbell
Elam & Burke
Attorneys At Law
702 West Idaho
PO Box 1539
Boise, Id 83701

JUN 07 1995

Protested App File
No. 51-7346

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | MOTION FOR ISSUANCE OF SUBPOENA |

Owen Family Revocable Trust A, by and through its attorneys, Elam & Burke, P.A., hereby moves the Director of the Department of Water Resources for the State of Idaho to issue the attached subpoena in the above captioned matter pursuant to IDAPA 37.01.01 525.

DATED this 12th day of May, 1994.

Scott L. Campbell

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | SUBPOENA TO APPEAR BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES |

TO: STEPHEN W. LIPSCOMB, USGS

You are hereby commanded to appear before the Department of Water Resources of the above-entitled action at the Elmore County Courthouse, 150 S. Fourth Street East, Mountain Home, Idaho, on the 1st day of June, 1994, at 10:00 a.m., as a witness in the above-entitled action.

Dated this 12th day of May, 1994.

By Order of the Department of Water Resources for the State of Idaho.

David L. Tuthill Jr.
State of Idaho Department of Water Resources

1995

P 311 576 307

**Receipt for Certified Mail**

No Insurance Coverage Provided

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

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Addressee's Addres | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article

3 If you want a return receipt write the certified mail number and your name and address on a return receipt card Form 3811, and attach it to the front of the article by means of the gummed ends if space permits Otherwise, affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make inquiry

U S GPO 1991—302 916

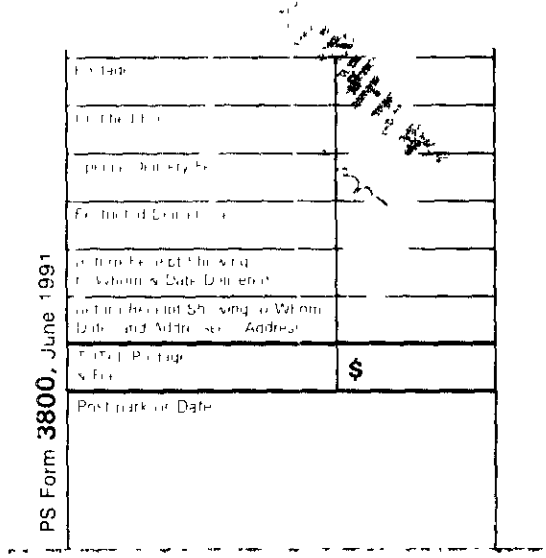
PS Form **3800**, June 1991 *(Reverse)*

P 311 576 306

**Receipt for Certified Mail**

No Insurance Coverage Provided

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

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6. Save this receipt and present it if you make inquiry.

US GPO 1991—302 916

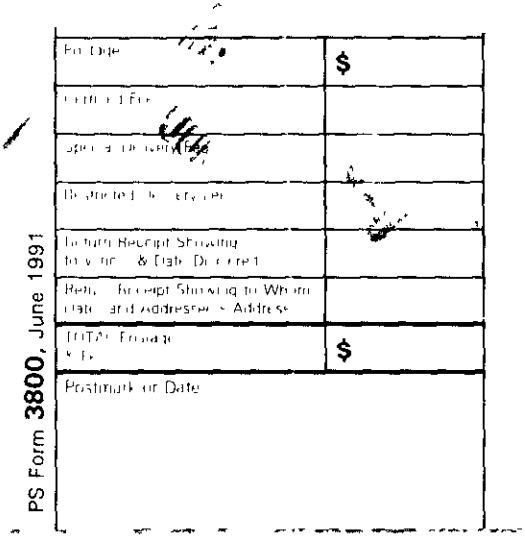
PS Form **3800**, June 1991 *(Reverse)*

P 344 576 305

**Receipt for Certified Mail**

No Insurance Coverage Provided

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office *service window or hand it to your rural carrier* (no extra charge)

2. If you do not want *this receipt postmarked*, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article

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5. Enter fees for the services requested in the appropriate spaces on the front of *this receipt*. *If* return receipt *is requested, check the applicable* blocks in item 1 of Form 3811.

6. Save this receipt and present it if *you make inquiry*.

U.S. GPO: 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 311 576 304

**Receipt for Certified Mail**
No Insurance Coverage Provided

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

JUN 07 1995

| | |
|---|---|
| Postage | |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Address of Addressee | |
| TOTAL Postage & Fees | $1.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO *ARTICLE TO COVER* FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at *a post office service window* or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the *article*

3. If you want a return receipt, write the certified mail number and your name *and address on a* return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. *If return receipt is requested* check the applicable blocks in item 1 of Form 3811.

6. *Save this receipt* and present it if you make inquiry.

U.S. GPO: 1991—302-916

PS Form **3800**, June 1991 *(Reverse)*

P 344 576 403

**Receipt for Certified Mail**
No Insurance Coverage Provided

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ 2.27 |
| Postmark or Date | |

NOV 2 1998

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991—302-916

PS Form **3800**, June 1991 *(Reverse)*

P 311 576 302

**Receipt for Certified Mail**
No Insurance Coverage Provided

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Addressee's Address | |
| TOTAL Postage & Fee | $ |
| Postmark or Date | |

PS Form 3800, June 199

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to *the right of* the return address leaving the article and present the article at a post office *service window* or hand it to your mail carrier (for extra charge)

   If you do not want this receipt postmarked, stick the gummed stub to *the right of* the return address of the article, detach and retain the receipt, and mail the article

3. If you want a return receipt, *write the* certified mail number and your name and *address on a* return receipt card, Form 3811, *and attach* it to the front of the article by means of *the gummed* ends if space permits. Otherwise, *affix to back of* article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the *number*.

4. If you want delivery restricted to *the addressee*, or to an authorized agent of the addressee, *endorse* **RESTRICTED DELIVERY** on *the front of* the article.

5. Enter fees for the services requested in *the appropriate spaces* on the front of this receipt. If *return receipt* is requested, check the applicable *blocks in item* 1 of Form 3811.

6. Save *this* receipt and present it if you make inquiry.

U.S. GPO: 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 311 576 301

**Receipt for Certified Mail**
No Insurance Coverage Provided

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ 2.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1 If you want this receipt postmarked, stick *the gummed stub to the right* of the return address leaving the receipt *attached and present* the article at a post office service window or hand it to *your rural carrier* (no extra charge)

2 If you do not want this receipt postmarked *stick the gummed* stub to the right of the return address of *the article, date detach* and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number *and your name and address on a* return receipt card Form 3811, and *attach it to the front* of the article by means of the gummed ends if *space permits* Otherwise affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery *restricted to the addressee*, or to an authorized agent of the addressee, *endorse* **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the *appropriate spaces on the* front of this receipt If return receipt is requested, *check the applicable* blocks in item 1 of Form 3811

6 Save this receipt and present it if you make inquiry

- U S GPO 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 311 576 300

**Receipt for Certified Mail**

No Insurance Coverage Provided

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Address of Delivery | |
| TOTAL Postage & Fees | $ 2.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you *want this receipt* postmarked, stick the gummed stub to the right of the *return address* leaving *the receipt* attached and present the article at a post office service window *or hand it to your rural carrier* (no extra charge)

2. If you do not want this receipt postmarked, stick *the gummed* stub to the right of the return address of the article, date, detach and *retain the receipt*, and mail the article

3. If you want a return *receipt, write the certified* mail number and your name and address on a return receipt card *Form 3811* and attach it to the front of the article by means of the gummed ends if *space permits*. Otherwise affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, *or to an authorized* agent of the addressee, endorse **RESTRICTED DELIVERY** on the *front of the article*.

5. Enter fees for the services *requested* in the appropriate spaces on the front of this receipt. If return receipt is requested, *check* the applicable blocks in item 1 of Form 3811.

6. *Save this receipt* and present it if you make inquiry.

- U.S. GPO: 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 366 576 299



**Receipt for Certified Mail**

No Insurance Coverage Provided

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER *FIRST CLASS POSTAGE*, CERTIFIED MAIL FEE, AND CHARGES FOR ANY *SELECTED OPTIONAL* SERVICES (see front)**

1 If you want this receipt *postmarked, stick the* gummed stub to the right of the return address leaving the receipt *attached and present* the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed *stub to the right* of the return address of the article date, detach and retain *the receipt, and mail the article*

3 If you want a return *receipt, write the certified* mail number and your name and address on a return receipt *card, Form* 3811 and attach it to the front of the article by means of the gummed *ends if space permits* Otherwise affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee *or to an authorized* agent of the addressee, endorse **RESTRICTED *DELIVERY*** *on the* front of the article

5 *Enter fees for the services* requested in the appropriate spaces on the front of this receipt *If return receipt* is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make inquiry

U S GPO 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 366 576 297

# Receipt for Certified Mail

No Insurance Coverage Provided

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ 3.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1 If you want this receipt postmarked, *stick the gummed* stub to the right of the return address leaving the receipt *attached and present* the article at a post office service window or hand it to your rural carrier *(no extra charge)*

2 If you do not want this receipt postmarked stick the gummed stub to *the right of the return* address of the article date, detach and retain the receipt, *and mail the article*

3 If you want a return receipt *write the certified mail* number and your name and address on a return receipt card *Form 3811, and* attach it to the front of the article by means of the gummed ends *if space permits* Otherwise, affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or *to an authorized* agent of the addressee, endorse **RESTRICTED DELIVERY** on *the front of the* article

5 Enter fees for *the services* requested in the appropriate spaces on the front of this receipt If *return receipt is* requested check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make inquiry

U S GPO 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 311 576 298

**Receipt for Certified Mail**

No Insurance Coverage Provided

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Address of Delivery | |
| TOTAL Postage & Fees | $ 2 29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt *postmarked*, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991—302-916

PS Form **3800**, June 1991 *(Reverse)*

51-7346

**SENDER**

- Complete items 1 and or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

FRANK L. BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO.
HC 85 BOX 881
BRUNEAU ID 83604

4a Article Number

P 311 576 306

4b Service Type

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5 7 94

5 Signature - Addressee

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

To receive RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE






Official Business

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

RECEIVED

MAY 10 1994

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

51-7346

**SENDER:**

- Complete items 1 and or 2 for additional services
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

4a Article Number

P 811 576 304

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☑ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery 5-9-94

8 Addressee's Address (Only if requested and fee is paid)

5 Signature (Addressee)

6 Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service

For your RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE

Official Business

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

U.S. MAIL

RECEIVED
MAY 10 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

51 7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

4a. Article Number
P 311 576 303

4b. Service Type
☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
5-9-94

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 *U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE

Official Business

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

U.S.MAIL

RECEIVED
MAY 10 1994
WATER RESOURCES
WESTERN REGION

JUN 07 1995

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER:**
- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

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

4a Article Number
P 311 576 307

4b Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery
5-9-94

5 Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)
X Becky Chamness

PS Form 3811, December 1991 ☆US GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return

UNITED STATES POSTAL SERVICE

Official Business

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

U.S.MAIL

RECEIVED

MAY 10 1994

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

4a Article Number

P 311 576 299

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery 5-9-94

5 Signature (Addressee)

Mabel A. Johnson

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 ☆US GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt

UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE $300

U.S.MAIL

RECEIVED
MAY 10 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

51 2346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

4a Article Number
P 311 576 300

4b Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery
5/24/91

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Re

UNITED STATES POSTAL SERVICE

Official Business

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

U.S. MAIL

RECEIVED
MAY 10 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
[illegible] PORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER**

- Complete items 1 and or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

4a Article Number

P 311 576 288

4b Service Type

☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-9-94

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆U.S. GPO: 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service

3. ARTICLE ADDRESSED TO YOUR HELL... (ADDRESS completed on the reverse side)

UNITED STATES POSTAL SERVICE

Official Business

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

U.S.MAIL

RECEIVED
MAY 10 1994
WATER RESOURCE
WESTERN

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

06

SL 7346

**SENDER**

- Complete items 1 and/or 2 for additional services
- Complete items 3 and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

4a. Article Number P 311 576 301

4b. Service Type

- ☐ Registered
- ☐ Insured
- ☑ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

7. Date of Delivery 3-9-94

5. Signature (Addressee)

6. Signature (Agent) X Evelyn Flamm

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service

Is your RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE

Official Business

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

U.S. MAIL

RECEIVED
MAY 10 1994
WATER RESOURCES
WESTERN REGION

Print your name, address, and ZIP Code here

DEPARTMENT OF WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) | NOTICE OF HEARING |

On September 14, 1993, Richard Owen, Trustee of Owen Family Revocable Trust filed with the Department of Water Resources (Department) application for permit no. 51-7346. The application was protested by persons listed below. The conference held by the Department on May 3, 1994, did not resolve the matter of protest.

The Department has scheduled the matter for a hearing to be held on Wednesday, June 1, 1994, at 10:00 a.m. at the Elmore County Courthoue, 150 S. 4th St. E., Mountain Home, Idaho 83647. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Water Appropriation Rules 40 and 45. The presiding officer at the hearing will be Norman C. Young.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 6th day of May, 1994.

David R. Tuthill

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 6th day of May, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor

Sue Taylor
Secretary, Office Coordinator



JUN 07 1994

Certified Mail

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

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

Non-Certified Mail

SCOTT CAMPBELL ESQ
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706



JUN 6 - '95

## CONFERENCE AND HEARING PROCEDURE

## APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1) Will the proposed appropriation injure other water rights?

2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?

3) Was the application made in good faith or for delay or speculative purposes?

4) Does the applicant have sufficient financial resources with which to complete the proposed project?

5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?

6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

**BURDEN OF PROOF**

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

**PROCEDURE**

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

**CONFERENCE**

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JUN 07 1995

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

**HEARING**

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

**EXHIBITS**

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

**AMERICANS WITH DISABILITIES ACT**

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.



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MAY 0 6 1994
WATER RESOURCES
WESTERN REGION

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

May 5, 1994

David R. Tuthill, Jr., Manager
Department of Water Resources
State of Idaho
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Trust Water Application for Owen Ranches Water Permit No. 51-07346

Dear David:

Pursuant to my comments at the prehearing conference, conducted at Mountain Home, Idaho on May 3, 1994, I am providing you with the available dates for scheduling a formal hearing concerning the above-referenced matter. I would like to request that a hearing be scheduled on either June 1 or 2, 1994, or June 14, 15, or 16, 1994. Any of those five days would be acceptable.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC:ma

cc: Mr. Richard L. Owen
Mr. Terry Scanlan

JUN 07 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 4, 1994

SCOTT CAMPBELL ESQ
ELAM & BURKE
702 W IDAHO ST
BOISE ID 83702

Re: Application for Permit # 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Campbell:

Enclosed are copies of the protests against the above-referenced application.

Sincerely,

Sue Taylor

Sue Taylor
Secretary, Office Coordinator

Encl.

JUN 07 1995

**ROSTER OF ATTENDANCE**

**IDAHO DEPARMENT OF WATER RESOURCES**
**2735 Airport Way, Boise, ID 83705**

**Re: Applicant:** Owen Family Revocable Trust A **WR #** 51-7346

**Place:** Elmore County Courthouse, Commissioners' Room, Mtn. Home, Id

**Date:** April 28, 1994

**Conducted by:** David R. Tuthill, Jr., P.E.

| **NAME** | **ADDRESS** | |
|---|---|---|
| Richard L. Owen | PO 590 | Bruneau, Id 83604 |
| Scott L. Campbell | P.O Box 1539 | Boise, Idaho 83701 |
| Terry M. Scanlan | 600 E. River Park Lane #105, | Boise, ID 83706 |
| FRANK L. BACHMAN | P.O. BOX 186 | BRUNEAU, ID. 83604 |
| George Turner | [illegible] | [illegible] |
| Terry Black | HCSS Box 100 | Bruneau id 83604 |
| Vic CONRAD | P.O. Box 27 | Boise, ID 83707 |
| GRAY YOUNG | P.O. BOX 27 | BOISE, ID 83707 |

JUN [illegible]

## Summary of Owen Ranches Application for Permit No. 51-7346

The purpose of this application is to utilize Bruneau River floodwaters to irrigate a portion of Owen Ranches presently irrigated by wells. Use of Bruneau River water (when available in spring and early summer) will be supplemental to the existing groundwater supply for these lands and will reduce the annual usage of groundwater on these lands.

The application asks for one inch per acre of irrigated land for a total of 1,061 inches. The lands to be irrigated by this water are part of the Perkins, Upper, and Flat Ranch units of Owen Ranches.

The water will be pumped to the place of use from either the Bruneau River (near Pence Hot Springs) or from the Buckaroo Ditch. The Buckaroo Ditch site would be preferable because it would reduce the amount of pipeline required. However, negotiating permission from the Buckaroo Ditch Company to use the ditch as part of this system may be difficult. In the event that permission cannot be obtained from the Buckaroo Ditch Company, the water will be pumped from the river.

The water right permit would have a 1993 priority. When water is available to fill this permit, flows in the Bruneau River would be reduced by up to 1,061 inches to fill this permit. When Bruneau River flows drop to the level where water is no longer available to fill 1993 priority water rights, diversions for this permit will cease.

Reducing groundwater usage on the 1,061 acres in question should have a beneficial effect on local groundwater levels and spring flows. Increasing aquifer water levels or discharge rates from springs through reduced consumption of groundwater should also reduce the likelihood of eventual curtailment of Bruneau area groundwater pumping by IDWR.

Attached are the following

(1) a copy of the application

(2) an analysis of the availability of water to fill this application

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## Analysis of Water Availability from the Bruneau River

Snake River Basin adjudication claims with points of diversion located on the Bruneau River between the Hot Springs gage and C.J. Strike total about 255 cfs (see attached table) We expect that portions of some claims will be disallowed as part of the adjudication. Several small claims are probably for winter stockwater and will not impact the availability of water for irrigation Return flow to the river probably satisfies some of the lower river diversion requirements. As a result, sufficient water should be available for 1993 priority diversion when flow exceeds about 225 cfs at the Hot Springs gage.

Bruneau River flows were determined by evaluation of monthly flow duration curves obtained from the USGS for the Bruneau River at the Hot Springs gage. The flow duration curves are statistical analyses of flow data for the years 1909 though 1915 and 1944 through 1992 (data and curve for month of July are attached as an example).

- The curves suggest that during an "average" year the flow will exceed 225 cfs for about 36 percent of the year. Historically, flows have exceeded 225 cfs for 56 percent of the days in March, 93 percent of the days in April, 99 percent of the days in May, 94 percent of the days in June, 44 percent of the days in July, 4 percent of the days in August, 0.4 percent of the days in September, and 0.6 percent of the days in October. Thus, river flows will exceed 225 cfs in an "average" year for about half of the months of March and July, and nearly all of the months of April, May, and June.

- Similarly, if we were to assume that all 255 cfs of the adjudication claims must be filled plus the 21 cfs for the proposed permit, then 276 cfs flow would be required at the Hot Springs gage. The flow duration curves suggest that during an "average" year the flow at the Hot Springs gage will exceed 276 cfs for about 32 percent of the year. Historically, flows have exceeded 276 cfs for 44 percent of the days in March, 86 percent of the days in April, 98 percent of the days in May, 92 percent of the days in June, and 35 percent of the days in July. Thus, Bruneau River water should be available for 1993 priority rights until about the second week of July during most years.

- If the adjudication court does not recognize flood water claims as valid water rights, then the irrigation season for a 1993 claim will increase. For instance, at least 75 cfs of the adjudication claims are for flood water rights. Assuming an additional 25 cfs of the claims are not recognized in the adjudication for one reason or another, or that some of the claims are filled by return flows, then river flows in excess of about 155 cfs at the Hot Springs gage will be needed to supply a 1993 claim. Flow at the Hot Springs Bridge has exceeded 155 cfs for about 65 percent of the July days on record. Therefore, removing floodwater claims would increase the irrigation seaon for a 1993 priority right into the third week of July during an "average" year.

JUN 07 1995

225 cfs river

Shil

| Claim No. | CFS | Owner |
|---|---|---|
| 00002 | 10 960 | Buckaroo |
| 00003 | 20 000 | Buckaroo |
| 00005 | 16 400 | Buckaroo |
| 00006 | 12 240 | South Side |
| 00007 | 1 920 | South Side |
| 00008 | 9 840 | South Side |
| 00009 | 7.000 | Hot Springs |
| 00010 | 3 000 | Hot Springs |
| 00011 | 4.000 | Hot Springs |
| 00012 | 1 200 | Owen |
| 00013 | 0 100 | Owen |
| 00014 | 0 200 | Owen |
| 00015 | 0.700 | Agenbroad |
| 00016 | 0 200 | Agenbroad |
| 00017 | 0 300 | Agenbroad |
| 00018 | 0 500 | Hall |
| 00019 | 0 100 | Hall |
| 00020 | 0 400 | Hall |
| 00021 | 0 140 | Hall |
| 00022 | 1 100 | Hall |
| 00023 | 0 460 | Hall |
| 00024A | 0 500 | Gennette |
| 00024B | 0 240 | Idaho |
| 00025A | 0 100 | Gennette |
| 00025B | 0 050 | Idaho |
| 00026A | 0 200 | Gennette |
| 00026B | 0 100 | Idaho |
| 00027A | 1 690 | Idaho |
| 00027B | 2.140 | Black |
| 00028A | 0 620 | Idaho |
| 00028B | 0 770 | Black |
| 00029A | 0 460 | Idaho |
| 00029B | 0.580 | Black |
| 00030 | 2 000 | Black |
| 00031 | 1 300 | Owen |
| 00032 | 0 700 | Owen |
| 00033 | 0 800 | Owen |
| 00034A | 3 070 | Owen |
| 00034B | 0 230 | Idaho |
| 00035A | 1 860 | Owen |
| 00035B | 0 140 | Idaho |
| 00036A | 3 350 | Owen |
| 00036B | 0 250 | Idaho |
| 00037 | 0 700 | Urquidi |
| 00042A | 0 210 | Idaho |
| 00042B | 0 350 | Prow |
| 00042C | 0 440 | Turner |
| 00043A | 0 470 | Idaho |
| 00043B | 0 780 | Prow |
| 00043C | 0 950 | Turner |
| 00044A | 0 280 | Idaho |
| 00044B | 0 450 | Prow |
| 00044C | 0 570 | Turner |
| 00045A | 0 210 | Idaho |
| 00045B | 0 350 | Prow |

JUN 07 2005

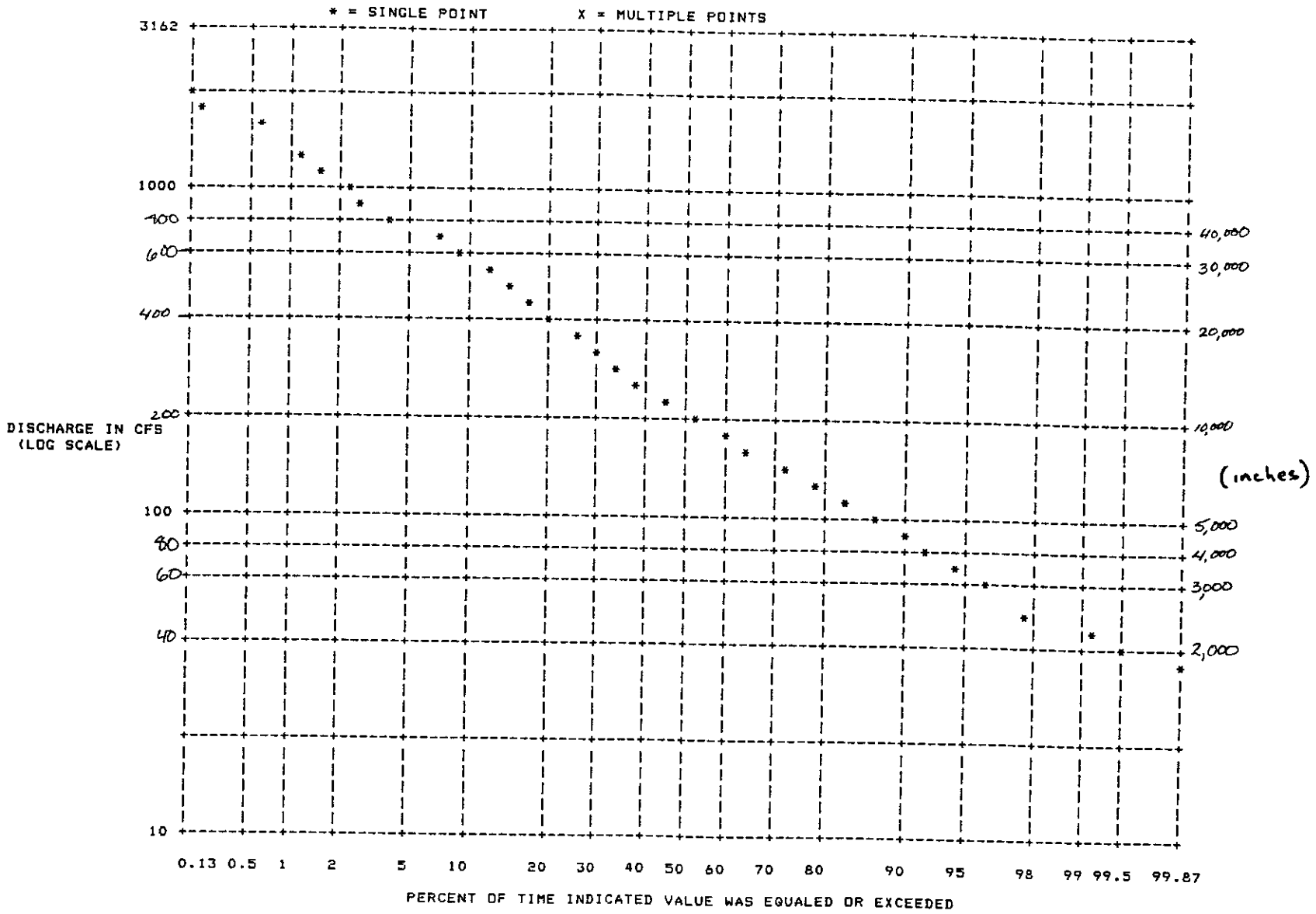
| Claim No. | CFS | Owner |
|---|---|---|
| 00045C | 0 440 | Turner |
| 00046 | 1 400 | Turner |
| 00047 | 0 300 | Turner |
| 00048 | 0 200 | Turner |
| 00049 | 0 200 | Turner |
| 00053A | 0 190 | Idaho |
| 00053B | 0 410 | Prow |
| 00060 | 0 900 | Johnson |
| 00061 | 0 400 | Johnson |
| 00062 | 0 300 | Johnson |
| 00066 | 0 800 | Idaho |
| 00067 | 0 500 | Idaho |
| 00068A | 0 480 | Owen |
| 00068B | 0 320 | Idaho |
| 02133 | 7 080 | Owen |
| 04096 | 24 000 | South Side |
| 10169 | 0 240 | Idaho |
| 10218 | 0 100 | Idaho |
| 10219 | 0 580 | Idaho |
| 10225 | 0 160 | Idaho |
| 10235 | 0 200 | Prow |
| 10236 | 1 220 | Prow |
| 10237 | 0 340 | Prow |
| 10251 | 0 140 | Urquidi |
| 10252 | 3 200 | Black |
| 10253 | 0 140 | Urquidi |
| 10254 | 0 570 | Hot Springs |
| 10255 | 5 920 | Hot Springs |
| 10256 | 4 410 | Hot Springs |
| 10257 | 4 880 | Hot Springs |
| 10258 | 0 920 | Hot Springs |
| 10259 | 0 900 | Hot Springs |
| 10260 | 4 940 | Hot Springs |
| 10261 | 1 180 | Hot Springs |
| 10262 | 14 000 | Hot Springs |
| 10266 | 4 760 | Turner |
| 10270 | 3 580 | Prow |
| 10271 | 30 000 | Buckaroo |
| 10277 | 0 230 | Owen |
| 10278 | 0 230 | Owen |
| 10279 | 0 230 | Owen |
| 10341 | 10 AFA | Idaho |
| 10350 | 13 540 | Buckaroo |
| 10351 | 1 600 | Buckaroo |
| 10671 | 0 550 | USDI |
| 10672 | 0 550 | USDI |
| 12214 | 0 160 | USDI |
| Total | 255.060 | |

Decreed rights 38-41, 50-52, 54-59 and 63-65 (15 10 cfs total) are not listed on the water masters report Most of these rights irrigated lands inundated by Strike Reservoir Some others (i e , 39, 40, 63, and 64) have been changed by transfers and are included in 40350 and 10351



JUN 07 1995

LOG-NORMAL DURATION PLOT FOR MONTH OF JULY (YEARS 1909 - 1992)
STATION ID: 13168500 BRUNEAU RIVER NR HOT SPRING ID
STATISTIC CODE - 00003 MEAN




JUN 07 1995

STATION ID - 13168500
BRUNEAU RIVER NR HOT SPRING ID
PARAMETER CODE - 00060 DISCHARGE
STATISTIC CODE - 00003 MEAN

| CLASS | VALUE | TOTAL | ACCUM | PERCT | CLASS | VALUE | TOTAL | ACCUM | PERCT | CLASS | VALUE | TOTAL | ACCUM | PERCT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 0.00 | 0 | 1705 | 100.00 | 13 | 138.00 | 117 | 1222 | 71.67 | 25 | 578.00 | 42 | 200 | 11.73 |
| 2 | 37.00 | 8 | 1705 | 100.00 | 14 | 155.00 | 102 | 1105 | 64.81 | 26 | 651.00 | 46 | 158 | 9.27 |
| 3 | 42.00 | 6 | 1697 | 99.53 | 15 | 175.00 | 119 | 1003 | 58.83 | 27 | 734.00 | 43 | 112 | 6.57 |
| 4 | 47.00 | 23 | 1691 | 99.18 | 16 | 197.00 | 113 | 884 | 51.85 | 28 | 827.00 | 24 | 69 | 4.05 |
| 5 | 53.00 | 33 | 1668 | 97.83 | 17 | 222.00 | 96 | 771 | 45.22 | 29 | 932.00 | 10 | 45 | 2.64 |
| 6 | 60.00 | 30 | 1635 | 95.89 | 18 | 250.00 | 96 | 675 | 39.59 | 30 | 1050.00 | 10 | 35 | 2.05 |
| 7 | 67.00 | 39 | 1605 | 94.13 | 19 | 282.00 | 85 | 579 | 33.96 | 31 | 1180.00 | 6 | 25 | 1.47 |
| 8 | 76.00 | 39 | 1566 | 91.85 | 20 | 318.00 | 63 | 494 | 28.97 | 32 | 1330.00 | 10 | 19 | 1.1 |
| 9 | 85.00 | 58 | 1527 | 89.56 | 21 | 358.00 | 79 | 431 | 25.28 | 33 | 1500.00 | 6 | 9 | 0.5 |
| 10 | 96.00 | 61 | 1469 | 86.16 | 22 | 404.00 | 53 | 352 | 20.65 | 34 | 1690.00 | 1 | 3 | 0.18 |
| 11 | 108.00 | 82 | 1408 | 82.58 | 23 | 455.00 | 52 | 299 | 17.54 | 35 | 1910.00 | 2 | 2 | 0.12 |
| 12 | 122.00 | 104 | 1326 | 77.77 | 24 | 513.00 | 47 | 247 | 14.49 | | | | | |

JUN 07 1995

DURATION CURVE STATISTICAL CHARACTERISTICS FOR ...
STATION ID: 13168500 BRUNEAU RIVER NR HOT SPRING ID
PARAMETER CODE = 00060
STATISTIC CODE - 00003 MEAN

DURATION DATA VALUES ARE INTERPOLATED FROM DURATION TABLE:
DATA ARE NOT ANALYTICALLY FITTED TO A PARTICULAR STATISTICAL DISTRIBUTION,
AND THE USER IS RESPONSIBLE FOR ASSESSMENT AND INTERPRETATION.

ADDITIONAL CONDITIONS FOR THIS RUN ARE:
STATISTICS ARE BASED ON LOGARITHMS (BASE 10).
NUMBER OF VALUES IS REDUCED FOR EACH NEAR-ZERO OR ZERO VALUE.

NUMBER OF VALUES = 19 (NUMBER OF NEAR-ZERO VALUES = 0)
LISTING OF DATA FOLLOWS:

| PERCENT OF TIME VALUE EQUALED OR EXCEEDED | DATA VALUE | |
|---|---|---|
| 95.0 | 63.6 | (LOG = 1.80317) |
| 90.0 | 83.3 | (LOG = 1.92048) |
| 85.0 | 99.9 | (LOG = 1.99950) |
| 80.0 | 115.5 | (LOG = 2.06263) |
| 75.0 | 129.3 | (LOG = 2.11149) |
| 70.0 | 142.1 | (LOG = 2.15272) |
| 65.0 | 154.5 | (LOG = 2.18901) |
| 60.0 | 171.1 | (LOG = 2.23319) |
| 55.0 | 187.1 | (LOG = 2.27199) |
| 50.0 | 204.0 | (LOG = 2.30956) |
| 45.0 | 223.1 | (LOG = 2.34849) |
| 40.0 | 248.0 | (LOG = 2.39438) |
| 35.0 | 276.1 | (LOG = 2.44104) |
| 30.0 | 310.6 | (LOG = 2.49218) |
| 25.0 | 360.8 | (LOG = 2.55722) |
| 20.0 | 414.6 | (LOG = 2.61761) |
| 15.0 | 503.2 | (LOG = 2.70177) |
| 10.0 | 629.3 | (LOG = 2.79884) |
| 5.0 | 791.9 | (LOG = 2.89864) |

MEAN OF LOGS = 2.33178

STANDARD DEVIATION OF LOGS = 0.29786 (VARIABILITY INDEX - SEE USGS WSP 1542-A)

COEFFICIENT OF VARIATION = 0.12774

COEFFICIENT OF SKEW = 0.19072

Owen Family Revocable Trust A
Conference Re: App for Permit No. 51-7346
Notes by D. Tuthill

Present:

Mr & Mrs Owen ; Scott Campbell ; Terry Scanlin

Protestants:

J.R. Simplot ( Frank Bachman , Vic Conrad)
Bruneau Buckaroo Ditch (Frank Bachman)
George Turner
Terry Black

→ Correct the app to show p/a.

Frank Backman

- Concerned about position of flood right
- Concerned about location of diversion point
- Flood right is very necessary

→ Copies of Protests to Scott Campbell
Change Scott's Address

Set hearing

JUN 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | NOTICE OF CONFERENCE |

On September 14, 1993, Richard Owen, Trustee of Owen Family Revocable Trust filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the persons on the attached list.

The Department has set the matter of protest for a conference to be held on Tuesday, May 3, 1994, at 10:00 a.m., in the commissioners room of the Elmore County Court House, 150 S. 4th St. E., Mountain Home, Idaho 83647. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 22nd day of April, 1994.

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

JUN 07 1995

I hereby certify that on the 22nd day of April, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Secretary

Certified Mail

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

✓ FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

✓L FRANK DAVIS
HC 85 BOX 179
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✓ GENE DAVIS
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✓ ALBERT &/OR ASA BLACK
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✓VIC CONRAD
SIMPLOT LAND & DEV
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✓MABEL JOHNSON
JOHNSON RANCH
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ELAM & BURKE
PO BOX 1539
BOISE ID 83701

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

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**CONFERENCE AND HEARING PROCEDURE**

**APPLICATION FOR PERMIT**

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The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

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JUN 07 1995

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JUN 07 1995

P 311 574 609

**Receipt for Certified Mail**

No Insurance Coverage Provided

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO 1991—302 916

P.S. Form 3800, June 1988

P 313 579 608

**Receipt for Certified Mail**

No Insurance Coverage Provided

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Address of Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form 3800, June 1991

affix **POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

If you do not want this receipt postmarked *stick the gummed stub to the right of the return address* of the article and present *the article* at a post office service window or hand it to your mail carrier for postmarking

If you want this receipt postmarked *stick the gummed stub to the right of the return* address of the article, detach and retain *the receipt and mail the article*

If you want a return receipt *write the certified mail number and your name and address on a* return receipt card, Form 3811, and attach it to the *front of the article* by means of the gummed ends if space permits. Otherwise affix to back of article. Endorse *front of article* **RETURN RECEIPT REQUESTED** adjacent to the number.

If you *want delivery* restricted to the addressee, or to an *authorized agent of the* addressee endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for *the services requested* in the appropriate spaces on *the front of this receipt*. If return receipt is *requested, check* the applicable blocks in item 1 of Form 3811.

6. Save this receipt and *present it if you make inquiry.*

US GPO 1991- 102 916

PS Form 3800, June 1991

P 311 579 610

**Receipt for Certified Mail**
No Insurance Coverage Provided

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Address of Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

JUN 07 1995

PS Form **3800**, June 1991

**STICK *POSTAGE STAMPS* TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post *office service window or hand* it to your rural carrier (no extra charge)

2. If *you do not want* this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, *and attach it to the front of the* article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent *of the addressee endorse* **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees *for the services requested* in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991—302-916

PS Form 3800, June 1991 (Rev. 5-91)

P 311 579 607



**Receipt for Certified Mail**

No Insurance Coverage Provided

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991—302 916

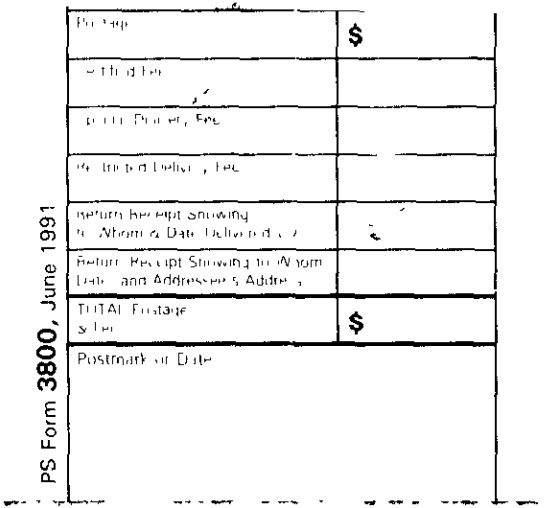
PS Form **3800**, June 1991 (Reverse)

P 344 579 605

**Receipt for Certified Mail**

No Insurance Coverage Provided

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO 1991—302 916

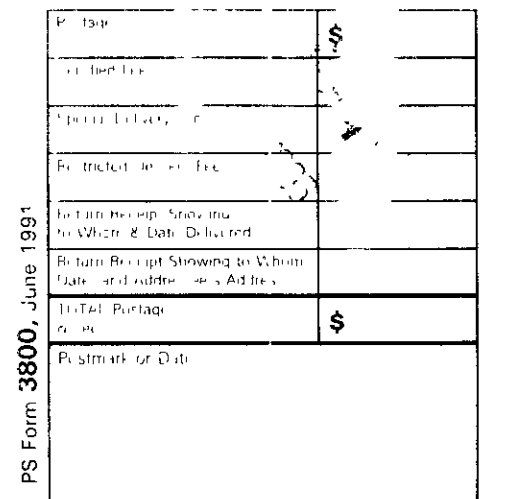
PS Form 3800

P 311 579 606

**Receipt for Certified Mail**

No Insurance Coverage Provided

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your mail carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO 1991—302 916

PS Form 3800, June 1991 (Reverse)

P 311 579 614

**Receipt for Certified Mail**

No Insurance Coverage Provided

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form 3800, June 1991

**POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want a return receipt postmarked stick the gummed stub to the right of the return address of the card. Present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want a return receipt postmarked stick the gummed stub to the right of the return address of the card. Detach and retain the receipt and mail the article.

3. If you want a return receipt write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee or to an authorized agent of the addressee endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

US GPO 1991—302 916

PS Form 3800, June 1991 (Reverse)

P 311 579 631

**Receipt for Certified Mail**
No Insurance Coverage Provided

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

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Address's Address | |
| TOTAL Postage & Fees | $ 2.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991—302-916

PS Form **3800**, June 1991 *(Reverse)*

P 111 579 611

**Receipt for Certified Mail**

No Insurance Coverage Provided

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

- U.S. GPO: 1991—302-916

3800

P 711 579 613



**Receipt for Certified Mail**

No Insurance Coverage Provided

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER *FIRST CLASS POSTAGE*, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to *the right of the return address* leaving the receipt *attached and present* the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of *article. Endorse front of article* **RETURN RECEIPT REQUESTED** adjacent to the number

4. If you want delivery restricted to *the addressee, or to an* authorized agent of the addressee, *endorse* **RESTRICTED DELIVERY** on the front of the article

5. Enter fees for the services *requested in the appropriate* spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6. Save this receipt *and present it if you make inquiry*

U.S. GPO: 1991—302-916

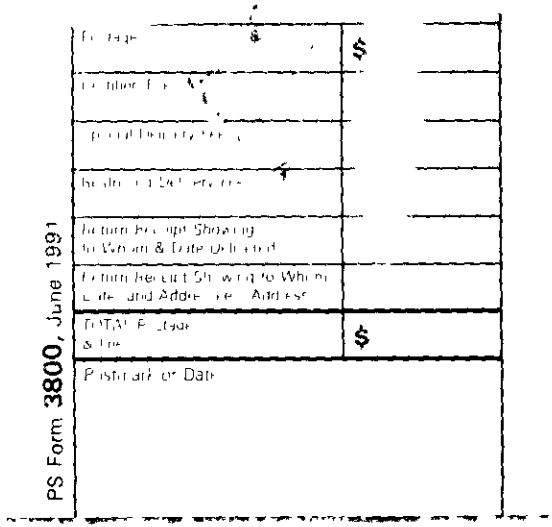
PS Form **3800**, June 1991 *(Reverse)*

P 311 579 612

**Receipt for Certified Mail**

No Insurance Coverage Provided

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt *postmarked*, stick the gummed *stub* to the *right* of the return address leaving the *receipt* attached and present *the article* at a post office service *window* or hand it to your rural carrier (no extra charge)

2. If you do *not* want this receipt postmarked, *stick* the gummed stub to the *right of the return* address of the article, date *detach* and retain the receipt *and mail* the article

3. If you want a *return receipt* write the certified *mail number* and your name and *address on a* return receipt card, Form 3811, and attach it to the front of *the article* by means of the gummed ends if space permits. Otherwise affix to back *of article*. Endorse front of article **RETURN RECEIPT REQUESTED** *adjacent* to the number.

4. If you want delivery restricted to the *addressee*, *or* to an authorized agent of *the addressee* endorse **RESTRICTED DELIVERY** on the front of *the article*.

5. Enter fees for *the* services requested in the *appropriate* spaces on the front of *this receipt*. If return receipt is requested, *check the* applicable blocks in item 1 of Form 3811.

6. Save this receipt *and* present it if you make inquiry.

U.S. GPO: 1991—302 915

PS Form **3800**, June 1991 (Reverse)

ST-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

4a Article Number

P 311 579 611

4b Service Type

☐ Registered ☐ Insured

☑ Certified ☐ COD

1995 ☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

4/23/94

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO 1992—323-402 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE





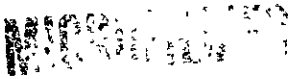

Official Business

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

RECEIVED

APR 2 6 1994

WATER RESOURCES
WESTERN REGION



JUN 07 1995

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

Is your RETURN ADDRESS completed on the reverse side?

61-2746

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CC
HC 85 BOX 881
BRUNEAU ID 83604

4a Article Number

P 311 579 605

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

4-23-96

8 Addressee's Address (Only if requested and fee is paid)

5 Signature (Addressee)

Frank L. Bachman

6 Signature (Agent)

x

DEC 07 1995

PS Form **3811**, December 1991 ☆U.S. GPO 1992—323-402 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

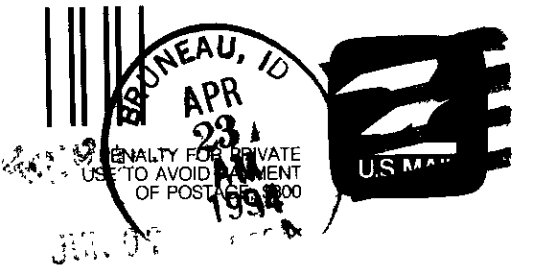
UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

APR 2 6 1994

WATER RESOURCES
WESTERN REGION




Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

06

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

4a Article Number
P 311 579 607

4b Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery
4-26-94

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)
Kathy Davis

PS Form 3811, December 1991 ☆U.S. GPO 1992—323-402 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

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

U.S.MAIL

RECEIVED

APR 2 8 1994

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

4a Article Number

P 311 579 612

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

4-25-94

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 ☆U.S. GPO 1992—323-402 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

BOI CTY

Official Business

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

U.S. MAIL

RECEIVED
APR 28 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

06

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

4a Article Number

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

4-26-94

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

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BOISE, IDAHO 83705

51-7344

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3 Article Addressed to

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

4a Article Number
P 311 579 613

4b Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery
4-25-94

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

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2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7346

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3 Article Addressed to

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

4a Article Number

P 311 579 631

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

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2735 AIRPORT WAY
BOISE, IDAHO 83705

04-23-94 20:52

51-2346

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2 ☐ Restricted Delivery

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3 Article Addressed to

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

4a Article Number

P 311 579 609

4b Service Type

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

4-26-94

5 Signature (Addressee)

George C Turner

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

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2735 AIRPORT WAY
BOISE, IDAHO 83705

C 51-7346

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2 ☐ Restricted Delivery

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3 Article Addressed to

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

4a Article Number

P 311 579 606

4b Service Type

☐ Registered ☐ Insured

☑ Certified ☐ COD

☐ ~~Express Mail~~ ☐ Return Receipt for Merchandise

7 Date of Delivery

4-26-94

5 Signature (~~Addressee~~)

X L Frank Davis

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

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BOISE, IDAHO 83705

57-2346

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I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

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3 Article Addressed to

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

4a Article Number

P 311 579 614

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

5/4/94

5 Signature (Addressee)

1995

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

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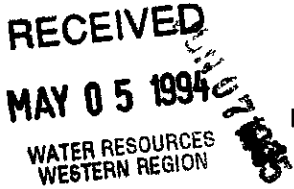
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I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

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3 Article Addressed to

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

4a Article Number

P 311 579 610

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

4-26-94

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

Evelyn P Flamm

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WESTERN REGION

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DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

06

Comment Letters:

✓ 1) Bruneau Burkeman Ditch Co.
c/o FRANK BACKMAN, President
P.O. Box 223
Bruneau, ID 83604

Copies of Legal Notice to

1) Tim Luke
2) James Tucker
Roskelt, Robertson & Tucker
P.O. Box 1906
Twin Falls 83701-2139

} per Trust Water Adj

3) Scott Campbell - 343-5454
4) Terry Scanlan

} per Pg 1, item 1 of Appl. - see for addresses

JUL 07 1995

# Appl. 51-07346 OVERLAP UPDATE 3/31/94

This is a "floodwater" appl. for 1,061 acres. will use Brunean Buckeroo Ditch with a pump placed in ditch in NWSE 5.22 (ditch p/d is SWSW 5.26).

P/O - See WRQS/AJQS dated 3/30/94.
A number of rights already use the ditch.
The same pump site will be used in recently approved T. 4265 (51-00005) for ditch company.
More on this in P/U overlap.
Other diversion in NWSE 5.22 is couple of Owen's rights for Pence Hot Springs.

P/U - all of the acres are already served by a number of Owen's wells & by Pence Hot Springs water.
Other rights from Brunean River for same land are listed briefly. Also see POU-QQ-COMP report.

T. 4265 (51-00005) Approved $\frac{16.4 \text{ cfs}}{3154 \text{ AC}} = .0052$ cfs/ac.

But within T. 4265 - Owen's can use 4.4 cfs on 250 Ac./season in 1,311 Ac. rotation area.
Thus, rate for Owen's land $\frac{4.4 \text{ cfs}}{250 \text{ AC}} = .0176$ cfs/AC.

All appl. acres are [illegible] in T. 4265.

-continued-

Overlap update 3/31/94 -SL
Continued

Building on T. 4265 –

Any acres irrigated in a year by T. 4265 & this new appl:

250 acres (.02 cfs/ac − .0176 cfs/ac) = .60 cfs
MAX EXISTING
= .0024 cfs/ac

(1,061 acres − 250 acres) (.02 cfs/ac) = 16.22 cfs
= 811 acres MAX.

TOTAL = 16.82 cfs

Appears that 51-07346 can be approved for 16.82 cfs for 1,061 acres where standard condition @ .02 cfs/ac. maximum is applied.

R files not completed yet for SRBA claims. See POU-COMP report for details of claim overlap.

Note: pg 2 of report ASI-10271 "floodwater" claim @ .0096 cfs/ac. Brunean Buckaroo Ditch Co.

pg. 7 " " ASI-00009 through ASI-00011 } Hot Springs Ditch Co. @ .02 cfs/ac.

pg. 8 of report ASI-10255 through ASI-10257 } Hot Springs Ditch Co. ditch loss

ASI-10262 – Hot Springs Ditch Co. "floodwater" claim @ .02 cfs/ac

Don't know why Hot Sp. Ditch Co. claims show some land also served by B-Buck. Ditch Co. – do service areas overlap?

CONVERSATION MEMORANDUM

DATE 3/29/94

FILE 51-07346

NAME OF PARTY Terry Scanlan, Consultant 383-4140

EMPLOYEE Steve Laster

RE:

(1) Is in process of completing large diversion suppl. info & will be submitting soonest. (Land already irrigated by other rights so will be somewhat abbreviated response).

(2) Request for Protest Conference to be scheduled asap.

Add'l. contacts for applicant = Scott Campbell & Terry Scanlan

I told him that I'd forward the request to ORT & will contact Terry if cannot schedule conference at this time.

JUN 07 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 27, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

To: Protestants on the Attached List

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust

Dear Protestants:

This office acknowledges receipt of your protests to the issuance of a permit pursuant to the above-referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 27, 1993

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

Re: Application for Permit No. 51-7346

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

22 Oct. 1993

Protest Letter for
Application for Trust
Water Right 51-07346
Owen Family Revocable
Trust A
Richard L Owen Trustee

RECEIVED
OCT 25 1993
WATER RESOURCES
WESTERN REGION

To: Director, Dept. of Water Resources

1. It would effect my water rights below Owen's proposed take out. Mainly control of water in low flow years or the fluctuation of the river in flood stage or any stage inbetween.

2. Owens bought those ranches with the wells on them and those are the primary source of irrigation for those lands and he should stick with that irrigation system. In my view that would be a double filing if he was allowed to use Brundan River water on those lands in question.

3. If he is granted those flood waters, I feel it would cause undue stress and hardship on me to have that water controlled.

Clayton Turner
George Turner for Clayton
HC 85 Box 123
Brundage, Id 83607

JUN 07 1995

Sincerely,
George Turner
George Turner

Oct 22, 1993

Protest Letter for water right 51-07346
Owen Family Revocable Trust A.
Richard L. Owen - Trustee

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OCT 25 1993
WATER RESOURCES
WESTERN REGION

To Director of Water Resources

1. This filing would effect my water rights below Owens prosposed take out. mainly control on water in low flow years or the fluctuation of the River in flood stage.

2. Owen bought these ranches with the wells on them and those are the primary source of irrigation For those lands. and he should stick with that irrigation system. In my view that would be a double filing if he was allowed to use Bruneau River water on those lands in Question.

3 If he is granted those flood water, I feel it would cause undue stress and hardship on me to have that water controlled. and this would go on the rest of time.

Sincerely
Donald E Prow
N.C. 85 Box 127
Bruneau, Idaho
83604

JUN 07

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WESTERN REGION

JOHNSON RANCH
HC 85 BOX 122
BRUNEAU, IDAHO 83604

October 22, 1993

Director,
Dept. of Water Resources
2735 Airport Way,
Boise, Idaho 83604

Re: Trust Water Right #51-07346

Dear Mr. Higginson;

As a down stream water user I would like to protest the Trust Water Right applied for by the Owen Family Trust.

The main concern that I have is the infringement on existing water rights such as ours. Will the flood water be turned off in a timely manner so that I can receive my decreed water.

I feel that the issue of the flood water rights, that were filed for at the time of adjudication, needs to be settled before new rights are approved.

Also, the time period stated, is much longer than the usual flood water period.

Respectfully,

Mabel Johnson

Mabel Johnson

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WESTERN REGION

**HOT SPRINGS DITCH COMPANY**
**HC 85 BOX 122**
**BRUNEAU, IDAHO 83604**

October 22, 1993

Director,
Department of Water Resources
2735 Airport Way,
Boise, Idaho 83705

Re: Trust Water Right # 51-07346

Dear Mr. Higginson;

As Secretary of the Hot Springs Ditch Company, I am writing to protest the application for the Trust Water Right applied for by the Owen Family Revocable Trust. We feel that the following be considered before any new applications be granted.

1. That no further water rights be granted until the flood water rights, that were filed for at the time of adjudication, are resolved.

2. That, if granted, the time period filed for should not be for that long. There would never be water available for that long of period.

3. The Grand View Water District has a water right under the 1925 decree, as well as all down stream users with priority water rights must be satisfied without hassle.

Respectfully

Grant Johnson

Grant Johnson
Secretary/Treasury
Hot Springs Ditch Co.

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OCT 25 199
WATER RESOURCES
WESTERN REGION

10-20-93

R. Keith Higginson, Director
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise ID. 83705

Dear Mr. Higginson:

I am writing this letter to you as a protest to the application for Trust Water Rights #51-07346. by the Owen Family Revocable Trust.

The protest is for the following reasons:

1. As a stockholder of the Southside Bruneau Canal Company, I feel this will cause a problem. The pump site for the water right in the Owen's application, is located above the site of our diversion dam. Owen's water will be pumped from the river before it gets to our Canal diversion.

JUN 07 1995

2. Owen has filed for flood water. The Southside Bruneau Canal Company also has a flood water filing. As I understand, there is no way to protect our flood right filing, in the event Owen is issued a filing.

3. I understand Owen has wells to water his fields. I can't understand why he needs double filings

Sincerely

Joann M. Polk
HC 79 Box 2085
Oreana ID 83650
208-834-2726

JUL 07 1995

Oct 25/93

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OCT 25 1993
WATER RESOURCES
WESTERN REGION

R Keith Higginson, Director
Idaho Dep. of Water Recorces
Western Region
2735 Airport Way
Boise Ida. 83705

Dear Mr. Higginson

I submit this letter to you as a protest to the application for Trust Water Right #31-07346 by the Owens Family Trust.

The reason as follows

I have a ranch Historically known as the Howes Ranch, on the upper end of the South Side ditch.

Historicly I have put to beneficial use some flood water to fill ponds which eventualy is taken out onto irrigated fields.

At the time this water is used, I don't feel the decred water is adequate to irrigate all the land under the decree.

Also without a watermaster of some kind, or an agreement with Mr. Owens, I don't see any way to regulate Mr. Owens Pumps.

Sincerely yours

Albert Black

Designated Power of Att.

Sept 23, 1994

Idaho Dept of Water Resources
Water Right
2735 Airport Way
Boise, ID 83705-5082

JUN 07 1995

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OCT 22 1993
WATER RESOURCES
WESTERN REGION

October 20, 1993

R. Keith Higginson, Director
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Mr. Higginson:

I submit this letter to you as a protest to the Application for Trust Water Right #51-07346 by the Owens Family Revocable Trust.

I am filing this protest for the following reasons:
1. I am a stockholder in the Southside Bruneau Canal Company. The pump site for the water right in this application is situated above the site of our diversion dam. Therefore, this right would allow water to be pumped from the river before it reaches our canal diversion.

2. The filing is on flood water. Southside Bruneau Canal Company also has filings on flood water. I feel that, under the present rulings, there is no workable way to regulate their use and, therefore, no way to protect the floodwater rights of the canal company.

3. Owens already has filings for well water for this ground, I question if this would not constitute a double filing since is for the same ground.

Sincerely yours,

L. Frank Davis

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

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OCT 22 1993
WATER RESOURCES
WESTERN REGION

October 20, 1993

Bruneau Buckaroo Cooporative Ditch Co.
HC 85 Box 881
Bruneau, ID 83604

Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Application for Water Right No. 51-7346.

Dear Mr. Tuthill:

Please consider this letter a formal protest to water right application No. 51-7346 in the name of Owen Family Revocable Trust A.

This protest is submitted on behalf of the shareholders of Bruneau Buckaroo Ditch Company for the following reasons:

1. The application identifies the Buckaroo Ditch Dam on the river as a point of diversion and the canal as a conveyance to a pump site located on the canal. No authorization presently exists to use the Company dam or canal to transport a private water right to the proposed pump site located in T.7S, R.6E, Section 23, NWSW.

The application should be denied on this point, should any additional water be conveyed through the Buckaroo Ditch it must be in the name of the company.

2. The Bruneau Buckaroo Ditch Co. claimed additional flood water (A51-10271 - 30 cfs) in Snake River Adjudication. The final determination of this claim awaits the Directors Report and a Decree from the Court. Assuming this claim, and floodwater claims filed by two additional canal companies will be allowed, no additional water is available for appropriation.

JUN 07 1995

3. The Bruneau River floods for only a short period of time with this high runoff occurring in a 2 to 3 week period historically in the month of May. Should this application be allowed I think it is important that the season of use be limited to April 1 to June 30. The application identifies a season of use (March 15 to November 15) which far exceeds when floodwater is available.

4. The Bruneau River drainage was adjudicated in 1925. In that Decree water was allocated to Grand View Mutual Irrigation District. Following construction of C.S. Strike Dam, Bruneau River water mixes with Snake River water prior to their diversion. The Grand View Mutual right must be recognized and maintained unless changed through Snake River adjudication.

5. Flow data for the Bruneau River (attached) from 1984 to 1988 indicates that no excess water was available for that 5 year period. Should the Department allocate additional demand when no excess water is available?

Based on the points outlined above the Bruneau Buckaroo Ditch Co. protests this application. Allowing this application will impact all shareholders. I respectfully request this application be denied.

Sincerely yours,

Frank

Frank L. Bachman
President, Bruneau Buckaroo
Ditch Company

071995

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 10/07/93

STATION NUMBER 13169000 BUCKAROO DITCH AT HOT SPRINGS NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424730 LONGITUDE 1154300 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073
PROVISIONAL DATA SUBJECT TO REVISION

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1989 TO SEPTEMBER 1990
DAILY MEAN VALUES

| DAY | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 45 | 23 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2 | 47 | 23 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 3 | 50 | 23 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 4 | 51 | 23 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 5 | 48 | 23 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 6 | 34 | 23 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 7 | 35 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 8 | 35 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 9 | 35 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 10 | 34 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 11 | 34 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 12 | 33 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 13 | 33 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 14 | 33 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 15 | 33 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 16 | 33 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 17 | 32 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 18 | 25 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 19 | 27 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 20 | 31 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 21 | 32 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 22 | 32 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 23 | 32 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 24 | 32 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 25 | 31 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 26 | 26 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 27 | 26 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 28 | 26 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 29 | 25 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 30 | 24 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 31 | 24 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| TOTAL | 1038 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| MEAN | 33.5 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| MAX | 51 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| MIN | 24 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| AC-FT | 2060 | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |

1675"

JUN 07 1995

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 10/07/93

STATION NUMBER 13169000 BUCKAROO DITCH AT HOT SPRINGS NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424730 LONGITUDE 1154300 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1988 TO SEPTEMBER 1989
DAILY MEAN VALUES

| DAY | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 47 | --- | --- | --- | --- | --- | .00 | 57 | 53 | 63 | 44 | 41 |
| 2 | 47 | --- | --- | --- | --- | --- | .00 | 59 | 52 | 64 | 43 | 39 |
| 3 | 48 | --- | --- | --- | --- | --- | .00 | 60 | 53 | 63 | 47 | 39 |
| 4 | 47 | --- | --- | --- | --- | --- | .00 | 62 | 55 | 62 | 47 | 39 |
| 5 | 47 | --- | --- | --- | --- | --- | .00 | 65 | 55 | 61 | 47 | 40 |
| 6 | 47 | --- | --- | --- | --- | --- | .00 | 65 | 57 | 60 | 45 | 41 |
| 7 | 44 | --- | --- | --- | --- | --- | .00 | 70 | 58 | 60 | 46 | 40 |
| 8 | 45 | --- | --- | --- | --- | --- | .00 | 74 | 58 | 61 | 47 | 41 |
| 9 | 47 | --- | --- | --- | --- | --- | .00 | 72 | 60 | 61 | 54 | 43 |
| 10 | 48 | --- | --- | --- | --- | --- | .00 | 71 | 62 | 61 | 59 | 45 |
| 11 | 49 | --- | --- | --- | --- | --- | .00 | 71 | 61 | 60 | 59 | 45 |
| 12 | 42 | --- | --- | --- | --- | --- | .00 | 70 | 60 | 60 | 59 | 46 |
| 13 | 37 | --- | --- | --- | --- | --- | .00 | 66 | 59 | 60 | 63 | 46 |
| 14 | 38 | --- | --- | --- | --- | --- | .00 | 67 | 61 | 59 | 59 | 46 |
| 15 | 38 | --- | --- | --- | --- | --- | .00 | 64 | 65 | 57 | 50 | 47 |
| 16 | 38 | --- | --- | --- | --- | --- | .00 | 62 | 65 | 56 | 48 | 46 |
| 17 | 36 | --- | --- | --- | --- | --- | .90 | 60 | 64 | 56 | 44 | 48 |
| 18 | 36 | --- | --- | --- | --- | --- | 6.0 | 58 | 63 | 55 | 42 | 53 |
| 19 | 37 | --- | --- | --- | --- | --- | 15 | 58 | 61 | 54 | 42 | 51 |
| 20 | 37 | --- | --- | --- | --- | --- | 25 | 57 | 60 | 54 | 42 | 54 |
| 21 | 37 | --- | --- | --- | --- | --- | 24 | 56 | 59 | 54 | 45 | 53 |
| 22 | 38 | --- | --- | --- | --- | --- | 30 | 64 | 60 | 52 | 48 | 44 |
| 23 | 38 | --- | --- | --- | --- | --- | 38 | 69 | 62 | 56 | 45 | 39 |
| 24 | 30 | --- | --- | --- | --- | --- | 36 | 65 | 61 | 56 | 45 | 38 |
| 25 | 24 | --- | --- | --- | --- | --- | 36 | 62 | 61 | 52 | 48 | 37 |
| 26 | 24 | --- | --- | --- | --- | --- | 37 | 60 | 60 | 52 | 55 | 36 |
| 27 | 24 | --- | --- | --- | --- | --- | 42 | 58 | 59 | 58 | 57 | 36 |
| 28 | 25 | --- | --- | --- | --- | --- | 61 | 56 | 57 | 53 | 53 | 39 |
| 29 | 25 | --- | --- | --- | --- | --- | 57 | 56 | 58 | 47 | 49 | 43 |
| 30 | 25 | --- | --- | --- | --- | --- | 56 | 55 | 61 | 46 | 47 | 43 |
| 31 | 25 | --- | --- | --- | --- | --- | --- | 54 | --- | 47 | 44 | --- |
| TOTAL | 1170 | --- | --- | --- | --- | --- | 463.90 | 1943 | 1780 | 1760 | 1523 | 1298 |
| MEAN | 37.7 | --- | --- | --- | --- | --- | 15.5 | 62.7 | 59.3 | 56.8 | 49.1 | 43.3 |
| MAX | 49 | --- | --- | --- | --- | --- | 61 | 74 | 65 | 64 | 63 | 54 |
| MIN | 24 | --- | --- | --- | --- | --- | .00 | 54 | 52 | 46 | 42 | 36 |
| AC-FT | 2320 | --- | --- | --- | --- | --- | 920 | 3850 | 3530 | 3490 | 3020 | 2570 |

1885" 775" 3135" 2965" 2890" 2955" 2165"

1 cfs = 50"

JUN 07 1995

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 10/07/93

STATION NUMBER 13169000 BUCKAROO DITCH AT HOT SPRINGS NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424730 LONGITUDE 1154300 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1987 TO SEPTEMBER 1988
DAILY MEAN VALUES

| DAY | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 29 | --- | --- | --- | --- | --- | .00 | 69 | 61 | 71 | 35 | 30 |
| 2 | 30 | --- | --- | --- | --- | --- | .00 | 68 | 64 | 69 | 36 | 30 |
| 3 | 30 | --- | --- | --- | --- | --- | .00 | 66 | 60 | 67 | 35 | 29 |
| 4 | 30 | --- | --- | --- | --- | --- | .00 | 64 | 57 | 65 | 35 | 29 |
| 5 | 30 | --- | --- | --- | --- | --- | .00 | 63 | 60 | 63 | 36 | 30 |
| 6 | 30 | --- | --- | --- | --- | --- | .00 | 63 | 59 | 61 | 36 | 31 |
| 7 | 30 | --- | --- | --- | --- | --- | 23 | 66 | 57 | 67 | 36 | 31 |
| 8 | 31 | --- | --- | --- | --- | --- | 43 | 67 | 54 | 70 | 36 | 29 |
| 9 | 31 | --- | --- | --- | --- | --- | 43 | 69 | 51 | 63 | 35 | 29 |
| 10 | 31 | --- | --- | --- | --- | --- | 43 | 67 | 49 | 66 | 38 | 28 |
| 11 | 31 | --- | --- | --- | --- | --- | 43 | 69 | 52 | 69 | 40 | 29 |
| 12 | 32 | --- | --- | --- | --- | --- | 44 | 75 | 59 | 70 | 39 | 29 |
| 13 | 32 | --- | --- | --- | --- | --- | 45 | 84 | 57 | 69 | 38 | 30 |
| 14 | 31 | --- | --- | --- | --- | --- | 46 | 59 | 56 | 67 | 37 | 33 |
| 15 | 32 | --- | --- | --- | --- | --- | 47 | 39 | 64 | 65 | 42 | 35 |
| 16 | 35 | --- | --- | --- | --- | --- | 47 | 74 | 72 | 59 | 36 | 35 |
| 17 | 36 | --- | --- | --- | --- | --- | 47 | 71 | 79 | 55 | 34 | 35 |
| 18 | 37 | --- | --- | --- | --- | --- | 48 | 62 | 85 | 54 | 34 | 34 |
| 19 | 37 | --- | --- | --- | --- | --- | 48 | 59 | 67 | 51 | 32 | 34 |
| 20 | 38 | --- | --- | --- | --- | --- | 60 | 56 | 82 | 49 | 31 | 42 |
| 21 | 38 | --- | --- | --- | --- | --- | 74 | 68 | 75 | 46 | 30 | 49 |
| 22 | 38 | --- | --- | --- | --- | --- | 83 | 75 | 73 | 43 | 30 | 53 |
| 23 | 38 | --- | --- | --- | --- | --- | 79 | 77 | 71 | 41 | 30 | 55 |
| 24 | 39 | --- | --- | --- | --- | --- | 76 | 80 | 69 | 38 | 30 | 54 |
| 25 | 41 | --- | --- | --- | --- | --- | 73 | 79 | 67 | 36 | 31 | 50 |
| 26 | 43 | --- | --- | --- | --- | --- | 72 | 67 | 66 | 34 | 31 | 48 |
| 27 | 43 | --- | --- | --- | --- | --- | 70 | 63 | 70 | 43 | 30 | 46 |
| 28 | 44 | --- | --- | --- | --- | --- | 68 | 62 | 78 | 36 | 30 | 44 |
| 29 | 43 | --- | --- | --- | --- | --- | 67 | 60 | 74 | 39 | 31 | 43 |
| 30 | 40 | --- | --- | --- | --- | --- | 67 | 60 | 72 | 42 | 31 | 46 |
| 31 | 37 | --- | --- | --- | --- | --- | --- | 61 | --- | 40 | 31 | --- |
| TOTAL | 1087 | --- | --- | --- | --- | --- | 1356.00 | 2062 | 1960 | 1708 | 1056 | 1120 |
| MEAN | 35.1 | --- | --- | --- | --- | --- | 45.2 | 66.5 | 65.3 | 55.1 | 34.1 | 37.3 |
| MAX | 44 | --- | --- | --- | --- | --- | 83 | 84 | 85 | 71 | 42 | 55 |
| MIN | 29 | --- | --- | --- | --- | --- | .00 | 39 | 49 | 34 | 30 | 28 |
| AC-FT | 2160 | --- | --- | --- | --- | --- | 2690 | 4090 | 3890 | 3390 | 2090 | 2220 |

1755 2260" 3325" 3265' 2755' 1705" 1865'

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 10/07/93

STATION NUMBER 13169000 BUCKAROO DITCH AT HOT SPRINGS NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424730 LONGITUDE 1154300 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1986 TO SEPTEMBER 1987
DAILY MEAN VALUES

| DAY | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 34 | --- | --- | --- | --- | --- | 14 | 81 | 72 | 75 | 39 | 29 |
| 2 | 34 | --- | --- | --- | --- | --- | 34 | 80 | 75 | 74 | 37 | 29 |
| 3 | 34 | --- | --- | --- | --- | --- | 37 | 73 | 75 | 12 | 36 | 28 |
| 4 | 33 | --- | --- | --- | --- | --- | 38 | 73 | 74 | 6.9 | 36 | 28 |
| 5 | 33 | --- | --- | --- | --- | --- | 38 | 79 | 72 | 6.7 | 36 | 28 |
| 6 | 32 | --- | --- | --- | --- | --- | 38 | 79 | 71 | 34 | 35 | 28 |
| 7 | 32 | --- | --- | --- | --- | --- | 38 | 81 | 70 | 72 | 34 | 29 |
| 8 | 31 | --- | --- | --- | --- | --- | 46 | 82 | 70 | 69 | 34 | 29 |
| 9 | 31 | --- | --- | --- | --- | --- | 58 | 84 | 69 | 65 | 35 | 28 |
| 10 | 30 | --- | --- | --- | --- | --- | 56 | 84 | 68 | 63 | 35 | 29 |
| 11 | 30 | --- | --- | --- | --- | --- | 55 | 83 | 66 | 66 | 35 | 28 |
| 12 | 30 | --- | --- | --- | --- | --- | 57 | 82 | 67 | 69 | 34 | 27 |
| 13 | 30 | --- | --- | --- | --- | --- | 56 | 81 | 72 | 66 | 33 | 27 |
| 14 | 31 | --- | --- | --- | --- | --- | 54 | 81 | 69 | 60 | 33 | 28 |
| 15 | 32 | --- | --- | --- | --- | --- | 54 | 81 | 67 | 54 | 34 | 28 |
| 16 | 32 | --- | --- | --- | --- | --- | 56 | 81 | 65 | 50 | 34 | 27 |
| 17 | 32 | --- | --- | --- | --- | --- | 59 | 84 | 63 | 46 | 37 | 27 |
| 18 | 30 | --- | --- | --- | --- | --- | 60 | 84 | 63 | 48 | 36 | 28 |
| 19 | 27 | --- | --- | --- | --- | --- | 61 | 83 | 66 | 50 | 35 | 29 |
| 20 | 27 | --- | --- | --- | --- | --- | 58 | 76 | 65 | 53 | 35 | 30 |
| 21 | 27 | --- | --- | --- | --- | --- | 57 | 75 | 67 | 53 | 33 | 30 |
| 22 | e27 | --- | --- | --- | --- | --- | 63 | 72 | 65 | 49 | 33 | 29 |
| 23 | e27 | --- | --- | --- | --- | --- | 64 | 77 | 65 | 49 | 33 | 29 |
| 24 | e27 | --- | --- | --- | --- | --- | 64 | 79 | 63 | 56 | 33 | 29 |
| 25 | e26 | --- | --- | --- | --- | --- | 76 | 78 | 62 | 50 | 32 | 29 |
| 26 | e26 | --- | --- | --- | --- | --- | 87 | 78 | 62 | 45 | 31 | 28 |
| 27 | e26 | --- | --- | --- | --- | --- | 88 | 78 | 61 | 42 | 31 | 27 |
| 28 | e26 | --- | --- | --- | --- | --- | 90 | 78 | 65 | 43 | 31 | 27 |
| 29 | e26 | --- | --- | --- | --- | --- | 90 | 77 | 67 | 42 | 32 | 28 |
| 30 | e26 | --- | --- | --- | --- | --- | 83 | 74 | 70 | 41 | 31 | 28 |
| 31 | e25 | --- | --- | --- | --- | --- | --- | 73 | --- | 42 | 31 | --- |
| TOTAL | 914 | --- | --- | --- | --- | --- | 1729 | 2451 | 2026 | 1551.6 | 1054 | 848 |
| MEAN | 29.5 | --- | --- | --- | --- | --- | 57.6 | 79.1 | 67.5 | 50.1 | 34.0 | 28.3 |
| MAX | 34 | --- | --- | --- | --- | --- | 90 | 84 | 75 | 75 | 39 | 30 |
| MIN | 25 | --- | --- | --- | --- | --- | 14 | 72 | 61 | 6.7 | 31 | 27 |
| AC-FT | 1810 | --- | --- | --- | --- | --- | 3430 | 4860 | 4020 | 3080 | 2090 | 1680 |

e Estimated

2880" 3955" 3375" 2505" 1700" 1415"

1475"

JUN 07 1995

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 10/07/93

STATION NUMBER 13169000 BUCKAROO DITCH AT HOT SPRINGS NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424730 LONGITUDE 1154300 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1985 TO SEPTEMBER 1986
DAILY MEAN VALUES

| DAY | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 16 | 19 | 12 | 1.0 | 15 | .00 | .00 | 51 | 66 | 73 | 71 | 68 |
| 2 | 16 | 19 | 11 | 1.0 | 15 | .00 | .00 | 58 | 48 | 72 | 68 | 63 |
| 3 | 16 | 19 | 14 | 1.1 | 14 | .00 | .00 | 84 | 4.7 | 71 | 65 | 60 |
| 4 | 16 | 19 | 14 | 1.1 | 13 | .00 | .00 | 88 | 29 | 69 | 64 | 60 |
| 5 | 16 | 19 | 13 | 1.1 | 13 | .00 | .00 | 80 | 63 | 69 | 64 | 58 |
| 6 | 16 | 19 | 12 | 1.1 | 13 | .00 | .00 | 76 | 67 | 72 | 64 | 57 |
| 7 | 16 | 19 | 13 | 1.1 | 11 | .00 | .00 | 66 | 65 | 70 | 62 | 55 |
| 8 | 17 | 19 | 14 | 1.1 | 11 | .00 | .00 | 64 | 61 | 68 | 67 | 56 |
| 9 | 18 | 19 | 14 | 1.1 | 10 | .00 | .00 | 65 | 58 | 70 | 74 | 63 |
| 10 | 19 | 16 | 13 | 1.1 | 9.3 | .00 | .00 | 72 | 56 | 79 | 72 | 65 |
| 11 | 19 | 13 | 9.6 | 1.0 | 10 | .00 | .00 | 69 | 55 | 78 | 72 | 67 |
| 12 | 19 | 13 | 3.3 | 1.0 | 11 | .00 | .00 | 69 | 66 | 78 | 70 | 64 |
| 13 | 19 | 9.2 | 2.9 | .90 | 11 | .00 | .00 | 66 | 71 | 77 | 69 | 63 |
| 14 | 19 | .17 | 1.6 | .90 | 12 | .00 | .00 | 64 | 70 | 76 | 68 | 60 |
| 15 | 19 | .98 | 6.1 | .80 | 11 | .00 | .00 | 65 | 71 | 75 | 68 | 57 |
| 16 | 19 | 5.5 | 9.6 | 11 | 9.0 | .00 | .00 | 65 | 79 | 74 | 67 | 57 |
| 17 | 19 | 13 | 15 | 12 | 5.6 | .00 | .00 | 64 | 78 | 73 | 65 | 58 |
| 18 | 19 | 14 | 20 | 13 | 3.5 | .00 | .00 | 65 | 77 | 76 | 62 | 57 |
| 19 | 18 | 12 | 6.7 | 17 | 2.2 | .00 | 16 | 68 | 76 | 74 | 57 | 58 |
| 20 | 18 | 9.9 | .65 | 17 | .93 | .00 | 27 | 72 | 74 | 73 | 56 | 58 |
| 21 | 19 | 10 | .70 | 16 | .29 | .00 | 28 | 70 | 75 | 72 | 60 | 59 |
| 22 | 19 | 12 | .69 | 13 | .10 | .00 | 31 | 66 | 73 | 70 | 68 | 59 |
| 23 | 18 | 8.6 | .99 | 12 | .07 | .00 | 42 | 64 | 70 | 68 | 67 | 59 |
| 24 | 19 | 5.0 | .88 | 13 | .11 | .00 | 54 | 73 | 68 | 71 | 62 | 57 |
| 25 | 20 | 8.4 | .80 | 11 | .05 | .00 | 55 | 77 | 66 | 78 | 63 | 55 |
| 26 | 21 | 10 | .72 | 10 | .03 | .00 | 52 | 81 | 65 | 79 | 62 | 56 |
| 27 | 20 | 9.9 | .66 | 9.7 | .04 | .00 | 46 | 84 | 67 | 79 | 61 | 57 |
| 28 | 20 | 10 | .64 | 11 | .00 | .00 | 46 | 67 | 77 | 79 | 58 | 52 |
| 29 | 19 | 12 | .70 | 12 | --- | .00 | 53 | 68 | 76 | 77 | 58 | 45 |
| 30 | 19 | 12 | .75 | 12 | --- | .00 | 55 | 66 | 74 | 75 | 59 | 42 |
| 31 | 19 | --- | 1.0 | 12 | --- | .00 | --- | 67 | --- | 73 | 66 | --- |
| TOTAL | 567 | 375.65 | 213.98 | 217.10 | 201.22 | 0.00 | 505.00 | 2154 | 1945.7 | 2288 | 2009 | 1745 |
| MEAN | 18.3 | 12.5 | 6.90 | 7.00 | 7.19 | .000 | 16.8 | 69.5 | 64.9 | 73.8 | 64.8 | 58.2 |
| MAX | 21 | 19 | 20 | 17 | 15 | .00 | 55 | 88 | 79 | 79 | 74 | 68 |
| MIN | 16 | .17 | .64 | .80 | .00 | .00 | .00 | 51 | 4.7 | 68 | 56 | 42 |
| AC-FT | 1120 | 745 | 424 | 431 | 399 | .00 | 1000 | 4270 | 3860 | 4540 | 3980 | 3460 |
| | 915" | | | | | | 840" | 3475" | 3245" | 3690" | 3240" | 2910" |

OCT 07 1995

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 10/07/93

STATION NUMBER 13169000 BUCKAROO DITCH AT HOT SPRINGS NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424730 LONGITUDE 1154300 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1984 TO SEPTEMBER 1985
DAILY MEAN VALUES

| DAY | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | --- | --- | --- | --- | --- | --- | .00 | 71 | 52 | 65 | 51 | 45 |
| 2 | --- | --- | --- | --- | --- | --- | .00 | 74 | 51 | 69 | 50 | 50 |
| 3 | --- | --- | --- | --- | --- | --- | .00 | 66 | 50 | 77 | 50 | 52 |
| 4 | --- | --- | --- | --- | --- | --- | .00 | 70 | 49 | 74 | 50 | 56 |
| 5 | --- | --- | --- | --- | --- | --- | .00 | 70 | 48 | 69 | 49 | 55 |
| 6 | --- | --- | --- | --- | --- | --- | .00 | 78 | 54 | 67 | 51 | 54 |
| 7 | --- | --- | --- | --- | --- | --- | .00 | 83 | 63 | 61 | 52 | 54 |
| 8 | --- | --- | --- | --- | --- | --- | .00 | 82 | 65 | 71 | 53 | 54 |
| 9 | --- | --- | --- | --- | --- | --- | .00 | 83 | 65 | 69 | 51 | .99 |
| 10 | --- | --- | --- | --- | --- | --- | .00 | 83 | 62 | 68 | 50 | .00 |
| 11 | --- | --- | --- | --- | --- | --- | .00 | 85 | 60 | 65 | 48 | .05 |
| 12 | --- | --- | --- | --- | --- | --- | .00 | 83 | 58 | 66 | 47 | .25 |
| 13 | --- | --- | --- | --- | --- | --- | .00 | 78 | 55 | 63 | 49 | .45 |
| 14 | --- | --- | --- | --- | --- | --- | .00 | 75 | 63 | 61 | 48 | .55 |
| 15 | --- | --- | --- | --- | --- | --- | 8.7 | 74 | 81 | 64 | 51 | .22 |
| 16 | --- | --- | --- | --- | --- | --- | 23 | 73 | 70 | 71 | 50 | .00 |
| 17 | --- | --- | --- | --- | --- | --- | 30 | 72 | 68 | 71 | 48 | .04 |
| 18 | --- | --- | --- | --- | --- | --- | 37 | 72 | 66 | 70 | 48 | .00 |
| 19 | --- | --- | --- | --- | --- | --- | 38 | 74 | 68 | 68 | 49 | .00 |
| 20 | --- | --- | --- | --- | --- | --- | 40 | 70 | 73 | 67 | 49 | .00 |
| 21 | --- | --- | --- | --- | --- | --- | 39 | 64 | 73 | 65 | 49 | .00 |
| 22 | --- | --- | --- | --- | --- | --- | 38 | 71 | 72 | 63 | 48 | .01 |
| 23 | --- | --- | --- | --- | --- | --- | 37 | 70 | 71 | 64 | 48 | 6.7 |
| 24 | --- | --- | --- | --- | --- | --- | 36 | 70 | 73 | 67 | 50 | 17 |
| 25 | --- | --- | --- | --- | --- | --- | 35 | 71 | 76 | 65 | 51 | 16 |
| 26 | --- | --- | --- | --- | --- | --- | 35 | 64 | 76 | 64 | 49 | 15 |
| 27 | --- | --- | --- | --- | --- | --- | 36 | 64 | 74 | 63 | 49 | 15 |
| 28 | --- | --- | --- | --- | --- | --- | 40 | 62 | 72 | 62 | 47 | 14 |
| 29 | --- | --- | --- | --- | --- | .00 | 40 | 60 | 69 | 61 | 45 | 14 |
| 30 | --- | --- | --- | --- | --- | .00 | 50 | 57 | 67 | 64 | 44 | 15 |
| 31 | --- | --- | --- | --- | --- | .00 | --- | 54 | --- | 53 | 44 | --- |
| TOTAL | --- | --- | --- | --- | --- | --- | 562.70 | 2223 | 1944 | 2047 | 1518 | 535.26 |
| MEAN | --- | --- | --- | --- | --- | --- | 18.8 | 71.7 | 64.8 | 66.0 | 49.0 | 17.8 |
| MAX | --- | --- | --- | --- | --- | --- | 50 | 85 | 81 | 77 | 53 | 56 |
| MIN | --- | --- | --- | --- | --- | --- | .00 | 54 | 48 | 53 | 44 | .00 |
| AC-FT | --- | --- | --- | --- | --- | --- | 1120 | 4410 | 3860 | 4060 | 3010 | 1060 |
| | | | | | | | 940" | 3585" | 3240" | 3300" | 2450" | 890" |

JUN 07 1995

MONTGOMERY WATSON

RECEIVED
OCT 13 1993
WATER RESOURCES
WESTERN REGION

October 12, 1993

Bruneau Buckaroo Ditch Company
Bruneau, ID 83604

Attention: Mr. Frank L. Bachman, President

Subject: Comment Regarding Application For Permit No. 51-07346

Gentlemen:

As required under Section 42-203A(5)(e), Idaho Code, Owen Family Revocable Trust A is seeking comment concerning local public interest related to the effect and operation of a pumping project associated with water right Application for Permit No. 51-07346.

Application for Permit No. 51-07346 seeks 21.22 cfs of Bruneau River water for irrigation of 1,061 acres of land located above the Buckaroo Ditch. A copy of the Notice of Application for Trust Water Right, provided by the Idaho Department of Water Resources, is attached which details the application. The lands to be irrigated by this permit are currently irrigated by deep artesian wells. Under the proposed permit, Bruneau River water would be utilized during the spring and early summer when river flows exceed current irrigation diversion requirements. We anticipate that these excess river flows will be available for diversion by permit No. 51-07346 until early July during average years. Later in the summer, when river levels drop, the lands would be irrigated from the existing wells using existing groundwater rights. The net effect of this permit will be to decrease the annual groundwater production by Owen Ranches, which should have a beneficial effect on local aquifer water levels. The project will not adversely impact existing surface water rights.

The points of diversion for this permit are (1) Buckaroo Dam and (2) a pumping station near Pence Hot Springs. Water diverted at Buckaroo Dam would flow down the Bruneau Buckaroo Ditch to a new pump station in NWSW Sec. 23, T7S, R6E. The water would then be pumped through a new pipeline to the existing irrigation system. An emergency overflow weir would be installed in the Buckaroo Ditch near the pump station to prevent downstream damage in the event of a pump failure or power outage. Water diverted from the river near Pence Hot Spring would be pumped through an existing pipeline to the existing irrigation system. No new lands will be irrigated as the result of this project.

RECEIVED
JUN 07 1994

161 Mallard Drive
Boise, Idaho
83706-3974

Tel 208 345 5865
Fax 208 345 5897

Please send any comments you have regarding this project to:

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr. Steve Lester, Water Rights Supervisor

I would appreciate receiving a copy of your comments as well.

In addition to comments to Idaho Department of Water Resources concerning local public interest, Owen Family Revocable Trust A will need permission to utilize the Buckaroo Ditch for diversion of this water. I assume that this request will be considered during the a future meeting of the Buckaroo Ditch Board. Please contact me when a meeting date has been scheduled. Feel free to call me at 345-5865 if you have any questions concerning this Application for Permit and associated pump station project.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosure

cc: Richard Owen
Scott Campbell
[redacted]

JUN 07

MONTGOMERY WATSON

RECEIVED
OCT 13 1993
WATER
WEST

October 12, 1993

Owyhee County Commissioners
P.O. Box 128
Murphy, ID 83650

Attention: Mr. Chester Sellman

Subject: Comment Regarding Application For Permit No. 51-07346

Gentlemen:

As required under Section 42-203A(5)(e), Idaho Code, Owen Family Revocable Trust A is seeking comment concerning local public interest related to the effect and operation of a pumping project associated with water right Application for Permit No. 51-07346.

Application for Permit No. 51-07346 seeks 21.22 cfs of Bruneau River water for irrigation of 1,061 acres of land located above the Buckaroo Ditch. A copy of the Notice of Application for Trust Water Right, provided by the Idaho Department of Water Resources, is attached which details the application. The lands to be irrigated by this permit are currently irrigated by deep artesian wells. Under the proposed permit, Bruneau River water would be utilized during the spring and early summer when river flows exceed current irrigation diversion requirements. We anticipate that these excess river flows will be available for diversion by permit No. 51-07346 until early July during average years. Later in the summer, when river levels drop, the lands would be irrigated from the existing wells using existing groundwater rights. The net effect of this permit will be to decrease the annual groundwater production by Owen Ranches, which should have a beneficial effect on local aquifer water levels. The project will not adversely impact existing surface water rights.

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161 Mallard Drive
Boise, Idaho
83706-3974

Tel 208 345 5865
Fax 208 345 5897

Serving the World's Environmental Needs

JUN 07 '94

Please send any comments you have regarding this project to:

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr. Steve Lester, Water Rights Supervisor

I would appreciate receiving a copy of your comments as well. Please call me if you have any questions concerning this project.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosure

cc: Richard Owen
Scott Campbell
Steve Lester

JUN 6 7

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 1, 1993

BRUNEAU BUCKEROO DITCH CO
C/O FRANK BACHMAN PRES
PO BOX ~~223~~ 188
BRUNEAU ID 83604

Re: Application for Water Right No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Bauchman:

Enclosed is a copy of the above referenced application for water right.

Please review the application and return any comments you might have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

David R Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

JUN 07 1995

MONTGOMERY WATSON

RECEIVED
SEP 14 1993
Department of Water Resources
Western Regional Office

September 13, 1993

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr. Steve Lester, Water Rights Supervisor

Subject: Application for Permit

Gentlemen:

Enclosed please find an Application for Permit by Owen Family Revocable Trust A for the appropriation of 21.22 cfs of Bruneau River water for irrigation purposes. Included with this application is a $445 application fee check from Owen Ranches.

Please call me if you have any questions concerning this application.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosures

cc. Richard Owen
Scott Campbell

File: 2027.0020

JUN 07 [illegible]

161 Mallard Drive
Boise, Idaho
83706-3974

Tel 208 345 5865
Fax 208 345 5897

NOTICE OF
APPLICATION
FOR TRUST WATER
RIGHT
51-07346
OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN
TRUSTEE
PO BOX 590
BRUNEAU, ID 83604
Source BRUNEAU RIVER
Tributary SNAKE RIVER
Diversion Pt NWSE Sec 22 T 07S R 06E in OWYHEE County
SWSW Sec 26 T 07S R 06E in OWYHEE County
Use. IRRIGATION (21 220 CFS)
Total Diversion (21 220 CFS)
Date Filed 9/14/1993
In OWYHEE County
T07S R06E S03 SWSW SESW
S04 SESE
S09 NENE SENE
S10 NWNW SWNW
S14 SWNW NWSW SWSW
S15 NWNE SWNE SENE SENW
NESE NWSE SWSE SESE
S22 NENE
S23 NWNW NESW NWSW SWSW SESW
S26 SWNE SENE NENW NWNW SWNW SENW NESW
1061 0 ACRES TOTAL
Application seeks to use floodwaters to reduce reliance on wells that irrigate this land.
The permit(s) will be subject to all prior water rights Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code and/or the new public interest criteria of Sec 42-203C, Idaho Code Protests must be filed with the Director, Dept of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before OCTOBER 25, 1993
R. Keith Higginson, Director
PUBLISH Wednesday, October 6 and 13, 1993.

RECEIVED
OCT 5 1993 № 25304
WATER RESOURCES
WESTERN REGION

# Affidavit Publication

STATE OF IDAHO } ss.
COUNTY OF TWIN FALLS }

I, Linda Capps McBride being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated October 6, 1993, and ending with the issue dated October 13, 1993.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 20 day of October in the year of 1993, before me, a Notary Public, personally appeared Linda Capps McBride, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho Inez R. Fetterman
Residing at Twin Falls
My commission expires: 5/19/94

JUN 07 1995

# Proof of Publication

# The Post-Register

RECEIVED
OCT 25 1993
WATER RESOURCES
WESTERN REGION

State of Idaho,
County of Bonneville } ss

I, S. BOB BRIGHT or TED DELEZENE , first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 7th day of October, 19.93., last publication having been made on the 14th. day of October, 19..93., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

S. Bob Bright

Subscribed and sworn to before me, this 20th day of October, 19.93..

Notary Public

My commission expires July 1, 19..97.

B10

JUN 07 1995

**NOTICE OF APPLICATION FOR TRUST WATER RIGHT**

51-07346

OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU, ID 83604
Source: BRUNEAU RIVER
Tributary: SNAKE RIVER
Diversion Pt: NWSE Sec 22 N 07S R 06E in OWYHEE County
SWSW Sec 26 T 07S R 06E in OWYHEE County.
Use: IRRIGATION ( 21.220 CFS)
Total Diversion ( 21.220 CFS)
Date Filed. 9/14/1993
In: OWYHEE County
T07S R06E S03 SWSW SESW
S04 SESE
S09 NENE SENE
S10 NWNW SWNW
S14 SWNW NWSW SWSW
S15 NWNE SWNE SENE SENW NESE NWSE SWSE SESE
S22 NENE
S23 NWNW NESW NWSW SWSW SESW
S26 SWNE SENE NENW NWNW SWNW SENW NESW
1061.0 ACRES TOTAL
Application seeks to use floodwaters to reduce reliance on wells that irrigate this land

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before OCTOBER 25, 1993.

R. Keith Higginson, Director
Published. October 7, 14, 1993

JUN 07

**TRIBUNE PUBLISHING COMPANY, INC.**
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date [illegible] INVOICE No. [illegible]

Account No. [illegible]

Description [illegible]

## LEGAL ADVERTISING
### INVOICE

Times [illegible] Lines [illegible]

Tab Lines [illegible]

SOLD TO:

DEPT. OF WATER RESOURC
[illegible] ADMIN
[illegible]
[illegible] 83701

$ [illegible]

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
*Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.*

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, [illegible] time(s). Publication being on 100693, or once a WEEK for [illegible] consecutive WEEKS, the first publication thereof being on the 100693, and the last publication thereof being on the 101393, and said NOTICE OF APPLICATION was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13 day of October 1993

Sherel M Lantz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED
OCT 18 1993
WATER REBOURCES
WESTERN REGION

8427

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

51-07346

OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
BRUNEAU, ID 83604

Source: BRUNEAU RIVER Tributary: SNAKE RIVER

Diversion Pt: NWSE Sec 22 T 07S R 06E in OWYHEE County
SWSW Sec 26 T 07S R 06E IN OWYHEE County

Use: IRRIGATION (21.220 CFS)
Total Diversion: (21.220 CFS)

Date Filed: 9/14/1993

In: OWYHEE County

| | | | | | |
|---|---|---|---|---|---|
| T07S R06E S03 | SWSW | SESW | | | |
| S04 | SESE | | | | |
| S09 | NENE | SENE | | | |
| S10 | NWNW | SWNW | | | |
| S14 | SWNW | NWSW | SWSW | | |
| S15 | NWNE | SWNE | SENE | SENW | |
| | NESE | NWSE | SWSE | SESE | |
| S22 | NENE | | | | |
| S23 | NWNW | NESW | NWSW | SWSW | |
| | SESW | | | | |
| S26 | SWNE | SENE | NENW | NWNW | |
| | SWNW | SENW | NESW | | |

1061.0 ACRES TOTAL

Application seeks to use floodwaters to reduce reliance on wells that irrigate the land.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before OCTOBER 25, 1993.

R. KEITH HIGGINSON, Director

Published: 10/6/1993 & 10/13/1993

RECEIVED
OCT 15 1993
WATER RESOURCES
WESTERN REGION

# The Idaho Statesman

P O BOX 40, BOISE, IDAHO 83707

## LEGAL ADVERTISING INVOICE

Amount Due: 55.92

| Account Number | Identification |
|---|---|
| 04762800 | NOTICE OF APPLICATION FOR TRUST WATER RIGHT |

| Ordered By | P O Number | Rate | Run Dates |
|---|---|---|---|
| Sue Taylor | | NT | October 6, 13, 1993 |

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

| Estimated Inches | Real Inches |
|---|---|
| | |
| # Affidavits | Legal Number |
| 1 | 6039 |

**LEGAL NOTICE**
**NOTICE OF APPLICATION FOR TRUST WATER RIGHT**
**51-07346**

OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU, ID 83604
Source: BRUNEAU RIVER
Tributary: SNAKE RIVER
Diversion Pt:
NWSE Sec 22 T 07S R 06E in OWYHEE County.
SWSW Sec 26 T 07S R 06E in OWYHEE County.
Use: IRRIGATION ( 21.220 CFS)
Total Diversion: ( 21.220 CFS)
Date Filed: 9/14/1993
In: OWYHEE County
T07S R06E
S03 SWSW SESW
S04 SESE
S09 NENE SENE
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S15 NWNE SWNE SENE SENW NESE NWSE SWSE SESE
S22 NENE
S23 NWNW NESW NWSW SWSW SESW
S26 SWNE SENE NENW NWNW SWNW SENW NESW
1061.0 ACRES TOTAL

Application seeks to use floodwaters to reduce reliance on wells that irrigate this land.

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R. Keith Higginson, Director

Pub. October 6, 13, 1993 6039

CAROL PAYNE-CULPAN, being duly sworn, deposes and says That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto, that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of OCTOBER 6, 1993

and ending with the issue of OCTOBER 13, 1993

C. Payne-Culpan

STATE OF IDAHO )
ss
COUNTY OF ADA )

On this 13TH day of OCTOBER in the year of 1993, before me, a Notary Public, personally appeared CAROL PAYNE-CULPAN, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same

Notary Public for Idaho
Residing at BOISE, ID
My commission expires 1-21-95

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

RECEIVED
NOV 0 1 1993
WATER RESOURCES
WESTERN REGION

## 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 _____

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

_____

Signed _____

Subscribed and sworn to before me this 13th day of Oct A.D., 1993

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

[redacted]ION
[redacted]GHT

OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU, ID 83604
Source: BRUNEAU RIVER
Tributary: SNAKE RIVER
Diversion Pt: NWSE Sec 22 T 07S R 06E in OWYHEE County.
SWSW Sec 26 T 07S R 06E in OWYHEE County.
Use: IRRIGATION (21.220 CFS)
Total Diversion: (21.220 CFS)
Date Filed: 9/14/1993
In: OWYHEE County
T07S R06E S03 SWSW SESW
S04 SESE
S09 NENE SENE
S10 NWNW SWNW
S14 SWNW NWSW SWSW
S15 NWNE SWNE SENE SENW NESE NWSE SWSE SESE
S22 NENE
S23 NWNW NESW NWSW SWSW SESW
S26 SWNE SENE NENW NWNW SWNW SENW NESW
1061.0 ACRES TOTAL
Application seeks to use floodwaters to reduce reliance on wells that irrigate this land.

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R. Keith Higginson, Director
Publish October 6 & 13, 1993

51-07346

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

Source: BRUNEAU RIVER Tributary: SNAKE RIVER

Diversion Pt: NWSE Sec 22 T 07S R 06E in OWYHEE County.
SWSW Sec 26 T 07S R 06E in OWYHEE County.

Use: IRRIGATION ( 21.220 CFS)
Total Diversion: ( 21.220 CFS)

Date Filed: 9/14/1993

In: OWYHEE County

| | | | | | |
|---|---|---|---|---|---|
| T07S R06E | S03 | SWSW | SESW | | |
| | S04 | SESE | | | |
| | S09 | NENE | SENE | | |
| | S10 | NWNW | SWNW | | |
| | S14 | SWNW | NWSW | SWSW | |
| | S15 | NWNE | SWNE | SENE | SENW |
| | | NESE | NWSE | SWSE | SESE |
| | S22 | NENE | | | |
| | S23 | NWNW | NESW | NWSW | SWSW |
| | | SESW | | | |
| | S26 | SWNE | SENE | NENW | NWNW |
| | | SWNW | SENW | NESW | |

1061.0 ACRES TOTAL

Application seeks to use floodwaters to reduce reliance on wells that irrigate this land.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 29 ,1993

CECIL D. ANDRUS
GOVERNOR

R KEITH HIGGINSON
DIRECTOR

Mr. Terry Scanlan, P. E.
Montgomery Watson
161 Mallard Drive
Boise, ID 83706

RE: Application for Permit No. 51-07346 in the Name of
Owens Family Revocable Trust A

Dear Terry:

The above-referenced application for 21.22 cfs from the Bruneau River to irrigate 1,061 acres is in process of being advertised. After advertising but before the application can be forwarded from this office to our state office for final action, other information is needed.

Based on Idaho Code 42-203A(5)(a-e) and 42-203C(2), additional information is needed for applications for permit involving irrigation of more than 200 acres and/or diversions exceeding 5.00 cfs or 500 acre-feet of storage. Please provide information relating to the proposed water right as outlined in the attached copy of Water Appropriation Rules 4,5,3,1 through 4,5,3,6,7. This covers the following items:

a) effect on existing water rights
b) sufficiency of water supply
c) good faith, delay, or speculative purposes
d) financial resources
e) local public interest
f) trust water

Because the application proposes irrigation on already irrigated land served by wells, it is not necessary to answer all the questions. An abbreviated response is acceptable. The items to be answered are marked with an asterik. For the local and public interest items, a comment letter from the Owyhee County Commissioners and from the Bruneau Buckeroo Ditch Company should be submitted.

The department is sending a copy of the application to the ditch company and inviting comments from the company, and you can coordinate the above requirement with this comment process. A response within 30 days is requested. Please call me at 334-2190 if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Large Diversion Information Requirement

Form No 204
7/94 (Internet)

For Office Use Only
$50 Fee Receipted by MC
Date 4/30/04
Receipt No CO73677

RECEIVED
APR 30 2004
Department of Water Resources

## STATE OF IDAHO
## DEPARTMENT OF WATER RESOURCES

# REQUEST FOR EXTENSION OF TIME

### TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 51-7346

Name(s) of Permit Holder: J. R. Simplot Self-Declaration of Revocable Trust

Mailing Address: P. O. Box 27, Boise, ID 83707

Date Proof is Due: May 1, 2004 Telephone No. 208-336-2110

Describe what work has been completed toward the development of this water right:
**(This must be filled out! If no work has been completed, show "none".)**

A pump station was built and is used to irrigate approximately 800 acres of the permitted place of use.

Costing $ 241,171.41

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Please see Exhibit A

Permit holder(s) request an extension to May 1, ~~19~~ 2009

**FEE: $50.00**

J. R. Simplot Self-Declaration of Revocable Trust

J. R. Simplot, Trustee by Ronald Graves Atty in fact

(Signature)* Ronald N. Graves, Attorney-in-Fact

*If other than permit holder, Power of Attorney must be supplied.*

### ACTION OF THE DEPARTMENT OF WATER RESOURCES

**IT IS HEREBY ORDERED** that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to May 1, 2009.

Signed this 27 day of October ~~19~~ 2004

Gary Spackman

GARY SPACKMAN

**Exhibit A**

In February, 2000, the J R. Simplot Self-Declaration of Revocable Trust ("Simplot Trust") and the Idaho State Department of Agriculture executed Water Conservation Project Contract #2000-01 ("Contract"). This contract provided the funding to construct a pumping station to divert water from the Bruneau River to replace groundwater that would otherwise be used to irrigate a portion of the place of use described under IDWR Permit No. 51-7346

During the spring of 2000, the pump station contemplated by the contract was built and began irrigating approximately 800 acres with water diverted from the Bruneau River. During the subsequent 2001, 2002 and 2003 irrigation seasons the pump station was used to divert water from the Bruneau River during periods when water was available under the September 14, 1993 priority of permit 51-7346. When water is available to divert water under the 1993 priority it is used in lieu of pumping groundwater Groundwater diversions resume to complete the irrigation season when water is no longer seasonally available to divert under this 1993 priority.

A second proposal involving this water right permit may result in another contract authorizing a second pump station is processing through the Idaho State Office of Species Conservation. If approved, a second pump station will be constructed to allow the balance of the land permitted under this water right permit to be irrigated. There are approximately 261 permitted acres available to be irrigated under the balance of this permit (1,061 permitted acres – 800 acres irrigated = 261 acre remain to be irrigated)

If this request to provide additional time is granted, it will allow the time to apply for permission from the IDWR to add a point of diversion under permit no. 51-7346. It will also provide the additional time necessary to complete a new contract with the Office of Species Conservation to provide funding to build a new pumping system. If built, the new pumping system will further reduce the reliance on groundwater during periods when seasonal run-off is available for diversion from the Bruneau River. An extension of this permit will not adversely affect any other water right holders. It will provide the opportunity to make the most efficient beneficial use of the available water resources within this groundwater management area.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# AMENDMENT OF PERMIT
## PERMIT NO. 51-07346

This is to certify, that J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027
has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

**SOURCE**

**BRUNEAU RIVER** tributary to **SNAKE RIVER**

**Priority:** September 14, 1993

| BENEFICIAL USE | PERIOD OF USE | RATE OF DIVERSION |
|---|---|---|
| IRRIGATION | 03/01 to 11/15 | 21.22 CFS |

**LOCATION OF POINT(S) OF DIVERSION:** NWNW , Sec. 22, Township 07S, Range 06E
SWSW , Sec. 26, Township 07S, Range 06E
OWYHEE County

**PLACE OF USE:** IRRIGATION

| TWN | RGE | SEC | | ACRES | | ACRES | | ACRES | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 07S | 06E | 3 | SWSW | 24 | SESW | 30 | | | 54 |
| | | 4 | SESE | 21 | | | | | 21 |
| | | 9 | NENE | 31 | SENE | 9 | | | 40 |
| | | 10 | NWNW | 39 | SWNW | 14 | | | 53 |
| | | 14 | SWNW | 38 | NWSW | 38 | SWSW | 38 | 114 |
| | | 15 | NWNE | 40 | SWNE | 26 | SENE | 40 | |
| | | | SENW | 36 | NESE | 40 | NWSE | 37 | |
| | | | SWSE | 15 | SESE | 40 | | | 274 |
| | | 22 | NENE | 40 | | | | | 40 |
| | | 23 | NWNW | 38 | NESW | 40 | NWSW | 39 | |
| | | | SWSW | 40 | SESW | 40 | | | 197 |
| | | 26 | SWNE | 40 | SENE | 40 | NENW | 40 | |
| | | | NWNW | 40 | SWNW | 40 | SENW | 35 | |
| | | | NESW | 33 | | | | | 268 |

Total number of acres irrigated: 1061

## 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, 2004.**
2. Subject to all prior water rights.

MICROFILMED

**PERMIT NO. 51-07346**

**CONDITIONS OF APPROVAL AND REMARKS**

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 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.
5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. 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.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another, and specifically does not grant utilization of the Bruneau-Buckaroo ditch.

Witness my hand this 19th day of November 1999.

Chief, Water Allocation Bureau

MICROFILMED

Form 211
2/80

Ident. No. _____

RECEIVED
NOV 16 1999
Department of Water Resources

RECEIVED
AUG 26 1999
Department of Water Resources

RECEIVED
AUG 30 1999
WATER RESOURCES
WESTERN REGION

# STATE OF IDAHO

# APPLICATION FOR AMENDMENT OF A PERMIT

**To change the point of diversion and/or the place of use.**

Comes now J. R. Simplot Self-Declaration of Revocable Trust Phone 208-336-2110

of (address) P. O. Box 27 Boise, ID 83707 , and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 51-07346 , and requests that the permit and permit map be changed as follows:

1 Point of diversion: NW ¼ NW ¼, Section 26 , Township 7S , Range 6E , B.M., County of Owyhee . Other points of diversion: SW¼SW¼ Sec.26 T.7S R.6E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 21.22 c.f.s. (cfs or acre feet per annum) for irrigation purposes from 4/1 to 10/31 (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated: See Attachment A for Permitted Place of Use

| TWP | RGE | SEC | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

**Total number of acres to be irrigated = _____**

4 a Who owns the property at the point of diversion? Applicant

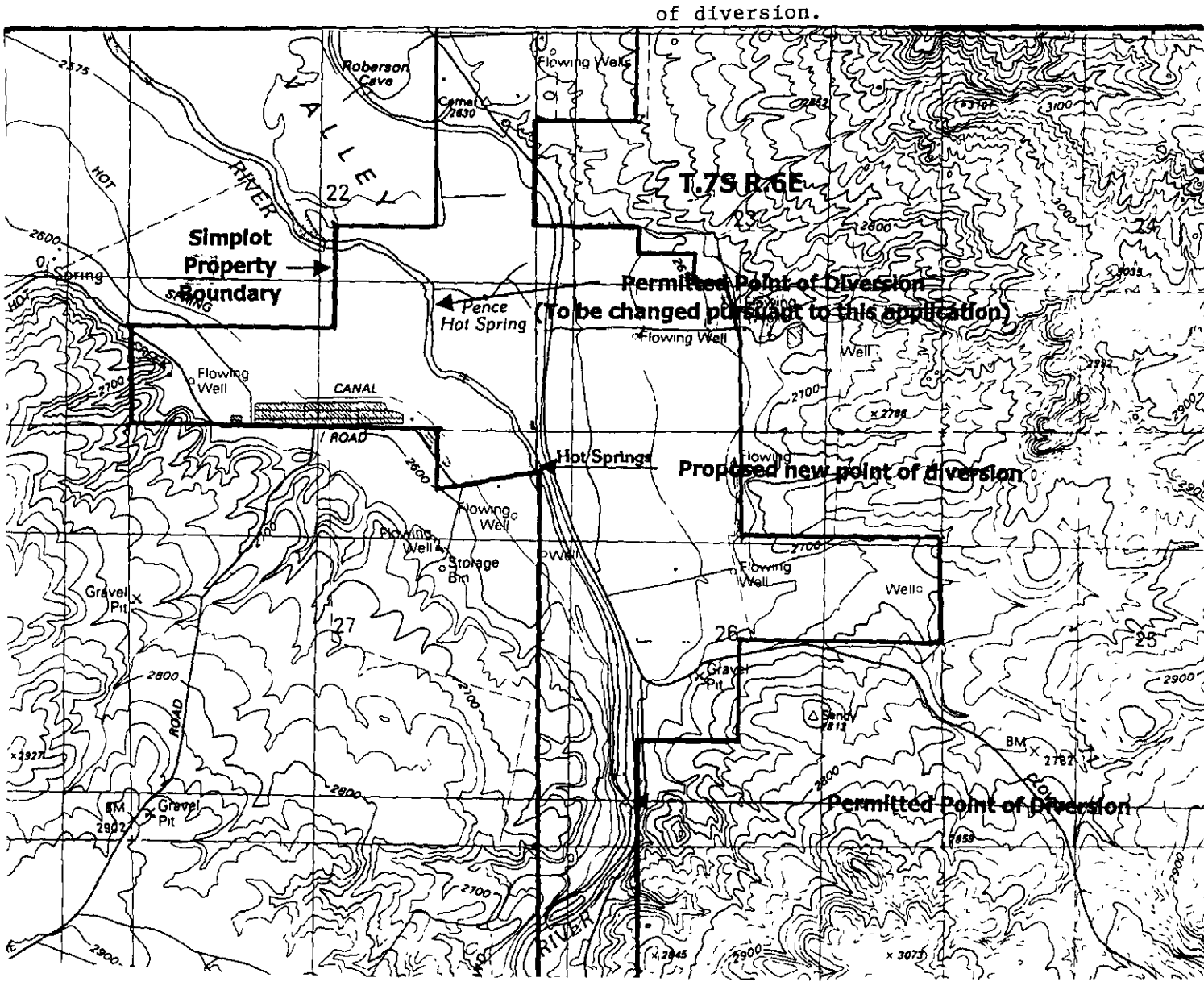
b. Who owns the land to be irrigated or the place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

This application proposes to change the location of one of two permitted points of diversion.




That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 25th day of August, 1999.

**J. R. Simplot Self-Delcaration of Revocable Trust**

J R Simplot Trustee by

By: Ronald N. Graves.

**Ronald N. Graves, Attorney-in-Fact**

---

**FOR DEPARTMENT USE ONLY** state offices

Preliminary check by G Fee = ~~$20.00~~ 5. Receipted by ✓ Date 9/26/99

Publication prepared by AT Date 9-28-99 Published in Owyhee Avalanche

Publication dates 10-6 & 13-99

---

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, _____, of the Department of Water Resources hereby

_____

_____

_____

Witness my hand this _____ day of _____, 19 ____.

_____

# ATTACHMENT A
## Application to Amend IDWR Permit No. 51-07346

**Response to Part 3** "Place of use or land to be irrigated"

**Permitted Place of Use**

| | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| **7S** | **6E** | **3** | | | | | | | | | | | 24 | 30 | | | | | **54** |
| | | **4** | | | | | | | | | | | | | | | | 21 | **21** |
| | | **9** | 31 | | | 9 | | | | | | | | | | | | | **40** |
| | | **10** | | | | | | 39 | 14 | | | | | | | | | | **53** |
| | | **14** | | | | | | | 38 | | | 38 | 38 | | | | | | **114** |
| | | **15** | | 40 | 26 | 40 | | | | 36 | | | | | 40 | 37 | 15 | 40 | **274** |
| | | **22** | 40 | | | | | | | | | | | | | | | | **40** |
| | | **23** | | | | | | 38 | | | 40 | 39 | 40 | 40 | | | | | **197** |
| | | **26** | | | 40 | 40 | 40 | 40 | 40 | 35 | 33 | | | | | | | | **268** |

**TOTAL 1,061 acres**

MICROFILMED

Form No. 204
7/94

For Office Use Only
$50 Fee Received by
Date 4/15/99
Receipt No. 0045084

RECEIVED
APR 20 1999
Department of Water Resources

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

# REQUEST FOR EXTENSION OF TIME

## TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 51-07346

Name(s) of Permit Holder: J. R. Simplot Self-Declaration of Revocable Trust

Mailing Address: P. O. Box 27 Boise, ID 83707

Date Proof is Due: May 1, 1999 Telephone No. 208-336-2110

Describe what work has been completed toward the development of this water right:
**(This must be filled out! If no work has been completed, show "none".)**

A portion of the diverting works and pipelines have been installed.

Costing $ $50,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See Attachment 1

Permit holder(s) request an extension to May 1, ~~19~~ 2004.

**FEE: $50.00**

J. R. Simplot Self-Declaration of Revocable Trust

By: Ronald N. Graves
(Signature)*
Ronald N. Graves, Attorney-in-Fact

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

**IT IS HEREBY ORDERED** that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **May 1, 2004.**

CONFIRMED

Signed this 26th day of May, 19 99

L. Thomas Clayton
Chief, Water Allocation Bureau

# Attachment 1

The project, authorized under IDWR Permit no. 51-07346, is an effort by the permit holder to provide a constructive solution to help solve a local problem caused by federal regulatory action. In response to the original listing of the Bruneau Hot Springsnail as an endangered species by the US Department of Interior Fish and Wildlife Service (50 CFR Part 17 filed January 22, 1993), an application was filed with the IDWR to divert water from the Bruneau River, when available, as a substitute source to pumping water from the local aquifer. The listing of the snail was found procedurally defective in a decision issued December 14, 1993, by Judge Harold Ryan, US District Civil Court for the District of Idaho (4:93-CV-168 Doc. 56 dated December 14, 1993). As a result of this decision the Bruneau Hot Spring Snail was de-listed.

Following the de-listing, the US District Ninth Circuit Court of Appeals directed the US Fish & Wildlife Service to reconsider the listing of the Bruneau Hot Springsnail (Idaho Farm Bureau Federation v. Babbitt, 58 F.3d 1392 (1995)). Fish & Wildlife then responded by re-listing the snail in 1998 (50 CFR Part 17, effective date of notice, June 17, 1998).

Although this regulatory activity caused uncertainty with respect to the availability of our groundwater supplies, we proceeded diligently in committing a substantial investment toward constructing this project in order to preserve our options should diversions from the aquifer be curtailed or reduced due to the listing.

Simplot's groundwater rights are senior to many other water rights that allow the use of water from the regional aquifer. In addition to providing a viable substitute water source for Simplot's farm land these junior appropriators may benefit from Simplot's use of a substitute water supply during part of the irrigation season. Because there may be considerable local public interest benefits that result from this project, Simplot submitted a proposal to the Bruneau Hot Springsnail Conservation Committee seeking funding to assist with completing this project. At this time the Committee has not responded to Simplot's proposal.

We believe this permit is crucial in providing a constructive solution toward solving a regional problem. During the life of this permit the listing, de-listing, then re-listing of the Bruneau Hot Spring snail caused uncertainly with respect to whether or not Simplot could rely on its primary irrigation water supply. Even so, we chose to invest substantially in pursuing completion of this project. Now that the regulatory atmosphere is more stable, we need more time to finish this important project. We request an extension until May 1, 2004, to complete our work.

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 21, 2004

J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

**RE: PERMIT NO. 51-7346**

Dear Permit Holder

I have enclosed a copy of the approved Request for Extension of Time ("request") you submitted to the department in connection with the above referenced permit, which extends the time to submit proof of beneficial use to **May 1, 2009.** Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner Additionally, these forms can be found on our website at: www.idwr state.id.us

If you have any questions regarding this matter, contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Regional Office

# ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 51-7346 Reviewed By dgibson Date October 20, 2004

| | Yes | No | | Yes | No |
|---|---|---|---|---|---|
| Request received timely? | X | | Is delay by a government agency? | | X |
| Appropriate fee | X | | Is supporting documentation needed to support the file? | | |
| Additional Amount Due | | | | | |
| Receipt No | C073672 | | Has the permit been involved in litigation? | | X |
| Name and signature same as permit? | X | | Is supporting documentation needed to support the file? | | |
| Is address same as permit? | X | | Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir? | | |
| Has adequate work been completed to demonstrate due diligence? | X | | | | |

**Priority Calculation**

| | | | | |
|---|---|---|---|---|
| Extension request received | | 04/30/2004 | New proof due date | 05/01/2009 |
| Date proof due | - | 05/01/2009 | | |
| Lapse notice sent | - | | | |
| No of days late | = | 0 | | |
| Holiday allowance | + | | | |
| Priority date | + | 09/14/1993 | | |
| New priority date | = | 09/14/1993 | | |

**Action Taken**

Acknowledge request, and extend proof deadline to 5/1/2009

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE IDAHO 83707-0027 (208) 336-2110 FAX (208) 369-7515

CORPORATE HEADQUARTERS

RECEIVED
APR
Department of Water Resources

**April 28, 2004**

***Certified Mail, Return Receipt Requested***
Deborah J Gibson, Administrative Assistant
State of Idaho
Department of Water Resources
Water Allocation Bureau
PO Box 83720
Boise, ID 83720-0098

**Re: IDWR Permit No. 51-7346**

Dear Ms. Gibson:

Attached is a request for an extension of time to complete development under this permit. Please apply the enclosed $50.00 check toward your fee for processing the enclosed request.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

J R SIMPLOT - S D.R TRUST
J R SIMPLOT AS TRUSTEE
C/O RONALD N GRAVES
PO BOX 27
BOISE ID 83707-0027

**RE: Water right number(s): 51 7293, 51 7346**

Dear Water Right Holder(s)

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor

There are many variables that affect stream flows in the Snake River Normally, the flows in the Snake River at Murphy gauge are lowest during June and July

Information about your water right can be found on the department's website at the following address. http://www.idwr state id.us/apps/ExtSearch/SearchWRAJ.asp. Real time flow data for the Murphy gage can also be found at the following address: http://www idahopower.com/riversrec/waterlevels/streamflow/showgraph cfm

Thank you for your cooperation in this matter If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman

Gary Spackman
Water Allocations Bureau Chief

February 29, 2004

J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
J R SIMPLOT AS TRUSTEE
C/O RONALD N GRAVES
PO BOX 27
BOISE, ID 83707-0027

PROOF DUE NOTICE

RE. PERMIT NO. 51-7346

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 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

7000 1530 0000
9414 9663

Enclosures

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

November 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

RE: Permit 51-07346

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a **preliminary order** issued by IDWR pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

**CERTIFICATE OF MAILING**

I hereby certify that on the **22nd** day of **November, 1999,** I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

**PERMIT 51-07346**

**J R SIMPLOT REVOCABLE TRUST**
**PO BOX 27**
**BOISE ID 83707-0027**

Kari Lynn Townsend
Secretary

Kari Lynn, when this amendment is approved, we need to send a copy to Jean Urquidi.

MICROFILMED

# Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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 a 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

MICROFILMED

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a 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

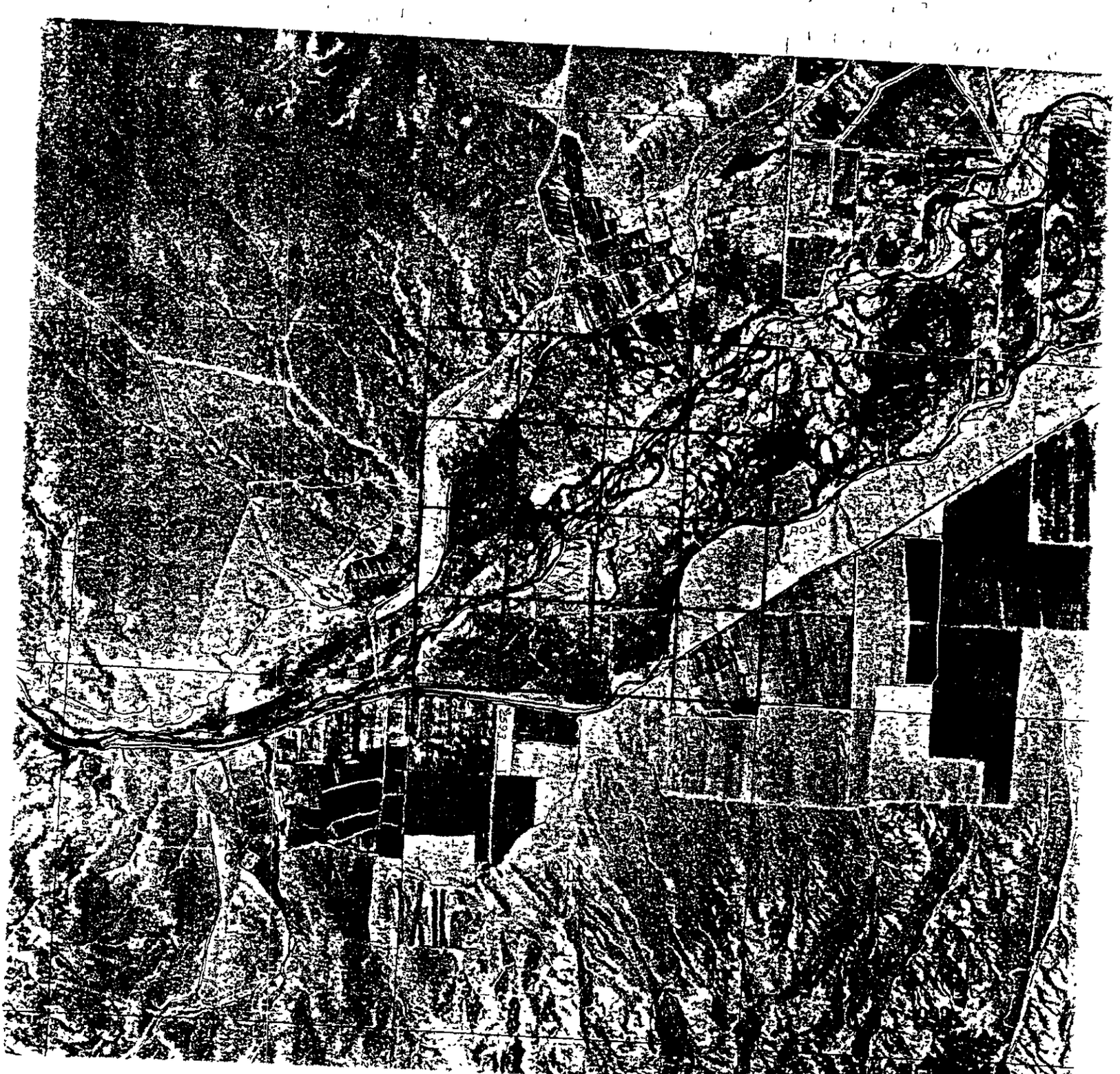
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

MICROFILMED

A51-10251



# SRBA
# DIRECTORS REPORT 51-10251

Return to SRBA Home Page

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

---

Right Number: 51-10251

Name and Address: JOHN URQUIDI
HC 85 BOX 135
BRUNEAU, ID 83604-9703

Source: BRUNEAU RIVER Tributary: SNAKE RIVER

Quantity: .02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Priority Date: 03-01-1879

Diversion Point: T07S R06E S22 NWNW (Instream Ending Point)
NWSE (Instream Beginning Point)

| Purpose and Period of Use: | Purpose of Use | Period of Use | Quantity |
|---|---|---|---|
| | Stockwater | 01-01 TO 12-31 | .02 CFS |

Place of Use: Stockwater
T07S R06E S22 NWNW SENW NWSE — Within Owyhee County: SWNW NESW

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

PARCEL NO. RP 0185102
STOCKWATER, 600 RANGE CATTLE

Return to SRBA Home Page

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# SRBA
# SUBCASE SUMMARY REPORT 51-10251

Return to SRBA Home Page

SRBA SUBCASE SUMMARY REPORT HTML12
11-16-1999

SUBCASE: 51-10251 FILE#: 00000
CLAIMANT: URQUIDI, JOHN
STATUS: PD ISSUED
WATER SOURCE: BRUNEAU RIVER,SNAKE RIVER

****** PARTIES INVOLVED ******

JOHN URQUIDI PRO SE

****** ROA ENTRIES ******

| | | |
|---|---|---|
| 01-30-1998 | PARTIAL DECREE FILED | 01-30-1998 |
| 01-30-1998 | CERTIFICATE OF MAILING - PARTIAL DECREE | |

Return to SRBA Home Page

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## AMENDMENT OF PERMIT REVIEW

Review Date _____

**PERMIT NO.** _____ **NAME** _____

**TYPE:**
**A** = AMENDED
**B** = CHANGE P/D
**C** = ADD P/D
**D** = CHANGE P/U
**E** = CHANGE N/U
**F** = CHANGE Per/U
**G** = OTHER
**H** = CHANGE P/D & + P/D
**I** = CHANGE P/D & P/U
**J** = ADD P/D & CHANGE P/U

**AREA OF CONCERN:** ~~Ow~~ Mor ~~Ow~~ GWMA (Trust/Non-trust

**PROOF OF B/U RECEIVED?** Yes/No **Due <6 months?** Yes/No

**GROUNDWATER:**
Drilling Permit No. _____;
Drilled _____

Swan Falls Flag ____

Conditions of Approval: _____

Remarks/Comments _____

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Form No. 211a
3/96

# State of Idaho

RECEIVED

## Department of Water Resources

NOV 16 1999

## AMENDMENT ANALYSIS SHEET

Department of Water Resources

Right Number 51-07346 WP File Name ADV-AMENDMENT.SIMP.T

Initial Review By: _____ Date 9/20/99

Applicant SIMPLOT

Purpose of Amendment: ☑ Change point of diversion. ☐ Add diversion point(s)
☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

☑ Description of amended point(s) of diversion
☑ Amount, nature and period of use. If increased, delay date of priority.
☑ Ownership of point of diversion and place of use.
☑ Map.
☑ Signature (must be permit holder).
☑ Fee.
NA ☐ Existing water rights from the same source, amended place of use.
☐ Right number(s) _____
☑ Yes ☐ No Should amendment be advertised?
☐ Yes ☑ No Should date of priority be delayed? If yes, to what date? _____
☐ Legal notice electronically transmitted to State Office.
☑ Additional analysis information attached. 9/20/99

FINAL REGIONAL PROCESSING REVIEW:

☑ Affidavit of publication received. ☑ Amendment published correctly
☐ Protest processed.
☐ Comment letters to: _____
☐ Copy for region file: Always include application, staff analysis sheet, legal notice
List other items to copy _____
☑ Approve.
☐ Deny.

Conditions Same conditions as original approval. Check with NCRO about amendment because this is related to a $25C,000 grant for Small ~~water~~ Reserv.

By _____ Date 11/10/99

STATE OFFICE PROCESSING:

☐ Amendment correct and complete: By _____ Date _____
☐ Approved copy sent to applicant and to Region. By _____ Date _____

Pam

NOTE- Statewide Ads (>10 cfs) waived per discussion with NCY 10/1/99. -SL

*The Owyhee Avalanche*

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

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )
) ss
COUNTY OF OWYHEE )

RECEIVED
OCT 29 1999
WATER RESOURCES
WESTERN REGION

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)

October 6 and 13, 1999

Signed _____

Subscribed and sworn to me this 13th day of October A D , 1999

SHIRLEY MARTINAT NOTARY PUBLIC STATE OF IDAHO

_____
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

## NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that **J. R. Simplot Self-Declaration of Revocable Trust** PO Box 27, Boise ID 83707 has applied to the Department of Water Resources to Change the Point of Diversion of the following water right in T7S R6E, Owyhee, County, pursuant to I.C. § 42-211:

RECORDED RIGHT

**Permit#51-07346,** Bruneau River tributary to the Snake River, filed on 9/14/1993 for 21.22 cfs diverted in NWSE S22 and SWSW S26 and used in Sections 3, 4, 9, 10, 14, 15, 22, 23, and 26 for total irrigation of 1061 acres.

PROPOSED AMENDMENT

Applicant proposes to move the Point of Diversion from the NWSE S22 upstream 1/3 mile to the NWNW S26 where river channel flow patterns are more consistent.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of $25.00 on or before October 29, 1999. The protestant must also send a copy of the protest to he applicant

Karl J. Dreher, Director

10/6&13/99

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# MEMORANDUM

DATE: September 20, 1999

FROM: lg☺

TO: 51-07346 File

RE: Amendment

The purpose of this amendment is to move the Bruneau River p/d in the NWSE S22 upstream 1/3 mile to the NWNW S26. No change in the permitted p/u or flow rate has been proposed.

Current records show that proof of beneficial use is not due until 2004. Ownership documentation was not requested since the proposed p/d is still within the applicant's permitted p/u. No diversions were found claimed, recommended or decreed in the SRBA for the river segment between the NWSE S22 p/d and the proposed p/d .

The applicant feels that the proposed upstream location has more consistent river flows and would require less channel maintenance than the downstream location. The second p/d listed on the permit for the Bruneau Buckaroo Ditch diversion in the SWSW S26 would remain unchanged.

## RECOMMENDATIONS

This amendment should be approved as filed.

Note conditions 5 and 6 in T. 4265 for water right 51-00005 regarding measuring and recording requirements for the SWSW S22 p/d which is the same p/d also listed on this permit.

MICROFILMED

**State of Idaho**
**DEPARTMENT OF WATER RESOURCES**
Western Region. 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 27, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN URQUIDI
HC 85BOX 135
BRUNEAU ID 83604-9703

Re Application for Transfer of Permit No 51-07346 in the Name of J. R. Simplot Self-Declaration of Revocable Trust

Dear Protestant:

We received your letter in which you expressed concerns about the approval of the above-referenced application for transfer. Please be advised, however, that the protest period ended October 25, 1999, and your letter was not received until October 26, 1999 The protest must be received by our office on or before the protest period is ended Pursuant to Idaho Code, we cannot recognize your letter as a protest. Your concerns, however, will be taken into consideration

The department will now continue to process the application, subject to certain conditions of approval

By copy of this letter we are requesting Debbie Allen of our fiscal department to refund your protest fee of $25 00 (receipt no W025852)

Please feel free to contact this office if you have questions

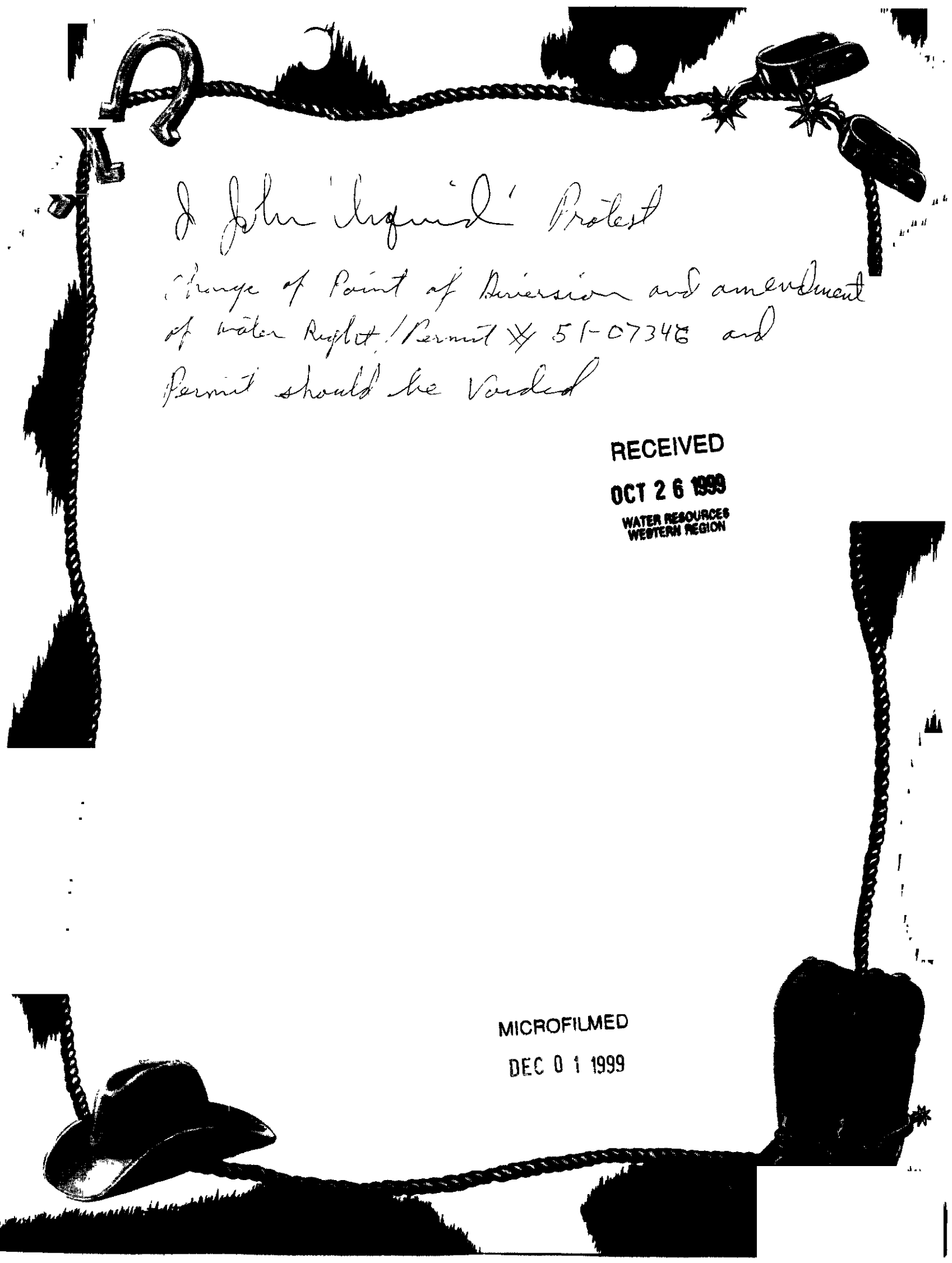
Sincerely,

Gary Spackman

GS st

CC Debbie Allen

MICROFILMED



J. John Urquidi Protest

Change of Point of Diversion and amendment of water Right / Permit # 51-07346 and Permit should be Vacated

RECEIVED
OCT 26 1999
WATER RESOURCES
WESTERN REGION

MICROFILMED
DEC 01 1999

Department of Water Resources
Western Region
2735 Airport Way, Boise Id 83705-5082

MICROFILMED
DEC 01 1999



83705/5082

**CONVERSATION MEMORANDUM**

DATE 10/1/99

FILE 51-07346

NAME OF PARTY See below

EMPLOYEE [illegible]

RE: Should Amendment be Advertised

9/30/99 - Vic Conrad of Simplot called to see if P/D change could be processed without advertising. Concerned about protests & delays, eliminating construction period this fall. Said had discussed w/ NCY.

10/1/99 I talked to NCY re this. He concurred that we should advertise but could waive statewide ads per language in 42.211.

I called Vic back & confirmed that Ad would proceed in first half of October.

MICROFILMED

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE IDAHO 83707-0027 (208) 336-2110 FAX (208) 389 7515

CORPORATE HEADQUARTERS

**August 25, 1999**

RECEIVED
AUG 26 1999
Department of Water Resources
RECEIVED
AUG 30 1999
WATER RESOURCES
WESTERN REGION

Norm Young, Administrator
Water Management Division
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

**Re: Amendment to IDWR Permit No. 51-07346.**

Dear Mr. Young:

We are seeking your authorization to move one of the two permitted diversion points under 51-07346 to a location on the northeasterly bank of the Bruneau River approximately one-third mile upstream from the permitted site. The proposed site will still be used to divert water onto Simplot property adjacent to the Bruneau River. There are no other landowners affected by moving the permitted diversion point.

It is our experience that the lower Bruneau River channel changes from year-to-year moving within, and sometimes outside, its banks. The further downstream, toward C. J. Strike Reservoir, these changes become greater and more frequent. If we proceed to complete the river pump station at the location originally permitted, we believe it may be necessary to annually re-direct the river channel toward our pump system intake. The expenditures necessary to modify the river channel each year may significantly increase the costs of operating and maintaining our pumping system.

We think the new location is a much better diverting point for our pumping system. At this location the river flows through the same channel consistently. We expect to avoid many of the expenditures that would otherwise be necessary to continually re-work the river channel to divert water, when available, under this permit.

I checked the IDWR's water right databases on August 16, 1999, and found there were no water rights, as of that date, on record with your office authorizing a diversion from the Bruneau River within the river segment between the NW¼SE¼ of Section 7 T.7S R.6E (our existing permitted diversion point) and the proposed diversion point which is located in the NW¼NW¼NW¼ of Section 26 T.7S R.6E. On this same date I also checked the IDWR's adjudication database and found there were no recommendations by the Director in his Basin 51 report to the SRBA court, for diversions from river in this segment. There have been no water right decrees issued by the SRBA court allowing diversions in this segment. Consequently our request to move one of the two permitted diversion points under 51-07346 will not have any affect on the availability of water for existing water right holders.

MICROFILMED

We believe the proposed diversion point is better suited for the long-term use of our pumping system. It should make the system easier to operate and more economical to maintain. This move will not have any impact on other water right holders. It provides our system with a more stable location on the river where the channel is consistent and predictable.

Enclosed is an application to amend permit 51-07346 seeking your approval to complete our pumping system at this new location. Also enclosed is a $50.00 check to cover your application fee. Should you have any questions about our proposal please contact me. My phone number is 389-7359.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

Dear Legal Dept

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. 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. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before **October 25, 1999.**

Sincerely,

Sue Taylor
Senior Secretary

Enc.

MICROFILMED

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that **J.R. Simplot Self-Declaration of Revocable Trust,** PO Box 27, Boise ID 83707 has applied to the Department of Water Resources to Change the Point of Diversion of the following water right in T7S R6E, Owyhee County, pursuant to I.C. § 42-211:

RECORDED RIGHT

**Permit #51-07346**, Bruneau River tributary to the Snake River, filed on 9/14/1993 for 21.22 cfs diverted in NWSE S22 and SWSW S26 and used in Sections 3, 4, 9, 10, 14, 15, 22, 23, and 26 for total irrigation of 1061 acres.

PROPOSED AMENDMENT

Applicant proposes to move the Point of Diversion from the NWSE S22 upstream 1/3 mile to the NWNW S26 where river channel flow patterns are more consistent.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of $25.00 on or before October 24, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avalanche on October 6 and 13, 1999.

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## ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 51-07346 Reviewed by JJ Date 5-26-99

**BASIC INFORMATION**

4-30 99 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

NO Address Change

**BASIS FOR EXTENSION REQUEST**

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

**ACTION TAKEN** Recommend extend to May 1, 2004, on basis of due diligence.

**PRIORITY CALCULATION**

| | | | |
|---|---|---|---|
| Date extension received | | = | |
| Proof due date | | = | |
| Number of days late | | = | |
| Priority date | | = | |
| **New Priority Date** | | = | |

**DATA ENTRY**

New Address X

Change Proof Due Date 5-1-2004

Change Priority Date X

**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**

**DIRK KEMPTHORNE**
**GOVERNOR**

**KARL J. DREHER**
**DIRECTOR**

May 26, 1999

JR Simplot Self Declaration
of Revocable Trust
PO Box 27
Boise ID 83707

**RE: Permit No. 51-07346**

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **May 1, 2004.** Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
JUN 09 1999

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED
APR 30 1999
Department of Water Resources

**April 30, 1999**

*DELIVERY*
Julie L. Yarbrough
Senior Secretary
State of Idaho
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

**Re: IDWR Permit No. 51-07346.**

Dear Julie:

Enclosed for filing is a request for additional time to complete development under this permit and a $50.00 check to cover your filing fee. Please file the enclosed request and return a copy along with your date stamp indicating receipt to the person making this delivery.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosures

MICROFILMED
JUN 09 1999

# DURABLE POWER OF ATTORNEY
# OF
# JOHN R. SIMPLOT



1. CREATION OF POWER. I, JOHN R. SIMPLOT, of 4000 Simplot Lane, Boise, Idaho 83702, do hereby appoint STEPHEN A. BEEBE, of 5163 Quail Summit, Boise, Ada County, Idaho 83703, and RONALD N. GRAVES, of 2024 Creekside Lane, Boise, Ada County, Idaho 83706, and the survivor of them, as my attorneys-in-fact and agents (individually called "Attorney" herein), granting to each of my Attorneys all the powers I would have if alive and competent, subject only to the limitations contained herein. STEPHEN A. BEEBE or RONALD N. GRAVES may fully exercise this power of attorney individually and without the advice or consent of the other. Only one of them need execute an instrument on my behalf. If either named Attorney is determined to be incompetent or otherwise unable or unwilling to serve as my Attorney, then the other shall continue to serve as my sole Attorney.

2. EFFECTIVE DATE. This grant of authority is effective upon its execution.

3. BROAD GRANT OF AUTHORITY. I grant to my Attorney the power to represent me and to perform any and all acts on my behalf that I could do on my own behalf (assuming I were present and not incapacitated) in all matters and affairs to the greatest extent the law permits and without limitation of any kind except as expressly set forth herein. The enumeration in this instrument of powers, discretion and authority granted to my Attorney is illustrative and not comprehensive. To that end, I grant my Attorney the following powers:

4. GENERAL POWERS. To exercise all powers of absolute ownership of all my assets and liabilities of every kind and character, wherever located; to do and perform on my behalf all matters and things; to transact all business and make all investments; to make, execute and acknowledge all contracts, assignments, nominee agreements, orders, deeds, mortgages, satisfactions, leases and assignments of same, and all other writings, assurances and instruments of every kind, including the preparation of income, gift or other tax returns and the making of elections in connection therewith, that may be necessary or proper to effectuate any transaction referred to above or that affect me or my property, with the same powers and with the same validity as I could, if personally present; and I hereby ratify and confirm whatsoever my Attorney shall or may do by virtue hereof.

MICROFILMED
JUN 09 1999

5. **BANKING.** To sign, endorse, cash or negotiate any checks, drafts or warrants made payable to me; to open, close and make deposits or withdrawals to or from any existing or hereafter opened checking or savings accounts at any bank, savings and loan association or similar depository, or similar accounts held by a brokerage or investment institution or any other institution.

6. **COLLECTIONS.** To demand, recover and receive all sums of money, goods or other personal property, tangible or intangible, now or hereafter due or belonging to me, from any person or persons.

7. **PERSONAL PROPERTY.** To sell, market, exchange or otherwise dispose of all or any part of my goods, currency, shares of stock, bonds, debentures, options, warrants, securities or other personal property, tangible or intangible, and to purchase any goods, currency, shares of stock, bonds, debentures, options, warrants or other personal property, tangible or intangible, for such amounts and on such terms as my Attorney deems advisable; and to exercise all voting rights, conversion rights or other rights or privileges arising out of such property.

8. **REAL PROPERTY DISPOSITION.** To sell, market, convey, exchange, convert, lease or encumber any real property or interest therein I now or hereafter possess, in fee simple or otherwise, to any person or entity for such price and on such terms as my Attorney deems advisable; and, for these purposes, to execute and acknowledge any listing or brokerage agreement, earnest money agreement, contract, deed, assignment, lease or other assurance, under such covenants as my Attorney deems advisable.

9. **REAL PROPERTY ACQUISITION.** To purchase or lease, in fee simple or otherwise, any real property or interest therein for such price, or in exchange for such assets, and on such terms as my Attorney deems advisable; and, for these purposes, to receive, confirm, make and execute any contracts, deeds, deeds of trust, mortgages, conveyances, leases, promissory notes or other instruments.

10. **REAL PROPERTY MANAGEMENT.** To enter into a property management agreement for any real property in which I may have an interest; to protest or contest any assessments or taxes assessed or levied against the same; to contract for any repairs or alterations on the same; to grant, deny, protest or defend against any easement in order to effect a sale, exchange or lease of the same; and to collect any rentals derived therefrom.

11. **PROPERTY INSURANCE.** To insure any goods or other personal property or any real property or interest therein belonging to me at such premiums and for such risks as my Attorney deems advisable.

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JUN 09 1999

12. **LIFE INSURANCE.** To purchase or maintain a life insurance contract on my life or the life of any one or more individuals in whom I have an insurable interest; to pay the premiums for any such policy from my resources, including my cash, cash equivalent, investments, or any other property or interest in property which I own that may be used to pay such premiums or converted to cash or a cash equivalent for the payment of such premiums; to select life insurance contracts having whatever premium payment structure, projected cash value, conversion options, dividend rights or other arrangements or characteristics that my Attorney deems appropriate; to enter into any arrangement or agreement for the payment of policy premiums as my Attorney deems appropriate, including split-dollar arrangements.

13. **ENTITIES--MANAGEMENT AND FORMATION .** To hold, manage, acquire or dispose of any business or an interest in any entity, including, but not limited to, general partnerships, limited partnerships, sole proprietorships, corporations, limited liability companies, business trusts, limited liability limited partnerships, foreign sales corporations, joint ventures or any other entity or arrangement; to make any elections necessary to cause any such corporation to become a Subchapter S corporation; to incorporate a part or all of such entity or business (or any investment held in such entity or business) in one or more corporations, with whatever capital and ownership structure my Attorney may deem appropriate, whether alone or with others, and in any jurisdiction; to form partnerships (including general and limited partnerships), limited liability companies, limited liability partnerships, limited liability limited partnerships, sole proprietorships, and any other form of business entity; to enter into joint ventures or associations with others on such terms as may be deemed appropriate; to enter into agreements respecting voting rights, management, incentive compensation, profit sharing, future sale or retention, etc., all without obtaining authority therefor from any court; and to actively operate or participate in the operation or management of any such entity or entities, including, but not limited to, acting as a general partner, a limited partner, a member, a manager, a shareholder, a fiduciary, a trustee, a board member or an officer of any business or entity in which I own (or come to own) any interest; and to make any tax election or decision relating to any such businesses, organizations or entities.

14. **DEBTS.** To settle, compromise, pay or collect any debts or claims due me or made against me or that may hereafter become due or be made against me, for such amounts and on such terms as my Attorney deems advisable and, in particular and without limitation, pay any debts arising from my care or maintenance; to take any reasonable and lawful measures my Attorney deems necessary for the settlement, compromise or collection of any such debts or claims due me, including commencing and prosecuting of litigation, entering into arbitration agreements or proceedings, and any other measure reasonable calculated to enhance the likelihood of collection or any such debts or claims due me.

MICROFILMED
JUN 0 9 1999

**15. LEGAL CLAIMS.** To defend, compromise or commence and prosecute, through final judgment and execution, any legal proceeding to which I am a party or that my Attorney deems proper for the recovery, possession or enjoyment of any matter or thing that is now or hereafter due, payable, owing, belonging or accruing to me; and, for these purposes, to enter into any stipulations, receipts, discharges, undertakings or recognizances, in connection with such legal proceedings, as my Attorney deems advisable.

**16. MEDICAL CONSENTS.** To consent, during any period that I am disabled due to mental or physical illness, deficiency, disease, accident, chronic use of drugs or alcohol or advanced age, to all nursing, hospital, medical, dental, surgical or psychiatric care or procedures as may be prescribed or recommended for me by an unrelated licensed medical doctor.

**17. NEW REVOCABLE TRUSTS--CREATION AND FUNDING.** To execute or amend a revocable trust agreement with such provisions and trustee(s) as my Attorney shall determine appropriate; to deliver and convey any or all of my assets to any such trust thereby created or to such a trust already in existence at the time of the creation of this instrument or created by me at any time thereafter; *provided,* that any such trust agreement shall require:

(a) That all income and principal shall be paid to me, to some person for my benefit or applied for my benefit in such amounts as I or my Attorney shall request or as the trustee or trustees shall determine;

(b) That on my death any remaining income and principal shall be paid to my personal representative; and

(c) That the trust may be revoked or amended by me or my Attorney at any time and from time to time; *provided, however,* that any amendment by my Attorney must be such that by law or under the provisions of this instrument such amendment could have been included in the original trust agreement;

**18. EXISTING REVOCABLE TRUSTS--FUNDING AND WITHDRAWALS.** To deliver and convey any or all of my assets to any revocable or irrevocable trust, whether or not in existence on the date of execution of this instrument, created by me or any other person or persons, *provided,* that any such trust must in some way directly or indirectly benefit one or more of me, my spouse, my descendants, an entity in which I then have an interest, or any foundation or charity to which I have previously made a direct or indirect contribution or gift; To withdraw assets, including the whole thereof, from any trust over which I have a power of withdrawal.

MICROFILMED

JUN 0 9 1999

**19. POWER OF APPOINTMENT.** To exercise, release or disclaim any power of appointment.

**20. DISCLAIM OR RENOUNCE.** To renounce and disclaim any property or interest in property or powers to which, for any reason and by any means, I may become entitled, whether by gift, testate or intestate succession; to release or abandon any property or interest in property or powers that I may now or hereafter own, including any interests in or rights over trusts (including the right to alter, amend, revoke or terminate) and to exercise any right to claim an elective share in any estate or under any will; and, in exercising such discretion, my Attorney may take into account such matters as shall include, but shall not be limited to, any reduction in estate or inheritance taxes on my estate, and the effect of such renunciation or disclaimer upon persons interested in my estate and persons who would receive the renounced or disclaimed property.

**21. GIFTS.**

(a) **GENERAL GIFTING POWER.** To make gratuitous transfers of my property or interests in property my property--whether partial or whole, divided or undivided, real, personal or mixed--in trust or otherwise, to or for the benefit of my then-lawful spouse, my lineal descendants or to any charitable or other public nonprofit organization; *provided,* that any contribution made to any such charitable organization shall qualify for the charitable contributions deduction under §§ 170 and 2522 of the Internal Revenue Code of 1986, as amended;

(b) **FORMS OF GIFTS.** To form and to make direct or indirect gifts to charitable remainder annuity trusts, charitable remainder unitrusts, other charitable remainder trusts, charitable lead trusts, pooled income funds, private foundations, public foundations, private operating foundations, supporting organizations, community funds, grantor retained annuity trusts, grantor retained unitrusts, qualified personal residence trusts, grantor retained income trusts, irrevocable trusts, irrevocable life insurance trusts, revocable trusts, generation-skipping transfer trusts, dynasty trusts, and any other form of gift, funds, organization, trust or entity formed for the direct or indirect benefit of me, my spouse, my lineal descendants or any charity, entity or organization described in § 170(a) of the Internal Revenue Code of 1986, as amended.

(c) **ADDITIONAL FORMS OF GIFTS.** To make gifts in the form of, but without limiting the foregoing, the forgiveness of indebtedness, the completion of any charitable pledges I may have made, private annuities, self-canceling installment obligations, conveyances of partial interests in property, grants of interests in personal and real property, grants of conservation or scenic easements and any other form of gift deemed appropriate by my Attorney.

MICROFILMED
JUN 09 1999

(d) **TERMS AND CONDITIONS.** This power to make gifts is subject to the following terms and conditions:

(1) **REQUIRED BENEFITS.** Any such gift or transfer must provide a benefit to me, my spouse at the time of such gift or transfer, my lineal descendants or a charity that will qualify for the charitable contributions deduction under §§ 170 and 2522 of the Internal Revenue Code of 1986, as amended. Reduction of the total gift tax to be paid by me and/or the total estate or death taxes to be paid by my estate or any beneficiary or heir thereof, shall be deemed a benefit to me, my spouse, my lineal descendants or a charity that will qualify for the charitable contributions deduction under §§ 170 and 2522 of the Internal Revenue Code of 1986, as amended.

(2) **LIMITATION.** No transfer may be made to any person or organization if that transfer is likely to deprive me of assets necessary for my health and support in my accustomed manner.

(3) **MAY NOT BENEFIT ATTORNEY.** Transfers may not be made (i) to or for the benefit of my Attorney, (ii) his creditor, (iii) his estate or (iv) the creditors of his estate.

(4) **NO NEED FOR PROGRAM OR PATTERN.** I grant this power to give gifts regardless of whether I personally initiate or exhibit a program or pattern of gift giving.

(5) **TAXABLE GIFTS.** Transfers made pursuant to this power of attorney may be taxable gifts.

(6) **LIBERALLY CONSTRUED.** This power to make gifts shall be liberally construed.

**THE FOREGOING IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

**22. EFFECTIVE DATE.** THIS POWER OF ATTORNEY SHALL BECOME EFFECTIVE ON THE DATE HEREOF.

**23. DISABILITY DOES NOT AFFECT POWER OF ATTORNEY.** This power of attorney shall *not* be affected by subsequent disability or incapacity of the principal. This power of attorney shall continue in effect until revoked or terminated.

MICROFILMED
JUN 0 9 1999

**24. RELIANCE BY THIRD PARTIES.** All persons dealing with my Attorney shall be entitled to rely with acquittance upon this power of attorney or photocopies hereof. Any acts taken pursuant to this instrument by such persons or my Attorney, without actual knowledge or written notice of the revocation or termination of this power of attorney, unless otherwise invalid or unenforceable, shall be binding on me, my guardian or guardians, if any, and my heirs, devisees, legatees, appointees, assigns, trustees and personal representatives.

**25. LIMITATION ON POWERS.** Notwithstanding the foregoing general grant of authority to act on my behalf, my Attorney shall not have the power to make, amend, alter or revoke any estate planning or testamentary documents previously executed by me, or any beneficiary designations of my insurance policies, individual retirement accounts (IRAs) or other retirement plans.

**26. REVOCATION.** I retain the right to revoke this power of attorney at any time by giving written or oral notice of such revocation to my Attorney or by recording a written instrument of revocation with the office of the recorder or auditor of the county in which I reside at the time I execute this power or attorney.

**27. DISABILITY DEFINED.** As the Grantor of this power of attorney, I shall be deemed to be under a disability, or incompetent if, at any time, two licensed physicians who are not related by blood or marriage to me certify in writing that I have become physically or mentally incapacitated and am thereby rendered unable to adequately care for my assets or properties. This same standard shall be applied to my Attorney.

**28. TERMINATION OF POWER.** This Power of Attorney shall terminate as follows:

(a) **BY APPOINTMENT OF CONSERVATOR.** The appointment of a conservator of my property shall terminate this power of attorney upon written notice or actual knowledge of such appointment being received by my Attorney. The appointment of a guardian of my person only shall not terminate this power of attorney. If protective proceedings for my person or my estate are commenced, I nominate **STEPHEN A. BEEBE** as my conservator and guardian. If **STEPHEN A. BEEBE** is unable or unwilling to serve in such capacity, then I appoint **RONALD N. GRAVES** as my conservator and guardian; or

(b) **BY DEATH OF PRINCIPAL.** My death terminates this power of attorney upon written notice or actual knowledge of my death being received by my Attorney.

**29. EXCULPATION AND INDEMNIFICATION.** Although I expect my Attorney, and each of them, to be guided by any directions I may communicate to them, with respect to each such Attorney who in good faith and without gross negligence in any manner acts or refrains from acting pursuant to this power of attorney, I agree, in behalf of myself and my estate, heirs, successors and assigns, to exculpate and indemnify such Attorney from and against any loss

MICROFILMED
NOV 09 1999

suffered or liability incurred (including reasonable attorney fees and expenses) for so acting or refraining to act. My Attorney may manage my affairs, assets and investments with the goal of long-term growth which I hold, and shall not be required to diversify my investments or holdings.

**30. GOVERNING LAW.** This power of attorney shall be construed in accordance with and governed by the laws of the State of Idaho.

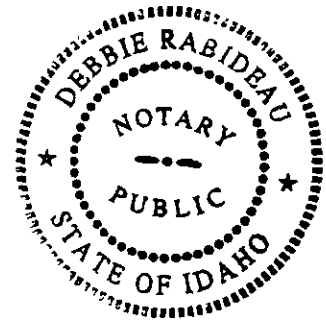
DATED this 8th day of May, 1997.

JOHN R. SIMPLOT

STATE OF IDAHO )
SS:
COUNTY OF ADA )

On this 8th day of May, 1997, before me, the undersigned Notary Public in and for said State, personally appeared **JOHN R. SIMPLOT**, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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 PUBLIC,.State of Idaho
Residing at Boise, Idaho
My appointment expires: 9/19/2000

MICROFILMED
JUN 03 1999

February 28, 1999

J R SIMPLOT REVOCABLE TRUST
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 837070027

PROOF DUE NOTICE

RE: PERMIT NO. 51-07346

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

MICROFILMED
JUN 04 1999

CERTIFIED MAIL
NO 433942 264

**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 19, 1995

J R SIMPLOT REVOCABLE TRUST
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707-0027

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 51-07346

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.

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.

RECEIVED
MAY 19 1995

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

From: DWR06::"vconrad@corpadmin.simplot.com" 16-MAY-1995 09:16:31.67
To: "Zimmerman, Cindy - IDWR" <czimmerm@idwr.state.id.us>
CC:
Subj: 51-07346 - Bruneau Buckaroo Ditch.

I spoke with Frank Bachman (Simplot) about your inquiry for the location of the point of injection and point of withdrawal associated with the Bruneau Buckaroo Ditch in the event Simplot chooses to divert water from the Bruneau River near Pence Hot Springs. As you are aware the alternative point of diversion from the Bruneau River, under this application, is the diversion for the Bruneau Buckaroo Ditch.

In the event the Pence Hot Springs diversion point is used, there won't be any point of injection into the Bruneau Buckaroo Ditch and consequently there won't be a point of withdrawal. Water diverted from the River at the Pence Hot Springs diversion point would be delivered directly to the place of use with a pipeline that would cross the Bruneau Buckaroo Ditch. There won't be any need to use the Bruneau Buckaroo Ditch for water delivery in the event this point of diversion is used.

If you need any additional information to complete the permitting for this application please call or write. My phone number is 389-7359.

Vic Conrad

JUN 07 1995

| OWNER CODE | NAME & ADDRESS | PRIORITY DATE | WATER USE | USE PERIOD FROM | USE PERIOD TO | DIVERSION RATE | DIVERSION VOLUME |
|---|---|---|---|---|---|---|---|
| C | J R SIMPLOT REVOCABLE TRUST<br>999 MAIN ST STE 1300<br>PO BOX 27<br>BOISE ID 83707-0027<br>(208) 336-2110 | 09/14/1993 | IRRIGATION | 04-01 | 10-31 | 21.220 CFS | |
| | | | | TOTAL DIVERSION: | | 21.220 CFS | |

Water Source: BRUNEAU RIVER  Tributary to: SNAKE RIVER  Stage: PERMIT

Point(s) of Diversion: T07S R06E S26  SWSW  OWYHEE County

Place of use Legal Description for: IRRIGATION

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | |
| T | R | S | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | SUM |
| 07S | 06E | 3 | | | | | | | | | | | 24 | 30 | | | | | 54.0 |
| 07S | 06E | 4 | | | | | | | | | | | | | | | | 21 | 21.0 |
| 07S | 06E | 9 | 31 | | | 09 | | | | | | | | | | | | | 40.0 |
| 07S | 06E | 10 | | | | | | 39 | 14 | | | | | | | | | | 53.0 |
| 07S | 06E | 14 | | | | | | | 38 | | | 38 | 38 | | | | | | 114.0 |
| 07S | 06E | 15 | | 40 | 26 | 40 | | | | 36 | | | | | 40 | 37 | 15 | 40 | 274.0 |
| 07S | 06E | 22 | 40 | | | | | | | | | | | | | | | | 40.0 |
| 07S | 06E | 23 | | | | | | 38 | | | 40 | 39 | 40 | 40 | | | | | 197.0 |
| 07S | 06E | 26 | | | 40 | 40 | 40 | 40 | 40 | 35 | 33 | | | | | | | | 268.0 |
| | | | | | | | | | | | | | | | | | TOTAL ACRES | | 1061.0 |

Pou County: OWYHEE

Other Water Rights with Same Point(s) of Diversion and Source:
51-00002 51-00003 51-00004A 51-00004B 51-00005 51-00039 51-00040 51-00041 51-00063 51-00064
51-00065 51-07346

Other Water Rights Listing Overlapping Place(s) of use:
51-00005 51-02089B 51-02091 51-02120 51-02123 51-02127 51-02150 51-02165 51-02169 51-02170
51-02213B 51-07047 51-07058 51-07082 51-07119 51-07293 51-07346

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.

**061** - Water shall not be diverted under this right unless the flow
- of the Snake River exceeds prior rights and established
- downstream minimum stream flows.

**03A** - 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.

**051** - Any license issued by IDWR pursuant to the right or portion

Conditions of Approval:

- 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.

052 - 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.

053 - The Director retains jurisdiction of this right and/or
- subsequent license issued to change, add or remove any
- requirement as determined to be appropriate.

R19 - A totalizing measuring device of a type approved by this
- Department shall be maintained as a part of the diverting works.

Remarks: After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
The issuance of this right in no way grants any right-of-way or easement across the land of another, and specifically does not grant utilization of the Bruneau-Buckaroo ditch.

Dates:

| | | | |
|---|---|---|---|
| App. Received: | 09/14/1993 | Priority Date: | 09/14/1993 |
| Proof Due Date: | 05/01/1999 | Proof Made Date: | |
| Exam Made Date: | | Exam Sent to S.O.: | |
| Licensed Date: | | | |

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/29/1993 User-ID: TAYLOR Subject: Purpose of Application
The purpose of this application is to utilize Bruneau River floodwaters to irrigate lands presently irrigated by wells. Use of Bruneau River water (when available in spring and early summer) will reduce the annual usage of groundwater on these lands, and should have a beneficial effect on local groundwater levels.

Date: 03/31/1994 User-ID: LESTER Subject: OTHER INFORMATION
A pump will be put into Bruneau-Buckaroo ditch in S22 for withdrawals from the ditch. This is the same pump to be used for 4.4 cfs on 250 acres in 1,311 acre rotation area approved for Owen's use in T.4265. Note condition nos. 5 & 6 in T.4265.

Audit: 01/09/95 CZIMMERM

WR0750NP
(OD-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 01/04/95
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE | NE NE Lt | NE NE Ac | NE NW Lt | NE NW Ac | NE SW Lt | NE SW Ac | NE SE Lt | NE SE Ac | NW NE Lt | NW NE Ac | NW NW Lt | NW NW Ac | NW SW Lt | NW SW Ac | NW SE Lt | NW SE Ac | SW NE Lt | SW NE Ac | SW NW Lt | SW NW Ac | SW SW Lt | SW SW Ac | SW SE Lt | SW SE Ac | SE NE Lt | SE NE Ac | SE NW Lt | SE NW Ac | SE SW Lt | SE SW Ac | SE SE Lt | SE SE Ac | SUM |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5107346 | T07S R06E S 3 BRUNEAU RIVER | | | | | | | | | | | | | | | | | | | | | | | 24 | 30 | | | | | | | | | 54 |
| upper 168A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5100005 | BRUNEAU RI | deeree, Brunean Ranchero Coop Ditch Co., 16.4 cfs on 3654 A | | | | | | | | | | | | | | | | | | | | | | 24 | 30 | on 250A (4.4 cfs on Owens Ranch) | | | | | | | | 54 |
| 5107119 | GROUNDWATE | wilcox, Perkins, 3 cfs on 168A | | | | | | | | | | | | | | | | | | | | | | 24 | 30 | | | | | | | | | 54 |
| A5107119 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | | | | | | | 80 |
| R5107119 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | | | | | | | 80 |
| | C73Q-AA 63 | | | | | | | | | | | | | | | | | | | | | | | 29 | 21 | | | | | | | | | 50 |
| 5107346 | T07S R06E S 4 BRUNEAU RIVER | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 21 | 21 |
| A5100003 | BRUNEAU RI | | | | | | | | | | | | | | | | | 10 | 20 | 35 | 15 | | | | | | | | | | | | | 80 |
| 5100004B | BRUNEAU RI | | | | | | | | | | | | | | | | | 06 | | | 03 | | | | | | | | | | | | | 9 |
| 5100005 | BRUNEAU RI | | | | | | | | | | | | | | | | | 10 | 20 | 35 | 15 | | | | | | | | | | | | 21 | 101 |
| A5100005 | BRUNEAU RI | | | | | | | | | | | | | | | | | 10 | 20 | 35 | 15 | | | | | | | | | | | | | 80 |
| 5104048 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | 22 | | | | | | | | | | | | | 22 |
| A5104048 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | 22 | | | | | | | | | | | | | 22 |
| 5104049 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | 22 | | | | | | | | | | | | | 22 |
| A5104049 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | 22 | | | | | | | | | | | | | 22 |
| 5107119 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 21 | 21 |
| A5107119 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 |
| R5107119 | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 |
| A5110271 | BRUNEAU RI | | | | | | | | | | | | | | | | | 10 | 20 | 35 | 15 | | | | | | | | | | | | | 80 |
| A5110350 | BRUNEAU RI | | | | | | | | | | | | | | | | | 10 | 20 | 35 | 15 | | | | | | | | | | | | | 80 |
| | C73Q-AA 62 | | | | | | | | | | | | | | 01 | | | 08 | 33 | 38 | 17 | | | | | | | | | | | | 24 | 121 |
| 5107346 | T07S R06E S 9 BRUNEAU RIVER | | 31 | | | | 09 | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 |
| A5100003 | BRUNEAU RI | | | | 05 | | 10 | | | | 20 | | 35 | | 35 | | 40 | | 25 | | 19 | | 06 | | | | 30 | | 10 | | 05 | | | 240 |
| 5100004B | BRUNEAU RI | | | | | | 03 | | | | | | | | | | 01 | | | | | | | | | | | | | | | | | 4 |
| 5100005 | BRUNEAU RI | | 31 | | 05 | | 10 | | 29 | | 20 | | | | | | 40 | | | | | | | | 25 | | | | | | | | | 160 |
| A5100005 | BRUNEAU RI | | | | 05 | | 10 | | 20 | | 20 | | | | | | 40 | | | | | | | | 25 | | | | | | | | | 120 |
| A5100009 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | 25 | | | | | | | | | | | 25 |
| A5100010 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | 25 | | | | | | | | | | | 25 |
| A5100011 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | 25 | | | | | | | | | | | 25 |
| 5100018 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | 80 |
| A5100018 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | 80 |
| 5100019 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | 80 |
| A5100019 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | 80 |
| 5100020 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | 80 |
| A5100020 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | 40 | | | 80 |
| 5100021 | BRUNEAU RI | | | | | | | | | | | | | | | | | 40 | | | 40 | | 40 | | | | 40 | | | | | | | 160 |
| A5100021 | BRUNEAU RI | | | | | | | | | | | | | | | | | 40 | | | 40 | | 40 | | | | 40 | | | | | | | 160 |
| 5100022 | BRUNEAU RI | | | | | | | | | | | | | | | | | 40 | | | 40 | | 40 | | | | 40 | | | | | | | 160 |
| A5100022 | BRUNEAU RI | | | | | | | | | | | | | | | | | 40 | | | 40 | | 40 | | | | 40 | | | | | | | 160 |

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| WR-NUMBER | SOURCE | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | SUM |
| 5100023 | BRUNEAU RI | | | | | | | | | 40 | | 40 | 40 | | 40 | | | 160 |
| A5100023 | BRUNEAU RI | | | | | | | | | 40 | | 40 | 40 | | 40 | | | 160 |
| 5104048 | GROUNDWATE | | | 08 | | 20 | | | 20 | | | | | | | | | 48 |
| A5104048 | GROUNDWATE | | | 08 | | 20 | | | 20 | | | | | | | | | 48 |
| 5104049 | GROUNDWATE | | | 08 | | 20 | | | 20 | | | | | | | | | 48 |
| A5104049 | GROUNDWATE | | | 08 | | 20 | | | 20 | | | | | | | | | 48 |
| 5107119 | GROUNDWATE | 31 | | | ~~09~~ | | | | | | | | | | | | | 40 |
| A5107119 | GROUNDWATE | 40 | | | 40 | | | | | | | | | 40 | | | | 120 |
| R5107119 | GROUNDWATE | 40 | | | 40 | | | | | | | | | 40 | | | | 120 |
| A5110047 | SPRING | | | | | | | | | | | | 25 | | | | | 25 |
| A5110255 | BRUNEAU RI | | | | | | | | | | | 25 | | | | | | 25 |
| A5110256 | BRUNEAU RI | | | | | | | | | | | 25 | | | | | | 25 |
| A5110257 | BRUNEAU RI | | | | | | | | | | | 25 | | | | | | 25 |
| A5110262 | BRUNEAU RI | | | | | | | | | | | 25 | | | | | | 25 |
| A5110271 | BRUNEAU RI | | 05 | 10 | 20 | 20 | 35 | 35 | 40 | 25 | 19 | | 06 | 25 | 30 | 10 | 05 | 285 |
| A5110350 | BRUNEAU RI | | 05 | 10 | | 20 | | | 40 | | | | | | | | | 75 |
| | C73Q-AA 63 | 34 | 06 | 25 | 30 | 30 | 38 | 39 | 38 | 38 | 30 | 22 | 33 | 31 | 33 | 36 | 18 | 481 |
| 5107346 | T07S R06E S10 BRUNEAU RIVER | | | | | | 39 | 14 | | | | | | | | | | 53 |
| 5100005 | BRUNEAU RI | | | | | | ~~39~~ | ~~14~~ | | 20 | 25 | 40 | 40 | | | | | 178 |
| A5100005 | BRUNEAU RI | | | | | | | | | 20 | 25 | 40 | 40 | | | | | 125 |
| 5107119 | GROUNDWATE | | | | | | ~~39~~ | ~~44~~ | | | | | | | | | | 53 |
| A5107119 | GROUNDWATE | | | | | | 40 | 40 | | | 40 | | | | | | | 120 |
| R5107119 | GROUNDWATE | | | | | | 40 | 40 | | | 40 | | | | | | | 120 |
| A5110271 | BRUNEAU RI | | | | | | | | | 20 | 25 | 40 | 40 | | | | | 125 |
| | C73Q-AA 63 | | | | | | 32 | 08 | | 27 | 31 | 38 | 37 | | | 04 | | 177 |
| 5107346 | T07S R06E S14 BRUNEAU RIVER | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| 5100005 | BRUNEAU RI | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| *5102089B | GROUNDWATER | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| A5102089B | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| R5102089B | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| *5102091 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| A5102091 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| R5102091 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| *5102120 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| A5102120 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| R5102120 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| *5102123 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| A5102123 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| R5102123 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| *5102127 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |
| A5102127 | GROUNDWATE | | | | | | 38 | | | | 38 | 38 | | | | | | 114 |

middle 466A

Bruneau Dam, Lake or Ditch, 3 cfs on S13 A

Diversion, Dam, Lake on 466A

Claimed By JR Simplot Revo Trust

* T3324

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE | NE NE Lt | NE NE Ac | NE NW Lt | NE NW Ac | NE SW Lt | NE SW Ac | NE SE Lt | NE SE Ac | NW NE Lt | NW NE Ac | NW NW Lt | NW NW Ac | NW SW Lt | NW SW Ac | NW SE Lt | NW SE Ac | SW NE Lt | SW NE Ac | SW NW Lt | SW NW Ac | SW SW Lt | SW SW Ac | SW SE Lt | SW SE Ac | SE NE Lt | SE NE Ac | SE NW Lt | SE NW Ac | SE SW Lt | SE SW Ac | SE SE Lt | SE SE Ac | SUM |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| R5102127 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| *5102150 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 30 | | 30 | | | | | | | | | | | | 114 |
| A5102150 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| R5102150 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| *5102165 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| A5102165 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| R5102165 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| *5102169 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 30 | | 38 | | | | | | | | | | | | 114 |
| A5102169 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| R5102169 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| *5102170 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| A5102170 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| R5102170 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| *51022138 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| A5102213B | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| R5102213B | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| *5107047 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| A5107047 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| R5107047 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| *5107058 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| A5107058 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| R5107058 | GROUNDWATE | | | | | | | | | | | | | | 38 | | | | 38 | | 38 | | | | | | | | | | | | 114 |
| | C73Q-AA 63 | | | | | | | | | | | | | 03 | 29 | | | | 29 | | 38 | | 01 | | | | | | | | | | 100 |
| *T3324 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5107346 | T07S R06E S15 | BRUNEAU RIVER | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | | 274 |
| A5100003 | BRUNEAU RI | | | | | | | | | | | | | | | | | | 25 | | 35 | | 05 | | | | | | | | | | | 65 |
| 5100005 | BRUNEAU RI | | | 40 | | 26 | | 40 | | 40 | | 40 | | | 80 | | | | 05 | | 35 | | | | | | 40 | | 37 | | 15 | | 40 | 394 |
| A5100005 | BRUNEAU RI | | | | | | | | | 40 | | 40 | | | | | | | 05 | | 35 | | | | | | | | | | | | | 120 |
| 5100012 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| A5100012 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| R5100012 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| 5100013 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| A5100013 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| R5100013 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| 5100014 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| A5100014 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| R5100014 | BRUNEAU RI | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | | | | | | 40 |
| 5100070 | SPRING | | | | | | | | | | | | | | | | | | 40 | | 40 | | | | | | | | | | | | | 80 |
| .51020898 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A51020898 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R51020898 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102091 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102091 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5102091 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102120 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102120 | GROUNDWATE | | | 40 | | 26 | | 40 | | | | | | | 36 | | | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE | NE NE Lt | NE NE Ac | NE NW Lt | NE NW Ac | NE SW Lt | NE SW Ac | NE SE Lt | NE SE Ac | NW NE Lt | NW NE Ac | NW NW Lt | NW NW Ac | NW SW Lt | NW SW Ac | NW SE Lt | NW SE Ac | SW NE Lt | SW NE Ac | SW NW Lt | SW NW Ac | SW SW Lt | SW SW Ac | SW SE Lt | SW SE Ac | SE NE Lt | SE NE Ac | SE NW Lt | SE NW Ac | SE SW Lt | SE SW Ac | SE SE Lt | SE SE Ac | SUM |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| R5102120 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102123 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102123 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5102123 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102127 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102127 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5102127 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102150 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102150 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5102150 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102165 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102165 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5102165 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102169 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102169 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5102169 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5102170 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102170 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5102170 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .51022138 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5102213B | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R51022138 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5107047 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5107047 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5107047 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| .5107058 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5107058 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| R5107058 | GROUNDWATE | | | | 40 | | 26 | | 40 | | | | | | | | 36 | | | | | | | | | | 40 | | 37 | | 15 | | 40 | 274 |
| A5110271 | BRUNEAU RI | | | | | | | | | | 40 | | 40 | | | | | | 25 | | 35 | | 05 | | | | | | | | | | | 145 |
| A5110350 | BRUNEAU RI | | | | | | | | | | | | | | | | | | 05 | | 35 | | | | | | | | | | | | | 40 |
| | C73Q-AA 63 | | 01 | | 37 | | 41 | | 41 | | 40 | | 41 | | 32 | | 39 | | 14 | | 41 | | 43 | | 35 | | 39 | | 40 | | 39 | | 41 | 564 |
| 5107346 | T07S R06E S22 | BRUNEAU RIVER | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 |
| A5100003 | BRUNEAU RI | | | | 05 | | 25 | | | | 25 | | | | | | 05 | | | | | | | | | | 20 | | | | | | 20 | 100 |
| .5100005 | BRUNEAU RI | | 40 | | | | | | | | | | | | | | | | | | | | | | | | 20 | | | | | | 20 | 80 |
| A5100005 | BRUNEAU RI | | | | | | | | | | | | | | | | | | | | | | | | | | 20 | | | | | | 20 | 40 |
| A5100009 | BRUNEAU RI | | | | | | | | | | | | | | 38 | | 09 | | 20 | | 31 | | | | 18 | | | | | | 10 | | 05 | 131 |
| A5100010 | BRUNEAU RI | | | | | | | | | | | | | | 38 | | 09 | | 20 | | 31 | | | | 18 | | | | | | 10 | | 05 | 131 |
| A5100011 | BRUNEAU RI | | | | | | | | | | | | | | 38 | | 09 | | 20 | | 31 | | | | 18 | | | | | | 10 | | 05 | 131 |
| 5100069 | PENCE WARM | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | | 40 | | | | | 80 |
| A5100069 | PENCE WARM | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | | 40 | | | | | 80 |
| R5100069 | PENCE WARM | | | | | | | | | | | | | | | | | | | | | | | | | | 40 | | 40 | | | | | 80 |
| .51020898 | GROUNDWATE | | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 25 |
| A5102089B | GROUNDWATE | | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 25 |
| R51020898 | GROUNDWATE | | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 25 |
| .5102091 | GROUNDWATE | | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 25 |

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE | NE | | | | NW | | | | SW | | | | SE | | | | SUM |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | |
| A5102091 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102091 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| .5102120 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102120 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102120 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| .5102123 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102123 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102123 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| .5102127 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102127 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102127 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| .5102150 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102150 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102150 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| 5102165 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102165 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102165 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| .5102169 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102169 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102169 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| .5102170 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102170 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102170 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| 5102205 | GROUNDWATE | | | | | | | 12 | 07 | 23 | 26 | | | | | | | 68 |
| A5102205 | GROUNDWATE | | | | | | | 12 | 07 | 23 | 26 | | | | | | | 68 |
| .5102213B | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5102213B | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5102213B | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| 5104102 | SPRING | | | | | | | | | | 03 | | | | | | | 3 |
| A5104102 | SPRING | | | | | | | | | | 03 | | | | | | | 3 |
| .5107047 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5107047 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5107047 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| .5107058 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| A5107058 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| R5107058 | GROUNDWATE | 25 | | | | | | | | | | | | | | | | 25 |
| 5107092 | GROUNDWATE | | | | | | | | | | | 15 | 30 | | | 16 | 04 | 65 |
| A5107092 | GROUNDWATE | | | | | | | | | | | 15 | 30 | | | 16 | 04 | 65 |
| R5107092 | GROUNDWATE | | | | | | | | | | | 15 | 30 | | | 16 | 04 | 65 |
| [redacted] | | | permit Sept, 40 | | | 2.5 cfs on 125A | | | | | | | | 30 | | | | 85 |
| A5110250 | GROUNDWATE | | | | | | | 12 | 07 | 23 | 26 | | | | | | | 68 |
| A5110255 | BRUNEAU RI | | | | | | | 38 | 09 | 20 | 31 | | 18 | | | 10 | 05 | 131 |
| A5110256 | BRUNEAU RI | | | | | | | 38 | 09 | 20 | 31 | | 18 | | | 10 | 05 | 131 |
| A5110257 | BRUNEAU RI | | | | | | | 38 | 09 | 20 | 31 | | 18 | | | 10 | 05 | 131 |
| A5110261 | BRUNEAU RI | | | | | | | | 03 | 20 | | | | | 18 | 18 | | 59 |
| A5110262 | BRUNEAU RI | | | | | | | 38 | 09 | 20 | 31 | | 18 | | | 10 | 05 | 131 |
| A5110271 | BRUNEAU RI | | 05 | 25 | | 25 | | | 05 | | | | | 20 | | | 20 | 100 |
| A5110350 | BRUNEAU RI | | | | | | | | | | | | | 20 | | | 20 | 40 |
| | C73Q-AA 63 | 34 | 22 | 39 | 32 | 39 | 34 | 39 | 31 | 38 | 41 | 27 | 38 | 40 | 22 | 36 | 29 | 541 |

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE | NE NE Lt | NE NE Ac | NE NW Lt | NE NW Ac | NE SW Lt | NE SW Ac | NE SE Lt | NE SE Ac | NW NE Lt | NW NE Ac | NW NW Lt | NW NW Ac | NW SW Lt | NW SW Ac | NW SE Lt | NW SE Ac | SW NE Lt | SW NE Ac | SW NW Lt | SW NW Ac | SW SW Lt | SW SW Ac | SW SE Lt | SW SE Ac | SE NE Lt | SE NE Ac | SE NW Lt | SE NW Ac | SE SW Lt | SE SW Ac | SE SE Lt | SE SE Ac | SUM |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5107346 | T07S R06E S23 BRUNEAU RIVER | | | | | | | | | | 38 | | | | | | | 40 | 39 | 40 | 40 | | | | | | | | | | | | | 197 |
| 5100005 | BRUNEAU RI | | | | | | | | | | 38 | | | | | | | 40 | 39 | 40 | 40 | | | | | | | | | | | | | 197 |
| 5102089A | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 05 | | | | 5 |
| A5102089A | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 05 | | | | 5 |
| 5102089B | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102089B | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102089B | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102091 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102091 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102091 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102120 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102120 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102120 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102123 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102123 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102123 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102127 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102127 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102127 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102150 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102150 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102150 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102165 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102165 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102165 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102169 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102169 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102169 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5102170 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102170 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102170 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| ~~5102213A~~ | ~~GROUNDWATE~~ | | | | | | | | | | | | | | | | | | | | | | | | | | | 10 | 35 | | | | | 45 |
| A5102213A | GROUNDWATE | | | | | | | | | | | | | | | | | | | | | | | | | | | 10 | 35 | | | | | 45 |
| 5102213B | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5102213B | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5102213B | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5107047 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5107047 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5107047 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5107058 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| A5107058 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| R5107058 | GROUNDWATE | | | | | | | | | | 38 | | | | | | | 30 | 29 | | 40 | | | | | | | | | | | | | 137 |
| 5107082 | GROUNDWATE | | | | | | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | 40 |
| A5107082 | GROUNDWATE | | | | | | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | 40 |
| R5107082 | GROUNDWATE | | | | | | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | 40 |

permit. Simple 1; 3.62 cfs max 190A

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

Middle tract $668.7 NW

Lower tract 423 A

| WR-NUMBER | SOURCE | NE NE Lt | NE NE Ac | NE NW Lt | NE NW Ac | NE SW Lt | NE SW Ac | NE SE Lt | NE SE Ac | NW NE Lt | NW NE Ac | NW NW Lt | NW NW Ac | NW SW Lt | NW SW Ac | NW SE Lt | NW SE Ac | SW NE Lt | SW NE Ac | SW NW Lt | SW NW Ac | SW SW Lt | SW SW Ac | SW SE Lt | SW SE Ac | SE NE Lt | SE NE Ac | SE NW Lt | SE NW Ac | SE SW Lt | SE SW Ac | SE SE Lt | SE SE Ac | SUM |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 5107293 | SPRINGS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 20 |
| | C73Q-AA 63 | | | | | | | | | | 01 | | 37 | | 05 | | | | 30 | | 36 | | 38 | | 40 | | | | 22 | | 34 | | | 243 |
| lower | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5107346 | T07S R06E S26 BRUNEAU RIVER | | | | 40 | | 40 | | | | 40 | | 40 | | 40 | | 35 | | 33 | | | | | | | | | | | | | | | 268 |
| 5100005 | BRUNEAU RI | | | | 40 | | 40 | | | | 40 | | 40 | | 40 | | 39 | | 38 | | | | | | | | | | | | | | | 268 |
| A5100009 | BRUNEAU RI | | | | | | 1cfs on 699.9A | | | | | | | | 14 | | | | | | 05 | | | | | | | | | | | | | | 19 |
| A5100010 | BRUNEAU RI | | | | | | 3cfs on | | | | | | | | 14 | | | | | | 05 | | | | | | | | | | | | | | 19 |
| A5100011 | BRUNEAU RI | | | | | | 4cfs on | | | | | | | | 14 | | | | | | 05 | | | | | | | | | | | | | | 19 |
| 5100072 | WILSONS SP | | | | | | | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | 40 |
| A5100072 | WILSONS SP | | | | | | | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | 40 |
| R5100072 | WILSONS SP | | | | | | | | | | | | | | | | | | | | 40 | | | | | | | | | | | | | | 40 |
| .5102089B | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102089B | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102089B | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102091 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102091 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102091 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102120 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102120 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102120 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102123 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102123 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102123 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102127 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102127 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102127 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102150 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102150 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102150 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102165 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102165 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102165 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102169 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102169 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102169 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5102170 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102170 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102170 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| 5102213A | GROUNDWATE | | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 |
| A5102213A | GROUNDWATE | | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 40 |
| .5102213B | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5102213B | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5102213B | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| .5107047 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| A5107047 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |
| R5107047 | GROUNDWATE | | | | 15 | | 08 | | | | 40 | | | | | | 35 | | | | | | | | | | | | | | | | | | 98 |

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WR-NUMBER | SOURCE | NE Lt Ac | NW Lt Ac | SW Lt Ac | SE Lt Ac | NE Lt Ac | NW Lt Ac | SW Lt Ac | SE Lt Ac | NE Lt Ac | NW Lt Ac | SW Lt Ac | SE Lt Ac | NE Lt Ac | NW Lt Ac | SW Lt Ac | SE Lt Ac | SUM |
| ~5107058 | GROUNDWATE | | | 15 | 08 | 40 | | | 35 | | | | | | | | | 98 |
| A5107058 | GROUNDWATE | | | 15 | 08 | 40 | | | 35 | | | | | | | | | 98 |
| R5107058 | GROUNDWATE | | | 15 | 08 | 40 | | | 35 | | | | | | | | | 98 |
| .5107082 | GROUNDWATE | | | 25 | 32 | | 30 | 30 | | 33 | | | | | | | | 150 |
| A5107082 | GROUNDWATE | | | 25 | 32 | | 30 | 30 | | 33 | | | | | | | | 150 |
| R5107082 | GROUNDWATE | | | 25 | 32 | | 30 | 30 | | 33 | | | | | | | | 150 |
| ~5107293 | SPRINGS | | | | | | 10 | | | | | | | | | | | 20 |
| A5110255 | BRUNEAU RI | 14 Reg. 2.16 cfs on 103A | | | | | | 14 | | | 05 | | | | | | | 19 |
| A5110256 | BRUNEAU RI | Hot Spr Ditch Co. 4.41 cfs on 6999A | | | | | | 14 | | | 05 | | | | | | | 19 |
| A5110257 | BRUNEAU RI | " | | 4.88 | " | " | | 14 | | | 05 | | | | | | | 19 |
| A5110262 | BRUNEAU RI | " | | 14.0 | " | " | | 14 | | | 05 | | | | | | | 19 |
| | C73Q-AA 63 | 01 | 32 | 37 | 28 | 39 | 38 | 41 | 40 | 21 | 20 | | | | 04 | | | 301 |

Overlapping ditch water & T3324 (groundwater)

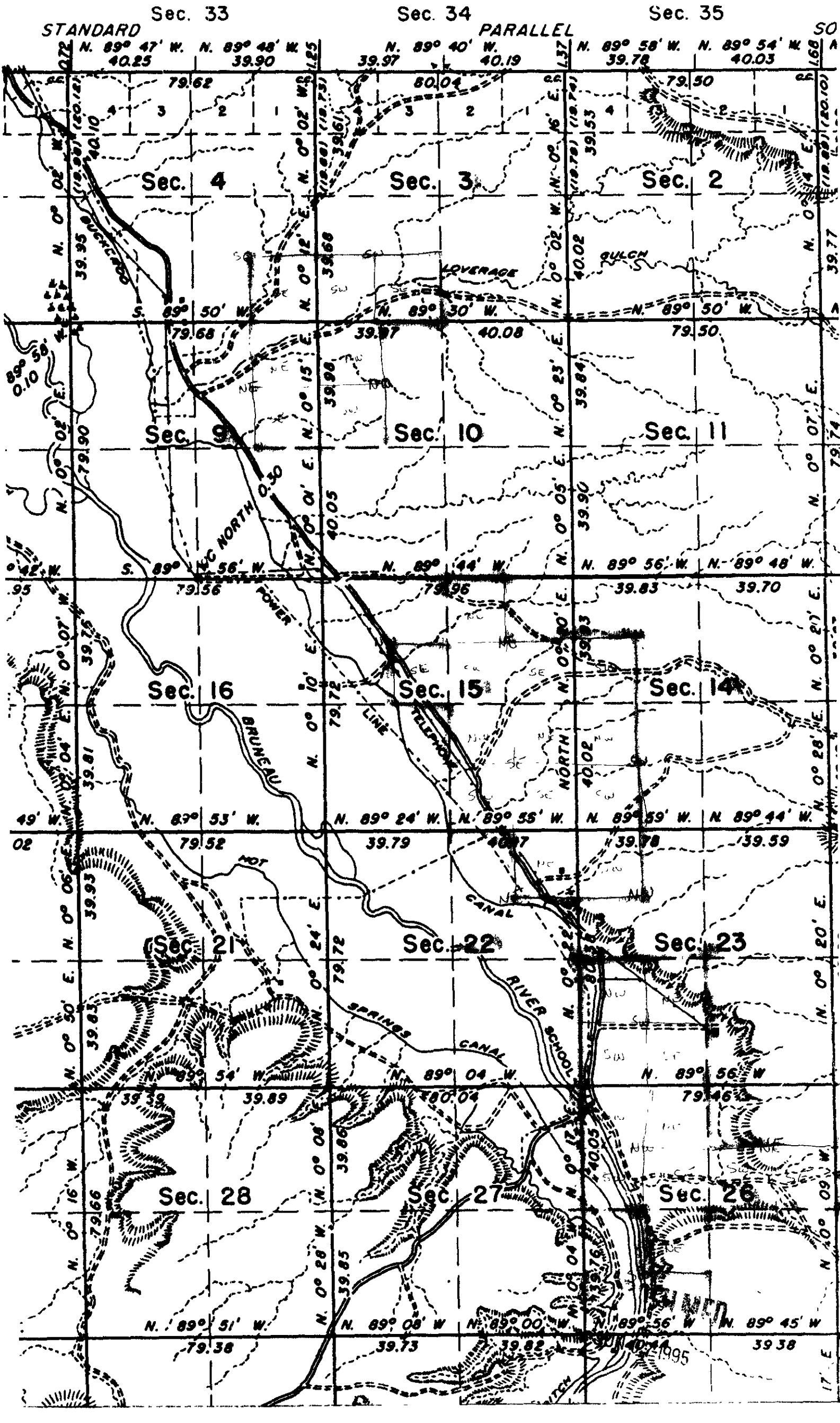
# *APPLICATION FOR PERMIT*
## *STATE OFFICE REVIEW*
*by Cindy Zimmerman*

**No.:** 31-7346 **Name:** Simplot **Date:** 1/6/95 4/28/95 **Ad OK?** ✓
**Correct Fee?** ✓ **Receipt #:** 1001629 **Priority:** _____ **✓ Gvmt Lts:** ✓

**AREA OF CONCERN?** surface water - ~~No~~/Yes _____ Mor 6Y-Br GWMA Trust/Non-trust
**PROTESTED:** - 020(Prehearing agreement) or W19(See 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. (*POU cmp*) - 01M, 803(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*):
Water District(~~*dom*~~) - 005 (*req*) WD #_____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J-**P08** or 01M
- 0.2 cfs - 01H-**P01** or No MD
+ 5 a. irr. - 01M (*POU cmp*)
~~In WD~~ + 0.2 cfs - * ~~01M~~ or No MD (in-stream)
- 0.2 cfs - No MD
+ 5 a. irr. - * ~~01M~~ (*POU cmp*)
~~**RIVER BASINS**~~ (**Surface water*):
Snake R (01) - 11A-**P04**, NA
(02/03) - 007-**P07** (w/remark WB9), NA
Boise R (63) - 05A (if ~~WD~~), 11E (not 42-111 use), NA
Payette R (65) - 064(consump. use), 047-**P04**(Payette Lake), NA
**USE:**
Domestic (*surface*) - 021(Boise R ↑ L Peak); 064(Payette R); NA
Fish Propagation - 07A-042(*rq*)-010/06A/09E(WQ)-**P10**;044(N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 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(~~FERC~~); 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 - 7 <SEE CONDITION 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) Bauman/Buckaroo Ditch
**OTHER CONDITIONS:** - R19 C61
**STANDARD REMARKS:** * ① modified 01M
② 2004 t and specifically does not grant utilization of Br. Buck ditch
**BENEFICIAL USE DUE:** - 5-1-1992
**COMMENTS:** -

# SOUTH, RANGE NO. 6 EAST OF THE

## DEPENDENT RESURVEY



J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

# April 21, 1995

RECEIVED
APR 2 1 1995
Department of Water Resources

***Hand Delivery***
Cindy Zimmerman
Water Resource Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

**Re: Application for Permit No. 51-07346.**

Dear Cindy:

In response to your letter dated January 25, 1995, and in accordance with IDAPA Water Appropriation Rule 37.03.08.040.05, I have enclosed copies of the following documents on behalf of the J R. Simplot Self-Declaration of Revocable Trust.

1. Letter from Terry M. Scanlan, P.E., Scanlan Engineering, to the Idaho Department of Water Resources dated May 13, 1994. In responding to your January 25, 1995 letter I will rely on the much of the information contained in Scanlan's May 13, 1994 letter for the additional information required under IDAPA Water Appropriation Rule 37.03.08.040.05. Most of the information contained in Scanlan's letter is still accurate. I have enclosed copies of the documents necessary to up-date those portions of the Scanlan information that is no longer accurate.

2. Warranty Deed dated August 31, 1994. In this Warranty Deed Richard L. Owen, Trustee of the Owen Family Revocable Trust A, and Velma Marie Owen, Trustee of the Owens Ranch Trust the Grantor, Grants, Bargains, Sells and Conveys to J. R. Simplot, as Trustee of the J. R. Simplot Self-Declaration of Revocable Trust, the real property described on Exhibit A attached to the Warranty Deed.

3. Warranty Deed dated September 28, 1994. In this Warranty Deed Richard L. Owen, Trustee of the Owen Family Revocable Trust A, the Grantor, Grants, Bargains, Sells and Conveys to J. R. Simplot, as Trustee of the J. R.

JUN 07 1995

Simplot Self-Declaration of Revocable Trust, the real property described on Exhibit A attached to the Warranty Deed.

4. Telefacsimile from Vic Conrad, J. R. Simplot Company, to Richard Bass, Chairman, Owyhee County Commissioners dated December 12, 1994.

5. Letter from the Board of Owyhee County Commissioners to David R. Tuthill, Jr., P.E. (IDWR) dated December 12, 1994.

6. J. R. Simplot (Including Trust) Personal Balance Sheet, current as of December 12, 1994. **The enclosed balance sheet is considered strictly confidential by J. R. Simplot and is not for public disclosure. It is being provided with the understanding that copies will not be made without the prior written consent of J. R. Simplot. As we discussed by telephone this morning, the enclosed balance sheet will be returned to my attention at the address appearing in the letter head when you are finished using it in your permitting evaluation.**

On behalf of the J. R. Simplot Self-Declaration of Revocable Trust, I am providing the following responses pursuant to your request for additional information for Application for Permit No. 51-07346 in accordance with IDAPA Water Appropriation Rule 37-03-08-040-05:

***37.03.08.040.05***

**c. The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 A-F) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary. Information relative to the effect on existing water righs, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:**

07 1995

**iii. Information shall be submitted concerning any design, construction, or operating techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 1, 3 dated May 13, 1994.

**d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows: (7-1-93)**

**i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 2, 2 dated May 13, 1994.

**ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during period of peak and average project water demand, information concerning the properties of the acquires that water is to be taken from groundwater sources, and information on other sources of supply that may be used to supplement the applied for the water source. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 2, 2 dated May 13, 1994.

**e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:**

**. (7-1-93)**

**i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)**



JUN 07 1995

See the attached copy of the Warranty Deed signed by Richard L. Owen, Trustee of the Owen Family Revocable Trust A, and Velma Marie Owen, Trustee of the Owens Ranch Trust the Grantor, and J. R. Simplot, as Trustee of the J. R. Simplot Self-Declaration of Revocable Trust dated August 31, 1994 and the attached copy of the Warranty Deed signed by Richard L. Owen, Trustee of the Owen Family Revocable Trust A, the Grantor, and J. R. Simplot, as Trustee of the J. R. Simplot Self-Declaration of Revocable Trust dated September 28, 1994.

**ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 2, 2 dated May 13, 1994.

**f. Information Relative to Financial resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)**

**i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the leader or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)**

See the attached Personal Balance Sheet for J. R. Simplot (Including Trust), current as of December 31, 1994.

**ii. The applicant shall submit plan and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 4, 2 dated May 13, 1994.

**g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from**

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**the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 5, 1 dated May 13, 1994, the attached telefacsimile from Vic Conrad, J. R. Simplot Company, to Richard Bass, Chairman, Owyhee County Commissioners dated December 12, 1994 and the attached letter from the Board of Owyhee County Commissioners to David R. Tuthill, Jr., P.E. (IDWR) dated December 12, 1994.

**h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water.(7-1-93)**

**i. A project design and estimate of cost of development shall be submitted. For applications appropriating more than 25 cfs, or 10,000 AF of storage, or generating more than 5 megawatts, the information shall be prepared and submitted by a qualified engineer licensed under the provisions of Chapter 12, Title 54, Idaho Code, unless waived by the director. The design shall be definite enough to reflect the project's impacts and implications as required in subsequent rules. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 6, 1 dated May 13, 1994.

**ii. If the project proposes development for irrigation purposes, information shall be submitted on crop rotation, including acreages, for lands when newly developed. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 6, 2 dated May 13, 1994.

**iii. Information shall be submitted concerning the number and kinds of jobs that will be created or eliminated as a direct result of project development including both the construction and operating phases of the**



JUN 07 1995

**project. If jobs are seasonal, the estimated number of months per year of employment shall be submitted. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 6, 3 dated May 13, 1994.

**v. Information shall be submitted concerning the source of energy for diverting and using water for the project, the estimated instantaneous demand and total amount of energy that will used, the efficiency of use, and energy conservation methods. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 6, 5 dated May 13, 1994.

**vi. Information shall be submitted concerning the location, amount, and quality of return flow water, and any water conservation features of the proposed project. (7-1-93)**

See the attached Terry M. Scanlan, response to item 4, 5, 3, 6, 6 dated May 13, 1994.

Should you need any additional information to assist processing this application, please don't hesitate to call me. My phone number is 208-389-7359.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

Enclosures





JUN 07 1995

**SCANLAN ENGIN .ERING**

*Groundwater and Environmental Engineering*

RECEIVED
MAY 16 1994
WATER RESOURCES
WESTERN REGION

RECEIVED
MAY 18 1994
Department of Water Resources

May 13, 1994

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr Steve Lester, Water Rights Supervisor

Subject: Additional Information Requested for Application for Permit No. 51-07346

Gentlemen:

This letter provides response to your letter of September 29, 1993 for additional information needed for Application for Permit No. 51-07346 submitted by Owen Family Revocable Trust A for the appropriation of 21.22 cfs of Bruneau River water for irrigation purposes. The additional information is detailed below.

**Item 4,5,3,1,3. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impacts on other water users.**

replaced by rules 7.03.08.05 c iii - h

Potential impacts to other water users that could occur as a result of this permit would be (1) increased flows in the Buckaroo Ditch and (2) reduced flows in the Bruneau River. These items are discussed below

**Buckaroo Ditch Impacts.** The water for the proposed permit will be diverted at a either a pump station near Pence Hot Springs and/or at the Buckaroo Dam. If diverted at the Buckaroo Dam, the water will flow down the Buckaroo Ditch to a pump station located approximately one-half mile downstream from the Hot Springs Bridge. The new permit will increase flow in the Buckaroo Ditch by about 30 percent (i.e., from about 60 cfs to about 80 cfs). Based upon an evaluation of ditch capacity conducted by Terry Scanlan in June 1993, the ditch has sufficient capacity upstream of the pumping station to carry this flow. However, downstream sections of the ditch do not have sufficient freeboard to accept an additional 21 cfs that would flow past the pump station in the event of a power outage. As a result, Owen Ranches will construct an emergency overflow spillway on their property to divert these additional flows to waste in order to prevent downstream property damage in the event of a power outage.

The overflow spillway will be designed to function in a similar manner to the existing weir and overflow at the Hot Springs Bridge. The structure will be designed to pass the desired flows to downstream irrigators, but will spill the majority of excess flows in the event of an unplanned shutdown of the new pumping station. The spilled flows will flow into Owen Ranch pastures below the spillway and drain to the river through the existing drain ditch system. Spilling will continue until either the flow is reduced upstream (at either Hot Springs Bridge or the Buckaroo Dam) or the pump station is restarted. Such a system should provide fail-safe protection of downstream reaches of the ditch.

NOV 07 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

**Reduced Flows in the Bruneau River.** We do not anticipate adverse impacts to downstream water users with valid water rights as a result of this permit. Flows in the Bruneau River will be reduced when water is available to fill this permit. When Bruneau River flows drop to the level where water is no longer available to fill this permit, diversions for this permit will cease. As such, senior water right holders will not be impacted by this permit.

**4,5,3,2,2. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.**

The Bruneau River water utilized will be used to supplement groundwater sources presently used to irrigate the 1,061 acres proposed for irrigation under the proposed permit. The use of Bruneau River water will occur during the spring and early summer, when river flows are high. Groundwater will then be used later in the summer when river flows are not available to fill the 1993 priority right. This mode of operation will reduce the annual production of groundwater and should have a beneficial effect on local groundwater levels.

A review of the availability of Bruneau River water to fill the permit application has been completed. The review consisted of (1) a determination of water right adjudication claims on the Bruneau River below the Hot Springs gage and (2) a determination of Bruneau River flows at the Hot Springs gage during the irrigation season.

Snake River Basin adjudication claims with points of diversion located on the Bruneau River between the Hot Springs gage and C.J. Strike Reservoir total about 255 cfs. We expect that portions of some claims will be disallowed as part of the adjudication. Several small claims are probably for winter stockwater and will not impact the availability of water for irrigation. Return flow to the river probably satisfies some of the lower river diversion requirements. As a result, sufficient water should be available for 1993 priority diversion when flow exceeds about 225 cfs at the Hot Springs gage.

Bruneau River flows were determined by evaluation of monthly flow duration curves obtained from the USGS for the Bruneau River at the Hot Springs gage. The flow duration curves are statistical analyses of flow data for the years 1909 though 1915 and 1944 through 1992. (These curves are available for your review upon request.) The curves suggest that during an "average" year the flow will exceed 225 cfs for about 36 percent of the year. Historically, flows have exceeded 225 cfs for 56 percent of the days in March, 93 percent of the days in April, 99 percent of the days in May, 94 percent of the days in June, 44 percent of the days in July, 4 percent of the days in August, 0.4 percent of the days in September, and 0.6 percent of the days in October. Thus, river flows will exceed 225 cfs in a "average" year for about half of the months of March and July, and nearly all of the months of April, May, and June; water would be available for 1993 priority rights until about the second week of July during average years.

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Similarly, if we were to assume that all 255 cfs of the adjudication claims must be filled plus the 21 cfs for the proposed permit, then during an "average" year the flow at the Hot Springs gage will exceed 276 cfs for about 32 percent of the year. Historically, flows have exceeded 276 cfs for 44 percent of the days in March, 86 percent of the days in April, 98 percent of the days in May, 92 percent of the days in June, and 35 percent of the days in July. Thus, under this scenario, Bruneau River water would be available for 1993 priority rights until about the first week of July during average years.

**4,5,3,3,1. The applicant shall submit copies of deeds, leases, easements or application for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.**

Attached as Appendix A are copies of deeds for the lands proposed for irrigation under these rights and the land occupied by the new pump station.

**4,5,3,3,2. The applicant shall submit copies of applications for other needed permits, licenses, and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.**

A copy of the application for approval to the Buckaroo Ditch Company is attached in Appendix B. If in-stream modifications are required for a Pence Hot Springs area pumping station on the Bruneau River, a stream alteration permit will be obtained. No other significant permits or approvals are anticipated for this project.

**4,5,3,4,1. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.**

A financial commitment letter has been requested from Mr. Owen's financial institution and will be forwarded to you under separate cover.

**4,5,3,4,2. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.**

The applicant plans to develop the system using a phased approach, starting with 1994 installation of a 75 hp pump at the existing upper Buckaroo Ditch pump station and utilization of existing pipelines in 1995. If permission is obtained for a large pump station on the Buckaroo Ditch, installation of the pump station and emergency overflow weir will occur during 1995 or 1996. Pumping and pipeline capacity will gradually be increased up to the full capacity of 21.22 cfs over a period of several years.

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Cost estimates and conceptual-level details for the project facilities are presented in Appendix C. Biddable plans and specifications for pump station improvements, pipeline, and emergency overflow spillway will be prepared as needed.

**4,5,3,5,1. The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the ... county, ..... canal company within which the proposed project is located, and any other entities as determined by the director.**

Attached in Appendix B are letters to Owyhee County and Bruneau Buckaroo Ditch Company requesting comment on the proposed project. Comments will be addressed to the Idaho Department of Water Resources.

**4,5,3,6,1. A project design and estimated cost of development shall be submitted. The design shall be definite enough to reflect the project's impacts and implications as required in subsequent rules.**

Conceptual-level design and estimated costs for the pump station, pipeline improvements, and emergency overflow spillway are included in Appendix C. Capital costs for the fully developed system range from about $250,000 to $360,000, depending upon the alternative selected. No significant costs are anticipated for other components of the irrigation system as they are already in existence.

Based on pumping 1.5 acre feet per acre, 1,061 acres total, lift of 90 feet, 68 percent overall efficiency, and an irrigation energy rate of $0.0273 per kw-hr, the annual power cost will be about $6,000 per year. Monthly demand charges (4 months at $2.69/kw/mo) will increase the annual electrical cost by about $2,500 to a total of about $8,500. Costs to pump from the storage ponds into various sprinkler systems have not been estimated, as these costs are currently incurred with the existing system. Costs savings resulting from not having to pump groundwater from the wells will offset much of the new pumping station power costs.

**4,5,3,6,2. If the project proposes development for irrigation purposes, information shall be submitted on crop rotation, including acreages, for lands when newly developed.**

Not applicable as no new lands will be developed under this permit and no changes in crops are anticipated.

**4,5,3,6,3. Information shall be submitted concerning the number and kinds of jobs that will be created or eliminated as a direct result of project development, including both the construction and operating phases of the project. If jobs are seasonal, the estimated number of months per year of employment shall be submitted.**

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The project is not anticipated to result in the formation of new jobs. The project may save existing jobs that would be lost in the event of reductions in groundwater pumping associated with efforts to raise local aquifer water levels.

**4,5,3,6,5. Information shall be submitted concerning the source of energy for diverting and using water for the project, the estimated instantaneous demand and total amount of energy that will be used, the efficiency of use, and energy conservation methods.**

Three-phase power from Idaho Power is currently present at the proposed pump station site. Idaho Power has indicated that sufficient local power capacity is available to power the 275 hp of pumping capacity required for full development of the project. The instantaneous demand required for the pumps is estimated to be 240 kw, with an annual use of 215,000 kw-hrs. The annual use estimate is based upon pumping 1.5 acre feet per acre, 1,061 acres total, total lift of 90 feet, and overall efficiency of 68 percent.

The net increase in local energy use will be relatively small because existing well pumps will be idle when the proposed pumping station is in use. The actual net increase in energy use will be equivalent to the increase resulting from differences in pumping lifts between the artesian wells and the proposed pump station.

**4,5,3,6,6. Information shall be submitted concerning the location, amount, and quality of return flow water, and any water conservation features of the proposed project.**

No changes in return flow are anticipated as a result of this permit. As all of the lands proposed for irrigation under this permit are currently sprinkler irrigated, very little water runs off as surface flow. Return flow resulting from deep percolation of irrigation will be unchanged because the rate of application of water is anticipated to be unchanged as a result of this permit. Some increases in discharge from local warm springs may occur as a result of reduced groundwater pumping, but the quantity of increase cannot be accurately determined with existing information. The proposed project will have a net benefit on local water resources by reducing the annual production of groundwater.

Please contact me if you require additional information.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosures

cc: Richard Owen
Scott Campbell

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# APPENDIX A

JUN 07 1995

# QUITCLAIM DEED

FOR VALUE RECEIVED, EUGENE M. PERKINS and CHARLENE R. PERKINS, husband and wife, do hereby convey, release, remise and forever quitclaim unto RICHARD L. OWEN, Trustee of the Owen Family Revocable Trust A Established August 30, 1966 as Amended and Restated October 12, 1988, whose current address is P.O. Box 590, Bruneau, Idaho 83604, the following described real property located in Owyhee County, Idaho, to-wit:

The S½ of the SW¼ and the NE¼ of the SW¼ of Section 10, Township 7 South, Range 6 East, Boise, Meridian,

together with their appurtenances.

Dated this 25 day of October, 1990.

Eugene M. Perkins

Charlene R. Perkins

STATE OF IDAHO )
) ss.
County of Ada )

On this _____ day of October, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Eugene M. Perkins and Charlene R. Perkins, husband and wife, known or identified 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 first above written.

Notary Public for Idaho
Residing at _____ Idaho
My Commission Expires: _____

(SEAL)

COPY

NOV 07 1995

# WARRANTY DEED

For Value Received, EUGENE M. PERKINS and CHARLENE R. PERKINS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto RICHARD L. OWEN, Trustee of the Owen Family Revocable Trust A Established August 30, 1966 as Amended and Restated October 12, 1988, Grantee, whose current address is P.O. Box 590, Bruneau, Idaho 83604, the following described real property located in Owyhee County, Idaho, to-wit:

SE¼ of the SE¼ of Section 4, Township 7 South, Range 6 East, Boise Meridian;

S½ of the SW¼ of Section 3, Township 7 South, Range 6 East, Boise Meridian;

E½ of the NE¼ of Section 9, Township 7 South, Range 6 East, Boise Meridian;

NE¼ of the SE¼ of Section 9, Township 7 South, Range 6 East, Boise, Meridian;

W½ of the NW¼ of Section 10, Township 7 South, Range 6 East, Boise Meridian;

NW¼ of the SW¼ of Section 10, Township 7 South, Range 6 East, Boise Meridian;

N½ of the NW¼ of Section 15, Township 7 South, Range 6 East, Boise Meridian.

Subject to those special exceptions which are listed as Items 7 through 33 on Exhibit A, attached hereto and by reference made a part hereof, and that certain FHA Mortgage dated December 30, 1982 and recorded in Owyhee County, Idaho as Instrument No. 175602.

Grantee is accepting title to the above property and all improvements thereon relying solely upon information and knowledge obtained from Grantee's own investigation and personal inspection of the premises. No warranties, agreements or representations

COPY

have been made unless set forth herein.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto said Grantee, its transferees and assigns forever. Grantors do hereby covenant to and with the said Grantee that Grantors are the owners in fee simple of said premises except the real property described in the Black Agreements (Exhibit A, Items 23 and 26); that Grantors are entitled to receive fee simple title to the property described in the Black Agreements upon satisfaction of the terms of said Agreements; that said premises are free and clear of all encumbrances, except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee, and except for general taxes and assessments for the current year, which are not yet due and payable, easements and rights of way recorded or apparent upon visual examination of the property, exceptions and reservations contained in the United States patents, restrictions and obligations imposed by governmental regulation and boundary encroachments; and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated this ____ day of October, 1990.

_____
Eugene M. Perkins

_____
Charlene R. Perkins

JUN 07 1995

STATE OF IDAHO )
) ss.
County of [illegible] )

On this [illegible] day of October, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Eugene M. Perkins and Charlene R. Perkins, husband and wife, known or identified 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 first above written.

[illegible]
Notary Public for Idaho
Residing at [illegible] Idaho
My Commission Expires: [illegible]

(SEAL)

FILED-RECORDED
Nov 5 11 23 AM '90
[illegible]
OTC
33.00
[illegible]

203802



[illegible] 071995

RECORDING REQUESTED BY:

OWYHEE COUNTY TITLE COMPANY
STANLEY D. SMITH

WHEN RECORDED MAIL TO:

PAUL, HASTINGS, JANOFSKY & WALKER
LINDA R. KHAN
695 Town Center Drive, 17th Floor
Costa Mesa, California 92626

MAIL TAX STATEMENTS TO:

Richard L. Owen, Trustee
P.O. Box 590
Bruneau, Idaho 83604

FILED-RECORDED
Oct 26 10 of AM '90
203748

# QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Richard L. Owen, as Trustee of The Owen Family Revocable Trus established August 30, 1966, who acquired title as "The Owen Family Revocab Trust established August 30, 1966," "Richard L. Owen, Trustee under Declara tion of Trust established August 30, 1966, by Richard L. Owen and Mary Loui Owen, Trustors," "The Owen Family Revocable Trust, c/o Richard L. Owen, Trustee," "Richard L. Owen, as Trustee of The Owen Family Revocable Trust created August 30, 1966," and "Richard L. Owen, as Trustee of The Owen Fami Revocable Trust established August 30, 1966", does hereby REMISE, RELEASE A FOREVER QUITCLAIM to Richard L. Owen, Trustee of The Owen Family Revocable Trust A established August 30, 1966, as amended and restated on October 12, 1988, whose current mailing address is P.O. Box 590, Bruneau, Idaho 83604, the real property in the County of Owyhee, State of Idaho, described as:

Per legal description attached hereto as Exhibit "A" and by this reference incorporated herein.

"This conveyance is solely for the purpose of correcting the fee ownership record and thus causing title to vest in accordance with the terms of the Trust Agreement."

DATED: 24 Oct. '90

Richard L. Owen, Trustee

STATE OF IDAHO )
) ss.
COUNTY OF Ada )

On October 24 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Richard L. Owen, Trustee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument as Trustee and acknowledged to me that he executed the same as such Trustee.

WITNESS my hand and official seal.

Signature _____ (This area for official notarial seal)

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COPY

EXHIBIT "A"

IN TOWNSHIP 6 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Sections 22 and 23: Those portions of the SE¼NW¼, the SW¼NE¼, the NW¼SE¼ and the NE¼SE¼ of Sec. 22; and the NW¼SW¼ of Sec. 23, lying South of the following described line, to-wit:
BEGINNING at the Section corner common to Sections 15, 16, 21 and 22; thence South 42°32' East 1915.8 feet to a point on the West line of the SE¼NW¼, Sec. 22, which is the REAL POINT OF BEGINNING: thence South 60°43' East 209.2 feet; thence South 58°52' East 442.6 feet; thence South 69°05' East 226.2 feet; thence South 57°42' East 340.3 feet; thence South 29°44' East 293.4 feet; thence South 40°50' East 218.8 feet; thence South 63°58' East 598.3 feet; thence South 77°54' East 686.9 feet; thence South 21°58' East 258.2 feet; thence South 71°05' East 448.4 feet; thence South 57°39' East 117.6 feet; thence South 32°34' East 379.3 feet; thence North 87°32' East 670.6 feet; thence South 72°47' East 1392.6 feet to the SE corner of NW¼SW¼ of Section 23.

Section 22: NE¼SW¼, S½SE¼ EXCEPTING from the SE¼SE¼ the following three (3) tracts of land more particularly described as follows:

COMMENCING at the Section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet, said point being the REAL POINT OF BEGINNING; running thence South 89°55' West a distance of 428 feet; thence North a distance of 30 feet; thence North 89°55'East, a distance of 128 feet; thence North a distance of 270 feet; thence North 89°55' East a distance of 300 feet; thence South 300 feet to the POINT OF BEGINNING

and

COMMENCING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet; running thence South 89°55' West, a distance of 428 feet; thence North a distance of 30 feet, being the REAL POINT OF BEGINNING; thence North 89°55' East, a distance of 128 feet; thence North a distance of 270 feet; thence South 89°55' West, a distance of 128 feet; thence South 270 feet to the REAL POINT OF BEGINNING.

and

BEGINNING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M.; thence North 37.0 feet to the Northwesterly line of the Bruneau to Grand View Highway, the point being marked by a right of way marker, POC-427+72.3; thence North 89°20' West a distance of 989.95 feet, (formerly South 89°55' West a distance of 990.30 feet) to a point, which is the REAL POINT OF BEGINNING; thence North 89°20'00" West a distance of 300.00 feet; thence North 00°44'43" West a distance of 707.96 feet to a point on the South right of way of County Road; thence South 67°36'28" East along the South right of way of County Road a distance of 450.06 feet; thence South 00°44'43" East a distance of 241.32 feet; thence North 89°20'00" West (formerly south 89°55' West) a distance of 113.98 feet; thence South 00°44'43" East (formerly South) a distance of 300.00 feet to the REAL POINT OF BEGINNING.

(continued)

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all of that ... of the NE¼SW¼ lying South of the mai... hanne... of the Bruneau River.
Section 24: E½SE¼SW¼
Sectic... 5: W½NE¼, NW¼, W½SW¼
Sectio... 26: NE¼, E½SE¼
Section 36: SW¼NE¼, W½, W½SE¼

EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY various irregular strips of land as conveyed by Warranty Deed recorded August 17, 1954 as Instrument Number 89769 in Book 46 of Deeds page 117+ to the Sate of Idaho for the Grand View connection as surveyed and shown on the official plat of the Bruneau - Duck Valley St. 3806 (501) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the portions SE¼SE¼ of Section 22, E½NE¼ of Section 26, NW¼NW¼ of Section 25, SE¼SW¼ of Section 24, NE¼NW¼ of Section 25, NW¼NE¼ of Section 25

ALSO EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY a strip of land as conveyed by Warranty Deed recorded May 27, 1955 as Instrument No. 91956 in Book 47 of Deeds page 129 to the State of Idaho as surveyed and shown on the official plat of Bruneau -Duck Valley - Project No. St. 3806(2) Highway Survey on file in the office of the Department of Highways of the State of Idaho.

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 31: Lots 1 and 2, NE¼NW¼

IN TOWNSHIP 8 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 1: Lot 3, SW¼NW¼
Section 2: NE¼SW¼

IN TOWNSHIP 8 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 5: SW¼SE¼, SE¼SW¼
Section 8: NW¼NE¼, NE¼NW¼
Section 29: SE¼NE¼

IN TOWNSHIP 8 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 16: All

IN TOWNSHIP 10 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 15: NW¼NE¼, S½NE¼, SE¼NW¼, W½SW¼
Section 21: E½NE¼, SE¼NE¼, E½NW¼, E½SE¼
Section 22: W½SW¼
Section 28: E½, SE¼NW¼, SE¼SW¼
Section 33: NW¼NE¼, E½NW¼, NE¼SW¼

IN TOWNSHIP 11 South, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 3: SW¼NW¼, SW¼
Section 10: W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, NW¼SE¼
Section 27: S½S½

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 8: SE¼SW¼
Section 17: E½NW¼, NE¼SW¼

IN TOWNSHIP 12 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 7: SW¼SE¼

IN TOWNSHIP 9 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 31: Lot 1, NE¼NW¼
Section 33: SW¼SE¼

IN TOWNSHIP 9 SOUTH, RANGE 2 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 25: Lot 4, SW¼SE¼, S½SW¼
Section 35: E½NE¼
Section 36: Lot 2, SW¼NE¼, NW¼SE¼, NE¼SW¼

(continued)

JUN 07 ...

[illegible], RA [illegible], B. [illegible], OWYHEE COUNTY, IDAHO

Section 1: SW¼SE¼
Section 3: SW¼, S½SE¼
[redacted] Lot 2, [redacted], E½SE¼, SW [illegible]
Section 9: NE¼, SE¼, E½SW¼, that portion of E½NW¼ lying Easterly of the line described as follows:

BEGINNING at a point on the Section line between Sections 4 and 9, T10S, R1W, B. M., 23 feet East of the quarter corner common to said Sections 4 and 9; thence running South 18° West a distance of 2,750.0 feet, more or less, to the South boundary line of the E½NW¼ of Section 9.

Section 10: N½, N½S½, SW¼SW¼, SE¼SW¼, S½SE¼,
EXCEPTING the one-half (½) acre of land in the NW corner of NE¼SE¼, as Reserved in Deed dated April 22, 1916 and recorded April 26, 1916 in Book 10 of Deeds, page 327, Owyhee County Records.
Section 14: SW¼SW¼
Section 15: W½NE¼, E½NW¼, E½SE¼
Section 23: N½NW¼, SE¼NW¼, SW¼NE¼, W½SE¼, SE¼SE¼
Section 25: N½NW¼, NW¼SW¼, E½SW¼
Section 26: E½NE¼
Section 36: E½W½, SW¼NW¼, NW¼SW¼

IN TOWNSHIP 11 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 24: NW¼SW¼
Section 35: SW¼SE¼

IN TOWNSHIP 12 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 7: NE¼SW¼
Section 21: W½E½, E½W½
Section 35: W½SE¼

IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 2: SW¼NE¼, NW¼SE¼, N½SW¼

IN TOWNSHIP 10 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼SE¼
Section 13: NE¼NE¼
Section 14: N½NE¼
Section 33: SE¼SE¼
Section 34: NW¼SE¼, NE¼SW¼, S½S½
Section 35: W½W½, NE¼SW¼, SE¼SW¼

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 18: Lot 1, NE¼NW¼
Section 22: W½NW¼, N½SW¼

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼, W½NE¼, SE¼NE¼
Section 12: S½SW¼, S½SE¼
Section 13: N½NW¼, SE¼NW¼, E½
Section 14: NE¼NE¼

IN TOWNSHIP 11 SOUTH, RANGE 3 East, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3
Section 18: Lot 4, SE¼SW¼
Section 19: Lots 1 and 2, E½NW¼

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SE¼ SAVING AND EXCEPTING the following described real property to-wit:

A tract of land located in the NW¼SE¼ and NE¼SE¼, bounded and described as follows: BEGINNING at the NW corner of NW¼SE¼, the TRUE POINT OF BEGINNING; running thence North 89°57' East a distance of 2,056.8 feet to a point; thence South 54°57' West 905 feet to a point; thence South 59°39' West 860 feet to a point; thence North 33°42' West 79 feet to a point; thence South 67°04' West 598.8 feet to a point on the West boundary line of NW¼SE¼; thence running North a distance of 1165 feet to the POINT OF BEGINNING.

07/1995

(continued)

Section 23: S|SW| and
A tract of land located in the SE|NW| bounded and described as follows:
BEGINNING at the East quarter corner of Section 23; the TRUE POINT OF BEGINNING; running thence South 89°57' West 583.2 feet to a point; thence North 54°57' East 273 feet to a point; thence North 73°32' East 380.2 feet, more or less, to the East Section line of said Section 23, running thence South a distance of 264.6 feet, more or less, to the POINT OF BEGINNING

Section 24: NW|SW|, W|NW|
Section 26: N|NE|, NE|NW|, W|NW|, SE|NW|

IN TOWNSHIP 7 South, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: S|SW| EXCEPT the following parcel:
BEGINNING at the south quarter corner, a brass cap properly identified as Sec. 23, T7S, R6E, B. M.; thence North 00°24' West a distance of 1152.6 feet along the north-south center line to an iron pin, the TRUE POINT OF BEGINNING; thence North 13° 31' West a distance of 1020.9 feet to an iron pin; thence North 89°56' West a distance of 405.8 feet to an iron pin; thence North 00°04' East a distance of 359.2 feet to an iron pin; thence North 89°50' West a distance of 677 feet, more or less, to the west boundary line of NE|SW|; thence North 00°04' East along the West boundary line of NE|SW| a distance of 125 feet to a point; thence South 89°50' East along the north boundary line of NE|SW| a distance of 1311 feet, more or less, to the north-east corner of NE|SW|; thence South 00°04' West a distance of 1479 feet, more or less, to the POINT OF BEGINNING

Section 23: NW|SW| EXCEPT the following two (2) parcels of land:
BEGINNING at the west quarter corner of Sec. 23, thence South 89°50' East a distance of 181.5 feet along the north boundary line of NW|SW| to an iron pin; thence South 02°50'55" West a distance of 1321.5 feet to an iron pin on the south boundary line of NW|SW|; thence North 89°50' West a distance of 115.5 feet to an iron pin on the West boundary line of NW|SW|; thence North 00°22' East a distance of 1320 feet, more or less, to the POINT OF BEGINNING.
Also
BEGINNING at the West quarter corner of Sec. 23, thence South 89°50' East along the North boundary line of NW|SW| a distance of 320.1 feet to an iron pin, the TRUE POINT OF BEGINNING; thence South 89°50' East along the North boundary of NW|SW| a distance of 987 feet, more or less, to the NE corner of NW|SW|; thence South 00°04' West a distance of 30 feet along the East boundary line of NW|SW| to a point; thence North 89°50' West a distance of 987 feet to a point on the East right of way line of a county road; thence North 03°43'40" West a distance of 30.1 feet to the POINT OF BEGINNING.

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W|SW|
Section 35: W|NW|

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 17: S|SW|
Section 18: S|SE|
Section 19: NE|, E|SE|
Section 20: NW|, W|SW|

(continued)

JUN 07 1995

IN TOWNSHIP 6 SOUTH, RANGE 6 EAS., B.M., OWYHEE COUNTY, IDAHO
Sectio 9: A portion of Government 4 (SW|,SW|) more particularly described a. ollows:

Beginning at an iron pin marking the Southwest corner of the said Section 19, also said point being the Southwest corner of the said Government Lot 4 of Section 19; thence North 0°54'09" West 46.47 feet along the Westerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the Northwesterly right-of-way line of State Highway 51, Federal Aid Project No. S-97(1), also said point being the REAL POINT OF BEGINNING; thence continuing North 0°54'09" West 1,291.08 feet along the said Westerly boundary of Government Lot 4 of Section 19 to an iron pin marking the Northwest corner of the said Government Lot 4 of Section 19; thence North 89°37'53" East 1,203.18 feet along the Northerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the said Northwesterly right-of-way line of State Highway 51 marking a point of beginning of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 32.15 feet, said curve having a central angle of 1°56'52", a radius of 945.92 feet, tangents of 16.08 feet, and a long chord of 32.15 feet bearing South 45°46'35" West to a highway monument stamped "P.C. Sta. 2615+80.0" marking the point of ending of curve; thence South 3°30'48" West 248.17 feet along the said Northwesterly right-of-way line of State Highway 51 to an iron pin; thence South 46°45'00" West 1,346.38 feet along the said Northwesterly right-of-way line of State Highway 51 to a highway monument stamped "P.T. Sta. 2600+52.1" marking a point of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 196.26 feet, said curve having a central angle of 20°42'38", a radius of 542.96, tangents of 99.21 feet, and a long chord of 195.20 feet bearing South 57°06'19" West to a point of ending of curve, also said point being the point of beginning.

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 22: SE|, SE|NE|, S|SW|
Section 23: That portion of NW|SW| more particularly described as follows:

COMMENCING at the NW corner of NW|SW|, Sec. 23, T7S, R6E, B.M., and running thence South 80 rods; thence East 7 rods; thence North along the West bank of the Buckaroo Ditch 80 rods; thence West 11 rods to the PLACE OF BEGINNING.

Section 27: That portion of NE|NE| described as follows:

BEGINNING at the Section corner common to Sections 22, 23, 26 and 27, T7S, R6E, B. M., being the REAL POINT OF BEGINNING; thence North 89°04' West on the Section line between said Sections. 22 and 27, a distance of 1320.66 feet to the NW corner of NE|NE|, Sec. 27; thence South 0°14' West along the West sideline of NE|NE|, Sec. 27, a distance of 788.5 feet; thence North 80°41' East a distance of 1291.2 feet; thence North 64°18' East a distance of 53.9 feet to a point on the section line between said Sections 26 and 27; thence North 0°17' East on the Section line between Sections 26 and 27, a distance of 535 feet to the POINT OF BEGINNING.

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 34: E|SE|
Section 35: W|SW|

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 24: E|SE|
Section 25: E|NW|, S|NE|, NE|NE|

07 1995

(continued)

IN TOWNSHIP 7 SOUTH, RANGE 5 EAST, B. M. OWYHEE COUNTY, IDAHO
Section : Lots 1, 2, 3, 4, NE¼NW¼
EXCEPT THE FOLLOWING PARCEL OF LAND:

COMMENCING at the North quarter corner of Section 19, thence North 89°33' West 260.75 feet; thence South 52°06' West 40.29 feet to the REAL POINT OF BEGINNING; thence North 89°33' West 34.64 feet; thence South 0°27' West 10 feet; thence South 89°33' East 22 feet; thence North 52°06' East 16.12 feet to the REAL POINT OF BEGINNING

ALSO EXCEPTING THE RIGHT OF WAY as described in Warranty Deed recorded December 12, 1958, as Instrument No. 99240 in Book 51 of Deeds, page 61 as follows: A strip of land 80.0 feet wide, being 40.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of State Highway 51 Project No. S-3806 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across Government Lots 4, 3, 2 and 1 and the NE¼NW¼ OF Section 19, T7S, R5E, B. M.

BEGINNING at a point in the South line of Section 19, T7S, R5E, B. M., coincident with Station 36+04.75 of the said Highway Survey, which station is a point on tangent approximately South 89°19'55" East - 666.79 feet from the Southwest corner of said Section 19, thence North 1°24'45" East - 1550.94 feet to Station 51+55.69 of said Survey, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 53+55.69, which station is a point of circular curvature; thence 1522.50 feet with a 1°00' curve right, said curve having a central angle of 15°13'30", to Station 68+78.19, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 70+78.19, which station is a point of tangent; thence North 18°38'15" East on tangent 1921.23 feet to a point in the North line of said Section 19, coincident with Station 89+99.42, which station is a point on tangent approximately North 89°32'25" West - 883.14 feet from the North Quarter corner of said Section 19.

AND ALSO,

Additional irregular strips of land adjacent and contiguous to and on both sides of the above described right of way being as follows: On the Westerly Side, a strip of land widening from 0.0 feet at Station 70+78.19 to 10.0 feet wide at Station 72+00, continuing 10.0 feet wide to Station 74+00 and tapering to 0.0 feet at Station 75+00; on the Easterly Side, a strip of land widening from 0.0 feet at Station 57+00 to 15.0 feet wide at Station 57+50, continuing 15.0 feet wide to Station 59+00, and tapering to 0.0 feet wide at Station 59+50, a strip of land widening from 0.0 feet feet at Station 68+50 to 10.0 feet at Station 69+50, continuing 10.0 feet wide to Station 79+00, and tapering to 0.0 feet at Station 80+00.

Section 30: Lots 1 and 2, SE¼NW¼

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: NW¼SW¼
Section 3: NE¼SE¼ and Lots 1 and 2

• • •

Jan. 27 1995

# APPENDIX B

JUL 07 1995

MONTGOMERY WATS

October 12, 1993

Owyhee County Commissioners
P.O. Box 128
Murphy, ID 83650

Attention: Mr. Chester Sellman

Subject: Comment Regarding Application For Permit No. 51-07346

Gentlemen:

As required under Section 42-203A(5)(e), Idaho Code, Owen Family Revocable Trust A is seeking comment concerning local public interest related to the effect and operation of a pumping project associated with water right Application for Permit No. 51-07346.

Application for Permit No. 51-07346 seeks 21.22 cfs of Bruneau River water for irrigation of 1,061 acres of land located above the Buckaroo Ditch. A copy of the Notice of Application for Trust Water Right, provided by the Idaho Department of Water Resources, is attached which details the application. The lands to be irrigated by this permit are currently irrigated by deep artesian wells. Under the proposed permit, Bruneau River water would be utilized during the spring and early summer when river flows exceed current irrigation diversion requirements. We anticipate that these excess river flows will be available for diversion by permit No. 51-07346 until early July during average years. Later in the summer, when river levels drop, the lands would be irrigated from the existing wells using existing groundwater rights. The net effect of this permit will be to decrease the annual groundwater production by Owen Ranches, which should have a beneficial effect on local aquifer water levels. The project will not adversely impact existing surface water rights.

The points of diversion for this permit are (1) Buckaroo Dam and (2) a pumping station near Pence Hot Springs. Water diverted at Buckaroo Dam would flow down the Bruneau Buckaroo Ditch to a new pump station in NWSW Sec. 23, T7S, R6E. The water would then be pumped through a new pipeline to the existing irrigation system. An emergency overflow weir would be installed in the Buckaroo Ditch near the pump station to prevent downstream damage in the event of a pump failure or power outage. Water diverted from the river near Pence Hot Spring would be pumped through an existing pipeline to the existing irrigation system. No new lands will be irrigated as the result of this project.

OCT 7 1995

161 Mallard Drive
Boise Idaho
83706-3974

Tel 208 345 5865
Fax 208 345 5897

Serving the World's Environmental Needs

Please send any comments you have regarding this project to:

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr. Steve Lester, Water Rights Supervisor

I would appreciate receiving a copy of your comments as well. Please call me if you have any questions concerning this project.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosure

cc: Richard Owen
Scott Campbell
Steve Lester

07 1995

MONTGOMERY WATS

October 12, 1993

Bruneau Buckaroo Ditch Company
Bruneau, ID 83604

Attention: Mr. Frank L. Bachman, President

Subject: Comment Regarding Application For Permit No. 51-07346

Gentlemen:

As required under Section 42-203A(5)(e), Idaho Code, Owen Family Revocable Trust A is seeking comment concerning local public interest related to the effect and operation of a pumping project associated with water right Application for Permit No. 51-07346.

Application for Permit No. 51-07346 seeks 21.22 cfs of Bruneau River water for irrigation of 1,061 acres of land located above the Buckaroo Ditch. A copy of the Notice of Application for Trust Water Right, provided by the Idaho Department of Water Resources, is attached which details the application. The lands to be irrigated by this permit are currently irrigated by deep artesian wells. Under the proposed permit, Bruneau River water would be utilized during the spring and early summer when river flows exceed current irrigation diversion requirements. We anticipate that these excess river flows will be available for diversion by permit No. 51-07346 until early July during average years. Later in the summer, when river levels drop, the lands would be irrigated from the existing wells using existing groundwater rights. The net effect of this permit will be to decrease the annual groundwater production by Owen Ranches, which should have a beneficial effect on local aquifer water levels. The project will not adversely impact existing surface water rights.

The points of diversion for this permit are (1) Buckaroo Dam and (2) a pumping station near Pence Hot Springs. Water diverted at Buckaroo Dam would flow down the Bruneau Buckaroo Ditch to a new pump station in NWSW Sec. 23, T7S, R6E. The water would then be pumped through a new pipeline to the existing irrigation system. An emergency overflow weir would be installed in the Buckaroo Ditch near the pump station to prevent downstream damage in the event of a pump failure or power outage. Water diverted from the river near Pence Hot Spring would be pumped through an existing pipeline to the existing irrigation system. No new lands will be irrigated as the result of this project.

161 Mallard Drive
Boise, Idaho
83706-3974

Tel 208 345 5865
Fax 208 345 5897

OCT 07 1995

Please send any comments you have regarding this project to:

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attention: Mr. Steve Lester, Water Rights Supervisor

I would appreciate receiving a copy of your comments as well.

In addition to comments to Idaho Department of Water Resources concerning local public interest, Owen Family Revocable Trust A will need permission to utilize the Buckaroo Ditch for diversion of this water. I assume that this request will be considered during the a future meeting of the Buckaroo Ditch Board. Please contact me when a meeting date has been scheduled. Feel free to call me at 345-5865 if you have any questions concerning this Application for Permit and associated pump station project.

Sincerely,

Terry M. Scanlan, P.E.
Supervising Hydrogeologist

Enclosure

cc: Richard Owen
Scott Campbell
Steve Lester

# APPENDIX C

JUL 07 1995

**SCANLAN ENGINEERING**

*Groundwater and Environmental Engineering*

May 5, 1994

Mr. Richard Owen
Owen Ranches
P.O. Box 590
Bruneau, ID 83604

Subject: Conceptual-Level Cost Estimate for Trust Water Pipeline and Pump Station

Dear Dick:

Enclosed please find conceptual-level cost estimates for three alternative 24-inch pipelines and a related pump station associated with your 21.22 cfs Application for Permit to appropriate Trust Water from the Bruneau River. Estimated total costs for pipeline and pumping station range from about $250,000 to $360,000, depending upon the location selected for the pump station.

The estimates include engineering and inspection (10%) and construction contingency (15%). This level of engineering and inspection does not provide for detailed plans and specification. Instead, similar to the recent design work for the upper Buckaroo pump station. The cost estimates are conceptual-level, but should be considered accurate to within +35% / -25%. Pipeline and pump costs from the existing storage pond into the irrigation system have not been included in the estimates, as these facilities already are present. Details are described below.

## Pipeline

The criteria used for determining pipeline diameter is a maximum pipeline velocity of about 6 feet per second. Based upon a peak flow rate of 9,500 gpm, a 24-inch pipeline diameter is recommended which will have a velocity of about 6.7 feet per second.

Estimates are based on utilizing 125 psi pressure class PVC pipe, although the actual pipe used for design could be steel, ductile iron, or PVC. Each pipe type has various advantages and disadvantages. For instance, PVC is corrosion resistant but lacks the strength of steel and ductile iron to withstand transient pressure conditions (i.e., surge, water hammer). However, material costs for PVC are considerably lower than steel or ductile iron.

Pipeline costs will be influenced by excavation conditions. For the purpose of these cost estimates, I have assumed that the depth to bedrock is more than six feet so that no rock excavation will be necessary. Pipeline cost estimates were obtained from Boise area utility contractors.

The exact location of the pipeline alignment has not been determined, but three alternative locations are proposed. The alternatives are shown on Figure 1 and detailed below.

- Alternative 1 extends from the bend in the Buckaroo Ditch where the ditch turns away from the Hot Springs Road (in SENE Section 22, T7S, R6E) to the existing irrigation pond adjacent to your wells near the northwest corner of Section 23. The straight-line distance from this pump station to the storage pond is about 1,300 feet.

MAY 07 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

- Alternative 2 extends from the recently constructed pump station for the relocated Perkins Ranch pump located along Hot Springs Road to the existing irrigation pond. The straight-line distance for this option is about 2,300 feet.

- Alternative 3 extends from the Bruneau River near Pence Hot Springs to the existing irrigation pond The straight-line distance for this option is about 3,400 feet. The actual distance from Pence may be slightly more due to routing of the pipeline around the swampy area south of the lower Buckaroo pump station site.

Pipeline costs are detailed on Tables 1, 2, and 3. Included in the estimates are valves (air/vacuum, pressure relief, drainage, etc.), a small outlet structure, and miscellaneous appurtenances (drain access, surge control equipment).

## Pump Station

A pump station cost estimate is provided in Table 4. A single estimate is provided. Pump station requirements for each pipeline alignment are similar, except that the pump station on the Bruneau River near Pence Hot Springs will not require an overflow weir. Vertical turbine pumps producing about 90 feet total head (75 feet lift, 15 feet friction loss) have been assumed for each pump station. Motors would be standard efficiency, and would include two 100 hp units and one 75 hp unit. Backup pumps have not been assumed in the cost estimates.

Each pump discharge would be equipped with a gate valve (for throttling), pump control valve (to reduce pipeline surge), check valve, air relief valve, and pressure relief valve. A single flow meter would be installed on the outlet side of the pump manifold.

The pump station is assumed to consist of a simple concrete inlet structure with trash rack, wet well for pumps, cyclone fencing for security, and outdoor electrical panels. An emergency overflow spillway would be constructed on the downstream side of a Buckaroo Ditch pump station. The spillway would spill excess ditch flows to waste in the event of a power outage or pump failure, and would also increase the water depth in the ditch adjacent to the pump station to provide increased submergence for the turbine pumps.

Electrical service (3-phase) is available within about 100 feet of each pump station site. I have talked to the Idaho Power representative for the area, Tim Nelson, regarding power availability. He said that they have sufficient capacity in the area to handle the increased load.

## Recommendations

Based upon pipeline cost, I would recommend pipeline alternative No. 1. This pipeline could be used to supply the existing Upper Ranch irrigation pond pumps for irrigation of the Perkins and Upper Ranches. At the same time, the existing Pence Hot Springs and upper Buckaroo pump station pumps could be used to supply the Flat Ranch irrigation system and/or the Upper Ranch pond. The lower and upper pump Buckaroo pump stations could both supply 3rd priority Buckaroo and 1993 priority Trust Water, depending upon where you planned to deliver the water at any time.

Under the scenario described above, you would have pumping capacity for (1) about 9.5 cfs (1,060 inches) to the Upper Ranch irrigation pond from the lower Buckaroo pump station, and (2) about 4.4

cfs (220 inches) from the upper Buckaroo pump station and 2.5 cfs (125 inches) from the existing Pence Hot Springs pump station to the Flat Ranch irrigation system or Upper Ranch pond.

Note that if an irrigation rate of 6 gpm/acre is used rather than 9 gpm/acre (i.e., 1 inch/acre), a 20-inch pipeline and smaller pumps would be applicable. This would probably cut project costs by about 20 percent.

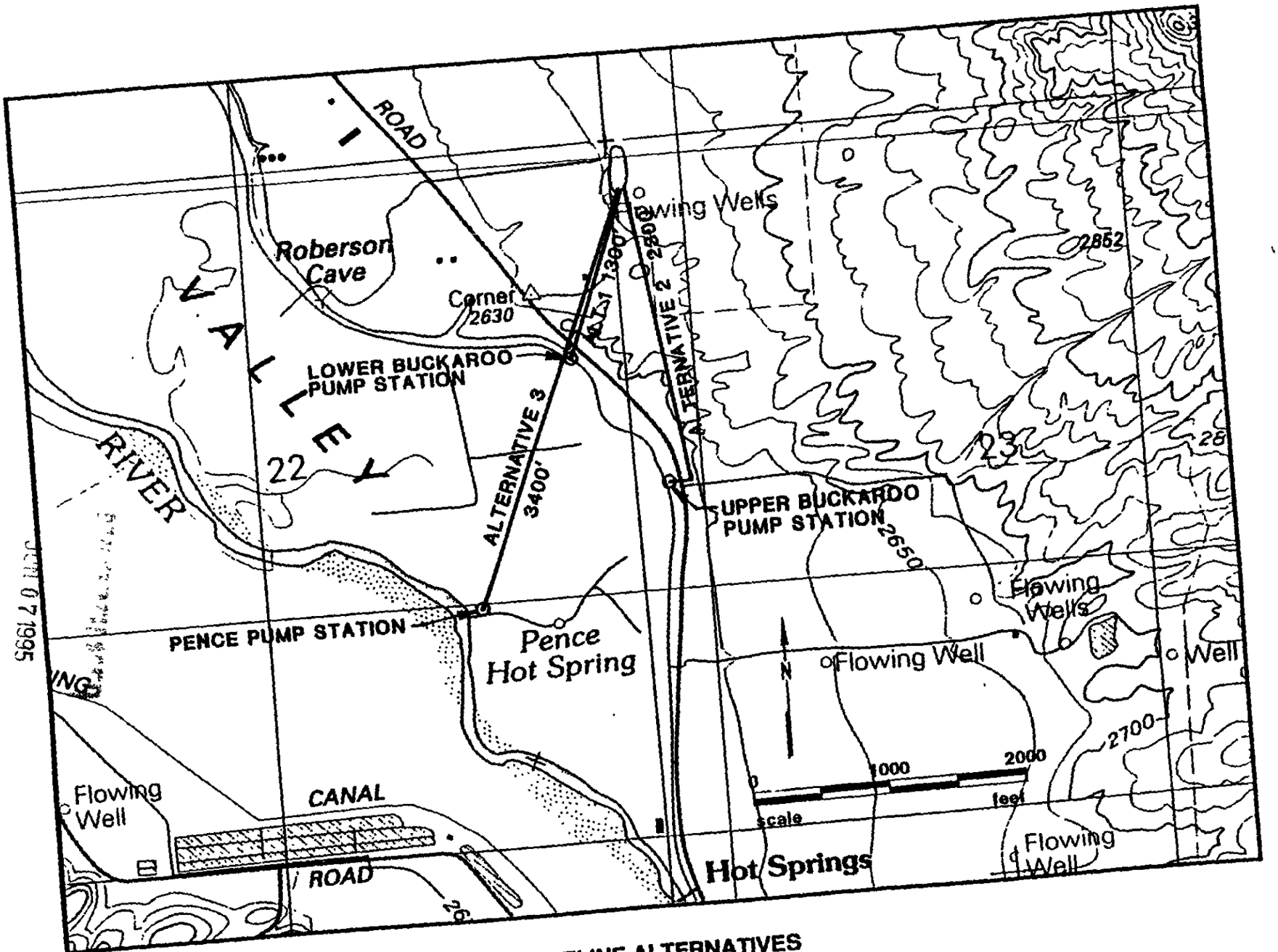
Please call me to discuss.

Sincerely,

Terry M. Scanlan, P.E.

Enclosures

1995




**PIPELINE ALTERNATIVES**
**FIGURE 1**

**TABLE 1**
**24-INCH PIPELINE COST ESTIMATE**
**FOR PUMP STATION AT THE DOWNSTREAM SITE ON BUCKAROO DITCH**

| Item | Units | Quantity | Unit Price | Total |
|---|---|---|---|---|
| 24-inch PVC pipe, 125 psi class (material) | L.F. | 1300 | 25.00 | $32,500 |
| Trenching/backfill/compact | L.F. | 1300 | 12.00 | $15,600 |
| Bedding | L.F. | 1300 | 3.00 | $3,900 |
| Outlet structure | lump sum | 1 | 2,000 | $2,000 |
| Valves (drains, air/vac, etc.) | lump sum | 1 | 15,000 | $15,000 |
| Misc appurtances | lump sum | 1 | 5,000 | $5,000 |
| Subtotal | | | | $74,000 |
| Estimating and Construction Contingency @25% | | | | $18,500 |
| Construction Subtotal | | | | $92,500 |
| Engineering and Inspection @ 10% | | | | $9,250 |
| **Project Total** | | | | $101,750 |

7995

**TABLE 2**
**24-INCH PIPELINE COST ESTIMATE**
**FOR PUMP STATION AT THE UPSTREAM SITE ON BUCKAROO DITCH**

| Item | Units | Quantity | Unit Price | Total |
|---|---|---|---|---|
| 24-inch PVC pipe, 125 psi class (material) | L.F. | 2300 | 25.00 | $57,500 |
| Trenching/backfill/compact | L.F. | 2300 | 12.00 | $27,600 |
| Bedding | L.F. | 2300 | 3.00 | $6,900 |
| Outlet structure | lump sum | 1 | 2,000 | $2,000 |
| Valves (drains, air/vac, etc.) | lump sum | 1 | 18,000 | $18,000 |
| Misc appurtances | lump sum | 1 | 7,500 | $7,500 |
| Subtotal | | | | $119,500 |
| Estimating and Construction Contingency @15% | | | | $17,925 |
| Construction Subtotal | | | | $137,425 |
| Engineering and Inspection @ 10% | | | | $13,743 |
| **Project Total** | | | | $151,168 |

**TABLE 3**
**24-INCH PIPELINE COST ESTIMATE**
**FOR PUMP STATION ON BRUNEAU RIVER NEAR PENCE HOT SPRINGS**

| Item | Units | Quantity | Unit Price | Total |
|---|---|---|---|---|
| 24-inch PVC pipe, 125 psi class (material) | L.F. | 3400 | 25.00 | $85,000 |
| Trenching/backfill/compact | L.F. | 3400 | 12.00 | $40,800 |
| Bedding | L.F. | 3400 | 3.00 | $10,200 |
| Outlet structure | lump sum | 1 | 2,000 | $2,000 |
| Valves (drains, air/vac, etc.) | lump sum | 1 | 21,000 | $21,000 |
| Misc appurtances | lump sum | 1 | 10,000 | $10,000 |
| Subtotal | | | | $169,000 |
| Estimating and Construction Contingency @15% | | | | $25,350 |
| Construction Subtotal | | | | $194,350 |
| Engineering and Inspection @ 10% | | | | $19,435 |
| **Project Total** | | | | $213,785 |

**TABLE 4**
**9,500 GPM PUMP STATION COST ESTIMATE**

| Item | Quantity | Unit Price | Total |
|---|---|---|---|
| 14-inch pump, 3,500 gpm, 90' TDH, | 2 | 3,000 | $6,000 |
| 14-inch pump, 2,500 gpm, 90' TDH | 1 | 2,500 | $2,500 |
| 100 h.p hollow-shaft motor - 3 phase, 460V | 2 | 4,000 | $8,000 |
| 75 h.p hollow-shaft motor - 3 phase, 460V | 1 | 3,000 | $3,000 |
| 10 feet water lube pump column | 3 | 500 | $1,500 |
| Strainer | 3 | 150 | $450 |
| Line-shaft discharge head | 3 | 1,500 | $4,500 |
| Electrical panels and miscellaneous electrical | 1 | 8,000 | $8,000 |
| Transformer | 1 | 10,000 | $10,000 |
| Pump control valves | 3 | 2,000 | $6,000 |
| Throttling valves (butterfly) | 3 | 800 | $2,400 |
| Pressure relief valves | 3 | 1,200 | $3,600 |
| Air/Vac valves | 3 | 250 | $750 |
| Check valves | 3 | 750 | $2,250 |
| Flow meter | 1 | 1,500 | $1,500 |
| Miscellaneous piping | 1 | 5,000 | $5,000 |
| Pressure Filters | 3 | 2,000 | $6,000 |
| Pump Station - civil and structural | 1 | 25,000 | $25,000 |
| Overflow Weir (Buckaroo Ditch site) | 1 | 20,000 | $20,000 |
| 3-Phase Power, per foot | 100 | 6 | $600 |
| Subtotal | | | $117,050 |
| | | | |
| Construction contingency @15% | | | $17,558 |
| Construction Subtotal | | | $134,608 |
| | | | |
| Engineering @ 10% | | | $13,461 |
| | | | |
| **Project Total** | | | **$148,068** |

JUN 07 1995

# WARRANTY DEED

FOR VALUE RECEIVED, Richard L. Owen, Trustee of the Owen Family Revocable Trust A established August 30, 1966, as amended and restated on October 12, 1988, and Velma Marie Owen, Trustee of the Owens Ranch Trust dated May 17, 1967, the Grantor, hereby GRANTS, BARGAINS, SELLS AND CONVEYS to J. R. Simplot, as Trustee of the J. R. Simplot Self-Declaration of Revocable Trust, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788 of H.C. 85, Box 275, Grandview, Idaho 83624, the following described real property situated in the County of Owyhee, State of Idaho, to-wit:

Legally described in Exhibit A attached hereto and made a part hereof,

To have and to hold the said premises with their appurtenances unto the said Grantee, its successors and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances save and except as hereinafter provided, and that Grantor will warrant and defend the same from all lawful claims whatsoever. The encumbrances to which the premises are subject are as follows:

(1) Mortgage dated May 15, 1991, executed by Grantor for the benefit of Northwest Farm Credit Services, ACA, recorded in the records of Owyhee County, Idaho, as Instrument No. 205101 which said Mortgage the Grantee has assumed and agreed with the Grantor to timely repay.

(2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey.

(3) Taxes or special assessments for 1994 and thereafter.

(4) Setbacks, zoning regulations, rules, regulations and laws affecting and governing the said premises.

(5) Those certain matters contained in the public records of Owyhee County, Idaho and specifically identified on Schedule B, section 2, as special exception Nos. 1-26, inclusive, 28 and 32 on that certain Commitment for Title Insurance of Chicago Title Insurance Company dated August 29, 1994, bearing file No. PO781, SECOND AMENDED.

DATED this 31st day of August, 1994.

OWEN FAMILY REVOCABLE
TRUST A ESTABLISHED AUGUST 30, 1966
AS AMENDED AND RESTATED ON
~~OCTOBER 12, 1988~~

By _____
Richard L. Owen, Trustee TRUSTEE

THE OWENS RANCH TRUST
DATED MAY 17, 1967

By Velma Marie Owen
Velma Marie Owen, Trustee TRUSTEE

STATE OF IDAHO )
) ss.
County of Ada )

On this 31st day of August, 1994, before me, a notary public, personally appeared Richard L. Owen, known or identified to me to be the Trustee of THE OWEN FAMILY REVOCABLE TRUST A ESTABLISHED AUGUST 30, 1966 AS AMENDED AND RESTATED ON OCTOBER 12, 1988, and Velma Marie Owen, known or identified to me to be the Trustee of THE OWENS RANCH TRUST DATED MAY 17, 1967, the Trusts that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of said Trusts and acknowledged to me that such Trusts 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.

JONATHAN M. MEDLOCK
NOTARY PUBLIC
STATE OF IDAHO

Jonathan M. Medlock
Notary Public for Idaho
Residing at Meridian, Id
Commission Expires: 4-25-2000



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**PARCEL I:**

**IN TOWNSHIP 6 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO**
**Sections 22 and 23: Those portions of the SE¼NW¼, the SW¼NE¼, the NW¼SE¼ and the NE¼SE¼ of Sec. 22; and the NW¼SW¼ of Sec. 23, lying South of the following described line, to-wit: BEGINNING at the Section corner common to Sections 15, 16, 21 and 22; thence South 42°32' East 1915.0 feet to a point on the West line of the SE¼NW¼, Sec. 22, which is the REAL POINT OF BEGINNING: thence South 60°43' East 209.2 feet; thence South 58°52' East 442.6 feet; thence South 69°05' East 226.2 feet; thence South 57°42' East 340.3 feet; thence South 29°44' East 293.4 feet; thence South 40°50' East 218.8 feet; thence South 63°58' East 598.3 feet; thence South**
Continued

FILED-RECORDED
'94 AUG 31 PM 1 06
213665
BARBARA JAYO
OWYHEE COUNTY RECORDER
BY [illegible] DEPUTY
RETURN TO: Owyhee Title Co.
FILMED

EXHIBIT A

1995

77°54' East 686.9 feet; thence South 21°50' East 258.2 feet; thence South 71°05' East 448.4 feet; thence South 57°39' East 117.6 feet; thence South 32°34' East 379.3 feet; thence North 87°32' East 670.6 feet; thence South 72°47' East 1392.6 feet to the SE corner of NW¼SW¼ of Section 23.

Section 22: NE¼SW¼, S½SE¼ EXCEPTING from the SE¼SE¼ the following three (3) tracts of land more particularly described as follows:

COMMENCING at the Section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet, said point being the REAL POINT OF BEGINNING; running thence South 89°55' West a distance of 428 feet; thence North a distance of 30 feet; thence North 89°55'East, a distance of 128 feet; thence North a distance of 270 feet; thence North 89°55' East a distance of 300 feet; thence South 300 feet to the POINT OF BEGINNING

and

COMMENCING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet; running thence South 89°55' West, a distance of 428 feet; thence North a distance of 30 feet, being the REAL POINT OF BEGINNING; thence North 89°55' East, a distance of 128 feet; thence North a distance of 270 feet; thence South 89°55' West, a distance of 128 feet; thence South 270 feet to the REAL POINT OF BEGINNING.

and

BEGINNING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M.; thence North 37.0 feet to the Northwesterly line of the Bruneau to Grand View Highway, the point being marked by a right of way marker, POC-427+72.3; thence North 89°20' West a distance of 989.95 feet, (formerly South 89°55' West a distance of 990.30 feet) to a point, which is the REAL POINT OF BEGINNING; thence North 89°20'00" West a distance of 300.00 feet; thence North 00°44'43" West a distance of 707.96 feet to a point on the South right of way of County Road; thence South 67°36'28" East along the South right of way of County Road a distance of 450.06 feet; thence South 00°44'43" East a distance of 241.32 feet; thence North 89°20'00" West (formerly south 89°55' West) a distance of 113.98 feet; thence South 00°44'43" East (formerly South) a distance of 300.00 feet to the REAL POINT OF BEGINNING.

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Section 23: SW¼SW¼
Section 25: W½NE¼, NW¼, W½SW¼
Section 26: NE¼, E½SE¼
Section 36: SW¼NE¼, W½, W½SE¼

**EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY** various irregular strips of land as conveyed by Warranty Deed recorded August 17, 1954 as Instrument Number 89769 in Book 46 of Deeds page 117+ to the State of Idaho for the Grand View connection as surveyed and shown on the official plat of the Bruneau - Duck Valley St. 3806 (501) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the portions SE¼SE¼ of Section 22, S½SW¼ of Section 23, N½NE¼ of Section 26, NW¼NW¼ of Section 25, SE¼SW¼ of Section 24, NE¼NW¼ of Section 25, NW¼NE¼ of Section 25

**ALSO EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY** a strip of land as conveyed by Warranty Deed recorded May 27, 1955 as Instrument No. 91956 in Book 47 of Deeds page 129 to the State of Idaho as surveyed and shown on the official plat of Bruneau -Duck Valley - Project No. St. 3806(2) Highway Survey on file in the office of the Department of Highways of the State of Idaho.

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 31: Lots 1 and 2, NE¼NW¼

IN TOWNSHIP 8 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 1: Lot 3, SW¼NW¼
Section 2: NE¼SW¼

IN TOWNSHIP 8 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 5: SW¼SE¼, SE¼SW¼
Section 8: NW¼NE¼, NE¼NW¼
Section 29: SE¼NE¼

IN TOWNSHIP 8 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 16: All

IN TOWNSHIP 10 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 15: NW¼NE¼, S½NE¼, SE¼NW¼, W½SW¼
Section 21: N½NE¼, SE¼NE¼, N½NW¼, E½SE¼
Section 22: W½SW¼
Section 28: E½, SE¼NW¼, SE¼SW¼
Section 33: NW¼NE¼, E½NW¼, NE¼SW¼

IN TOWNSHIP 11 South, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 3: SW¼NW¼, SW¼
Section 10: W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, NW¼SE¼
Section 27: S½S½
Continued

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IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 8: SE¼SW¼
Section 17: E½NW¼, NE¼SW¼

IN TOWNSHIP 12 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 7: SW¼SE¼

IN TOWNSHIP 9 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO

Section 33: SW¼SE¼

IN TOWNSHIP 10 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 1: SW¼SE¼
Section 3: SW¼, S½SE¼
Section 4: Lot 2, S½NE¼, E½SE¼, SW¼SE¼
Section 9: NE¼, SE¼, E½SW¼, that portion of E½NW¼ lying Easterly of the line described as follows:

BEGINNING at a point on the Section line between Sections 4 and 9, T10S, R1W, B. M., 23 feet East of the quarter corner common to said Sections 4 and 9; thence running South 18° West a distance of 2,750.0 feet, more or less, to the South boundary line of the E½NW¼ of Section 9.

Section 10: N½, N½S½, SW¼SW¼, SE¼SW¼, S½SE¼, EXCEPTING the one-half (½) acre of land in the NW corner of NE¼SE¼, as Reserved in Deed dated April 22, 1916 and recorded April 26, 1916 in Book 10 of Deeds, page 327, Owyhee County Records.
Section 14: SW¼SW¼
Section 15: W½NE¼, E½NW¼, E½SE¼
Section 23: N½NW¼, SE¼NW¼, SW¼NE¼, W½SE¼, SE¼SE¼
Section 25: W½NW¼, NW¼SW¼, E½SW¼
Section 26: E½NE¼
Section 36: E½W½, SW¼NW¼, NW¼SW¼

IN TOWNSHIP 11 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 24: NW¼SW¼
Section 35: SW¼SE¼

IN TOWNSHIP 12 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 7: NE¼SW¼
Section 21: W½E½, E½W½
Section 35: W½SE¼

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**PARCEL II:**

IN TOWNSHIP 10 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼SE¼
Section 13: NE¼NE¼
Section 14: N½NE¼
Section 33: SE¼SE¼
Section 34: NW¼SE¼, NE¼SW¼, S½S½
Section 35: W½W½, NE¼SW¼, SE¼SW¼

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 18: Lot 1, NE¼NW¼
Section 22: W½NW¼, N½SW¼

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼, W½NE¼, SE¼NE¼
Section 12: S½SW¼, S½SE¼
Section 13: N½NW¼, SE¼NW¼, E½
Section 14: NE¼NE¼

IN TOWNSHIP 11 SOUTH, RANGE 3 East, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3
Section 18: Lot 4, SE¼SW¼
Section 19: Lots 1 and 2, E½NW¼

**PARCEL III:**

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SE¼ **SAVING AND EXCEPTING** the following described real property to-wit:

A tract of land located in the NW¼SE¼ and NE¼SE¼, bounded and described as follows: BEGINNING at the NW corner of NW¼SE¼, the TRUE POINT OF BEGINNING; running thence North 89°57' East a distance of 2,056.8 feet to a point; thence South 54°57' West 905 feet to a point; thence South 59°39' West 860 feet to a point; thence North 33°42' West 79 feet to a point; thence South 67°04' West 598.8 feet to a point on the West boundary line of NW¼SE¼; thence running North a distance of 1165 feet to the POINT OF BEGINNING.

Section 23: S½SW¼ and

A tract of land located in the SE¼NE¼ bounded and described as follows:
BEGINNING at the East quarter corner of Section 23; the TRUE POINT OF BEGINNING: running thence South 89°57' West 583.2 feet to a point; thence North 54°57' East 273 feet to a point; thence North 73°32' East 380.2 feet, more or less, to the East Section line of said Section 23, running thence South a distance of 264.6 feet, more or less, to the POINT OF BEGINNING

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Section 24: NW¼SW¼, W½NW¼
Section 26: N½NE¼, NE¼NW¼, W½NW¼, SE¼NW¼

**PARCEL IV:**

IN TOWNSHIP 7 South, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: E½SW¼ **EXCEPT** the following parcel:
BEGINNING at the south quarter corner, a brass cap properly identified as Sec. 23, T7S, R6E, B. M.; thence North 00°24' West a distance of 1152.6 feet along the north-south center line to an iron pin, the TRUE POINT OF BEGINNING; thence North 13° 31' West a distance of 1020.9 feet to an iron pin; thence North 89°56' West a distance of 405.8 feet to an iron pin; thence North 00°04' East a distance of 359.2 feet to an iron pin; thence North 89°50' West a distance of 677 feet, more or less, to the west boundary line of NE¼SW¼; thence North 00°04' East along the West boundary line of NE¼SW¼ a distance of 125 feet to a point; thence South 89°50' East along the north boundary line of NE¼SW¼ a distance of 1311 feet, more or less, to the north-east corner of NE¼SW¼; thence South 00°04' West a distance of 1479 feet, more or less, to the POINT OF BEGINNING

Section 23: NW¼SW¼ **EXCEPT** the following two (2) parcels of land:
BEGINNING at the west quarter corner of Sec. 23, thence South 89°50' East a distance of 181.5 feet along the north boundary line of NW¼SW¼ to an iron pin; thence South 02°50'55" West a distance of 1321.5 feet to an iron pin on the south boundary line of NW¼SW¼; thence North 89°50' West a distance of 115.5 feet to an iron pin on the West boundary line of NW¼SW¼; thence North 00°22' East a distance of 1320 feet, more or less, to the POINT OF BEGINNING.

Also

BEGINNING at the West quarter corner of Sec. 23, thence South 89°50' East along the North boundary line of NW¼SW¼ a distance of 320.1 feet to an iron pin, the TRUE POINT OF BEGINNING; thence South 89°50' East along the North boundary of NW¼SW¼ a distance of 987 feet, more or less, to the NE corner of NW¼SW¼; thence South 00°04' West a distance of 30 feet along the East boundary line of NW¼SW¼ to a point; thence North 89°50' West a distance of 987 feet to a point on the East right of way line of a county road; thence North 03°43'40" West a distance of 30.1 feet to the POINT OF BEGINNING.

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**PARCEL V:**

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 17: S½SW¼
Section 18: S½SE¼
Section 19: NE¼, N½SE¼
Section 20: NW¼, N½SW¼

**PARCEL VI:**

IN TOWNSHIP 6 SOUTH, RANGE 6 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 19: A portion of Government Lot 4 (SW¼,SW¼) more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of the said Section 19, also said point being the Southwest corner of the said Government Lot 4 of Section 19; thence North 0°54'09" West 46.47 feet along the Westerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the Northwesterly right-of-way line of State Highway 51, Federal Aid Project No. S-97(1), also said point being the REAL POINT OF BEGINNING; thence continuing North 0°54'09" West 1,291.08 feet along the said Westerly boundary of Government Lot 4 of Section 19 to an iron pin marking the Northwest corner of the said Government Lot 4 of Section 19; thence North 89°37'53" East 1,203.18 feet along the Northerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the said Northwesterly right-of-way line of State Highway 51 marking a point of beginning of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 32.15 feet, said curve having a central angle of 1°56'52", a radius of 945.92 feet, tangents of 16.08 feet, and a long chord of 32.15 feet bearing South 45°46'35" West to a highway monument stamped "P.C. Sta. 2615+80.0" marking the point of ending of curve; thence South 3°30'48" West 248.17 feet along the said Northwesterly right-of-way line of State Highway 51 to an iron pin; thence South 46°45'00" West 1,346.38 feet along the said Northwesterly right-of-way line of State Highway 51 to a highway monument stamped "P.T. Sta. 2600+52.1" marking a point of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 196.26 feet, said curve having a central angle of 20°42'38", a radius of 542.96 feet, tangents of 99.21 feet, and a long chord of 195.20 feet bearing South 57°06'19" West to a point of ending of curve, also said point being the point of beginning.

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**PARCEL VII:**

**IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO**
**Section 3:** S½SW¼
**Section 4:** SE¼SE¼
**Section 9:** NE¼NE¼, SE¼NE¼, NE¼SE¼
**Section 10:** W½NW¼, NW¼SW¼, NE¼SW¼, S½SW¼
**Section 15:** N½NW¼

**PARCEL VIII:**

**IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO**
**Section 14:** SW¼SW¼
**Section 15:** S½SE¼
**Section 22:** NE¼NE¼
**Section 23:** NW¼NW¼

**PARCEL IX:**

**IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO**
**Section 22:** SE¼, SE¼NE¼, S½SW¼
**Section 23:** That portion of NW¼SW¼ more particularly described as follows:

COMMENCING at the NW corner of NW¼SW¼, Sec. 23, T7S, R6E, B.M., and running thence South 80 rods; thence East 7 rods; thence North along the West bank of the Buckaroo Ditch 80 rods; thence West 11 rods to the PLACE OF BEGINNING.

**Section 27:** That portion of NE¼NE¼ described as follows:

BEGINNING at the Section corner common to Sections 22, 23, 26 and 27, T7S, R6E, B. M., being the REAL POINT OF BEGINNING; thence North 89°04' West on the Section line between said Sections. 22 and 27, a distance of 1320.66 feet to the NW corner of NE¼NE¼, Sec. 27; thence South 0°14' West along the West sideline of NE¼NE¼, Sec. 27, a distance of 788.5 feet; thence North 80°41' East a distance of 1291.2 feet; thence North 64°18' East a distance of 53.9 feet to a point on the section line between said Sections 26 and 27; thence North 0°17' East on the Section line between Sections 26 and 27, a distance of 535 feet to the POINT OF BEGINNING.

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**PARCEL X:**

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SW¼SW¼
Section 26: W½NW¼ EXCEPTING that portion lying South and West of Center line of the Bruneau River.
NE¼NW¼, S½NE¼, SE¼NW¼

**PARCEL XI:**

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 24: E½SE¼
Section 25: E½NW¼, S½NE¼, NE¼NE¼

IN TOWNSHIP 7 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 19: Lots 1, 2, 3, 4, NE¼NW¼
EXCEPT THE FOLLOWING PARCEL OF LAND:
COMMENCING at the North quarter corner of Section 19, thence North 89°33' West 260.75 feet; thence South 52°06' West 40.29 feet to the REAL POINT OF BEGINNING; thence North 89°33' West 34.64 feet; thence South 0°27' West 10 feet; thence South 89°33' East 22 feet; thence North 52°06' East 16.12 feet to the REAL POINT OF BEGINNING

ALSO EXCEPTING THE RIGHT OF WAY as described in Warranty Deed recorded December 12, 1958, as Instrument No. 99240 in Book 51 of Deeds, page 61 as follows: A strip of land 80.0 feet wide, being 40.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of State Highway 51 Project No. S-3806 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across Government Lots 4, 3, 2 and 1 and the NE¼NW¼ OF Section 19, T7S, R5E, B. M.
BEGINNING at a point in the South line of Section 19, T7S, R5E, B. M., coincident with Station 36+04.75 of the said Highway Survey, which station is a point on tangent approximately South 89°19'55" East - 666.79 feet from the Southwest corner of said Section 19, thence North 1°24'45" East - 1550.94 feet to Station 51+55.69 of said Survey, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 53+55.69, which station is a point of circular curvature; thence 1522.50 feet with a 1°00' curve right, said curve having a central angle of 15°13'30", to Station 68+78.19, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 70+78.19, which station is a point of tangent; thence North 18°38'15"

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East on tangent 1921.23 feet to a point in the North line of said Section 19, coincident with Station 89+99.42, which station is a point on tangent approximately North 89°32'25" West - 883.14 feet from the North Quarter corner of said Section 19.

AND ALSO,

Additional irregular strips of land adjacent and contiguous to and on both sides of the above described right of way being as follows: On the Westerly Side, a strip of land widening from 0.0 feet at Station 70+78.19 to 10.0 feet wide at Station 72+00, continuing 10.0 feet wide to Station 74+00 and tapering to 0.0 feet at Station 75+00; on the Easterly Side, a strip of land widening from 0.0 feet at Station 57+00 to 15.0 feet wide at Station 57+50, continuing 15.0 feet wide to Station 59+00, and tapering to 0.0 feet wide at Station 59+50, a strip of land widening from 0.0 feet feet at Station 68+50 to 10.0 feet at Station 69+50, continuing 10.0 feet wide to Station 79+00, and tapering to 0.0 feet at Station 80+00.

Section 30: Lots 1 and 2, SE¼NW¼

**PARCEL XII:**

**IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO**
**Section 10: SW¼SE¼**
**Section 14: SW¼NW¼, NW¼SW¼**
**Section 15: SE¼NE¼, W½NE¼, S½NW¼, N½SE¼**
**Section 16: S½NE¼, SE¼NW¼, W½W½, E½SW¼, SE¼**

**EXCEPTING FROM** Section 15, Township 7 South, Range 6 East, B.M., the following described property:

A parcel of land being a portion of the NW¼SE¼ of Section 15, T7S, R6E, B.M., Owyhee County, Idaho and more particularly described as follows: BEGINNING at a brass cap marking the South Quarter corner of the said Section 15; thence along the westerly boundary of the said Southeast Quarter of Section 15, North 00°11'24" East 1532.90 Feet to a point, also said point being the REAL POINT OF BEGINNING; thence continuing North 00°11'24" East 170.00 feet to an iron pin; thence along a line northerly of and parallel with the southerly boundary of the said NE¼SW¼ of Section 15; South 89°34'00" East 93.85 feet to a point on the centerline of Hot Springs Road; thence along the said centerline of Hot Springs Road; South 30°28'57" East 198.15 feet to a point; thence along a line northerly of and parallel with the said southerly boundary of the NE¼SW¼ of Section 15; North 89°34'00" West 194.93 feet to the POINT OF BEGINNING.

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**PARCEL XIII:**

IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, B.M. OWYHEE COUTNY, IDAHO
Section 2: SW¼NE¼, NW¼SE¼, N½SW¼ .

**PARCEL XIV:**

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: NW¼SW¼
Section 3: NE¼SE¼ and Lots 1 and 2

**PARCEL XV:**

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W½NW¼ South and West of Centerline of Bruneau River

**PARCEL XVI:**

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W½SW¼ and NE¼SW¼
Section 34: E½SE¼
Section 35: W½W½

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3

* * *

07 1995

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

**December 12, 1994**

**Telefacsimile**
**208-495-1173**

Richard Bass, Chairman
Owyhee County Commissioners
Courthouse, Post Office Box 128
Murphy, Idaho 83650-0128

**Re: Comment Regarding State of Idaho Department of Water Resources Application Number 51-07346.**

Dear Commissioner Bass:

In a letter dated October 12, 1993, Terry Scanlan, who wrote to you on behalf of the Owen Family Revocable Trust A ("Owen"), requested comment from the County Commissioners about the local public interest concerns in connection with the above referenced application. In response to this letter, your letter dated May 23, 1994, did not support granting Owen priority to use "flood water" from the Bruneau River over three Canal Companies who have historically diverted and beneficially used high seasonal runoff, when available, from the Bruneau River.

After the application was filed, it was protested by several Bruneau River water right owners. Without exception, the Protestants shared the views expressed in your May 23, 1994, letter.

On August 31, 1994, the land identified to receive water under the above application was purchased by the J. R. Simplot Self-Declaration of Revocable Trust ("Simplot"). In connection with the purchase by Simplot, Owen executed an assignment on August 31, 1994 of all right, title and interest in and to the pending application to Simplot.

On September 6, 1994, representatives of Simplot, met with the Protestants in an effort to resolve concerns about the application. During the meeting an agreement was reached with respect to the priorities of claims to flood water. An agreement was prepared identifying conditions under which the Protestants were willing to withdraw their protests. Each of the Protestants signed an agreement and all protests were withdrawn. The hearing before the State of Idaho Department of Water Resources that was scheduled for September 12, 1994 was then cancelled.

I have attached a copy of the agreement executed by M. L. Investment Company, a Protestant in this matter. Except for the name of the protestant and the signature, the other agreements are exactly the same.

Under the conditions agreed upon in the September 6, 1994 meeting, Simplot wants to obtain approval from the State of Idaho Department of Water Resources to develop a water right under this application for permit. With this letter we are seeking your comment about the local public interest concerns you may still have about the application. We hope that the conditions in the attached agreement satisfy the concerns you shared in your May 23, 1994 letter.

Copies of the remaining agreements signed by the other Protestants and a copy of the assignment of the application from Owen to Simplot can be made available if you call me at 208-389-7359 or the State of Idaho Department of Water Resources Western Regional Office at 208-334-2190.

Please send any comments you have about this application to:

**State of Idaho**
**Department of Water Resources**
**ATTN: Dave Tuthill, Manager**
**Western Regional Office**
**2735 Airport Way**
**Boise, Idaho 83705**

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

encl. Agreement of Conditions and Withdrawal of Protest

cc: F. Bachman
IDWR File No. 51-07346
G. Young

**BEFORE THE DEPARTMENT OF WATER RESOURCES**
**OF THE**
**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of this application.

1. This water right is subject to all prior water rights.

2. The holder of water right No. 51-07346 agrees to subordinate this water right to all water rights claimed in the Snake River Basin Adjudication with source of Bruneau River and with date of priority senior to September 14, 1993. This subordination will apply to all water rights found senior to this right when a decree for Basin 51 is entered in the Snake River Basin Adjudication.

3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right.

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,

7 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 12th day of Sept., 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 13th day of Sept., 1994

M. L. Investment Company

Protestant: _____
Ronald N. Graves, Secretary



1995

RECEIVED
DEC 19 1994
WATER RESOURCES
WESTERN REGION

# December 12, 1994

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

**Re: IDWR Application for Permit No. 51-07346**

As you know the Board of Owyhee County Commissioners opposed the State of Idaho Department of Water Resources Application for Permit to Appropriate The Public Waters of the State of Idaho number 51-07346 as provided in our letter to the Department of Water Resources dated May 23, 1994, a copy of which is attached for your reference.

Since that letter was forwarded to you the Owen Family Revocable Trust A sold the land identified under the application to the J. R. Simplot Self-Declaration of Revocable Trust ("Simplot").

Representatives of Simplot have made available to the Board a copy of the Withdrawal of Protest and Agreement of Conditions filed by each of the Protestants in which Simplot has agreed to subordinate the subject water right application to all existing claims in the Snake River Basin Adjudication identifying the Bruneau River as the source and with priority dates senior to September 14, 1993. The Commissioners are satisfied as to our concerns expressed in the May 23, 1994 letter. The rights of local irrigators are no longer threatened by this application.

Consequently, the Board has concluded that Application for Permit number 51-07346 does not threaten the local public interest and that the application be approved with the conditions specified.

Sincerely,

Commissioner Richard Bass
Chairman

Commissioner Chester Sellman

Commissioner Harold Tolmie

ATTEST: Barbara Jayo, Clerk

Date: 12/12/94

1995

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

R. KEITH HIGGINSON
DIRECTOR

January 25, 1995

VIC CONRAD
J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

RE: Application for Permit No. 51-07346

Dear Vic:

In follow-up to our telephone conversation, you are aware that IDAPA Water Appropriation Rule 37.03.08.040.05. requires additional information be submitted for applications in excess of 5 AF storage or 200 acres of irrigation. I have attached a copy of the IDAPA Water Appropriation Rule 37.03.08.040.05 regarding additional information requirements.

Please provide the additional information for the J.R. Simplot Revocable Trust as described in the attached rules.

I will hold further processing of this application for 15 days pending your reply.

If you have any questions or need further assistance, please feel free to contact me at (208) 327-9744.

Sincerely,

Cindy Zimmerman
Water Resource Agent

Enclosure

Form No. 202a. Statewide Advertising plus - Trust Water AD - SEND COPIES
4/93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 9/28/93 APPLICATION: 51-7346

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) ← See conclusion, pg. 2 of 3/31/94 overlap update → 16.82 cfs
- 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:
N P/D
N P/U

RECEIVED
DEC 28 1994
Department of Water Resources

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): ← Existing div. data for Brunaugh-Burkamo ditch so N/A |
| ____ | ✓ | 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 |

Large div. info needed DATE REQUESTED: 9/29/93

✓ ____ Additional information on reverse side:

* Applying for "Groundwater" so early use suggested.
- Std. season = 4/1 to 10/31
- Appl. shows 3/15 - 11/15
- suggests that 3/15 - 10/31 could be acceptable ("early start"?)

PROCESSING APPLICATION NO. 51-

YES NO

X ___ In form for advertising:
X ___ Statewide advertising: ( > 10 cfs &/or 1000 af)
X ___ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

| YES | NO | | YES | NO | |
|---|---|---|---|---|---|
| ___ | ✓ | I.D. Health and Welfare | ___ | ✓ | U.S. BLM |
| ___ | ✓ | I.D. Fish and Game | ___ | ✓ | U.S. Forest Svc. |
| ___ | ✓ | I.D. Lands | ___ | ✓ | Water Dist. # ___ |
| ___ | ✓ | Adjudication Bureau | ✓ | ___ | Other SEE NEXT pg. |

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 10-25-93
Withdrawn ___ Protest dates, resolution of protest recorded on application:
✓ ___ Recommendations attached: Recommendations for Cond of Approval
✓ ___ Measuring device required: Totalizing
___ ✓ Measuring port required:
___ ✓ Water delivered by water master? Ditch rider review District # ___
✓ ___ Special conditions of approval or cover letter: ___
See cond. of approval attached.

___ ✓ See below for additional information

Recommended Date or Priority 9/14/1993
Recommended by: DNR Date 12/19/1994

STATE OFFICE REVIEW

___ See below for additional information. By ___ Date ___

ADDITIONAL INFORMATION

Overlap
P/O - # of other rights via Brunson Buckaroo Ditch Co.
- None for pumping site in NWSE S.22
P/U - # of G.W. rights & a few springs but no River rights for these acres.

replaced by 3/31/94 update, attached

**MEMORANDUM**

TO: 51-07346

FROM: Dave Tuthill

DATE: September 28, 1994

RE: Proposed Conditions of Approval

1. This water right is subject to all prior water rights.

2. The holder of water right no. 51-07346 agrees to subordinate this water right to all water rights claimed in the Snake River Basin Adjudication with source of the Bruneau River and with date of priority senior to September 14, 1993. This subordination will apply to all water rights found senior to this right when a decree for Basin 51 is entered in the Snake River Basin Adjudication.

3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right.

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another, and specifically does not grant utilization of the Bruneau-Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

JUN 07 1995

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DEC 19 1994
WATER RESOURCES
WESTERN REGION

# December 12, 1994

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

**Re: IDWR Application for Permit No. 51-07346**

As you know the Board of Owyhee County Commissioners opposed the State of Idaho Department of Water Resources Application for Permit to Appropriate The Public Waters of the State of Idaho number 51-07346 as provided in our letter to the Department of Water Resources dated May 23, 1994, a copy of which is attached for your reference.

Since that letter was forwarded to you the Owen Family Revocable Trust A sold the land identified under the application to the J. R. Simplot Self-Declaration of Revocable Trust ("Simplot").

Representatives of Simplot have made available to the Board a copy of the Withdrawal of Protest and Agreement of Conditions filed by each of the Protestants in which Simplot has agreed to subordinate the subject water right application to all existing claims in the Snake River Basin Adjudication identifying the Bruneau River as the source and with priority dates senior to September 14, 1993. The Commissioners are satisfied as to our concerns expressed in the May 23, 1994 letter. The rights of local irrigators are no longer threatened by this application.

Consequently, the Board has concluded that Application for Permit number 51-07346 does not threaten the local public interest and that the application be approved with the conditions specified.

Sincerely,

Richard Bass
Commissioner Richard Bass
Chairman

Chester Sellman
Commissioner Chester Sellman

Harold Tolmie
Commissioner Harold Tolmie

ATTEST: Barbara Jayo
Barbara Jayo, Clerk
Date: 12/12/94

1995

# 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**


September 21, 1994


CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR


VIC CONRAD
J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027


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WATER RESOURCES
WESTERN REGION


RE: Assignments of Water Right Nos. 51-04104, 51-07082, 51-07107, 51-07119, 51-07183, 51-07281, 51-07293, and 51-07346.

Dear Mr. Conrad:

I recently received an 'Assignment of Permit' form on the above water rights assigning these rights from Owen Family Revocable Trust to J R Simplot Revocable Trust. I also received a 'New Property Owner Notice of Change of Water Right Ownership' form on the Snake River Basin Adjudication claims which I have forwarded to the Adjudication Bureau for processing.

Right no. 51-04104 is a statutory claim, and right no. 51-07119 is a license. Licensed and statutory claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water rights unless extenuating circumstances exist. Water right statute does not provide a means for changing owner of record for these water rights; although, I have placed your correspondence in each of the water right files.

Right no. 51-07183 is a permit in the name of Fred W Marsh. The assignment submitted was not signed by Marsh and, therefore, is not acceptable for this permit.

The other rights are in the stage of permit, except for 51-07346 which is a pending application for permit. As of July 1, 1994, the assignment of a permit or application for permit must be accompanied by a $25.00 filing fee. Assignments are not acceptable without filing fees. The assignment fees for the five permits and one application for permit total $150.00. I am returning the assignment to you, please resubmit the assignment with the filing fee to my attention at the above address.

If you have any further questions or require assistance, please feel free to contact me directly at (208) 327-7944.

Respectfully,

Cindy Zimmerman
Water Resource Agent


1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 15, 1994

To: Protestants on the Attached List

Re: Application for Permit No. 51-7346 in the Name of J.R. Simplot Co. (Previously Owen Family Trust)

Dear Protestants:

This letter is to acknowledge your withdrawal of protest against the above-referenced application for water right.

The Department now will continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: J.R. SIMPLOT CO

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

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

SCOTT CAMPBELL ESQ
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN
STE 105
BOISE ID 83706

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

JUN 07 1995

Sue —

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED
SEP 14 1994
WATER RESOURCES
WESTERN REGION

***Certified***

**September 13, 1994**

David R. Tuthill Jr., P E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

**Re: Application for Permit No. 51-07346.**

Dear Mr. Tuthill

Enclosed are the original Withdrawal of Protest and Agreement of Conditions for the remaining two Protestants, M. L. Investment Company and Gene Davis, in connection with the above referenced application number.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

encl. Original Withdrawals (2)

cc: G. Young w/enclosure

JUN 07 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of this application.

1. This water right is subject to all prior water rights.

2. The holder of water right No. 51-07346 agrees to subordinate this water right to all water rights claimed in the Snake River Basin Adjudication with source of Bruneau River and with date of priority senior to September 14, 1993. This subordination will apply to all water rights found senior to this right when a decree for Basin 51 is entered in the Snake River Basin Adjudication.

3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right ~~from the Bruneau Buckaroo ditch.~~

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,



JUN

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 12th day of Sept., 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6th day of Sept, 1994

Protestant: _____
Gene Davis



995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right.

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and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 12th day of Sept., 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 13th day of Sept., 1994

M. L. Investment Company

Protestant: _____
Ronald N. Graves, Secretary

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

***HAND DELIVERY***

**September 8, 1994**

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
SEP 0 9 1994
WATER RESOURCES
WESTERN REGION

**Re: Application for Permit No. 51-07346**

Dear Mr. Tuthill:

Enclosed are the original Withdrawal of Protest and Agreement of Conditions signed by the Applicant and the following Protestants to Application for Permit No. 51-07346 (J. R. Simplot Self Declaration of Revocable Trust is the Applicant by assignment from the original Applicant, Owen Family Revocable Trust A, Richard L. Owen Trustee):

**Ronald E. Prow**

**Grant Johnson, Secretary/Treasurer**
**Hot Springs Ditch Co.**

**Mabel Johnson**

**George C. Turner**

**L. Frank Davis**

**Frank L. Bachman, President**
**Bruneau Buckaroo Cooperative Ditch Co., Ltd.**

**Joann M. Polk**

**Asa Black by Terry Black**

We anticipate that we will soon be able to provide you with similar withdrawals from the remaining protestants.

Thank you.

Vic Conrad
Associate, Simplot
Land and Development

JUN 07 1995

encl. Original Withdrawal of Protest and Agreement of Conditions forms

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this ~~right from the Bruneau Buckaroo ditch~~.

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,



JUN 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 7th day of September, 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6 day of Sept, 1994

Protestant: _____
Grant Johnson
Sec / Treasure
Hot Springs Ditch Co.

JUN 07 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,



JUN 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 7th day of September, 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6 day of September 1994

Protestant: Mabel Johnson
Mabel Johnson

JUN 07 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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4. The issuance of this water right in no way grants any right-of-way or easement across the land of another.



JUN 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

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DATED this 7th day of September, 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6 day of Sept., 1994

Protestant: George C. Turner
George &/or Clayton Turner



1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of this application.

1. This water right is subject to all prior water rights.

2. The holder of water right No. 51-07346 agrees to subordinate this water right to all water rights claimed in the Snake River Basin Adjudication with source of Bruneau River and with date of priority senior to September 14, 1993. This subordination will apply to all water rights found senior to this right when a decree for Basin 51 is entered in the Snake River Basin Adjudication.

3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right, ~~from the Bruneau Buckaroo ditch.~~ FD

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,



JUN 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 7th day of September, 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6 day of Sept, 1994

Protestant: L. Frank Davis
L. Frank Davis



JUN 07 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right, ~~from the Bruneau-Buckaroo ditch~~. JLB

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,



JUN 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 14th day of Sept., 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6th day of Sept., 1994

Protestant: Frank L. Bachman
Frank L. Bachman, President
Bruneau Buckaroo Cooperative Ditch Co., Ltd

Mar 5 / 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right. ~~from the Bruneau Buckaroo ditch~~.

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,



JU 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 7th day of September, 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 9 day of Sept., 1994

Protestant: Joann M Polk



JUN 07 199

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right, ~~from the Bruneau Buckaroo ditch~~. TB

4. The issuance of this water right in no way grants any right-of-way or easement across the land of another,



JUN 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 7th day of September, 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6 day of Sept, 1994

Protestant: Asa Black by Terry Black
Albert &/or Asa Black

1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF THE J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST | WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS |

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3. The water right holder shall install and maintain a totalizing measuring device and lockable controlling works for the diversion of water under this right, ~~from the Bruneau-Buckaroo ditch.~~ R.P.

4. The issuance of this water right in no way grants ~~any~~ right-of-way or easement across the land of another,

JUN 07 1995

and specifically does not grant utilization of the Bruneau Buckaroo ditch.

5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

DATED this 7th day of September, 1994

J. R. Simplot Self-Declaration of Revocable Trust

Applicant: _____
J. R. Simplot, Trustee

DATED this 6 day of Sept, 1994

Protestant: _____
Ronald E. Prow

J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

***HAND DELIVERY***

**September 8, 1994**

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
SEP 0 9 1994
WATER RESOURCES
WESTERN REGION
NO ✓

**Re: Simplot Trust Purchase of Owen Owyhee County, Idaho Property.**

Dear Mr. Tuthill:

Enclosed for filing are the following fully executed original documents connected with the August 31, 1994, sale of the Owen Family Revocable Trust A and Owen's Ranch Trust Owyhee County, Idaho farm and ranch properties to the J. R. Simplot Self-Declaration of Revocable Trust:

1. **State of Idaho Department of Water Resources Assignment of Permits and Pending Application for Permit.**

2. **New Property Owner Notice of Change of Water Right Ownership.**

As I mentioned to you in our telephone conversation yesterday, Owen retained ownership of one of the ranches known as "Pole Creek". The water rights associated with the Pole Creek Ranch are not included in any of the enclosed water right lists.

Please arrange for a photo-copy of the enclosed with your date stamp indicating receipt to be mailed to my attention at the letterhead address.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

encl. Original Notice of Change of Water Right Ownership
Original Assignment of Permits and Pending Application for Permit

JUN 0 7 1995

No fees received - return for fees.

**State of Idaho**

**Department of Water Resources**

**ASSIGNMENT OF PERMITS AND PENDING APPLICATION FOR PERMIT**

We, Richard L. Owen, Trustee of the Owen Family Revocable Trust A Established August 30, 1966, as Amended and Restated on October 12, 1988, and Velma Marie Owen, Successor Trustee of Owen's Ranch Trust Dated May 17, 1967, hereby assign to J. R. Simplot as Trustee, J. R. Simplot Self-Declaration of Revocable Trust, established by Written Instrument Dated December 1, 1989 of Post Office Box 27 Boise, ID, 83707:

> All right, title, and interest in and to Permit No's 51-04104, 51-07082, 51-07107, 51-07119, 51-07183, 51-07281, 51-07293 and all right, title, and interest in and to pending Application for Permit No. 51-07346.

Made this 31st day of August, 1994.

Permit Holder and Applicant

trustee

Richard L. Owen, Trustee of the
Owen Family Revocable Trust A

Velma Marie Owen - TRUSTEE

Velma Marie Owen, Successor Trustee
of Owen's Ranch Trust Dated May 17,
1967

State of Idaho )
ss
County of Ada )

On this 31st day of August, 1994, personally appeared before me Richard L. Owen, Trustee and Velma Marie Owen, Trustee known to me to be the signer(s) of the above instrument and who executed the same.

JONATHAN M. [illegible] NOTARY PUBLIC STATE OF IDAHO

JUN 07 1995

Notary Public Residing at
Meridian ID
Exp. Date: 4.25.2000

EW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DATE OF CLOSING: August 31, 1994

LEGAL DESCRIPTION OF PROPERTY: See Exhibit A

Water Right Numbers: See Exhibit B

Name and Address of Former Owner/Claimant(s) (Seller): Richard L. Owen, Trustee of the Owen Family Revocable Trust A, Post Office Box 590, Bruneau, Idaho, 83604-0590 and Velma Marie Owen, Successor Trustee of Owen's Ranch Trust Dated May 17, 1967, Post Office Box 590, Bruneau, Idaho 83604-0590.

New Owner/Claimant (Purchaser): J. R. Simplot as Trustee, J. R. Simplot Self-Declaration of Revocable Trust, Established by Written Instrument Dated December 1, 1989, Post Office Box 27, Boise, Idaho, 83707, ATTN: Ronald N. Graves.

Does the change in ownership result in a splitting of the water right owned/claimed? ___ yes _X_ no

Attach proof of ownership, describe proof attached: See Exhibit A (Warranty Deed)

Signature of New Owner/Claimant(s) _____

J. R. Simplot as Trustee, J. R. Simplot Self Declaration of Revocable Trust, Established by Written Instrument Dated December 1, 1989.

Signature of Former Owner/Claimant(s): _____

Richard L. Owen, Trustee of the Owen Family Revocable Trust A

Velma Marie Owen - TRUSTEE

Velma Marie Owen, Successor Trustee of Owen's Ranch Trust Dated May 17, 1967.

JUN 07 1995

# WARRANTY DEED

FOR VALUE RECEIVED, Richard L. Owen, Trustee of the Owen Family Revocable Trust A established August 30, 1966, as amended and restated on October 12, 1988, and Velma Marie Qwen, Trustee of the Owens Ranch Trust dated May 17, 1967, the Grantor, hereby GRANTS, BARGAINS, SELLS AND CONVEYS to J. R. Simplot, as Trustee of the J. R. Simplot Self-Declaration of Revocable Trust, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788 of H.C. 85, Box 275, Grandview, Idaho 83624, the following described real property situated in the County of Owyhee, State of Idaho, to-wit:

Legally described in Exhibit A attached hereto and made a part hereof,

To have and to hold the said premises with their appurtenances unto the said Grantee, its successors and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances save and except as hereinafter provided, and that Grantor will warrant and defend the same from all lawful claims whatsoever. The encumbrances to which the premises are subject are as follows:

(1) Mortgage dated May 15, 1991, executed by Grantor for the benefit of Northwest Farm Credit Services, ACA, recorded in the records of Owyhee County, Idaho, as Instrument No. 205101 which said Mortgage the Grantee has assumed and agreed with the Grantor to timely repay.

(2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey.

(3) Taxes or special assessments for 1994 and thereafter.

(4) Setbacks, zoning regulations, rules, regulations and laws affecting and governing the said premises.

(5) Those certain matters contained in the public records of Owyhee County, Idaho and specifically identified on Schedule B, section 2, as special exception Nos. 1-26, inclusive, 28 and 32 on that certain Commitment for Title Insurance of Chicago Title Insurance Company dated August 29, 1994, bearing file No. PO781, SECOND AMENDED.

JUL 07 1995

DATED this 31st day of August, 1994.

OWEN FAMILY REVOCABLE
TRUST A ESTABLISHED AUGUST 30, 1966
AS AMENDED AND RESTATED ON
OCTOBER ~~12, 1988~~

By _____
Richard L. Owen, Trustee TRUSTEE

THE OWENS RANCH TRUST
DATED MAY 17, 1967

By Velma Marie Owen
Velma Marie Owen, Trustee TRUSTEE

STATE OF IDAHO )
) ss.
County of Ada )

On this 31st day of August, 1994, before me, a notary public, personally appeared Richard L. Owen, known or identified to me to be the Trustee of THE OWEN FAMILY REVOCABLE TRUST A ESTABLISHED AUGUST 30, 1966 AS AMENDED AND RESTATED ON OCTOBER 12, 1988, and Velma Marie Owen, known or identified to me to be the Trustee of THE OWENS RANCH TRUST DATED MAY 17, 1967, the Trusts that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of said Trusts and acknowledged to me that such Trusts 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.

JONATHAN M. MAERDIAN NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at Meridian, Id
Commission Expires: 4-25-2000



JUN 07 1995

**PARCEL I:**

**IN TOWNSHIP 6 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO**
**Sections 22 and 23: Those portions of the SE¼NW¼, the SW¼NE¼, the NW¼SE¼ and the NE¼SE¼ of Sec. 22; and the NW¼SW¼ of Sec. 23, lying South of the following described line, to-wit: BEGINNING at the Section corner common to Sections 15, 16, 21 and 22; thence South 42°32' East 1915.0 feet to a point on the West line of the SE¼NW¼, Sec. 22, which is the REAL POINT OF BEGINNING: thence South 60°43' East 209.2 feet; thence South 58°52' East 442.6 feet; thence South 69°05' East 226.2 feet; thence South 57°42' East 340.3 feet; thence South 29°44' East 293.4 feet; thence South 40°50' East 218.8 feet; thence South 63°58' East 598.3 feet; thence South**
**Continued**

FILED-RECORDED
'94 AUG 31 PM 1 06
BARBARA JAYO
OWYHEE COUNTY RECORDER
BY [signature]
DEPUTY
REQUEST OF
Owyhee Title Co.
FEE 439.00
INDEXED
MAILED/FILMED

213665



EXHIBIT A

JWN 07195

77°54' East 686.9 feet; thence South 21°50' East 258.2 feet; thence South 71°05' East 448.4 feet; thence South 57°39' East 117.6 feet; thence South 32°34' East 379.3 feet; thence North 87°32' East 670.6 feet; thence South 72°47' East 1392.6 feet to the SE corner of NW¼SW¼ of Section 23.

Section 22: NE¼SW¼, S½SE¼ EXCEPTING from the SE¼SE¼ the following three (3) tracts of land more particularly described as follows:

COMMENCING at the Section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet, said point being the REAL POINT OF BEGINNING; running thence South 89°55' West a distance of 428 feet; thence North a distance of 30 feet; thence North 89°55'East, a distance of 128 feet; thence North a distance of 270 feet; thence North 89°55' East a distance of 300 feet; thence South 300 feet to the POINT OF BEGINNING

and

COMMENCING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesterly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet; running thence South 89°55' West, a distance of 428 feet; thence North a distance of 30 feet, being the REAL POINT OF BEGINNING; thence North 89°55' East, a distance of 128 feet; thence North a distance of 270 feet; thence South 89°55' West, a distance of 128 feet; thence South 270 feet to the REAL POINT OF BEGINNING.

and

BEGINNING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M.; thence North 37.0 feet to the Northwesterly line of the Bruneau to Grand View Highway, the point being marked by a right of way marker, POC-427+72.3; thence North 89°20' West a distance of 989.95 feet, (formerly South 89°55' West a distance of 990.30 feet) to a point, which is the REAL POINT OF BEGINNING; thence North 89°20'00" West a distance of 300.00 feet; thence North 00°44'43" West a distance of 707.96 feet to a point on the South right of way of County Road; thence South 67°36'28" East along the South right of way of County Road a distance of 450.06 feet; thence South 00°44'43" East a distance of 241.32 feet; thence North 89°20'00" West (formerly south 89°55' West) a distance of 113.98 feet; thence South 00°44'43" East (formerly South) a distance of 300.00 feet to the REAL POINT OF BEGINNING.



JUL 07 1995

Section 23: SW¼SW¼
Section 25: W½NE¼, NW¼, W½SW¼
Section 26: NE¼, E½SE¼
Section 36: SW¼NE¼, W½, W½SE¼

EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY various irregular strips of land as conveyed by Warranty Deed recorded August 17, 1954 as Instrument Number 89769 in Book 46 of Deeds page 117+ to the State of Idaho for the Grand View connection as surveyed and shown on the official plat of the Bruneau - Duck Valley St. 3806 (501) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the portions SE¼SE¼ of Section 22, S½SW¼ of Section 23, N½NE¼ of Section 26, NW¼NW¼ of Section 25, SE¼SW¼ of Section 24, NE¼NW¼ of Section 25, NW¼NE¼ of Section 25

ALSO EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY a strip of land as conveyed by Warranty Deed recorded May 27, 1955 as Instrument No. 91956 in Book 47 of Deeds page 129 to the State of Idaho as surveyed and shown on the official plat of Bruneau -Duck Valley - Project No. St. 3806(2) Highway Survey on file in the office of the Department of Highways of the State of Idaho.

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 31: Lots 1 and 2, NE¼NW¼

IN TOWNSHIP 8 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 1: Lot 3, SW¼NW¼
Section 2: NE¼SW¼

IN TOWNSHIP 8 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 5: SW¼SE¼, SE¼SW¼
Section 8: NW¼NE¼, NE¼NW¼
Section 29: SE¼NE¼

IN TOWNSHIP 8 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 16: All

IN TOWNSHIP 10 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 15: NW¼NE¼, S½NE¼, SE¼NW¼, W½SW¼
Section 21: N½NE¼, SE¼NE¼, N½NW¼, E½SE¼
Section 22: W½SW¼
Section 28: E½, SE¼NW¼, SE¼SW¼
Section 33: NW¼NE¼, E½NW¼, NE¼SW¼

IN TOWNSHIP 11 South, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 3: SW¼NW¼, SW¼
Section 10: W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, NW¼SE¼
Section 27: S½S½
Continued

JUN 07 1995

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 8: SE¼SW¼
Section 17: E½NW¼, NE¼SW¼

IN TOWNSHIP 12 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 7: SW¼SE¼

IN TOWNSHIP 9 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO

Section 33: SW¼SE¼

IN TOWNSHIP 10 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 1: SW¼SE¼
Section 3: SW¼, S½SE¼
Section 4: Lot 2, S½NE¼, E½SE¼, SW¼SE¼
Section 9: NE¼, SE¼, E½SW¼, that portion of E½NW¼ lying Easterly of the line described as follows:

BEGINNING at a point on the Section line between Sections 4 and 9, T10S, R1W, B. M., 23 feet East of the quarter corner common to said Sections 4 and 9; thence running South 18° West a distance of 2,750.0 feet, more or less, to the South boundary line of the E½NW¼ of Section 9.

Section 10: N½, N½S½, SW¼SW¼, SE¼SW¼, S½SE¼, EXCEPTING the one-half (½) acre of land in the NW corner of NE¼SE¼, as Reserved in Deed dated April 22, 1916 and recorded April 26, 1916 in Book 10 of Deeds, page 327, Owyhee County Records.
Section 14: SW¼SW¼
Section 15: W½NE¼, E½NW¼, E½SE¼
Section 23: N½NW¼, SE¼NW¼, SW¼NE¼, W½SE¼, SE¼SE¼
Section 25: W½NW¼, NW¼SW¼, E½SW¼
Section 26: E½NE¼
Section 36: E½W½, SW¼NW¼, NW¼SW¼

IN TOWNSHIP 11 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 24: NW¼SW¼
Section 35: SW¼SE¼

IN TOWNSHIP 12 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 7: NE¼SW¼
Section 21: W½E½, E½W½
Section 35: W½SE¼

JUN 07 1995

PARCEL II:

IN TOWNSHIP 10 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼SE¼
Section 13: NE¼NE¼
Section 14: N½NE¼
Section 33: SE¼SE¼
Section 34: NW¼SE¼, NE¼SW¼, S½S½
Section 35: W½W½, NE¼SW¼, SE¼SW¼

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 18: Lot 1, NE¼NW¼
Section 22: W½NW¼, N½SW¼

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE¼, W½NE¼, SE¼NE¼
Section 12: S½SW¼, S½SE¼
Section 13: N½NW¼, SE¼NW¼, E½
Section 14: NE¼NE¼

IN TOWNSHIP 11 SOUTH, RANGE 3 East, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3
Section 18: Lot 4, SE¼SW¼
Section 19: Lots 1 and 2, E½NW¼

PARCEL III:

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SE¼ SAVING AND EXCEPTING the following described real property to-wit:

A tract of land located in the NW¼SE¼ and NE¼SE¼, bounded and described as follows: BEGINNING at the NW corner of NW¼SE¼, the TRUE POINT OF BEGINNING; running thence North 89°57' East a distance of 2,056.8 feet to a point; thence South 54°57' West 905 feet to a point; thence South 59°39' West 860 feet to a point; thence North 33°42' West 79 feet to a point; thence South 67°04' West 598.8 feet to a point on the West boundary line of NW¼SE¼; thence running North a distance of 1165 feet to the POINT OF BEGINNING.

Section 23: S½SW¼ and

A tract of land located in the SE¼NE¼ bounded and described as follows:
BEGINNING at the East quarter corner of Section 23; the TRUE POINT OF BEGINNING: running thence South 89°57' West 583.2 feet to a point; thence North 54°57' East 273 feet to a point; thence North 73°32' East 380.2 feet, more or less, to the East Section line of said Section 23, running thence South a distance of 264.6 feet, more or less, to the POINT OF BEGINNING

07/1995

Section 24: NW¼SW¼, W½NW¼
Section 26: N½NE¼, NE¼NW¼, W½NW¼, SE¼NW¼

PARCEL IV:

IN TOWNSHIP 7 South, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: E½SW¼ EXCEPT the following parcel:
BEGINNING at the south quarter corner, a brass cap properly identified as Sec. 23, T7S, R6E, B. M.; thence North 00°24' West a distance of 1152.6 feet along the north-south center line to an iron pin, the TRUE POINT OF BEGINNING; thence North 13° 31' West a distance of 1020.9 feet to an iron pin; thence North 89°56' West a distance of 405.8 feet to an iron pin; thence North 00°04' East a distance of 359.2 feet to an iron pin; thence North 89°50' West a distance of 677 feet, more or less, to the west boundary line of NE¼SW¼; thence North 00°04' East along the West boundary line of NE¼SW¼ a distance of 125 feet to a point; thence South 89°50' East along the north boundary line of NE¼SW¼ a distance of 1311 feet, more or less, to the north-east corner of NE¼SW¼; thence South 00°04' West a distance of 1479 feet, more or less, to the POINT OF BEGINNING

Section 23: NW¼SW¼ EXCEPT the following two (2) parcels of land:
BEGINNING at the west quarter corner of Sec. 23, thence South 89°50' East a distance of 181.5 feet along the north boundary line of NW¼SW¼ to an iron pin; thence South 02°50'55" West a distance of 1321.5 feet to an iron pin on the south boundary line of NW¼SW¼; thence North 89°50' West a distance of 115.5 feet to an iron pin on the West boundary line of NW¼SW¼; thence North 00°22' East a distance of 1320 feet, more or less, to the POINT OF BEGINNING.

Also

BEGINNING at the West quarter corner of Sec. 23, thence South 89°50' East along the North boundary line of NW¼SW¼ a distance of 320.1 feet to an iron pin, the TRUE POINT OF BEGINNING; thence South 89°50' East along the North boundary of NW¼SW¼ a distance of 987 feet, more or less, to the NE corner of NW¼SW¼; thence South 00°04' West a distance of 30 feet along the East boundary line of NW¼SW¼ to a point; thence North 89°50' West a distance of 987 feet to a point on the East right of way line of a county road; thence North 03°43'40" West a distance of 30.1 feet to the POINT OF BEGINNING.

Continued

JUN 07 1995

**PARCEL V:**

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 17: S½SW¼
Section 18: S½SE¼
Section 19: NE¼, N½SE¼
Section 20: NW¼, N½SW¼

**PARCEL VI:**

IN TOWNSHIP 6 SOUTH, RANGE 6 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 19: A portion of Government Lot 4 (SW¼,SW¼) more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of the said Section 19, also said point being the Southwest corner of the said Government Lot 4 of Section 19; thence North 0°54'09" West 46.47 feet along the Westerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the Northwesterly right-of-way line of State Highway 51, Federal Aid Project No. S-97(1), also said point being the REAL POINT OF BEGINNING; thence continuing North 0°54'09" West 1,291.08 feet along the said Westerly boundary of Government Lot 4 of Section 19 to an iron pin marking the Northwest corner of the said Government Lot 4 of Section 19; thence North 89°37'53" East 1,203.18 feet along the Northerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the said Northwesterly right-of-way line of State Highway 51 marking a point of beginning of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 32.15 feet, said curve having a central angle of 1°56'52", a radius of 945.92 feet, tangents of 16.08 feet, and a long chord of 32.15 feet bearing South 45°46'35" West to a highway monument stamped "P.C. Sta. 2615+80.0" marking the point of ending of curve; thence South 3°30'48" West 248.17 feet along the said Northwesterly right-of-way line of State Highway 51 to an iron pin; thence South 46°45'00" West 1,346.38 feet along the said Northwesterly right-of-way line of State Highway 51 to a highway monument stamped "P.T. Sta. 2600+52.1" marking a point of curve; thence Southwesterly along the said Northwesterly right-of-way line of State Highway 51 along a curve to the right 196.26 feet, said curve having a central angle of 20°42'38", a radius of 542.96 feet, tangents of 99.21 feet, and a long chord of 195.20 feet bearing South 57°06'19" West to a point of ending of curve, also said point being the point of beginning.

Continued

JUL 07 1995

PARCEL VII:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 3: S½SW¼
Section 4: SE¼SE¼
Section 9: NE¼NE¼, SE¼NE¼, NE¼SE¼
Section 10: W½NW¼, NW¼SW¼, NE¼SW¼, S½SW¼
Section 15: N½NW¼

PARCEL VIII:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 14: SW¼SW¼
Section 15: S½SE¼
Section 22: NE¼NE¼
Section 23: NW¼NW¼

PARCEL IX:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 22: SE¼, SE¼NE¼, S½SW¼
Section 23: That portion of NW¼SW¼ more particularly described as follows:

COMMENCING at the NW corner of NW¼SW¼, Sec. 23, T7S, R6E, B.M., and running thence South 80 rods; thence East 7 rods; thence North along the West bank of the Buckaroo Ditch 80 rods; thence West 11 rods to the PLACE OF BEGINNING.

Section 27: That portion of NE¼NE¼ described as follows:

BEGINNING at the Section corner common to Sections 22, 23, 26 and 27, T7S, R6E, B. M., being the REAL POINT OF BEGINNING; thence North 89°04' West on the Section line between said Sections. 22 and 27, a distance of 1320.66 feet to the NW corner of NE¼NE¼, Sec. 27; thence South 0°14' West along the West sideline of NE¼NE¼, Sec. 27, a distance of 788.5 feet; thence North 80°41' East a distance of 1291.2 feet; thence North 64°18' East a distance of 53.9 feet to a point on the section line between said Sections 26 and 27; thence North 0°17' East on the Section line between Sections 26 and 27, a distance of 535 feet to the POINT OF BEGINNING.

Continued

07 1995

PARCEL X:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SW¼SW¼
Section 26: W½NW¼ EXCEPTING that portion lying South and West of Center line of the Bruneau River.
NE¼NW¼, S½NE¼, SE¼NW¼

PARCEL XI:

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 24: E½SE¼
Section 25: E½NW¼, S½NE¼, NE¼NE¼

IN TOWNSHIP 7 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 19: Lots 1, 2, 3, 4, NE¼NW¼
EXCEPT THE FOLLOWING PARCEL OF LAND:

COMMENCING at the North quarter corner of Section 19, thence North 89°33' West 260.75 feet; thence South 52°06' West 40.29 feet to the REAL POINT OF BEGINNING; thence North 89°33' West 34.64 feet; thence South 0°27' West 10 feet; thence South 89°33' East 22 feet; thence North 52°06' East 16.12 feet to the REAL POINT OF BEGINNING

ALSO EXCEPTING THE RIGHT OF WAY as described in Warranty Deed recorded December 12, 1958, as Instrument No. 99240 in Book 51 of Deeds, page 61 as follows: A strip of land 80.0 feet wide, being 40.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of State Highway 51 Project No. S-3806 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across Government Lots 4, 3, 2 and 1 and the NE¼NW¼ OF Section 19, T7S, R5E, B. M.

BEGINNING at a point in the South line of Section 19, T7S, R5E, B. M., coincident with Station 36+04.75 of the said Highway Survey, which station is a point on tangent approximately South 89°19'55" East - 666.79 feet from the Southwest corner of said Section 19, thence North 1°24'45" East - 1550.94 feet to Station 51+55.69 of said Survey, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 53+55.69, which station is a point of circular curvature; thence 1522.50 feet with a 1°00' curve right, said curve having a central angle of 15°13'30", to Station 68+78.19, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 70+78.19, which station is a point of tangent; thence North 18°38'15"

Continued

07 1995

East on tangent 1921.23 feet to a point in the North line of said Section 19, coincident with Station 89+99.42, which station is a point on tangent approximately North 89°32'25" West - 883.14 feet from the North Quarter corner of said Section 19.

AND ALSO,

Additional irregular strips of land adjacent and contiguous to and on both sides of the above described right of way being as follows: On the Westerly Side, a strip of land widening from 0.0 feet at Station 70+78.19 to 10.0 feet wide at Station 72+00, continuing 10.0 feet wide to Station 74+00 and tapering to 0.0 feet at Station 75+00; on the Easterly Side, a strip of land widening from 0.0 feet at Station 57+00 to 15.0 feet wide at Station 57+50, continuing 15.0 feet wide to Station 59+00, and tapering to 0.0 feet wide at Station 59+50, a strip of land widening from 0.0 feet feet at Station 68+50 to 10.0 feet at Station 69+50, continuing 10.0 feet wide to Station 79+00, and tapering to 0.0 feet at Station 80+00.

Section 30: Lots 1 and 2, SE¼NW¼

**PARCEL XII:**

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 10: SW¼SE¼
Section 14: SW¼NW¼, NW¼SW¼
Section 15: SE¼NE¼, W½NE¼, S½NW¼, N½SE¼
Section 16: S½NE¼, SE¼NW¼, W½W½, E½SW¼, SE¼

EXCEPTING FROM Section 15, Township 7 South, Range 6 East, B.M., the following described property:

A parcel of land being a portion of the NW¼SE¼ of Section 15, T7S, R6E, B.M., Owyhee County, Idaho and more particularly described as follows: BEGINNING at a brass cap marking the South Quarter corner of the said Section 15; thence along the westerly boundary of the said Southeast Quarter of Section 15, North 00°11'24" East 1532.90 Feet to a point, also said point being the REAL POINT OF BEGINNING; thence continuing North 00°11'24" East 170.00 feet to an iron pin; thence along a line northerly of and parallel with the southerly boundary of the said NE¼SW¼ of Section 15; South 89°34'00" East 93.85 feet to a point on the centerline of Hot Springs Road; thence along the said centerline of Hot Springs Road; South 30°28'57" East 198.15 feet to a point; thence along a line northerly of and parallel with the said southerly boundary of the NE¼SW¼ of Section 15; North 89°34'00" West 194.93 feet to the POINT OF BEGINNING.

Continued

JUN 07 1995

**PARCEL XIII:**

IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, B.M. OWYHEE COUTNY, IDAHO
Section 2: SW¼NE¼, NW¼SE¼, N½SW¼ .

**PARCEL XIV:**

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: NW¼SW¼
Section 3: NE¼SE¼ and Lots 1 and 2

**PARCEL XV:**

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W½NW¼ South and West of Centerline of Bruneau River

**PARCEL XVI:**

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W½SW¼ and NE¼SW¼
Section 34: E½SE¼
Section 35: W½W½

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3

* * *

JUN 07 1995

# EXHIBIT B
## NEW PROPERTY OWNER
## NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

## IDWR Water Right Numbers :

| | | | |
|---|---|---|---|
| A51-00012 | A51-02238 | A51-10289 | A55-10222 |
| A51-00013 | A51-04023 | A51-10379 | A55-10223 |
| A51-00014 | A51-04103 | A51-10380 | A55-10224 |
| A51-00031 | A51-04104 | A51-12741 | A55-10225 |
| A51-00032 | A51-04105 | A51-12748 | A55-10226 |
| A51-00033 | A51-07047 | A51-12749 | A55-10227 |
| A51-00034A | A51-07058 | A51-12750 | A55-10228 |
| A51-00035A | A51-07082 | A51-12751 | A55-13460 |
| A51-00036A | A51-07092 | A51-12752 | A55-13461 |
| A51-00068A | A51-07093 | A51-12753 | A55-13462 |
| A51-00069 | A51-07107 | A51-12754 | A55-13463 |
| A51-00071 | A51-07119 | A55-02020 | A55-13464 |
| A51-00072 | A51-07281 | A55-02053 | A55-13465 |
| A51-00073 | A51-10170 | A55-02059 | A55-13466 |
| A51-00074 | A51-10171 | A55-02061 | A55-13467 |
| A51-02044A | A51-10211 | A55-02062B | A55-13469 |
| A51-02044B | A51-10212 | A55-02079B | A55-13470 |
| A51-02089B | A51-10213 | A55-02173 | A55-13471 |
| A51-02091 | A51-10272 | A55-04008 | A55-13472 |
| A51-02108 | A51-10273 | A55-04009 | A55-13474 |
| A51-02120 | A51-10274 | A55-04010 | A55-13478 |
| A51-02123 | A51-10275 | A55-04011 | 51-02088 L |
| A51-02126 | A51-10276 | A55-10136 | 51-02074 L |
| A51-02127 | A51-10277 | A55-10137 | 51-07183 L |
| A51-02133 | A51-10278 | A55-10138 | 51-07293 L |
| A51-02138 | A51-10279 | A55-10139 | 51-07346 - changed at Water |
| A51-02150 | A51-10280 | A55-10140 | |
| A51-02152 | A51-10281 | A55-10141 | |
| A51-02165 | A51-10282 | A55-10142 | |
| A51-02167 | A51-10283 | A55-10143 | |
| A51-02169 | A51-10284 | A55-10144 | |
| A51-02170 | A51-10285 | A55-10145 | |
| A51-02178 | A51-10286 | A55-10146 | |
| A51-02196 | A51-10287 | A55-10147 | |
| A51-02213B | A51-10288 | A55-10221 | |



JUN 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION ) FOR PERMIT NO. 51-7346 IN THE ) NAME OF OWEN FAMILY TRUST ) | NOTICE OF CANCELLATION OF HEARING |

We are anticipating receiving withdrawals of all protests in the above captioned matter. Therefore, the hearing set for September 12, 1994, is hereby cancelled.

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 8th day of September, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) on the attached list:

Sue Taylor

Sue Taylor
Secretary

JUN 07 1995

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

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

<u>Non-Certified Mail</u>

SCOTT CAMPBELL ESQ
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

GRAY YOUNG ESQ
PO BOX 27
BOISE ID 83707

JUN 07 1995

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

August 31, 1994

RECEIVED
SEP 2 - 1994
Department of Water Resources

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

I have enclosed the original and one copy of the Notice of Withdrawal of Counsel in the above matter for filing with the Idaho Department of Water Resources. I believe that the Notice is self-explanatory, but if you have any questions, I would be happy to respond.

Please return a conformed copy of this Notice in the enclosed self-addressed, stamped envelope for our files.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC:ma

cc: Glen Saxton, Esq.
Mr. David R. Tuthill, Jr., P.E.
Mr. Richard L. Owen

9 7 1995

RECEIVED
SEP 2 - 1994
Department of Water Resources

SCOTT L. CAMPBELL
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Applicant Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | NOTICE OF WITHDRAWAL OF COUNSEL |

Scott L. Campbell, a shareholder in the firm of Elam & Burke, P.A., hereby notifies the Idaho Department of Water Resources that he and the firm withdraw from representation of the Owen Family Revocable Trust A with respect to the above-captioned matter. The basis for this withdrawal is the sale of the real property which will be benefitted by the application for Permit No. 51-7346 and the assignment of Application for Permit No. 51-7346 to the J.R. Simplot Trust.

JUN 07 199

DATED this 31st day of August, 1994

Scott L. Campbell

JUN 07 1995

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of August, 1994, I caused a true and correct copy of the foregoing NOTICE OF WITHDRAWAL OF COUNSEL to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gray Young, Esq.
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Scott L. Campbell

JUN 07 1995

RECEIVED
AUG 30 1994
Department of Water Resources

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

August 29, 1994

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Enclosed for filing in the above matter please find "Amended Notice of Continuation of Deposition" and "Certificate of Service."

Please file stamp the enclosed copies of these documents and return them to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Melinda Anderson
Secretary to Scott L. Campbell

SLC:ma
Enclosures

RECEIVED
AUG 3 0 1994
Department of Water Resources

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | AMENDED NOTICE OF CONTINUATION OF DEPOSITION |

TO: Gray Young, Esq., Attorney for Protestant M.L. Investment Company; and to All Parties of Record

PLEASE TAKE NOTICE that the undersigned has amended the continued testimony on oral examination of Dr. Charles Brockway, pursuant to the Rules of Civil Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.528), before a duly authorized court reporter and Notary Public, to the 1st day of September, 1994, at the hour of 9:00 a.m. of said day at the offices of Elam & Burke, Key Financial Center, Floor 10, P.O. Box 1539, Boise, Idaho 83701.

Oral examination will continue from time to time until completed, and you are hereby notified to appear and take part in the examination.

JUN 07 1995

DATED this 29th day of August, 1994.

Scott L. Campbell



JUN 07 1995

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of August, 1994, I caused a true and correct copy of the foregoing AMENDED NOTICE OF DEPOSITION to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gray Young, Esq.
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Scott L. Campbell

RECEIVED
AUG 2 3 1994
Department of Water Resources

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

August 22, 1994

RECEIVED
AUG 2 3 1994
Department of Water Resources

RECEIVED
AUG 2 4 1994
WATER RESOURCES
WESTERN REGION

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Enclosed for filing in the above matter please find the following documents:

1. Motion to File Statement of Position and Certificate of Service; and

2. Motion for Issuance of Subpoena; Subpoena to Appear Before the Idaho Department of Water Resources; Acknowledgement of Service; Affidavit of Service; and Certificate of Service.

Please file stamp the enclosed copies of these documents and return them to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Melinda Anderson
Secretary to Scott L. Campbell

SLC:ma
Enclosures

cc: Certificate of Mailing

JUN 07 1995

RECEIVED
AUG 2 3 1994
Department of Water Resources

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Applicant Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | MOTION TO FILE STATEMENT OF POSITION |

Applicant, Owen Family Revocable Trust A, by and through its attorneys of record, Elam & Burke, P.A., pursuant to I.D.A.P.A. 37.01.01.564 (Rule 564) moves to file a statement of position on or before September 2, 1994, to be considered at the hearing on the above-referenced application for permit on September 12, 1994.

This motion is made on the ground and for the reason that Applicant's Statement of Position will assist the hearing officer in his evaluation of the evidentiary and legal authority underlying this application and otherwise assist in the orderly resolution of this matter.



JUN 07 1995

DATED this 22nd day of August, 1994.

Jeffrey W. Pusch

JUN 07 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 22nd day of August, 1994, I caused a true and correct copy of the foregoing MOTION TO FILE STATEMENT OF POSITION to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gray Young, Esq.
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Joanne M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Jeffrey W. Pusch

JUN 07 1995

RECEIVED
AUG 2 3 1994
Department of Water Resources

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | MOTION FOR ISSUANCE OF SUBPOENA |

Owen Family Revocable Trust A, by and through its attorneys, Elam & Burke, P.A., hereby moves the Director of the Department of Water Resources for the State of Idaho to issue the attached subpoena in the above captioned matter pursuant to IDAPA 37.01.01 525.

DATED this 9th day of August, 1994.

Scott L. Campbell



JUL 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | SUBPOENA TO APPEAR BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES |

TO: STEPHEN W. LIPSCOMB, USGS

You are hereby commanded to appear before the Department of Water Resources of the above-entitled action at the State of Idaho Department of Water Resource, 1301 North Orchard Street, Boise, Idaho, on the 12th day of September, 1994, at 10:00 a.m., as a witness in the above-entitled action.

Dated this 15th day of August, 1994.

By Order of the Department of Water Resources for the State of Idaho.

David R. Tuthill Jr.
State of Idaho Department of Water Resources

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | ACKNOWLEDGMENT OF SERVICE |

I, Stephen W. Lipscomb, hereby acknowledge that on the 16TH day of August, 1994, I was served with a subpoena to appear at the hearing scheduled for September 12, 1994, in the above-captioned matter.

Stephen W. Lipscomb

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorney for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | AFFIDAVIT OF SERVICE |

I, Steve Detmer, served the attached subpoena on Stephen W. Lipscomb at 230 Collins Road, Boise, Idaho, on August 19, 1994, at 9:30 a.m.

Steve Detmer

SUBSCRIBED AND SWORN TO before me this 19th day of ~~June~~ August, 1994.

NOTARY PUBLIC for said State
Residing at: Boise Idaho
My Commission Expires: 1-14-99

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | CERTIFICATE OF SERVICE |

I HEREBY CERTIFY that on the 9th day of August, 1994, I caused a true and correct copy of the foregoing MOTION FOR ISSUANCE OF SUBPOENA; SUBPOENA TO APPEAR BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES; ACKNOWLEDGEMENT OF SERVICE; AFFIDAVIT OF SERVICE; and CERTIFICATE OF SERVICE to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

JUN 17 '95

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

Gray Young, Esq.
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

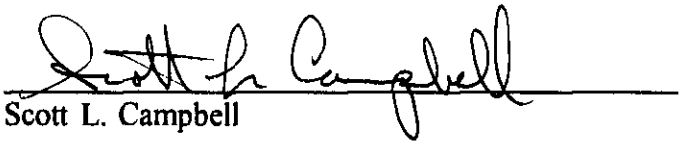
L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706



Scott L. Campbell

JUN 07 1995

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L CAMPBELL

August 12, 1994

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

AUG 15

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Enclosed for filing in the above matter please find the following documents:

1. Notice of Continuation of Deposition and Certificate of Service; and

2. Notices of Delivery of Deposition.

I have also enclosed a copy of the Notice of Continuation of Deposition which I request you file stamp and return to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Melinda Anderson
Secretary to Scott L. Campbell

SLC:ma
Enclosures
cc: Certificate of Mailing

JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | NOTICE OF CONTINUATION OF DEPOSITION |

TO: Gray Young, Esq., Attorney for Protestant M.L. Investment Company; and to All Parties of Record

PLEASE TAKE NOTICE that the undersigned will continue the testimony on oral examination of Dr. Charles Brockway, pursuant to the Rules of Civil Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.528), before a duly authorized court reporter and Notary Public, on the 31st day of August, 1994, at the hour of 9:00 a.m. of said day at the offices of Elam & Burke, Key Financial Center, Floor 10, P.O. Box 1539, Boise, Idaho 83701.

Oral examination will continue from time to time until completed, and you are hereby notified to appear and take part in the examination.

RECEIVED
JUN 07 1995

DATED this 12th day of August, 1994.

Scott L. Campbell

Scott L. Campbell



JUN 07 1995

Scott L. Campbell
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) ) ) ) ) ) | CERTIFICATE OF SERVICE |

I HEREBY CERTIFY that on the 12th day of August, 1994, I caused a true and correct copy of the foregoing NOTICE OF CONTINUATION OF DEPOSITION and CERTIFICATE OF SERVICE to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gray Young, Esq.
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Scott L. Campbell

JUN 07 1995

COPY

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | NOTICE OF DELIVERY OF DEPOSITION |

You are hereby notified that pursuant to the Idaho Rules of Civil Procedure, testimony by oral examination of **TERRY M. SCANLAN** was delivered to **Gray Young, Esq.** on **August 8, 1994.**

( ) Signature was waived.

(X) The deposition has been read and signed by the witness.

( ) No corrections were made to the deposition.

(X) The attached sheet reflects corrections made to the deposition.

( ) Other_____

( ) The deponent failed to appear and/or failed to notify us in writing in accordance with Rule 30(e); therefore, the deposition has been delivered without signature.

CAPITOL REPORTERS

By _____

POST OFFICE BOX 1645, BOISE, IDAHO 83701 (208)344-8880

JUN 07 1995

VERIFICATION

STATE OF IDAHO )
) ss.
County of Ada )

I, TERRY M. SCANLAN, being first duly sworn on my oath,depose and say:

That I am the witness named in the foregoing deposition, consisting of pages numbered 1 to 47, inclusive; that I have read the said deposition and know the contents thereof; that the questions contained therein were propounded to me; that the answers to said questions were given by me, and that the answers as contained therein (or as corrected by me therein) are true and correct.

Terry M. Scanlan
TERRY M. SCANLAN

Subscribed and sworn to before me this 27 day of July, 1994, at Boise, Idaho.

Nancy Chambers
Notary Public for Idaho Residing
At Boise, Idaho.

My commission expires: 3-21-2000

Capitol Reporters
Post Office Box 1645
Boise, Idaho 83701
(208) 344-8880

DEPOSITION OF:

TERRY M. SCANLAN

Case No. 51-07346

C O R R E C T I O N S

| PAGE | LINE | | REASONS |
|---|---|---|---|
| 8 | 19 | "some" should be "sum" | spelling & meaning |
| 43 | 8 | eliminate "Also hay." | recent information |
| | | Terry M Scanlan 1/27/94 | |

JUN 07 1995

CERTIFICATE OF MAILING

I hereby certify that on **August 8, 1994** I caused a true and correct copy of the above and foregoing Notice of Delivery of Deposition to be mailed, in the United States mail, postage prepaid, to:

Scott L. Campbell, Esq. (Hand Deliver)
ELAM & BURKE
Key Financial Center
702 West Idaho--Tenth Floor
Boise, Idaho 83702

Gray Young, Esq. (Hand Deliver)
J. R. SIMPLOT COMPANY
One Capital Center
999 Main Street--Suite 1300
Boise, Idaho 83702

CAPITOL REPORTERS

POST OFFICE BOX 1645, BOISE, IDAHO 83701 (208)344-8880

07 1995

COPY

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | NOTICE OF DELIVERY OF DEPOSITION |

You are hereby notified that pursuant to the Idaho Rules of Civil Procedure, testimony by oral examination of **DR. CHARLES E. BROCKWAY** was delivered to **Scott L. Campbell, Esq.** on **August 8, 1994.**

( ) Signature was waived.

(X) The deposition has been read and signed by the witness.

( ) No corrections were made to the deposition.

(X) The attached sheet reflects corrections made to the deposition.

( ) Other_____

( ) The deponent failed to appear and/or failed to notify us in writing in accordance with Rule 30(e); therefore, the deposition has been delivered without signature.

CAPITOL REPORTERS

By _____

POST OFFICE BOX 1645, BOISE, IDAHO 83701 (208)344-8880

JUN 07 1995

VERIFICATION

STATE OF IDAHO )
) ss.
County of Lincoln )

I, CHARLES E. BROCKWAY, being first duly sworn on my oath, depose and say:

That I am the witness named in the foregoing deposition, consisting of pages numbered 1 to 73, inclusive; that I have read the said deposition and know the contents thereof; that the questions contained therein were propounded to me; that the answers to said questions were given by me, and that the answers as contained therein (or as corrected by me therein) are true and correct.

Chas E Brockway
CHARLES E. BROCKWAY

Subscribed and sworn to before me this 27th day of July, 1994, at Shoshone, Idaho.

Norma Peterson
Notary Public for Idaho Residing At Gooding, Idaho.

My commission expires: 6/21/97

JUN 07 '94

Capitol Reporters
Post Office Box 1645
Boise, Idaho 83701
(208) 344-8880

DEPOSITION OF:

DR. CHARLES E. BROCKWAY

Case No. n/a

## C O R R E C T I O N S

| PAGE | LINE | | REASONS |
|---|---|---|---|
| 26 | 9 | ~~48~~ 33 | Typo ? |
| 37 | 1st | Beneficiary beneficial | |
| 48 | 3 | deficiency = efficiency | |
| | | | |
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| | | | |
| | | | |

CERTIFICATE OF MAILING

I hereby certify that on **August 8, 1994** I caused a true and correct copy of the above and foregoing Notice of Delivery of Deposition to be mailed, in the United States mail, postage prepaid, to:

Scott L. Campbell, Esq. (Hand Deliver)
ELAM & BURKE
Key Financial Center
702 West Idaho--Tenth Floor
Boise, Idaho 83702

Gray Young, Esq. (Hand Deliver)
J. R. SIMPLOT COMPANY
One Capital Center
999 Main Street--Suite 1300
Boise, Idaho 83702

CAPITOL REPORTERS

POST OFFICE BOX 1645, BOISE, IDAHO 83701 (208)344-8880

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

Cancelled

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ACCEPTANCE OF AMENDED PROTEST AND NOTICE OF HEARING |

On September 14, 1993, Richard Owen, Trustee of Owen Family Revocable Trust filed with the Department of Water Resources (Department) application for permit no. 51-7346. The application was protested by persons listed below. The conference held by the Department on May 3, 1994, did not resolve the matter of protest.

On June 7, 1994, M.L. Investment Company submitted a Motion to Amend Protest and an Amended Protest. On June 20, 1994, the applicant submitted an Answer and Objection to Motion to Amend Protest. Concerns of protestants are allowed to be revised and augmented at this stage in the protest process. The Amended Protest is hereby approved as submitted.

The Department has scheduled the matter of the protested application for a hearing to be held on Monday, September 12, 1994, at 10:00 a.m. in the second floor conference room of the Idaho Department of Water Resources, 1301 N. Orchard, Boise, ID 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Water Appropriation Rules 40 and 45. The presiding officer at the hearing will be L. Glen Saxton.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 8th day of August, 1994.

David R. Tuthill

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

FILED
JUN 07 1995

I hereby certify that on the 8TH day of August, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Secretary, Office Coordinator

Certified Mail

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

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

Non-Certified Mail

SCOTT CAMPBELL ESQ
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

GRAY YOUNG ESQ
PO BOX 27
BOISE ID 83707



1995

## CONFERENCE AND HEARING PROCEDURE

## APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1) Will the proposed appropriation injure other water rights?

2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?

3) Was the application made in good faith or for delay or speculative purposes?

4) Does the applicant have sufficient financial resources with which to complete the proposed project?

5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?

6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

**BURDEN OF PROOF**

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

**PROCEDURE**

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

**CONFERENCE**

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

**HEARING**

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

**EXHIBITS**

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

**AMERICANS WITH DISABILITIES ACT**

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

JUN 07 1995

P 311 575 540

**Receipt for Certified Mail**

No Insurance Coverage Provided

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Addressee's Address | |
| TOTAL Postage & Fees | $ 2 29 |
| Postmark or Date | |

PS Form 3800, June 199

5 Put POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)

a If you want this receipt postmarked stick the gummed stub to the right of the return address of the article date detach and present the article at a post office service window or hand it to your mail carrier (extra charge)

b If you do not want this receipt postmarked stick the gummed stub to the right of the return address of the article date detach and retain the receipt and mail the article

c If you want a return receipt write the certified mail number and your name and address on a return receipt card Form 3811 and attach it to the front of the article by means of the gummed ends if space permits Otherwise affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

d If you want delivery restricted to the addressee or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

e Enter fees for the services requested in the appropriate spaces on the front of this receipt If return receipt is requested, check the applicable blocks in item 1 of Form 3811

f Save this receipt and present it if you make inquiry

U S GPO 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 311 575 539

**Receipt for Certified Mail**
No Insurance Coverage Provided

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Addressee's Address | |
| TOTAL Postage & Fees | $ 2.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, *AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).***

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991—302-916

PS Form **3800**, June 1991 *(Reverse)*

P 366 575 537

**Receipt for Certified Mail**

No Insurance Coverage Provided

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Address of Delivery | |
| TOTAL Postage & Fees | $2.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, *CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES* (see front)**

1 If you want this receipt postmarked stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier *(no extra charge)*

2 If you do not want this receipt postmarked stick the gummed stub to the right of the return address of the article date detach and retain the receipt, and mail the article

3 If you want a return receipt write the certified mail number and your name and address on a return receipt card Form 3811, and attach it to the front of the article by means of the gummed ends if space permits Otherwise affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make inquiry

U S GPO 1991—302 916

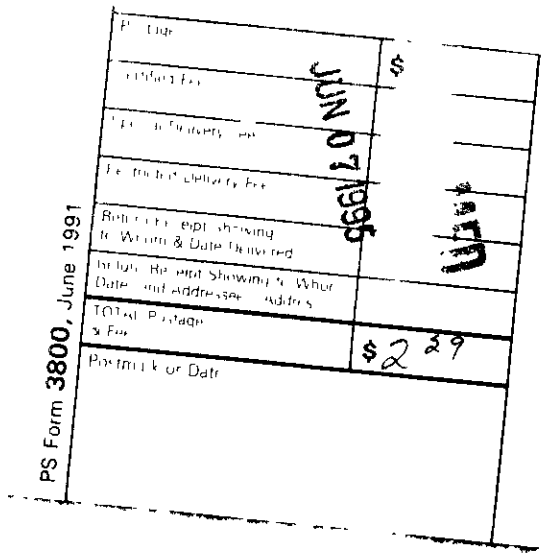
PS Form **3800**, June 1991 *(Reverse)*

P 311 575 538

**Receipt for Certified Mail**

No Insurance Coverage Provided

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES** (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

US GPO 1991—302 916

PS Form **3800**, June 1991 (Reverse)

P 311 579 620

**Receipt for Certified Mail**

No Insurance Coverage Provided

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

JUN 07 1995

PS Form 3800, June 1991

POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)

If you want a receipt postmarked stick the gummed stub to the right of the return address
fold the article and present the article at a post office service window or hand it to
your mail carrier

If you want a receipt postmarked stick the gummed stub to the right of the return
address fold the article and retain the receipt and mail the article

If you want a return receipt write the certified mail number and your name and address on a
return receipt Form 3811 and attach it to the front of the article by means of the gummed
ends if space permits Otherwise affix to back of article Endorse front of article **RETURN RECEIPT
REQUESTED** adjacent to the number

If you want delivery restricted to the addressee or to an authorized agent of the addressee
endorse **RESTRICTED DELIVERY** on the front of the article

Enter fees for the services requested in the appropriate spaces on the front of this receipt If
return receipt is requested check the applicable blocks in item 1 of Form 3811

Save this receipt and present it if you make inquiry

U S GPO 1991—302 916

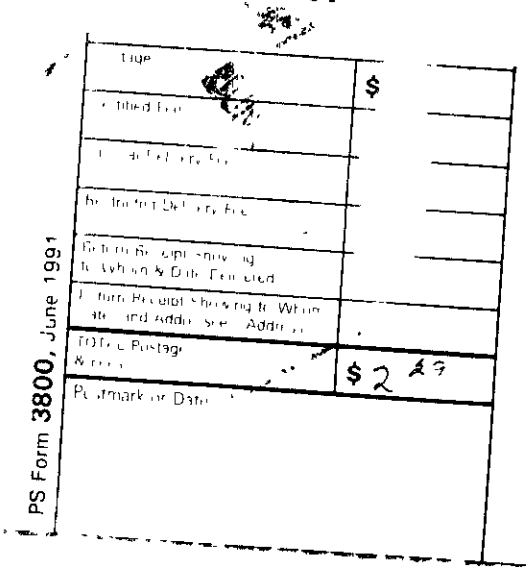
PS Form 3800, June 1991 Reverse

P 311 579 618

**Receipt for Certified Mail**

No Insurance Coverage Provided

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

U.S. GPO 1991—302 916

PS Form **3800**, June 1991 (Reverse)

P 311 579 619

**Receipt for Certified Mail**

No Insurance Coverage Provided

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, *stick the gummed stub* to the right of the return address leaving the receipt *attached and present* the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, *stick the gummed stub* to the right of the return address of the article, *date, detach and retain* the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the *front of the article* by means of the gummed ends if space permits. Otherwise, *affix to back of article*. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an *authorized agent* of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

US GPO 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

P 111 575 543

# Receipt for Certified Mail

No Insurance Coverage Provided

Internal Mail

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

JUN 07 1995

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ 2 39 |
| Postmark or Date | |

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make inquiry.

US GPO: 1991—302 916

PS Form **3800**, June 1991 (Reverse)

P 211 575 542

**Receipt for Certified Mail**
No Insurance Coverage Provided

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ 2 29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6. Save this receipt and present it if you make inquiry

U.S. GPO: 1991—302-916

PS Form **3800**, June 1991 (Reverse)

P 311 525 541

**Receipt for Certified Mail**
No Insurance Coverage Provided

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ 2.29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1. If you want this receipt postmarked, stick the gummed *stub to the right* of the return address leaving the receipt attached and present the article *at a post office service* window or hand it to your rural carrier (no extra charge)

   If you do not want this receipt *postmarked* stick the gummed stub to the right of the return address of the article *date, detach and retain* the receipt, and mail the article

3. If you want *a return receipt* write the certified mail number and your name and address on *a* return *receipt card* Form 3811 and attach it to the front of the article by means of *the gummed ends if space permits* Otherwise, affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4. If you want delivery restricted to the addressee, or to *an authorized agent* of the addressee, endorse **RESTRICTED DELIVERY** on the *front of the article*

5. Enter fees for the services requested *in the appropriate* spaces on the front of this receipt If return receipt is requested check *the applicable* blocks in item 1 of Form 3811

6. Save this receipt *and present it if* you make inquiry

U S GPO 1991—302 916

PS Form 3800, June 1991

P 311 575 536

**Receipt for Certified Mail**

No Insurance Coverage Provided

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

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom Date and Address of Addressee | |
| TOTAL Postage & Fees | $ 2 29 |
| Postmark or Date | |

PS Form **3800**, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date detach and retain the receipt and mail the article

3 If you want a return receipt write the certified mail number and your name and address on a return receipt card Form 3811 and attach it to the front of the article by means of the gummed ends if space permits Otherwise affix to back of article Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee or to an authorized agent of the addressee endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make inquiry

U S GPO 1991—302 916

PS Form **3800**, June 1991 *(Reverse)*

Owens 51-7201

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3 and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

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

4a Article Number

P 311 575 536

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8-2-94

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED
AUG 10 1994
WATER R
WES

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT

U.S.M.

AUG
1994
83604

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-2345

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

VIC CONRAD
SIMPLOT LAND & DEV
PO BOX 27
BOISE ID 83707-0027

4a Article Number

P 311 575 543

4b. Service Type

☐ Registered ☐ Insured

☑ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

AUG 9 1994

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE

Official Business

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

U.S. MAIL

RECEIVED
AUG 10 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 ... PORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3 and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write 'Return Receipt Requested' on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to

GEORGE &/OR CLAYTON TURNER
HC 85 BOX 123
BRUNEAU ID 83604

4a Article Number

P 311 575 541

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

George C Turner

6 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

5 Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

s your RETURN ADDRESS completed on the reverse side?

BOI CT
UNITED STATES POSTAL SERVICE

Official Business

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

U.S. MAIL

RECEIVED
AUG 10 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

06

51-7346

**SENDER:**

- Complete items 1 and or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- *The Return Receipt* will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2. ☐ Restricted Delivery

*Consult postmaster for fee*

3 Article Addressed to:

MABEL JOHNSON
JOHNSON RANCH
HC 85 BOX 122
BRUNEAU ID 83604

4a Article Number

P 311 579 618

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 ☆U.S. GPO: 1993—352-714 **DOMESTIC RETURN RECEIPT**

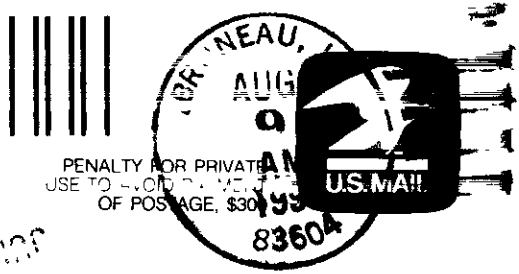
Thank you for using Return Receipt Service.

5 your RETURN ADDRESS completed on the reverse side?

EDI CTY
UNITED STATES POSTAL SERVICE

Official Business

RECEIVED
AUG 10 1994




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

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER:**

- Complete items 1 and or 2 for additional services
- Complete items 3 and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to:

ALBERT &/OR ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

4a Article Number

P 311 575 540

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

M Black

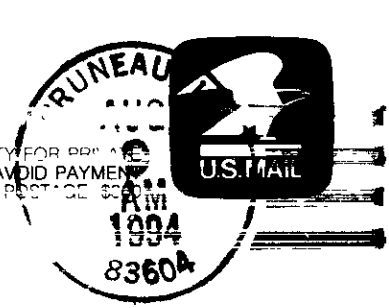
PS Form **3811**, December 1991 *U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

s your RETURN ADDRESS completed on the reverse side?

BOI CTY
UNITED STATES POSTAL SERVICE

Official Business




RECEIVED
AUG 10 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7341

**SENDER.**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

4a Article Number

P 311 575 539

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

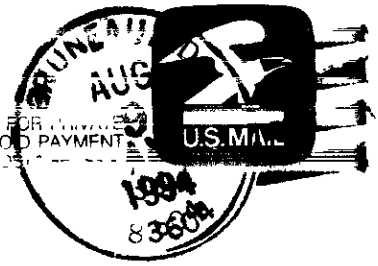
Thank you for using Return Receipt Service.

EDI CTY
UNITED STATES POSTAL SERVICE

Official Business

RECEIVED
AUG 10 1994
WATER RESOURCES
WESTERN REGION

PENALTY FOR PRIVATE USE TO AVOID PAYMENT




Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51 - 7301

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3 and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

GRANT JOHNSON
HOT SPRINGS DITCH CO
HC 85 BOX 122
BRUNEAU ID 83604

4a Article Number

P 311 579 619

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7 Date of Delivery

5 Signature (Addressee)

Grant Johnson

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

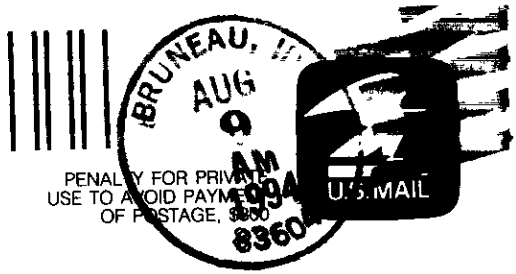
PS Form 3811, December 1991 ☆U.S. GPO 1993—352-714 DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE

Official Business




RECEIVED
AUG 10 1994
WATER RESOURCES

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
[illegible] AIRPORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3 and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

L FRANK DAVIS
HC 85 BOX 179
BRUNEAU ID 83604

4a Article Number

P 311 575 538

4b Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5 Signature (Addressee)

8 Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

BOI CTY
UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE




RECEIVED
AUG 1 1 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- *Attach this form to the front of the mailpiece, or on the back if space does not permit*
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

RONALD E PROW
HC 85 BOX 127
BRUNEAU ID 83604

4a Article Number

P 311 575 542

4b. Service Type

- ☐ Registered
- ☑ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

7. Date of Delivery

5 Signature (Addressee)

6 Signature (Agent)

8 Addressee's Address (Only if requested and fee is paid)

PS Form **3811**, December 1991 ☆U.S GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

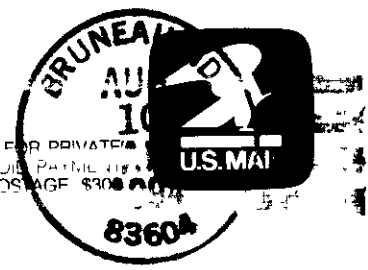
Thank you for using Return Receipt Service

s your RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE $300




RECEIVED

AUG 1 1 1994

WATER RESOURCE
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7346

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b
- Print your name and address on the reverse of *this form* so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back *if space* does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- *The Return Receipt* will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to

FRANK L BACHMAN
BRUNEAU BUCKAROO COOP DITCH CO
HC 85 BOX 881
BRUNEAU ID 83604

4a. Article Number

P 311 575 537

4b. Service Type

☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

1985 Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

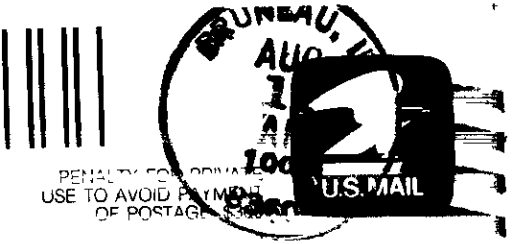
PS Form **3811**, December 1991 ☆US GPO 1993—352-714 **DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

EDI CTY
UNITED STATES POSTAL SERVICE

Official Business




RECEIVED
AUG 12 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51 - 7346

**SENDER:**

- Complete items 1 and/or 2 for additional services
- Complete items 3 and [illegible] b
- Print your name and a[illegible] on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following [illegible]ices (for an extra fee)

1 ☐ Addressee's Address

2 ☐ Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to

JOANN M POLK
HC 79 BOX 2085
OREANA ID 83650

RECEIVED
AUG 2 2 1994
[illegible] of Water Resources

4a Article Number
P 311 579 620

4b. Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5 Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6 Signature (Agent)

PS Form **3811**, December 1991 ☆U.S. GPO. 1993—352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Your RETURN ADDRESS completed on the reverse side?

EDI CTY

UNITED STATES POSTAL SERVICE

Official Business

24 BOISE ID PM 18 AUG 1994

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

U.S.MAIL

RECEIVED
AUG 19 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2 [illegible] WAY
BOISE, IDAHO 83705

RECEIVED
JUL 20 1994
Department of Water Resources

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

SCOTT L CAMPBELL

July 19, 1994

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-07346 in the Name of Owen Family Revocable Trust A

Dear Glen:

The purpose of this correspondence is to confirm the message which was provided to the receptionist at your office when I attempted to contact you by telephone on July 18, 1994. As we discussed during our last telephone conversation on Monday, July 11, 1994, the hearing date for July 28th should be cancelled because of scheduling difficulties encountered by Dr. Charles Brockway.

I have confirmed with Gray Young of J.R. Simplot Corporation and my client that the date of September 12, 1994, is the next available time for a hearing. I have confirmed with a consultant hired by my client that September 12th and 13th are acceptable dates. If the Department of Water Resources cannot reschedule the hearing for September 12, 1994 (with September 13 as a spill-over date) the next available time for this consultant would be after October 21, 1994.

Mr. Gray Young has informed our office that September 12, 1994 is acceptable, but he indicated that he would not be able to speak on behalf of the other protestants. He previously indicated to me that time scheduling for purposes of a hearing on this matter would not be a major obstacle for the other protestants. While I recognize that Mr. Young cannot speak for the other protestants unless he formally represents them, my client wishes to proceed with the hearing at the earliest opportunity. Since the initial rescheduling of this hearing was agreed to by my client to accommodate Dr. Brockway, and the additional continuance is caused by Dr. Brockway's concern that he will not complete his work until July 27th, I feel that it is reasonable for me to request that the September 12, 1994 date be scheduled unless there are strong arguments against it.

JUN 07 1995

I am providing copies of this correspondence to all of the protestants and to other participants in this matter so that they may be fully informed of this issue. Please contact me at your earliest convenience to confirm the hearing on September 12, 1994.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Scott L. Campbell

SLC:ma

cc: Mr. Richard L. Owen
Mr. Keith Anderson
Mr. Terry Scanlan
Certificate of Mailing

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this 19TH day of July, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing **Notice of Cancellation of a Hearing** to the following:

Jeffrey W. Pusch
ELAM & BURKE
Key Financial Center
702 W. Idaho
P.O. Box 1539
Boise, ID 83701

Ronlad Prow
HC 85 Box 127
Bruneau, ID 83604

Gray Young, Esq.
Simplot Land & Development
P.O. Box 27
Boise, ID 83707-0027

Mabel Johnson
Johnson Ranch
HC 83 Box 122
Bruneau, ID 83604

Frank Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, ID 83604

L. Frank Davis
HC 85 Box 179
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, ID 83604

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau, ID 83604

Joann Polk
HC 97 Box 2085
Oreana, ID 83650

George and/or Clayton Turner
HC 85 Box 123
Bruneau, ID 83604

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

JUN 07 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE**

**STATE OF IDAHO**

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | **NOTICE OF CANCELLATION OF A HEARING** |

Please take notice that the hearing scheduled for 10:00 a.m. July 28, 1994, in Mountain Home, Idaho, regarding protests filed against Application for Permit No. 51-07346 is hereby **CANCELLED.**

A new hearing date has not been scheduled at this time.

Dated this 13th day of July, 1994.

L. Glen Saxton

L. GLEN SAXTON, Hearing Officer

JUL 07 1994

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

JEFFREY W PUSCH

RECEIVED
JUL 11 1994
Department of Water Resources

July 7, 1994

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Enclosed for filing in the above-referenced matter, I have enclosed the original Notice of Compliance with Certificate of Mailing.

Please conform the enclosed copy and return to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Jeffrey W. Pusch

SLC:ma
Enclosures
cc: Mr. Richard L. Owen
Certificate of Mailing

JUN 07 1995

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Applicant Owen Family
Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | NOTICE OF COMPLIANCE Pursuant to I.D.A.P.A. 37.01.01.524 and I.D.A.P.A. 37.01.01.527; and I.R.C.P. 33, 34, and 36 |

TO: R. Keith Higginson, Director, State of Idaho Department of Water Resources

PLEASE TAKE NOTICE that on the 7th day of July, 1994, the undersigned caused the original of APPLICANT'S ANSWERS AND RESPONSES TO PROTESTANT M.L. INVESTMENT COMPANY'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR ADMISSION and CERTIFICATE OF SERVICE together with a copy of this Notice of Compliance, to be hand-delivered to Protestant M.L. Investment, Inc. and its attorney of record, Gray Young, Simplot

JUL 07 1995

Land & Development, One Capital Center, 999 Main Street, Floor 13, Boise, Idaho 83701 and to the parties listed on the Certificate of Service via United States mail, postage paid.

DATED this 7th day of July, 1994.

Jeffrey W. Pusch

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 7th day of July, 1994, I caused a true and correct copy of the foregoing NOTICE OF COMPLIANCE to be deposited in the United States Mail, postage paid, addressed to:

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau, Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

Gray Young, Esq.
Simplot Land & Development
P.O. Box 27
Boise, Idaho 83707-0027

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau, Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

JUL 07 95

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Jeffrey W. Pusch

JUN 07 1995

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June, 1994, I caused a true and correct copy of the foregoing document to be deposited in the United States Mail, postage paid, addressed to:

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Albert and Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Gray Young
M.L. Investment Company
Simplot Land & Development
Post Office Box 27
Boise Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise Idaho 83706

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise Idaho 83705-5082

for Scott L. Campbell



JAN 07 1995

**ELAM & BURKE**
*A Professional Association*
ATTORNEYS AND COUNSELORS AT LAW
*Established in 1928*

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

JEFFREY W PUSCH

RECEIVED
JUL 08 1994
WATER RESOURCES
WESTERN REGION

July 7, 1994

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7346 in the Name of Owen Family Revocable Trust A

Dear Mr. Higginson:

Enclosed for filing in the above-referenced matter, I have enclosed the original Notice of Compliance with Certificate of Mailing.

Please conform the enclosed copy and return to me in the enclosed pre-addressed envelope.

Thank you for your cooperation.

Very truly yours,

ELAM & BURKE
***A Professional Association***

Jeffrey W. Pusch

JUN 07 1995

SLC:ma
Enclosures
cc: Mr. Richard L. Owen
Certificate of Mailing

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
Floor 10
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Applicant Owen Family
Revocable Trust A

RECEIVED
JUN 08 1994
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

| | |
|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | NOTICE OF COMPLIANCE Pursuant to I.D.A.P.A. 37.01.01.524 and I.D.A.P.A. 37.01.01.527; and I.R.C.P. 33, 34, and 36 |

TO: R. Keith Higginson, Director, State of Idaho Department of Water Resources

PLEASE TAKE NOTICE that on the 7th day of July, 1994, the undersigned caused the original of APPLICANT'S ANSWERS AND RESPONSES TO PROTESTANT M.L. INVESTMENT COMPANY'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR ADMISSION and CERTIFICATE OF SERVICE together with a copy of this Notice of Compliance, to be hand-delivered to Protestant M.L. Investment, Inc. and its attorney of record, Gray Young, Simplot

JUN 07 1995

Development, One Capital Center, 999 Main Street, Floor 13, Boise, Idaho 83701

ıe parties listed on the Certificate of Service via United States mail, postage paid.

)ATED this 7th day of July, 1994.

Jeffrey W. Pusch

CERTIFICATE OF MAILING

HEREBY CERTIFY that on the 7th day of July, 1994, I caused a true and correct :he foregoing NOTICE OF COMPLIANCE to be deposited in the United States Mail, ɔaid, addressed to:

ıthill
ɜnt of Water Resources
Region
port Way
aho 83705-5082

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau, Idaho 83604

:. Prow
ox 127
Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau, Idaho 83604

ung, Esq.
Land & Development
. 27
aho 83707-0027

Gene Davis
HC 85 Box 138
Bruneau, Idaho 83604

hnson
Ranch
ox 122
Idaho 83604

Albert and/or Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

Grant Johnson
Hot Springs Ditch Company
HC 85 Box 122
Bruneau, Idaho 83604

George and/or Clayton Turner
HC 85 Box 123
Bruneau, Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana, Idaho 83650

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Jeffrey W. Pusch

RECEIVED
JUL 0 8 1994
WATER RESOURCES
WESTERN REGION

SCOTT L. CAMPBELL
JEFFREY W. PUSCH
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho, 10th Floor
Post Office Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Applicant
Owen Family Revocable Trust A

BEFORE THE DEPARTMENT OF WATER RESOURCES OF

THE STATE OF IDAHO

| | | |
|---|---|---|
| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | ) | APPLICANT'S ANSWERS AND RESPONSES TO PROTESTANT M.L. INVESTMENT COMPANY'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR ADMISSION |

STATE OF IDAHO )
) ss
COUNTY OF ELMORE )

COMES NOW, RICHARD L. OWEN, as Trustee for the Owen Family Revocable Trust A, and pursuant to IDAPA 37.01.01.524. answers and responds to Protestant M.L.



JUN 07 1995

Investment Company's Interrogatories, Request for Production of Documents, and Requests for Admission heretofore served on Applicant on or about June 23, 1994, as follows:

INTERROGATORY NO. 1: Please set forth the name and address of each and every person known to you or your counsel who has knowledge or who purports to have knowledge of any of the facts underlying your protest to the Application of the Owen Family Revocable Trust A, for Permit No. 51-07436. By this interrogatory, we seek the names and addresses of all individuals who have knowledge or who purport to have knowledge of the facts underlying the protest to the Application for Permit No. 51-07436 filed by you on or about October 25, 1993.

ANSWER TO INTERROGATORY NO. 1: The following persons have or potentially have knowledge of the facts underlying Application for Permit No. 51-07246. Applicant reserves the right to supplement this response should additional individuals be identified.

Richard L. Owen
Marie Owen
Post Office Box 590
Bruneau Idaho 83604

Frank L. Bachman
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604



JUN 07 '05

Albert Black
Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George Turner
Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604

Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

Dixie McKay
address unknown
Bruneau Idaho

Keith Anderson
432 Summit Ridge
Boise Idaho 83702

Charles E. Brockway, Ph.D., P.E.
Charles Brockway Engineering
706 Sunrise Blvd. North
Twin Falls Idaho 83301



JUN

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Richard Bass, Chairman
Owyhee County Commissioners
Courthouse, Post Office Box 128
Murphy Idaho 83560-0128

Chester Sellman
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy Idaho 83560-0128

Harold Tolmie
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy Idaho 83560-0128

John Lasuen
315 North 8th Street
Mountain Home Idaho 83647

Stephen W. Lipscomb
U.S. Geological Survey
230 Collins Road
Boise Idaho 83702-4520

Gus Oman
HC 85 Box 275
Grand View Idaho 83624

State of Idaho Department of Fish & Game
Post Office Box 25
Boise Idaho 83707

Idaho Power Company
1221 West Idaho
Boise Idaho 83702



JUN 07 2005

State of Idaho Department of Water Resources
1301 North Orchard Street
STATEHOUSE MAIL
Boise Idaho 83720-9000

U.S. Department of Interior Geological Survey
230 Collins Road
Boise Idaho 83702

INTERROGATORY NO. 2: Please set forth the names and addresses of those persons having knowledge of the facts of your protest whom you may call as witnesses at the hearing on the Application for Permit No. 51-07436, and for each such person, state the substance of his or her expected testimony.

ANSWER TO INTERROGATORY NO. 2: Applicant expects that the individuals listed below will testify in substance that Application No. 51-07346 fulfills the criteria contained at Idaho Code § 42-203A. Applicant reserves the right to supplement this answer should additional witnesses be identified.

Richard L. Owen
Marie Owen
Post Office Box 590
Bruneau Idaho 83604

Keith E. Anderson
432 Summit Ridge
Boise Idaho 83702

Stephen W. Lipscomb
U.S. Geological Survey
230 Collins Road
Boise Idaho 83702-4520



JAN 07 1995

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Frank L. Bachman
HC 85 Box 275
Grand View Idaho 83624

Charles E. Brockway, Ph.D., P.E.
Charles Brockway Engineering
706 Sunrise Blvd. North
Twin Falls Idaho 83301

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Richard Bass, Chairman
Owyhee County Commissioners
Courthouse, Post Office Box 128
Murphy Idaho 83560-0128

Chester Sellman
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy Idaho 83560-0128

Harold Tolmie
Owyhee County Commissioner
Courthouse, Post Office Box 128
Murphy Idaho 83560-0128

INTERROGATORY NO. 3: State the name and address of each person whom Protestant expects to call as an expert witness at the hearing on the Application for Permit No. 51-07436, and for each such person, state the subject matter on which the expert is



JUN 07 1996

expected to testify; the substance of the facts and opinions to which the expert is expected to testify; and the facts and data underlying the expert's opinions or inferences.

ANSWER TO INTERROGATORY NO. 3: Applicant intends to call Keith Anderson, Charles Brockway, Steve Lipscomb, and Terry Scanlan as expert witnesses at the hearing on the Application for Permit No. 51-07346. Their expected testimony will address the availability of water for diversion into the South Side Bruneau Canal Company, Ltd. canal and other diversions in the general area from the Bruneau River; the duration and magnitude of flows available in the Bruneau River; and the impacts, if any, to existing water right holders from the Application for Permit No. 51-07346.

The data which will be used to support their expected testimony will be existing water right, water use, and diversion data from the State of Idaho Department of Water Resources and United States Department of Interior Geological Survey. Applicant reserves the right to supplement its response to this interrogatory.

INTERROGATORY NO. 4: For each person expected to be called as an expert witness, state in a capsule summary the qualifications and background of the individual.

ANSWER TO INTERROGATORY NO. 4: See curriculum vitae of Terry Scanlan and Keith Anderson attached hereto as Exhibits "A" and "B" respectively, and incorporated herein by this reference. The qualifications of Mr. Lipscomb, a witness subpoenaed by Applicant will be established at the hearing on this matter. Charles Brockway's qualifications have already been provided by M.L. Investment in prior discovery responses.



JUN 07 2005

INTERROGATORY NO. 5: Please describe in full and complete detail any photographs, drawings, illustrations, memoranda, or other documents which either you or your attorneys are aware which pertain to any of the issues in this litigation. In answering this interrogatory, describe the nature and subject matter of the item, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, and for each such item, whether or not you intend to utilize it at trial as an exhibit.

ANSWER TO INTERROGATORY NO. 5: The photographs, drawings, illustrations, memoranda, and other documents listed below pertain to the issues in this proceeding and may be utilized as exhibits at the hearing on this matter. Applicant reserves the right to supplement this response and utilize additional photographs, drawings, illustrations, memoranda, or other documents not listed herein at the hearing on this matter.

United States Department of Interior Geological Survey 7.5 minute series topographic map Sugar Valley, Idaho Quadrangle.

United States Department of Interior Geological Survey 7.5 minute series topographic map Hot Springs, Idaho Quadrangle.

National Aerial Photography Program colored infrared photographs flown 1987, 1988.

United States Department of Agriculture, Agricultural Stabilization and Conservation Service crop reports for Owyhee County, Idaho, Marsing, Idaho office.

U.S. Geological Survey, Water Resources Investigations Report 93-4001, Effects of Well Discharges and Hydraulic Heads in and Spring Discharges from the Geothermal Aquifer System in the Bruneau Area, Owyhee County, Southwestern Idaho, Boise, Idaho 1993.



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Hubble Engineering, Inc. and Associated Earth Sciences, Inc., Guidelines For the Evaluation of Irrigation Diversion Rates, October 1991, Boise, Idaho.

Hubble Engineering, Inc. and Associated Earth Sciences, Inc., Evaluation Workbook for Irrigation Diversion Rates, October 1991, Boise, Idaho.

United States Department of Agriculture Soil Conservation Service Soil Survey of Elmore County Area, Idaho, Parts of Owyhee and Ada Counties, fieldwork completed 1985, State Office, Boise, Idaho.

U.S. Geological Survey in cooperation with the State of Idaho and other agencies, Water Resources Data, Idaho, water years 1912, 1913, 1914, 1985, 1986, 1987, 1988, 1989.

Idaho Department of Water Resources Report: Analysis of Management Alternatives and Potential Impacts on Ground-water Development Due to Proposed Endangered Species Classification of the Bruneau Hot Springs Snail, October, 1992.

Official Comments of the Idaho Department of Water Resources Before the United States Fish and Wildlife Service In the Matter of Designating the Bruneau Hot Springs Snail As An Endangered Species, dated December 28, 1992.

All Snake River Basin Adjudication water right claims listing the Bruneau River as the source of water and all Idaho Department of Water Resources computer records related thereto.

R.G. Allen and C.E. Brockway, Estimating Consumptive Irrigation Requirements of Crops in Idaho, August 1983.



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United States Department of Agriculture Soil Conservation Service, Irrigation Guide for Southern and Southeastern Idaho, 1970.

United States Department of the Interior Geological Survey, "Bruneau River - Discharge, Cubic Feet Per Second, Water Year October 1993 to September 1994 Daily Mean Values," June 30, 1994.

Idaho Department of Water Resources, "Adjudication Water Master Report by Water Source/Priority Date - Bruneau River," September 8, 1993.

United States Department of the Interior Geological Survey, "Duration Table of Daily Values For December" Bruneau River NR Hotspring ID 1909-1992.

United States Department of the Interior Geological Survey, "Duration Table of Daily Values For Period October to September," Bruneau River NR Hotspring ID 1944-1992.

United States Department of the Interior Geological Survey, "Duration Table of Daily Values For November" Bruneau River NR Hotspring ID 1909-1992.

INTERROGATORY NO. 6: Please describe in full and complete detail any documents of which Protestant or its attorneys are aware which pertain to any of the issues of this litigation. In answering this interrogatory, describe the subject matter of the document, its date, if applicable, the name, address, job title and capacity of the person preparing it or with knowledge of it, its location and for each item, whether or not you intend to utilize it at trial as an exhibit.

ANSWER TO INTERROGATORY NO. 6: Please see Answer to Interrogatory No. 5.



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INTERROGATORY NO. 7: Please describe in full and complete detail the history of your use of Bruneau River flood waters including, but not limited to the following: 1) the date Applicant began using any irrigation waters composed in whole or in part of Bruneau River flood waters for irrigating crop land; 2) the volume and diversion rates of Bruneau River flood waters (in acre feet/acre/year and cubic feet per second if available) appropriated by the South Side Bruneau Canal Company, Ltd. attributable to your acreage each year of your use of such waters and attributable to all lands receiving water from the South Side Bruneau Canal Company, Ltd; and 3) the duration of your use of South Side Bruneau Canal Company, Ltd. waters containing Bruneau River flood waters for each irrigation season. If Applicant has not irrigated crop land utilizing Bruneau River flood waters appropriated by the South Side Bruneau Canal Company, Ltd. answer the questions propounded in this interrogatory in full and complete detail with respect to any use of such waters by the following: 1) Richard L. Owen as Trustee of Applicant; 2) Richard L. Owen as President of South Side Bruneau Canal Company, Ltd.; 3) Richard L. Owen individually; and 4) any entity owned or operated directly or indirectly, in whole or in part by Richard L. Owen or his immediate family.

ANSWER TO INTERROGATORY NO. 7: Applicant objects to Interrogatory No. 6 on the grounds it is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome, and was propounded for the purpose of harassment. Additionally, since M.L. Investment is a shareholder in the Southside Bruneau Canal Company, Ltd., the requested information can be obtained by it as easily as by Applicant.

INTERROGATORY NO. 8: Please set forth in detail the facts, circumstances, information and data upon which the Applicant will rely in meeting the Idaho Department of Water Resources request in the May 3, 1994 Pre-Hearing Conference that Applicant demonstrate that application no. 51-07346 is in the local public interest.

ANSWER TO INTERROGATORY NO. 8: Applicant objects to Interrogatory No. 8 on the ground that pursuant to Rule 514 (IDAPA 37.01.514) facts disclosed, offers made and all other aspects of negotiation in a pre-hearing conference are not part of the record. Applicant also objects on the grounds that M.L. Investment did not raise the "local public interest" criterion as a ground for its Protest and is consequently precluded from conducting discovery on this issue. Applicant further objects on the ground that the burden of production with regard to demonstrating which elements of the local public interest are impacted by an application such as that at issue lies with the party who possesses peculiar knowledge of the asserted impact.

INTERROGATORY NO. 9: With respect to Stephen W. Lipscomb, United States Department of the Interior Geological Survey, state the subject matter upon which Mr. Lipscomb is expected to testify; the substance of the facts and any opinions to which Mr. Lipscomb is expected to testify and the facts and data underlying Mr. Lipscomb's opinions or inferences, as well as his qualifications and background.

ANSWER TO INTERROGATORY NO. 9: Mr. Lipscomb will testify regarding the foundation and extent of United States Department of the Interior Geological Survey water flow data concerning the Bruneau River.



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INTERROGATORY NO. 10: Please describe in full and complete detail any documents and facts of which you are aware which pertain to the appropriation of Bruneau River flood waters, including, but not limited to, any claims filed in the Snake River Basin Adjudication or otherwise by you and by the South Side Bruneau Canal Company, Ltd.

ANSWER TO INTERROGATORY NO. 10: Applicant objects on the grounds that the interrogatory is vague, overly broad, unduly burdensome, and requests information which is of public record and equally available to Protestant. Subject to this objection, Applicant will make any documents in its possession which are responsive to this interrogatory available for inspection and duplication at a mutually convenient date and time at the offices of Elam & Burke, P.A., located at 702 West Idaho, 10th Floor, Boise, Idaho.

INTERROGATORY NO. 11: Please describe in full and complete detail any activities, discussions, arguments, meetings, or other actions by you or by Richard L. Owen as Trustee of Applicant, or by Richard L. Owen as President of the South Side Bruneau Canal Company, Ltd., or by Richard L. Owen, individually, in connection with the appropriation of Bruneau River flood waters by the South Side Bruneau Canal Company, Ltd., and/or by you.

ANSWER TO INTERROGATORY NO. 11: Applicant objects on the grounds that the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is vague, overly broad, unduly burdensome, and propounded for the purpose of harassment.

INTERROGATORY NO. 12: Please describe in full and complete detail any activities, discussions, arguments, meetings, or other actions by you or by Richard L. Owen as Trustee of Applicant, or by Richard L. Owen as President of the South Side Bruneau Canal



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Company Ltd., or by Richard L. Owen, individually, relating to the formation of a lateral ditch water users' association involving the South Side Bruneau Canal Company Ltd. [I.C. § 42-1301 et seq.]. State with particularity the source or sources of water and the relative priorities of such sources proposed to be utilized for such lateral ditch water users' association.

ANSWER TO INTERROGATORY NO. 12: Applicant objects on the grounds that the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is vague, overly broad, unduly burdensome, and propounded for the purpose of harassment.

INTERROGATORY NO. 13: Please describe and set forth in full and complete detail the additional information provided by Terry Scanlan to the IDWR in response to IDWR's additional information requests pursuant to IDAPA 37.03.08, Subparagraphs b through h(vii). Please state the date the aforementioned information was filed with the State of Idaho Department of Water Resources.

ANSWER TO INTERROGATORY NO. 13: Applicant objects to Interrogatory No. 13 on the grounds that the interrogatory appears to seek public information equally available to Protestant and refers to IDAPA 37.03.08 subparagraphs b through h(vii), an IDAPA provision which does not exist, consequently, making it impossible to answer interrogatory No. 13.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all documents relating to the subject matter of Interrogatory No. 1 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents relating to the subject matter of Interrogatory No. 2 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents relating to the subject matter of Interrogatory No. 3 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 4: Please produce all documents relating to the subject matter of Interrogatory No. 4 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents relating to the subject matter of Interrogatory No. 5 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents relating to the subject matter of Interrogatory No. 6 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents relating to the subject matter of Interrogatory No. 7 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents relating to the subject matter of Interrogatory No. 8 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents relating to the subject matter of Interrogatory No. 9 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents relating to the subject matter of Interrogatory No. 10 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 11: Please produce all documents relating to the subject matter of Interrogatory No. 11 of Protestant's First Set of Interrogatories, above.



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REQUEST FOR PRODUCTION NO. 12: Please produce all documents relating to the subject matter of Interrogatory No. 12 of Protestant's First Set of Interrogatories, above.

REQUEST FOR PRODUCTION NO. 13: Please produce all documents relating to the subject matter of Interrogatory No. 13 of Protestant's First Set of Interrogatories, above.

RESPONSE TO REQUESTS FOR PRODUCTION NOS. 1 THROUGH 13: Applicant objects to Requests for Production Nos. 1 - 13 on the ground that each of the identical requests for production is vague, overly broad and unduly burdensome. Subject to this objection, any documents in Applicant's possession which are responsive to Request For Production Nos. 1 - 13 will be made available for inspection and duplication at a mutually convenient date and time at the offices of Elam & Burke, P.A., located at 702 West Idaho, 10th Floor, Boise, Idaho.

RESPONSES TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Please admit that the Applicant has utilized for crop irrigation Bruneau River Flood water appropriated by the South Side Bruneau Canal Company, Ltd.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Applicant objects on the ground the request for admission is not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects on the grounds that the request for admission is vague, overly broad, and seeks a legal conclusion concerning "Bruneau River Flood water appropriated by the South Side Bruneau Canal Company, Ltd."

REQUEST FOR ADMISSION NO. 2: Please admit that South Side Bruneau Canal Company, Ltd., of which Richard L. Owen is President, has filed a statutory claim with the Idaho Department of Water Resources and a notice of claim in the Snake River Basin Adjudication for a water right on the basis of beneficial use of Bruneau River flood water in excess of the one inch to the acre specified by the decreed water rights of South Side Bruneau Canal Company, Ltd.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Applicant objects on the ground the request for admission is not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects on the grounds that the request for admission is vague, overly broad, and seeks a legal conclusion.

REQUEST FOR ADMISSION NO. 3: Please admit that Terry Scanlan, an engineer retained by Applicant, has determined that the statutory claims of South Side Bruneau Canal Company Ltd. can be delivered in full prior to the diversion requested by Applicant.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Applicant objects on the ground that by this request for admission Protestant seeks information concerning facts disclosed which are not part of the record and protected from disclosure under IDWR Rule 514 (IDAPA 37.01.01.514). Applicant further objects on the grounds that the request for admission is vague, overly broad, and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 4: Please admit that Terry Scanlan, an engineer retained by Applicant, has determined that sufficient water is available to meet at least a



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portion of Applicant's request for diversion of Bruneau River flood waters and satisfy the diversions rates already appropriated by senior water right owners.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Applicant objects on the ground that by this request for admission Protestant seeks information concerning facts disclosed which are not part of the record and protected from disclosure under IDWR Rule 514 (IDAPA 37.01.01.514). Applicant further objects on the grounds that the request for admission is vague, overly broad, and calls for a legal conclusion.

REQUEST FOR ADMISSION NO. 5: Please admit that Terry Scanlan, an engineer retained by Applicant, filed on May 13, 1994 the information required by the Idaho Department of Water Resources, pursuant to IDAPA 37.03.08, Subparagraphs b through h(vii), more than seven months after the Department's September 29, 1993 request for such information.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Denied.

REQUEST FOR ADMISSION NO. 6: Please admit that on or before November 15, 1993 you received a copy of all protests of application for permit no. 51-07346 together with a cover letter from the Idaho Department of Water Resources dated October 27, 1993.

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Applicant objects on the grounds that this request for admission is vague, ambiguous, and overly broad. Subject to this objection, Applicant admits it received a copy of said October 27, 1993, cover letter together with certain protests to Application for Permit No. 51-07346 on or about November 15, 1993.



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INTERROGATORY NO. 15: If you denied any request for admission, set forth with particularity the reasons for your denial.

ANSWER TO INTERROGATORY NO. 15: Protestant, in Request for Admission No. 5 refers to IDAPA 37.03.08, Subparagraphs b through h(vii), an IDAPA provision which does not exist.

DATED this 6th day of June, 1994.

Richard L. Owen, Trustee
Owen Family Revocable Trust A

SUBSCRIBED AND SWORN TO before me this 6th day of June, 1994.

Rebecca Chamness
Notary Public for said State
Residing at Mountain Home Id
My Commission Expires: 5/9/2000



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June, 1994, I caused a true and copy of the foregoing document to be deposited in the United States Mail, postage ıddressed to:

Frank L. Bachman
Bruneau Buckaroo Coop Ditch Co.
HC 85 Box 881
Bruneau Idaho 83604

L. Frank Davis
HC 85 Box 179
Bruneau Idaho 83604

Gene Davis
HC 85 Box 138
Bruneau Idaho 83604

Albert and Asa Black
HC 85 Box 101
Bruneau Idaho 83604

George and Clayton Turner
HC 85 Box 123
Bruneau Idaho 83604

Ronald E. Prow
HC 85 Box 127
Bruneau Idaho 83604

Gray Young
M.L. Investment Company
Simplot Land & Development
Post Office Box 27
Boise Idaho 83707-0027

Mabel Johnson
Johnson Ranch
HC 85 Box 122
Bruneau Idaho 83604



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Grant Johnson
Hot Springs Ditch Co.
HC 85 Box 122
Bruneau Idaho 83604

Joann M. Polk
HC 79 Box 2085
Oreana Idaho 83650

Terry Scanlan
Scanlan Engineering
600 E. River Park Lane, Suite 105
Boise Idaho 83706

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise Idaho 83706

David Tuthill
Department of Water Resources
Western Region
2735 Airport Way
Boise Idaho 83705-5082

for Scott L. Campbell

## *TERRY M. SCANLAN*
## *ENGINEER / HYDROGEOLOGIST*

**EDUCATION:** M.S. Geological Engineering, University of Idaho
B.S. Geological Engineering, University of Idaho

**REGISTRATION:** Professional Geologist - Idaho, Oregon
Professional Engineer - Idaho

**SUMMARY:**

Mr. Scanlan is the Principal Engineer/Hydrogeologist with Scanlan Engineering. He has over ten years of professional experience in environmental engineering, water resources, and hydrogeology, with emphasis on groundwater development and groundwater contamination studies. His background includes aquifer and well testing, design and construction of production and monitor wells, hydrocarbon and hazardous waste contamination investigations, and water development studies. He also has experience in mining related environmental studies, groundwater drainage investigations, geothermal resource development, soils and geotechnical investigations, geologic mapping, and wastewater land application studies. Mr. Scanlan has experience in the design, construction, and rehabilitation of wells and pumping systems.

**REPRESENTATIVE PROJECT EXPERIENCE:**

Mr. Scanlan's representative project experience is detailed below.

**Water Rights Project Experience**

- Preparation of water right transfers and water right permit applications for public and private clients in southern Idaho.
- Evaluation of surface water and groundwater interactions, well interference, irrigation development, and consumptive water use related to water right transfers in the Mud Lake and Little Lost River areas of eastern Idaho. Mr. Scanlan was a member of the Technical Advisory Committee for the Mud Lake aquifer study conducted by the USGS
- Evaluation and measurement of flow from springs along the Snake River near Twin Falls, Idaho.
- Measurement of irrigation diversion rates for Snake River Basin Adjudication claims.
- Expert witness testimony related to well interference and the interaction of surface water and groundwater for clients in eastern and western Idaho.
- Evaluation of irrigation diversions, natural flow, return flow and storage accounting on the Payette River system for the Payette Water Users Association.

**Groundwater Development Project Experience**

- Groundwater development projects at more than 30 sites in southern Idaho for public and private water utilities, schools, and industries including production well

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**EXHIBIT A**

design, aquifer pumping tests, exploration drilling programs, and groundwater development studies

- Hydrogeologic investigations, groundwater exploration drilling, and design, construction, and testing of production wells for municipal groundwater development in Olympia, Washington.

- Design and testing of salt water production wells for large aquarium projects in Guam and Taiwan.

- Irrigation well and pump system design, construction monitoring, and well testing at municipal parks in Boise, Idaho. These projects have included evaluations of approximately 50 well and pump systems.

- Aquifer testing and high-capacity variable-speed pump system design for deep geothermal space-heating wells at the College of Southern Idaho.

- Evaluations of water system facilities and water quality in community water systems in northern and southern Idaho.

- Analysis of large scale aquifer pumping tests in Broward County, Florida, in conjunction with the design of an 80 mgd well field system.

- Evaluation of groundwater potential for snowmaking supplies at Sun Valley and Bogus Basin ski areas, and design and testing of the water supply well for the snow making system at Sun Valley.

- A detailed study of the Boise Front Geothermal Aquifer for the City of Boise and Boise Warm Springs Water District. The study included computer modeling of hydraulic and thermal impacts of increased production and spent fluid injection.

- Geothermal aquifer investigations, well testing, production well and pump design, and water-level monitoring for J.R. Simplot Company at aquaculture facilities in Caldwell and Grand View, Idaho.

- Groundwater development studies, well construction, and aquifer testing for fish hatchery projects in the Columbia, Umatilla, Walla Walla, and Grand Ronde river basins of Oregon for the Bonneville Power Administration. These projects included test well drilling and aquifer tests at ten locations, with well construction in alluvial and basalt aquifers.

- Groundwater production assessment and recommendations for expansion of a deep well field system at the Rochester Mine near Lovelock, Nevada.

- Preliminary design of a groundwater supply system for a proposed coal mine in south-central Utah.

- Design of the domestic supply, mine-pit dewatering, and industrial supply wells for the Beartrack mining project at Leesburg, Idaho.

- Design, construction monitoring, and testing of an deep industrial water supply well for Micron Technology in Boise Idaho. Mr. Scanlan also provided consulting regarding long-term water supply management.

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- Hydraulic fracturing of a 2300-foot geothermal injection well in Boise, Idaho.

- Evaluation of the groundwater aquifers of northwest North Dakota as part of the NAWS regional water supply system.

**Mining, Geotechnical, Wastewater, and Environmental Experience**

- Pit dewatering investigations for the Dry Valley phosphate mine in southeastern Idaho.

- Baseline groundwater and surface water monitoring studies for an environmental impact statement at the proposed Beartrack heap leach gold mining project at Leesburg, Idaho.

- Groundwater characterization, water supply development, and water quality monitoring for environmental impact statement and permitting at a proposed gold mining project near Grassy Mountain, Oregon.

- A two-phase study of acid mine drainage from a 15-million ton waste dump at a silver mine in southern Idaho. The first phase of the project was a hydrologic investigation of the waste dump, which characterized the modes of acid production and transport, within and outside of the dump. The second phase consisted of an evaluation of mitigation measures, and included the conceptual level design of a composite low-permeability cover.

- Groundwater characterization studies and permit preparation for three mine waste and spent ore disposal facilities near Lead, South Dakota. Two of these disposal facilities are located on mill tailings with high arsenic concentrations, and have required investigation of arsenic, nitrate, and cyanide attenuation mechanisms in saturated and unsaturated materials. Mr. Scanlan was also responsible for groundwater and surface water monitoring system design, and analysis of saturated and unsaturated flow systems.

- Geochemical evaluation of waste materials as part of a supplemental EIS for the Grouse Creek mining project in central Idaho. Mr. Scanlan was also responsible for groundwater and geology characterization aspects of the project.

- Monitor well system design and installation for a heap leach mining operation near Stibnite, Idaho.

- Research pertaining to cyanide migration and attenuation processes in soils and groundwater with particular emphasis on natural degradation mechanisms.

- Resident hydrogeologist on a 30-day aquifer test, utilizing over 30 monitor wells and piezometers, as part of a drainage feasibility study for the U.S. Bureau of Reclamation's CENDAK project in South Dakota.

- Dewatering evaluation for construction of the Marden Street Water Treatment Plant adjacent to the Boise River in Boise, Idaho

- Geotechnical related projects such as investigations of high groundwater conditions at residences and building sites in southern Idaho, investigation of seepage and groundwater underflow at dam and reservoir sites in Idaho and California, investigation of road stability for an environmental assessment of a

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mineral exploration project in central Idaho, and investigation of groundwater movement, seepage, and slope stability adjacent to the Hagerman Fossil area near Hagerman, Idaho.

- Level 1 and Level 2 environmental site audits and assessments for commercial, industrial, and agricultural property transactions

- Investigation of groundwater and surface water interactions related to wetland mitigation and development projects.

- Evaluation of surface water micro-storage sites and groundwater recharge potential, and the preliminary design of an aquifer recharge project in the Umatilla River Basin for the Bureau of Reclamation.

- Wastewater land application projects, including site characterizations, soil and groundwater investigations, or permit preparation, for the following clients: Mountain Home, Idaho (municipal), IBP, Inc. and Armour Fresh Meats (meat processing), Micron Technology (semiconductor), J.R. Simplot Company (potato processing at three sites), Carnation (tomato processing), Swiss Village Cheese (cheese production) and several mining clients (treated cyanide solutions).

- Detailed investigation and characterization of groundwater contamination by iron, manganese, and nitrate beneath a four square mile wastewater land application site in southern Idaho.

- Groundwater quality investigations, groundwater monitoring, and process pond seepage studies for Amalgamated Sugar Company at Nyssa, Oregon.

- Investigation and monitoring of pentachlorophenol migration in soils and groundwater at a RCRA site in Boise, Idaho.

- Investigation/remediation of soil and groundwater contamination resulting from petroleum (gasoline, diesel, heating oil, hydraulic oil, and jet fuel) at more than 30 locations in Idaho, Oregon, Washington, and Wisconsin. Remedial designs have included soil land farming, venting systems, and free and dissolved product extraction systems. Groundwater treatment technologies utilized have included air stripping, carbon adsorption, and enhanced biodegradation.

- Investigation of shallow groundwater contamination from mine tailings in Butte, Montana for ARCO, including the drilling of approximately thirty monitor wells and Hydropunch borings, aquifer testing, and water quality sampling.

- RCRA site closure for the Vale Oregon Irrigation District.

## PREVIOUS EMPLOYMENT:

### Montgomery Watson

Prior to forming Scanlan Engineering, Mr. Scanlan was a Supervising Hydrogeologist for Montgomery Watson in Boise, Idaho. In that position, he managed and conducted investigations related to groundwater development and groundwater contamination at locations throughout the western United States.



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**U.S. Geological Survey**

Mr. Scanlan was employed by the United States Geological Survey as a field assistant in the geologic division prior to joining Montgomery Watson. Responsibilities included geologic mapping, landslide hazard evaluation, and mineral potential studies. He worked on the Challis and Hailey 2° Quadrangle CUSMAP programs.

**Idaho Geological Survey**

As a geologic field assistant, Mr. Scanlan mapped geology in various parts of central Idaho. He was involved in the River-of-No-Return Wilderness mineral evaluation study and the Challis 2° Quadrangle CUSMAP program.

**ORGANIZATIONS:**

Association of Engineering Geologists
Northwest Mining Association
National Groundwater Association - Association of Ground Water Scientists and Engineers

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## KEITH E. ANDERSON
## Consulting Engineer and Geologist

**EDUCATION:** B.S., California Institute of Technology
M S., University of Rochester

**REGISTRATION.** Professional Engineer in Idaho, Hawaii, Nebraska, Nevada, Oregon, and Wyoming
Professional Geologist in Idaho and Oregon

**SUMMARY:**

Mr. Anderson has 53 years of professional experience in engineering and geology, devoted entirely to water projects and problems with particular specialization in the fields of hydrology, groundwater, irrigation, and drainage. His world-wide background includes general hydrologic investigations and feasibility studies as well as the planning, design, construction, and operation and maintenance of hydraulic facilities. He is the author of "Ground Water Handbook" and "Water Well Handbook".

**EXPERIENCE:**

**INDEPENDENT CONSULTANT**

Mr. Anderson currently serves as an independent engineering and geological consultant on water problems for a number of his former clients--primarily in the Pacific Northwest states. His recent activities have included: hydrologic studies of river flows and reservoir storage in connection with proposals for salmon recovery programs on the Snake-Columbia river systems; hydrologic studies on Salmon Falls Creek (Idaho) in connection with past damaging floods; and evaluations concerning surface water and groundwater hydrology in the Snake River basin of Idaho in connection with matters of water rights and water allocation and distribution. He is currently serving as a consultant on general hydrologic and water-right problems associated with litigation before the U.S. Supreme Court over a major inter-state river basin.

**MONTGOMERY WATSON**

Mr. Anderson also currently serves as a Senior Consultant to Montgomery Watson (MW), which was formerly James M Montgomery, Consulting Engineers, Inc. (JMM). In that capacity he provides specialized technical services on world-wide water resources projects. Prior to mid-1990, as a Principal Engineer and Vice President of JMM, he was responsible for the technical supervision and management of engineering projects throughout the United States and abroad, in the fields of surface water and groundwater hydrology, hydrogeology, irrigation and agricultural development, water quality, water rights and litigation , and groundwater contamination and hazardous wastes.

Prior to 1985, when his firm merged with JMM, Mr. Anderson was a partner in Anderson & Kelly, established in 1966 to provide expanded services and facilities as specialized consultants in engineering and geology on water problems to clients world-wide. The Anderson & Kelly partnership was a continuation of the independent consulting office begun by Mr. Anderson in 1957 During his career, Mr. Anderson has worked on more than a thousand projects involving hydrology, groundwater, irrigation, and drainage. For fifteen years he served as a consultant to the World Bank in the appraisal or supervision of many large irrigation, water supply, and agricultural projects throughout the world.

He has participated in studies of water rights and river-basin adjudications, reservoir operation studies, the relationship between groundwater and adjacent streams or lakes, problems of irrigation return flows, made "safe-yield" evaluations of aquifers, and served as an expert witness in many State and Federal courts and administrative hearings.

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**EXHIBIT B**

**KEITH E. ANDERSON (continued)**

**U. S. BUREAU OF RECLAMATION**

As Regional Drainage and Groundwater Engineer, Mr. Anderson was responsible for the drainage and groundwater activities of the Bureau in the entire Columbia River Basin, including phases of investigation, design, construction, and operation and maintenance.

While serving as Area Geologist in Oregon and Montana, he was in charge of geologic exploration for two major dams on the Clark Fork River, as well as groundwater studies for irrigation water supply on several major projects.

**IOWA GEOLOGICAL SURVEY**

Mr Anderson assisted the State Geologist in the operation of an agency devoted primarily to engineering geologic investigations and water-supply studies, particularly groundwater.

**MISSOURI GEOLOGICAL SURVEY AND WATER RESOURCES**

As Groundwater Engineer, Mr. Anderson conducted state-wide investigations of water-supply facilities, including construction and rehabilitation of existing works. His work also included the geologic and groundwater aspects of dam and reservoir construction and operation.

**U. S. GEOLOGICAL SURVEY**

Mr. Anderson's service as a Groundwater Geologist included water-supply investigations and subsurface geologic studies in Washington, D.C. and the State of Iowa.

**ORGANIZATIONS:** American Society of Civil Engineers
National Society of Professional Engineers
Idaho Society of Professional Engineers
U. S. Committee on Irrigation and Drainage
American Geophysical Union
National Ground Water Association
American Water Works Association
Idaho Association of Professional Geologists

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Attorney for Protestant
M. L. Investment Company

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WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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| IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07346 IN THE NAME OF OWEN FAMILY REVOCABLE TRUST A | **NOTICE OF DEPOSITION** |

TO: Scott L. Campbell, Esq., Attorney for Applicant Owen Family Revocable Trust A; and All Parties of Record.

**PLEASE TAKE NOTICE** that the undersigned will take the testimony on oral examination of ***Mr. Terry Scanlan***, pursuant to the Rules of Civil Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01.528), before a duly authorized court reporter and Notary Public, on the ***15th day of July, 1994***, at the hour of ***2:30 p.m.*** of said day at the offices of ***J. R. Simplot Company, One Capital Center, 999 Main Street, 13th Floor, P.O. Box 27, Boise, Idaho 83702.***

Oral examination will continue from time to time until completed, and you are hereby notified to appear and take part in the examination.

JUN 07 1995

DATED this 7th day of July, 1994.

GRAY YOUNG
Attorney for Protestant
M. L Investment Company

## CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July 1994, I caused to be served a true and correct copy of the foregoing by placing same in the United States Mail, postage prepaid, addressed to the following:

Scott L. Campbell
Jeffrey W. Pusch
Elam & Burke, P.A.
Key Financial Center
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P.O Box 590
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Frank L. Bachman
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HC 85 Box 881
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L. Frank Davis
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JUN 07 1995

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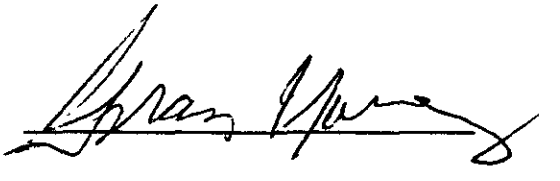
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