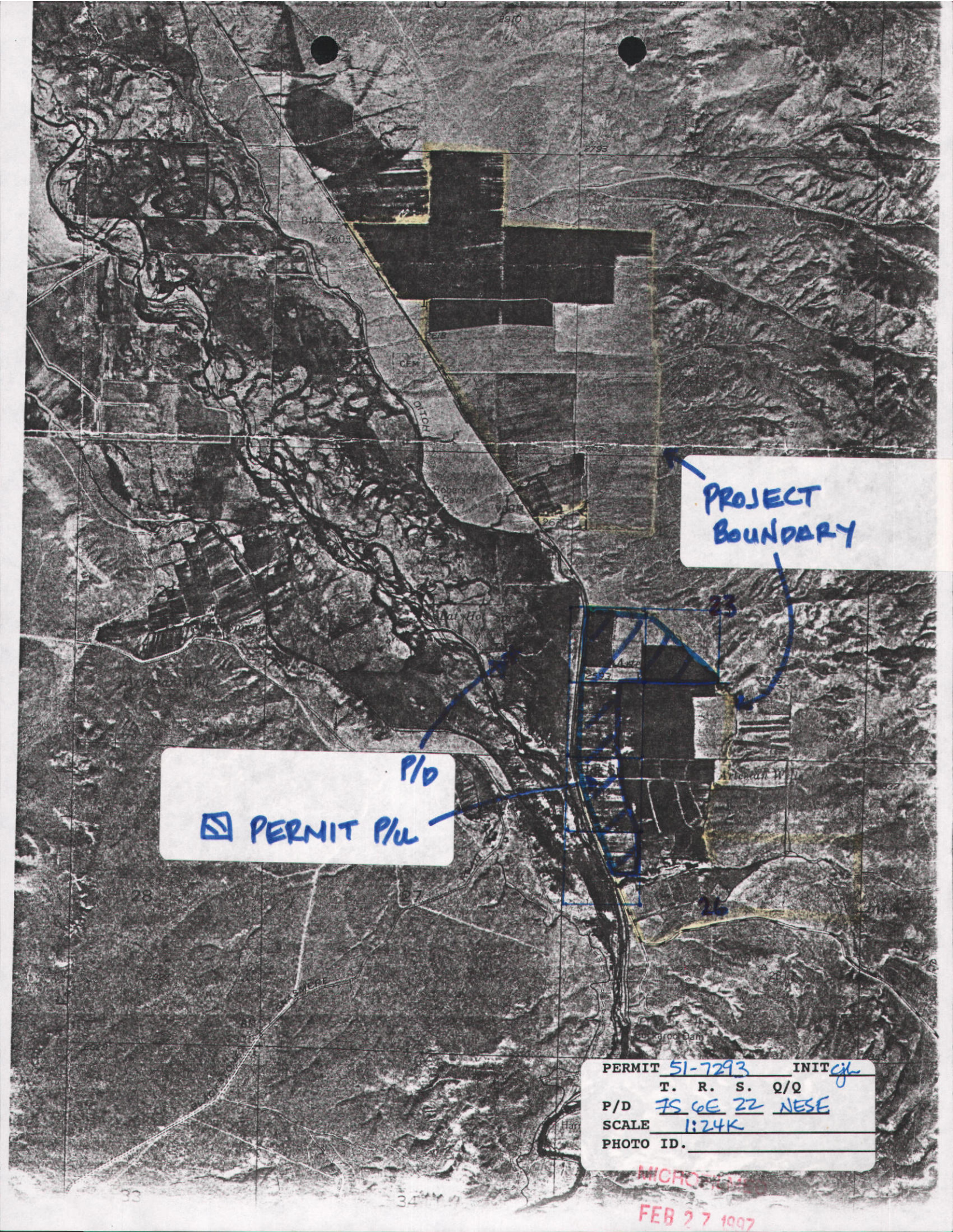
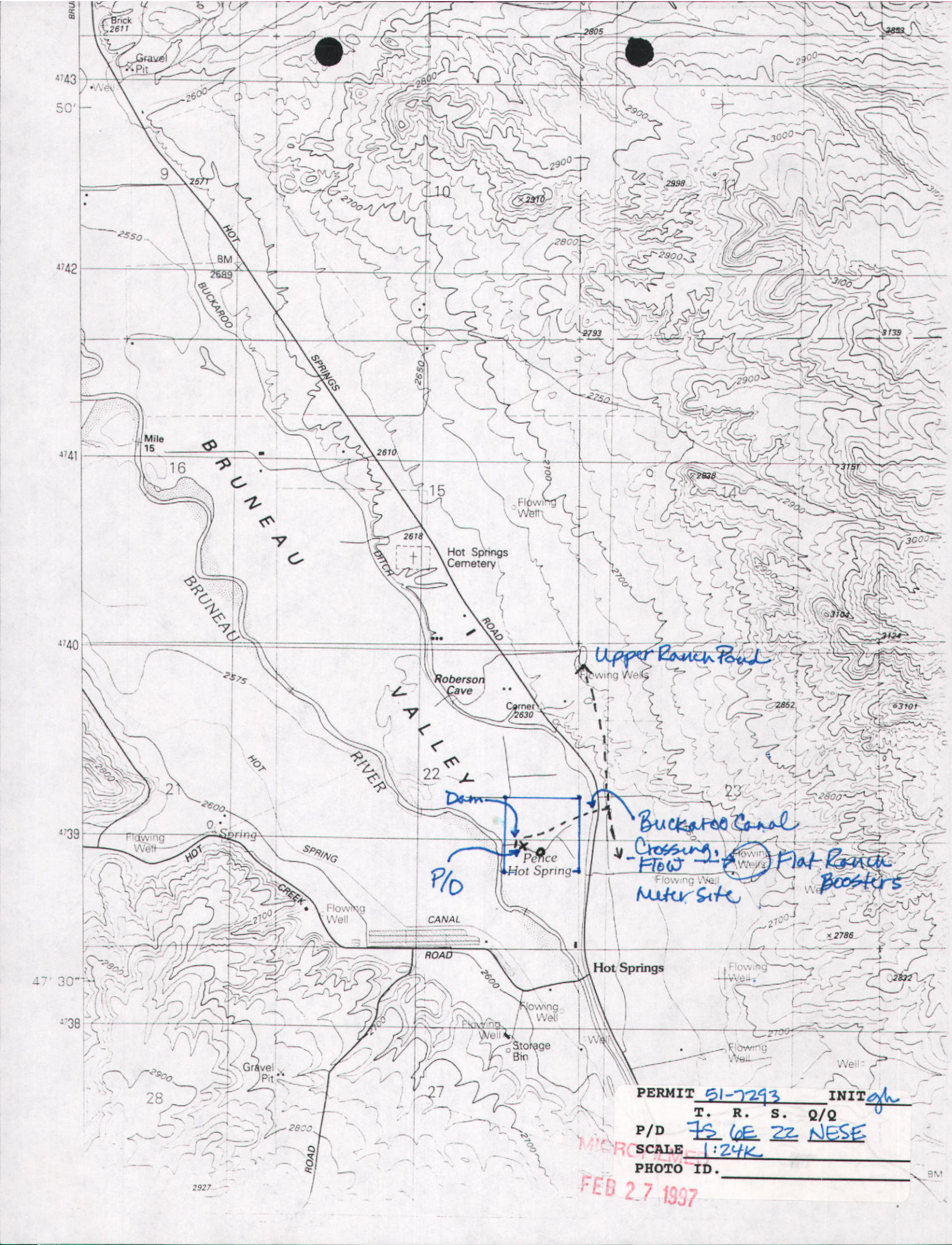

PROJECT BOUNDARY
P/D
PERMIT P/U
23
26
28
27
PERMIT 51-7293 INIT GJL
T. R. S. Q/Q
P/D 7S 6E 22 NESE
SCALE 1:24K
PHOTO ID.
FEB 27 1997



PERMIT 51-7293 INIT gh

	T.	R.	S.	Q/Q
P/D	7S	6E	22	NESE

SCALE 1:24K

PHOTO ID.

MICROFILMED
FEB 27 1997

See 51-7052 for photos of P/U

P/U →





← Measuring Device



← Pumping Pond

MICROFILMED
FEB 27 1997

51-7293

CURVE NO.
18-133
3-15-84

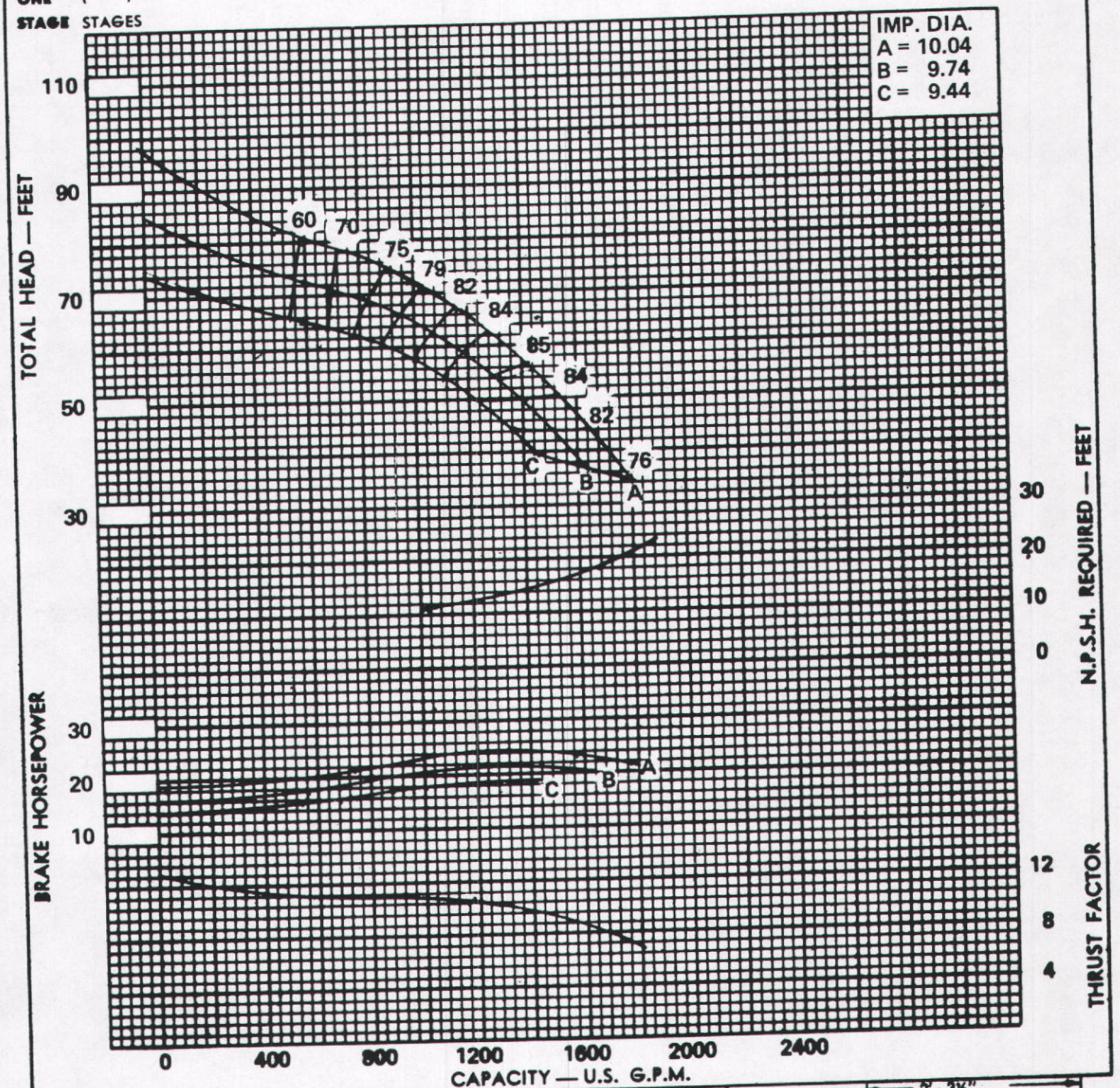
No. Stages	Eff. Change
1	−2
2	−1
3	0
4	

MATERIAL	Eff. Change
IMP.—C.I.	−1
IMP.—NI-RI	−1
BOWL—BRZ.	−2
BOWL—NI-R.	−1

13CL — 1770 R.P.M.

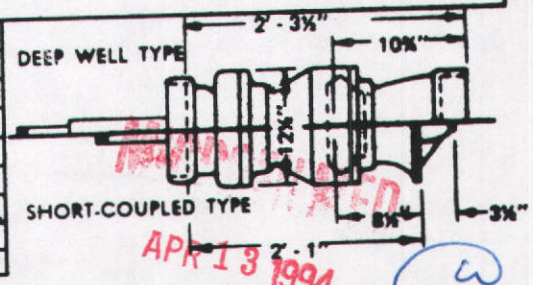
SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 3 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 3 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

ONE ( )
STAGE STAGES



EYE AREA — SQ. IN.	=	25.5			
WR² PER IMPELLER	=	1.45	LB.-FT.²		
MAX. SPHERE SIZE	=	1.00	in.		
MAX. NO. STD. STAGES	=	8			
MAX. OPERATING P.S.I.	=	400			
STD. LATERAL	=	.84	in.		
STD. SHAFT DIA.	=	1.687	in.		
MAX. SHAFT DIA.	=	1.937	in.		
MIN. SUBMERGENCE	=	33	in.		

IMPELLER WT.-LBS.	=	17.5	
ONE STAGE WT.-LBS.	=	278	
ADD'L STAGE WT.-LBS.	=	116	
IMPELLER NUMBER	=	65C13	
DISCH. SIZES	=	8,10	
SUCTION SIZES	=	10	
MAX. LATERAL	=	1.00	in.
BOWL CONN.		FLANGED — COLLET	
ADD 11.38		" PER ADDITIONAL STAGE.	

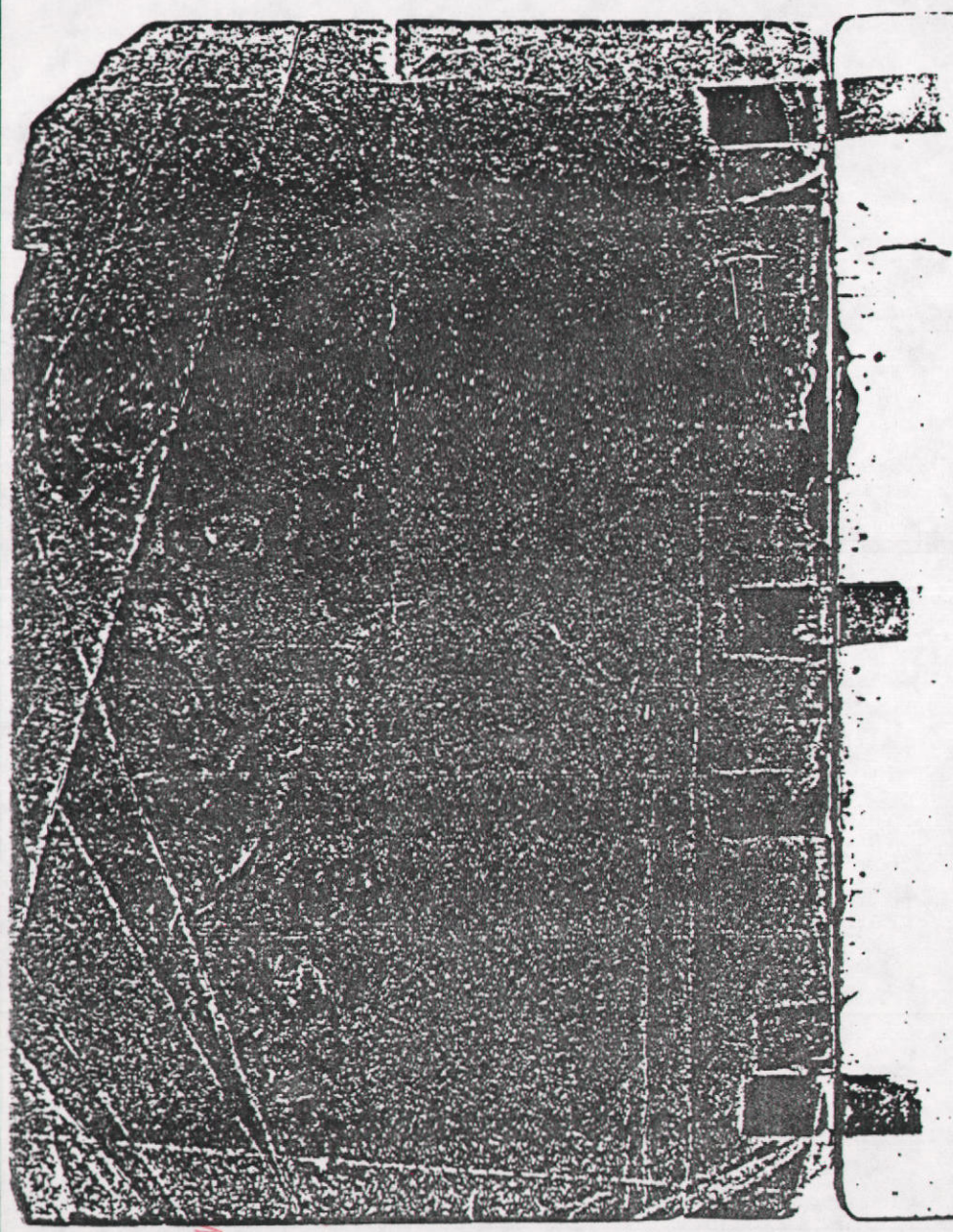


APPROVED
APR 13 1994

Admitted
11-26-91
MM

EXHIBIT
A
Blumberg No. 5118

MICROFILMED
MAR 05 1992



IN THE

DISTRICT COURT

OF THE

THIRD JUDICIAL DISTRICT

OF THE

STATE OF IDAHO

IN AND FOR THE

COUNTY OF ADA

GRANDVIEW IRRIGATION DISTRICT, *Plaintiff,*

vs.

BRUNEAU BUCKAROO CO-OPERATIVE DITCH COMPANY, et al, *Defendants.*

DECREE

This cause having come on to be heard this 14 day of February, 1925, upon the complaint of the plaintiff and the answers and cross-complaints of the appearing defendants, the default of non-appearing defendants having heretofore been entered, and upon the stipulation of all the parties appearing herein,

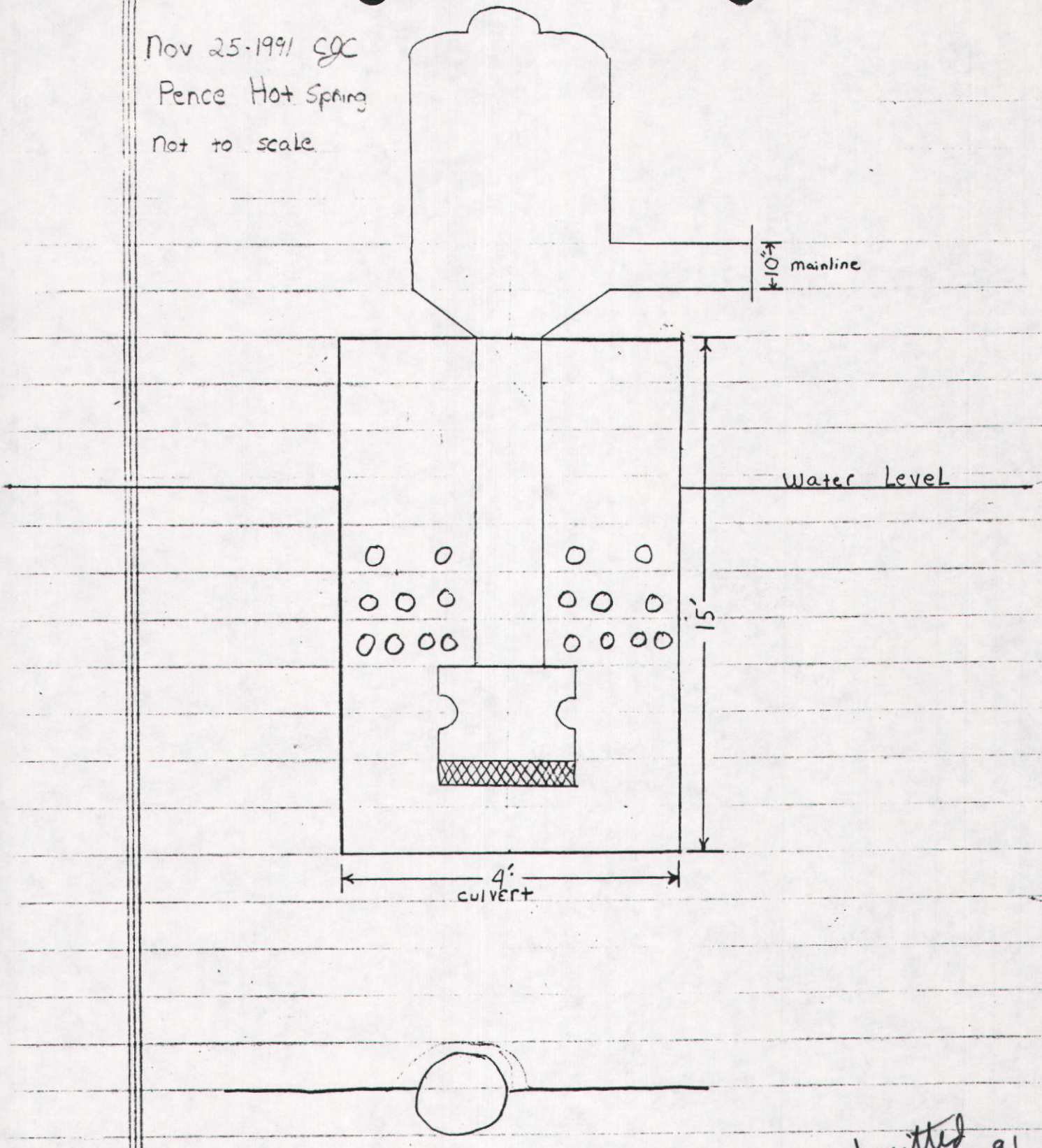
IT IS HEREBY ORDERED, ADJUDGED and DECREED, during the irrigation season, Dry Creek, (sometimes referred to as Jack's Creek) is an independent stream not tributary to the Bruneau River, for the reason that all the water of said

FILMED
MAR 05 1992

Nov 25-1991 SJC

Pence Hot Spring

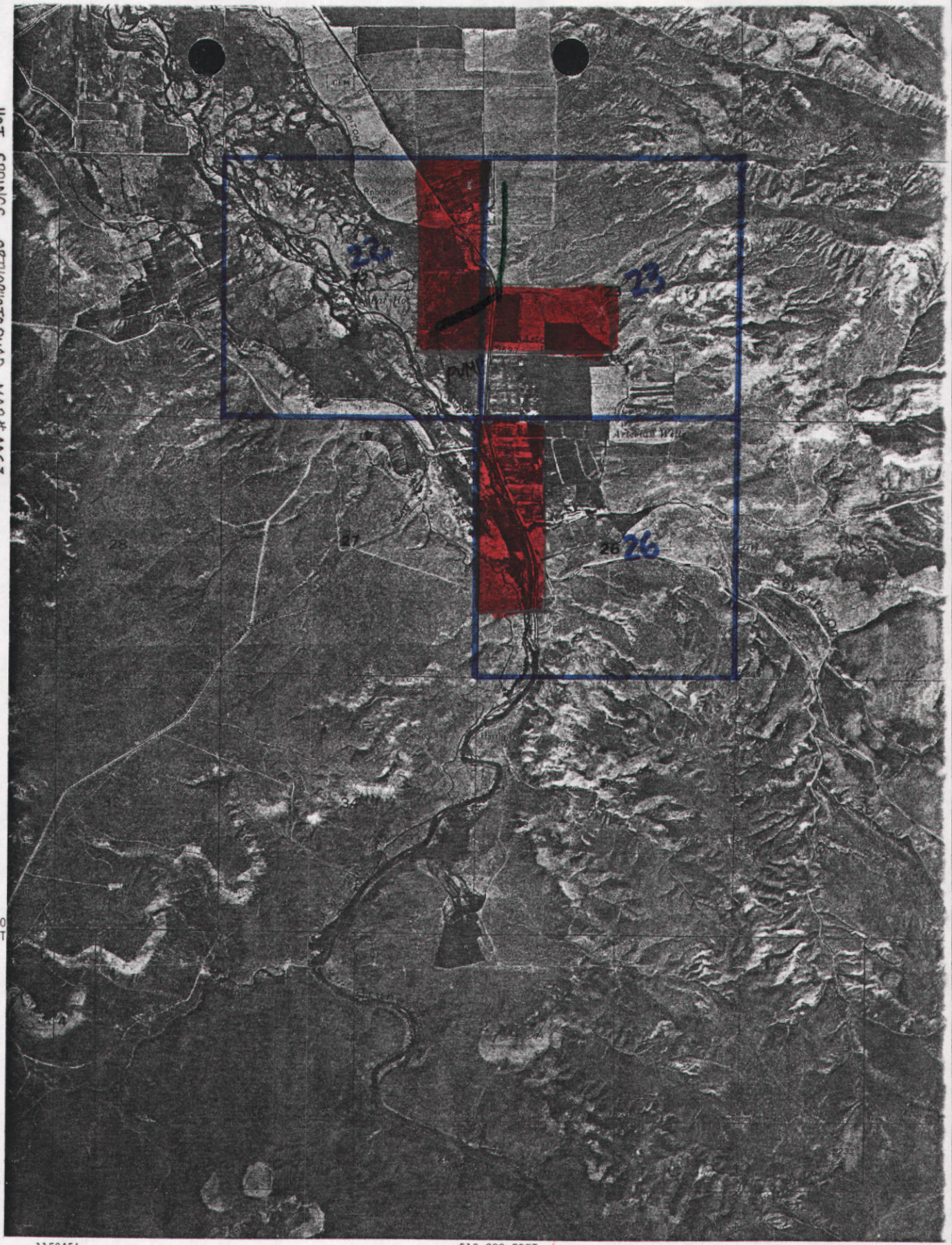
Not to scale



admitted
11-26-91
yjs

MICROFILMED
MAR 05 1992

Exhibit H



Produced by the Geological Survey

Orthophotograph prepared from 1:76,000-scale aerial photographs taken August 4, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (transverse Mercator) 1000-metre Universal Transverse Mercator grid ticks, zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques which may produce double or mismatched images; use the mean of image positions for map point.

SCALE 1:24 000

1 0
1000 0 1000 2000 3000 4000
1 5 0

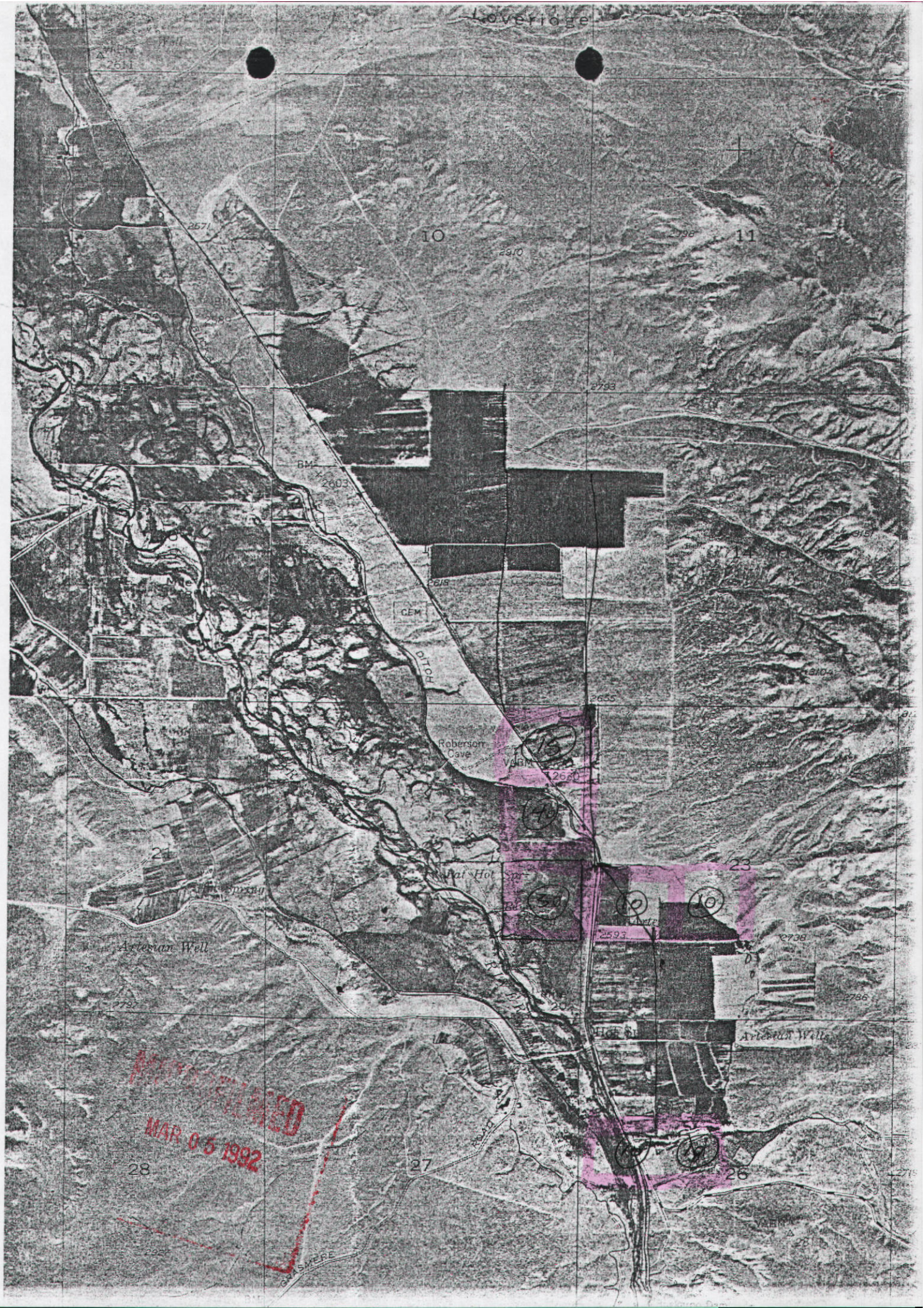
NORTH

SECTION
INTENDED USE

THIS MAP COMPLIES WITH NATIONAL MAP AC
FOR SALE BY U.S. GEOLOGICAL SURVEY, MENL

MAR 05 1992

EXHIBIT
J
Blumberg No. 5118


Loveridge
10
11
14
15
23
26
27
28
BM
2603
CEM
DITCH
Robertson Cave
Hot Spr
Artesian Well
Artesian Wells
ROAD
MAR 05 1992

Dept. of Water - Statehouse

THE OWYHEE AVALANCHE

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss
COUNTY OF OWYHEE)

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

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

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

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

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in two(2) (consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

November 21 & 28, 1990

Signed Joe E Aman

Subscribed and sworn to before me this 28th day of Nov. A.D., 19 90

Chris Baham

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 1996

NOTICE OF APPLICATION FOR TRUST WATER RIGHTS

51-07293
OWENS RANCH TRUST
RICHARD L. OWEN, TRUSTEE
BOX 590
BRUNEAU, ID 836040000
Source: SPRINGS
Diversion Pt: NESE Sec 22 T 07S R 06E
Use: IRRIGATION (2.500 CFS)
Total Diversion: (2.500 CFS)
Date Filed: 6/27/ 1986
In: T07S R06E S22 NENE SENE NESE
S23 NESW NWSW
S26 NWNW SWNW
125.0 ACRES TOTAL

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 public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before DECEMBER 13, 1990.

R. KEITH HIGGINSON, Director

Publish November 21 & 28, 1990

OK TJL 12-3-90

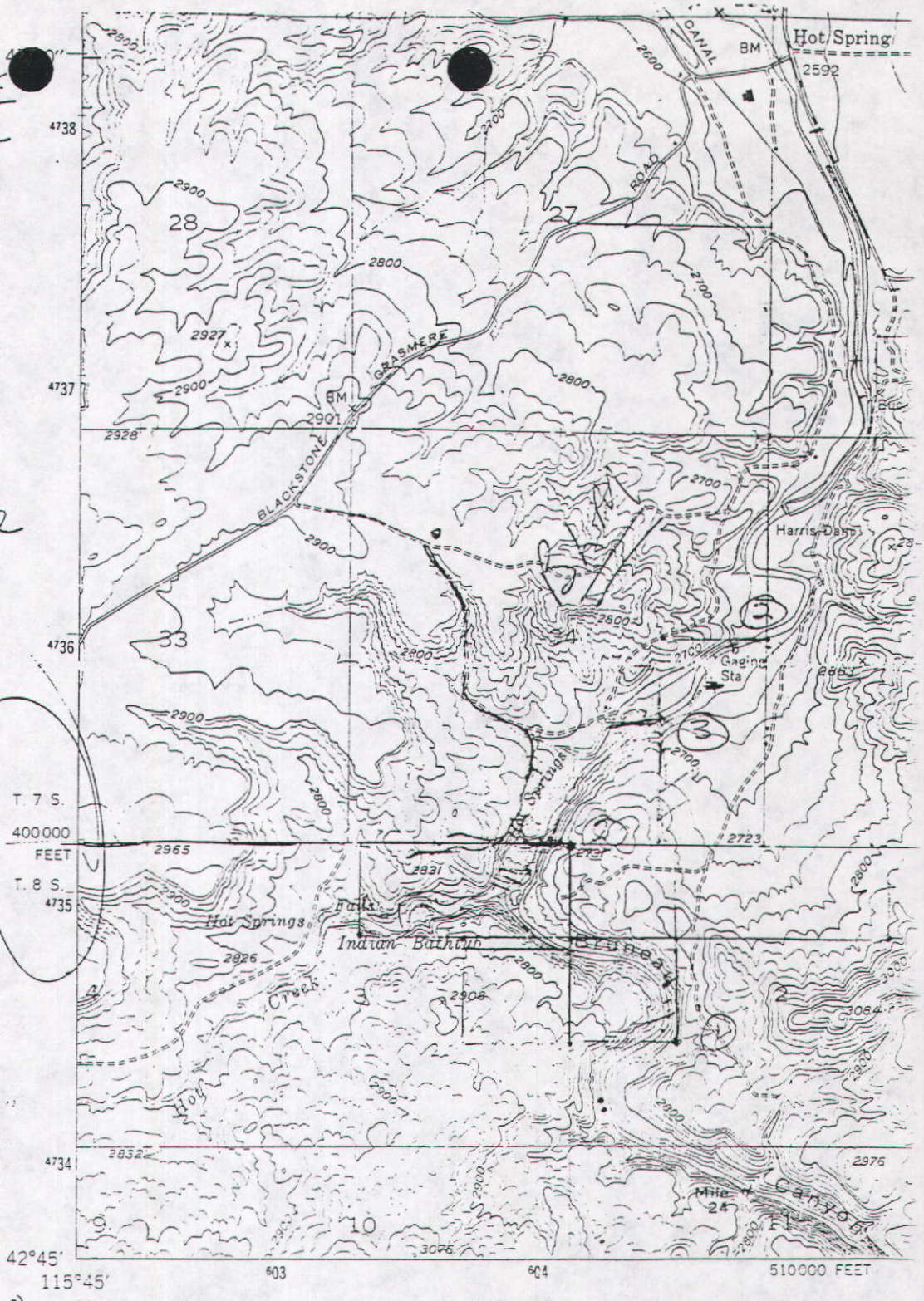
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MAR 05 1992

T7S, R6E
T8S, R6E

① On put. land

② Appears to be on put. land boundary

③ On BLM land



77.04 SURFACE ACRES
0.34 m. BRUNEAU
0.40 m. HOT CR.
13 ACRES RIPARIAN

0.4 m HOT CREEK
0.7 m BRUNEAU RIVER

SURFACE THAT SHOULD BE ISOLATED
T7S R6E SE¼ NE¼ Sec 3
T8S R6E SW¼ NW¼ Sec 2

Field T PO + BH on ground 4/3/91

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Culture and drainage in part compiled from aerial photographs taken 1946
Topography by plane-table surveys 1946–1947

Polyconic projection. 1927 North American datum
10000 foot grid based on Idaho coordinate system, west zone
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

GN MN
0°54' / 16 MILS
19° / 338 MILS
UTM GRID AND 1947 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

(BIG HILL 1:62500) 2869 III

MICROFILMED
MAR 05 1992

EXHIBIT A



RECEIVED
FEB 05 1992

Mapped, edited, and published by the Geological Survey



T7S, R6E
T8S, R6E

(1) On put. land
(2) Appears to be on put. land boundary
(3) On BLM land

7½ SURFACE ACRES
0.34 m. BRUNEAU
0.40 m. HOT CR.
13 ACRES RIPARIAN

0.4 m. HOT CREEK
0.7 m. BRUNEAU RIVER

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Culture and drainage in part compiled from aerial photographs taken 1946

Topography by plane-table surveys 1946-1947

Polyconic projection. 1927 North American datum
10000 foot grid based on Idaho coordinate system, west zone
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

UTM GRID AND 1947 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

MICROFILMED
MAR 05 1992

(BIG HILL 1:62500 2869 III)

Field T 20 x 84 on W.I 4/3/91

EXHIBIT A

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 51-07293

Priority: June 27, 1986 Maximum Diversion Rate: 2.34 CFS

This is to certify, that J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1986; and has submitted Proof of Beneficial Use on January 5, 1994. An examination indicates that the works have a diversion capacity of 2.340 cfs of water from:

UNNAMED STREAM tributary to **BRUNEAU RIVER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 07/15	2.34 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 22, Township 07S, Range 06E
OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
07S	06E	14	SWNW	40	NWSW	40	SWSW	40	120
		15	NWNE	40	SWNE	40	SENE	40	
			SENW	29	NESE	40	NWSE	38	
			SWSE	16	SESE	40			283
		22	NENE	24					24
		23	NWNW	35	NESW	27	NWSW	33	
			SWSW	37	SESW	38			170
		26	SWNE	40	SENE	40	NENW	36	
			NWNW	31	SWNW	16	SENW	38	
			NESW	12.5	NWSW	1.5			215

Total number of acres irrigated: 812

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

WR DOCUMENTED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 51-07293

CONDITIONS OF APPROVAL AND REMARKS

5. 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.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre for the lands above.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 3248.0 af for the lands above.
8. This right is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 8TH day of FEBRUARY, 1977.

KARL J. DREHER, Director

RECEIVED
JAN 15 1997
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 51-07293

Date of Priority: June 27, 1986 Maximum Diversion Rate: 2.34 CFS

Comes now J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027 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. 51-07293, and requests that the permit be changed as follows:

Source: **UNNAMED STREAM** tributary to **BRUNEAU RIVER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 07/15	2.34 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 22, Township 07S, Range 06E OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
07S	06E	14	SWNW	40	NWSW	40	SWSW	40	120
		15	NWNE	40	SWNE	40	SENE	40	
			SENW	29	NESE	40	NWSE	38	
			SWSE	16	SESE	40			283
		22	NENE	24					24
		23	NWNW	35	NESW	27	NWSW	33	
			SWSW	37	SESW	38			170
		26	SWNE	40	SENE	40	NENW	36	
			NWNW	31	SWNW	16	SENW	38	
			NESW	12.5	NWSW	1.5			215

Total number of acres irrigated: 812

MICROFILMED
FEB 2 2 1997

Permit holder asserts 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 7th day of January, 1997.

J.R. Simplot Revocable Trust
by Lawrence Grover
(Signature) Attorney in Fact

RECEIVED
JAN 15 1997
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 51-07293

****

FOR DEPARTMENT USE ONLY

Preliminary check by Kat Fee =$30.00 Receipted by Kat # C037662 Date 1-15-97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 51-07293 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. 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.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre for the lands above.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 3248.0 af for the lands above.
8. This right is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.

Witness my hand this 8TH day of February, 1997.

Acting for KARL J. DREHER, Director

MICROFILMED
FEB 27 1997

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

February 11, 1997

J.R. SIMPLOT
REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

RE: WATER RIGHT NO. 51-07293

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:**

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

i. A hearing was held,
ii. The final agency action was taken,

iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

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

For your records I have also enclosed a copy of your Application for Amendment of Permit.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley Watter Keen

Shelley W. Keen
Water Rights Supervisor

SWK:pah

Enclosures

c: Western Region

CERTIFICATE OF MAILING

I hereby certify that on the **11th** day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 51-07293

J.R. SIMPLOT
REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

Patti Harrell
Patti Harrell
Secretary

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

MEMORANDUM

TO: Norm Young DATE: January 24, 1997

FROM: Frank Sherman

SUBJECT: IDWR Permit No. 51-07293

I have examined the water right's file and Mladenka's report "The Ecological Life History of the Bruneau Hot Springs Snail." Two points which bear on the issuance of the water right are:

1) On page 68, Mladenka says that he found snail sites along the Bruneau River from a point 4.46 km above and 4.30 km below the confluence with Hot Creek. Pence Hot Spring discharges to the Bruneau River approximately 4.99 km below the Hot Creek confluence. Alterations in spring discharge should not impact the Bruneau River snail population.

2) The Beneficial Use Field Report dated 1-5-96 states: "Source known as Pense (sic) Hot Springs. However, source developed in drainage below springhead, therefore recommend changing source to unnamed stream. Cold springs also feed the impounded area." When diverted, the thermal water has already been cooled by commingling with cold water. There would seem to be little or no chance for Bruneau snails to live in the Pence spring discharge below the point of mixing.

FS:cjk

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
JAN 15 1997
Department of Water Resources

January 9, 1997

Shelley W. Keen
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Re: IDWR Permit No. 51-07293.

Dear Shelley:

Enclosed is the signed application to amend the above referenced permit you included with your letter dated December 30, 1996, to the J. R. Simplot Revocable Trust. Also enclosed is a $50.00 check to cover your filing fee.

The enclosed amendment was signed by Ronald N. Graves, Attorney in Fact, on behalf of the J. R. Simplot Self-Declaration of Revocable Trust. I have also enclosed a copy of the Appointment of Agents and Limited Power of Attorney – J. R. Simplot Self-Declaration of Revocable Trust d/b/a Dick Shooter Cattle Co.. This Appointment grants Mr. Graves the authority to sign on behalf of the Trust in this matter.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosures

RECEIVED
JAN 15 1997
Department of Water Resources

APPOINTMENT OF AGENTS AND LIMITED POWER OF ATTORNEY
J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST
D/B/A DICK SHOOTER CATTLE CO.

J. R. Simplot, as Trustee ("Trustee") of the J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST, an Idaho trust registered in the Fourth Judicial District, State of Idaho, County of Ada, Instrument Number 3T-788 (the "Trust"), hereby appoints **Ronald N. Graves,** of Boise, Ada County, Idaho, and **Thomas J. Basabe,** of Grand View, Elmore County, Idaho, acting individually or in common, as his duly authorized agents and representatives in all matters arising out of or relating to the Trustee's duties, obligations, rights, powers and authority as the owner of (1) the Dick Shooter Cattle Co. and Dick Shooter Ranch, a cow/calf operation consisting of certain Owyhee County, Idaho real property and appurtenant water rights, improvements, personal property, and a herd of brood cows and other livestock including, but not limited to, bulls and horses; (2) all associated grazing allotments, rights, licenses, permits and leases, including, but not limited to, U.S. B.L.M. grazing rights, licenses and permits and State of Idaho grazing leases covering portions of land located in Owyhee County, Idaho and elsewhere; and (3) any and all livestock associated with the Trust's Dick Shooter Cattle Co. operation whether located on the Dick Shooter Ranch in Owyhee County, Idaho or elsewhere. Items 1, 2 and 3 above, collectively shall be referred to herein as the Trust's Dick Shooter Cattle Co Property The Trustee on behalf of the Trust does hereby ratify and affirm all prior acts done in relation to the Dick Shooter Cattle Co. Property by the aforementioned agents on its behalf.

The power and authority granted to Ronald N. Graves and Thomas J. Basabe by this instrument is expressly limited to all matters arising from or relating to the Trust's Dick Shooter Cattle Co. Property and does not extend to any other properties or rights owned or held by the Trust. This instrument is not intended to limit or terminate any power or authority Ronald N. Graves and Thomas J. Basabe may have with respect to any other property of the Trust as a result of other written instruments.

This appointment and authorization gives and grants unto Ronald N. Graves and Thomas J. Basabe, acting individually or in common, full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done as fully and to all intents and purposes as the Trustee might or could do in his capacity as owner of the Trust's Dick Shooter Cattle Co Property. Thomas J. Basabe and Ronald N. Graves, acting individually or in common, are hereby expressly authorized

and empowered to execute on behalf and in the name of the Trust d/b/a Dick Shooter Cattle Co. all applications for the United States Department of the Interior, Bureau of Land Management and the United States Department of Agriculture Forest Service applications, permits and licenses, including applications for transfer, as well as all forms for the application for lease agreements or transfers or assignments thereof with the states of Idaho and Nevada for state grazing leases. This appointment of agents is valid until terminated, with or without notice, in writing by the Trustee at any time.

Further, the Trustee hereby appoints Ronald N. Graves and Thomas J. Basabe, acting individually or in combination, and by these presents does make, constitute and appoint said individuals, his true and lawful attorneys for and in his name, place and stead, and for his use and benefit, with respect to the Trust's Dick Shooter Cattle Co. Property, to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable or belonging to the Trust and to have, use and take all lawful ways and means in the name of the Trust or otherwise for the recovery thereof, by all legal means, and for the Trust in its name to make, seal and deliver, to bargain, contract, agree for, purchase, receive and take lands, tenements, hereditaments and accept the seisin and possession of all lands, and all deeds and other assurances in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments upon such terms and conditions and under such covenants as each such agent shall think fit, on behalf of the Trust with respect to the Trust's Dick Shooter Cattle Co. Property. Further, said attorneys-in-fact are each empowered to bargain for, buy, sell, mortgage, hypothecate and in any way and in every manner deal in and with goods, cattle, other livestock, crops, wares, merchandise, chooses in action, stock, bonds, warehouse receipts, security agreements, financing statements, brands, brand transfers, brand inspections, negotiable instruments, commercial paper and bills of lading, and to make and do and transact all and every kind of business of whatsoever nature or kind, and also for the Trust and in its name and as its act in deed to sign, seal, execute, deliver and acknowledge such deeds, leases, related lease documents, assignments of leases, brand transfers and brand inspections, covenants, indentures, agreements, mortgages, hypothecations, bills of lading, bills, bonds, notes, receipts, evidences of debts, releases and satisfaction of mortgages, judgments and other debts, and such other instruments in writing of whatever kind and nature as may be necessary and proper in the premises with respect to the Trust's Dick Shooter Cattle Co. Property.

Giving and granting unto my said attorneys power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as the Trustee on behalf of the Trust with respect to the Trust's Dick Shooter Cattle Co. Property might or could do if personally present (with full power of substitution or revocation), hereby ratifying and confirming all that my said attorneys (or their substitutes) shall lawfully do or cause to be done by virtue of these presents.

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

By _____
J. R. SIMPLOT, Trustee

STATE OF IDAHO)
) ss.
County of Ada)

On this 3rd day of October, 1994, before me, a Notary Public in and for said State, personally appeared **J. R. Simplot**, known or identified to me to be the 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, and acknowledged to me that he executed the same on behalf of said trust.

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

Holly Dapi
Notary Public for Idaho
Residing at: Meridian
My Commission Expires: 10-13-99

5823v
09/29/94 02:29 PM

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

December 30, 1996

J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 837070027

RE: WATER RIGHT NO. 51-07293

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the $50 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

LICENSE REVIEW CHECKLIST

PERMIT NO. 51-7293 DATE 10/25/96 REVIEWER: *SHARLA*

	Change	OK	
NAME	___	✓	Address Change NO
SOURCE	___	✓	Is change clarification of originally intended source? WCS If not, prepare Notice of Intent to Void ___
POINT OF DIV	___	✓	Amendment required NO
PLACE OF USE	✓ pu		Amendment required WCS

Does map agree with written description? ✓ yes ___ no

OVERLAPS ___ P/D ___ P/U

RATE OF DIV

Permitted Rate	2.5 cfs	
Fee limit	3.0 ~~12.0~~ cfs	$375.00 - $150.00 = 225.00 refunded
Measured	2.34 cfs	
Theoretical	2.53 cfs	

Recommended Total Div Rate 2.34 cfs

ANNUAL VOLUME/ NATURE OF USES ___ ✓

4/1 - 7/15

Use	Volume Calculation
Irr.	___ af
___	___ af
___	___ af
___	___ af
SUBTOTAL	___ af

Flow rate 2.34 cfs X ____ days X 1.98 = ____ af

Total volume recommended ____ af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS WBT (3248.0)

CONDITIONS ___ Watermaster Control WD# ____
___ GW Measurement/Measuring Device
R26 Overlap R55 R56
___ Use-specific conditions DS1, DS2, ~~DS5~~

meas. port installed - cond complied with

Advancement of Priority Date Required ___ yes ___ no

SRBA Claim Filed N/A
Adjustment Memo ___
xfer on gw nts.

1st Amend Letter P41, P38
2nd Amend Letter P42

Form 219
6/92

RECEIVED
JAN 1 1 1996
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 51-7293

1. Owner: J R Simplot Revocable Trust Phone No. 336 2110

Current Address: Po Bx 27 Boise ID 83707

2. Accompanied by: Frank Bachman, Oscar Whitted EXAM DATE: 6/6/95

Address: land Mgr, Farm Mgr Phone No. 389-7389 (Frank)

Relationship to Permit Holder:

* 3. Source: Unnamed Stream tributary to Bruneau River
see remarks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: (G.W.) 51-7082, (S.W.) 51-0005, 51-7346, all G.W. rights under XFER 3324 ~~51-0064, 51-0070~~

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

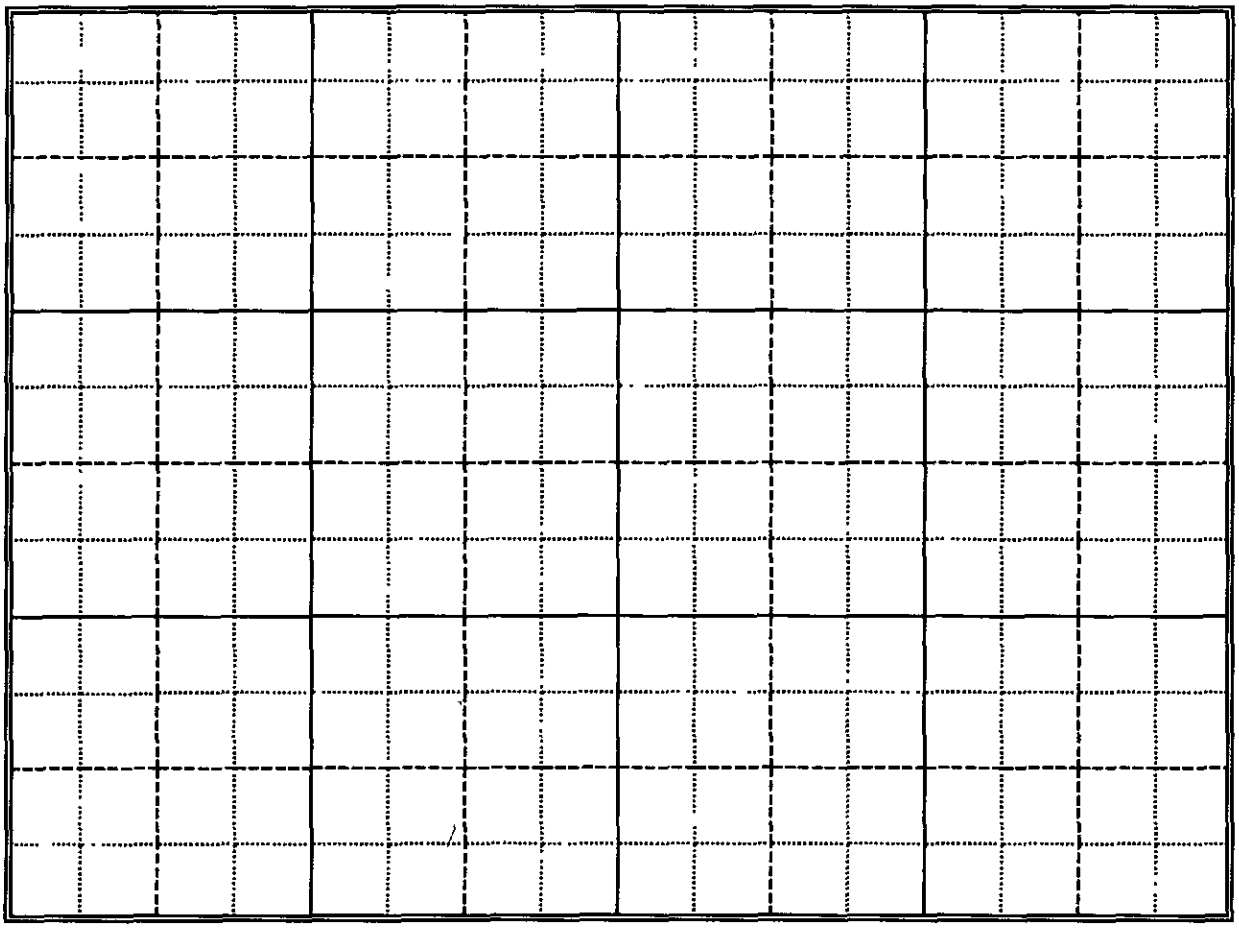
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SE	22	7S	6E	Owyhee	P/D at pump, Not at Springs

2. **Place(s) of Use:** Indicate Method of Determination Existing exams (see 51-7082 et al)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	6E	23									27	33	18						78
		26						31	16										47
																			125

MICROFILMED
FEB 2 7 1997

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



Scale: 1" = _____.

Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
~~See 51-7082~~

See 51-7082
Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4. 1770 rpm

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Elec	50	6232N04L3	2RO23R-1	*
				Well Line	4P87016 2 Stage
					130L

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No	Serial No.	Size	Calib. Date
Flow Meter	Totalizing	Grainland	FM-4002	16012	9.7825"	?
	Electronic (Non Invasive)				I.D.	

2. **Measurements:** 50 psi @ pump + 6' Lift

Rate 1020-1050 Total Vol @ date 13,560,000 2.3 cfs

E. NARRATIVE/REMARKS/COMMENTS

50 HP pump at Spring Pond. Flows dammed @ road, pumped from Static Pond to ~~[illegible]~~ cross Bruneau Buckaroo ditch to junction box. Meas device @ Buckaroo ditch site read 1020-1050 gpm time of exam. (Flows do not enter Buckaroo Ditch). FROM Junction, flows are commingled with Bruneau Buckaroo water (under 51-0005 et al) ~~and then~~ then routed north to Upper Ranch pond or South to Flat Ranch booster Station. At either of these locations, flows further commingled w/ ground water under several rights (WFR 3324) (See also 51-7082 for detailed system descriptn.)

* Source known as Preuse Hot Springs. However, Source developed in drainage below Springhead, therefore recommend changing Source to unnamed Stream. Cold springs also feed the impounded area.

Flows may be delivered under this right at all locations under system. Total acres = 812 (See B/u exam, 51-7082) Permit acres = 125. For consistency in licensing, have used ~~Syster~~ acres determined by Rob Howerton in 51-7082, Limited license to acres in S. Half of project.

Other overlaps: Permit 51-7346 approved May 95 for additional appropriations from Bruneau R. on same lands. Development of this permit does not affect recommendation of this right.

Conditions: Combined irr. applications not to exceed .02 cfs/ac. Total acres irr per season not to exceed 125 under this right. Note limited irrigation season.

Have conditions of permit approval been met? \ yes ___ no

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method: Flow Meter 2.34 cfs * System capacity.

HP equation: $\frac{50 \times .7 \times 8.8}{6 + (50 \times 2.31)} = 2.53$ cfs

* Because of accuracy of this type device & the variables present in HP equation, am selecting lower flow as system capacity.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 125 x 4 = 500

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 2.34 x 106 x 1.9835 = 491

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 491

restricted season of use

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4-1	7-15	2.34	~~500~~ 491
		Totals:	2.34	491

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above \ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name Cindy J Hodges Date 1.5.96

Reviewer _____ Date _____ SEAL

from 51-7082

NARRATIVE/REMARKS ATTACHMENT
OVERLAP REVIEW FOR RECOMMENDED IRRIGATED LAND

Notes by: Ron Howerton 5/17/94

Permit 51-07082

A) GROUNDWATER TRANSFER 3324:

1. This transfer consists of 12 licensed rights: 51-02089B/02091/02120/02123/02127/02150/02165/02169/02170/02213B/07047/07058.

2. The points of diversion listed on the transfer are the same ones listed on this permit after the amendment was made.

3. See the system diagrams labeled OWEN'S PERMIT 51-07082 and the ASCS MAP for the locations of the recommended P/D's.

B) PENSE SPRING PERMIT 51-07293:

1. This permit has just recently had proof of beneficial use shown. The diagrams listed above both show the location of the spring mainline commingling into the groundwater mainline (NWSW S23). This is a surface water source permit and overlaps several same 1/4 1/4's.

C) TRANSFER 4265, WATER RIGHT 51-00005:

1. This transfer is also from a surface water source. Its pumping station is located in the NWSW S23, it enters into the GW mainline right next to the same location as Pense Spring's mainline.

D) MAPS:

1. The System Diagram is plotted on a sheet labeled OWEN'S PERMIT 51-07082.

2. The ASCS MAP also shows the system diagram with acre and legal data.

3. The Ortho Photo Map shows an over all look at all of the lands irrigated by the Groundwater Wells.

E) PHOTOS:

1. The photos have additional information that clarifies the recommendations for this permit.

F) OVERLAP REVIEW SUMMARY:

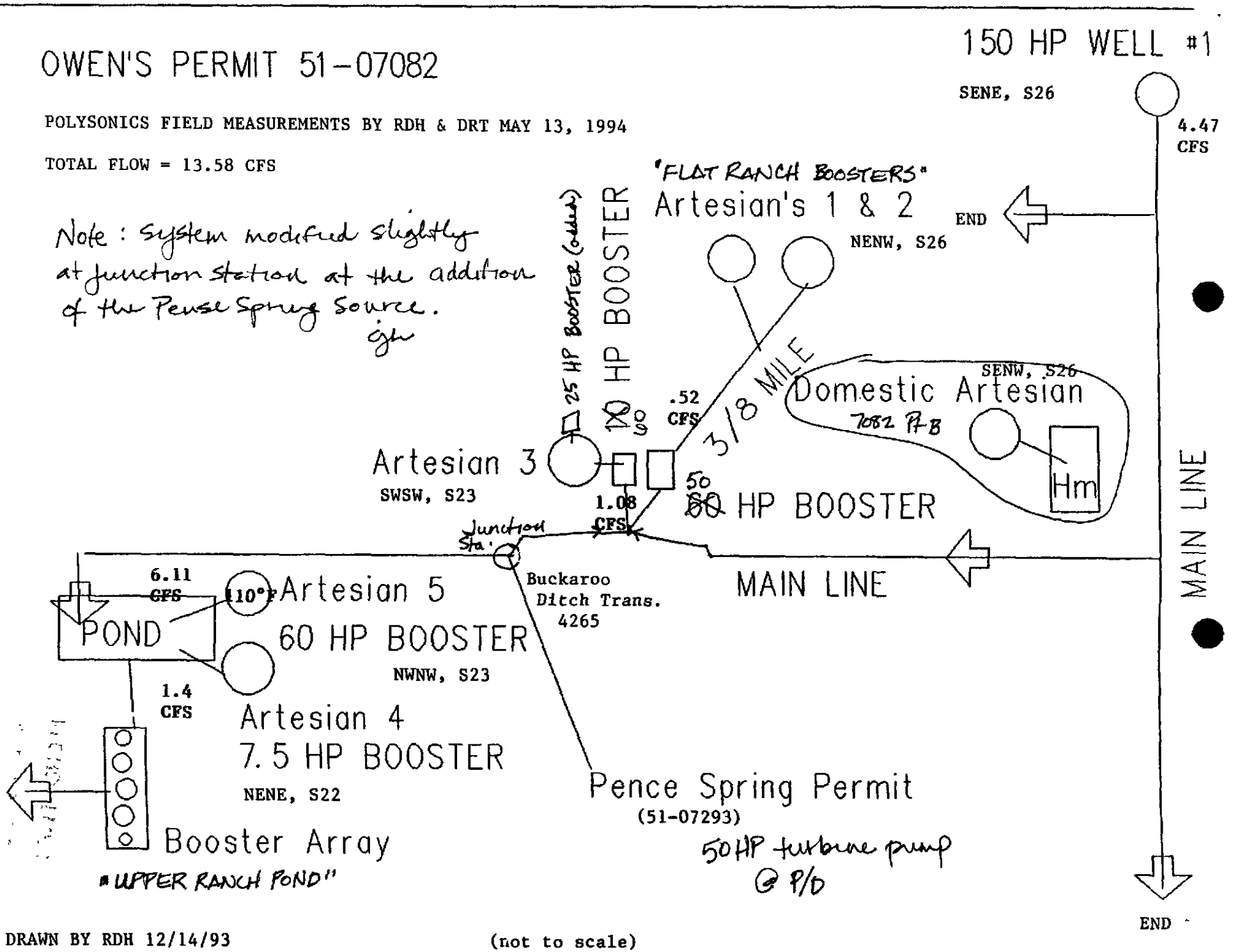
1. See Overlap Review Sheets. These show the acres that will be recommended. Cross hatching is shown on the groundwater acres.

OWEN'S PERMIT 51-07082

POLYSONICS FIELD MEASUREMENTS BY RDH & DRT MAY 13, 1994

TOTAL FLOW = 13.58 CFS

Note: System modified slightly at junction station at the addition of the Pense Spring Source. jgw



DRAWN BY RDH 12/14/93

(not to scale)

MAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 51 - 07082 &(12 LIC) TRANS. 3324

AGENT RON HOWERTON DATE 5/17/94 51 - 07293 51 - 00005 TRANS 4265

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
GW	T3324	7S	6E	14							40			40	40						120	
				15		40	40	40				29					40	38	16	40	283	
				22	24																24	
				23						35			27	29		38					129	
				26		45	37		36			38									92	648

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				+ SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
GW	7082	7S	6E	23										4	37						41	
				26			25	37		31	16		12.5	1.5							123	164
							40	40	No-overlap Total Acres					33								812 TOTAL

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
51-7293 PENSE SPR	7293	7S	6E	22	~~15~~			~~40~~	← not developed →								~~30~~				~~85~~	
PERMIT SURFACE				23									27 NQ	33 NQ	18						80	78
WATER				26						31 NQ	16 NQ										20	47 125

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
TRANS 4265	0005	7S	6E	14										38	38						76	
Buckaroo Ditch	~~7344~~			15													40		15	40	95	
				22	40																40	
SURFACE WATER				23						38			40	39	40	40					197	408

WR0725NP
(OD-725)

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 01/05/96
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

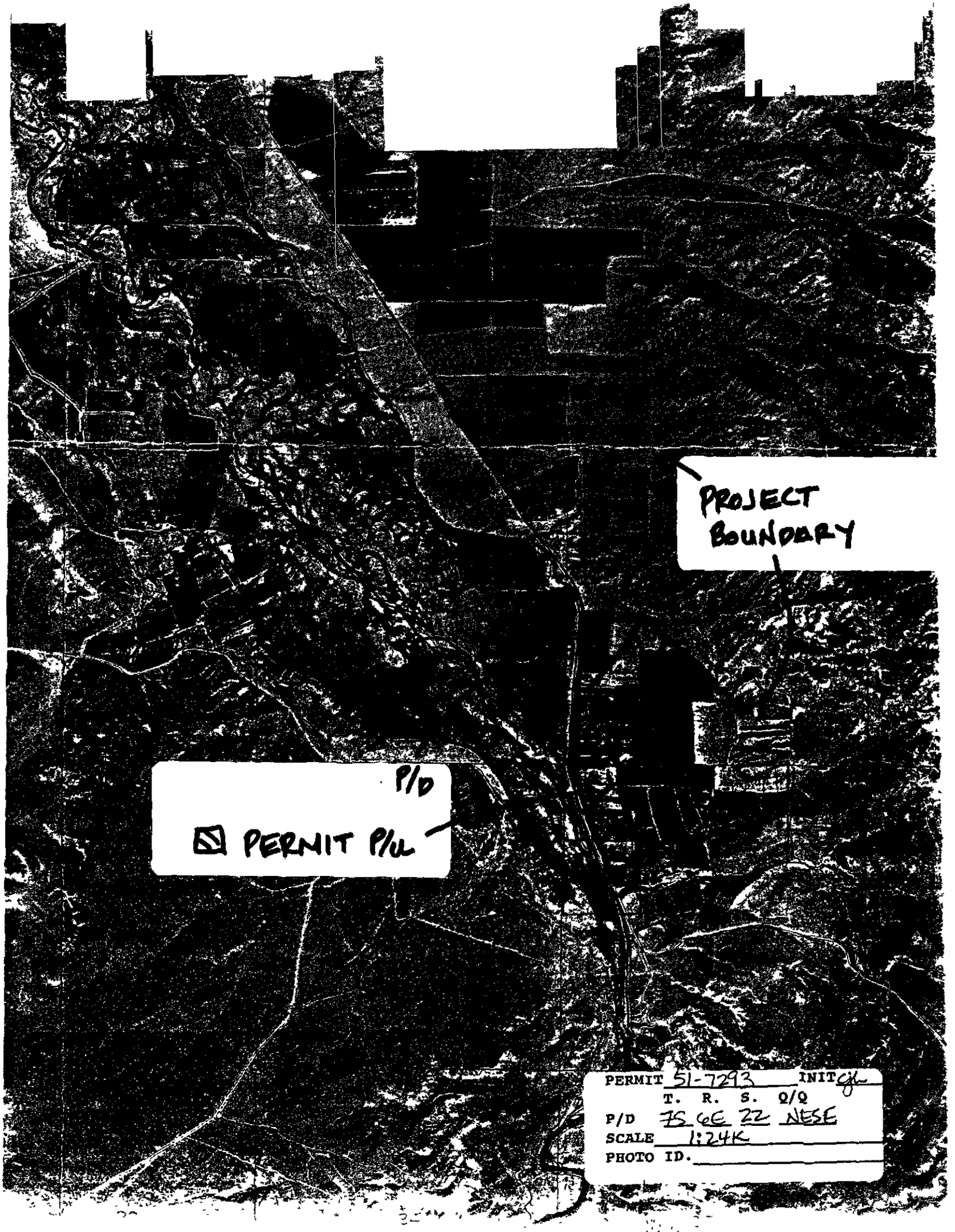
WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE Lt	NE Ac	NW Lt	NW Ac	SW Lt	SW Ac	SE Lt	SE Ac	NE Lt	NE Ac	NW Lt	NW Ac	SW Lt	SW Ac	SE Lt	SE Ac	
T07S R06E S 14																		
5100005	BRUNEAU RI										38		38	38				114
5102089B	GROUNDWATE										38		38	38				114
5102091	GROUNDWATE										38		38	38				114
5102120	GROUNDWATE										38		38	38				114
5102123	GROUNDWATE										38		38	38				114
5102127	GROUNDWATE										38		38	38				114
5102150	GROUNDWATE										38		38	38				114
5102165	GROUNDWATE										38		38	38				114
5102169	GROUNDWATE										38		38	38				114
5102170	GROUNDWATE										38		38	38				114
5102213B	GROUNDWATE										38		38	38				114
5107047	GROUNDWATE										38		38	38				114
5107058	GROUNDWATE										38		38	38				114
5107346	BRUNEAU RI										38		38	38				114
T07S R06E S 15																		
5100005	BRUNEAU RI		40	26	40	40	40		36	5	35			40	37	15	40	394
5100012	BRUNEAU RI							40										40
5100013	BRUNEAU RI							40										40
5100014	BRUNEAU RI							40										40
5100070	SPRING									40	40							80
5102089B	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102091	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102120	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102123	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102127	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102150	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102165	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102169	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102170	GROUNDWATE		40	26	40				36					40	37	15	40	274
5102213B	GROUNDWATE		40	26	40				36					40	37	15	40	274
5107047	GROUNDWATE		40	26	40				36					40	37	15	40	274
5107058	GROUNDWATE		40	26	40				36					40	37	15	40	274
5107346	BRUNEAU RI		40	26	40				36					40	37	15	40	274
T07S R06E S 22																		
5100005	BRUNEAU RI	40												20			20	80
5100069	PENCE-WARM													40	40			80
5102089B	GROUNDWATE	25																25

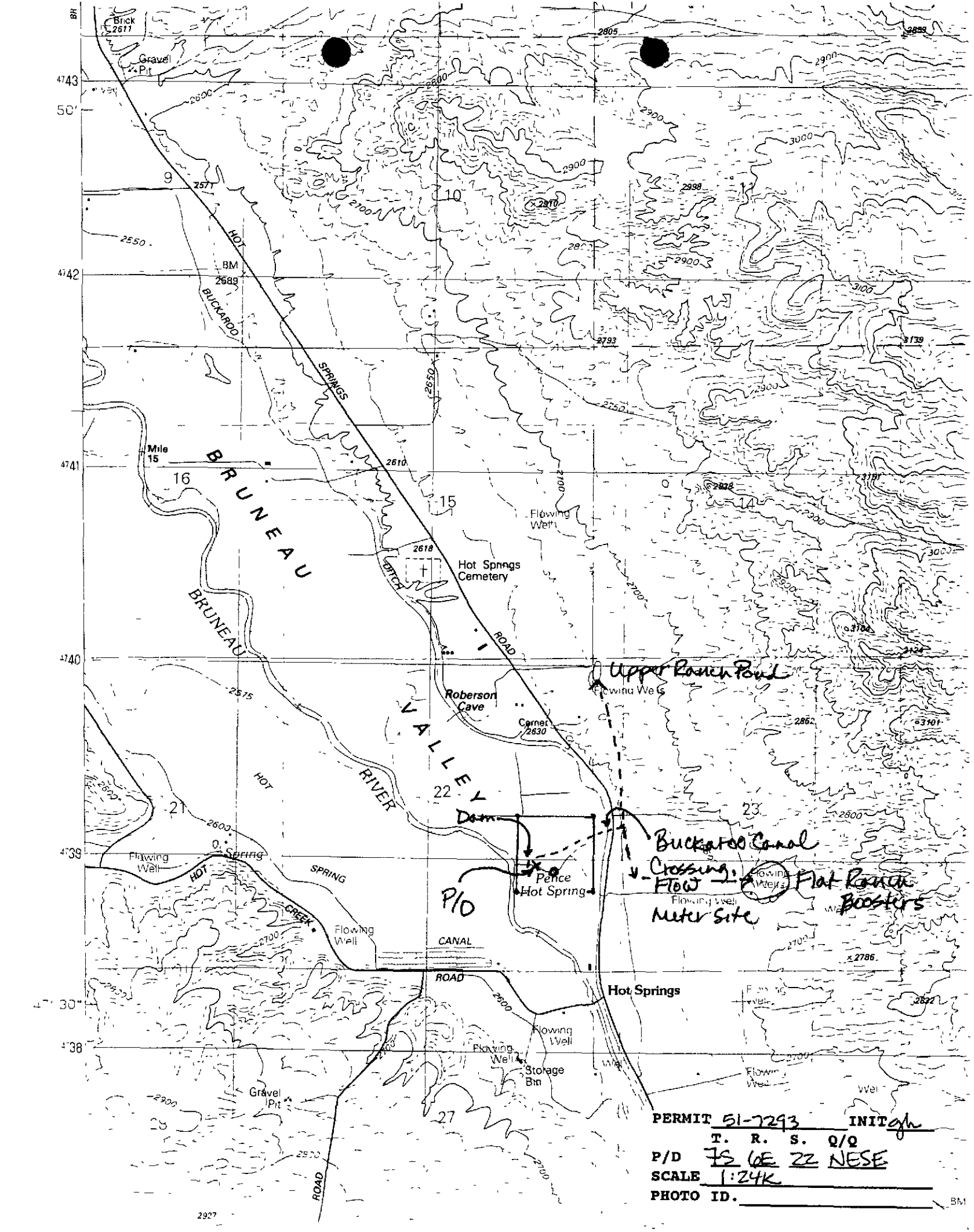
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WR-NUMBER	SOURCE	NE NE Lt	NE NE Ac	NE NW Lt	NE NW Ac	NE SW Lt	NE SW Ac	NE SE Lt	NE SE Ac	NW NE Lt	NW NE Ac	NW NW Lt	NW NW Ac	NW SW Lt	NW SW Ac	NW SE Lt	NW SE Ac	SW NE Lt	SW NE Ac	SW NW Lt	SW NW Ac	SW SW Lt	SW SW Ac	SW SE Lt	SW SE Ac	SE NE Lt	SE NE Ac	SE NW Lt	SE NW Ac	SE SW Lt	SE SW Ac	SE SE Lt	SE SE Ac	SUM
5102091	GROUNDWATE		25																															25
5102120	GROUNDWATE		25																															25
5102123	GROUNDWATE		25																															25
5102127	GROUNDWATE		25																															25
5102150	GROUNDWATE		25																															25
5102165	GROUNDWATE		25																															25
5102169	GROUNDWATE		25																															25
5102170	GROUNDWATE		25																															25
~~5102205~~	GROUNDWATE											12	7					23	26															68
5102213B	GROUNDWATE		25																															25
~~5104102~~	SPRING																		3															3
5107047	GROUNDWATE		25																															25
5107058	GROUNDWATE		25																															25
~~5107092~~	GROUNDWATE																					15	30									16	4	65
5107293	SPRINGS		15						40																	30								85
5107346	BRUNEAU RI		40																															40
T07S R06E S 23																																		
5100005	BRUNEAU RI										38							40	39	40	40													197
5102089A	GROUNDWATE																														5			5
5102089B	GROUNDWATE										38							30	29		40													137
5102091	GROUNDWATE										38							30	29		40													137
5102120	GROUNDWATE										38							30	29		40													137
5102123	GROUNDWATE										38							30	29		40													137
5102127	GROUNDWATE										38							30	29		40													137
5102150	GROUNDWATE										38							30	29		40													137
5102165	GROUNDWATE										38							30	29		40													137
5102169	GROUNDWATE										38							30	29		40													137
5102170	GROUNDWATE										38							30	29		40													137
~~5102213A~~	GROUNDWATE																										10		35					45
5102213B	GROUNDWATE										38							30	29		40													137
5107047	GROUNDWATE										38							30	29		40													137
5107058	GROUNDWATE										38							30	29		40													137
5107082	GROUNDWATE																			40														40
5107082A	GROUNDWATE																			40														40
5107082B	GROUNDWATE																			40														40
5107293	SPRINGS																	10	10															20
5107346	BRUNEAU RI										38							40	39	40	40													197

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		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	SUM
T07S R06E S 26																										
5100005	BRUNEAU RI					40	40			40	40			40	35			33								268
~~5100072~~	WILSONS SP															40										40
5102089B	GROUNDWATE					15	8			40					35											98
5102091	GROUNDWATE					15	8			40					35											98
5102120	GROUNDWATE					15	8			40					35											98
5102123	GROUNDWATE					15	8			40					35											98
5102127	GROUNDWATE					15	8			40					35											98
5102150	GROUNDWATE					15	8			40					35											98
5102165	GROUNDWATE					15	8			40					35											98
5102169	GROUNDWATE					15	8			40					35											98
5102170	GROUNDWATE					15	8			40					35											98
~~5102213A~~	GROUNDWATE			40																						40
5102213B	GROUNDWATE					15	8			40					35											98
5107047	GROUNDWATE					15	8			40					35											98
5107058	GROUNDWATE					15	8			40					35											98
5107082	GROUNDWATE					25	32					30	30					33								150
5107082A	GROUNDWATE					25	32					30	30					33								150
5107082B	GROUNDWATE					25	32					30	30					33								150
5107293	SPRINGS											10	10													20
5107346	BRUNEAU RI					40	40			40	40			40	35			33								268


PROJECT BOUNDARY
P/D
PERMIT P/L
PERMIT 51-7293 INIT
T. R. S. Q/Q
P/D 7S 6E 22 NESE
SCALE 1:24K
PHOTO ID.



PERMIT 51-7293 INIT gh

T.	R.	S.	Q/Q
P/D 7S	6E	22	NESE

SCALE 1:24K

PHOTO ID. _____

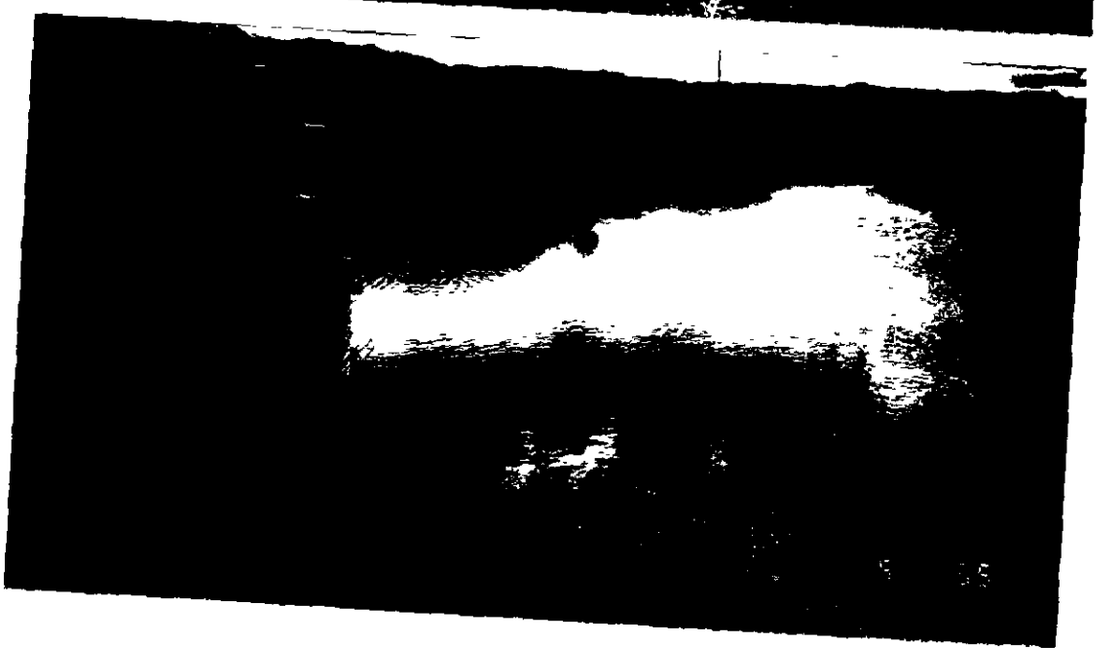
See 51-7082 for photos of P/U

P/U →





← Measuring Device



← Pumping Pond

51-7293

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

RECEIVED
OCT 6 1994
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

OCT 21 1994

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

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

March 3, 1994

Owens Ranch Trust
C/O Richard L. Owen
P.O. Box 590
Bruneau, ID 83604

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 51-07293

Dear Permit Holder:

The Department is in receipt of the proof of beneficial use and the $375.00 license exam fee filed in connection with the above referenced permit.

The proof of beneficial use and your permit authorize the diversion rate of 2.50 cfs. The license exam fee for 2.50 cfs is only $150.00. Therefore, you are entitled to a $225.00 refund from the department. I have begun the process to refund the extra $225.00 license examination fee you submitted. The process takes approximately one (1) week and will arrive under separate cover.

The Department has reviewed your request to remove the flow measurement port condition from the permit. Since the permit has been involved in a protest, the Department will not remove the flow measurement port condition from the permit. The Department will accept the proof on the condition that a measuring devise be installed before the Department conducts its field exam. If the measuring devise is not in place at that time, the Department will take steps to void the permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

APR 13 1994

If you have any questions concerning this matter, please feel free to contact me or the WESTERN Regional Office in Boise, at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region, Fiscal

APR 3 1994

RECEIVED
FEB 22 1994
Department of Water Resources

February 18, 1994

Ms. Julie Yarbrough
Senior Secretary
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

Subject: Permit No. 51-07293

Dear Ms. Yarbrough:

This letter is in response to your letter of January 24, 1994 to Owen Ranch Trust requesting additional information related to proof of beneficial use for Permit No. 07293.

Measurement Port

The existing pump discharge piping does not provide a suitable location for a flow measurement port because there is an insufficient length of straight pipe above the ground. Below ground installation of a flow meter is not practical because of the shallow water table in the vicinity of the pump and the spring. However, flow from the pump can be readily determined based on pump discharge pressure and the pump performance curve. A pressure gage is currently installed at the pump discharge which will allow measurement of flow based on discharge pressure. A rating table and curve for the pump based on pump discharge pressure, and the pump performance curve that the rating curve is derived from, are attached. The accuracy of this method could be verified during the license examination using the Department's poly-sonic flow meter and sprinkler gages. Therefore, we request a waiver of the condition requiring a flow measurement port because (1) the Department has equipment suitable for flow measurement for license exam purposes and (2) the performance curve method provides sufficient accuracy for operational monitoring of pumping rate. This letter shall serve as the written request for waiving the flow measurement port condition of the permit.

License Exam Fee

The $375.00 license exam fee was submitted in error. Please refund the extra $225.00.

Extent of Use

The two letters referenced in my previous proof submittal letter are attached.

APR 13 1994

Proof Form

The completed proof form is attached.

Please call Terry Scanlan at 208-383-4140 if you have any questions.

Yours truly,

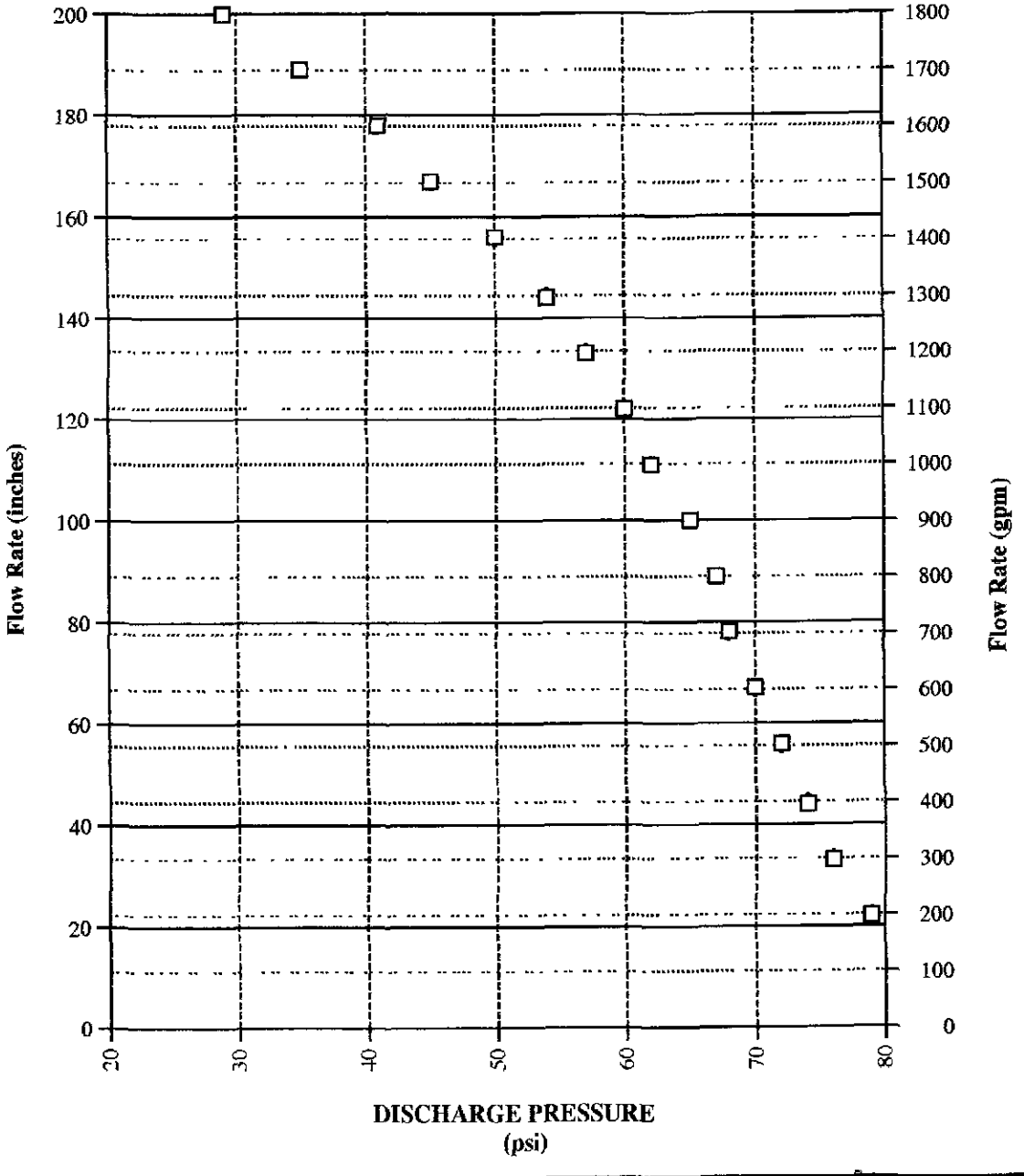
Richard L. Owen
Trustee

Enclosures

cc: Scott Campbell
Terry Scanlan

APR 13 1994

PENCE HOT SPRINGS PUMP (2-STAGE LAYNE 13CL)



APR 13 1994

OWEN RANCHES
PENCE HOT SPRINGS PUMP

Rating table for 2 stage Layne 13CL pump with "A" impeller trim.

Discharge Pressure (psi)	Flow (gpm)	Flow (inches)	Flow (cfs)
79	200	22	.44
76	300	33	.67
74	400	44	.89
72	500	56	1.11
70	600	67	1.33
68	700	78	1 56
67	800	89	1 78
65	900	100	2.00
62	1000	111	2.22
60	1100	122	2 44
57	1200	133	2.67
54	1300	144	2.89
50	1400	156	3 11
45	1500	167	3.33
41	1600	178	3.56
35	1700	189	3.78
29	1800	200	4.00

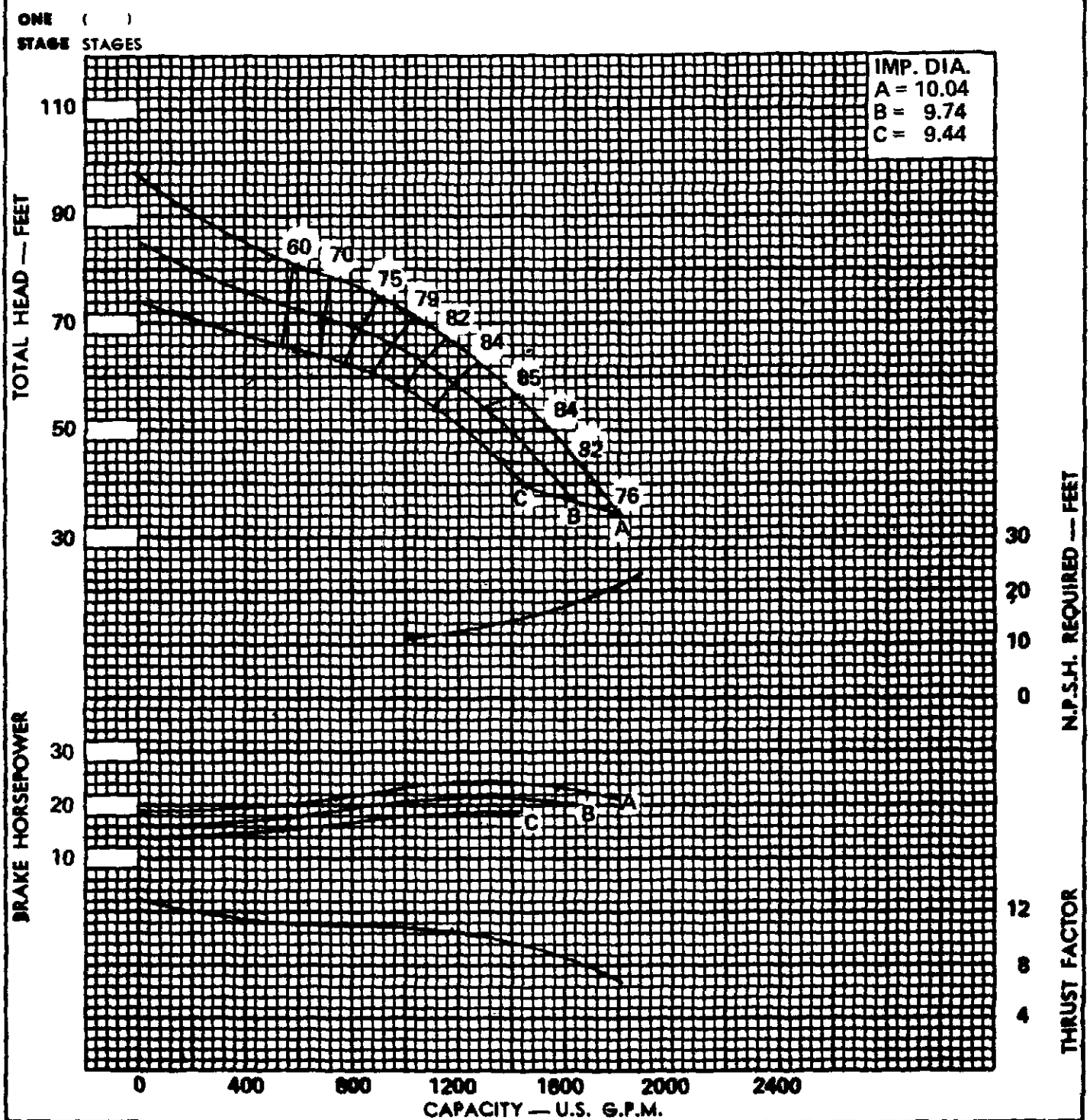
Terry M. Scanlan, P.E.
2/16/94

APR 13 1994

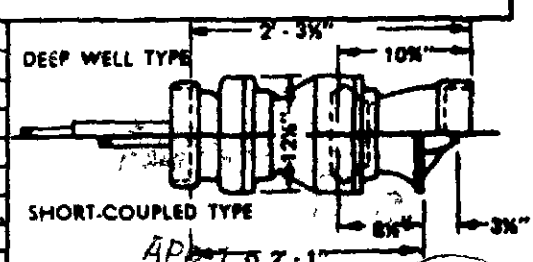
CURVE NO. 18-133 3-15-84	No. Stages	Eff. Change	MATERIAL	Eff. Change
	1	−2	IMP.—C.I.	−1
	2	−1	IMP.—NI-RI	−1
	3	0	BOWL—BRZ.	−2
	4		BOWL—NI-R.	−1

13CL — 1770 R.P.M.

SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 3 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 3 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.



EYE AREA — SQ. IN.	=	25.5		IMPELLER WT.-LBS.	= 17.5
WR² PER IMPELLER	=	1.46	LB.-FT.²	ONE STAGE WT.-LBS.	= 278
MAX. SPHERE SIZE	=	1.00	in.	ADD'L STAGE WT.-LBS.	= 116
MAX. NO. STD. STAGES	=	8		IMPELLER NUMBER	= 65C13
MAX. OPERATING P.S.I.	=	400		DISCH. SIZES	= 8,10
STD. LATERAL	=	.64	in.	SUCTION SIZES	= 10
STD. SHAFT DIA.	=	1.687	in.	MAX. LATERAL	= 1.00 in.
MAX. SHAFT DIA.	=	1.937	in.	BOWL CONN.	FLANGED – COLLET
MIN. SUBMERGENCE	=	33	in.	ADD 11.38	" PER ADDITIONAL STAGE.



APR 13 1994

FAX

Scanlan Engineering

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

Tel: 208 383-4140
Fax: 208 383-4156

Date: **February 18, 1994**

To:	Dick Owen	**Fax No:**	845-2004
From:	Terry Scanlan	**Reference:**	
Subject:	Pence Proof of Beneficial Use	**No. of Pages:** (including cover)	**2**

Attached is a copy of Julie Yarbrough's letter of January 24, 1994.

If you do not receive all pages, or if there are any problems with this transmission, please call at 208 383-4140

APR 13 1994

January 24, 1994

Owens Ranch Trust
Richard L. Owen, Trustee
P.O. Box 590
Bruneau, ID 83604

RE: Permit No. 51-07293

Dear Permit Holder:

Returned is the Proof of Beneficial Use form submitted to this office in connection with the above referenced permit. Unfortunately, for several reasons, the proof is unacceptable as filed. Condition #4 of your permit to appropriate water (copy enclosed) states you must install a flow measurement port or other devise to measure the rate of diversion. It does not appear your have complied with this condition. If you have installed a flow measurement port, please indicate this on the proof. If you have not installed the port, you may return the proof form and request, in writing, a waiver of the condition.

Another item of concern is the license exam fee. You submitted a license exam fee of $375.00. The water right permit only authorizes you to divert 2.50 cfs for irrigation purposes. The license exam fee for a rate of diversion of 2.50 cfs is $150.00. I will begin the process of refunding the extra $225.00 when you clarify how you determined the exam fee.

Under the extent of use, you made reference to two (2) letters that were to be enclosed with the proof. I did not receive any correspondence with the proof other than a short letter from you. Please indicate on the proof how much water you intend to divert and the extent of use.

Please return the proof form with the requested information on or before the proof due date of March 1, 1994.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

APR 15 1994

OWEN RANCHES
P.O BOX 590
BRUNEAU, IDAHO 83604
(208) 845-2001
(208) 845-2004 FAX

RECEIVED
JAN 0 5 1994
Department of Water Resources

January 4, 1994

Julie L. Yarbrough
Senior Secretary
Dept. of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Subject: Permit No. 51-07293 - Proof Due Notice

Dear Ms. Yarbrough,

We are in receipt of your letter of 31 December 1993. We have filled out the Proof of Beneficial Use form, and it is enclosed with our check for the examination fee in the amount of $375.00.

Ron Howerton of your office, was recently out here inspecting all our wells and water rights. Please inform me if you need any additional information for our proof of beneficial use on permit #51-07293.

Yours truly,

Richard L. Owen
Owen Ranches

RLO/mc

Enclosures

APR 13 1994

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 51-07293 Reviewed by [signature] Date 1-20-94

GENERAL CONSIDERATIONS

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

TYPES OF USE

Irr.

Correct Uses? yes

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

yes Required?
375.00 Amount Submitted
____ Correct?

MEASURING DEVICE

yes Required?
? Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received		
Date proof due		-
No. of days late		=
Priority Date		+
New Priority Date		

DEFICIENCIES OR ACTION ITEMS

return, request info on measure port + how the determined exam fee, whats the cfs.

3-1-94 - Proof acceptable, refund 225.00

~~Waive flow port condition~~

DATA ENTRY

New Address ____ Proof Made 1-5-94

December 31, 1993

OWENS RANCH TRUST
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU ID 836040000

PROOF DUE NOTICE

RE: PERMIT NO. 51-07293

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 March 1, 1994. (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

APR 13 1994

Enclosures

CERTIFIED MAIL
NO. 141038

February 18, 1992

OWEN RANCH TRUST
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU ID 83604-0590

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 51-07293

Dear Permit Holder:

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

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:clh

Enclosure

MAR 05 1992

1-0729

ROUTING SHEET FOR PROTESTED APPLICATIONS

WHICH REQUIRE A MEMORANDUM DECISION AND ORDER

Date	Activity
6/19/91 & 11/26/91	HEARING HELD
_____	FILE FORWARDED TO STATE OFFICE
__	FILE RECEIVED AT STATE OFFICE (Cindy) ✓ Date stamp, label and add file to bar code system ✓ Attach temporary file from protest drawer ✓ Route to TRS (Pam) for general review
_____	GENERAL APPLICATION REVIEW (Pam) - Create "P" file and edit per general review - Route file to Karen
1/8/92	PREPARE PROPOSED MEMO DECISION & ORDER (Karen) - Log in for tracking through the decision process - Route file for review of the decision - Prepare order issuing PMD&O and certificate of mailing - Hold file for 15 days - for exceptions
1/28/92	PREPARE FINAL ORDER (Karen) - Prepare order adopting PMD&O as the final order or make needed changes to PMD&O and prepare final order - Route final order for signature - Prepare cover letter and certif. of mailing - Mail the final MD&O - Route file and signed order to Pam for permit preparation (Use signature stamp on permit).
CB 02-07-92	PERMIT REVIEW AND PREPARATION (Pam) ✓ Edit and condition "P" file per signed MDO ✓ Update data base and prepare a permit for stamping - Send file to Cindy for final file processing
_____	FINAL FILE PROCESSING (Cindy) - Update database - drop "P" from temporary file - Verify that database agrees with approved permit - Send file to microfilm
_____	MICROFILM - Film the file - Route file to vault
_____	VAULT - File in stacks - Remove out-cards from the stacks, the transfer drawer, the protest drawer and the hold drawer.

MAR 0 5 1992

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

February 11, 1992

Hot Springs Ditch Co.
c/o Ronald E. Prow
HC 85, Box 123
Bruneau, ID 83604

RE: PERMIT NO. 51-7293 - OWENS RANCH TRUST

Dear Mr. Prow:

Returned is your letter dated February 5, 1992 in which you state the members of the Hot Springs Ditch Company protest the above referenced permit. Since you did not timely file a protest against approval of the application and are not a party to the matter, your letter can not be considered in the ongoing matter at this point.

As information for you, the application was timely protested by John B, Urquidi, Jr. and Gene Davis. The department held hearings on June 19, 1991 and November 26, 1991 to consider the application and protests against its approval.

The department issued a proposed decision on January 8, 1992 and mailed a final decision on January 28, 1992. The parties to this matter (Owens Ranch Trust, Urquidi and Davis) may request a rehearing before the department within 20 days of the mailing of the final decision or may appeal the decision directly to the district court within 30 days of the mailing of the decision.

I hope this letter sufficiently explains the steps in the ongoing administrative process.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region

MAR 3 1992

RECEIVED
FEB 6 1992

Department of Water Resources

Protest Letter 5 Feb '92

To.. Glen Saxton
Chief Water Allocation Bureau

We the members of the Hot Springs Ditch Co. protest permit No. 51-07293 as submitted by Richard Owen.

Ron Prow President
Ronald E Prow

George Turner Sec. + Treas.
George Turner

Hot Springs Ditch Co.
HC 85 Box 123
Bruneau, Id. 83604

Copy

2

APPLICATION FOR PERMIT REVIEW

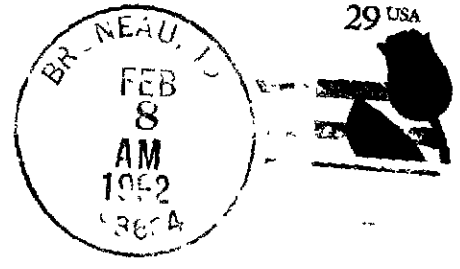
Application #: 51-7293 Reviewer: Pam Skaggs PS
Date: 02-06-92

✓Existing:
✓No - (26A-P17)
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A
Groundwater:
GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
LT. 0.2 cfs - N/A
Drilling Permit:
Approved w/permit - P99
Not included - 046-P23(All GW, even existing wells)
✓Location:
Water Districts - WD No. ———
Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)
Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
✓Swan Falls Flag - 7 (1, Blank or Other)
✓Trust - (051-052-053-P74)(Consumptive Uses)
Non Trust - 048-049
River Basins:
(Surface Water) Water District Control Condition &....
Boise (63) - 05A & 11E
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
Use:
Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
Power - _____ Use Power Review
Mining - 06A, 010, or 09E-P10 & 054(req.)
Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
Rec. & Aesthetic - 027(Non-Consumptive)
Domestic - 021(restricted areas)
Ownership:
Non land owner - 004
Protested:
Agreement - 020

MAR 0 5 1992

✓Beneficial Use Due Date: - 03-01-1994
Other Conditions Recommended Route for Trust Review / memo in file 11-9-90
Conditions per Final M.D.& O
Name Change by Region Not Acceptable.

George Turner
HC 85 Box 123
Bruneau, Id. 83604



RECEIVED
FEB 11 1992

State of Idaho
Dept of Water Resources
1301 North Orchard St.
Statehouse Mail,
Boise Id. 83720-7000

Attn: Glen Saxton
Chief Water Allocation Bureau

To: Glen Saxton
Chief Water Allocation Bureau

We the members of the Head of the SouthSide Canal; as individuals; are protesting Permit No. 51-07293 as submitted by Richard Owen.

RECEIVED
FEB 10 1992
Department of Water Resources

Individuals:

Ron Prow
Ronald E Prow

George Turner
George Turner

BRWR (Lee Mortimer) + Charles Tyson)
By Ron Prow

Albert Black
Albert Black

Ron Prow
HC Box 127
Burley, Id. 83604

George Turner
HC 85 Box 127
Burley, Id. 83604

BRWR
P.O. Box 1560
Sun Valley, Id. 83353

[redacted] Albert Black
950 N 6th E
Mtn Home Idaho 83604

MICROFILMED
OCT 29 1997

JOHNSON RANCH
HC 85 BOX 122
BRUNEAU, IDAHO 83604

29 USA

7
AM
1992

State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

ATTN: Glen Saxton
Chief Water Allocation Bureau

RECEIVED
FEB 10 1992
Department of Water Resources

JOHNSON RANCH
HC 85 BOX 122
BRUNEAU, IDAHO 83604

February 6, 1992

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Attn: Glen Saxton - Chief Water Allocation Bureau
Re: No. 51-07293

Dear Mr. Saxton;

As an individual water user on the Bruneau River, I would like to register my protest to filing # 51-07293, filed by Richard Burns.

Respectfully,

Grant Johnson

Grant Johnson

OCT 29 1997

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

[illegible] FINANCIAL CENTER
[illegible] WEST MAIN
POST OFFICE BOX 1539
[illegible], [illegible] 83701

SCOTT L. CAMPBELL

TELEPHONE
208-343-5454
TELECOPIER
FOR 384-5844

January 8, 1991

RECEIVED
JAN 09 1991
Department of Water Resources

Mr. David Shaw
Bureau Chief
SNAKE RIVER BASIN ADJUDICATION BUREAU
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706

RE: Snake River Basin Adjudication Claims Filed by Richard L. Owen and/or Marie Owen, or Owen Ranches

Dear David:

Our firm has been retained by Mr. and Mrs. Richard L. Owen regarding the Notices of Claim to Water Right filed in the Snake River Basin Adjudication in their name, or in the name of Owen Ranches, or in the name of The Owen Family Revocable Trust A Established August 30, 1956, As Amended and Restated on October 12, 1988. I have enclosed a listing of the claim numbers which we have been able to obtain by conducting a search of certain records on file with the Department, as well as other information available to us.

On behalf of Mr. and Mrs. Richard L. Owen and the Owen Family Revocable Trust, as well as Owen Ranches, I would like the Department to enter my name, and the name of our firm, as attorneys of record with regard to all adjudication claims filed on behalf of any of those entities. Specifically, I request that my name, and the name of our firm, be entered with regard to the adjudication claim reference numbers provided on the enclosed list. However, I would also request that my name, as well as the name of our firm, be included as attorneys of record with regard to any other claims filed in the name of those entities, but not appearing on the list which I have enclosed.

Please notify me in writing if there is any additional documentation or authorization which you require. I also re[illegible]

MAR 05 1992

* Regions reason for changing name in Database.
Not acceptable as an assignment - Not from Permit Holder.
CS 02-11-92

that you confirm, in writing, that the entry of appearance by me and our firm has been completed with regard to those claims.

Thank you for your assistance in this matter.

Very truly yours,

ELAM, BURKE AND BOYD

Scott L. Campbell

SLC:jm
Enclosure

cc: Mr. and Mrs. Richard L. Owen

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2

To PAM SKAGGS	From RON HEWERTON
Co WA#51-7293	Co WESTERN
Dept ID WR	Phone # 2190
Fax # 327-7866	Fax # 2348

MAR 05 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 27, 1992

Owen's Ranch Trust
c/o Richard L. Owen
Star Route B
P.O. Box 110
Bruneau, ID 83604

Re: In the Matter of Permit No. 51-07293 in the name of the Owen's Ranch Trust

Dear Permit Holder:

Enclosed is a copy of the Final Order Adopting the Proposed Memorandum Decision and Order in reference to the above mentioned permit.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enc: Final Order
Certificate of Mailing

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MAR 05 1992

DAVIS WRIGHT TREMAINE
LAW OFFICES
702 WEST IDAHO STREET · SUITE 700 · BOISE, IDAHO 83702
(208) 338-8200

RECEIVED
JAN 07 1992
Department of Water Resources

January 6, 1992

L. Glen Saxton
Chief of Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Application for Permit No. 51-7293 in the Name of Owens Ranch Trust

Dear Mr. Saxton:

I have enclosed one original and one copy of the Notice of Substitution of Counsel, Motion to Strike Portions of Comments of Gene Davis, and the Memorandum in Support of Motion to Strike Portions of Comments to be filed in the above-referenced matter.

Please also note for your records that I am now a partner with the Boise office of the law firm of Davis Wright Tremaine at the above-referenced address. Please direct all future correspondence and pleadings to me at this address.

Please contact me if you have any questions.

Very truly yours,

DAVIS WRIGHT TREMAINE

Scott L. Campbell

SLC:md
Enclosures

cc: Richard L. Owen (w/encls.)
John B. Urquidi, Jr. (w/encls.)
Gene Davis (w/encls.)

MAR 05 1992

Scott L. Campbell
DAVIS WRIGHT TREMAINE
702 West Idaho St., Suite 700
Boise, ID 83702
(208) 338-8200

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	MEMORANDUM IN SUPPORT OF *MOTION* TO STRIKE AND RESPONSE TO PORTIONS OF COMMENTS OF GENE DAVIS

INTRODUCTION

This Memorandum is submitted in support of the Motion to Strike portions of Comments of Gene Davis and as a response to the portions of the Comments of Gene Davis which are not subject to the Motion to Strike.

ARGUMENT

Mr. Gene Davis, one of the protestants to Application for Permit No. 51-7293, submitted his Comments pertaining to Application for Permit No. 51-7293 under cover letter to Mr. L. Glen Saxton, dated December 23, 1991. A copy of the cover letter and the

0 5 1992

Comments were provided to Mr. Richard L. Owen and to Mr. John Urquidi, Jr. A copy of the Comments of Mr. Davis were not provided directly to the attorney for the Applicant, Scott L. Campbell. This failure to provide service of copies of the Comments of Gene Davis to the attorney of record of the Applicant constitutes a violation of Rule 7,2. of the Rules of Practice and Procedure, Idaho Department of Water Resources. Because of this lack of compliance with Rule 7,2., the Department should strike the Comments of Gene Davis from the record.[1]

The Director of the Department of Water Resources, or the designated hearing officer in this matter, Mr. L. Glen Saxton, should strike major portions of the Comments of Gene Davis because they amount to additional testimony by Mr. Davis after the close of the evidentiary record of the rehearing. Instead of merely arguing the evidence which was presented at the rehearing, either in the form of exhibits or live testimony, Mr. Davis has attempted to supplement his testimony as presented in the rehearing with the written Comments. This exceeds the scope of the order of Mr. L. Glen Saxton with respect to written briefing in lieu of oral argument. Additionally, testimony presented in the Comments of Gene Davis denies the Applicant the opportunity to object to the testimony as it is presented and also denies the Applicant the right of cross-examination, which is fundamental to appropriate due process.

Specifically, all of Mr. Davis's discussion of water rights, in addition to those held by the South Side Bruneau Canal Company Ltd. (hereinafter "South Side"), constitutes new

---

[1]After the comments of Gene Davis were received by Mr. Richard L. Owen, a copy of the comments and the cover letter to Mr. L. Glen Saxton were received by the attorney for the Applicant. These documents were received on December 31, 1991.

MAR 1992

testimony which must be stricken from the record. Moreover, the hearing record will show that the Applicant's counsel objected a number of times to the testimony which Mr. Davis presented at the hearing concerning additional water rights diverted through the South Side Canal System. Consequently, not only the additional testimony contained in Mr. Davis's Comments, but his argument concerning those water rights are irrelevant and improper, due to the lack of standing of Mr. Davis to raise that issue.

In his Comments, Mr. Davis states:

> Applicant indicated in earlier testimony that he had sufficient water in existing wells to supply his needs for his existing sprinkler irrigation system.

Comments of Gene Davis, page 5.

This statement by Mr. Davis does not accurately reflect the testimony of Mr. Richard L. Owen concerning the sufficiency of water in his existing wells. In contrast, the Applicant believes the hearing record will demonstrate that the Applicant's testimony is just the opposite. Additionally, the testimony of Mr. Charles Ceccarelli indicates there is not sufficient water in the existing wells to supply the irrigation needs of the Applicant on the lands in question.

Under Section V of the Comments of Gene Davis (see page 6), he again introduces additional testimony which is subject to the Motion to Strike. He reaches a legal conclusion, based upon additional statements, which can only be characterized as evidence, concerning "insufficient water . . . translat(ing) to lesser crop yield (sometimes no crop) which results in diminished economic returns not only to the individual operators, but to the community as

MAR 05 1992

well." This statement constitutes new evidence which is not properly offered in the context of the rehearing. Accordingly, it should be stricken from the record.

The same can be said with regard to Mr. Davis's Comments:

> It should also be recognized that to allow this permit would result in the lowering of the water table in the area of the proposed pump site in a sizeable surrounding area. Since in its present condition, it is considered a high water table area, it does support a productive wildlife habitat which certainly enhances the recreational capabilities of the area. To detract from this capability would not be in the public interest.

This series of statements constitutes pure testimony and legal conclusions based thereon. They should be stricken from the record as improper. Additionally, the statements contain what would normally be considered as expert opinion testimony, for which absolutely no foundation or expertise has been demonstrated. On this additional basis, the statement should be stricken from the record.

CONCLUSION

Virtually all of the statements contained in the Comments of Gene Davis are inappropriate additional testimony and should be stricken from the record. Those statements which do not constitute additional testimony and could possibly be construed as legal argument are unpersuasive.

The Applicant firmly believes it has satisfied its burden of proof under the applicable Rules of Practice and Procedure of the Department of Water Resources and the requirements of Idaho Code § 42-203A. Accordingly, the Applicant requests that the Idaho Department of

MAR 05 1992

Water Resources issue an order approving the Application for Permit No. 51-7293 with appropriate conditions.

DATED this 6th day of January, 1992.

DAVIS WRIGHT TREMAINE

By: Scott L. Campbell
Scott L. Campbell
Attorneys for Owens Ranch Trust

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 1992, a true and correct copy of the foregoing MEMORANDUM IN SUPPORT OF MOTION TO STRIKE AND RESPONSE TO PORTIONS OF COMMENTS OF GENE DAVIS was mailed, postage prepaid, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, ID 83604

Gene Davis
HC 85
Box 138
Bruneau, ID 83604

Scott L. Campbell

JAN 05 1992

Scott L. Campbell
DAVIS WRIGHT TREMAINE
702 West Idaho St., Suite 700
Boise, ID 83702
(208) 338-8200

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	)	MOTION TO STRIKE PORTIONS OF COMMENTS OF GENE DAVIS

Comes now Owens Ranch Trust, by Richard L. Owen, Trustee, hereinafter "Applicant," by and through its counsel of record, Scott L. Campbell, of Davis Wright Tremaine, and hereby moves to strike portions of the comments of Gene Davis pertaining to Application for Permit No. 51-7293 in the name of Owens Ranch Trust. This Motion is made pursuant to Rule 3,3. of the Rules and Regulations of Practice and Procedure, Idaho Department of Water Resources.

The reasons for and a description of the portions of the comments which Applicant believes should be stricken are more fully described in the Memorandum in Support of

MAR 05 1992

Motion to Strike and Response to Comments of Gene Davis, which is filed concurrently herewith.

DATED this 6th day of January, 1992.

DAVIS WRIGHT TREMAINE

By: Scott L. Campbell
Scott L. Campbell
Attorneys for Owens Ranch Trust

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 1992, a true and correct copy of the foregoing MOTION TO STRIKE PORTIONS OF COMMENTS OF GENE DAVIS was mailed, postage prepared, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, ID 83604

Gene Davis
HC 85
Box 138
Bruneau, ID 83604

Scott L. Campbell
Scott L. Campbell

FEB 05 1992

Scott L. Campbell
DAVIS WRIGHT TREMAINE
702 West Idaho St., Suite 700
Boise, ID 83702
(208) 338-8200

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	)	MOTION TO STRIKE PORTIONS OF COMMENTS OF GENE DAVIS

Comes now Owens Ranch Trust, by Richard L. Owen, Trustee, hereinafter "Applicant," by and through its counsel of record, Scott L. Campbell, of Davis Wright Tremaine, and hereby moves to strike portions of the comments of Gene Davis pertaining to Application for Permit No. 51-7293 in the name of Owens Ranch Trust. This Motion is made pursuant to Rule 3,3. of the Rules and Regulations of Practice and Procedure, Idaho Department of Water Resources.

The reasons for and a description of the portions of the comments which Applicant believes should be stricken are more fully described in the Memorandum in Support of

MAR 0 5 1992

Motion to Strike and Response to Comments of Gene Davis, which is filed concurrently herewith.

DATED this 6th day of January, 1992.

DAVIS WRIGHT TREMAINE

By: Scott L. Campbell
Scott L. Campbell
Attorneys for Owens Ranch Trust

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 1992, a true and correct copy of the foregoing MOTION TO STRIKE PORTIONS OF COMMENTS OF GENE DAVIS was mailed, postage prepared, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, ID 83604

Gene Davis
HC 85
Box 138
Bruneau, ID 83604

Scott L. Campbell

1992

Scott L. Campbell
DAVIS WRIGHT TREMAINE
702 West Idaho St., Suite 700
Boise, ID 83702
(208) 338-8200

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	)	NOTICE OF SUBSTITUTION OF COUNSEL

Scott L. Campbell, of the firm of Davis Wright Tremaine, hereby provides Notice of Substitution of Counsel for Owens Ranch Trust, hereinafter "Applicant." Scott L. Campbell will continue to appear on behalf of the Applicant, but will be affiliated with the law firm of Davis Wright Tremaine, instead of the law firm of Elam, Burke and Boyd. Any future pleadings or correspondence should be addressed to:

Scott L. Campbell
Davis Wright Tremaine
702 West Idaho St., Suite 700
Boise, ID 83702

[illegible] 05 1992

DATED this 6th day of January, 1992.

DAVIS WRIGHT TREMAINE

By: Scott L. Campbell
Scott L. Campbell
Attorneys for Owens Ranch Trust

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 1992, a true and correct copy of the foregoing NOTICE OF SUBSTITUTION OF COUNSEL was mailed, postage prepared, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, ID 83604

Gene Davis
HC 85
Box 138
Bruneau, ID 83604

Scott L. Campbell

MAR 05 1992

Scott L. Campbell
DAVIS WRIGHT TREMAINE
702 West Idaho St., Suite 700
Boise, ID 83702
(208) 338-8200

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	)	NOTICE OF SUBSTITUTION OF COUNSEL

Scott L. Campbell, of the firm of Davis Wright Tremaine, hereby provides Notice of Substitution of Counsel for Owens Ranch Trust, hereinafter "Applicant." Scott L. Campbell will continue to appear on behalf of the Applicant, but will be affiliated with the law firm of Davis Wright Tremaine, instead of the law firm of Elam, Burke and Boyd. Any future pleadings or correspondence should be addressed to:

Scott L. Campbell
Davis Wright Tremaine
702 West Idaho St., Suite 700
Boise, ID 83702

MAR 0 5 1992

DATED this 6th day of January, 1992.

DAVIS WRIGHT TREMAINE

By: Scott L. Campbell
Scott L. Campbell
Attorneys for Owens Ranch Trust

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 1992, a true and correct copy of the foregoing NOTICE OF SUBSTITUTION OF COUNSEL was mailed, postage prepared, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, ID 83604

Gene Davis
HC 85
Box 138
Bruneau, ID 83604

Scott L. Campbell

MAR 05 1992

Bruneau Cattle Company

HC 85 • BOX 138
BRUNEAU, IDAHO 83604
(208) 845-2762

December 23, 1991

RECEIVED
DEC 26 1991

Mr. Glen Saxton
DEPARTMENT OF WATER RESOURCES
1301 N. Orchard
Boise, Idaho 83706

Dear Mr. Saxton:

Enclosed herewith are my comments pertaining to the Application for Permit No. 51-7293 in the name of Owen's Ranch Trust; combined with my response to Applicant's Memorandum in Support of Application for Permit No. 51-7293.

Sincerely,

Gene Davis

cc: Richard L. Owen
John B. Urquidi

RECEIVED
JAN 05 1992

DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

PERTAINING TO APPLICATION FOR PERMIT NO. 51-7293
IN THE NAME OF OWEN'S RANCH TRUST

INTRODUCTION

This memorandum is submitted to the hearing officer, Mr. L. Glen Seaton, Chief of the Water Allocation Bureau, Idaho Department of Water Resources, in response to a memorandum submitted by Scott L. Campbell, attorney for Owen's Ranch Trust, relative to the rehearing held on November 26, 1991 pertaining to application for Permit No. 51-7293.

1. The memorandum states that "Only during the latter part of July, August and September have the diversions been below the full quantity of authorized right under the decree." (page 7 of memo.) This is an incorrect statement and proved so by Applicant's own Exhibit F (6) which shows the stream flow in the Bruneau River above all diversions to be only 94 cfs on July 7, 1987 and that at no time during the rest of the 1987 water season is the river flow sufficient to supply the three canal company's decreed rights.

Also the memorandum seems to allude that there should be little concern to me, as a protestant, since it is only during July, August and September that the river flow is generally of insufficient amount to satisfy downstream decreed rights of the three canal companies. Those of us who live in the arid southern part of Idaho and who understand the importance of timely application of water to our irrigated farms are fully aware t

MAR 05 1992

the months of July, August and September is the time period of which we are most concerned about adequate water delivery.

My personal concern, as a protestant, is that the South Side Bruneau Canal Company Ltd. (SSBC Co. Ltd.) gets its share of the available water in the Bruneau River so that the shares of stock in the SSBC Co. Ltd. held by Bruneau Cattle Company, whom I represent, can best be satisfied.

Also, during hearing processes and in the memorandum the applicant seems only to be concerned that the combined decreed rights of the three major canal companies should be of concern to the Water Resources Board relative to that board's judgement as to the adequacy of the river flow to satisfy all downstream rights. As I testified during the rehearing on November 26, 1991 there is an additional 710 inches of decreed water delivered through the SSBC Co. system above the decreed 1200 inches of the SSBC Co. Ltd. Those 710 inches are held in differing amounts by four individual ranchers who operate ranches in Bruneau Valley and, as stated above, each year draw irrigation water from the SSBC Co. Ltd. in their respective appropriate amounts. The evidence to reflect that these 710 inches of water are decreed is shown in Applicant's Exhibit A on page 5 noting allocations for John Turner in the amounts of 100 inches and 270 inches. Also on page 6 are shown allocations to William Turner for 275 inches. These allocations total 645 inches and would reflect a portion of the 710 inches. These water rights were conveyed to their areas of use until 1920 or 1921 through what was commonly known as the Turner Ditch. In 1920 or 1921 an agreement was made between the

MAR 05 1992

Turner Ditch users and the SSBC Co. which allowed the SSBC Co. to move it's point of diversion upstream to the Turner Ditch diversion point and the resulting enlarged canal from the old Turner Ditch diversion point to the point where it joined the existing SSBC Co. ditch also became known as the SSBC Co. Ltd. canal. The Diversion Dam also became known as the South Side Dam. Included in the terms of the agreement was a mutually agreed split of expenses pertaining to operation and maintenance of the system. The former Turner Ditch people became "Head of the Canal Users" and to this day are assessed and pay their appropriate share (on a per inch basis) of all costs at the dam and headgate. We people who own the 1200 inches of decreed water in the SSBC Co. also pay our appropriate share in expenses at the dam as well as the costs relative to the rest of the system. There is a copy of the agreement dated 1920 or 1921 in files of the SSBC Co. located in the Owen Ranches office in Bruneau, Idaho. Also in those files is a record book called Head of the Canal Book which denotes the inches of water held by various individuals over the years and the annual assessments made and paid by them.

I believe it was in 1954 when Clayton Turner and Joe Turner asked the directors of the SSBC Co. if they could bring downstream some of their decreed inches of water from the Bieroth Ditch to the SSBC Co. for convevance to a proposed pump site in the South Side Ditch approximately 3/8 of a mile downstream from the South Side Dam where the water would be pumped into the existing Bieroth Ditch. Their purpose in making this proposal was to eliminate their need to continue to maintain a diversion

EXHIBIT 1032

structure in the Brureau River for their Beiroth Ditch water. The Turners were already part of the Head of the Canal group and an agreement was signed (on file in the SSBC Co. records). The addition of this water to our system resulted in a total of 1910 inches (1200 SSBC Co. shares + 710 inches of Head of Canal decreed water) that is licensed to be diverted and utilized in the SSBC Co. system. The decree for the Bieroth Ditch is reflected on page 6 of Applicant's Exhibit A in the names of William Turner, Joseph E. Hawes and Fletcher A. Hawes. Also the old Turner Ditch water (Head of the Canal), and the Bieroth Ditch decrees are noted on Protestant's Exhibit No. 1.

Dick Owen, who represents Owen's Ranch Trust, is fully aware of the additional 710 inches of water diverted and distributed by the SSBC Co. system. He is President of our SSBC Co. and has, through our secretary, assessed and collected for those 710 inches of water. Never in his testimony nor in the applicant's memorandum is there any recognition of the need for more than the 1200 inches of water decreed to the SSBC Co. to be diverted at the company's diversion site. I believe ample evidence has been given that the figure of decreed water to be distributed through the SSBC Co. system should be 1910 inches (38.2 cfs.) This would calculate to a combined decreed right for the three canal companies of not 98 cfs but 112.2 cfs.

Also there are other existing downstream decreed water rights which should be considered.

II. Applicant's memorandum states (page 10): "Moreover,

EXH 05 1992

Exhibit F(1)A, the flow measurements of the Pence Hot Springs provided by the U.S. Geological Survey, indicates that sufficient quantities of water exist from one of the two sources for the project to make it economically feasible."

My interpretation of Applicant's Exhibit F(1)A indicates that none of the 28 measurements on the document reflect that there is sufficient water flow from Pence Hot Springs (well number 07S 06E 22 DADBIS) to satisfy a pump demand of 2.5 cfs (1122gpm).

It should also be noted that on Exhibit F(1)A, the months of July and August show, *in general*, that these key months are among the lower flows reflected.

Protestant's Exhibit No. 1 also shows that the Pence Spring is already committed to support a decreed water right in the amount of 50 inches (1 CFS) with a priority date of 4/1/1869. The return flow from this decreed right and the flow from any springs in this area should be considered a tributary of the Bruneau River and are already committed to fulfilling existing downstream water rights. The applicant's proposal would divert these waters to a new area of use in an existing sprinkler system from which there would be no return flow to the river.

III. Applicant indicated in earlier testimony that he had sufficient water in existing wells to supply his needs for his existing sprinkler irrigation system. He stated the need for approval and allowance of Permit No. 51-7293 would be to replace well water to avoid further drain on the ground water table in the area. It seems to me this is a speculative situation.

IV. No Contest

V. It has been clearly shown that in most years there is insufficient flow in the Bruneau River to fully satisfy all existing rights. To allow Permit No. 51-7097 would add to the deficit in demand VS supply. In this respect nearly every farm or ranch in Bruneau Valley would be adversely effected. Insufficient water for application to our irrigated acres translates to lesser crop yields (sometimes no crop) which results in diminished economic returns not only to individual operators but to the community as well. To allow this to happen would certainly conflict with the economic well being of, "the local public interest."

It should also be recognized that to allow this permit would result in the lowering of the water table in the area of the proposed pump site and a sizable surrounding area. Since in it's present condition, it is considered a high water table area it does support a productive wildlife habitat which certainly enhances the recreational capabilities of the area. To detract from this capability would not be in the best public interest.

VI. No Comment

CONCLUSION

In the concluding remarks, the applicant suggests that in lieu of a favorable ruling for issuance of the permit as applied for, that the director of the Department of Water Resources should

consider the issuance of a permit with appropriate conditions. Earlier in the memorandum (page 9) the applicant stated that "...at the very least, the Department should approve the permit with a condition that the withdrawal of water under the permit shall be allowed during the months of April, May, June, and the first 15 days of July of each year."

As a protestant relative to the original application I would also be opposed to the issuance of any permit with conditions as suggested by the applicant. We are all aware that there is no water district in place in the Bruneau Valley. Without that authority who is going to monitor, who is going to rule, who is going to police, who is going to judge, and who is going to enforce the provisions of any conditional permit that might be issued by the Department? We all know that, under existing conditions, no one has authority to act relative to the above posed questions, unless it would be the Board itself, and it is my understanding that the Board can not or will not be involved in enforcement actions.

Therefore, it could be reasoned that if the Board were to issue a conditional permit, as proposed by the applicant, we could become involved in an episode of another "Water Wars of the West." It is my belief that none of us should want to create or live in such a situation.

I feel the Board has ample evidence to deny the original application as well as any permit that might be issued with conditions.

RECEIVED 1992

RESPECTFULLY SUBMITTED this 23rd day of December, 1991.

BRUNEAU CATTLE COMPANY

By _____
Gene Davis

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 23rd day of December, 1991, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

Owen's Ranch Trust
Richard L. Owen, Trustee
Star Route B
P.O. Box 110
Bruneau, Idaho 83604

John B. Urquidi
HC 85, Box 175
Bruneau, Idaho 83604

_____
Gene Davis

DEC 05 1992

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

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

TELEPHONE
208-343-5454
TELECOPIER
208-384-5844

SCOTT L. CAMPBELL

November 9, 1991

RECEIVED
DEC 11 1991
Department of Water Resources

Mr. L. Glen Saxton
Chief, Water Allocation Bureau
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard
Boise, Idaho 83720-9000

RE: In the Matter of Application for Permit No. 51-7293 in the Name of Owen's Ranch Trust

Dear Mr. Saxton:

In accordance with the briefing schedule established at the rehearing on this matter conducted on November 26, 1991, I am submitting an original and one copy of the Memorandum in Support of Application for Permit No. 51-7293. I am also providing a copy of this memorandum to the individuals identified on the Certificate of Mailing.

Please contact me if you have any questions.

Very truly yours,

ELAM, BURKE AND BOYD

Scott L. Campbell

Scott L. Campbell **

SLC:jm
Enclosures

cc: Richard L. Owen

** Signed in Mr. Campbell's absence to avoid delay.

MAR 05 1992

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

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

TELEPHONE
208-343-5454
TELECOPIER
208-384-5844

SCOTT L. CAMPBELL

December 10, 1991

RECEIVED
DEC 11 1991
Department of Water Resources

Mr. Gene Davis
HC 85, Box 138
Bruneau, Idaho 83604

Mr. John B. Urquidi, Jr.
HC 85, Box 135
Bruneau, Idaho 83604

RE: Water Permit No. 51-7293

Gentlemen:

I enclose a copy of correspondence from Mr. Harold W. Young, Hydrologist for the U. S. Geological Survey addressed to Mr. Glen Saxton of the Idaho Department of Water Resources concerning one of the exhibits which Mr. Young presented at the hearing conducted on November 26, 1991. Mr. Young neglected to provide copies of the document to you when he presented the letter to Mr. Saxton.

You should note that this documentation replaces the stream flow measurement data which Mr. Young provided for the Southside Bruneau Canal.

Very truly yours,

ELAM, BURKE AND BOYD

Scott L. Campbell

Scott L. Campbell

SLC:jm
Enclosure

cc: L. Glen Saxton
Department of Water Resources
Richard L. Owen

1992

United States Department of the Interior

GEOLOGICAL SURVEY

WATER RESOURCES DIVISION
230 Collins Road
Boise, Idaho 83702

TAKE PRIDE IN AMERICA

December 2, 1991

In Reply Refer To:
Mail Stop

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Dear Mr. Saxton:

On November 26, 1991, I attended a hearing during which I presented a daily values discharge table collected by the U.S. Geological Survey on the South Side Canal at heading near Bruneau, Idaho. This data table was pulled from our computer system by persons who were not knowledgeable about the circumstances regarding its generation and the table is in error. We collected data at that site for about 3 years and were unable to do an adequate job of measuring daily discharges because we could not generate a meaningful stage-discharge relation due to the way the canal is operated. Please disregard the South Side Canal data you currently have. We did publish discharge measurements for that site. A list of discharge measurements for the South Side Canal from June 1987 to October 1989 is enclosed with this letter.

If I can be of further assistance, please call me.

Sincerely,

Bill

Harold W. Young
Hydrologist

Enclosure

cc: Mr. Scott Campbell
Elam, Burke and Boyd
P.O. Box 1539
Boise, ID 83701

WAH/mrl

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UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY - WATER RESOURCES DIVISION
SUMMARY OF DISCHARGE MEASUREMENT DATA
13169140 SOUTH SIDE CANAL AT HEADING NR BRUNEAU ID DATE PROCESSED: 27-NOV-91 14.50

NO	DATE	TIME	G. H.	DISCH	
1	06/17/87	1012	2.98	47 6	
2	07/15/87	1346	2.39	19.5	
3	08/04/87	1130	2.37	21 2	
4	09/03/87	1115	2.62	18.5	
5	10/09/87	1230	2.19	19.1	
6	10/28/87	1514	1.80	14.9	
6A	11/30/87			0.	REMARKS: STOPPED RECORDER FOR WINTER
6B	03/02/88	1615		0.	REMARKS: STARTED RECORDER
7	04/15/88	1046	1.97	28.5	
8	05/04/88		2 37	28.3	
9	06/10/88	1428	2.66	36.3	
10	07/13/88	1447	2.61	30.0	
11	08/11/88	1400	2.31	17.1	
12	09/16/88	1356	2.60	15.7	
13	10/21/88	1235	2.86	29.6	
13A	12/09/88	1322	0.96	0.	REMARKS: DRY
13B	03/21/89		0.97	0.	REMARKS: STARTED RECORDER
14	04/26/89	1330	1.57	15.3	
15	06/01/89	1650	2.47	34.4	
16	07/07/89	1314	3.18	41.8	
17	08/11/89	1120	1.98	19.2	
18	09/13/89	1320	2.04	16.3	
19	10/19/89	1533	1.81	9 76	

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWEN'S RANCH TRUST,	MEMORANDUM IN SUPPORT OF APPLICATION FOR PERMIT NO. 51-7293 CONTAINING APPLICANT'S CLOSING REMARKS FOLLOWING THE REHEARING CONDUCTED ON NOVEMBER 26, 1991

INTRODUCTION

This memorandum is submitted to the hearing officer, Mr. L. Glen Saxton, Chief of the Water Allocation Bureau, Idaho Department of Water Resources, in lieu of oral argument at the conclusion of the rehearing conducted in this matter on November 26, 1991. This memorandum is not intended to serve as an exhaustive or all-inclusive discussion of all of the evidence presented at the rehearing. Instead, it will serve to highlight and emphasize certain evidentiary matters and points of law.

ARGUMENT

A. Preliminary Matters.

The Affidavit of Publication, Exhibit I, from the Owyhee Avalanche, indicated that publication of the notice for this application was made on November 21 and November 28, 1990. The

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affidavit also indicates that the protest date identified in the publish notice was December 13, 1990. This time frame allowed fifteen (15) days for a protest to be filed against the application. This 15-day period violates the specific requirements of Idaho Code section 42-203A, which states in pertinent part:

> The department shall also state in said notice that any protest against the approval of such application, in form prescribed by the department, shall be filed with the department within ten (10) days from the last date of publication of such notice.

The protest of Mr. Gene Davis was received by the Department of Water Resources on December 13, 1990. The protest of Mr. John B. Urquidi was received by the Department on December 12, 1990. In both cases these protests were submitted after the 10-day period specified in Idaho Code section 42-203A, from the last date of publication of the notice.

Additionally, the scope of the testimony and evidence presented by Mr. Gene Davis should be limited to the issues identified in his written protest. His protest reads, "I protest Water Right No. 51-7293 in the name of Owen's Ranch Trust on the basis of interference with my downstream rights."

Idaho Code section 42-203A(4) specifies in pertinent part:

> Any person, firm, association or corporation concerned in any such application may, within the time allowed in the notice of application, file with said director of the department of water resources a written protest against the approval of such application, which protest shall state the name and address of protestant and shall be signed by him or by his agent or attorney and shall clearly set

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forth his objections to the approval of such application.

(Emphasis added).

This statutory requirement should be construed to limit the issues upon which testimony or evidence can be given by a protestant to those items identified in the filed protest. In the case of Mr. Davis, the testimony and evidence presented by him at the hearing should be limited to only those matters which directly relate to his claim of interference with his down stream right as set forth in his written protest.

His position is also supported by Rule 4,3,1,1. of the Rules and Regulations for Water Appropriation. This rule states:

> Protests against the approval of an application for permit or against a permit being reprocessed shall comply with the requirements for pleadings as described in Rule 3. of the Department's adopted Rules of Practice and Procedure.

Rule 3,1. of the Rules of Practice and Procedure states in pertinent part:

> All matters initiated before the Director shall be by complaint, statement, petition, or protest in such form as applicable law provides.

The applicable law is Idaho Code section 42-203A(4). It provides that the "written protest . . . shall clearly set forth [the] objections to the approval of such application."

Based upon these authorities, the applicant believes that any testimony or evidence presented by Mr. Gene Davis except for that which directly pertains to the issue identified in his written

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protest should be excluded and not be considered by the Department in its evaluation of this application.

B. Criteria for Evaluation of Application for Permit.

Idaho Code section 42-203A(5) establishes six different criteria which the director of the Department of Water Resources must evaluate to determine whether or not an application for water permit should be rejected, partially approved, or approved upon conditions. Those issues are:

(1) Reduction of the quantity of water under existing rights;

(2) The deficiency of the water supply for the purpose for which it is sought to be appropriated;

(3) Whether the application is made in good faith, is made for delay or speculative purposes;

(4) Whether the applicant has sufficient financial resources with which to complete the work involved in the application;

(5) Whether the proposed use will conflict with the local public interest; and

(6) Whether the proposed use is contrary to the conservation of water resources within the state of Idaho.

Additionally, the Department has adopted specific evaluation criteria for consideration of applications to appropriate water under Rule 5 of the Water Appropriation Rules and Regulations, adopted on October 8, 1986.

As a preliminary matter in this rehearing, the protestants stipulated with the applicant that Issue No. 4, i.e., the

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sufficiency of financial resources of the applicant, was not contested.

Based upon the evidence and testimony presented at the rehearing in this matter, the applicant strongly believes that each and every remaining element of Idaho Code section 42-203A(5) and the requirements of Rule 5 of the Water Appropriation Rules of the Department of Water Resources have been satisfied.

1. Reduction of Quantity of Water Under Existing Water Rights.

Rules 5,1,1. and 5,1,1,1. state:

> A proposed use will be determined to reduce the quantity of water under an existing water right (i.e., injure another water right) if: the amount of water available under an existing water right will be reduced below the amount recorded by permit, license, decree or valid claim or the historical amount beneficially used by the water right holder under such recorded rights, whichever is less.

The applicant has introduced evidence at the rehearing in the form of Exhibits A, B(1) through (7), C(1) through (12), D(1) through (4), E, F(1) through (6), and F(1)a on this issue. Also, after rehearing, Mr. Young of the U.S. Geological Survey substituted a corrected version of the flow data submitted as Exhibit F(2). This was submitted by correspondence to Mr. L. Glen Saxton dated December 4, 1991.

Exhibit A is the Bruneau River adjudication decree which established the decreed rights of the water users on the Bruneau River. This decree includes an adjudication of the amounts of water decreed to the major cooperative irrigation companies diverting water from the river, i.e., the Bruneau Buckaroo

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Cooperative Ditch Company, the South Side Bruneau Canal Company, Ltd., and the Hot Springs Ditch Company. Exhibits B(1) through (7), C(1) through (12), and D(1) through (4) are copies of the computer generated Snake River Basin Adjudication Claims filed with the Department of Water Resources by those three ditch companies. These exhibits demonstrate the amounts of water claimed under the Bruneau River Adjudication Decree (Exhibit A) as well as additional beneficial use claims submitted by the canal companies.

Exhibit E is a compilation of relevant information taken from the previously mentioned exhibits and organized in a fashion to make it more illustrative. Exhibit E demonstrates that the total quantities of water under the various decreed rights of the ditch companies are as follows: (1) The Bruneau Buckaroo Ditch Company, 60 cfs; (2) Hot Springs Ditch Company, 14 cfs; and (3) South Side Bruneau Canal Company, Ltd., 24 cfs. Exhibit E also demonstrates that the Snake River Basin Adjudication Claims filed by all three ditch companies claim quantities of water far in excess of the adjudicated water rights established in the Bruneau River decree. Evaluation of the individual adjudication claims for these additional water rights demonstrates that in almost every case these additional quantities of water are based upon a beneficial use claim. Inasmuch as these beneficial use claims have not been adjudicated, for purposes of the analysis of the first element under Idaho Code section 42-203A and Rule 5,1,1 of the Water Appropriation Rules and Regulations, the beneficial use adjudication claims should not be considered since they have

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not been judicially confirmed. See Idaho Code § 42-607 and Nettleton v. Higginson, 98 Idaho 87, 90-91, 558 P.2d 1048 (1977).

A comparison of the quantities of water adjudicated to each canal company under the Bruneau River decree and the flow measurement data from the U.S. Geological Survey, submitted as Exhibits F(1) through (6) and F(2), as corrected by Mr. Young, clearly indicate that the Bruneau Buckaroo Ditch Company and the Hot Springs Ditch Company have been diverting water from the Bruneau River in quantities exceeding their adjudicated rights on a frequent basis during the period of measurement. Only during the latter part of July, August, and September have the diversions been below the full quantity of authorized right under the decree.

Additionally, the testimony of Mr. Richard Owen, Mr. Charles Ceccarelli, and Mr. Gene Davis establish that the Bruneau River system does not have an established water district or a duly appointed water master for regulation of the diversions from the river. This fact alone, coupled with the flow measurements from the U.S. Geological Survey, demonstrates that the water shortages testified to by Mr. Davis are attributable to excess diversions by the upstream ditch companies of the Bruneau Buckaroo Ditch Company and Hot Springs Ditch Company.

Moreover, Mr. Davis testified in cross-examination that he had not determined the quantities of water being diverted by the Hot Springs Ditch Company or the Bruneau Buckaroo Ditch Company during the occasions of water shortage which he testified to with respect to the South Side Bruneau Canal Company.

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Additionally, he indicated that on only one occasion did he personally observe the quantities of water being diverted by the South Side Bruneau Canal Company during any of the shortages and on that particular occasion he could not testify as to the quantity of water being diverted by the company except that it was below the level of 1900 miner's inches. It should be pointed out that the decreed right for the South Side Bruneau Canal Company is 24 cubic feet per second which translates to 1200 miner's inches.

Additionally, the flow measurement data contained in Exhibit F(6) demonstrates that for the period of April through mid to late July of every year of measurement, the mean daily average discharge at the Hot Springs measuring station on the Bruneau River measured flows in the river which would exceed the quantities required for delivery of all of the adjudicated rights for the three major canal companies in question, including the South Side Bruneau Canal Company. Exhibits A and E establish that the total quantities for those deliveries are 98 cubic feet per second. The stream flow measurements at the Hot Springs measuring station indicate that those flows have been exceeded upstream of any diversions except for certain periods during July, August, and September of each year of measurement.

The applicant's withdrawal of water from the sources identified in the application for permit would not adversely impact the water rights of the South Side Bruneau Canal Company or any of its stockholders. This is particularly true for any of the time period from April through July 15 of each irrigation

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season. The exhibits previously identified and the testimony of the witnesses for the applicant demonstrate this point.

If the Department determines that the use proposed by the applicant would produce an injury to the South Side Bruneau Canal Company or its shareholders, the Department has the discretion to approve the present application for permit upon conditions which mitigate the losses of water to the holder of any existing right. See Rule 5,1,1,4. of the Rules and Regulations of Water Appropriation. In this particular case, the applicant does not believe that any such injury will occur. However, if the Department determines that an injury will occur, at the very least, the Department should approve the permit with a condition that the withdrawal of water under the permit shall be allowed during the months of April, May, June, and the first 15 days of July of each year. The exhibits and testimony of the witnesses for the applicant clearly demonstrate that there are sufficient quantities of water in the Bruneau River and sufficient quantities of water being diverted by the South Side Bruneau Canal Company during those periods of the year so that the withdrawal of the quantities of water requested by the applicant would not injure any other water right.

2. Sufficiency of Water Supply for Purpose for Which It Is Sought to Be Appropriated.

Idaho Code section 42-203A(5) requires that the Department determine that the water supply is sufficient for the purpose for which it is sought to be appropriated. Additionally, Rule 5,1,2.

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and 5,1,2,1. set forth criteria for reaching this determination. Those rules state:

> The water supply will be determined to be insufficient for the proposed use if: water is not available for an adequate time interval in quantities sufficient to make the project economically feasible . . . .

Mr. Richard Owen testified specifically that he believed that there was sufficient water available for an adequate time period to make the project economically feasible. This is sufficient evidence to establish this element of the statutory and regulatory analysis.

Moreover, Exhibit F(1)A, the flow measurements of the Pence Hot Springs provided by the U.S. Geological Survey, indicates that sufficient quantities of water exist from one of the two sources for the project to make it economically feasible. Mr. Owen also testified as to the quantities of water available from a separate spring which is adjacent to Pence Hot Springs which would provide the necessary quantities of water such that the requirements of Idaho Code section 42-203A(5) and Rules 5,1,2. and 5,1,2,1. are satisfied.

3. Is the Application Made in Good Faith, or Made for Delay or Speculative Purposes?

Idaho Code section 42-203A(5) requires that in order to determine whether or not the application has been made in good faith or has been made for delay or speculative purposes. Additionally, Rules 5,1,3. and 5,1,3,1. of the Water Appropriation Rules and Regulations set forth the criteria for reaching this determination. Those rules state as follows:

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> CRITERIA FOR DETERMINING WHETHER THE APPLICATION IS MADE IN GOOD FAITH. The criteria requiring that the director evaluate whether an application is made in good faith or whether it is made for delay or speculative purposes requires an analysis of the intentions of the applicant with respect to the filing and diligent pursuit of application requirements. The judgment of another person's intent can only be based upon the substantive actions that encompass the proposed project.
>
> Speculation for the purpose of this rule is an intention to obtain a permit to appropriate water without the intention of applying the water to beneficial use with reasonable diligence. Speculation does not prevent an applicant from subsequently selling the developed project for a profit or from making a profit from the use of the water. An application will be found to have been made in good faith if:
>
> The applicant shall have legal access to the property necessary to construct and operate the proposed project, has the authority to exercise eminent domain authority to obtain such access, or in the instance of a project diverting water from or conveying water across land in state or federal ownership, has filed all applications for a right-of-way. Approval of applications involving Desert Land Entry or Carey Act filings will not be issued until the United States Department of Interior, Bureau of Land Management has issued a notice classifying the lands suitable for entry . . . .

The testimony of Mr. Owen establishes that the criteria under these rules have been satisfied in this case. His testimony establishes that he has diligently pursued completion of the project, including installation of a substantial pipe line to connect the water source to the place of use. He also testified that he has other components which would be utilized in the diversion system. He also established that the applicant owns

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legal title to both the place of use and the property where the point of diversion is located. Further, he testified that he knew of no legal impediments to the completion of the project except for issuance of the water permit. It is apparent that his actions and testimony clearly establish that he has pursued this application in good faith and it has not been pursued for delay or speculative purposes.

4. Sufficiency of Financial Resources of the Applicant to Complete the Project.

As stated above, prior to the presentation of evidence in the rehearing, the parties stipulated that the applicant has sufficient financial resources to complete the project described in the application for permit. Additionally, the testimony of Mr. Owen established that he has already acquired a substantial portion of the diversion and distribution for the proposed project and that he has significant financial capabilities to acquire the remaining components of the diversion system.

5. Determination of Conflict of the Proposed Use With the Local Public Interest.

Idaho Code section 42-203A(5) requires the director of the Department of Water Resources to ascertain whether or not the proposed use will conflict with the local public interest. Additionally, Rule 5,1,5. of the Water Appropriation Rules and Regulations sets forth the criteria which the director should consider to reach this determination. The provisions of that rule and its subparts read as follows:

> CRITERIA FOR DETERMINING WHETHER THE PROJECT CONFLICTS WITH THE LOCAL PUBLIC INTEREST. The director will consider the following, along with any other factors he finds to

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be appropriate, in determining whether the project will conflict with the local public interest:

The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both short and long term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;

The effect the project will have on recreation, fish and wildlife resources in the local area affected by the proposed use; and

Compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

An application which the director determines will conflict with the local public interest will be denied unless the director determines that an over-riding state or national need exists for the project or that the project can be approved with conditions to resolve the conflict with the local public interest.

The documentary evidence and testimony presented at the rehearing by the applicant established that the project will not conflict with the local public interest under these standards. Furthermore, none of the testimony presented by the protestants established a substantial question as to conflict with the local public interest by the proposed use.

6. Will the Proposed Use Be Contrary to Conservation of Water Resources Within the State of Idaho.

Idaho Code section 42-203A(5) requires the director to ascertain whether the proposed use will be contrary to the conservation of water resources within the state of Idaho. The Department has not adopted any specific rule in the Water

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Appropriations Rules and Regulations concerning evaluation of criteria to make this determination.

It is apparent, however, based upon the testimony of Mr. Owen and Mr. Ceccarelli, that the proposed use of the water under the application for permit will supplement existing ground water supplies. Additionally, because the water will be used for irrigation purposes in a sprinkler system, it will involve efficient water use and therefore promote the conservation of water resources in the state of Idaho.

CONCLUSION

The applicant strongly believes that the evidence and testimony presented at the rehearing in this matter properly establishes each of the elements of Idaho Code section 42-203A(5) in the affirmative. Moreover, the testimony of the protestants failed to adequately controvert the elements of the applicant's case. Therefore, applicant believes that the director of the Department of Water Resources should grant the application for Water Permit No. 51-7293 as requested in the application.

If the Department believes that it is necessary to impose conditions of approval, pursuant to Rule 6 of the Water Appropriation Rules and Regulations, in order to adequately protect prior water rights, the applicant encourages the Department to issue the permit with appropriate conditions. Applicant makes this statement only as an alternative argument to its initial position that the permit should be issued without extraordinary conditions to protect prior water rights since the

5 1992

evidence presented by the applicant demonstrated that the proposed use will not injure existing water rights.

RESPECTFULLY SUBMITTED this 9th day of December, 1991.

ELAM, BURKE AND BOYD

By Scott L. Campbell
Scott L. Campbell, Of the Firm
Attorneys for Applicant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9th day of December, 1991, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

Owens Ranch Trust
Richard L. Owen, Trustee
Star Route B
P.O. Box 110
Bruneau, Idaho 83604

John B. Urquidi
HC 85, Box 135
Bruneau, Idaho 83604

Gene Davis
HC 85, Box 138
Bruneau, Idaho 83604

Scott L. Campbell
Scott L. Campbell

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ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

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

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Department of Water Resources

December 4, 1991

Mr. Glen Saxton
DEPARTMENT OF WATER RESOURCES
1301 N. Orchard
Boise, Idaho 83706

RE: Application for Permit, Ident. No. 51-7293
Applicant: Richard L. Owen, Trustee/Owen's Ranch Trust

Dear Mr. Saxton:

I enclose reduced versions of Applicant's Exhibits E and J. At the November 26, 1991 rehearing of the above matter, you requested that both of these exhibits be submitted in a reduced size.

Very truly yours,

ELAM, BURKE & BOYD

Scott L. Campbell
Attorney for the Applicant

SLC/ssm
Enclosure
cc: Gene Davis, Protestant
John Urquidi, Jr. and
John Urquidi, Sr., Protestants

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Re: Owen's Ranch Tru[redacted] 51-7293 [redacted]

Place: Dept. of Health & Welfare, Division of Environmental Quality
1410 N. Hilton, Conference Room B, Boise, ID 83706

Date: November 26, 1991

Hearing conducted by: Glen Saxton

ROSTER OF ATTENDANCE

Name	Address	Representing
Gene Laws	HC 85 Box 138 Bruneau, Id 83604	Bruneau Cattle Co
Bill Young	280 Collins Rd Boise Id 83702	U.S. Geological Survey
MARIE OWEN	OWEN RANCHES Box 590, BRUNEAU, Id	OWEN RANCHES
Richard L. Owen	Owen Ranches P.O. Box 590, Bruneau, Id	Owen Ranches
Charles Ceccarelli	Box 273 Bruneau, ID 83604	Owen Ranches
Scott Campbell	P.O. Box 1539 Boise, Id 83701	Owen Ranches
Sally Finlayson	P.O. Box 1539 Boise, Id 83701	Owen Ranches
John Brian Urquidi	HC 85 Box 135 Bruneau	Self
John Urquidi	2006 Curtis Circle Boise	J & J Ranches

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Protestants Exhibit No. 1

Admitted 11-26-91 VHS

BRUNEAU WATER SUIT

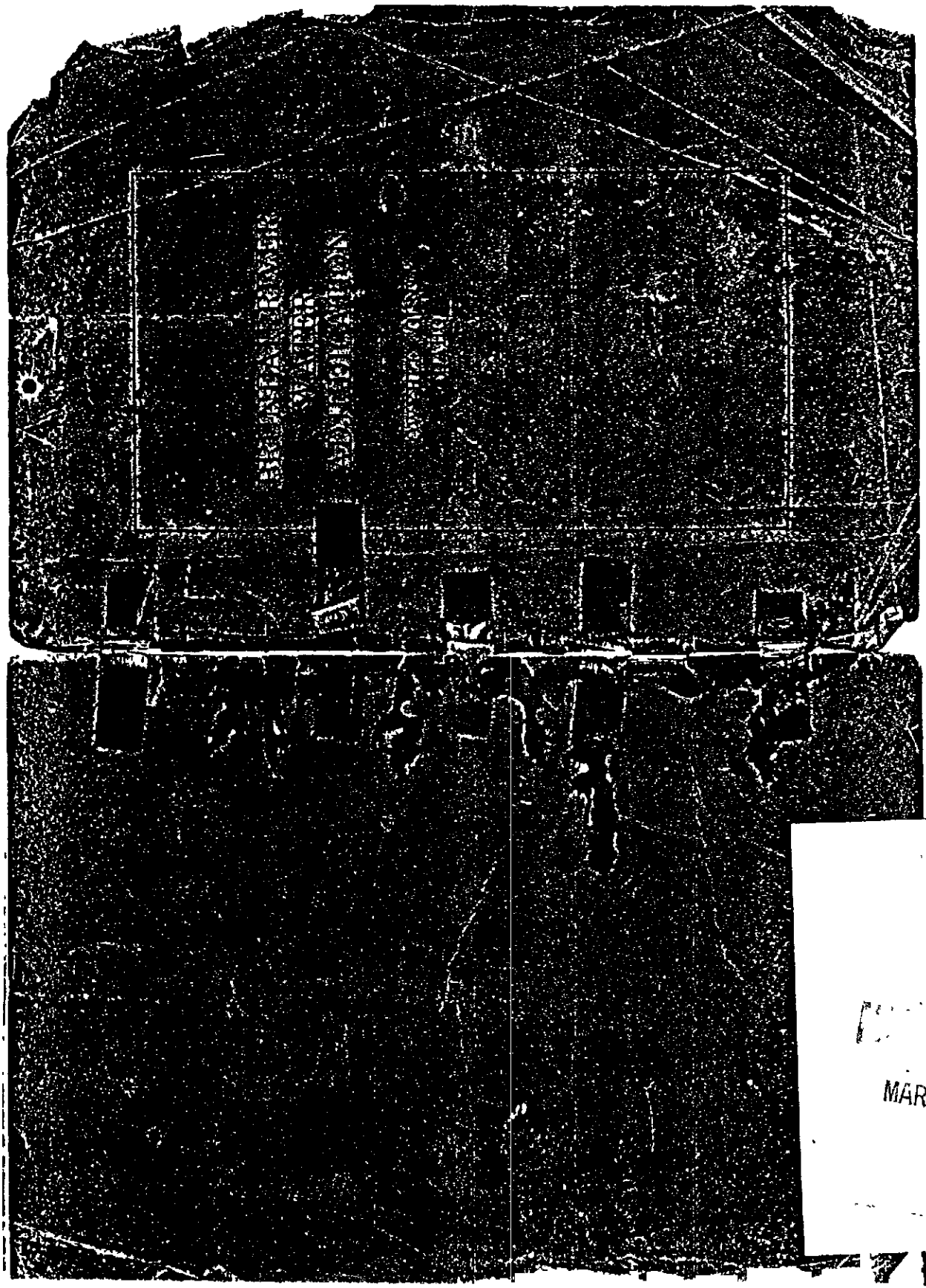
Ditch	Owner	Priority No. 1 — Date	Amt.	Priority No. 2 (1897)	Priority No. 3 (After 1903)	
T-Ranch	Crocheron & Black	4-1, 75	10*	100	180	
Turner	J. E. Hawes	4-1, 76	15	10	10	35
	Wm Turner	4-1, 76	110	85	50	235
	F. A. Hawes	4-1, 76	90	15	15	120
	John Turner	4-1, 75	105	60	45	270
Bleroth	Noble Estate	4-1, 76	45	20	15	
	J. E. Hawes	4-1, 75	30			
	Wm. Turner	4-1, 75	140			
	F. A. Hawes	4-1, 75	15	10	15	
Hall	F. B. Hall	2-21, 79	7		21	
J. S. Black	J S Black	4-1, 81	15	5	55	
Hewitt	Hewitt Estate	4-1, 81	25	5	10	
Coats	Wm. Ratliff	4-1, 82	35	10	15	
	Davidson Estate	4-1, 82	21	5	20	
	Nettie Pinkston	4-1, 83	60	5	10	
	Fred H. Hall	11-1, 87	65			
Hot Springs	Hot Springs	6-25, 81	150	150	200	
Buckaroo	Buckaroo	1-2, 83	648			
		2-20, 84	1000	707	745	
Joyce Sharp	Joyce Bros.	4-27, 91	66	38	40	
	Sharp Estate	4-1, 97		19	25	
Black	Stockgrowers National	10-27, 93	63	35	210	
	Errol Black	10-27, 93	15	10	10	
South Side	South Side	3-21, 96	612	95	493	
J. R. Black	J. R. Black				(60	
Schenck	F. G. Black			15	(35	
Baker	John Turner				100	
Wilkins	Ed Rund				100	
Black (West)	Stockgrowers National				150	
			2602	1180‡	2660	
			1398			
			4000			

Explanatory Notes: * All prior to Grandview ¶ Subsequent to South Side but prior to Grandview. ‡ Subsequent to Grandview.

BRUNEAU WATER SUIT
Springs in Bruneau Valley

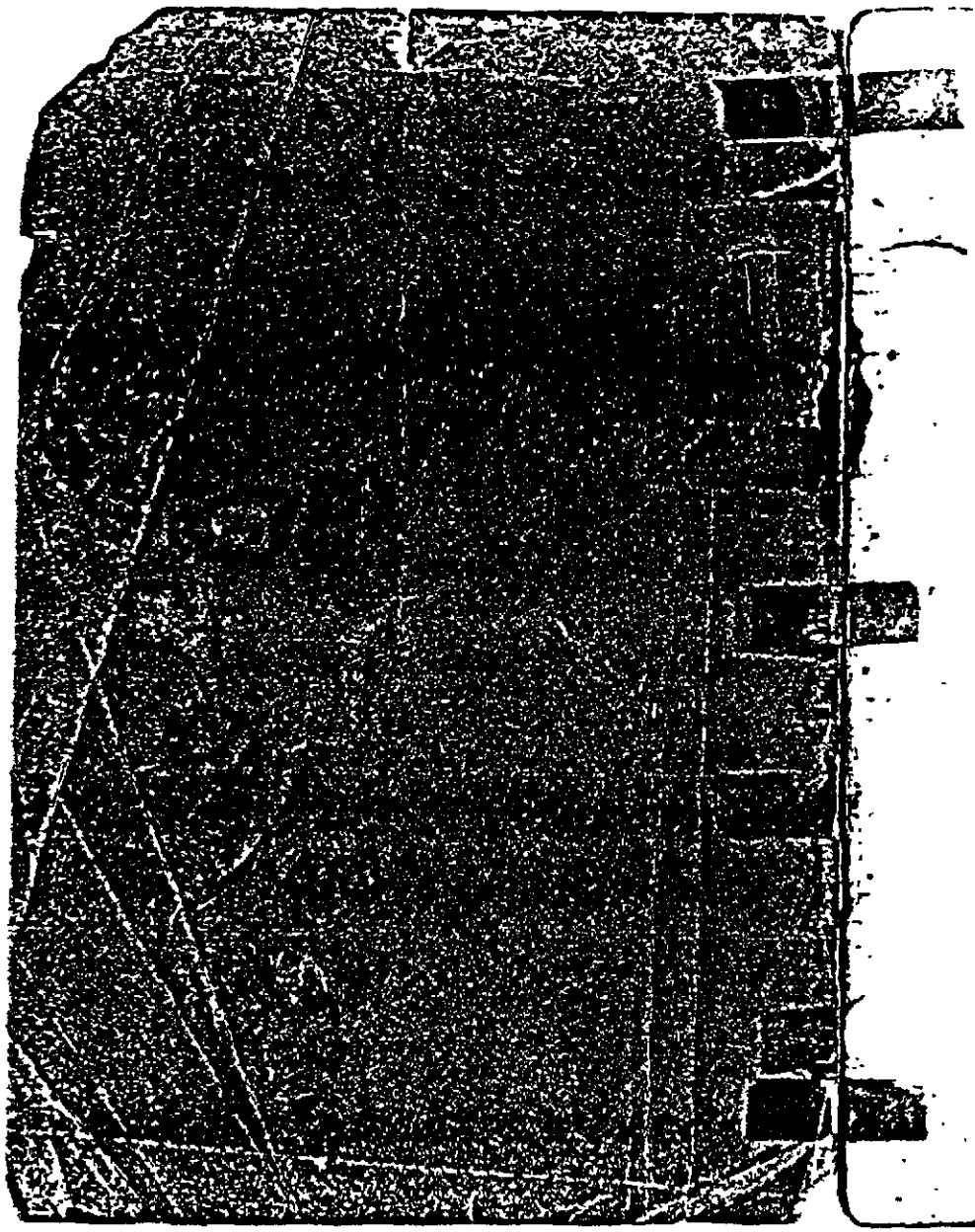
Name	Priority	Amount
Arthur Pence senior	4-1, 69	50
Wm. H. Robertson	4-19, 97	all
B. F. Robertson	4-1, 98	5
Abraham L. Roberts	4-1, 99	1
Sarah J. Dunham	1-18, 97	all
Sarah J. Dunham	1-18, 97	all
Robert Wilson	2-14, 95	all

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EXHIBIT

MAR 05 1992



IN THE

DISTRICT COURT

OF THE

THIRD JUDICIAL DISTRICT

OF THE

STATE OF IDAHO

IN AND FOR THE

COUNTY OF ADA

GRANDVIEW IRRIGATION DISTRICT, *Plaintiff,*

vs.

BRUNEAU BUCKAROO CO-OPERATIVE DITCH COMPANY, et al, *Defendants.*

DECREE

This cause having come on to be heard this 14 day of February, 1925, upon the complaint of the plaintiff and the answers and cross-complaints of the appearing defendants, the default of non-appearing defendants having heretofore been entered, and upon the stipulation of all the parties appearing herein,

IT IS HEREBY ORDERED, ADJUDGED and DECREED, during the irrigation season, Dry Creek, (sometimes referred to as Jack's Creek) is an independent stream not tributary to the Bruneau River, for the reason that all the water of said

Dry Creek in low water season many miles above its flood water junction with Bruneau River sinks into underground reservoirs and if permitted to run unobstructed and unappropriated, would never reach Bruneau River either on the surface or by underground flow.

IT IS FURTHER ORDERED, ADJUDGED and DECREED, that the plaintiff and the several defendants and cross-complainants hereinafter named have a right to use the water of Bruneau River and its tributaries situate in Owyhee County, State of Idaho, to the extent of their needs for irrigation and domestic use and the watering of livestock, upon the lands described after each appropriation, respectively, for the number of inches of water (measured under a four-inch pressure) set opposite each name, each fifty inches thereof to be equivalent to a flow of a cubic foot per second, as prescribed by the law of Idaho, the priorities of said appropriations to be fixed as of the time set opposite each name, respectively:

The plaintiff, Grandview Irrigation District 150 cubic feet of water per second of time from the Bruneau River with priority as of February 22, 1904, appurtenant to the lands within the Grandview Irrigation District, as shown by a map thereof attached to the stipulation on file herein, to which reference is hereby made.

The defendants and cross-complainants as follows:

RIGHTS IN BRUNEAU VALLEY

BRUNEAU BUCKAROO COOPERATIVE DITCH COMPANY, *A Domestic Corporation of the State of Idaho:* Appurtenant to that certain canal in Townships 6 and 7 South, Range 6 East, and Township 6 South, Range 5 East, Boise Meridian, known as the "Buckaroo Ditch", with its point of diversion in the SW¼ SW¼ of Section 26, Township 7 South, Range 6 East, Boise Meridian, for use on lands of its stockholders under said ditch. Out of the waters of the Bruneau River:

548 inches as of January 2, 1883.
1,000 inches as of February 20, 1883.
632 inches as of April 1, 1897.
820 inches as of April 1, 1905.

3,000

The decree of such waters to the Bruneau Buckaroo Co-operative Ditch Company as appurtenant to its canal shall be without prejudice to the rights of any stockholder thereof to assert any claim as to the amount of water to which he is entitled either as against the corporation itself or against his co-stockholders; it being the intention of this decree to define the stockholders' rights, as represented by said corporation, in the aggregate, but not to define their individual rights as among themselves.

SOUTH SIDE BRUNEAU CANAL COMPANY, LIMITED, *A Domestic Corporation of the State of Idaho:* Appurtenant to that certain canal in Township 6 and 7 South, Range 6 East, and Township 6 South, Range 5 East, Boise Meridian, known as the "South Side Canal", with its point of diversion in the NE¼ SW¼, of Section 5, Township 7 South, Range 6 East, Boise Meridian, for use on the lands of its stockholders under said ditch: Out of the waters of the Bruneau River:

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612 inches as of March 23, 1896.
96 inches as of April 1, 1897.
492 inches as of April 1, 1905.

1,200

The decree of such waters to the South Side Canal Company, Limited, as appurtenant to its canal shall be without prejudice to the right of any stockholder thereof to assert any claim as to the amount of water to which he is entitled either as against the corporation itself or against his co-stockholders; it being the intention of this decree to define the stockholders' rights, as represented by said corporation, in the aggregate, but not to define their individual rights as among themselves.

"HOT SPRINGS DITCH COMPANY, *A domestic corporation of the State of Idaho:* Lands of its stockholders located under that certain canal in Township 6 South, Range 5 East, and Townships 6 and 7 South, Range 6 East, Boise Meridian, known as the "Hot Springs Canal", with its point of diversion near the NW corner of the NW¼ NW¼, Sec. 35, Township 7 South, Range 6 East, Boise Meridian. Out of the waters of the Bruneau River:

350 inches as of August 25, 1883.
150 inches as of April 1, 1897.
200 inches as of April 1, 1905.

700

NETTIE J. PINKSTON AND HENRIETTA E. MILLER: SW¼ NW¼, Section 15, S½ NE¼, NE¼ SE¼, SE¼ NW¼, Section 16, Township 7 South, Range 6 East, Boise Meridian, containing 200 acres. Out of the waters of the Bruneau River:

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60 inches as of April 1, 1883.
5 inches as of April 1, 1897.
10 inches as of April 1, 1905.

75

WILLIAM RATLIFF: NW¼ NE¼, NE¼ NW¼, Section 16, Township 7 South, Range 6 East, Boise Meridian, containing 80 acres. Out of the waters of the Bruneau River:

35 inches as of April 1, 1882.
10 inches as of April 1, 1897.
15 inches as of April 1, 1905.

60

ETHEL DAVIDSON: S½ SE¼, Section 9, NE¼ NE¼, Section 16, Township 7 South, Range 6 East, Boise Meridian, containing 120 acres. Out of the waters of the Bruneau River:

25 inches as of April 1, 1882.
5 inches as of April 1, 1897.
20 inches as of April 1, 1905.

50

FRED B. HALL: NW¼ SE¼, E½ SW¼, SW¼ SW¼, Section 9, Township 7 South, Range 6 East, Boise Meridian, containing 160 acres. Out of the waters of the Bruneau River:

7 inches as of February 21, 1879.
55 inches as of November 1, 1882.
23 inches as of April 1, 1905.

85

DELIA HEWITT: SW¼ NE¼, NW¼ SE¼, Section 31, Township 6 South, Range 6 East, Boise Meridian, containing 80 acres. Out of the waters of the Bruneau River:

25 inches as of April 1, 1881.
5 inches as of April 1, 1897.
10 inches as of April 1, 1905.

40

JOHN TURNER: SW¼ SW¼, Section 30, Township 6 South, Range 6 East, Boise Meridian, E½ SE¼, NW¼ SE¼, Section 25, Township 6 South, Range 5 East, Boise Meridian, containing 160 acres. Out of the waters of the Bruneau River:

100 inches as of April 1, 1905.

JOHN TURNER: E½ SW¼, Section 25, N½ NE¼, SE¼ NE¼, Section 36, Township 6 South, Range 5 East, NW¼ NW¼, S½ NW¼, Section 31, Township 6 South, Range 6 East, Boise Meridian, containing 320 acres. Out of the waters of the Bruneau River:

165 inches as of April 1, 1875.
60 inches as of April 1, 1897.
45 inches as of April 1, 1905.

270

JOYCE BROTHERS, *A co-partnership consisting of* ANNA F. JOYCE, MATTHEW JOYCE, AND JAMES JOYCE: S½ NW¼, NW¼ NW¼, Section 25, NE¼ NE¼, SE¼ NE¼, and NW¼ NE¼, Section 26, Township 6 South, Range 5 East, Boise Meridian, containing 240 acres. Out of the waters of the Bruneau River:

65 inches as of April 28, 1891.
35 inches as of April 1, 1897.
40 inches as of April 1, 1905.

140

JOHN H. CROCHERON AND ROSS F. SLACK, *Co-partners as* CROCHERON & SLACK, *successors in interest to* NEPHI W. SCHOFIELD: SW¼ SW¼, Section 14, S½ SE¼, N½ SW¼, SE¼ SW¼, S½ NW¼, Section 15, NE¼, E½ NW¼, NE¼ SW¼, N½ SE¼, Section 22, W½ NW¼, NW¼ SW¼, Section 23, Township 6 South, Range 5 East, Boise Meridian, containing 800 acres. Out of the waters of the Bruneau River:

165 inches as of April 1, 1875.
100 inches as of April 1, 1897.
180 inches as of April 1, 1905.

445

EDWARD RUUD: SW¼ SW¼, NW¼ NW¼, Section 15, E½ NE¼, Section 16, Township 6 South, Range 5 East, Boise Meridian, containing 160 acres. Out of the waters of the Bruneau River:

35 inches as of April 1, 1897.
65 inches as of April 1, 1905.

100

ERROL BLACK: SE¼ NW¼, Section 9, Township 6 South, Range 5 East, Boise Meridian, containing 40 acres. Out of the waters of the Bruneau River:

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15 inches as of October 27, 1893.
10 inches as of April 1, 1897.
10 inches as of April 1, 1905.
35

WILLIAM TURNER: SE¼ SE¼, Section 31, SW¼ SW¼, Section 32, Township 6 South, N½ NW¼, Section 5, NE¼, NE¼ SE¼, Section 6, Township 7 South, all of Range 6 East, Boise Meridian, *containing 360 acres. Out of the waters of* the Bruneau River:

50 inches as of April 1, 1875.
110 inches as of April 1, 1876.
65 inches as of April 1, 1897.
50 inches as of April 1, 1905.
275

JOSEPH E. HAWES: S½ NW¼, NW¼ SW¼, Section 5, Township 7 South, Range 6 East, Boise Meridian, containing 120 acres. Out of the waters of the Bruneau River:

70 inches as of April 1, 1875.
15 inches as of April 1, 1876.
10 inches as of April 1, 1897.
10 inches as of April 1, 1905.
105

FLETCHER A. HAWES: SW¼, SW¼ SE¼, Section 31, Township 6 South, N½ NW¼, SE¼ NW¼, Section 6, Township 7 South, Range 6 East, Boise Meridian, containing 320 acres. Out of the waters of the Bruneau River:

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15 inches as of April 1, 1875.
90 inches as of April 1, 1876.
25 inches as of April 1, 1897.
30 inches as of April 1, 1905.
160

JOHN S. BLACK: N½ SE¼, SW¼ NE¼, Section 15, Township 6 South, Range 5 East, Boise Meridian, containing 120 acres. Out of the waters of the Bruneau River:

15 inches as of April 1, 1881.
5 inches as of April 1, 1897
85 inches as of April 1, 1905.
105

FRANKLIN G. BLACK: NE¼ NW¼, N½ NE¼, Section 8, SW¼ NW¼, Section 9, Township 6 South, Range 5 East, Boise Meridian, containing 160 acres. Out of the waters of the Bruneau River:

15 inches as of April 1, 1897.
85 inches as of April 1, 1905.
50

NATIONAL BANK OF MOUNTAIN HOME, *A national banking corporation, successor to* JOSEPH R. BLACK: S½ NE¼, SE¼ NW¼, Section 8, Township 6 South, Range 5 East, Boise Meridian, containing 120 acres. Out of the waters of the Bruneau River:

60 inches as of April 1, 1911.

ROBERT NOBLE ESTATE INCORPORATED, *A domestic corporation of the State of Idaho:* E½ SW¼, SW¼ SW¼, Section 5, NE¼ NW¼, W½ NE¼,

SE¼ NE¼, Section 8, Township 7 South, Range 6 East, Boise Meridian, containing 280 acres. Out of the waters of the Bruneau River:

45 inches as of April 1, 1876.
20 inches as of April 1, 1897.
15 inches as of April 1, 1905.
80

STOCKMEN'S NATIONAL BANK, *A national banking corporation, successor to* WALTER P. BURKE: SE¼ SE¼, N½ SE¼, S½ NE¼, Section 9, NW¼ SW¼, Section 10, Township 6 South, Range 5 East, Boise Meridian, containing 240 acres. Out of the waters of the Bruneau River:

65 inches as of October 27, 1893.
35 inches as of April 1, 1897.
210 inches as of April 1, 1905.
310

DANIEL S SPENCER, *Trustee for the estate of* JOHN SHARP, *deceased*. SW¼ NE¼, W½ SE¼, SE¼ SE¼, Section 23, Township 6 South, Range 5 East, Boise Meridian, containing 160 acres. Out of the waters of the Bruneau River:

40 inches as of April 1, 1897.
25 inches as of April 1, 1905.
65

C. H. MOREHOUSE: S½ SE¼, Section 22, S½ SW¼, NE¼ SW¼, Section 23, Township 6 South, Range 5 East. Out of the waters of the Bruneau River:

40 inches as of April 1, 1897.

SPRINGS AND TRIBUTARIES IN BRUNEAU VALLEY

ARTHUR PENCE, SR.: N½ SE¼, Section 22, Township 7 South, Range 6 East, Boise Meridian, containing 80 acres. Out of the Pence Warm Springs arising on said land and tributary to Bruneau River:

50 inches as of April 1, 1869

WILLIAM H. ROBERTSON: N½ SW¼, Section 15, Township 7 South, Range 6 East, Boise Meridian, containing 80 acres:

All of the waters of a certain spring located in the S½ SW¼ of said Section 15 and tributary to the Bruneau River, as of April 1, 1897.

BENJAMIN F. ROBERTSON: Lots 1 and 2, NE¼ SE¼, Section 3, Township 8 South, Range 6 East, Boise Meridian, containing 73.07 acres. Out of the waters of Hot Creek, a tributary to Bruneau River:

5 inches as of April 1, 1898.

ABRAHAM L. ROBERTSON: NW¼ SW¼, Section 26, Township 7 South, Range 6 East, Boise Meridian, containing 40 acres. Out of the waters of Wilson's Springs, a tributary to Bruneau River:

1 inch as of April 1, 1899.

SARAH JANE DUNHAM: NE¼ SE¼, Section 34, Township 7 South, Range 6 East, Boise Meridian, containing 40 acres. All of the waters of Dunham Springs in said subdivision on the East side of the Bruneau River and tributary thereto as of January

18, 1897. All the waters of a spring in said subdivision on the West side of the Bruneau River and tributary thereto as of January 18, 1897.

HOBART WILSON: W½ NE¼, SE¼ NE¼, Section 27, Township 7 South, Range 6 East, Boise Meridian, containing 120 acres:

All of the waters (except one inch) of Wilson's Springs, a tributary of Bruneau River as of February 14, 1895.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That all drainage waters, however, whenever, and by whomsoever developed upon the lands of defendants and cross-complainants in the Bruneau Valley, whose rights are hereinbefore set out, shall be tributary to the Bruneau River and not subject to diversion or appropriation or use, except upon the lands of the person or persons constructing the drainage works; as hereinafter provided, if any such drainage waters shall escape from the premises of any of said defendants upon which the same shall have been developed they shall be allowed to flow uninterruptedly and freely into the channel of the Bruneau River for the use of the parties to this suit in the relative order of their priorities and to the extent of the respective amounts as herein decreed. It is the intention of this paragraph of the decree that no person or persons shall acquire on account of said drainage waters the right to the use of any greater amount of water for their respective lands than the amounts herein decreed.

RIGHTS OTHER THAN IN BRUNEAU VALLEY

IDAHO STATE LIFE INSURANCE COMPANY, *A domestic corporation of the State of Idaho, successor to* HOWARD A. GRESS: NW¼ NW¼, S½ NW¼, NE¼ SW¼, Section 35, Township 5 South, Range 4 East, Boise Meridian, containing 160 acres. Out of the waters of the Bruneau River:

100 inches as of July 17, 1883.
60 inches as of April 1, 1905.

160

WILLIAM J. TINDALL: S½ NW¼, N½ SW¼, NW¼ SE¼, Section 28, Township 13 South, Range 5 East, Boise Meridian, containing 200 acres. Out of the waters of Mary's Creek, a tributary of the Bruneau River:

200 inches as of September 26, 1893.

CHESTER TINDALL: S½ SE¼, Section 22, W½ NE¼, Section 27, Township 15 South, Range 4 East, Boise Meridian, containing 160 acres. Out of the waters of the North Fork of Bull Creek and Alder Patch Creek, tributaries of Bull Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

180 acre feet as of December 14, 1915.

CHESTER TINDALL: NE¼ SW¼, Section 22, Township 15 South, Range 4 East, Boise Meridian, containing 40 acres. Out of unnamed springs in the SW¼ NW¼, Sec. 22, Township 15 South, Range 4 East, Boise Meridian, a tributary to Bull

Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

20 inches as of November 26, 1921.

CHESTER TINDALL: E½, Section 14, NE ¼ and N½ SE¼, Section 23, Township 16 South, Range 4 East, Boise Meridian, containing 320 acres. Out of the waters of Tall Corral Creek, a tributary of Bull Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River,

60 inches as of November 26, 1921.

Out of the waters of the Spring Gulch, a tributary of Bull Creek, a tributary of Sheep Creek, a tributay of Mary's Creek, a tributary of the Bruneau River:

36 inches as of November 26 1921.

Out of the waters of East Fork of Bull Creek, a tributary of Bull Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

50 inches as of November 26, 1921.

LEOTA E. TINDALL: W½ SE¼, NE¼ SW¼, Section 18, NW¼ NE¼, Section 24, Township 15 South, Range 4 East, Boise Meridian, containing 160 acres. Out of the waters of Bull Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

40 inches as of April 1, 1914.

LEOTA E. TINDALL: NE¼ SE¼, Section 26, N½ SW¼, SE¼ SW¼, Section 25, Township 15 South, Range 4 East, Boise Meridian, containing

160 acres. Out of the waters of East Fork of Bull Creek, a tributary of Bull Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

40 inches as of April 1, 1914.

Out of the waters of the West Fork of Bull Creek, a tributary of Bull Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

25 inches as of April 1, 1914.

LEOTA E. TINDALL: SE¼ NE¼, N½ SE¼, Section 29, Township 13 South, Range 5 East, containing 120 acres. Out of the waters of Mary's Creek, a tributary of the Bruneau River:

73 inches as of August 17, 1911.

W. ARTHUR TINDALL AND ADA A. TINDALL: SE¼ SE¼, Section 34, SW¼ SW¼, Section 35, Township 15 South, NW¼ NW¼, S½ NW¼, SW¼ SW¼ NE¼, W½ SE¼, Section 2, Lot 1, SE¼ NE¼, E½ SE¼, Section 3, Township 16 South, Range 4 East, Boise Meridian, containing 640 acres. Out of the waters of Bull Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

53 inches as of November 26, 1921.

Out of the waters of the North Fork of Bull Creek, a tributary of Sheep Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

18 inches as of November 26, 1921.

WILLIAM S. DUGGAN: SE¼, Section 22, SW¼, N½ SE¼, SW¼ SE¼, S½ NE¼, Section 23, W½ NW¼, Section 24, N½ NW¼, Section 26, N½ NE¼, Section 27, Township 12 South, Range 4 East, Boise Meridian, containing 760 acres. Out of the waters of Crab Creek, a tributary of Louse Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

60 inches as of January 30, 1913.

C. E. CORKER: S½ SE¼, NW¼ SE¼, S½ SW¼, NE¼ SW¼, Section 25, Township 12 South, Range 4 East, Boise Meridian, containing 240 acres. Out of the waters of Louse Creek, a tributary of Mary's Creek, a tributary of the Bruneau River:

100 inches as of July 9, 1907.
100 inches as of January 31, 1910.

200

C. E. CORKER: Lot 4, SW¼ NW¼, Section 3, Township 14 South, W½ SW¼, Section 34, Township 13 South, Range 4 East, Boise Merdian, containing approximately 160 acres. Out of the waters of Trout Springs, in the NE¼ NE¼, Section 33, Township 13 South, Range 4 East, Boise Meridian, 37½ inches from Heifer Springs in the NW¼ NW¼, Section 3, Township 14 South, Range 4 East, Boise Meridian, 12½ inches, both as of priority date, May 27, 1910.

RIGHTS IN EAST FORK OF BRUNEAU RIVER AND ITS TRIBUTARIES

BARNEY CURRENS: S½ SE¼, Section 12, N½ NE¼, Section 13, Township 15 South, Range 10 East, Boise Meridian, containing 160 acres. Out of the waters of Big Flat Creek, a tributary of Three Creek, a tributary of Bruneau River:

8 inches as of April 1, 1885.
5 inches as of April 1, 1922.

CYNTHIA CONWAY: W½ SW¼, SW¼ NW¼, Section 13, E½ SE¼, SE¼ NE¼, Section 14, Township 15 South, Range 10 East, Boise Meridian, containing 240 acres. Out of Big Flat Creek, a tributary of Three Creek, a tributary of Bruneau River:

80 inches as of April 15, 1906.

A. DELGADO: Lot 1 and 2 and S½ NE¼, Section 6 and the SW¼NW¼, Section 5, Township 15 South, Range 11 East, Boise Meridian, containing 200 acres. Out of the waters of Deadwood, Three Creek and Flat Creek, tributaries of Bruneau River, Deadwood and Flat Creek being tributaries of Three Creek:

40 inches as of April 1, 1895.

SAMUEL C. DUNN: Lots 1, 2 and 3; E½ NW¼, W½ NE¼, W½ SE¼ and the NE¼ SW¼, Section 12, Township 16 South, Range 11 East, Boise Meridian; also SE¼ SW¼, Lots 1, 2 and 4 and the NE¼ NW¼, Section 7, Township 16 South, Range 11 East, Boise Meridian; also E½ SW¼, Section 6, Township 16 South, Range 11 East, Boise Meri-

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dian, containing 620 acres. Out of the waters of Flat Creek, tributary of Three Creek, tributary of Bruneau River:

400 inches as of April 1, 1885.

MARTHA A. DUNN: SE¼ NW¼, NE¼ SW¼, SW¼ NE¼, and the W½ SE¼, Section 7, Township 16 South, Range 11 East, Boise Meridian, containing 200 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

141 inches as of April 1, 1885.

H. H. HAMMOND: NW¼ SE¼, S½ SE¼, Section 24; NE¼ NE¼, Section 25, all in Township 15 South, Range 10 East, Boise Meridian, containing 160 acres. Out of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

11 inches as of April 15, 1912.

A. L. HOUGHTELIN: Lot 4, and the SE¼ SW¼, Section 18, and Lot 1, Section 19, all in Township 16 South, Range 11 East, Boise Meridian, containing 120 acres. Out of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

25 inches as of April 1, 1885.

HENRY JONES: NW¼ SE¼, N½ SW¼, S½ NW¼, NE¼ NW¼, W½ NE¼, Section 25, Township 15 South, Range 10 East, Boise Meridian, containing 320 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

389 inches as of April 1, 1885.

CLAYTON R. PATRICK: N½ NE¼, N½ NW¼, Section 7, Township 15 South, Range 11 East, Boise Meridian, containing 80 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

35 inches as of May 1, 1886.

CLAYTON R. PATRICK: S½ SW¼, Section 12, NW¼ NW¼, Section 13, NE¼ NE¼, Section 14, Township 15 South, Range 10 East, Boise Meridian, containing 160 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

139 inches as of May 1, 1886.

FRED WALTERS: NE¼ SW¼, E½ NE¼, Section 17, Township 15 South, Range 11 East, Boise Meridian, containing 120 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

25 inches as of April 1, 1885.

WALTER PARSONS: SW¼ SW¼, Section 25; E½ SE¼ and the SE¼ NE¼, Section 26, Township 15 South, Range 10 East, Boise Meridian, containing 160 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

70 inches as of April 1, 1885.

WALTER PARSONS (*continued*): SW¼ SE¼, SE¼ SW¼, Section 25, W½ NE¼, Section 36, all in Township 15 South, Range 10 East, Boise Merid-

ian, containing 80 acres. Out of the Waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

130 inches as of April 1, 1885.

EMILY PENCE: SE¼ SE¼, Section 23, SW¼ SW¼, Section 24, NW¼ NW¼, Section 25, NE¼ NE¼, Section 26, Township 15 South, Range 10 East, Boise Meridian, containing 160 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

154 inches as of April 1, 1885.

THURSTON PENCE: E½ SW¼, SE¼ NE¼, NW¼ SW¼, W½ NW¼, Section 24, Township 15 South, Range 10 East, Boise Meridian, containing 240 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River:

151 inches as of April 1, 1885.

FRED WALTERS: N½ SE¼, SE¼ NE¼, Section 12, Township 15 South, Range 10 East, Boise Meridian; Lot 2 (SW¼ NW¼) Section 7, Township 15 South, Range 11 East, Boise Meridian, containing 160 acres. Out of the waters of Big Flat Creek, tributary of Three Creek, tributary of Bruneau River.

103 inches as of April 1, 1885.

HENRY S BETTIS & JOSE BUBEREAGA, *co-partners doing business under the firm name and style of* BETTIS & COMPANY: E½ NW¼, W½ NE¼,

Section 21, Township 16 South, Range 11 East, Boise Meridian, containing 160 acres. Out of Cherry Creek, tributary of Three Creek, tributary of Bruneau River:

88 inches as of April 1, 1902.

BETTIS & COMPANY: SW¼ NE¼, SE¼ NE¼, SE¼ NW¼, Section 15, Township 11 South, Range 9 East, Boise Meridian, containing 120 acres. Out of the waters of Clover Creek, tributary of Three Creek, tributary of Bruneau River:

150 inches as of April 1, 1885.

NEIL BEATON: NE¼ SE¼, E½ NE¼, Section 16, W½ NW¼, Section 15, SW¼ SW¼, Section 10, S½ SE¼, Section 9, Township 16 South, Range 11 East, Boise Meridian, containing 240 acres. Out of the waters of Cherry Creek, tributary of Three Creek, tributary of Bruneau River:

213.5 inches as of April 1, 1885.

W. B. CLARK: NE¼ NE¼, Section 5, Township 16 South, Range 11 East, Boise Meridian, SE¼ and the SE¼ NE¼, Section 32, Township 15 South, Range 11 East, Boise Meridian, containing 240 acres. Out of the waters of Cherry Creek, tributary of Three Creek, tributary of Bruneau River:

115 inches as of April 1, 1910.

W. S. CLARK: SE¼ SW¼, S½ SE¼, NW¼ SE¼, Section 16, Township 16 South, Range 11 East, Boise Meridian, containing 160 acres. Out of the waters of Cherry Creek, tributary of Three Creek, tributary of Bruneau River:

134 inches as of April 1, 1910.

FRED WALTERS: E½ NW¼, Section 28, E½ SW¼, Section 20; Township 15 South, Range 11 East, Boise Meridian, containing 160 acres. Out of the waters of Cherry Creek, tributary of Three Creek, tributary of Bruneau River:

60 inches as of April 1, 1909.

S. C. DUNN: N½ SE¼ and NE¼ Section 9, SW¼ SE¼, Section 4, Township 16 South, Range 11 East, Boise Meridian, containing 280 acres. Out of the waters of Cherry Creek, tributary of Three Creek, tributary of Bruneau River:

195 inches as of April 1, 1885.

SOLOMON A. NEWMAN: NW¼ SE¼, NE¼ SW¼, S½ NW¼, Section 4, Township 16 South, Range 11 East, Boise Meridian, containing 160 acres. Out of the waters of Cherry Creek, tributary of Three Creek, tributary of Bruneau River:

83 inches as of April 1, 1895.

S. A. GILLETT: W½ NE¼, W½ SE¼, NE¼ SW¼, Section 3, Township 16 South, Range 11 East, Boise Meridian, containing 200 acres. Out of the waters of Three Creek, tributary of Bruneau River:

144 inches as of April 1, 1885.

C. A. ROSS: NE¼ NW¼, Section 3, Township 16 South, Range 11 East, Boise Meridian, SE¼ SW¼, S½ NE¼ SW¼, and the SW¼ SE¼, Section 34, Township 15 South, Range 11 East, Boise Meridian, containing 140 acres. Out of the waters of Three Creek, tributary of Bruneau River:

103.2 inches as of April 10, 1883.

NEIL BEATON: W½ NW¼, Section 14, Township 16 South, Range 11 East, Boise Meridian, containing 80 acres. Out of the waters of Three Creek, tributary of Bruneau River:

23.8 inches as of April 10, 1885.

FRED WALTERS: W½ SW¼, W½ NW¼, Section 21; the SW¼ Section 16, the E½ SE¼, NW¼ SE¼, SW¼ NE¼, E½ NW¼, NE¼ SW¼, Section 17, Township 15 South, Range 11 East, Boise Meridian, containing 480 acres. Out of the waters of Three Creek, tributary of Bruneau River:

249 inches as of April 5, 1885.

RICHARD CLARK: SE¼ SE¼, Section 27, S½ SW¼, Section 26, NE¼ NE¼ Section 34, Township 15 South, Range 11 East, Boise Meridian, containing 160 acres. Out of Deer Creek, tributary of Three, Creek, tributary of Bruneau River:

153 inches as of April 8, 1885.

(*continued*): N½ NW¼, Section 35, Township 15 South, Range 11 East, Boise Meridian, containing 80 acres. Out of Deer Creek, tributary of Three Creek, tributary of Bruneau River:

75 inches as of April 1, 1912.

GEORGE CLARK: E½ NW¼, W½ NE¼, N½ NE¼ SW¼, NW¼ SE¼, Section 34, Township 15 South, Range 11 East, Boise Meridian, containing 220 acres. Out of Deer Creek, tributary of Three Creek, tributary of Bruneau River

135 inches as of April 4, 1885.

(*continued*): W½ NE¼, SE¼ NE¼, NW¼ SE¼, Section 35, Township 15 South, Range 11 East, Boise Meridian, containing 160 acres. Out of the waters of Deer Creek, tributary of Three Creek, tributary of Bruneau River:

94 inches as of April 1, 1909.

(*continued*): E½ SE¼, Section 34, S½ SW¼, NE¼ SW¼, S½ SE¼, NW¼ SE¼, Section 35, Township 15 South, Range 11 East, Boise Meridian, NE¼ NW¼, Section 2, Township 16 South, Range 11 East, Boise Meridian, containing 360 acres. Out of Deer Creek, tributary of Three Creek, tributary of Bruneau River:

214.2 inches as of February 27, 1913.

(*continued*): S½ NW¼, NW¼ SW¼, Section 35, SE¼ NE¼, Section 34, Township 15 South, Range 11 East, Boise Meridian, containing 160 acres. Out of the waters of Deer Creek, tributary of Three Creek, tributary of Bruneau River: --

120 inches as of June 2, 1911.

JOSEPH E. HAWES: SE¼ NW¼, Section 4, Township 16 South, Range 12 East, Boise Meridian, containing 40 acres, in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River, said waters to be diverted at or near the subdivision of land above described:

15 inches as of October 10, 1902.

J. E. HAWES, L. M. BETTIS, JOZE UBERUAGA AND ROLAND J. HAWES: SW¼ NW¼, W½ SW¼, Section 28, NW¼ NW¼, Section 33, Township 15 South, Range 12 East, Boise Meridian, in Owyhee

County, Idaho, out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River, said waters to be diverted at the present point of diversion located South 20 degrees, 50 minutes East, 2350 feet from the section corner common to Sections 28, 29, 32 and 33, in Township 15 South, Range 12 East, Boise Meridian:

47 inches as of September 1, 1902.

KARL D. PATRICK (*sometimes known as* CARL PATRICK): SE¼ SW¼, SW¼ SE¼, Section 18, W½ NE¼, N½ SE¼, Section 19, N½ SW¼ of Section 20, all in Township 15 South, Range 12 East, Boise Meridian, in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River; said waters to be diverted at the present point of diversion 1580 feet North, 68 degrees, 56 minutes East from the quarter corner on the South line of said Section 20, Township 15 South, Range 12 East, Boise Meridian:

150 inches as of April 1, 1886.

SAMUEL C. DUNN (*sometimes known as* CRANDALL C. DUNN *and as* CRANDALL DUNN): S½ SE¼, Section 20, NW¼ NW¼, Section 28, NE¼ NE¼, Section 29, all in Township 15 South, Range 12 East, Boise Meridian, in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River; said waters to be diverted at the present point of diversion at or near the land above described:

40 inches as of January 21, 1911.

HARRY W. NOH: W½ NW¼, SW¼ SE¼, Section 32, Township 15 South, Range 12 East, Boise Meridian, E½ NE¼, NW¼ NE¼, Section 5, Township 16 South, Range 12 East, Boise Meridian, in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River; said waters to be diverted at the present point of diversion at or near the land above described:

115 inches as of August 25, 1908.

LINCOLN CURTIS: SW¼ SE¼, Section 32, Township 15 South, Range 12 East, Boise Meridian, and E½ NE¼, NW¼ NE¼, Section 5, Township 16 South, Range 12 East, Boise Meridian, in Owyhee County, Idaho; out of the waters of Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River; said waters to be diverted at the present point of diversion at or near the land above described:

95 inches as of August 25, 1908.

W. R. WALSH: E½ NE¼, NE¼ SE¼, of Section 13, Township 14 South, Range 10 East, Boise Meridian, NW¼ NW¼, SW¼ NW¼, Section 18, Township 14 South, Range 11 East, Boise Meridian, containing 168.75 acres in Owyhee County, Idaho; out of the waters of the East Fork of Bruneau River, a tributary of the Bruneau River; said waters to be diverted at or near the subdivision of land above described:

2 cubic feet of water per second of time for the irrigation of 100 acres of the lands hereinabove described as of May 1st, 1909.

FILED
MAR 05 1992

Subject to the prior rights of the plaintiff and the various defendants as herein set forth, defendant Idaho Farm Development Company has the right to divert from Deadwood Creek, a tributary of the East Fork of the Bruneau River, a tributary of the Bruneau River, at a point located at or near South 19 degrees east 2150 feet from the northwest corner of Section 28, Township 15 South, Range 12 East, Boise Meridian, and to impound and store in the reservoir of said company located on Cedar Creek in Twin Falls County, Idaho, all of the waters of said creek and its tributaries to the extent of 5000 acre feet annually, the said water so to be stored in said reservoir to be thereafter released from said reservoir at said defendant's pleasure through the gates of its reservoir dam.

In the exercise of the rights herein defined, said Idaho Farm Development Company may, to the extent of its various appropriations as hereinafter decreed, impound in storage and divert the waters of Deadwood Creek at all times and at all seasons of the year when by so doing it does not interfere with any prior rights fixed by this decree, and the water stored and released from storage may be conveyed through the natural channels of streams and shall be protected under the provisions of this decree for the distribution designated by said defendant as though kept and conveyed within an artificial channel. From and after October 1st of each calendar year to the beginning of the subsequent irrigation season, to-wit: May 15th, said defendant shall be permitted to divert and store in said reservoir all the waters of said Deadwood Creek and it is hereby decreed that the exercise

of such rights by said defendant during said non-irrigation season does not interfere with the rights of any of the parties hereto as herein decreed. The priority of rights of said defendant Idaho Farm Development Company are as follows:

Date of Priority.	*Amount in acre feet annually.*
January 29, 1915.	6000 acre feet
November 19, 1915.	3000 acre feet

The rights herein decreed to said defendant Idaho Farm Development Company in the waters of said Deadwood Creek are for irrigation, domestic and stock use upon and in connection with the list of lands hereto attached marked "List of lands of the defendant Idaho Farm Development Company".

LIST OF LANDS OF THE DEFENDANT IDAHO FARM DEVELOPMENT COMPANY

TOWNSHIP 11 SOUTH, Range 13 EAST:		
Section 34		
E½ SW¼	80	
E½	320	400
Section 35		
E½	320	
W½ NW¼	80	
W½ SW¼	80	480
TOWNSHIP 12 SOUTH, RANGE 13 EAST:		
Section 1		
Lot 4	40	
SW¼ NW¼	40	
W½ SW¼	80	160

Section 2		
All	640	640
Section 3		
All	640	640
Section 4		
Lot 1	40	
SE¼ NE¼	40	
E½ SE¼	80	160
Section 9		
E½ NE¼	80	
SE¼	160	240
Section 10		
All	640	640
Section 11		
All	640	640
Section 12		
SE¼	160	
N½ NW¼	80	
SW¼ NW¼	40	
SW¼	160	440
Section 13		
NE¼	160	
NW¼	160	
SW¼	160	
N½ SE¼	80	560
Section 14		
N½ NE¼	80	
SE¼ NE¼	40	
N½ NW¼	80	
SW¼ NW¼	40	
SE¼ SW¼	40	
SE¼ SE¼	40	320

Section 15		
All.	640	640
Section 22		
E½ NW¼.	80	
NW¼ NE¼	40	120
Section 23		
E½	320	
E½ SW¼	80	400
Section 24		
W½	320	
SW¼ NE¼	40	
W½ SE¼	80	440
Section 25		
W½ NE¼	80	
NW¼	160	
SW¼.	160	400
Section 26		
N½ NE¼.	80	
SE¼ NE¼	40	
NE¼ SE¼	40	
S½ SE¼	80	
NE¼ NW¼.	40	
SW¼ NW¼	40	
NW¼ SW¼.	40	
S½ SW¼.	80	440
Section 27		
E½ SE¼.	80	
NW¼ SE¼	40	
SW¼ NE¼	40	160
Section 35		
N½ NE¼.	80	80

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The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion from the stream, and all waters herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state officer charged with the duty of supervising the distribution of water and shall be of such design as to accurately register the amount of water diverted. All such headgates, controlling works, measuring devices and gauges shall at all times be subject to the inspection of any party to this suit and to the public officials having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream except through ditches, canals or other works provided with such headgates, controlling works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream, or its tributaries, any water through any ditch, conduit or other device not provided with such headgates, controlling works and measuring devices.

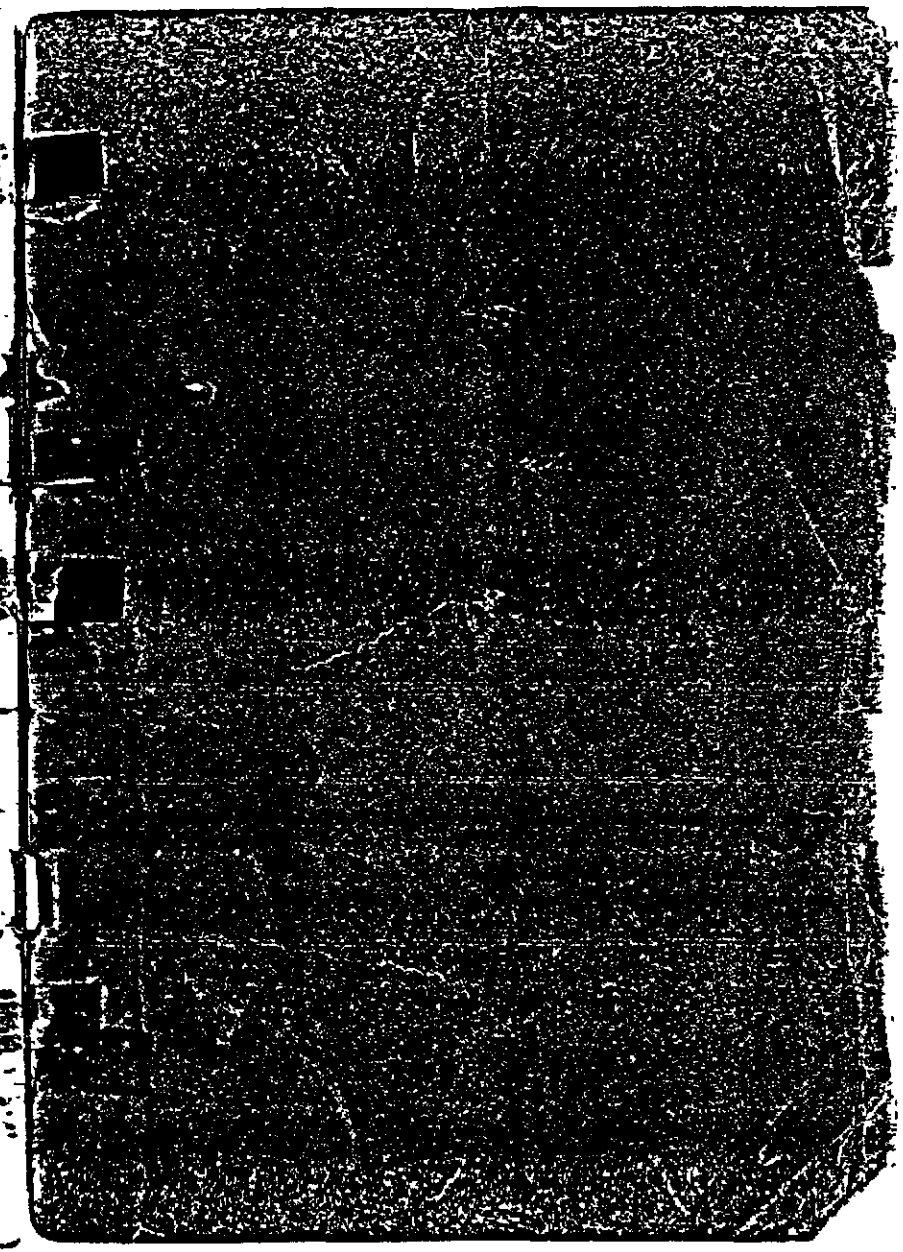
The several parties to this action whose rights to the use of the waters of said stream are of even date, are entitled, whenever the amount of water flowing in the channel of said streams is insufficient in quantity to supply all of said parties with the amount herein decreed, to share in the use of the available supply in the proportion that the several

quantities awarded as of the said date, bear to the total available supply for said rights, but subject to the rights of prior appropriators.

Each and every party hereto is, and his agents, attorneys, employees, privies and successors in interest are hereby enjoined and restrained from interfering in any manner with the rights of prior appropriators of the waters of Bruneau River and its tributaries as herein decreed and from obstructing, using, and wasting the waters of said stream to the injury of said prior appropriators.

Each party herein shall pay his own costs and disbursements herein.

CLINTON H HARTSON,
District Judge.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-00002**
Date Received: 4/ 3/1989
Receipt No: W002508
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: BRUNEAU BUCKAROO DITCH CO. 208-845-2110
   Address: C/O CHERYL WHITESIDE
   BRUNEAU ID 83604

2. Date of Priority: JAN 2, 1883

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	06E	26		SW	SW		OWYHEE

5. Description of diverting works:
   SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.960		

7. Total Quantity Appropriated is:
   10.960 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	10	NW	SW		IRR	5.0
			SE	SW		IRR	25.0
			SW	SE		IRR	20.0
			SE	SE		IRR	5.0

1092

admitted 11-26-91 TTS

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		55.0
		14	SW	NW	IRR	38.0
			NE	SW	IRR	30.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NW	SE	IRR	5.0
			SW	SE	IRR	35.0
			SE	SE	IRR	15.0
				Section Acres		243.0
		15	NE	NE	IRR	20.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			SE	NW	IRR	5.0
			NE	SE	IRR	15.0
			NW	SE	IRR	3.0
			SE	SE	IRR	30.0
				Section Acres		233.0
		22	NE	NE	IRR	7.0
				Section Acres		7.0
		23	NE	NE	IRR	35.0
			NW	NE	IRR	37.0
			SE	NE	IRR	30.0
			NE	NW	IRR	40.0
			NW	NW	IRR	37.0
			SW	NW	IRR	28.0
			NE	SE	IRR	25.0
				Section Acres		232.0
		24	NW	NW	IRR	5.0
			SW	NW	IRR	35.0
			NW	SW	IRR	20.0
			SW	SW	IRR	15.0
				Section Acres		75.0
	06E	25	NE	NE	IRR	39.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	06E	25	SE NE		IRR	40.0
				Section Acres		79.0
		30	NW NW		IRR	27.0
			SW NW		IRR	39.0
				Section Acres		66.0
				Total Acres		990.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A51-00003, A51-00004, A51-00005, A51-00039, & FLOOD RIGHT.

14. Remarks:
DESCRIP. OF DIVERTING WORKS: CONCRETE DIVERSION DAM-110' LONG X 4' HIGH X 12' WIDE. FIRST BUILT IN 1955 AND THEN REBUILT IN 1988 100' APPROX. TO HEADGATE - REINFORCED WITH CONCRETE GUSSETS ON 8' CENTERS. AT POINT OF DIVERSION, CANAL IS APPROX. 25' WIDE AND 10' WIDE AT THE LOWER END.
THE PLACE OF USE IS OWNED BY THE SHAREHOLDERS IN THE DITCH CO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRRIGATION DISTRICT
Decree Plaintiff

vs

BRUNEAU BUCKAROO CO-OP ET AL
Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-00003**
Date Received: 4/ 3/1989
Receipt No: W002508
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: BRUNEAU BUCKAROO DITCH CO. 208-845-2110
   Address: C/O CHERYL WHITESIDE
   BRUNEAU ID 83604

2. Date of Priority: FEB 20, 1888

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	06E	26		SW	SW		OWYHEE

5. Description of diverting works:
   SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	20.000		

7. Total Quantity Appropriated is:
   20.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	10	NW	SW		IRR	5.0
			SE	SW		IRR	25.0
			SW	SE		IRR	20.0
			SE	SE		IRR	5.0

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admitted
11-26-91



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		55.0
		15	NW	NE	IRR	40.0
			SW	NE	IRR	20.0
			NW	NW	IRR	20.0
				Section Acres		80.0
		23	NE	NE	IRR	35.0
			NW	NE	IRR	37.0
			SE	NE	IRR	30.0
			NE	SE	IRR	25.0
				Section Acres		127.0
		24	NW	NW	IRR	5.0
			SW	NW	IRR	35.0
			SE	NW	IRR	18.0
			NE	SW	IRR	34.0
			NW	SW	IRR	20.0
			SW	SW	IRR	15.0
			NW	SE	IRR	20.0
			SW	SE	IRR	38.0
			SE	SE	IRR	10.0
				Section Acres		195.0
	06E	24	SE	SW	IRR	40.0
				Section Acres		40.0
		25	NE	NE	IRR	39.0
			NW	NE	IRR	40.0
			SW	NE	IRR	30.0
			SE	NE	IRR	40.0
			NE	NW	IRR	30.0
			NW	NW	IRR	20.0
			SE	NW	IRR	10.0
			NE	SE	IRR	28.0
			NW	SE	IRR	6.0
			SE	SE	IRR	19.0
				Section Acres		262.0
		30	SW	NE	IRR	4.0
			NE	NW	IRR	1.0
			NW	NW	IRR	28.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	06E	30	SW	NW		IRR	40.0
			SE	NW		IRR	36.0
			NE	SW		IRR	40.0
			NW	SW		IRR	30.0
			SW	SW		IRR	25.0
			SE	SW		IRR	40.0
			NE	SE		IRR	10.0
			NW	SE		IRR	27.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0
					Section Acres		356.0
		31	SW	NE		IRR	15.0
			SE	NE		IRR	40.0
			NE	NW		IRR	23.0
			NW	NW		IRR	5.0
			NE	SE		IRR	30.0
			NW	SE		IRR	10.0
					Section Acres		123.0
		32	NW	NW		IRR	19.0
			SW	NW		IRR	35.0
			SE	NW		IRR	4.0
			NE	SW		IRR	35.0
			NW	SW		IRR	40.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			NW	SE		IRR	15.0
			SW	SE		IRR	30.0
					Section Acres		238.0
07S	06E	4	NE	SW		IRR	10.0
			NW	SW		IRR	20.0
			SW	SW		IRR	35.0
			SE	SW		IRR	15.0
					Section Acres		80.0
		5	NE	NE		IRR	12.0
			NW	NE		IRR	35.0
			SE	NE		IRR	18.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		145.0
		9	NW	NE	IRR	5.0
			SW	NE	IRR	10.0
			NE	NW	IRR	20.0
			NW	NW	IRR	35.0
			SW	NW	IRR	35.0
			SE	NW	IRR	40.0
			NE	SW	IRR	25.0
			NW	SW	IRR	19.0
			SE	SW	IRR	6.0
			NW	SE	IRR	30.0
			SW	SE	IRR	10.0
			SE	SE	IRR	5.0
				Section Acres		240.0
		15	NE	SW	IRR	25.0
			NW	SW	IRR	35.0
			SW	SW	IRR	5.0
				Section Acres		65.0
		16	NW	NE	IRR	15.0
			SE	NE	IRR	40.0
			NE	NW	IRR	10.0
			NE	SE	IRR	10.0
			SE	SE	IRR	5.0
				Section Acres		80.0
		22	NW	NE	IRR	5.0
			SW	NE	IRR	25.0
			NE	NW	IRR	25.0
			SE	NW	IRR	5.0
			NE	SE	IRR	20.0
			SE	SE	IRR	20.0
				Section Acres		100.0
				Total Acres		2186.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

DEC 05 1992

13. Other Water Rights Used:
A51-00002, A51-00004, A51-00005, A51-00039, & A51-10271.

14. Remarks:
DESCRIP. OF DIVERTING WORKS: CONCRETE DIVERSION DAM-110' LONG X 4' HIGH X 12' WIDE. FIRST BUILT IN 1955 AND THEN REBUILT IN 1988 100' APPROX. TO HEADGATES - REINFORCED WITH CONCRETE GUSSETS ON 8' CENTERS. AT POINT OF DIVERSION, CANAL IS APPROX. 25' WIDE AND 10' WIDE AT THE LOWER END.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRRIGATION DISTRICT
Decree Plaintiff

vs

BRUNEAU BUCKAROO CO-OP ET AL
Decree Defendant

302

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A51-00004 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** COMBINED RIGHT		1 - 2 - 3 - City- XX State- ID Zip- 00 Phone - 208-000-0000
*** O - ORIGINAL OWNER *** BRUNEAU BUCKAROO DITCH CO.		1 - 2 - 3 - City- BRUNEAU State- ID Zip- 83604 Phone - 208-000-0000

Priority Date	Region	Stage	Status
04/01/1897	ERROR IN REGION		Z - SEE REMARKS

Source	Tributary
BRUNEAU RIVER COMBINED RIGHT	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	06E	26	SW SW		(73)	OWYHEE

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	12.640	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
12.640		0.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	05E	10	NW SW		5.0	01	IRRIGATION	(73) OWYHEE
06S	05E	10	SE SW		25.0	01	IRRIGATION	(73) OWYHEE
06S	05E	10	SW SE		20.0	01	IRRIGATION	(73) OWYHEE
06S	05E	10	SE SE		5.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	SW NW		38.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	NE SW		30.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	NW SW		40.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	SW SW		40.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	SE SW		40.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	NW SE		5.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	SW SE		35.0	01	IRRIGATION	(73) OWYHEE
06S	05E	14	SE SE		15.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	NE NE		20.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	NW NE		40.0	01	IRRIGATION	(73) OWYHEE

Submitted 11-26-91 MA

EXHIBIT B(3)

Water right number - A51-00004 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	05E	15	SW NE		40.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	SE NE		40.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	NE NW		40.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	SE NW		5.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	NE SE		15.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	NW SE		3.0	01	IRRIGATION	(73) OWYHEE
06S	05E	15	SE SE		30.0	01	IRRIGATION	(73) OWYHEE
06S	05E	22	NE NE		7.0	01	IRRIGATION	(73) OWYHEE
06S	05E	23	NE NE		35.0	01	IRRIGATION	(73) OWYHEE
06S	05E	23	NW NE		37.0	01	IRRIGATION	(73) OWYHEE
06S	05E	23	SE NE		30.0	01	IRRIGATION	(73) OWYHEE
06S	05E	23	NE NW		40.0	01	IRRIGATION	(73) OWYHEE
06S	05E	23	NW NW		37.0	01	IRRIGATION	(73) OWYHEE
06S	05E	23	SW NW		28.0	01	IRRIGATION	(73) OWYHEE
06S	05E	23	NE SE		25.0	01	IRRIGATION	(73) OWYHEE
06S	05E	24	NW NW		5.0	01	IRRIGATION	(73) OWYHEE
06S	05E	24	SW NW		35.0	01	IRRIGATION	(73) OWYHEE
06S	05E	24	NW SW		20.0	01	IRRIGATION	(73) OWYHEE
06S	05E	24	SW SW		15.0	01	IRRIGATION	(73) OWYHEE
06S	06E	24	SE SW		40.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	NE NE		39.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	NW NE		40.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	SW NE		30.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	SE NE		40.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	NE NW		30.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	NW NW		20.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	SE NW		10.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	NE SE		28.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	NW SE		6.0	01	IRRIGATION	(73) OWYHEE
06S	06E	25	SE SE		19.0	01	IRRIGATION	(73) OWYHEE
06S	06E	30	NW NW		27.0	01	IRRIGATION	(73) OWYHEE
06S	06E	30	SW NW		39.0	01	IRRIGATION	(73) OWYHEE
06S	06E	30	NE SW		30.0	01	IRRIGATION	(73) OWYHEE
06S	06E	30	NW SW		30.0	01	IRRIGATION	(73) OWYHEE
06S	06E	30	SW SW		25.0	01	IRRIGATION	(73) OWYHEE
06S	06E	30	SE SW		10.0	01	IRRIGATION	(73) OWYHEE
06S	06E	31	SW NE		15.0	01	IRRIGATION	(73) OWYHEE
06S	06E	31	SE NE		40.0	01	IRRIGATION	(73) OWYHEE
06S	06E	31	NE NW		23.0	01	IRRIGATION	(73) OWYHEE
06S	06E	31	NW NW		5.0	01	IRRIGATION	(73) OWYHEE
06S	06E	31	NE SE		30.0	01	IRRIGATION	(73) OWYHEE
06S	06E	31	NW SE		10.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	NW NW		19.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	SW NW		35.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	SE NW		4.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	NE SW		35.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	NW SW		40.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	SW SW		20.0	01	IRRIGATION	(73) OWYHEE

Water right number - A51-00004 Prefix Translation: ADJUDICATION CLAIM

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	06E	32	SE SW		40.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	NW SE		15.0	01	IRRIGATION	(73) OWYHEE
06S	06E	32	SW SE		30.0	01	IRRIGATION	(73) OWYHEE
07S	06E	4	NE SW		10.0	01	IRRIGATION	(73) OWYHEE
07S	06E	4	NW SW		20.0	01	IRRIGATION	(73) OWYHEE
07S	06E	4	SW SW		35.0	01	IRRIGATION	(73) OWYHEE
07S	06E	4	SE SW		15.0	01	IRRIGATION	(73) OWYHEE
07S	06E	5	NE NE		12.0	01	IRRIGATION	(73) OWYHEE
07S	06E	5	NW NE		35.0	01	IRRIGATION	(73) OWYHEE
07S	06E	5	SW NE		15.0	01	IRRIGATION	(73) OWYHEE
07S	06E	5	SE NE		18.0	01	IRRIGATION	(73) OWYHEE
07S	06E	5	NE SE		40.0	01	IRRIGATION	(73) OWYHEE
07S	06E	5	SE SE		40.0	01	IRRIGATION	(73) OWYHEE
07S	06E	9	NW NE		5.0	01	IRRIGATION	(73) OWYHEE
07S	06E	9	SW NE		10.0	01	IRRIGATION	(73) OWYHEE
07S	06E	9	NE NW		20.0	01	IRRIGATION	(73) OWYHEE
07S	06E	9	SE NW		40.0	01	IRRIGATION	(73) OWYHEE
07S	06E	15	NE SW		5.0	01	IRRIGATION	(73) OWYHEE
07S	06E	15	NW SW		35.0	01	IRRIGATION	(73) OWYHEE
07S	06E	16	SE NE		40.0	01	IRRIGATION	(73) OWYHEE
07S	06E	16	NE SE		10.0	01	IRRIGATION	(73) OWYHEE
07S	06E	22	NE SE		20.0	01	IRRIGATION	(73) OWYHEE
07S	06E	22	SE SE		20.0	01	IRRIGATION	(73) OWYHEE

Total Acres: 2114.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use - *NONE*

Remarks

THIS RIGHT HAS BEEN COMBINED WITH 51-00040 AND 51-00064 AND CLAIMED AS A51-10350.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
GRANDVIEW IRRIGATION DISTRICT	*BRUNEAU BUCKAROO CO-OP ET AL*	*00/00/0000*

Water right number - A51-00004 Prefix Translation: ADJUDICATION CLAIM

Comments

No Comments Found

Audit Fields

00/00/00

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 04/03/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A51-00005
Date Received: 4/ 3/1989
Receipt No: W002508
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: BRUNEAU BUCKAROO DITCH CO. 208-845-2110
   Address: C/O CHERYL WHITESIDE
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1905

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	06E	26		SW	SW		OWYHEE

5. Description of diverting works:
   SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	16.400		

7. Total Quantity Appropriated is:
   16.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	14	SW	NW		IRR	8.0
			NE	SW		IRR	30.0
			NW	SW		IRR	28.0
			SW	SW		IRR	40.0

admitted 11-26-91

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	05E	14	SE	SW		IRR	40.0
			NW	SE		IRR	5.0
			SW	SE		IRR	35.0
			SE	SE		IRR	15.0
						Section Acres	201.0
		15	SW	NE		IRR	29.0
			SE	NE		IRR	27.0
			NE	NW		IRR	26.0
			SE	NW		IRR	5.0
			NE	SE		IRR	15.0
			NW	SE		IRR	3.0
			SE	SE		IRR	30.0
						Section Acres	135.0
		22	NE	NE		IRR	7.0
						Section Acres	7.0
		23	NW	NE		IRR	37.0
			NE	NW		IRR	40.0
			NW	NW		IRR	37.0
			SW	NW		IRR	28.0
			SE	NW		IRR	40.0
						Section Acres	182.0
	06E	19	SW	SW		IRR	21.0
						Section Acres	21.0
		24	SE	SW		IRR	40.0
						Section Acres	40.0
		25	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	30.0
			SE	NE		IRR	40.0
			NE	NW		IRR	30.0
			NW	NW		IRR	20.0
			SE	NW		IRR	10.0
			NE	SE		IRR	28.0
			NW	SE		IRR	6.0
			SE	SE		IRR	19.0

05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		262.0
		30	NW	NW	IRR	27.0
			SW	NW	IRR	39.0
			NE	SW	IRR	30.0
			NW	SW	IRR	30.0
			SW	SW	IRR	25.0
			SE	SW	IRR	10.0
				Section Acres		161.0
		31	NE	NE	IRR	40.0
			NW	NE	IRR	20.0
			SW	NE	IRR	15.0
			SE	NE	IRR	40.0
			NE	NW	IRR	23.0
			NW	NW	IRR	5.0
			NE	SE	IRR	30.0
			NW	SE	IRR	10.0
				Section Acres		183.0
		32	NW	NW	IRR	25.0
			SW	NW	IRR	40.0
			SE	NW	IRR	26.0
			NE	SW	IRR	35.0
			NW	SW	IRR	40.0
			SW	SW	IRR	20.0
			SE	SW	IRR	40.0
			NW	SE	IRR	15.0
			SW	SE	IRR	30.0
				Section Acres		271.0
07S	06E	4	NE	SW	IRR	10.0
			NW	SW	IRR	20.0
			SW	SW	IRR	35.0
			SE	SW	IRR	15.0
				Section Acres		80.0
		5	SW	NE	IRR	15.0
			NE	SE	IRR	40.0
			SE	SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	95.0
		9	NW	NE		IRR	5.0
			SW	NE		IRR	10.0
			SE	NE		IRR	20.0
			NE	NW		IRR	20.0
			SE	NW		IRR	40.0
			NE	SE		IRR	25.0
						Section Acres	120.0
		10	NE	SW		IRR	20.0
			NW	SW		IRR	25.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	125.0
		15	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			NE	SW		IRR	5.0
			NW	SW		IRR	35.0
						Section Acres	120.0
		16	SE	NE		IRR	40.0
			NE	SE		IRR	10.0
						Section Acres	50.0
		22	NE	SE		IRR	20.0
			SE	SE		IRR	20.0
						Section Acres	40.0
						Total Acres	2093.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A51-00002, A51-00003, A51-00004, A51-00039, AND A51-10271.

14. Remarks:
DESCRIP. OF DIVERTING WORKS: CONCRETE DIVERSION DAM-110' LONG X

14. Remarks: Continued
4' HIGH X 12' WIDE. FIRST BUILT IN 1955 AND THEN REBUILT IN 1988
100' APPROX. TO HEADGATE-REINFORCED WITH CONCRETE GUSSETS ON 8'
CENTERS. AT POINT OF DIVERSION, CANAL IS APPROX. 25' WIDE AND
10' WIDE AT THE LOWER END.
PLACE OF USE OWNED BY SHAREHOLDERS IN DITCH CO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRRIGATION DISTRICT
Decree Plaintiff

vs

BRUNEAU BUCKAROO CO-OP ET AL
Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A51-10271
Date Received: 4/ 3/1989
Receipt No: W002508
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: BRUNEAU BUCKAROO DITCH CO. 208-845-2110
   Address: C/O CHERYL WHITESIDE
   BRUNEAU ID 83604

2. Date of Priority: FEB 20, 1888

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	06E	26		SW	SW		OWYHEE

5. Description of diverting works:
   SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	30.000		
STOCKWATER	01/01	12/31	4.400		

7. Total Quantity Appropriated is:
   30.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   S/20,000 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	10	NW	SW		IRR	5.0
			SE	SW		IRR	25.0
			SW	SE		IRR	20.0

MAR 05 1992
admitted
11-26-91

EXHIBIT B(5)

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	05E	10	SE	SE		IRR	5.0
						Section Acres	55.0
		14	SW	NW		IRR	38.0
			NE	SW		IRR	30.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	5.0
			SW	SE		IRR	35.0
			SE	SE		IRR	15.0
						Section Acres	243.0
		15	NE	NE		IRR	20.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	5.0
			NE	SE		IRR	15.0
			NW	SE		IRR	3.0
			SE	SE		IRR	30.0
						Section Acres	233.0
		22	NE	NE		IRR	7.0
						Section Acres	7.0
		23	NE	NE		IRR	35.0
			NW	NE		IRR	37.0
			SE	NE		IRR	30.0
			NE	NW		IRR	40.0
			NW	NW		IRR	37.0
			SW	NW		IRR	28.0
			SE	NW		IRR	40.0
			NE	SE		IRR	25.0
						Section Acres	272.0
		24	NW	NW		IRR	5.0
			SW	NW		IRR	35.0
			SE	NW		IRR	18.0
			NE	SW		IRR	34.0
			NW	SW		IRR	20.0
			SW	SW		IRR	15.0

MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	05E	24	NW	SE		IRR	20.0
			SW	SE		IRR	38.0
			SE	SE		IRR	10.0
					Section Acres		195.0
	06E	19	SW	SW		IRR	21.0
					Section Acres		21.0
		24	SE	SW		IRR	40.0
					Section Acres		40.0
		25	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	30.0
			SE	NE		IRR	40.0
			NE	NW		IRR	30.0
			NW	NW		IRR	20.0
			SE	NW		IRR	10.0
			NE	SE		IRR	28.0
			NW	SE		IRR	6.0
			SE	SE		IRR	19.0
					Section Acres		262.0
		30	SW	NE		IRR	4.0
			NE	NW		IRR	1.0
			NW	NW		IRR	28.0
			SW	NW		IRR	40.0
			SE	NW		IRR	36.0
			NE	SW		IRR	40.0
			NW	SW		IRR	30.0
			SW	SW		IRR	25.0
			SE	SW		IRR	40.0
			NE	SE		IRR	10.0
			NW	SE		IRR	27.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0
					Section Acres		356.0
		31	NE	NE		IRR	40.0
			NW	NE		IRR	20.0
			SW	NE		IRR	15.0
			SE	NE		IRR	40.0
			NE	NW		IRR	23.0

DEC 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	06E	31	NW	NW		IRR	5.0
			NE	SE		IRR	30.0
			NW	SE		IRR	10.0
						Section Acres	183.0
		32	NW	NW		IRR	25.0
			SW	NW		IRR	40.0
			SE	NW		IRR	26.0
			NE	SW		IRR	35.0
			NW	SW		IRR	40.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			NW	SE		IRR	15.0
			SW	SE		IRR	30.0
						Section Acres	271.0
07S	06E	4	NE	SW		IRR	10.0
			NW	SW		IRR	20.0
			SW	SW		IRR	35.0
			SE	SW		IRR	15.0
						Section Acres	80.0
		5	NE	NE		IRR	12.0
			NW	NE		IRR	35.0
			SW	NE		IRR	15.0
			SE	NE		IRR	18.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	160.0
		9	NW	NE		IRR	5.0
			SW	NE		IRR	10.0
			SE	NE		IRR	20.0
			NE	NW		IRR	20.0
			NW	NW		IRR	35.0
			SW	NW		IRR	35.0
			SE	NW		IRR	40.0
			NE	SW		IRR	25.0
			NW	SW		IRR	19.0
			SE	SW		IRR	6.0
			NE	SE		IRR	25.0
			NW	SE		IRR	30.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0

MAY 26 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		285.0
		10	NE	SW	IRR	20.0
			NW	SW	IRR	25.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
				Section Acres		125.0
		15	NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			NE	SW	IRR	25.0
			NW	SW	IRR	35.0
			SW	SW	IRR	5.0
				Section Acres		145.0
		16	NW	NE	IRR	15.0
			SE	NE	IRR	40.0
			NE	NW	IRR	10.0
			NE	SE	IRR	10.0
			SE	SE	IRR	5.0
				Section Acres		80.0
		22	NW	NE	IRR	5.0
			SW	NE	IRR	25.0
			NE	NW	IRR	25.0
			SE	NW	IRR	5.0
			NE	SE	IRR	20.0
			SE	SE	IRR	20.0
				Section Acres		100.0
				Total Acres		3113.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A51-00002, A51-00003, A51-00004, A51-00005, & A51-00039

14. Remarks:
CONCRETE DIVERSION DAM-110' LONG X 4' HIGH X 12' WIDE. FIRST BUILT IN 1955 AND THEN REBUILT IN 1988. 100' APPROX. TO HEADGATE

MAR 05 1992

14. Remarks: Continued
REINFORCED WITH CONCRETE GUSSETS ON 8' CENTERS. AT POINT OF DIVERSION, CANAL IS APPROX. 25' WIDE AND 10' WIDE AT THE LOWER END.
THE PLACE OF USE IS OWNED BY SHAREHOLDERS IN THE DITCH COMPANY.
THIS CLAIM IS FILED FOR FLOOD WATERS ONLY ALONG WITH THE STOCKWATER TO INCLUDE ALL YEAR ROUND USE.

15. Basis of Claim: BENEFICIAL USE

DEC 5 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A51-10350
Date Received: 4/ 3/1989
Receipt No: W002508
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: BRUNEAU BUCKAROO DITCH CO. 208-845-2110
   Address: C/O CHERYL WHITESIDE
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1897

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	26	SW SW		OWYHEE

5. Description of diverting works:
   SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	13.540	

7. Total Quantity Appropriated is:
   13.540 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	10	NW SW		IRR	5.0
			SE SW		IRR	25.0
			SW SE		IRR	20.0
			SE SE		IRR	5.0

MAR 05 1992

admitted
11-26-91

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
					Section Acres		55.0
		14	SW	NW		IRR	38.0
			NE	SW		IRR	30.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	5.0
			SW	SE		IRR	35.0
			SE	SE		IRR	15.0
					Section Acres		243.0
		15	NE	NE		IRR	20.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	5.0
			NE	SE		IRR	15.0
			NW	SE		IRR	3.0
			SE	SE		IRR	30.0
					Section Acres		233.0
		22	NE	NE		IRR	7.0
					Section Acres		7.0
		23	NE	NE		IRR	35.0
			NW	NE		IRR	37.0
			SE	NE		IRR	30.0
			NE	NW		IRR	40.0
			NW	NW		IRR	37.0
			SW	NW		IRR	28.0
			NE	SE		IRR	25.0
					Section Acres		232.0
		24	NW	NW		IRR	5.0
			SW	NW		IRR	35.0
			NW	SW		IRR	20.0
			SW	SW		IRR	15.0
					Section Acres		75.0
	06E	24	SE	SW		IRR	40.0

MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		40.0
		25	NE	NE	IRR	39.0
			NW	NE	IRR	40.0
			SW	NE	IRR	30.0
			SE	NE	IRR	40.0
			NE	NW	IRR	30.0
			NW	NW	IRR	20.0
			SE	NW	IRR	10.0
			NE	SE	IRR	28.0
			NW	SE	IRR	6.0
			SE	SE	IRR	19.0
				Section Acres		262.0
		30	NW	NW	IRR	27.0
			SW	NW	IRR	39.0
			NE	SW	IRR	30.0
			NW	SW	IRR	30.0
			SW	SW	IRR	25.0
			SE	SW	IRR	10.0
				Section Acres		161.0
		31	SW	NE	IRR	15.0
			SE	NE	IRR	40.0
			NE	NW	IRR	23.0
			NW	NW	IRR	5.0
			NE	SE	IRR	30.0
			NW	SE	IRR	10.0
				Section Acres		123.0
		32	NW	NW	IRR	19.0
			SW	NW	IRR	35.0
			SE	NW	IRR	4.0
			NE	SW	IRR	35.0
			NW	SW	IRR	40.0
			SW	SW	IRR	20.0
			SE	SW	IRR	40.0
			NW	SE	IRR	15.0
			SW	SE	IRR	30.0
				Section Acres		238.0
07S	06E	4	NE	SW	IRR	10.0
			NW	SW	IRR	20.0

MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07S	06E	4	SW	SW		IRR	35.0
			SE	SW		IRR	15.0
						Section Acres	80.0
		5	NE	NE		IRR	12.0
			NW	NE		IRR	35.0
			SW	NE		IRR	15.0
			SE	NE		IRR	18.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	160.0
		9	NW	NE		IRR	5.0
			SW	NE		IRR	10.0
			NE	NW		IRR	20.0
			SE	NW		IRR	40.0
						Section Acres	75.0
		15	NE	SW		IRR	5.0
			NW	SW		IRR	35.0
						Section Acres	40.0
		16	SE	NE		IRR	40.0
			NE	SE		IRR	10.0
						Section Acres	50.0
		22	NE	SE		IRR	20.0
			SE	SE		IRR	20.0
						Section Acres	40.0
						Total Acres	2114.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A51-00002, A51-00003, A51-00005, A51-00039, A51-10271.

14. Remarks:
DESCRIP. OF DIVERTING WORKS: CONCRETE DIVERSION DAM-110' LONG X

MAR 05 1992

14. Remarks: Continued
4' HIGH X 12' WIDE. FIRST BUILT IN 1955 AND THEN REBUILT IN 1988 100' APPROX. TO HEADGATES-REINFORCED WITH CONCRETE GUSSETS ON 8' CENTERS. AT POINT OF DIVERSION, CANAL IS APPROX. 25' WIDE AND 10' WIDE AT THE LOWER END.
THIS CLAIM IS A COMBINATION OF WATER RIGHT NO.'S 51-00040 FOR 10" AND 51-00064 FOR 35" ALL WITH THE SAME PRIORITY AND SOURCE FOR A TOTAL OF 677" OR 13.54 CFS FILED UNDER THIS RIGHT. THE PLACE OF USE IS OWNED BY THE VARIOUS SHAREHOLDERS IN THE DITCH COMPANY.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRRIGATION DISTRICT
Decree Plaintiff

vs

BRUNEAU BUCKAROO CO-OP ET AL
Decree Defendant

5 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-10351**
Date Received: 4/ 3/1989
Receipt No: W002508
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: BRUNEAU BUCKAROO DITCH CO. 208-845-2110
   Address: C/O CHERYL WHITESIDE
   BRUNEAU ID 83604

2. Date of Priority: OCT 27, 1893

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	06E	26		SW	SW		OWYHEE

5. Description of diverting works:
   SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

7. Total Quantity Appropriated is:
   1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	14	SW	NW		IRR	8.0
			NW	SW		IRR	28.0
			SW	SW		IRR	40.0

1992

admitted
11-26-91

EXHIBIT
P-11

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	76.0
		15	SW	NE		IRR	29.0
			SE	NE		IRR	27.0
			NE	NW		IRR	26.0
			SE	NW		IRR	5.0
			NE	SE		IRR	15.0
			NW	SE		IRR	3.0
			SE	SE		IRR	30.0
						Section Acres	135.0
		22	NE	NE		IRR	7.0
						Section Acres	7.0
		23	NW	NW		IRR	37.0
			SW	NW		IRR	28.0
						Section Acres	65.0
						Total Acres	283.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A51-00002, A51-00004, A51-00005, & A51-10271.

14. Remarks:
DESCRIP. OF DIVERTING WORKS: CONCRETE DIVERSION DAM-110' LONG X 4' HIGH X 12' WIDE. FIRST BUILT IN 1955 AND THEN REBUILT IN 1988 100' APPROX. TO HEADGATES-REINFORCED WITH CONCRETE GUSSETS ON 8' CENTERS. AT POINT OF DIVERSION, CANAL IS APPROX. 25' WIDE AND 10' WIDE AT THE LOWER END.
THIS CLAIM COMBINES WATER RIGHT NO.'S 51-00039 FOR 15" AND 51-00063 FOR 65", BOTH WITH SAME SOURCE AND SAME PRIORITY INTO ONE RIGHT FOR 80" UNDER THIS CLAIM. THE PLACE OF USE UNDER THIS CLAIM IS OWNED BY SHAREHOLDERS IN THE DITCH CO.

15. Basis of Claim: DECREED

Case Number:

Court :

MAR 05 1992

Decree date: / /

GRANDVIEW IRRIGATION DISTRICT
Decree Plaintiff

vs

BRUNEAU BUCKAROO CO-OP ET AL
Decree Defendant

MAR 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-00009**
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: AUG 25, 1883

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.000		
STOCKWATER	03/15	11/15	0.570		

7. Total Quantity Appropriated is:
   7.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   S/2500 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36	NE SE		IRR	20.0
			SE SE		IRR	13.3

MAR 05 1992

admitted
11-26-91



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		33.3
	06E	31	SW	SW	IRR	25.0
				Section Acres		25.0
07S	06E	5	NE	SW	IRR	15.0
			NW	SW	IRR	15.5
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
				Section Acres		110.5
		6	NE	NW	IRR	25.0
			NW	NW	IRR	16.0
			SE	NW	IRR	0.6
			NE	SE	IRR	15.5
			SE	SE	IRR	19.0
				Section Acres		76.1
		7	NE	NE	IRR	15.0
				Section Acres		15.0
		8	SW	NE	IRR	5.0
			NE	NW	IRR	25.0
			NW	NW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	19.0
			SW	SE	IRR	1.0
			SE	SE	IRR	30.0
				Section Acres		140.0
		9	SW	SW	IRR	25.0
				Section Acres		25.0
		16	NW	NW	IRR	10.0
			SE	SW	IRR	20.0
			SW	SE	IRR	20.0
				Section Acres		50.0
		21	NE	NE	IRR	25.0
			SE	NE	IRR	12.0

MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	21	NW	NW		IRR	25.0
						Section Acres	62.0
		22	SW	NW		IRR	38.0
			SE	NW		IRR	9.0
			NE	SW		IRR	20.0
			NW	SW		IRR	31.0
			SE	SW		IRR	18.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0
						Section Acres	131.0
		26	SW	NW		IRR	14.0
			NW	SW		IRR	5.0
						Section Acres	19.0
		27	NE	NE		IRR	13.0
						Section Acres	13.0
						Total Acres	699.9

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
51-00010, 00011.

14. Remarks:
THIS COMPANY IS A CARRIER OF WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST. (Decree Plaintiff) vs BRUNEAU BUCKAROO CO-OP DITCH C (Decree Defendant)

MAR 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A51-00010
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1897

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		
STOCKWATER	03/15	11/15	0.570		

7. Total Quantity Appropriated is:
   3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   S/2500 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36	NE SE		IRR	20.0
			SE SE		IRR	13.3

admitted
11-26-91

EXHIBIT
C-01

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		33.3
	06E	31	SW SW		IRR	25.0
				Section Acres		25.0
07S	06E	5	NE SW		IRR	15.0
			NW SW		IRR	15.5
			SW SW		IRR	40.0
			SE SW		IRR	40.0
				Section Acres		110.5
		6	NE NW		IRR	25.0
			NW NW		IRR	16.0
			SE NW		IRR	0.6
			NE SE		IRR	15.5
			SE SE		IRR	19.0
				Section Acres		76.1
		7	NE NE		IRR	15.0
				Section Acres		15.0
		8	SW NE		IRR	5.0
			NE NW		IRR	25.0
			NW NW		IRR	30.0
			NE SE		IRR	30.0
			NW SE		IRR	19.0
			SW SE		IRR	1.0
			SE SE		IRR	30.0
				Section Acres		140.0
		9	SW SW		IRR	25.0
				Section Acres		25.0
		16	NW NW		IRR	10.0
			SE SW		IRR	20.0
			SW SE		IRR	20.0
				Section Acres		50.0
		21	NE NE		IRR	25.0
			SE NE		IRR	12.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	21	NW	NW		IRR	25.0
						Section Acres	62.0
		22	SW	NW		IRR	38.0
			SE	NW		IRR	9.0
			NE	SW		IRR	20.0
			NW	SW		IRR	31.0
			SE	SW		IRR	18.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0
						Section Acres	131.0
		26	SW	NW		IRR	14.0
			NW	SW		IRR	5.0
						Section Acres	19.0
		27	NE	NE		IRR	13.0
						Section Acres	13.0
						Total Acres	699.9

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
51-00009, 00011.

14. Remarks:
THIS COMPANY IS A CARRIER OF WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST. (Decree Plaintiff) vs BRUNEAU BUCKAROO CO-OP DITCH C (Decree Defendant)

MAR 05 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-00011**
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1905

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.000		
STOCKWATER	03/15	11/15	0.570		

7. Total Quantity Appropriated is:
   4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   S/2500 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36	NE SE		IRR	20.0
			SE SE		IRR	13.3

15 1992

admitted
11-26-91

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		33.3
	06E	31	SW	SW	IRR	25.0
				Section Acres		25.0
07S	06E	5	NE	SW	IRR	15.0
			NW	SW	IRR	15.5
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
				Section Acres		110.5
		6	NE	NW	IRR	25.0
			NW	NW	IRR	16.0
			SE	NW	IRR	0.6
			NE	SE	IRR	15.5
			SE	SE	IRR	19.0
				Section Acres		76.1
		7	NE	NE	IRR	15.0
				Section Acres		15.0
		8	SW	NE	IRR	5.0
			NE	NW	IRR	25.0
			NW	NW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	19.0
			SW	SE	IRR	1.0
			SE	SE	IRR	30.0
				Section Acres		140.0
		9	SW	SW	IRR	25.0
				Section Acres		25.0
		16	NW	NW	IRR	10.0
			SE	SW	IRR	20.0
			SW	SE	IRR	20.0
				Section Acres		50.0
		21	NE	NE	IRR	25.0
			SE	NE	IRR	12.0

MAY 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	21	NW	NW		IRR	25.0
						Section Acres	62.0
		22	SW	NW		IRR	38.0
			SE	NW		IRR	9.0
			NE	SW		IRR	20.0
			NW	SW		IRR	31.0
			SE	SW		IRR	18.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0
						Section Acres	131.0
		26	SW	NW		IRR	14.0
			NW	SW		IRR	5.0
						Section Acres	19.0
		27	NE	NE		IRR	13.0
						Section Acres	13.0
						Total Acres	699.9

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
51-00010, 00009.

14. Remarks:
THIS COMPANY IS A CARRIER OF WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST. (Decree Plaintiff) vs BRUNEAU BUCKAROO CO-OP DITCH C (Decree Defendant)

05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-10254**
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: FEB 15, 1925

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
Beginning Point of Instream Flow					
07S	06E	35	NW NW		OWYHEE
Ending Point of Instream Flow					
06S	05E	36	SE SE		OWYHEE

5. Description of diverting works:
   INSTREAM STOCKWATER FROM HOT SPRINGS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.570		

7. Total Quantity Appropriated is:
   0.570 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   S/2500 HEAD RANGE CATTLE

MAY 05 1992

Admitted
11-26-91
TJS

EXHIBIT
C-11

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36			STOCK	
	06E	31			STOCK	
07S	06E	5			STOCK	
		6			STOCK	
		7			STOCK	
		8			STOCK	
		9			STOCK	
		16			STOCK	
		21			STOCK	
		22			STOCK	
		26			STOCK	
		27			STOCK	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
51-00010, 00011, 00009.

14. Remarks:
THE PRIORITY DATE FOR THIS INSTREAM STOCKWATER CLAIM IS THE DAY AFTER THE BRUNEAU RIVER DECREE OF 14/FEB/1925.
THIS COMPANY IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

DEC 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A51-10255
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: AUG 25, 1883

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.920		

7. Total Quantity Appropriated is:
   5.920 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DITCH LOSS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36	NE SE		IRR	20.0
			SE SE		IRR	13.3

RECEIVED
NOV 05 1992

admitted
11-26-91

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		33.3
	06E	31	SW	SW	IRR	25.0
				Section Acres		25.0
07S	06E	5	NE	SW	IRR	15.0
			NW	SW	IRR	15.5
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
				Section Acres		110.5
		6	NE	NW	IRR	25.0
			NW	NW	IRR	16.0
			SE	NW	IRR	0.6
			NE	SE	IRR	15.5
			SE	SE	IRR	19.0
				Section Acres		76.1
		7	NE	NE	IRR	15.0
				Section Acres		15.0
		8	SW	NE	IRR	5.0
			NE	NW	IRR	25.0
			NW	NW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	19.0
			SW	SE	IRR	1.0
			SE	SE	IRR	30.0
				Section Acres		140.0
		9	SW	SW	IRR	25.0
				Section Acres		25.0
		16	NW	NW	IRR	10.0
			SE	SW	IRR	20.0
			SW	SE	IRR	20.0
				Section Acres		50.0
		21	NE	NE	IRR	25.0
			SE	NE	IRR	12.0

5 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	21	NW	NW		IRR	25.0
						Section Acres	62.0
		22	SW	NW		IRR	38.0
			SE	NW		IRR	9.0
			NE	SW		IRR	20.0
			NW	SW		IRR	31.0
			SE	SW		IRR	18.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0
						Section Acres	131.0
		26	SW	NW		IRR	14.0
			NW	SW		IRR	5.0
						Section Acres	19.0
		27	NE	NE		IRR	13.0
						Section Acres	13.0
						Total Acres	699.9

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR DITCH LOSS NOT INCLUDED IN THE BRUNEAU RIVER DECREE FOR HOT SPRINGS DITCH CO..
DECREE # 51-00009.
THIS CLAIM IS BASED ON THE NEED FOR THE DITCH LOSS TO BE INCLUDED IN ORDER FOR THE DECREED WATER TO REACH THE USERS OF THE DITCH COMPANY IN THE DECREED AMOUNT.
THE BRUNEAU RIVER DECREE HAS ORDERED, ADJUDGED THAT THOSE NAMED IN THE DECREE HAVE A RIGHT TO USE THE WATER OF THE BRUNEAU RIVER TO THE EXTENT OF THEIR NEEDS FOR IRRIGATION AND DOMESTIC USE AND THE WATERING OF LIVESTOCK.
IT IS FURTHER STIPULATED IN THE DECREE THAT THE WATERS ARE FROM THE BRUNEAU RIVER AND IS TO BE USED ON THE LANDS AS DESCRIBED AFTER EACH APPROPRIATION FOR THE NUMBER OF INCHES OF WATER.
IN ORDER FOR THE WATER IN THE AMOUNT DECREED TO REACH THE LANDS

5 1992

14. Remarks: Continued
LISTED IN THE DECREE, DITCH LOSS MUST BE APPROPRIATED WITH A PRIORITY DATE THE SAME AS DECREED.
THIS COMPANY IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

FILED
MAR 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A51-10256
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1897

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	4.410	

7. Total Quantity Appropriated is:
   4.410 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DITCH LOSS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36	NE SE		IRR	20.0
			SE SE		IRR	13.3

FILED
MAR 05 1992

admitted
11-26-91

EXHIBIT
C101

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		33.3
	06E	31	SW	SW	IRR	25.0
				Section Acres		25.0
07S	06E	5	NE	SW	IRR	15.0
			NW	SW	IRR	15.5
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
				Section Acres		110.5
		6	NE	NW	IRR	25.0
			NW	NW	IRR	16.0
			SE	NW	IRR	0.6
			NE	SE	IRR	15.5
			SE	SE	IRR	19.0
				Section Acres		76.1
		7	NE	NE	IRR	15.0
				Section Acres		15.0
		8	SW	NE	IRR	5.0
			NE	NW	IRR	25.0
			NW	NW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	19.0
			SW	SE	IRR	1.0
			SE	SE	IRR	30.0
				Section Acres		140.0
		9	SW	SW	IRR	25.0
				Section Acres		25.0
		16	NW	NW	IRR	10.0
			SE	SW	IRR	20.0
			SW	SE	IRR	20.0
				Section Acres		50.0
		21	NE	NE	IRR	25.0
			SE	NE	IRR	12.0

RECD MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	21	NW	NW		IRR	25.0
					Section Acres		62.0
		22	SW	NW		IRR	38.0
			SE	NW		IRR	9.0
			NE	SW		IRR	20.0
			NW	SW		IRR	31.0
			SE	SW		IRR	18.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0
					Section Acres		131.0
		26	SW	NW		IRR	14.0
			NW	SW		IRR	5.0
					Section Acres		19.0
		27	NE	NE		IRR	13.0
					Section Acres		13.0
					Total Acres		699.9

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR DITCH LOSS NOT INCLUDED IN THE BRUNEAU RIVER DECREE FOR HOT SPRINGS DITCH CO..
DECREE # 51-00010.
THIS CLAIM IS BASED ON THE NEED FOR THE DITCH LOSS TO BE INCLUDED IN ORDER FOR THE DECREED WATER TO REACH THE USERS OF THE DITCH COMPANY IN THE DECREED AMOUNT.
THE BRUNEAU RIVER DECREE HAS ORDERED, ADJUDGED THAT THOSE NAMED IN THE DECREE HAVE A RIGHT TO USE THE WATER OF THE BRUNEAU RIVER TO THE EXTENT OF THEIR NEEDS FOR IRRIGATION AND DOMESTIC USE AND THE WATERING OF LIVESTOCK.
IT IS FURTHER STIPULATED IN THE DECREE THAT THE WATERS ARE FROM THE BRUNEAU RIVER AND IS TO BE USED ON THE LANDS AS DESCRIBED AFTER EACH APPROPRIATION FOR THE NUMBER OF INCHES OF WATER.
IN ORDER FOR THE WATER IN THE AMOUNT DECREED TO REACH THE LANDS

RECEIVED
DEC 05 1991

14. Remarks: Continued
LISTED IN THE DECREE, DITCH LOSS MUST BE APPROPRIATED WITH A PRIORITY DATE THE SAME AS DECREED.
THIS COMPANY IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

NOV 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: A51-10257
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1905

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	4.880	

7. Total Quantity Appropriated is:
   4.880 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DITCH LOSS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36	NE SE		IRR	20.0
			SE SE		IRR	13.3

RECD 05 1992

admitted 11-26-91 JJS

EXHIBIT C (1)

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		33.3
	06E	31	SW	SW	IRR	25.0
				Section Acres		25.0
07S	06E	5	NE	SW	IRR	15.0
			NW	SW	IRR	15.5
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
				Section Acres		110.5
		6	NE	NW	IRR	25.0
			NW	NW	IRR	16.0
			SE	NW	IRR	0.6
			NE	SE	IRR	15.5
			SE	SE	IRR	19.0
				Section Acres		76.1
		7	NE	NE	IRR	15.0
				Section Acres		15.0
		8	SW	NE	IRR	5.0
			NE	NW	IRR	25.0
			NW	NW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	19.0
			SW	SE	IRR	1.0
			SE	SE	IRR	30.0
				Section Acres		140.0
		9	SW	SW	IRR	25.0
				Section Acres		25.0
		16	NW	NW	IRR	10.0
			SE	SW	IRR	20.0
			SW	SE	IRR	20.0
				Section Acres		50.0
		21	NE	NE	IRR	25.0
			SE	NE	IRR	12.0

6 5 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	21	NW	NW		IRR	25.0
					Section Acres		62.0
		22	SW	NW		IRR	38.0
			SE	NW		IRR	9.0
			NE	SW		IRR	20.0
			NW	SW		IRR	31.0
			SE	SW		IRR	18.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0
					Section Acres		131.0
		26	SW	NW		IRR	14.0
			NW	SW		IRR	5.0
					Section Acres		19.0
		27	NE	NE		IRR	13.0
					Section Acres		13.0
					Total Acres		699.9

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR DITCH LOSS NOT INCLUDED IN THE BRUNEAU RIVER DECREE FOR HOT SPRINGS DITCH CO..
DECREE # 51-00011.
THIS CLAIM IS BASED ON THE NEED FOR THE DITCH LOSS TO BE INCLUDED IN ORDER FOR THE DECREED WATER TO REACH THE USERS OF THE DITCH COMPANY IN THE DECREED AMOUNT.
THE BRUNEAU RIVER DECREE HAS ORDERED, ADJUDGED THAT THOSE NAMED IN THE DECREE HAVE A RIGHT TO USE THE WATER OF THE BRUNEAU RIVER TO THE EXTENT OF THEIR NEEDS FOR IRRIGATION AND DOMESTIC USE AND THE WATERING OF LIVESTOCK.
IT IS FURTHER STIPULATED IN THE DECREE THAT THE WATERS ARE FROM THE BRUNEAU RIVER AND IS TO BE USED ON THE LANDS AS DESCRIBED AFTER EACH APPROPRIATION FOR THE NUMBER OF INCHES OF WATER.
IN ORDER FOR THE WATER IN THE AMOUNT DECREED TO REACH THE LANDS

MAR 05 1992

14. Remarks: Continued
LISTED IN THE DECREE, DITCH LOSS MUST BE APPROPRIATED WITH A PRIORITY DATE THE SAME AS DECREED.
THIS COMPANY IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

5 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39573

Ident. Number: A51-10258
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: MAR 15, 1971

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U..

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.920		

7. Total Quantity Appropriated is:
   0.920 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	06E	7	NW NE		IRR	22.0
			SW NE		IRR	24.0

FILED
MAR 05 1992

admitted
11-26-91

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	46.0
					Total Acres	46.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
HOT SPRINGS DITCH CO.

14. Remarks:
HOT SPRINGS DITCH CO. IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

MAR 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-10259**
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: MAR 15, 1945

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U..

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.900		

7. Total Quantity Appropriated is:
   0.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	06E	8	SE NW		IRR	18.0
			NW SE		IRR	18.0
			SW SE		IRR	4.0

MAR 05 1992

admitted
11-26-91
VTS

EXHIBIT
C191

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	8	SE	SE		IRR	5.0
						Section Acres	45.0
						Total Acres	45.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
HOT SPRINGS DITCH CO.

14. Remarks:
HOT SPRINGS DITCH CO. IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39573

Ident. Number: **A51-10260**
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: MAR 15, 1968

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U..

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	4.940	

7. Total Quantity Appropriated is:
   4.940 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	06E	16	SW NE		IRR	5.0
			NW NW		IRR	15.0
			SW NW		IRR	25.0

admitted 11-26-91 tzj

EXHIBIT 92 C(10)

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	16	SE	NW		IRR	20.0
			NE	SW		IRR	40.0
			NW	SW		IRR	20.0
			SW	SW		IRR	8.0
			SE	SW		IRR	18.0
			NW	SE		IRR	30.0
			SW	SE		IRR	20.0
			SE	SE		IRR	20.0
						Section Acres	221.0
		21	NW	NE		IRR	15.0
			NE	NW		IRR	11.0
						Section Acres	26.0
						Total Acres	247.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
HOT SPRINGS DITCH CO.

14. Remarks:
HOT SPRINGS DITCH CO. IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

MAR 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 3957

Ident. Number: **A51-10261**
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: MAR 15, 1930

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U..

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.180		

7. Total Quantity Appropriated is:
   1.180 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	06E	22	SE NW		IRR	3.0
			NE SW		IRR	20.0
			NW SE		IRR	18.0

MAR 05 1992

admitted
11-26-91
RJS

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	22	SW	SE		IRR	18.0
						Section Acres	59.0
						Total Acres	59.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
HOT SPRINGS DITCH CO.

14. Remarks:
HOT SPRINGS DITCH CO. IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

MAR 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39573

Ident. Number: A51-10262
Date Received: 3/22/1989
Receipt No: W002452
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: HOT SPRINGS DITCH CO. 208-845-2432
   Address: % RONALD E. PROW, PRES.
   HC 85 BOX 123
   BRUNEAU ID 83604

2. Date of Priority: FEB 15, 1925

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	35	NW NW		OWYHEE

5. Description of diverting works:
   DAM IN RIVER TO DITCH TO HEADGATES TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	14.000		

7. Total Quantity Appropriated is:
   14.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	36	NE SE		IRR	20.0
			SE SE		IRR	13.3

admitted
11-26-91

EXHIBIT
C-[illegible]

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		33.3
	06E	31	SW	SW	IRR	25.0
				Section Acres		25.0
07S	06E	5	NE	SW	IRR	15.0
			NW	SW	IRR	15.5
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
				Section Acres		110.5
		6	NE	NW	IRR	25.0
			NW	NW	IRR	16.0
			SE	NW	IRR	0.6
			NE	SE	IRR	15.5
			SE	SE	IRR	19.0
				Section Acres		76.1
		7	NE	NE	IRR	15.0
				Section Acres		15.0
		8	SW	NE	IRR	5.0
			NE	NW	IRR	25.0
			NW	NW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	19.0
			SW	SE	IRR	1.0
			SE	SE	IRR	30.0
				Section Acres		140.0
		9	SW	SW	IRR	25.0
				Section Acres		25.0
		16	NW	NW	IRR	10.0
			SE	SW	IRR	20.0
			SW	SE	IRR	20.0
				Section Acres		50.0
		21	NE	NE	IRR	25.0
			SE	NE	IRR	12.0

DEC 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	06E	21	NW	NW		IRR	25.0
						Section Acres	62.0
		22	SW	NW		IRR	38.0
			SE	NW		IRR	9.0
			NE	SW		IRR	20.0
			NW	SW		IRR	31.0
			SE	SW		IRR	18.0
			SW	SE		IRR	10.0
			SE	SE		IRR	5.0
						Section Acres	131.0
		26	SW	NW		IRR	14.0
			NW	SW		IRR	5.0
						Section Acres	19.0
		27	NE	NE		IRR	13.0
						Section Acres	13.0
						Total Acres	699.9

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR FLOOD WATER DURING IRRIGATION SEASON WHEN FLOOD WATER IS AVAILABLE.
HOT SPRINGS DITCH CO. IS A CARRIER OF WATER.

15. Basis of Claim: BENEFICIAL USE

DEC 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A51-00006
Date Received: 1/19/1989
Receipt No: W002034
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: SOUTH SIDE BRUNEAU CANAL CO. LTD. 208-845-2633
   Address: C/O FRANK DAVIS
   HC 85 BOX 179
   BRUNEAU ID 83604

2. Date of Priority: MAR 23, 1896

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	5	SW SE		OWYHEE

5. Description of diverting works:
   SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	12.240		
STOCKWATER	01/01	12/31	8.000		

7. Total Quantity Appropriated is:
   12.240 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   S/1500 HEAD STOCK.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	8	SE SW		IRR	10.0
			SW SE		IRR	10.0

FEB 05 1992

EXHIBIT

Admitted
11-26-91

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	05E	8	SE	SE		IRR	4.0
					Section Acres		24.0
		15	SW	SW		IRR	10.0
					Section Acres		10.0
		16	SW	NW		IRR	10.0
			NE	SW		IRR	12.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	36.0
			NE	SE		IRR	25.0
			NW	SE		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	40.0
					Section Acres		273.0
		17	NE	NE		IRR	10.0
			SE	NE		IRR	14.0
			NE	SE		IRR	15.0
			SE	SE		IRR	10.0
					Section Acres		49.0
		21	NE	NE		IRR	22.0
			NW	NE		IRR	16.0
			SW	NE		IRR	16.0
			NE	NW		IRR	10.0
			NW	NW		IRR	36.0
			SW	NW		IRR	21.0
			SE	NW		IRR	5.0
			NE	SW		IRR	21.0
			NW	SW		IRR	4.0
			NW	SE		IRR	29.0
					Section Acres		180.0
		22	NE	NE		IRR	32.0
			NW	NE		IRR	30.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	35.0
			NW	NW		IRR	22.0
			SW	NW		IRR	18.0
			SE	NW		IRR	40.0

NOV 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	05E	22	NE	SW		IRR	22.0
			NE	SE		IRR	20.0
			NW	SE		IRR	38.0
			SW	SE		IRR	5.0
			SE	SE		IRR	18.0
					Section Acres		360.0
		23	NW	NW		IRR	4.0
			SW	NW		IRR	15.0
			NE	SW		IRR	35.0
			NW	SW		IRR	40.0
			SW	SW		IRR	35.0
			SE	SW		IRR	40.0
					Section Acres		169.0
		26	NE	NW		IRR	40.0
			NW	NW		IRR	6.0
			SE	NW		IRR	20.0
			NE	SE		IRR	25.0
			NW	SE		IRR	20.0
			SE	SE		IRR	24.0
					Section Acres		135.0
					Total Acres		1200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
CLAIM NO.'S A51-00007, A51-00008, & A51-04096.

14. Remarks:
DESC. OF DIVERTING WORKS - CONCRETE DAM IN RIVER APPROX. 96' WIDE X 2.5' HIGH(AT THE HIGHEST PT.). WATER IS DIVERTED INTO A CANAL WITH DIVERSION FROM THE CANAL VIA HEADGATES AND GRAVITY FLOW TO LAND.
NOTE: SOME OF THE ACRES SHOWN ON THIS CLAIM ARE COVERED BY PONDS USED BY FISH AND GAME W/IDAHO POWER CO.'S PERMISSION. THESE ARE USED FOR WILDLIFE HABITAT AND AS SOON AS THE EXACT LOCATIONS, AND SIZES ARE SUBMITTED THIS CLAIM WILL BE AMENDED TO SHOW A CHANGE IN THE NATURE OF USE FROM IRRIGATION TO WILDLIFE STORAGE. THE CFS AMOUNT WILL REMAIN THE SAME, BUT THE NUMBER OF ACRES WILL BE REDUCED BASED ON THE NUMBER OF ACRES COVERED BY THE PONDS.

NOV 05 1992

14. Remarks: Continued
THE 8.0 CFS IS NEEDED FOR STOCKWATER IN ORDER FOR THE WATER TO FLOW THE TOTAL DISTANCE OF THE CANAL DURING THE WINTER MONTHS DUE TO FREEZING.
****
06/23/89---PRINCIPLE PAID BY RECEIPT M003842 & W002034. ELR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST. (Decree Plaintiff) vs BRUNEAU BUCKAROO CO-OP DITCH C (Decree Defendant)

NOV 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A51-00007
Date Received: 1/19/1989
Receipt No: W002034
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: SOUTH SIDE BRUNEAU CANAL CO. LTD. 208-845-2633
   Address: C/O FRANK DAVIS
   HC 85 BOX 179
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1897

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	5	SW SE		OWYHEE

5. Description of diverting works:
   SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.920		

7. Total Quantity Appropriated is:
   1.920 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	8	SE SW		IRR	10.0
			SW SE		IRR	10.0
			SE SE		IRR	4.0

MAR 05 1992 Admitted 11-26-91 NVS

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		24.0
		15	SW SW		IRR	10.0
				Section Acres		10.0
		16	SW NW		IRR	10.0
			NE SW		IRR	12.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	36.0
			NE SE		IRR	25.0
			NW SE		IRR	40.0
			SW SE		IRR	30.0
			SE SE		IRR	40.0
				Section Acres		273.0
		17	NE NE		IRR	10.0
			SE NE		IRR	14.0
			NE SE		IRR	15.0
			SE SE		IRR	10.0
				Section Acres		49.0
		21	NE NE		IRR	22.0
			NW NE		IRR	16.0
			SW NE		IRR	16.0
			NE NW		IRR	10.0
			NW NW		IRR	36.0
			SW NW		IRR	21.0
			SE NW		IRR	5.0
			NE SW		IRR	21.0
			NW SW		IRR	4.0
			NW SE		IRR	29.0
				Section Acres		180.0
		22	NE NE		IRR	32.0
			NW NE		IRR	30.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	35.0
			NW NW		IRR	22.0
			SW NW		IRR	18.0
			SE NW		IRR	40.0
			NE SW		IRR	22.0

MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	22	NE SE		IRR	20.0
			NW SE		IRR	38.0
			SW SE		IRR	5.0
			SE SE		IRR	18.0
				Section Acres		360.0
		23	NW NW		IRR	4.0
			SW NW		IRR	15.0
			NE SW		IRR	35.0
			NW SW		IRR	40.0
			SW SW		IRR	35.0
			SE SW		IRR	40.0
				Section Acres		169.0
		26	NE NW		IRR	40.0
			NW NW		IRR	6.0
			SE NW		IRR	20.0
			NE SE		IRR	25.0
			NW SE		IRR	20.0
			SE SE		IRR	24.0
				Section Acres		135.0
				Total Acres		1200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
CLAIM NO.'S A51-00006, A51-00008, & A51-04096.

14. Remarks:
DESC. OF DIVERTING WORKS - CONCRETE DAM IN RIVER APPROX. 96' WIDE X 2.5' HIGH(AT THE HIGHEST PT.). WATER IS DIVERTED INTO A CANAL WITH DIVERSION FROM THE CANAL VIA HEADGATES AND GRAVITY FLOW TO LAND.
NOTE: SOME OF THE ACRES SHOWN ON THIS CLAIM ARE COVERED BY PONDS USED BY FISH AND GAME W/IDAHO POWER CO.'S PERMISSION. THESE ARE USED FOR WILDLIFE HABITAT AND AS SOON AS THE EXACT LOCATIONS, AND SIZES ARE SUBMITTED THIS CLAIM WILL BE AMENDED TO SHOW A CHANGE IN THE NATURE OF USE FROM IRRIGATION TO WILDLIFE STORAGE. THE CFS AMOUNT WILL REMAIN THE SAME, BUT THE NUMBER OF ACRES WILL BE REDUCED BASED ON THE NUMBER OF ACRES COVERED BY THE PONDS.
****

MAR 05 1992

14. Remarks: Continued
06/23/89----PRINCIPLE PAID BY RECEIPT W002034 & M003842. ELR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST. (Decree Plaintiff) vs BRUNEAU BUCKAROO CO-OP DITCH C (Decree Defendant)

MAR 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A51-00008
Date Received: 1/19/1989
Receipt No: W002034
Received By: _____

COPY FOR YOUR FILES — **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** — **COPY FOR YOUR FILES**

1. Name: SOUTH SIDE BRUNEAU CANAL CO. LTD. 208-845-2633
   Address: C/O FRANK DAVIS
   HC 85 BOX 179
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1905

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	5	SW SE		OWYHEE

5. Description of diverting works:
   SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	9.840		

7. Total Quantity Appropriated is:
   9.840 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	8	SE SW		IRR	10.0
			SW SE		IRR	10.0
			SE SE		IRR	4.0

MAR 05 1992

admitted
11-26-91
VZS



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	24.0
		15	SW	SW		IRR	10.0
						Section Acres	10.0
		16	SW	NW		IRR	10.0
			NE	SW		IRR	12.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	36.0
			NE	SE		IRR	25.0
			NW	SE		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	40.0
						Section Acres	273.0
		17	NE	NE		IRR	10.0
			SE	NE		IRR	14.0
			NE	SE		IRR	15.0
			SE	SE		IRR	10.0
						Section Acres	49.0
		21	NE	NE		IRR	22.0
			NW	NE		IRR	16.0
			SW	NE		IRR	16.0
			NE	NW		IRR	10.0
			NW	NW		IRR	36.0
			SW	NW		IRR	21.0
			SE	NW		IRR	5.0
			NE	SW		IRR	21.0
			NW	SW		IRR	4.0
			NW	SE		IRR	29.0
						Section Acres	180.0
		22	NE	NE		IRR	32.0
			NW	NE		IRR	30.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	35.0
			NW	NW		IRR	22.0
			SW	NW		IRR	18.0
			SE	NW		IRR	40.0
			NE	SW		IRR	22.0

MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	22	NE SE		IRR	20.0
			NW SE		IRR	38.0
			SW SE		IRR	5.0
			SE SE		IRR	18.0
				Section Acres		360.0
		23	NW NW		IRR	4.0
			SW NW		IRR	15.0
			NE SW		IRR	35.0
			NW SW		IRR	40.0
			SW SW		IRR	35.0
			SE SW		IRR	40.0
				Section Acres		169.0
		26	NE NW		IRR	40.0
			NW NW		IRR	6.0
			SE NW		IRR	20.0
			NE SE		IRR	25.0
			NW SE		IRR	20.0
			SE SE		IRR	24.0
				Section Acres		135.0
				Total Acres		1200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
CLAIM NO.'S A51-00006, A51-00007, & A51-04096.

14. Remarks:
DESC. OF DIVERTING WORKS - CONCRETE DAM IN RIVER APPROX. 96' WIDE X 2.5' HIGH(AT THE HIGHEST PT.). WATER IS DIVERTED INTO A CANAL WITH DIVERSION FROM THE CANAL VIA HEADGATES AND GRAVITY FLOW TO LAND.
NOTE: SOME OF THE ACRES SHOWN ON THIS CLAIM ARE COVERED BY PONDS USED BY FISH AND GAME W/IDAHO POWER CO.'S PERMISSION. THESE ARE USED FOR WILDLIFE HABITAT AND AS SOON AS THE EXACT LOCATIONS, AND SIZES ARE SUBMITTED THIS CLAIM WILL BE AMENDED TO SHOW A CHANGE IN THE NATURE OF USE FROM IRRIGATION TO WILDLIFE STORAGE. THE CFS AMOUNT WILL REMAIN THE SAME, BUT THE NUMBER OF ACRES WILL BE REDUCED BASED ON THE NUMBER OF ACRES COVERED BY THE PONDS.
****

05 1992

14. Remarks: Continued
06/23/89----PRINCIPLE PAID BY RECEIPT W002034 & M003842. ELR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST. (Decree Plaintiff) vs BRUNEAU BUCKAROO CO-OP DITCH C (Decree Defendant)

RECEIVED
DEC 05 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A51-04096
Date Received: 1/19/1989
Receipt No: W002034
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: SOUTH SIDE BRUNEAU CANAL CO. LTD. 208-845-2633
   Address: C/O FRANK DAVIS
   HC 85 BOX 179
   BRUNEAU ID 83604

2. Date of Priority: APR 1, 1905

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	06E	5	SW SE		OWYHEE

5. Description of diverting works:
   SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	24.000		

7. Total Quantity Appropriated is:
   24.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	05E	8	SE SW		IRR	10.0
			SW SE		IRR	10.0
			SE SE		IRR	4.0

FILED
NOV 25 1992

admitted
11-26-91
VS

EXHIBIT

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		24.0
		15	SW SW		IRR	10.0
				Section Acres		10.0
		16	SW NW		IRR	10.0
			NE SW		IRR	12.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	36.0
			NE SE		IRR	25.0
			NW SE		IRR	40.0
			SW SE		IRR	30.0
			SE SE		IRR	40.0
				Section Acres		273.0
		17	NE NE		IRR	10.0
			SE NE		IRR	14.0
			NE SE		IRR	15.0
			SE SE		IRR	10.0
				Section Acres		49.0
		21	NE NE		IRR	22.0
			NW NE		IRR	16.0
			SW NE		IRR	16.0
			NE NW		IRR	10.0
			NW NW		IRR	36.0
			SW NW		IRR	21.0
			SE NW		IRR	5.0
			NE SW		IRR	21.0
			NW SW		IRR	4.0
			NW SE		IRR	29.0
				Section Acres		180.0
		22	NE NE		IRR	32.0
			NW NE		IRR	30.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	35.0
			NW NW		IRR	22.0
			SW NW		IRR	18.0
			SE NW		IRR	40.0
			NE SW		IRR	22.0

MAR 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	05E	22	NE	SE		IRR	20.0
			NW	SE		IRR	38.0
			SW	SE		IRR	5.0
			SE	SE		IRR	18.0
						Section Acres	360.0
		23	NW	NW		IRR	4.0
			SW	NW		IRR	15.0
			NE	SW		IRR	35.0
			NW	SW		IRR	40.0
			SW	SW		IRR	35.0
			SE	SW		IRR	40.0
						Section Acres	169.0
		26	NE	NW		IRR	40.0
			NW	NW		IRR	6.0
			SE	NW		IRR	20.0
			NE	SE		IRR	25.0
			NW	SE		IRR	20.0
			SE	SE		IRR	24.0
						Section Acres	135.0
						Total Acres	1200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
CLAIM NO.'S A51-00006, A51-00007, & A51-00008.

14. Remarks:
DESC. OF DIVERTING WORKS - CONCRETE DAM IN RIVER APPROX. 96' WIDE X 2.5' HIGH(AT THE HIGHEST PT.). WATER IS DIVERTED INTO A CANAL WITH DIVERSION FROM THE CANAL VIA HEADGATES AND GRAVITY FLOW TO LAND. THE WATER CLAIMED UNDER THIS FILING IS FOR FLOODWATERS. NOTE: SOME OF THE ACRES SHOWN ON THIS CLAIM ARE COVERED BY PONDS USED BY FISH AND GAME W/IDAHO POWER CO.'S PERMISSION. THESE ARE USED FOR WILDLIFE HABITAT AND AS SOON AS THE EXACT LOCATIONS, AND SIZES ARE SUBMITTED THIS CLAIM WILL BE AMENDED TO SHOW A CHANGE IN THE NATURE OF USE FROM IRRIGATION TO WILDLIFE STORAGE. THE CFS AMOUNT WILL REMAIN THE SAME, BUT THE NUMBER OF ACRES WILL BE REDUCED BASED ON THE NUMBER OF ACRES COVERED BY THE PONDS. WHEN THE FLOOD SEASON IS OVER, A PORTION OF THIS WATER IS USED IN

1992

14. Remarks: Continued
ADDITION TO THE DECREED RIGHTS TO COVER THE CONVEYANCE LOSS IN CANAL.
****
06/23/89----PRINCIPLE PAID BY RECEIPT W002034 & M003842. ELR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST. (Decree Plaintiff) vs BRUNEAU BUCKAROO CO-OP DITCH C (Decree Defendant)

NOV 05 1992

	DECREED WATER RIGHT			SNAKE RIVER BASIN ADJUDICATION CLAIM				
	Priority Date	Source	Total Diversion	Water Right No.	Priority Date	Source	Total Diversion	Use
BRUNEAU BUCKAROO	Jan 2, 1883	Bruneau River	548 in. (10.96 cfs)	A51-00002	Jan. 2, 1883	Bruneau River	10.96 cfs	01 - Irrig.
	Feb 20, 1888	Bruneau River	1,000 in. (20.0 cfs)	A51-00003	Feb. 20, 1888	Bruneau River	20.00 cfs	01 - Irrig.
	Apr. 1, 1897	Bruneau River	632 in. (12.64 cfs)	A51-00004	Apr. 1, 1897	Bruneau River	12.64 cfs	01 - Irrig.
	Apr. 1, 1905	Bruneau River	820 in. (16.4 cfs)	A51-00005	Apr. 1, 1905	Bruneau River	16.4 cfs	01 - Irrig.
			3,000 in. (60.0 cfs)	A51-10271	Feb. 20, 1888	Bruneau River	30.0 cfs	01 - Irrig.
								04 - Stock
				A51-10350	Apr. 1, 1897	Bruneau River	13.54 cfs	01 - Irrig.
				A51-10351	Oct. 27, 1893	Bruneau River	1.60 cfs	01 - Irrig.
HOT SPRINGS	Aug. 25, 1883	Bruneau River	350 in. (7.0 cfs)	A51-00009	Aug. 25, 1883	Bruneau River	7.0 cfs	01 - Irrig.
								04 - Stock
	Apr. 1, 1887	Bruneau River	150 in. (3.0 cfs)	A51-00010	Apr. 1, 1897	Bruneau River	3.0 cfs	01 - Irrig.
								04 - Stock
	Apr. 1, 1905	Bruneau River	200 in. (4.0 cfs)	A51-00011	Apr. 1, 1905	Bruneau River	4.0 cfs	01 - Irrig.
			700 in. (14.0 cfs)					04 - Stock
				A51-10254	Feb. 15, 1925	Bruneau River	.570 cfs	04 - Stock
				A51-10255	Aug 25, 1883	Bruneau River	5.92 cfs	01 - Irrig.
				A51-10256	Apr. 1, 1897	Bruneau River	4.41 cfs	01 - Irrig.
				A51-10257	Apr. 1, 1905	Bruneau River	4.88 cfs	01 - Irrig.
				A51-10258	Mar. 15, 1971	Bruneau River	.920 cfs	01 - Irrig.
				A51-10259	Mar. 15, 1945	Bruneau River	.900 cfs	01 - Irrig.
				A51-10260	Mar. 15, 1968	Bruneau River	4.94 cfs	01 - Irrig.
				A51-10261	Mar. 15, 1930	Bruneau River	1.18 cfs	01 - Irrig.
				A51-10262	Feb. 15, 1925	Bruneau River	14.00 cfs	01 - Irrig.
SOUTH SIDE	Mar. 23, 1896	Bruneau River	612 in. (12.24 cfs)	A51-00006	Mar. 23, 1896	Bruneau River	12.24 cfs	01 - Irrig.
								04 - Stock
	Apr. 1, 1897	Bruneau River	96 in. (1.92 cfs)	A51-00007	Apr. 1, 1897	Bruneau River	1.92 cfs.	01 - Irrig.
	Apr. 1, 1905	Bruneau River	492 in. (9.84 cfs)	A51-00008	Apr. 1, 1905	Bruneau River	9.84 cfs.	01 - Irrig.
			1,200 in. (24 cfs)	A51-04096	Apr. 1, 1905	Bruneau River	24.00 cfs.	01 - Irrig.



UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 43169000 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	65	50	77	50	52
4	---	---	---	---	---	---	.00	70	49	74	50	56
5	---	---	---	---	---	---	.00	70	48	69	49	55
6	---	---	---	---	---	---	.00	73	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	53	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	59	61	45	14
30	---	---	---	---	---	.00	50	57	57	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	55	56
MIN	---	---	---	---	---	---	.00	54	48	53	44	.00
AC-FT	---	---	---	---	---	---	1120	4410	3860	4060	3010	1060

FEB 05 1992

admitted
11-26-91
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EXHIBIT
E-11

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

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	65
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	65	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	15	63	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	73	75	72	60	59
22	19	12	.69	13	.10	.00	31	65	73	70	68	59
23	18	8.6	.99	12	.07	.00	42	54	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	63	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

WTR YR 1986 TOTAL 12221.65 MEAN 33.5 MAX 88 MIN .00 AC-FT 24240

A&E
DEC 5 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

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	75	75	12	35	28
4	33	---	---	---	---	---	38	73	74	5.9	36	28
5	33	---	---	---	---	---	38	79	72	5.7	36	28
6	32	---	---	---	---	---	38	79	71	54	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	63	33	28
15	32	---	---	---	---	---	54	81	67	54	34	28
16	32	---	---	---	---	---	56	81	65	53	34	27
17	32	---	---	---	---	---	59	84	63	46	37	27
18	30	---	---	---	---	---	60	84	63	48	36	28
19	27	---	---	---	---	---	61	83	66	53	35	29
20	27	---	---	---	---	---	58	75	55	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	53	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	57	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	5.7	31	27
AC-FT	1810	---	---	---	---	---	3430	4860	4020	3080	2090	1680

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5 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

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 075

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	63	64	69	35	30
3	30	---	---	---	---	---	.00	65	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	65	57	67	36	31
8	31	---	---	---	---	---	43	67	54	70	35	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	---	---	---	---	---	45	59	56	67	37	35
15	32	---	---	---	---	---	47	39	54	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	55
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

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

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	55	57	50	47
16	38	---	---	---	---	---	.00	62	55	56	48	46
17	36	---	---	---	---	---	.90	60	54	56	44	48
18	36	---	---	---	---	---	6.0	58	63	55	42	55
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	45
30	25	---	---	---	---	---	56	55	61	46	47	43
31	25	---	---	---	---	---	---	56	---	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

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

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	---	---	---	---	---	---	---	---	---	---	---

1992

LOCAL WELL NUMBER	RECORD SEQUENCE NUMBER	DATE DISCHARGE MEASURED	DISCHARGE (GPM)	SOURCE OF DISCHARGE DATA
07S 06E 22DADB 1S	1	09-01-1922	1060	S
	1	04-10-1989	864	S
	1	05-17-1989	853	S
	1	06-07-1989	749	S
	1	07-05-1989	826	S
	1	08-08-1989	705	S
	1	09-29-1989	705	S
	1	11-13-1989	787	S
	1	12-11-1989	783	S
	1	01-04-1990	791	S
	1	02-01-1990	854	S
	1	03-19-1990	1040	S
	1	04-18-1990	988	S
	1	05-16-1990	909	S
	1	06-12-1990	903	S
	1	07-11-1990	854	S
	1	08-14-1990	765	S
	1	09-17-1990	806	S
	1	10-09-1990	876	S
	1	11-15-1990	999	S
	1	12-12-1990	997	S
	1	01-17-1991	956.	S
	1	02-08-1991	914	S
	1	03-08-1991	938.	S
	1	04-11-1991	914	S
	1	06-06-1991	830	S
	1	07-10-1991	740	S
	1	08-20-1991	749	S

(Pence Hot Spring)

75' below main vent (to west)

PROVISIONAL RECORDS

admitted 11-26-91 RLS

Protestant's Exhibit F I A

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13169140 SOUTH SIDE CANAL AT HEADING NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 425029 LONGITUDE 1154602 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073
PROVISIONAL DATA SUBJECT TO REVISION

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	---	---	---	---	---	---	---	---	---	---	---	---
2	---	---	---	---	---	---	---	---	---	---	---	---
3	---	---	---	---	---	---	---	---	---	---	---	---
4	---	---	---	---	---	---	---	---	---	---	---	2.6
5	---	---	---	---	---	---	---	---	---	---	---	2.6
6	---	---	---	---	---	---	---	---	---	---	---	2.7
7	---	---	---	---	---	---	---	---	---	---	---	2.7
8	---	---	---	---	---	---	---	---	---	---	---	2.7
9	---	---	---	---	---	---	---	---	---	---	---	2.7
10	---	---	---	---	---	---	---	---	---	---	---	2.7
11	---	---	---	---	---	---	---	---	---	---	---	2.8
12	---	---	---	---	---	---	---	---	---	---	---	2.8
13	---	---	---	---	---	---	---	---	---	---	---	2.8
14	---	---	---	---	---	---	---	---	---	---	---	2.9
15	---	---	---	---	---	---	---	---	---	---	---	2.9
16	---	---	---	---	---	---	---	---	---	---	---	2.9
17	---	---	---	---	---	---	---	---	---	---	---	2.9
18	---	---	---	---	---	---	---	---	---	---	---	2.9
19	---	---	---	---	---	---	---	---	---	---	---	2.9
20	---	---	---	---	---	---	---	---	---	---	---	2.9
21	---	---	---	---	---	---	---	---	---	---	---	2.9
22	---	---	---	---	---	---	---	---	---	---	---	2.9
23	---	---	---	---	---	---	---	---	---	---	---	2.9
24	---	---	---	---	---	---	---	---	---	---	---	2.8
25	---	---	---	---	---	---	---	---	---	---	---	2.8
26	---	---	---	---	---	---	---	---	---	---	---	2.7
27	---	---	---	---	---	---	---	---	---	---	---	2.7
28	---	---	---	---	---	---	---	---	---	---	---	2.8
29	---	---	---	---	---	---	---	---	---	---	---	2.9
30	---	---	---	---	---	---	---	---	---	---	---	2.9
31	---	---	---	---	---	---	---	---	---	---	---	---
TOTAL	---	---	---	---	---	---	---	---	---	---	---	---
MEAN	---	---	---	---	---	---	---	---	---	---	---	---
MAX	---	---	---	---	---	---	---	---	---	---	---	---
MIN	---	---	---	---	---	---	---	---	---	---	---	---
AC-FT	---	---	---	---	---	---	---	---	---	---	---	---

MAR 05 1992

admitted
11-26-91
JJS

EXHIBIT
R (2)

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/97

STATION NUMBER 13169140 SOUTH SIDE CANAL AT HEADING NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 425029 LONGITUDE 1154602 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073
PROVISIONAL DATA SUBJECT TO REVISION

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	2.8	1.8	---	---	---	---	.92	2.4	2.7	3.3	2.4	2.4
2	2.8	1.8	---	---	---	---	.92	2.4	2.2	3.3	2.2	2.5
3	2.8	1.8	---	---	---	1.0	.92	2.4	2.6	3.3	2.1	2.5
4	2.7	1.8	---	---	---	1.0	.93	2.4	2.5	3.3	2.1	2.5
5	2.4	1.8	---	---	---	1.0	.94	2.3	2.5	3.3	2.2	2.6
6	2.3	1.4	---	---	---	1.0	.95	2.3	2.8	3.3	2.2	2.6
7	2.3	1.2	---	---	---	1.0	.94	2.3	2.8	3.2	2.2	2.6
8	2.2	1.2	---	---	---	1.0	.95	2.3	2.8	3.2	2.3	2.6
9	2.2	1.2	---	---	---	1.0	.95	2.4	2.7	3.1	2.3	2.6
10	2.1	1.2	---	---	---	.99	.94	2.3	2.7	3.1	2.3	2.6
11	2.1	1.2	---	---	---	.99	.94	2.3	2.6	2.9	2.3	2.6
12	2.1	1.2	---	---	---	.96	.94	2.4	2.6	2.7	2.3	2.7
13	2.2	1.2	---	---	---	.95	.95	2.5	2.6	2.6	2.3	2.8
14	2.1	1.2	---	---	---	.95	1.4	2.5	2.6	2.4	2.4	2.7
15	2.1	1.2	---	---	---	.95	2.0	2.5	2.7	2.3	2.5	2.7
16	2.1	1.0	---	---	---	.94	2.0	2.5	2.9	2.2	2.5	2.6
17	2.1	1.0	---	---	---	.93	2.0	2.7	3.2	2.2	2.4	2.6
18	2.1	1.0	---	---	---	.93	2.0	2.7	3.3	2.2	2.4	2.6
19	2.1	1.0	---	---	---	.94	2.0	2.7	3.3	2.1	2.4	2.7
20	2.1	.99	---	---	---	.94	2.0	2.7	3.3	2.1	2.4	2.7
21	2.1	.99	---	---	---	.94	2.0	2.9	3.2	2.1	2.5	2.7
22	2.1	.98	---	---	---	.95	1.9	3.0	3.2	2.1	2.5	2.7
23	2.2	.97	---	---	---	.95	1.9	3.1	3.2	2.3	2.4	2.7
24	2.1	.94	---	---	---	.94	1.9	3.1	3.1	2.3	2.3	2.7
25	2.1	.95	---	---	---	.94	1.9	3.2	3.0	2.3	2.3	2.7
26	2.2	.94	---	---	---	.94	1.8	3.2	3.0	2.3	2.3	2.7
27	2.2	.94	---	---	---	.93	1.9	3.2	3.0	2.3	2.3	2.8
28	2.0	.94	---	---	---	.94	2.2	3.1	3.2	2.3	2.3	2.7
29	1.8	.94	---	---	---	.93	2.4	3.1	3.3	2.5	2.4	2.7
30	1.8	---	---	---	---	.93	2.4	3.1	3.3	2.7	2.4	2.7
31	1.8	---	---	---	---	.92	---	3.3	---	2.6	2.4	---
TOTAL	68.1	---	---	---	---	---	45.89	83.3	86.9	81.9	72.3	79.3
MEAN	2.20	---	---	---	---	---	1.53	2.69	2.90	2.64	2.33	2.64
MAX	2.8	---	---	---	---	---	2.4	3.2	3.3	3.3	2.5	2.8
MIN	1.8	---	---	---	---	---	.92	2.3	2.2	2.1	2.1	2.4
AC-FT	135	---	---	---	---	---	91	165	172	162	143	157

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13169140 SOUTH SIDE CANAL AT HEADING NR BRJNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 425029 LONGITUDE 1154602 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 073
PROVISIONAL DATA SUBJECT TO REVISION

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	2.7	2.4	.97	---	---	---	1.0	---	---	---	---	---
2	2.7	2.4	.95	---	---	---	1.0	---	---	---	---	---
3	2.8	2.5	.93	---	---	---	1.0	---	---	---	---	---
4	2.7	2.4	.92	---	---	---	.99	---	---	---	---	---
5	2.7	2.4	.93	---	---	---	.98	---	---	---	---	---
6	2.7	2.4	.94	---	---	---	.97	---	---	---	---	---
7	2.7	2.3	.94	---	---	---	.96	---	---	---	---	---
8	2.7	2.0	.95	---	---	---	.97	---	---	---	---	---
9	2.8	1.9	---	---	---	---	1.0	---	---	---	---	---
10	2.8	1.7	---	---	---	---	1.0	---	---	---	---	---
11	2.7	1.7	---	---	---	---	1.0	---	---	---	---	---
12	2.8	1.7	---	---	---	---	1.0	---	---	---	---	---
13	3.0	1.7	---	---	---	---	1.0	---	---	---	---	---
14	3.0	1.7	---	---	---	---	1.0	---	---	---	---	---
15	3.0	1.7	---	---	---	---	1.0	---	---	---	---	---
16	3.0	1.6	---	---	---	---	1.0	---	---	---	---	---
17	3.0	1.6	---	---	---	---	1.1	---	---	---	---	---
18	2.9	1.6	---	---	---	---	1.1	---	---	---	---	---
19	2.9	1.6	---	---	---	---	1.1	---	---	---	---	---
20	2.9	1.6	---	---	---	---	1.1	---	---	---	---	---
21	2.9	1.6	---	---	---	---	1.1	---	---	---	---	---
22	2.9	1.6	---	---	---	.96	1.1	---	---	---	---	---
23	2.9	1.4	---	---	---	.94	1.5	---	---	---	---	---
24	2.9	1.2	---	---	---	1.0	1.6	---	---	---	---	---
25	3.1	1.1	---	---	---	1.1	1.6	---	---	---	---	---
26	3.1	1.1	---	---	---	1.1	---	---	---	---	---	---
27	3.1	1.0	---	---	---	1.0	---	---	---	---	---	---
28	3.1	1.0	---	---	---	1.0	---	---	---	---	---	---
29	2.9	.99	---	---	---	.99	---	---	---	---	---	---
30	2.6	.97	---	---	---	1.0	---	---	---	---	---	---
31	2.4	---	---	---	---	1.0	---	---	---	---	---	---
TOTAL	88.4	50.86	---	---	---	---	---	---	---	---	---	---
MEAN	2.85	1.70	---	---	---	---	---	---	---	---	---	---
MAX	3.1	2.5	---	---	---	---	---	---	---	---	---	---
MIN	2.4	.97	---	---	---	---	---	---	---	---	---	---
AC-FT	175	101	---	---	---	---	---	---	---	---	---	---

MAR 05 1992

United States Department of the Interior
GEOLOGICAL SURVEY

WATER RESOURCES DIVISION
230 Collins Road
Boise, Idaho 83702

TAKE PRIDE IN AMERICA

In Reply Refer To:
Mail Stop

December 2. 1991

RECEIVED
DEC 05 1991
Department of Water Resources

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Dear Mr. Saxton:

On November 26, 1991, I attended a hearing during which I presented a daily values discharge table collected by the U.S. Geological Survey on the South Side Canal at heading near Bruneau, Idaho. This data table was pulled from our computer system by persons who were not knowledgeable about the circumstances regarding its generation and the table is in error. We collected data at that site for about 3 years and were unable to do an adequate job of measuring daily discharges because we could not generate a meaningful stage-discharge relation due to the way the canal is operated. Please disregard the South Side Canal data you currently have. We did publish discharge measurements for that site. A list of discharge measurements for the South Side Canal from June 1987 to October 1989 is enclosed with this letter.

If I can be of further assistance, please call me.

Sincerely,

Bill
Harold W. Young
Hydrologist

Enclosure

cc: Mr. Scott Campbell
Elam, Burke and Boyd
P.O. Box 1539
Boise, ID 83701

WAH/mrl

amended
Exhibit
F(2)

FILED
MAR 05 1992

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY - WATER RESOURCES DIVISION
SUMMARY OF DISCHARGE MEASUREMENT DATA
13169140 SOUTH SIDE CANAL AT HEADING NR BRUNEAU ID DATE PROCESSED: 27-NOV-91 14:50

NO	DATE	TIME	G. H.	DISCH	
1	06/17/87	1012	2.98	47.6	
2	07/15/87	1346	2.39	19.5	
3	08/04/87	1130	2.37	21.2	
4	09/03/87	1115	2.62	18.5	
5	10/09/87	1230	2.19	19.1	
6	10/28/87	1514	1.80	14.9	
6A	11/30/87			0.	REMARKS: STOPPED RECORDER FOR WINTER
6B	03/02/88	1615		0.	REMARKS: STARTED RECORDER
7	04/15/88	1046	1.97	28.5	
8	05/04/88		2.37	28.3	
9	06/10/88	1428	2.66	36.3	
10	07/13/88	1447	2.61	30.0	
11	08/11/88	1400	2.31	17.1	
12	09/16/88	1356	2.60	15.7	
13	10/21/88	1235	2.86	29.6	
13A	12/09/88	1322	0.96	0.	REMARKS: DRY
13B	03/21/89		0.97	0.	REMARKS: STARTED RECORDER
14	04/26/89	1330	1.57	15.3	
15	06/01/89	1650	2.47	34.4	
16	07/07/89	1314	3.18	41.8	
17	08/11/89	1120	1.98	19.2	
18	09/13/89	1320	2.04	16.3	
19	10/19/89	1533	1.81	9.76	

RECEIVED
MAR 05 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168600 HOT SPRINGS DITCH BL HEADING NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424036 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	---	---	---	---	---	---	.19	31	25	29	27	12
2	---	---	---	---	---	---	.28	37	25	28	27	12
3	---	---	---	---	---	---	.40	44	23	27	27	13
4	---	---	---	---	---	---	.35	48	21	26	27	13
5	---	---	---	---	---	---	.30	48	19	24	27	12
6	---	---	---	---	---	---	.30	45	20	23	27	13
7	---	---	---	---	---	---	.32	43	22	25	26	13
8	---	---	---	---	---	---	.48	24	24	30	26	18
9	---	---	---	---	---	---	8.5	1.4	25	30	26	20
10	---	---	---	---	---	---	26	14	23	30	26	21
11	---	---	---	---	---	---	11	19	20	29	25	12
12	---	---	---	---	---	---	.13	18	18	29	26	5.6
13	---	---	---	---	---	---	.05	24	19	29	26	5.6
14	---	---	---	---	---	---	4.6	29	18	29	26	9.4
15	---	---	---	---	---	---	25	27	17	29	25	13
16	---	---	---	---	---	---	32	26	21	29	26	12
17	---	---	---	---	---	---	31	26	31	29	25	13
18	---	---	---	---	---	---	33	26	30	29	25	12
19	---	---	---	---	---	---	29	28	32	29	25	12
20	---	---	---	---	---	---	29	30	33	28	25	12
21	---	---	---	---	---	---	26	32	33	28	25	12
22	---	---	---	---	---	---	25	31	32	28	24	12
23	---	---	---	---	---	---	24	30	31	28	19	12
24	---	---	---	---	---	---	23	32	32	28	14	12
25	---	---	---	---	---	---	21	34	35	28	14	12
26	---	---	---	---	---	---	23	36	34	28	13	12
27	---	---	---	---	---	.22	18	36	33	28	13	12
28	---	---	---	---	---	.20	21	34	33	28	13	11
29	---	---	---	---	---	.20	25	32	31	27	12	12
30	---	---	---	---	---	.19	27	30	30	27	12	12
31	---	---	---	---	---	.19	---	27	---	27	12	---
TOTAL	---	---	---	---	---	---	458.90	942.4	790	866	693	372.6
MEAN	---	---	---	---	---	---	15.3	30.4	26.3	27.9	22.4	12.4
MAX	---	---	---	---	---	---	32	48	35	30	27	21
MIN	---	---	---	---	---	---	.05	1.4	17	23	12	5.6
AC-FT	---	---	---	---	---	---	910	1870	1570	1720	1370	739

admitted
11-26-91
VLS

EXHIBIT
P (3)

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE

STATION NUMBER 13168600 HOT SPRINGS DITCH BL HEADING NR BRJNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424036 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

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1		---	---	---	---	---	.00	17	33	27	25	20
2		---	---	---	---	---	.00	20	33	26	24	20
3	11	---	---	---	---	---	.00	24	31	25	24	19
4	11	---	---	---	---	---	.00	27	31	24	23	19
5	12	---	---	---	---	---	.00	26	30	23	23	19
6	12	---	---	---	---	---						
7	12	---	---	---	---	---	.00	17	29	22	22	18
8		---	---	---	---	---	.00	15	25	21	22	18
9	12	---	---	---	---	---	.00	15	25	19	22	18
10	12	---	---	---	---	---	.00	15	24	25	22	19
11	13	---	---	---	---	---	.00	15	21	31	21	19
12	13	---	---	---	---	---	.00	15				
13	13	---	---	---	---	---	.00	17	19	31	21	20
14		---	---	---	---	---	.00	13	18	31	21	20
15	9.8	---	---	---	---	---	.00	17	18	31	21	20
16	6.7	---	---	---	---	---	.00	17	20	30	21	19
17	6.5	---	---	---	---	---	.00	17	24	29	21	19
18	6.3	---	---	---	---	---	.00	17	24	29	21	19
19	5.9	---	---	---	---	---	.00	17	22	28	20	20
20	5.6	---	---	---	---	---	.00	17	22	28	20	19
21	5.5	---	---	---	---	---	.00	13	20	29	20	19
22	5.3	---	---	---	---	---	4.6	21	18	28	19	20
23	5.0	---	---	---	---	---	11	24	16	28	20	20
24	4.0	---	---	---	---	---	15	25	14	28	22	20
25	.67	---	---	---	---	---	20	23	13	27	22	20
26	1.0	---	---	---	---	---	22	21	15	27	21	20
27	2.1	---	---	---	---	---	21	21	22	28	21	20
28	2.0	---	---	---	---	---						
29	1.8	---	---	---	---	---	21	22	33	28	21	20
30		---	---	---	---	---	20	27	33	28	21	24
31	1.8	---	---	---	---	---	19	31	32	28	20	24
	1.6	---	---	---	---	---	19	32	30	28	20	24
	[illegible]	---	---	---	---	---	18	33	29	27	20	23
	[illegible]	---	---	---	---	---	---	35	---	26	20	---
	1.2	---	---	---	---	---						
	1.1	---	---	---	---	---	190.60	665	724	840	661	593
		---	---	---	---	---	6.35	21.5	24.1	27.1	21.3	19.8
	197.67	---	---	---	---	---	22	33	35	31	25	23
	6.38	---	---	---	---	---	.00	15	13	19	19	16
	13	---	---	---	---	---	378	1320	1440	1570	1310	1180
	.67	---	---	---	---	---						
T	392	---	---	---	---	---						

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11/19/91

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE

STREAM SOURCE AGENCY USGS

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168600 HOT SPRINGS DITCH BL HEADING NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424036 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	23	---	---	---	---	---	---	38	13	28	15	15
2	23	---	---	---	---	---	---	37	12	29	14	14
3	24	---	---	---	---	---	---	35	12	34	14	14
4	24	---	---	---	---	---	---	35	12	29	14	14
5	23	---	---	---	---	---	---	32	12	29	14	15
6	23	---	---	---	---	---	11	32	16	28	13	15
7	23	---	---	---	---	---	20	33	22	27	13	17
8	23	---	---	---	---	---	20	33	22	26	13	17
9	23	---	---	---	---	---	21	34	22	25	13	18
10	24	---	---	---	---	---	19	34	22	25	14	18
11	24	---	---	---	---	---	18	33	22	25	14	19
12	24	---	---	---	---	---	20	35	23	25	14	19
13	24	---	---	---	---	---	20	35	27	25	15	19
14	11	---	---	---	---	---	17	34	26	25	15	19
15	---	---	---	---	---	---	16	34	25	24	15	19
16	---	---	---	---	---	---	18	35	24	24	15	19
17	---	---	---	---	---	---	22	37	23	23	17	19
18	---	---	---	---	---	---	24	41	23	24	16	19
19	---	---	---	---	---	---	25	39	25	24	15	19
20	---	---	---	---	---	---	22	29	33	25	15	19
21	---	---	---	---	---	---	18	28	32	25	15	19
22	---	---	---	---	---	---	28	27	31	24	14	19
23	---	---	---	---	---	---	36	26	31	25	14	18
24	---	---	---	---	---	---	38	25	31	25	15	19
25	---	---	---	---	---	---	39	24	30	24	13	19
26	---	---	---	---	---	---	39	25	29	23	12	18
27	---	---	---	---	---	---	40	13	29	21	13	18
28	---	---	---	---	---	---	42	13	29	17	13	19
29	---	---	---	---	---	---	44	13	28	17	13	19
30	---	---	---	---	---	---	43	13	28	17	13	19
31	---	---	---	---	---	---	---	13	---	17	13	---
TOTAL	---	---	---	---	---	---	---	914	714	759	433	534
MEAN	---	---	---	---	---	---	---	29.5	23.8	24.5	14.0	17.8
MAX	---	---	---	---	---	---	---	41	33	34	17	19
MIN	---	---	---	---	---	---	---	13	12	17	12	14
AC-FT	---	---	---	---	---	---	---	1813	1420	1510	859	1060

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE

STATION NUMBER 13168600 HOT SPRINGS DITCH BL HEADING NR BRJNEAU ID STREAM SOURCE AGENCY JSGS
LATITUDE 424036 LONGITUDE 1154300 DRAINAGE AREA 0.00 DATUM STATE 16 COUNTY 075

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1987 TO SEPTEMBER 1988
DAILY MEAN VALUES

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
		---	---	---	---	---	.92	30	24	32	25	9.8
		---	---	---	---	---	.89	29	25	32	25	9.9
	20	---	---	---	---	---	.96	27	28	31	25	10
	20	---	---	---	---	---	1.2	26	31	31	22	10
	20	---	---	---	---	---	1.5	25	33	30	21	10
	20	---	---	---	---	---						
	19	---	---	---	---	---				29	21	10
		---	---	---	---	---	1.4	25	33	28	21	11
	19	---	---	---	---	---	1.3	28	31	28	21	11
	19	---	---	---	---	---	1.5	29	30	29	21	11
	19	---	---	---	---	---	1.5	30	31	31	17	11
	19	---	---	---	---	---	1.3	29	29			
		---	---	---	---	---	1.2	28	28	31	12	11
	19	---	---	---	---	---	5.7	30	27	31	11	11
	19	---	---	---	---	---	17	36	26	31	11	11
	19	---	---	---	---	---	22	41	20	30	10	11
	19	---	---	---	---	---	24	41	26	30	10	12
	19	---	---	---	---	---						
		---	---	---	---	---	25	42	25	30	10	12
	19	---	---	---	---	---	25	46	25	29	10	11
	19	---	---	---	---	---	28	47	24	29	10	11
	19	---	---	---	---	---	27	44	23	29	10	11
	19	---	---	---	---	---	26	40	25	29	10	12
	18	---	---	---	---	---						
		---	---	---	---	---	26	38	31	29	10	12
	18	---	---	---	---	---	24	38	30	28	10	12
	18	---	---	---	---	---	21	40	28	28	10	13
	18	---	---	---	---	---	19	41	27	28	10	12
	18	---	---	---	---	---	17	42	30	27	9.9	12
	18	---	---	---	---	---						
		---	---	---	---	---	16	43	36	26	9.8	12
	18	---	---	---	---	---	15	42	36	20	9.8	12
	18	---	---	---	---	---	19	41	35	26	9.7	12
	17	---	---	---	---	---	28	39	34	26	9.8	12
	17	---	---	---	---	---	28	39	33	27	10	12
	17	---	---	---	---	---	---	33	---	24	10	---
	17	---	---	---	---	---						
		---	---	---	---	---	427.37	1109	864	889	432.0	337.7
L	577	---	---	---	---	---	14.2	35.9	28.8	28.7	13.9	11.3
	18.6	---	---	---	---	---	28	47	36	32	25	15
	20	---	---	---	---	---	.89	25	20	20	9.7	9.8
	17	---	---	---	---	---	848	2200	1710	1760	857	670
T	1140	---	---	---	---	---						

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168600 HOT SPRINGS DITCH BL HEADING NR BRJNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424036 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	12	---	---	---	---	---	11	23	17	36	22	---
2	13	---	---	---	---	---	17	27	16	35	22	---
3	13	---	---	---	---	---	21	28	25	34	18	---
4	13	---	---	---	---	---	22	29	32	33	23	---
5	13	---	---	---	---	---	22	35	33	32	22	---
6	13	---	---	---	---	---	22	38	35	31	21	---
7	13	---	---	---	---	---	25	40	37	30	20	---
8	13	---	---	---	---	---	20	43	37	29	16	---
9	13	---	---	---	---	---	.00	39	37	28	12	---
10	13	---	---	---	---	---	.00	22	37	27	15	---
11	13	---	---	---	---	---	.00	23	36	27	13	---
12	13	---	---	---	---	---	.00	22	35	26	15	---
13	13	---	---	---	---	---	.00	21	34	26	16	---
14	13	---	---	---	---	---	.00	19	33	27	16	14
15	13	---	---	---	---	---	.00	18	33	25	15	14
16	13	---	---	---	---	---	.00	22	33	25	---	14
17	13	---	---	---	---	---	13	29	33	24	---	14
18	13	---	---	---	---	---	33	27	29	23	---	14
19	13	---	---	---	---	---	26	27	27	22	---	13
20	13	---	---	---	---	---	16	26	25	20	---	14
21	13	---	---	---	---	---	23	25	23	20	---	15
22	14	---	---	---	---	---	29	25	27	29	---	15
23	14	---	---	---	---	---	28	27	31	29	---	15
24	14	---	---	---	---	---	26	27	29	29	---	15
25	14	---	---	---	---	---	25	25	28	28	---	15
26	14	---	---	---	---	---	23	25	32	27	---	14
27	14	---	---	---	---	---	21	22	38	26	---	14
28	14	---	---	---	---	---	20	20	38	25	---	14
29	14	---	---	---	---	---	19	20	37	24	---	15
30	14	---	---	---	---	---	18	19	37	23	---	14
31	14	---	---	---	---	---	---	18	---	23	---	---
TOTAL	412	---	---	---	---	---	480.00	810	944	843	---	---
MEAN	13.3	---	---	---	---	---	16.0	26.1	31.5	27.2	---	---
MAX	14	---	---	---	---	---	33	45	38	36	---	---
MIN	12	---	---	---	---	---	.00	18	16	20	---	---
AC-FT	817	---	---	---	---	---	952	1610	1870	1670	---	---

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168600 HOT SPRINGS DITCH BL HEADING NR BRUNEAU ID STREAM SOURCE AGENCY USGS
LATITUDE 424036 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	15	16	---	---	---	---	---	---	---	---	---	---
2	15	16	---	---	---	---	---	---	---	---	---	---
3	15	16	---	---	---	---	---	---	---	---	---	---
4	15	16	---	---	---	---	---	---	---	---	---	---
5	15	16	---	---	---	---	---	---	---	---	---	---
6	14	16	---	---	---	---	---	---	---	---	---	---
7	14	---	---	---	---	---	---	---	---	---	---	---
8	14	---	---	---	---	---	---	---	---	---	---	---
9	14	---	---	---	---	---	---	---	---	---	---	---
10	14	---	---	---	---	---	---	---	---	---	---	---
11	14	---	---	---	---	---	---	---	---	---	---	---
12	14	---	---	---	---	---	---	---	---	---	---	---
13	14	---	---	---	---	---	---	---	---	---	---	---
14	14	---	---	---	---	---	---	---	---	---	---	---
15	14	---	---	---	---	---	---	---	---	---	---	---
16	14	---	---	---	---	---	---	---	---	---	---	---
17	14	---	---	---	---	---	---	---	---	---	---	---
18	14	---	---	---	---	---	---	---	---	---	---	---
19	14	---	---	---	---	---	---	---	---	---	---	---
20	14	---	---	---	---	---	---	---	---	---	---	---
21	14	---	---	---	---	---	---	---	---	---	---	---
22	14	---	---	---	---	---	---	---	---	---	---	---
23	14	---	---	---	---	---	---	---	---	---	---	---
24	14	---	---	---	---	---	---	---	---	---	---	---
25	15	---	---	---	---	---	---	---	---	---	---	---
26	16	---	---	---	---	---	---	---	---	---	---	---
27	15	---	---	---	---	---	---	---	---	---	---	---
28	15	---	---	---	---	---	---	---	---	---	---	---
29	17	---	---	---	---	---	---	---	---	---	---	---
30	16	---	---	---	---	---	---	---	---	---	---	---
31	16	---	---	---	---	---	---	---	---	---	---	---
TOTAL	451	---	---	---	---	---	---	---	---	---	---	---
MEAN	14.5	---	---	---	---	---	---	---	---	---	---	---
MAX	17	---	---	---	---	---	---	---	---	---	---	---
MIN	14	---	---	---	---	---	---	---	---	---	---	---
AC-FT	895	---	---	---	---	---	---	---	---	---	---	---

MAR 05 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13171000 BRUNEAU RIVER NR GRAND VIEW ID STREAM SOURCE AGENCY USGS
LATITUDE 425600 LONGITUDE 1155700 DRAINAGE AREA 2650 DATUM 2372.30 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1944 TO SEPTEMBER 1945
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	---	---	---	158	200	183	353	1430	1550	775	36	4.0
2	---	---	---	144	200	177	435	1720	1590	730	26	4.0
3	---	---	---	155	200	186	411	2000	1490	712	19	4.0
4	---	---	---	158	250	186	353	2210	1520	680	12	4.0
5	---	---	---	149	250	169	324	2360	1620	676	4.0	4.0
6	---	---	---	155	239	152	317	2370	1680	630	4.0	4.0
7	---	---	---	172	218	149	334	2380	1750	576	4.0	4.0
8	---	---	---	180	212	155	439	2460	1880	540	4.0	4.0
9	---	---	---	180	203	183	558	2440	1910	486	4.0	4.0
10	---	---	---	186	212	174	576	2300	1740	468	4.0	4.0
11	---	---	---	218	215	177	500	2270	1720	447	4.0	4.0
12	---	---	---	212	224	174	443	2300	1630	423	4.0	4.0
13	---	---	---	194	224	197	356	2340	1570	371	4.0	4.0
14	---	---	---	189	251	324	314	2160	1690	342	4.0	4.0
15	---	---	---	189	399	482	296	1970	1690	317	4.0	4.0
16	---	---	---	189	451	415	280	1820	1540	328	4.0	4.0
17	---	---	---	189	293	334	368	1680	1360	277	4.0	4.0
18	---	---	---	189	283	338	527	1570	1280	251	4.0	4.0
19	---	---	---	183	273	303	599	1570	1180	233	4.0	4.0
20	---	---	---	183	236	270	840	1420	1240	209	4.0	4.0
21	---	---	---	174	212	245	1190	1300	1330	183	4.0	4.0
22	---	---	189	158	183	286	1580	1260	1390	152	4.0	4.0
23	---	---	186	152	203	431	1940	1250	1450	136	4.0	4.0
24	---	---	180	139	209	536	1960	1260	1430	114	4.0	5.0
25	---	---	183	126	197	532	1620	1420	1480	102	4.0	8.0
26	---	---	189	116	180	460	1500	1620	1420	81	4.0	12
27	---	---	172	130	163	514	1200	1630	1240	62	4.0	12
28	---	---	149	140	166	435	1040	1520	1150	56	4.0	13
29	---	---	149	130	---	371	1060	1520	1030	56	4.0	17
30	---	---	160	114	---	349	1180	1550	905	48	4.0	18
31	---	---	163	150	---	338	---	1540	---	41	4.0	---
TOTAL	---	---	---	5101	6546	9225	22893	56640	44535	10502	231.0	177.0
MEAN	---	---	---	165	234	298	763	1827	1483	339	6.48	5.90
MAX	---	---	---	218	451	536	1960	2460	1910	775	36	18
MIN	---	---	---	114	163	149	280	1250	905	41	4.0	4.0
MED	---	---	---	158	213	286	513	1680	1500	317	4.0	4.0
AC-FT	---	---	---	10120	12980	18300	45410	112300	88280	20830	399	351
CFSM	---	---	---	.06	.09	.11	.29	.69	.56	.13	.00	.00

MAR 05 1992

admitted
11-26-91
WS

EXHIBIT

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13171000 BRUNEAU RIVER NR GRAND VIEW ID STREAM SOURCE AGENCY USGS
LATITUDE 425600 LONGITUDE 1155700 DRAINAGE AREA 2650 DATUM 2372.30 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1945 TO SEPTEMBER 1946
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	20	93	203	320	192	464	689	1220	702	155	4.2	4.5
2	19	142	189	286	189	371	622	1090	644	126	4.2	4.5
3	20	194	163	270	197	331	586	955	560	114	4.2	4.5
4	19	192	144	267	200	317	550	915	576	119	4.2	4.5
5	18	200	197	264	192	283	545	945	775	112	4.0	4.5
6	18	203	203	251	186	283	586	990	850	88	4.0	4.5
7	18	194	194	221	189	280	694	1000	815	64	4.2	4.5
8	21	192	192	183	194	273	785	1000	734	55	4.2	4.5
9	27	189	183	172	186	270	865	955	743	50	4.2	4.5
10	23	183	142	180	183	267	880	950	820	38	4.0	4.6
11	26	189	134	172	180	283	752	890	820	28	4.2	5.4
12	28	197	155	147	180	349	694	735	790	10	4.0	6.0
13	32	194	183	139	174	403	885	702	730	3.6	4.0	6.4
14	36	189	169	121	155	451	1120	630	684	5.7	3.8	6.4
15	41	186	131	121	169	514	1220	572	586	5.0	3.8	6.6
16	45	183	114	144	183	427	1300	532	475	5.0	4.0	6.6
17	52	192	124	174	189	368	1420	478	419	4.5	4.0	7.0
18	64	192	158	192	194	353	1560	482	383	4.3	4.0	7.0
19	73	200	149	194	194	349	1680	545	342	4.5	4.0	7.0
20	75	203	134	200	200	399	1750	625	300	4.5	4.0	6.6
21	75	194	136	200	206	586	1730	662	286	4.3	3.8	6.6
22	79	155	174	209	206	648	1560	675	283	4.3	3.8	6.6
23	79	139	230	218	218	671	1380	738	273	4.2	4.0	6.6
24	79	177	233	218	221	612	1290	780	273	4.2	4.3	6.4
25	84	206	221	239	233	563	1260	725	251	4.0	4.2	6.0
26	84	218	227	224	320	509	1330	640	224	3.8	4.2	6.0
27	86	215	230	203	334	478	1420	630	206	4.0	4.3	6.0
28	88	206	254	174	345	532	1400	689	200	4.0	4.3	6.0
29	84	206	236	177	---	676	1330	890	166	4.2	4.3	5.6
30	84	206	277	189	---	815	1280	910	150	4.2	4.3	5.4
31	90	---	375	186	---	775	---	805	---	4.2	4.3	---
TOTAL	1587	5629	5854	6255	5809	13900	33163	24370	15248	1048.5	127.0	171.6
MEAN	51.2	188	189	202	207	448	1105	786	508	33.8	4.10	5.72
MAX	90	218	375	320	345	815	1750	1220	850	155	4.3	7.0
MIN	18	93	114	121	155	267	545	478	150	3.8	3.8	4.5
MED	45	193	183	194	193	403	1240	738	529	5.0	4.2	6.0
AC-FT	3150	11170	11610	12410	11520	27570	65780	48340	30240	2080	252	341
CFSM	.02	.07	.07	.08	.08	.17	.42	.30	.19	.01	.00	.00

CAL YR 1945 TOTAL 168860.0 MEAN 463 MAX 2460 MIN 4.0 MED 194 AC-FT 334900 CFSM .17
WTR YR 1946 TOTAL 113162.2 MEAN 310 MAX 1750 MIN 3.8 MED 192 AC-FT 224500 CFSM .12

MAR 05 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13171000 BRUNEAU RIVER NR GRAND VIEW ID STREAM SOURCE AGENCY USGS
LATITUDE 425600 LONGITUDE 1155700 DRAINAGE AREA 2550 DATUM 2372.30 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1946 TO SEPTEMBER 1947
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	7.0	134	227	112	162	236	482	324	486	95	7.0	4.4
2	62	163	220	122	172	226	435	354	509	68	7.0	4.4
3	79	160	217	114	182	233	415	503	509	47	6.6	4.4
4	90	144	208	114	185	236	415	761	500	43	6.6	4.4
5	84	136	202	112	182	223	397	855	435	35	6.6	4.4
6	71	155	214	122	180	214	379	835	411	31	6.3	4.4
7	75	174	202	134	182	205	372	855	491	29	6.3	4.4
8	86	174	223	149	185	202	334	925	545	19	6.3	4.4
9	75	166	239	152	188	202	362	960	608	15	5.9	5.1
10	68	163	223	152	200	205	408	980	648	11	5.9	5.1
11	66	158	208	154	223	205	383	930	655	11	5.5	5.1
12	71	160	197	156	230	223	348	810	622	10	5.5	5.5
13	68	149	197	156	236	242	300	712	617	10	5.5	5.5
14	64	144	202	154	372	236	303	675	532	9.6	5.9	5.5
15	64	163	202	139	435	226	358	599	478	9.6	5.9	5.1
16	62	155	194	129	419	251	411	532	473	9.1	5.5	5.5
17	71	147	185	124	411	307	451	503	473	7.0	5.5	5.5
18	79	147	154	124	390	383	460	503	451	7.0	5.5	5.5
19	77	169	119	122	341	435	478	516	443	7.0	5.1	5.9
20	77	212	146	136	307	464	455	518	438	7.0	5.1	5.9
21	81	194	188	156	290	460	443	554	376	7.0	4.7	6.6
22	81	197	182	172	267	451	415	563	320	7.4	4.7	6.3
23	81	189	185	169	258	460	379	558	264	7.4	4.7	5.9
24	81	194	164	169	251	473	337	532	177	7.4	4.7	5.5
25	100	197	169	172	258	491	297	514	175	7.4	5.1	5.5
26	102	212	182	182	261	435	271	504	154	7.4	4.7	2.6
27	104	209	197	185	245	411	251	503	162	7.4	4.7	1.3
28	100	206	191	180	239	393	245	553	162	7.4	4.4	1.3
29	95	242	162	172	---	376	258	563	129	7.4	4.4	1.3
30	97	245	129	164	---	393	294	543	116	7.4	4.4	1.3
31	93	---	93	167	---	460	---	491	---	7.4	4.7	---
TOTAL	2411.0	5258	5821	4565	7251	9957	11136	19509	12327	557.3	170.7	138.8
MEAN	77.8	175	188	147	259	321	371	629	411	18.0	5.51	4.63
MAX	104	245	239	185	435	491	482	980	653	95	7.0	6.6
MIN	7.0	134	93	112	162	202	245	324	116	7.0	4.4	1.3
MED	79	164	197	152	242	251	379	554	462	9.1	5.5	5.1
AC-FT	4780	10430	11550	9050	14380	19750	22090	38700	24450	1110	339	275
CFSM	.03	.07	.07	.06	.10	.12	.14	.24	.16	.01	.00	.00

CAL YR 1946 TOTAL 113582.2 MEAN 311 MAX 1750 MIN 3.8 MED 189 AC-FT 225300 CFSM .12
WTR YR 1947 TOTAL 79101.8 MEAN 217 MAX 980 MIN 1.3 MED 172 AC-FT 156900 CFSM .08

05 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13171000 BRUNEAU RIVER NR GRAND VIEW ID STREAM SOURCE AGENCY USGS
LATITUDE 425600 LONGITUDE 1155700 DRAINAGE AREA 2650 DATUM 2372.30 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1947 TO SEPTEMBER 1948
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	1.5	21	49	119	142	194	354	447	920	251	2.6	1.5
2	1.8	21	51	149	159	185	327	411	950	233	2.8	1.5
3	1.8	19	60	182	164	188	427	379	1050	214	2.8	1.5
4	1.5	21	62	194	159	172	540	348	1160	203	2.8	1.5
5	1.3	25	62	194	154	152	464	323	1180	169	2.8	1.5
6	1.0	26	62	188	152	159	393	333	1340	134	2.8	1.5
7	.90	28	60	185	144	159	348	411	1390	114	2.6	1.5
8	.90	26	55	211	139	182	313	644	1240	93	2.6	1.8
9	.90	26	53	264	149	182	274	698	1060	78	2.6	2.5
10	1.3	28	51	362	154	175	230	625	1040	55	2.6	2.5
11	1.3	28	47	294	149	149	274	563	1020	44	2.6	2.5
12	1.3	28	44	245	132	142	297	518	1040	35	2.6	2.0
13	18	28	42	200	134	152	236	478	980	29	2.6	1.8
14	26	30	44	164	154	172	217	473	930	21	2.6	1.5
15	25	38	49	129	167	175	217	532	900	15	2.8	1.8
16	25	47	172	159	182	177	313	608	836	14	2.8	1.5
17	25	46	164	146	185	175	509	752	770	11	2.8	1.5
18	24	47	164	149	185	172	766	915	604	4.4	2.8	1.5
19	23	47	180	175	200	177	990	1080	536	2.6	2.8	1.5
20	24	47	169	146	211	175	766	1050	500	2.3	2.6	1.5
21	22	47	164	124	214	164	684	945	540	2.3	2.6	1.5
22	21	44	169	182	211	162	748	885	694	2.3	2.6	1.5
23	22	44	164	211	217	164	835	805	671	2.3	2.3	1.5
24	23	41	152	217	337	180	743	790	599	2.0	2.3	1.5
25	21	38	134	200	255	294	586	855	539	2.0	2.3	1.5
26	21	42	139	172	236	372	468	965	439	2.0	2.5	1.5
27	22	47	152	129	220	317	397	1040	383	2.0	2.3	1.5
28	22	46	156	95	211	287	354	1100	320	2.3	2.0	2.0
29	22	47	162	93	208	303	337	1260	290	2.6	2.0	2.5
30	22	49	167	104	---	397	423	1140	264	2.3	2.0	2.0
31	21	---	139	124	---	435	---	1000	---	2.3	2.0	---
TOTAL	444.50	1072	3338	5506	5324	6489	13830	22368	24155	1742.7	78.7	48.0
MEAN	14.3	35.7	108	178	184	209	461	722	805	56.2	2.54	1.60
MAX	26	49	180	362	337	435	990	1260	1390	251	2.8	2.5
MIN	.90	19	42	93	132	142	217	323	264	2.0	2.0	1.5
MED	21	38	134	175	167	175	395	698	868	14	2.6	1.5
AC-FT	882	2130	6620	10920	10560	12870	27430	44370	47910	3460	156	95
CFSM	.01	.01	.04	.07	.07	.08	.17	.27	.30	.02	.00	.00

CAL YR 1947 TOTAL 70466.30 MEAN 193 MAX 980 MIN .90 MED 136 AC-FT 139800 CFSM .07
WTR YR 1948 TOTAL 84395.90 MEAN 231 MAX 1390 MIN .90 MED 149 AC-FT 167400 CFSM .09

DEC 05 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13171000 BRUNEAU RIVER NR GRAND VIEW ID STREAM SOURCE AGENCY USGS
LATITUDE 425600 LONGITUDE 1155700 DRAINAGE AREA 2550 DATUM 2372.30 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1948 TO SEPTEMBER 1949
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	2.0	28	146	150	169	208	274	1760	1310	160	10	7.0
2	2.0	29	146	150	156	220	284	1480	1300	140	10	7.0
3	2.0	28	159	140	159	248	287	1340	1270	125	9.0	7.0
4	2.0	29	159	129	159	248	297	1380	1120	110	8.0	7.0
5	2.0	35	146	115	164	245	320	1320	930	90	8.0	7.0
6	2.0	47	134	115	152	245	408	1200	840	80	8.0	7.0
7	2.0	49	142	114	154	255	509	1100	805	55	8.0	7.0
8	2.0	47	139	107	156	242	689	1060	835	36	8.0	7.0
9	2.0	46	142	119	154	236	880	1140	875	30	8.0	7.0
10	2.0	36	142	122	167	258	980	1270	935	22	8.0	7.0
11	2.0	46	152	130	169	255	1040	1370	890	22	8.0	7.0
12	2.0	72	154	140	172	258	1200	1460	865	23	8.0	7.0
13	2.0	66	159	125	197	242	1460	1530	835	23	8.0	7.0
14	1.0	66	164	135	167	245	1340	1630	720	21	8.0	7.0
15	1.0	119	152	150	156	248	1220	1810	662	19	8.0	7.0
16	1.0	154	112	150	180	264	1140	2030	599	19	8.0	7.0
17	1.0	152	78	150	220	271	1180	2240	563	19	7.0	8.0
18	2.0	162	72	150	208	277	1380	2700	514	19	8.0	8.0
19	15	162	120	148	208	320	1570	2570	473	20	8.0	7.0
20	12	154	180	145	205	350	1660	2310	451	21	7.0	8.0
21	12	162	155	142	211	380	1730	2130	431	20	7.0	9.0
22	16	164	120	139	205	410	1660	2000	386	16	7.0	8.0
23	12	164	100	149	200	423	1680	1790	451	10	7.0	7.0
24	11	159	110	154	220	419	1870	1490	451	10	7.0	7.0
25	11	159	120	150	217	372	2000	1340	404	10	8.0	7.0
26	11	159	130	145	205	344	2000	1300	290	10	8.0	7.0
27	18	136	130	140	223	334	1910	1340	250	10	8.0	7.0
28	19	53	130	152	217	320	1820	1330	220	10	8.0	7.0
29	19	100	145	156	---	313	1800	1360	200	10	8.0	7.0
30	23	152	150	162	---	290	1850	1330	180	10	7.0	8.0
31	25	---	150	164	---	271	---	1330	---	10	7.0	---
TOTAL	236.0	2935	4238	4337	5170	9011	35438	49440	19995	1180	245.0	217.0
MEAN	7.61	97.8	137	140	185	291	1215	1595	666	38.1	7.93	7.25
MAX	25	164	180	164	223	423	2000	2700	1310	160	10	9.0
MIN	1.0	28	72	107	152	208	274	1060	180	10	7.0	7.0
MED	2.0	86	142	145	176	264	1280	1380	530	20	8.0	7.0
AC-FT	468	5820	8410	8600	10250	17870	72270	98060	39660	2340	486	430
CFSM	.00	.04	.05	.05	.07	.11	.46	.63	.25	.01	.00	.00

CAL YR 1948 TOTAL 86950.4 MEAN 238 MAX 1390 MIN 1.0 MED 152 AC-FT 172500 CFSM .09
WTR YR 1949 TOTAL 133442.0 MEAN 366 MAX 2700 MIN 1.0 MED 150 AC-FT 264700 CFSM .14

MAY 05 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13171000 BRUNEAU RIVER NR GRAND VIEW ID STREAM SOURCE AGENCY USGS
LATITUDE 425600 LONGITUDE 1155700 DRAINAGE AREA 2650 DATUM 2372.30 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1949 TO SEPTEMBER 1950
DAILY MEAN VALUES

MAR 05 1992

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	8.0	---	---	---	---	---	---	---	---	---	---	---
2	7.0	---	---	---	---	---	---	---	---	---	---	---
3	7.0	---	---	---	---	---	---	---	---	---	---	---
4	7.0	---	---	---	---	---	---	---	---	---	---	---
5	7.0	---	---	---	---	---	---	---	---	---	---	---
6	7.0	---	---	---	---	---	---	---	---	---	---	---
7	8.0	---	---	---	---	---	---	---	---	---	---	---
8	8.0	---	---	---	---	---	---	---	---	---	---	---
9	10	---	---	---	---	---	---	---	---	---	---	---
10	15	---	---	---	---	---	---	---	---	---	---	---
11	17	---	---	---	---	---	---	---	---	---	---	---
12	17	---	---	---	---	---	---	---	---	---	---	---
13	18	---	---	---	---	---	---	---	---	---	---	---
14	18	---	---	---	---	---	---	---	---	---	---	---
15	18	---	---	---	---	---	---	---	---	---	---	---
16	18	---	---	---	---	---	---	---	---	---	---	---
17	18	---	---	---	---	---	---	---	---	---	---	---
18	18	---	---	---	---	---	---	---	---	---	---	---
19	18	---	---	---	---	---	---	---	---	---	---	---
20	18	---	---	---	---	---	---	---	---	---	---	---
21	18	---	---	---	---	---	---	---	---	---	---	---
22	25	---	---	---	---	---	---	---	---	---	---	---
23	51	---	---	---	---	---	---	---	---	---	---	---
24	53	---	---	---	---	---	---	---	---	---	---	---
25	56	---	---	---	---	---	---	---	---	---	---	---
26	56	---	---	---	---	---	---	---	---	---	---	---
27	58	---	---	---	---	---	---	---	---	---	---	---
28	55	---	---	---	---	---	---	---	---	---	---	---
29	55	---	---	---	---	---	---	---	---	---	---	---
30	54	---	---	---	---	---	---	---	---	---	---	---
31	54	---	---	---	---	---	---	---	---	---	---	---
TOTAL	797.0	---	---	---	---	---	---	---	---	---	---	---
MEAN	25.7	---	---	---	---	---	---	---	---	---	---	---
MAX	58	---	---	---	---	---	---	---	---	---	---	---
MIN	7.0	---	---	---	---	---	---	---	---	---	---	---
MED	18	---	---	---	---	---	---	---	---	---	---	---
AC-FT	1580	---	---	---	---	---	---	---	---	---	---	---
CFSM	.01	---	---	---	---	---	---	---	---	---	---	---

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 ~~ARUNEAU~~ BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1944 TO SEPTEMBER 1945
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	89	106	141	124	158	149	366	1880	1780	938	208	100
2	93	108	138	119	158	149	430	2240	1660	905	195	100
3	106	111	130	124	161	161	361	2480	1640	900	189	100
4	103	114	119	127	198	149	315	2630	1730	900	182	100
5	101	121	106	119	198	135	285	2640	1820	888	176	100
6	98	124	103	130	189	124	302	2690	1890	839	170	100
7	96	130	121	144	164	116	356	2780	1980	800	170	100
8	98	124	116	149	161	149	480	2700	2070	768	176	100
9	98	121	108	152	158	155	575	2520	1850	740	176	100
10	98	121	71	173	158	149	515	2470	1870	696	169	100
11	101	121	58	179	176	149	465	2570	1800	675	173	100
12	101	138	62	164	179	155	410	2580	1680	640	164	100
13	98	146	67	149	189	215	375	2280	1660	595	155	100
14	98	144	71	149	241	395	351	2140	1720	570	149	100
15	98	138	75	146	470	470	342	1980	1610	560	144	100
16	103	130	86	152	328	342	361	1810	1450	550	138	100
17	111	132	91	152	241	315	570	1730	1330	505	132	100
18	111	130	93	146	248	311	650	1730	1290	475	130	100
19	111	121	106	138	219	256	790	1600	1360	445	127	100
20	108	124	121	141	185	230	1060	1460	1480	405	127	100
21	106	121	138	127	161	219	1520	1430	1560	385	132	130
22	106	116	152	116	141	328	2040	1410	1640	356	132	130
23	106	103	149	111	176	440	2140	1390	1680	342	130	130
24	106	132	149	96	173	540	1780	1500	1680	315	124	130
25	103	135	152	71	155	465	1640	1720	1640	293	119	130
26	103	119	152	91	130	415	1450	1810	1500	277	116	130
27	103	116	127	116	124	435	1200	1680	1390	260	114	130
28	106	130	119	106	135	371	1170	1660	1290	248	110	130
29	106	114	119	80	---	324	1290	1660	1130	241	105	130
30	106	106	132	89	---	315	1520	1700	1030	234	105	130
31	106	---	132	130	---	306	---	1680	---	219	105	---
TOTAL	3177	3696	3504	4010	5374	8432	25109	62553	48210	16964	4562	3300
MEAN	102	123	113	129	192	272	837	2018	1607	547	147	110
MAX	111	146	152	179	470	540	2140	2780	2070	938	208	130
MIN	89	103	58	71	124	116	285	1390	1030	219	105	100
AC-FT	6300	7330	6950	7950	10660	16720	49800	124100	95620	33650	9050	6550

CAL YR 1944 TOTAL 138050 MEAN 377 MAX 1940 MIN 58 AC-FT 273800
WTR YR 1945 TOTAL 188888 MEAN 518 MAX 2780 MIN 58 AC-FT 374700

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1945 TO SEPTEMBER 1946
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	120	141	167	260	152	430	610	1370	856	361	119	75
2	120	146	146	241	164	306	555	1220	828	347	114	75
3	120	149	119	222	157	289	525	1130	844	333	112	75
4	120	155	135	219	164	264	500	1130	922	324	106	75
5	120	158	176	212	149	226	510	1190	1030	315	104	78
6	120	158	182	189	146	248	570	1240	1030	297	99	93
7	120	152	158	152	152	226	675	1250	949	277	95	97
8	120	149	155	130	161	219	751	1210	878	260	95	91
9	120	146	132	144	144	222	834	1140	839	245	95	86
10	120	141	91	135	144	226	822	1080	839	230	93	86
11	120	149	112	122	146	256	740	1010	822	215	91	88
12	120	155	138	102	149	356	778	922	784	198	88	84
13	120	152	152	97	122	366	1050	839	712	189	88	80
14	120	149	116	82	124	470	1240	795	696	182	86	78
15	120	149	82	99	146	435	1350	762	696	179	84	78
16	119	146	76	124	155	375	1480	729	650	167	84	78
17	119	155	104	152	155	333	1610	712	620	161	82	78
18	122	158	122	161	149	337	1790	762	600	152	80	80
19	124	161	104	167	155	347	1880	839	560	144	78	86
20	124	164	91	170	164	415	1900	894	525	135	78	86
21	127	132	114	170	164	560	1750	905	510	130	78	86
22	127	97	155	179	167	570	1570	922	515	124	78	82
23	127	116	192	179	173	575	1450	995	500	121	82	80
24	130	164	176	192	176	515	1430	973	510	116	80	78
25	130	170	167	189	212	515	1510	878	470	116	88	80
26	130	176	170	179	311	440	1610	806	445	119	86	80
27	132	173	170	149	285	455	1650	822	425	158	82	78
28	132	170	173	135	285	535	1590	1010	420	135	80	78
29	132	170	182	149	---	645	1530	1120	400	122	80	78
30	132	173	285	161	---	740	1480	1030	380	114	78	78
31	135	---	315	149	---	680	---	915	---	114	76	---
TOTAL	3842	4574	4657	5011	4781	12576	35740	30607	20255	6080	2759	2447
MEAN	124	152	150	162	171	406	1191	987	675	196	89.0	81.6
MAX	135	176	315	260	311	740	1900	1370	1030	361	119	97
MIN	119	97	76	82	122	219	500	712	380	114	76	75
AC-FT	7620	9070	9240	9940	9480	24940	70890	60710	40180	12060	5470	4850

CAL YR 1945 TOTAL 191584 MEAN 525 MAX 2780 MIN 71 AC-FT 380000
WTR YR 1946 TOTAL 133329 MEAN 365 MAX 1900 MIN 75 AC-FT 264500

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1946 TO SEPTEMBER 1947
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	96	145	194	87	131	184	465	602	680	306	98	65
2	133	136	187	87	142	181	440	683	670	285	96	65
3	147	128	184	83	150	184	410	904	643	277	96	65
4	139	112	181	83	145	187	420	1080	612	265	96	64
5	133	118	178	87	142	175	390	1110	576	253	98	64
6	128	142	175	100	142	168	375	1100	545	239	96	64
7	131	150	178	112	147	165	380	1150	515	228	92	65
8	131	142	207	128	150	162	400	1190	550	214	87	67
9	125	136	207	125	156	165	430	1190	591	210	83	65
10	122	131	187	125	168	165	485	1170	654	200	81	65
11	122	131	175	131	187	168	460	1080	638	191	81	67
12	125	131	165	133	191	187	440	945	622	181	81	67
13	122	120	172	131	181	200	435	887	635	175	81	65
14	120	133	172	122	253	187	465	858	538	168	79	65
15	120	139	172	108	333	191	545	789	643	159	81	64
16	120	125	165	96	324	231	612	755	643	156	79	64
17	131	122	159	96	347	293	654	740	633	153	79	65
18	133	139	100	94	319	380	680	762	654	147	77	67
19	136	142	92	102	273	435	691	778	633	142	76	69
20	136	147	136	118	253	450	664	803	617	133	77	74
21	136	159	165	139	231	435	643	823	581	133	74	76
22	139	159	156	142	217	420	633	829	530	128	74	76
23	142	165	162	136	214	435	602	812	475	122	74	76
24	153	162	147	136	207	465	555	772	435	118	72	74
25	162	172	136	142	221	460	530	753	420	115	72	72
26	165	175	153	150	224	405	500	745	415	110	72	72
27	162	172	156	150	200	390	485	745	415	110	70	70
28	159	184	150	142	197	361	495	789	395	105	69	70
29	156	224	115	136	---	351	520	772	351	105	65	69
30	156	210	69	131	---	385	571	734	328	100	64	69
31	150	---	58	133	---	450	---	683	---	98	64	---
TOTAL	4230	4451	4853	3685	5845	9015	15375	27022	16745	5326	2484	2040
MEAN	136	148	157	119	209	291	512	872	558	172	80.1	68.0
MAX	165	224	207	150	347	465	691	1190	680	306	98	76
MIN	96	112	58	83	131	162	375	602	328	98	64	64
AC-FT	8390	8830	9630	7310	11590	17880	30500	53603	33210	10560	4930	4050

CAL YR 1946 TOTAL 133790 MEAN 367 MAX 1900 MIN 58 AC-FT 265400
WTR YR 1947 TOTAL 101071 MEAN 277 MAX 1190 MIN 58 AC-FT 200500

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2530 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1947 TO SEPTEMBER 1948
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	70	94	139	83	118	165	337	713	1130	465	108	72
2	70	92	165	122	125	165	315	654	1180	450	108	72
3	70	90	172	165	131	153	455	617	1290	435	105	74
4	70	98	175	162	125	136	535	571	1540	405	102	74
5	70	100	168	159	120	125	450	571	1430	366	102	74
6	72	102	162	156	115	139	380	607	1590	337	102	74
7	72	100	153	159	105	147	333	745	1500	311	102	76
8	74	100	145	178	105	159	293	910	1310	285	100	76
9	76	102	136	277	118	156	277	870	1200	269	102	76
10	79	102	128	333	115	142	285	786	1190	253	105	76
11	81	105	118	253	105	120	356	743	1130	242	105	76
12	79	105	118	207	98	118	351	702	1040	239	102	74
13	81	108	120	162	110	139	315	675	980	231	98	69
14	81	105	110	112	128	153	302	702	939	221	96	67
15	81	102	142	94	133	156	371	778	887	217	94	67
16	79	112	133	145	147	153	545	887	835	200	94	67
17	79	115	125	112	150	153	745	1040	778	191	90	67
18	79	118	136	131	150	150	1090	1200	723	181	87	70
19	81	115	133	139	162	150	1120	1290	636	172	85	74
20	79	115	131	96	184	150	893	1190	659	165	85	85
21	79	112	128	105	175	139	910	1110	723	159	81	105
22	81	118	131	172	175	136	1020	1070	858	156	81	94
23	83	110	120	191	204	142	1040	1020	836	150	79	90
24	83	96	105	187	285	168	904	1040	723	142	77	85
25	83	105	98	162	217	285	756	1160	664	133	77	85
26	85	131	118	133	207	366	680	1270	617	131	77	92
27	85	122	120	65	197	293	643	1340	576	125	77	94
28	87	125	122	56	187	261	607	1440	540	118	77	92
29	87	133	131	67	184	289	633	1470	515	115	76	92
30	90	136	125	83	---	395	729	1270	490	115	74	92
31	90	---	92	102	---	435	---	1140	---	115	74	---
TOTAL	2456	3268	4099	4568	4375	5838	17670	29576	28329	7094	2820	2375
MEAN	79.2	109	132	147	151	188	589	954	944	229	91.0	79.2
MAX	90	136	175	333	285	435	1120	1470	1590	465	108	105
MIN	70	90	92	56	98	118	277	571	490	115	74	67
AC-FT	4870	6480	8130	9060	8680	11580	35050	58663	56190	14070	5593	4710

CAL YR 1947 TOTAL 97360 MEAN 267 MAX 1190 MIN 64 AC-FT 193103
WTR YR 1948 TOTAL 112468 MEAN 307 MAX 1590 MIN 56 AC-FT 223103

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STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1948 TO SEPTEMBER 1949
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	90	100	98	125	118	172	242	1830	1490	347	112	85
2	90	102	102	128	120	181	235	1660	1510	319	110	85
3	90	102	139	110	112	181	242	1630	1410	306	110	81
4	87	110	136	79	115	187	253	1650	1180	297	112	79
5	87	112	112	72	118	187	293	1540	1050	289	112	79
6	90	110	110	79	115	187	400	1410	1300	289	108	79
7	102	105	112	87	115	184	535	1340	997	273	102	79
8	100	105	115	98	115	187	750	1340	1320	253	100	79
9	102	92	118	110	105	191	980	1440	1080	242	100	79
10	100	94	120	115	115	194	1110	1610	1070	228	100	79
11	100	118	128	112	128	191	1190	1710	1060	221	98	79
12	100	118	139	105	139	194	1470	1780	1060	214	94	79
13	98	110	145	94	133	187	1630	1850	1000	204	96	81
14	96	110	139	102	110	194	1420	1950	916	204	92	83
15	94	112	118	112	115	197	1390	2140	846	194	92	85
16	96	112	64	118	136	214	1370	2390	794	184	94	81
17	100	115	61	118	147	235	1510	2950	762	175	94	79
18	102	118	72	118	153	242	1730	2780	707	165	94	79
19	100	112	85	118	159	249	1890	2470	659	159	92	81
20	100	115	165	118	153	273	1970	2300	638	150	92	85
21	100	122	128	112	153	333	1950	2210	602	147	90	81
22	100	122	83	110	153	356	1900	2080	550	145	87	79
23	100	120	65	118	156	390	2080	1770	525	139	87	77
24	98	118	72	118	162	361	2240	1620	505	133	85	77
25	98	120	70	118	162	324	2280	1560	475	128	87	77
26	98	122	74	100	162	293	2210	1580	460	125	87	77
27	98	115	85	96	162	285	2080	1610	440	122	87	79
28	98	100	98	108	165	285	2050	1620	410	122	87	81
29	98	98	118	112	---	265	2100	1610	390	120	87	90
30	98	110	133	122	---	239	2100	1560	366	118	87	90
31	100	---	125	118	---	246	---	1520	---	115	87	---
TOTAL	3010	3319	3329	3350	3796	7404	41600	56510	24982	6127	2960	2418
MEAN	97.1	111	107	108	136	239	1387	1823	833	198	95.5	80.6
MAX	102	122	165	128	165	390	2280	2950	1510	347	112	90
MIN	87	92	61	72	105	172	235	1340	366	115	85	77
AC-FT	5970	6580	6600	6640	7530	14690	82510	112100	49550	12150	5870	4800

CAL YR 1948 TOTAL 112303 MEAN 307 MAX 1590 MIN 56 AC-FT 222800
WTR YR 1949 TOTAL 158805 MEAN 435 MAX 2950 MIN 61 AC-FT 315000

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1949 TO SEPTEMBER 1950
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	90	122	128	112	147	410	535	951	1920	750	153	85
2	92	122	128	108	125	375	723	933	1830	734	147	85
3	92	125	122	79	102	356	870	928	1700	713	145	85
4	92	122	115	58	122	351	858	875	1490	659	147	81
5	92	122	105	62	217	385	740	829	1440	617	156	81
6	92	122	120	77	273	450	696	806	1510	581	150	79
7	96	120	110	102	265	480	713	835	1560	545	150	81
8	102	120	118	128	246	420	800	845	1420	520	145	85
9	112	120	120	139	253	410	835	789	1270	490	136	139
10	115	125	108	128	246	366	806	767	1100	465	133	96
11	122	133	74	122	235	337	772	772	997	465	133	94
12	125	136	58	118	228	289	756	845	986	445	131	92
13	131	133	118	108	194	265	806	957	980	405	136	92
14	139	136	120	110	194	261	945	1150	968	366	136	90
15	133	133	120	105	204	297	1000	1430	997	337	133	85
16	125	136	118	96	197	277	997	1620	1010	315	128	85
17	120	133	122	105	235	273	1100	1770	1040	297	120	85
18	120	136	128	118	273	289	1190	1950	1040	281	115	92
19	118	133	125	133	261	435	1230	1920	997	261	110	94
20	120	131	105	290	273	460	1240	1780	1000	246	108	94
21	120	128	100	445	281	550	1340	1760	1040	235	105	94
22	120	122	128	525	269	550	1520	1860	1080	224	100	94
23	120	128	128	806	257	535	1550	2010	1070	210	98	92
24	122	128	128	670	261	460	1400	2190	1030	200	96	92
25	122	128	118	385	261	480	1240	2180	916	194	94	94
26	125	128	110	246	285	525	1130	2000	800	184	96	94
27	125	131	108	235	351	490	1080	1880	740	175	94	92
28	125	131	128	306	415	435	1140	1880	734	168	90	90
29	125	131	128	261	---	400	1140	1870	750	159	85	90
30	122	128	122	184	---	366	1040	1830	750	159	85	92
31	122	---	120	162	---	380	---	1950	---	159	83	---
TOTAL	3576	3843	3580	6523	6670	12357	30192	44164	34165	11559	3738	2716
MEAN	115	128	115	210	238	399	1006	1425	1139	373	121	90.5
MAX	139	136	128	806	415	550	1550	2190	1920	750	156	139
MIN	90	120	58	58	102	261	535	767	734	159	83	79
AC-FT	7090	7620	7100	12940	13230	24510	59890	87600	67770	22930	7410	5390

CAL YR 1949 TOTAL 160146 MEAN 439 MAX 2950 MIN 58 AC-FT 317600
WTR YR 1950 TOTAL 163083 MEAN 447 MAX 2190 MIN 58 AC-FT 323500

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2530 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1979 TO SEPTEMBER 1980
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	60	135	60	112	135	384	224	1460	1260	696	135	70
2	60	132	109	125	186	381	240	1390	1320	706	132	77
3	60	130	183	107	221	369	247	1420	1780	730	125	86
4	60	127	163	112	202	346	243	1550	1730	701	114	83
5	59	130	152	107	195	346	253	1550	1640	648	114	77
6	59	132	141	107	195	342	298	1560	1600	583	109	72
7	60	135	132	83	211	302	320	1680	1480	539	104	68
8	62	132	132	70	205	288	309	1630	1390	499	102	70
9	62	130	125	119	172	270	302	1570	1360	465	97	169
10	62	127	122	138	143	257	331	1520	1420	441	90	102
11	66	122	112	114	130	250	408	1480	1520	416	88	112
12	66	117	72	83	143	267	400	1470	1540	388	86	146
13	64	107	50	208	143	250	416	1420	1470	361	79	157
14	66	107	90	926	160	250	539	1240	1350	346	79	143
15	68	107	95	1120	169	253	706	1200	1260	331	77	152
16	70	107	130	644	180	260	868	1160	1150	316	79	138
17	70	117	112	465	243	227	964	1170	1100	298	79	127
18	74	119	102	428	270	230	1140	1150	1130	284	81	119
19	74	119	104	324	547	263	1350	1110	1280	270	83	114
20	100	107	109	230	658	253	1500	1130	1280	247	86	107
21	192	72	130	143	663	243	1710	1230	1290	233	90	107
22	195	52	122	224	449	253	1680	1400	1240	221	83	107
23	183	86	102	233	396	260	1640	1520	1140	208	79	102
24	163	132	77	180	327	257	1770	1570	1050	195	77	102
25	157	130	83	189	288	243	1850	1500	937	177	74	104
26	154	138	117	186	288	224	1630	1390	894	169	72	104
27	152	119	100	125	302	221	1490	1430	858	160	70	104
28	143	64	104	83	320	230	1570	1400	801	149	70	102
29	138	25	83	79	388	214	1640	1320	730	141	70	97
30	138	46	55	55	---	221	1600	1230	706	141	70	95
31	135	---	74	74	---	233	---	1190	---	138	70	---
TOTAL	3072	3303	3342	7193	7929	8387	27638	43040	37766	11197	2764	3213
MEAN	99.1	110	108	232	273	271	921	1388	1259	361	89.2	107
MAX	195	138	183	1120	663	384	1850	1680	1780	730	135	169
MIN	59	25	50	55	130	214	224	1110	706	138	70	68
AC-FT	6090	6550	6630	14270	15730	16640	54820	85370	74910	22210	5480	6370

CAL YR 1979 TOTAL 141845 MEAN 389 MAX 2500 MIN 25 AC-FT 281300
WTR YR 1980 TOTAL 158844 MEAN 434 MAX 1850 MIN 25 AC-FT 315100

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1980 TO SEPTEMBER 1981
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	92	116	131	138	103	127	199	573	654	111	44	35
2	91	117	127	123	81	130	177	634	625	105	44	35
3	90	114	129	111	65	130	180	653	621	102	42	35
4	91	113	138	119	63	125	180	588	571	97	41	35
5	92	114	142	153	85	122	172	525	530	93	42	34
6	91	113	134	145	106	122	157	474	532	88	41	35
7	90	112	109	106	121	125	166	432	559	80	40	34
8	90	112	80	90	107	122	192	392	544	81	39	34
9	90	110	59	87	90	117	180	361	536	79	38	35
10	90	109	48	105	103	117	172	324	533	75	36	35
11	89	110	69	117	95	114	169	306	466	70	36	34
12	88	114	83	88	99	114	160	302	405	67	35	35
13	88	117	95	74	130	114	157	295	360	67	37	35
14	93	116	97	78	138	114	163	281	327	66	38	34
15	97	102	94	95	141	114	169	299	299	65	37	34
16	108	92	106	107	141	117	192	309	270	65	37	32
17	123	82	118	108	169	114	230	312	241	65	39	32
18	124	80	126	107	189	122	243	303	227	63	38	32
19	125	91	130	122	214	117	260	308	217	62	37	32
20	123	104	129	118	208	117	365	375	209	59	38	31
21	121	108	135	119	202	119	432	471	210	57	40	31
22	118	114	147	117	153	122	552	514	204	54	40	31
23	115	139	151	124	154	119	552	493	193	52	38	32
24	113	127	149	137	157	122	512	453	180	50	38	34
25	110	112	160	127	154	125	530	435	168	49	37	37
26	111	87	169	112	157	125	525	513	154	47	35	38
27	112	95	229	95	149	141	512	632	142	47	35	40
28	116	118	227	91	135	157	521	634	134	49	34	45
29	117	132	193	130	---	154	495	611	127	49	35	40
30	115	130	170	122	---	192	508	617	120	47	35	38
31	116	---	147	110	---	230	---	639	---	45	35	---
TOTAL	3229	3300	4021	3475	3719	4000	9022	14046	10356	2106	1181	1044
MEAN	104	110	130	112	133	129	301	453	345	67.9	38.1	34.8
MAX	125	139	229	153	214	230	552	653	654	111	44	45
MIN	88	80	48	74	63	114	157	281	120	45	34	31
AC-FT	6400	6550	7980	6890	7380	7930	17900	27863	20540	4180	2340	2070

CAL YR 1980 TOTAL 159677 MEAN 436 MAX 1850 MIN 48 AC-FT 316703
WTR YR 1981 TOTAL 59499 MEAN 163 MAX 658 MIN 31 AC-FT 118003

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2530 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1981 TO SEPTEMBER 1982
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	41	62	79	157	129	412	505	1740	1240	902	201	86
2	42	60	102	159	119	421	523	1910	1280	833	187	81
3	42	62	112	107	129	473	464	2240	1250	776	173	77
4	42	62	100	100	119	464	469	2390	1210	755	165	72
5	43	62	93	157	84	438	519	2250	1200	776	154	68
6	46	64	95	141	41	395	451	1960	1180	715	143	66
7	46	66	95	88	48	357	469	1790	1100	631	133	68
8	48	66	93	64	60	357	416	1770	1010	598	126	64
9	48	64	93	46	79	370	387	1740	940	593	126	62
10	52	64	93	50	95	357	404	1620	940	555	123	60
11	54	64	98	79	100	382	438	1500	989	522	119	58
12	58	62	98	134	114	429	1550	1380	1090	513	111	62
13	66	66	95	162	139	460	1960	1250	1190	504	107	70
14	66	68	93	159	187	460	1790	1150	1260	495	104	86
15	62	68	100	154	306	542	1790	1160	1320	468	99	96
16	60	75	105	157	967	612	1610	1250	1340	441	99	99
17	58	75	179	165	1450	560	1360	1360	1420	403	95	102
18	56	70	117	157	967	510	1230	1590	1450	365	90	99
19	56	70	107	146	735	491	1200	2010	1420	341	90	104
20	58	75	276	126	787	438	1080	1780	1370	317	90	104
21	58	75	686	117	956	399	973	1560	1290	302	90	114
22	56	77	487	114	1230	374	940	1550	1290	284	88	121
23	56	81	279	124	1160	361	1030	1720	1320	266	86	114
24	56	112	168	134	828	357	1250	1830	1300	257	83	107
25	56	157	182	146	642	361	1470	1830	1250	269	79	102
26	56	196	210	152	560	395	1590	1910	1280	275	74	102
27	56	139	193	149	510	442	1630	2010	1180	260	70	190
28	56	117	168	141	460	505	1710	1920	1120	251	68	190
29	56	100	124	131	---	588	1820	1650	1100	242	68	170
30	58	81	179	134	---	565	1780	1440	1010	236	79	165
31	60	---	210	129	---	510	---	1290	---	218	83	---
TOTAL	1668	2460	5109	3979	13001	13785	32808	52550	36339	14363	3403	2960
MEAN	53.8	82.0	165	128	464	445	1094	1695	1211	463	110	98.7
MAX	66	196	686	165	1450	612	1960	2390	1450	902	201	190
MIN	41	60	79	46	41	357	387	1150	940	218	68	58
AC-FT	3310	4880	10130	7890	25790	27340	65070	104203	72080	28490	6750	5870

CAL YR 1981 TOTAL 58186 MEAN 159 MAX 686 MIN 31 AC-FT 115400
WTR YR 1982 TOTAL 182425 MEAN 500 MAX 2390 MIN 41 AC-FT 361800

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1982 TO SEPTEMBER 1983
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	176	325	173	54	123	269	796	1610	3360	859	170	102
2	181	266	159	56	121	428	801	1640	3280	817	167	99
3	176	227	146	68	138	527	786	1620	2930	791	170	97
4	176	195	156	184	102	473	675	1610	2780	735	165	97
5	167	184	159	236	70	459	584	1710	2640	680	156	95
6	165	176	165	224	83	424	541	1840	2450	665	149	90
7	159	170	165	242	138	386	504	1640	2270	665	141	90
8	156	167	159	281	170	386	482	1540	2170	536	133	86
9	154	170	95	284	170	407	491	1550	2160	583	146	84
10	151	167	79	209	167	411	536	1520	2120	541	181	86
11	149	165	111	187	156	564	559	1430	2160	486	192	86
12	143	159	111	167	149	745	569	1320	2180	441	195	88
13	141	151	187	143	154	730	555	1190	1870	411	190	88
14	136	138	195	146	187	994	536	1100	1600	394	184	88
15	133	111	170	143	212	1130	522	1060	1440	390	165	86
16	133	90	190	133	181	934	522	1110	1440	378	151	86
17	133	146	176	173	170	755	564	1090	1450	361	149	85
18	131	178	170	190	165	665	675	1030	1460	329	143	81
19	128	165	156	178	167	602	912	1070	1480	302	138	79
20	128	173	162	181	207	541	1110	1120	1330	284	146	77
21	126	167	159	167	187	464	1280	1300	1220	278	167	77
22	128	136	165	143	178	455	1520	1620	1150	266	170	81
23	128	114	173	133	192	433	1750	1950	1150	260	167	85
24	128	68	165	170	257	411	2210	2230	1120	263	176	86
25	131	56	92	162	333	403	2610	2550	1110	248	167	86
26	136	77	62	156	403	394	2010	2880	1100	233	154	90
27	149	119	126	159	382	382	1650	3190	1070	221	138	90
28	165	181	109	159	298	382	1440	3240	1020	212	128	90
29	170	201	60	156	---	365	1390	3390	962	201	121	97
30	170	184	54	151	---	386	1490	3380	902	192	119	114
31	263	---	54	143	---	468	---	3310	---	178	109	---
TOTAL	4710	4826	4303	5178	5260	16373	33070	56840	53384	13300	4847	2662
MEAN	152	161	139	167	188	528	1002	1834	1779	429	156	88.7
MAX	263	325	195	284	403	1130	2610	3390	3360	859	195	114
MIN	126	56	54	54	70	269	482	1030	902	178	109	77
AC-FT	9340	9570	8530	10270	10430	32480	59640	112700	105900	26380	9610	5280

CAL YR 1982 TOTAL 187027 MEAN 512 MAX 2390 MIN 41 AC-FT 371000
WTR YR 1983 TOTAL 201753 MEAN 553 MAX 3390 MIN 54 AC-FT 400200

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 STATE 16 COUNTY 073

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1983 TO SEPTEMBER 1984
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	136	142	143	435	233	269	593	1700	4520	2180	507	208
2	181	150	198	420	248	272	641	1840	3950	1910	600	215
3	170	155	211	357	230	281	627	2380	3470	1750	577	210
4	156	152	206	428	233	269	593	2960	3180	1580	524	196
5	143	146	180	500	239	260	655	3100	3430	1590	505	187
6	136	144	131	578	233	239	864	2810	3300	1500	464	179
7	120	145	207	513	236	269	1060	2450	3430	1480	425	179
8	115	151	236	464	245	257	923	2190	3160	1500	395	185
[illegible]	123	166	241	441	239	301	994	2350	2760	1370	372	185
[illegible]	131	161	249	407	254	468	967	3120	2660	1240	350	179
11	133	153	269	369	254	569	978	3710	3290	1110	332	171
12	138	155	273	353	230	583	934	4730	3180	1020	339	166
13	131	161	274	333	294	578	896	5550	2940	969	328	160
14	134	165	256	321	441	680	951	5910	2930	913	323	158
15	156	164	260	266	550	1040	1210	6470	3240	858	325	158
16	168	153	281	173	486	929	1930	6220	3400	804	321	155
17	159	157	235	121	428	807	2950	5240	3370	768	310	155
18	147	168	258	119	345	685	3650	4310	3310	726	297	155
19	142	234	230	119	251	564	3380	4090	3350	692	286	147
20	140	216	242	119	227	651	2790	4450	3440	687	263	145
21	134	203	161	119	291	928	2280	5040	3410	692	250	147
22	130	181	72	178	325	1100	2070	5030	3210	825	241	165
23	129	165	64	269	269	986	2300	4810	2900	890	241	168
24	129	186	64	305	257	876	2700	4980	2770	836	235	166
25	136	198	67	349	294	859	2760	4890	2730	736	235	166
26	136	229	90	361	269	730	2310	4530	2640	682	228	171
[illegible]	131	193	170	345	239	715	2120	4510	2540	643	222	165
[illegible]	127	204	150	317	224	651	1900	4430	2440	614	215	160
[illegible]	131	210	200	294	254	611	1740	4290	2350	596	208	160
30	129	177	224	263	---	608	1660	4440	2370	568	205	160
31	134	---	329	242	---	569	---	4640	---	528	210	---
TOTAL	4305	5184	6171	9878	8318	18604	49426	127170	93670	32357	10341	5115
MEAN	139	173	199	319	287	600	1648	4102	3122	1044	334	170
MAX	181	234	329	578	550	1100	3650	6470	4520	2180	600	215
MIN	115	142	64	119	224	239	593	1700	2350	528	208	145
AC-FT	8540	10280	12240	19590	16500	36900	98040	252200	185800	64180	20510	10150

CAL YR 1983 TOTAL 203574 MEAN 558 MAX 3390 MIN 54 AC-FT 403800
WTR YR 1984 TOTAL 370539 MEAN 1012 MAX 6470 MIN 64 AC-FT 735000

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2530 DATUM 2598.50 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	153	170	210	175	123	211	410	964	895	215	112	65
2	160	190	165	132	111	233	709	1140	858	204	106	67
3	191	220	125	100	125	217	1200	1380	818	192	103	71
4	186	210	92	84	120	171	1390	1520	754	178	102	76
5	181	195	95	99	120	151	1380	1490	706	166	97	71
6	174	200	97	156	145	189	1450	1390	715	157	93	72
7	168	210	93	210	154	206	1570	1320	771	153	89	74
8	164	202	140	210	210	184	1660	1300	858	149	84	148
9	163	212	180	204	182	180	1840	1300	877	145	81	120
10	161	225	262	174	160	203	1860	1320	808	144	80	129
11	163	250	285	160	146	219	1810	1400	745	139	78	133
12	166	290	223	156	205	225	1800	1290	673	141	76	131
13	186	290	195	138	235	222	1700	1150	624	135	79	139
14	197	325	172	105	240	219	1660	1060	598	132	77	123
15	211	250	128	86	210	228	1710	1010	576	129	77	113
16	198	230	137	109	213	262	1740	975	541	128	75	109
17	193	215	160	146	219	332	1670	947	518	124	74	107
18	191	220	120	147	211	460	1540	941	489	120	72	104
19	196	215	78	178	235	590	1460	1010	452	116	74	101
20	198	250	67	191	199	655	1420	1100	433	114	73	104
21	208	315	110	221	225	736	1270	1150	419	109	72	104
22	207	280	202	219	277	698	1220	1140	399	107	71	102
23	198	270	210	205	306	536	1150	1100	365	111	69	99
24	185	350	213	182	278	539	1070	1140	336	122	68	98
25	175	305	187	147	270	699	970	1240	322	115	69	97
26	190	260	163	132	303	694	916	1340	307	109	67	96
27	200	230	184	125	245	554	846	1340	290	107	67	94
28	202	200	190	130	222	498	835	1270	266	104	66	92
29	200	220	190	149	---	450	843	1180	241	103	66	94
30	185	245	190	145	---	406	878	1100	227	217	65	94
31	185	---	195	129	---	379	---	985	---	124	65	---
OTAL	5735	7244	5058	4744	5659	11546	39977	36992	16891	4309	2447	3027
EAN	185	241	163	153	202	372	1333	1193	563	139	78.9	101
AX	211	350	285	221	306	736	1860	1520	895	217	112	148
IN	153	170	67	84	111	151	410	941	227	103	65	65
C-FT	11380	14370	10030	9410	11220	22900	79290	73370	33500	8550	4850	6000

AL YR 1984 TOTAL 372916 MEAN 1019 MAX 6470 MIN 67 AC-FT 739700
TR YR 1985 TOTAL 143629 MEAN 394 MAX 1860 MIN 65 AC-FT 284900

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LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 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	97	122	153	129	311	1370	1270	915	1970	387	130	91
2	98	120	145	145	340	1380	1230	922	1950	363	123	86
3	99	118	197	144	309	1450	1170	995	1830	344	118	85
4	99	119	190	143	277	1420	1080	1190	1840	325	115	84
5	98	118	174	141	255	1350	1020	1330	1780	307	111	83
6	96	118	158	137	232	1330	980	1240	1690	293	108	82
7	98	121	158	152	194	1350	987	1150	1510	279	105	80
8	102	120	173	152	179	1540	1090	1080	1500	260	103	82
9	119	119	169	131	162	2350	1230	1010	1400	252	101	91
10	120	123	151	133	131	1760	1210	969	1200	248	98	93
11	118	119	113	142	169	1440	1140	999	1070	239	95	105
12	117	114	53	149	203	1270	1130	1000	1010	233	94	104
13	120	112	54	140	212	1130	1150	913	994	223	93	101
14	120	99	35	138	241	1000	1090	875	944	213	95	98
15	117	101	70	141	297	927	1020	883	928	201	92	96
16	114	110	105	200	657	841	974	873	916	192	91	98
17	113	156	117	280	705	809	952	864	855	184	89	103
18	111	151	119	340	2580	754	908	870	814	178	86	98
19	111	124	119	310	3180	682	857	961	770	173	82	100
20	110	100	117	300	2400	665	831	1130	718	164	81	103
21	110	108	117	344	1540	666	876	1320	657	156	84	105
22	111	121	112	273	1190	707	1040	1420	613	149	91	105
23	111	89	102	243	1350	763	1220	1290	578	144	92	107
24	116	79	100	268	1760	796	1290	1160	556	150	87	108
25	132	110	97	204	1720	848	1200	1120	537	171	87	111
26	145	129	96	161	1680	799	1180	1250	516	176	86	113
27	137	125	97	146	1600	794	1100	1530	496	185	84	125
28	129	128	98	177	1460	886	1030	1780	468	177	81	131
29	124	162	100	216	---	1040	1020	1880	433	161	81	130
30	124	166	107	209	---	1160	963	1980	408	146	83	135
31	122	---	114	234	---	1260	---	2010	---	139	90	---
TOTAL	3538	3601	3710	6022	25344	34537	32238	36904	30951	6812	2955	3027
MEAN	114	120	120	194	905	1114	1075	1190	1032	220	95.3	101
MAX	145	166	197	344	3180	2350	1290	2010	1970	387	130	135
MIN	96	79	35	129	131	665	831	864	408	139	81	80
AC-FT	7020	7140	7360	11940	50270	68500	63940	73200	61390	13510	5860	6000

CAL YR 1985 TOTAL 136441 MEAN 374 MAX 1860 MIN 35 AC-FT 270600
WTR YR 1986 TOTAL 189639 MEAN 520 MAX 3180 MIN 35 AC-FT 376100

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UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 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	135	129	112	91	142	135	163	631	380	104	56	39
2	137	131	81	110	145	158	186	598	366	133	51	39
3	139	126	80	114	145	141	272	509	346	174	47	38
4	137	122	114	123	140	144	346	440	322	114	45	38
5	131	122	128	126	130	156	345	397	315	109	45	38
6	126	122	155	123	121	194	352	402	308	100	44	39
7	124	122	143	115	118	286	345	435	309	94	42	40
8	122	127	130	113	125	429	351	466	323	90	42	41
9	119	126	109	87	130	434	359	492	310	86	43	41
10	118	121	60	45	136	380	337	506	313	85	44	41
11	116	123	36	46	137	325	319	489	299	87	43	40
12	113	129	47	55	137	299	346	485	281	89	42	40
13	113	138	72	93	144	262	342	490	261	86	42	40
14	112	143	103	113	156	272	309	490	239	82	41	40
15	112	136	124	110	161	288	299	490	222	76	43	40
16	114	138	121	89	162	274	325	512	206	71	44	40
17	114	135	101	75	149	253	374	621	194	68	55	40
18	114	132	78	84	147	233	410	787	183	69	49	41
19	115	131	82	108	136	240	419	865	172	72	45	42
20	119	132	103	108	126	238	376	802	161	75	44	43
21	122	144	115	99	109	218	332	748	152	74	43	43
22	125	149	103	103	119	202	315	652	141	70	42	43
23	125	151	97	106	130	194	336	568	141	70	43	42
24	123	142	106	118	142	188	386	508	134	76	43	42
25	121	132	111	138	138	184	397	479	126	70	41	42
26	120	132	113	145	117	179	410	475	119	62	40	41
27	120	131	112	151	109	170	449	493	113	57	40	40
28	119	123	104	147	111	172	492	490	107	57	41	41
29	118	133	82	143	---	165	548	467	105	57	41	42
30	121	127	81	136	---	158	604	427	103	56	40	43
31	124	---	80	133	---	156	---	395	---	57	40	---
TOTAL	3768	3949	3083	3347	3762	7127	10844	16610	6749	2570	1361	1219
MEAN	122	132	99.5	108	134	230	361	536	225	82.9	43.9	40.6
MAX	139	151	155	151	162	434	604	866	380	174	56	43
MIN	112	121	36	45	109	135	163	395	103	56	40	38
AC-FT	7470	7830	6120	6640	7460	14140	21510	32950	13390	5100	2700	2420

CAL YR 1986 TOTAL 189590 MEAN 519 MAX 3180 MIN 36 AC-FT 376100
WTR YR 1987 TOTAL 64389 MEAN 176 MAX 866 MIN 36 AC-FT 127700

1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 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	44	77	90	81	99	191	303	493	719	195	57	42
2	44	82	103	77	90	230	288	483	794	183	57	42
3	45	91	116	62	71	261	303	453	736	173	57	41
4	45	96	106	58	56	278	376	433	803	163	57	41
5	45	97	98	62	53	302	496	417	895	152	57	42
6	45	91	98	81	69	356	429	407	895	138	57	42
7	46	98	93	84	101	445	430	455	816	132	57	42
8	47	98	94	88	112	338	523	475	740	126	57	40
9	52	108	94	93	113	313	505	504	673	121	57	40
10	54	111	83	100	119	296	471	493	615	116	57	40
11	54	99	99	111	155	241	455	474	581	110	57	41
12	55	93	104	113	178	208	504	512	558	103	57	40
13	55	92	83	95	165	189	589	641	539	100	57	41
14	54	90	31	88	139	185	660	754	515	96	60	43
15	55	91	49	98	137	185	684	752	493	92	60	43
16	56	105	68	114	134	193	687	784	474	87	57	44
17	57	102	88	99	119	187	694	909	459	83	56	44
18	57	95	86	77	108	174	748	934	443	81	56	43
19	57	87	88	67	107	173	750	835	424	79	55	43
20	57	79	79	50	102	187	711	731	407	77	53	56
21	57	84	83	69	106	255	710	673	386	74	53	57
22	57	95	80	75	113	402	672	675	370	69	48	61
23	57	91	91	99	111	384	615	719	341	65	46	63
24	57	87	61	96	108	361	561	769	315	62	45	63
25	59	85	35	87	111	339	531	782	292	59	50	58
26	63	82	36	77	117	314	519	806	278	57	44	57
27	65	76	44	84	125	416	500	795	270	58	44	57
28	65	57	60	90	137	530	470	753	251	58	44	56
29	64	55	74	99	158	426	458	711	229	62	44	56
30	63	68	86	101	---	376	464	717	209	66	44	57
31	70	---	88	103	---	337	---	731	---	61	44	---
TOTAL	1701	2662	2488	2678	3313	9072	16106	20060	15570	3098	1641	1441
MEAN	54.9	88.7	80.3	86.4	114	293	537	647	519	99.9	52.9	48.0
MAX	70	111	116	114	178	530	750	934	895	195	60	63
MIN	44	55	31	50	53	173	288	407	209	57	44	40
AC-FT	3370	5280	4930	5310	6570	17990	31950	39790	30880	6140	3250	2860

CAL YR 1987 TOTAL 60440 MEAN 166 MAX 866 MIN 31 AC-FT 119900
WTR YR 1988 TOTAL 79830 MEAN 218 MAX 934 MIN 31 AC-FT 158300

MAR 05 1992

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 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	57	65	114	130	167	427	1110	804	576	284	69	56
2	57	66	79	126	139	385	1090	804	561	269	68	56
3	57	69	80	119	129	506	1080	823	604	252	66	56
4	57	68	107	104	113	344	971	879	684	237	65	56
5	57	77	106	112	89	289	901	1030	705	225	64	56
6	56	83	91	114	67	387	928	1140	748	211	60	56
7	56	76	118	105	56	1240	1110	1220	802	198	60	56
8	56	76	145	98	45	1240	1340	1340	813	183	58	56
9	56	78	144	102	66	1240	1580	1410	825	172	59	57
10	56	82	124	122	94	1740	1600	1520	825	171	65	57
11	57	81	126	123	125	1650	1470	1630	787	167	62	57
12	57	80	126	114	136	1430	1460	1520	765	159	65	57
13	57	82	125	98	137	1300	1410	1280	731	155	69	57
14	57	84	125	100	128	1130	1380	1120	713	152	67	57
15	56	89	119	79	125	871	1410	1030	698	141	58	57
16	57	97	79	104	121	745	1480	985	723	132	57	57
17	57	93	38	101	129	702	1510	931	737	127	57	58
18	57	97	45	109	352	618	1530	875	622	121	56	61
19	58	93	65	115	493	609	1600	887	572	113	56	58
20	59	90	139	110	*570	618	1700	852	537	106	56	64
21	59	80	142	107	290	536	1730	828	495	101	57	61
22	61	89	137	112	209	525	1750	835	436	102	57	57
23	61	99	126	119	171	616	1670	863	397	107	56	57
24	62	136	108	101	225	691	1470	887	369	105	56	56
25	62	188	111	81	271	737	*1300*	*825*	344	96	57	56
26	62	149	100	52	466	888	1140	765	322	90	61	55
27	62	129	77	48	716	974	1010	713	309	86	62	55
28	63	119	*58*	63	*532*	*922*	937	653	309	81	59	55
29	64	151	46	82	---	1020	883	657	301	77	57	56
30	64	146	68	110	---	1160	833	644	296	73	56	56
31	65	---	127	143	---	1040	---	614	---	71	56	---
TOTAL	1822	2912	3195	3203	6161	26580	39383	30365	17576	4564	1869	1709
MEAN	58.8	97.1	103	103	220	857	1313	980	586	147	60.3	57.0
MAX	65	188	145	143	716	1740	1750	1630	825	284	69	64
MIN	56	65	38	48	45	289	833	614	296	71	56	55
AC-FT	3610	5780	6340	6350	12220	52720	78120	60230	34860	9050	3710	3390

CAL YR 1988 TOTAL 80908 MEAN 221 MAX 934 MIN 38 AC-FT 160500
WTR YR 1989 TOTAL 139340 MEAN 382 MAX 1750 MIN 38 AC-FT 276400

* Estimated

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE 11/19/91

STATION NUMBER 13168500 BRUNEAU RIVER NR HOT SPRING ID STREAM SOURCE AGENCY USGS
LATITUDE 424616 LONGITUDE 1154310 DRAINAGE AREA 2630 DATUM 2598.50 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	56	92	54	86	93	222	351	529	858	250	58	55
2	57	95	79	87	95	244	380	485	831	238	57	53
3	65	90	87	79	90	242	439	453	694	225	56	52
4	73	92	100	67	89	335	502	423	623	209	56	45
5	77	94	118	66	83	372	526	415	627	192	56	46
6	72	98	144	68	80	334	520	430	649	176	55	52
7	73	99	136	93	78	277	517	465	645	163	55	54
8	74	96	130	117	78	251	513	511	618	151	53	47
9	72	95	122	129	85	256	544	489	618	141	46	45
10	72	94	114	184	88	257	489	456	631	139	45	45
11	70	95	93	182	113	304	437	437	660	134	45	44
12	69	96	61	152	110	336	427	427	633	123	46	43
13	68	98	51	136	99	277	424	417	558	116	54	42
14	68	98	69	137	66	238	425	411	534	108	47	41
15	68	98	110	156	37	220	441	407	556	102	44	40
16	68	97	116	140	78	215	487	386	578	95	44	39
17	69	91	89	113	93	194	527	363	508	89	43	39
18	72	99	76	95	104	197	546	343	463	87	44	39
19	73	103	73	66	94	230	520	341	442	85	44	40
20	76	103	69	42	91	341	483	343	438	83	48	41
21	76	101	75	45	94	427	489	344	452	81	56	42
22	75	99	85	51	103	479	524	343	454	78	58	42
23	75	98	86	91	116	530	551	344	443	76	57	42
24	81	100	82	113	111	597	633	407	439	74	56	43
25	107	113	76	99	115	558	656	459	415	69	57	43
26	128	133	59	113	137	486	559	447	385	68	62	42
27	131	130	47	107	148	477	515	417	351	68	65	e42
28	127	122	57	89	187	495	483	403	327	67	59	e42
29	115	81	71	87	---	439	531	502	301	66	56	e41
30	109	55	88	102	---	386	559	785	275	64	55	e41
31	101	---	91	100	---	348	---	902	---	59	54	---
TOTAL	2517	2955	2708	3192	2755	10564	14998	13879	15976	3676	1651	1320
MEAN	81.2	98.5	87.4	103	98.4	341	500	448	533	119	52.6	44.0
MAX	131	133	144	184	187	597	656	902	858	250	65	54
MIN	56	55	47	42	37	194	351	341	275	59	43	39
AC-FT	4990	5860	5370	6330	5460	20950	29750	27530	31690	7290	3240	2620

CAL YR 1989 TOTAL 139591 MEAN 382 MAX 1750 MIN 45 AC-FT 276900
WTR YR 1990 TOTAL 76171 MEAN 209 MAX 902 MIN 37 AC-FT 151100

e Estimated

Form 202
3/78

Ident. No. 51-7293

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard L Owen, Trustee/ Owen's Ranch Trust Phone 845-2742

Post office address Star Route B, P. O. Box 110, Bruneau, ID 83604

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

3. Location of point of diversion is (a) SW¼ NE ¼ of SE ¼ of Section 22 Township 7S

Range 6E B.M. Owyhee County, additional points of diversion if any:

(b) (or) SE NW SE S.22 T 7S R 6E (one spring - near line)

4. Water will be used for the following purposes:

Amount 2.5cfs (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)

5. Total quantity to be appropriated:

a. 2.5 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Concrete basin at spring head, 50 hp electric pump & bowls, 10" PVC pipe to existing mainline at NW corner of NWSW, Sec. 23

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is not for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____

      Range _____ B.M.

      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

      (5) If water is to be used for other purposes describe: _____

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Admitted 11-26-91 BS

Exhibit G

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	6E	22	15			40									30				85
		23									10	10							20
		26						10	10										20

Total number of acres to be irrigated 125

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion applicant

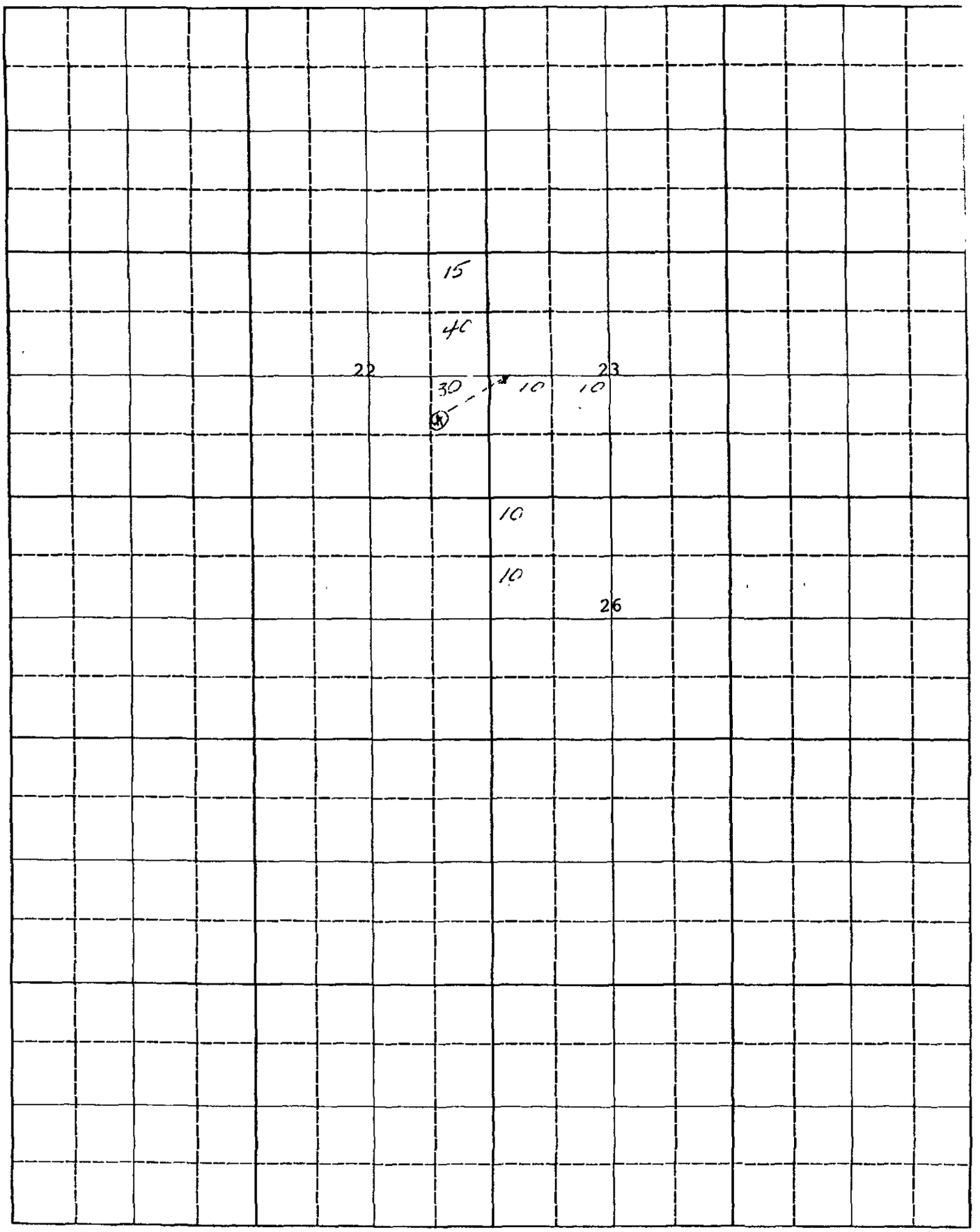
b. Who owns the land to be irrigated or place of use applicant

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 There are other rights in some of the same subdivisions but not for these same lands

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



Scale. 2 inches equal 1 mile.

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

OWEN'S RANCH TRUST

MAR 05 1992

(Applicant)

Richard L. Owen, Trustee

Received by JP Date 6/27/86 Time 10.00

Preliminary check by JP Fee $ $5.00

Receipted by JP Date 6/27/86 RECEIPT No. 40415

Publication prepared by JP Date 7/30/86

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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.

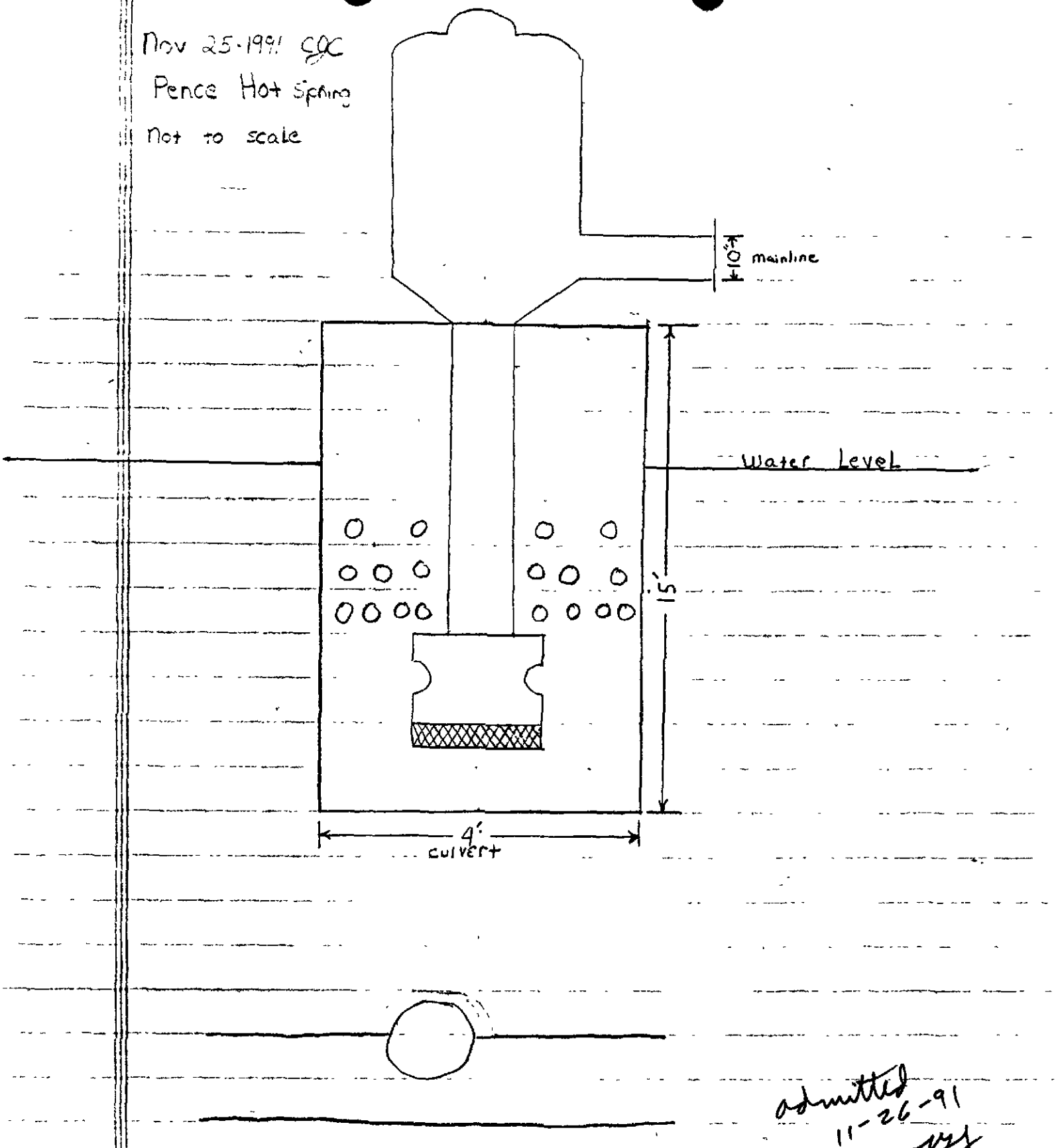
   d. Other:

05 1992

Nov 25-1991 CJC

Pence Hot Spring

Not to scale



admitted
11-26-91
vjs

DEC 05 1992

Exhibit H

Dept. of Water - Statehouse

THE OWYHEE AVALANCHE

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss
COUNTY OF OWYHEE)

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

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

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

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

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in two(2)

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

November 21 & 28, 1990

Signed Joe E Aman

Subscribed and sworn to before me this 28th day of Nov. A.D., 19 90

Chris Baham

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 1996

NOTICE OF APPLICATION FOR TRUST WATER RIGHTS
51-07293
OWENS RANCH TRUST
RICHARD L. OWEN,
TRUSTEE
BOX 590
BRUNEAU, ID 836040000
Source: SPRINGS
Diversion Pt: NESE Sec 22 T 07S R 06E
Use: IRRIGATION (2.500 CFS)
Total Diversion: (2.500 CFS)
Date Filed: 6/27/ 1986
In: T07S R06E S22 NENE SENE NESE
S23 NESW NWSW
S26 NWNW SWNW
125.0 ACRES TOTAL

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 public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before DECEMBER 13, 1990.

R. KEITH HIGGINSON,
Director

Publish November 21 & 28, 1990

OK TJK 12-3-90

Submitted 11-26-91 MB

DEC 5 1992

Exhibit I

HOT SPRINGS ORTHOPHOTOQUAD, MAP # AA63



T7S

T8S

400 000 FEET

42°45'

115°45'

510 000 FEET

Produced by the Geological Survey

Orthophotograph prepared from 1.76,000-scale aerial photographs taken August 4, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (transverse Mercator) 1000-metre Universal Transverse Mercator grid ticks, zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques which may produce double or mismatched images; use the mean of image positions for map point.

SCALE 1:24000

1000 0 1000 2000 3000 4000

NORTH

SECTION
INTENDED USE

THIS MAP COMPLIES WITH NATIONAL MAP AC
FOR F BY U S VEY

Owen Ranches, Inc. Rehearing
Notes by D. Tuthill 11/26/1991 / Hearing Officer - Glen Saxton
* Issues - Eliminate Sufficiency of Financial Resources

Applicant - present & represented by Scott Campbell
Protestants - John Urquidi & Gene Davis - present & representing themselves

John B. Urquidi - Son
John C. Urquidi - Father

Scott Campbell -
- States that protests are late (after 10 days) and are therefore invalid
- States that protests are inadequate in that they do not state all of the elements of objection
- Objection noted for the record by the Hearing Officer

Richard Owen
- Point of diversion is depicted on orthophotoquad - Exhibit J
- Water has been acquired
- Reason for acquiring this water rt - Conservation of ground water
- Brureau River is not a part of a water district
- Companies do not have meas dev at p/d from the Brureau R.
- Meas dev for Southside Ditch is 600-800' downstream of diversion pt.

Charles Ceccarelli
- Represents Owen Ranches as farm manager
- Oversees irrigation & harvesting of crops
- Plans to take water from spring → cooling pond → land above road
- Major canals: Hot Springs
  Southside
  Brureau - Buckaroo
- Water tables are declining

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Bill Young, USGS Water Res Div since Feb '67
Proj Chief, Hyd Studies Section
Certified Hydrogeologist

Exhibits Offered - Per Scott Campbell
Intended to show: claims by Canal companies are excessive
Some diversions are only based on constitutional use rights

Protestants' Presentation
Gene Davis Bruneau Id
Bruneau Cattle Company has 74 inches (shares) in South Side Canal
- Proposed diversion will affect existing diversions
- Documentation shows supply is insufficient - Flow from Pence Hot Spgs is less than the measured amount
- Proposed use conflicts with local public interest by reducing water available to other users
- Did not measure water in 1991
- Ditch rider is Frank Davis
- No water dist has been requested due to added cost

John B. Urquidi
Witness Bill Young Bruneau study includes Pence Hot Springs
Measurements were made 75' west of main road. No other springs nearby were noticed.

Personal testimony
- Concerned that there exists a culvert next to the river

John C. Urquidi - Partner in J*J Ranches
* Questions the ability of the applicant to the area defined
The water will be pumped to a common cooling pond

Q: Why no water dist?
A: Would not justify the expense.

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IDWR Questions (DEC)

Q. 1. Spgs v Spg / output of spring?
A Pence Hot spring provides about ½; cold water springs provide about half.

Q. 2. How do you propose to place water on the selected acres?
A. Water rts are insufficient on the 125 acres identified on the app. However, water is needed to be spread over the entire irrigated area.

- Closing comments by Glen Saxton (include notice of records).

Briefs are allowed within the next x days, NLT Dec 12th, 1991.
10 days response.

DOCUMENT
MAR 05 1992

Exhibits for Owens Ranches Rehearing

No	Protestants' Exhibits	Admitted?
1	Bruneau Water Suit Summary	Yes
	Applicant's Exhibits	
A	Bruneau R. Decree G V Irr Dist v. Bruneau et al	Yes
B(1-7)	Claims filed by Bruneau Bue. Ditch Co.	Yes
C(1-12)	" " " Hot Spgs Ditch Co.	Yes
D(1-4)	" " " South Side Bruneau Canal Co. Ltd.	Yes
E	Illustrative Chart (Reduced size will be submitted)	Yes
F		
G	Copy of App for Permit	Yes
H	Diagram Showing Concrete culvert/pump installation proposal	Yes
I	Affidavit of Bob Groome Owyhee Avalanche	Yes
J	Orthophotoquad - Hot Spgs, Id (Reduced portion)	Yes
F(1)	Bruneau Buckaroo Ditch Flow Data '84-'90	Yes
F(1)A	Pense Hot Spgs Flow Data	Yes
F(2)	South Side Canal	Yes
F(3)	Hotspgs Ditch	Yes
F(4)	Bruneau R. Nr Grandview - Near mouth	Yes
F(5)	Bruneau R. NR Hot Spgs - Above any diversions	Yes
F(6)	Bruneau R. HR Hot Spgs	Yes

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MAR 05 1992

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	51-07293	Owen's Ranch Trust	2.50
Full Assignment	51-07293	J.R. Simplot Revocable Trust	2.50

RECEIVED
OCT 21 1994

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

RECEIVED
OCT 6 1994
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.

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. MABBUTT NOTARY PUBLIC STATE OF IDAHO

Notary Public Residing at Meridian ID

OCT 21 1994

Exp. Date: 4-25-2000

database updated 10/11/94 cmx

Form 217
11/91

RECEIVED
JAN 0 5 1994
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee $ 375.00
Date 1/5/94
Receipt No. 0529366
Receipt by DW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 51-07293 Telephone No. 208-845-2001

2. Name(s) of Permit Holder(s): RICHARD L. OWEN, TRUSTEE

3. Mailing Address: P.O. BOX 590, BRUNEAU, ID 83604

4. Source of Water: SPRING

   If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

   OPTIONAL:
   Pump horsepower: 25 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit): Please see attached letters, 16 Sept. 1991, from Scott Benowitz, P.E., and 23 Sept. 92 to Scott Campbell. The water supplements other wells.
   Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)
   Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 2.50 cfs **OR** _____ acre/feet
   qw

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

   Measuring device: Required? ___ Yes ✓ No Installed? ___ Yes ___ No
   OR
   Flow Measurement Port: Required? ✓ Yes ___ No *Installed?* ___ Yes ✓ No

8. Fee Enclosed: $ 375.00 (See License Fee Schedule on back of Instruction Sheet)

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

   Richard L. Owen - Phil Rarick 845-2001
   Name Telephone No.

   P.O. Box 590, Bruneau, ID 83604
   Address

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

APR 13 1994

4 January 1994 TRUSTEE, OWNER
Date Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 51-07293

Proposed Priority: June 27, 1986 Maximum Diversion Rate: 2.50 CFS

This is to certify, that ***OWENS RANCH TRUST***
RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU ID 836040000

has applied for a permit to appropriate water from:

SPRINGS tributary of **BRUNEAU RIVER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 07/15	2.50 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNESE , Sec. 22, Township 07S, Range 06E
SENWSE , Sec. 22, Township 07S, Range 06E
OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
07S	06E	22	NENE	15	SENE	40	NESE	30	85
		23	NESW	10	NWSW	10			20
		26	NWNW	10	SWNW	10			20

Total number of acres irrigated: 125

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1994.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. 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.

MAR 0 5 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 51-07293

6. 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.
7. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. 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.
9. Single point of diversion located on or near line between SWNESE and SENWSE, S22, T07S, R06E.

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

24th day of January, 1992.

R. Keith Higginson, Director

for

5 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-07293 IN THE NAME OF OWEN'S RANCH TRUST	FINAL ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record on January 8, 1992, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order, and Application for Permit No. 51-07293 is APPROVED, and proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1994.

Dated this 24TH day of JANUARY, 1992.

R. KEITH HIGGINSON
Director

MAR 0 5 1992

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 28th day of January 1992, a true and correct copy of the ORDER ADOPTING THE PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Scott L. Campbell
Elam, Burke and Boyd
P.O. Box 1539
Boise, ID 83701

Owen's Ranch Trust
c/o Richard L. Owen
Star Route B
P.O. Box 110
Bruneau, ID 83604

John B. Urquidi
HC 85, Box 135
Bruneau, ID 83604

Gene Davis
HC 85, Box 138
Bruneau, ID 83604

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

FEB 3 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWEN'S RANCH TRUST

ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, L. GLEN SAXTON, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

FEB 6 1992

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral agruments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 8th day of January, 19 92.

R. KEITH HIGGINSON
Director

MAR 05 1992

P 860 399 188

Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

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

Postage	$ 29
Certified Fee	1 —
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 —
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	$ 2 29
Postmark or Date	

PS Form 3800, June 1990

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 the 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 [redacted]ed, check the applicable blocks in item 1 of Form 3811

6. Save this receipt and present it if you make inquiry

U.S.G.P.O 1990-270-153

PS Form **3800**, June 1990 *(Reverse)*

P 860 399 187

Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

UNITED STATES

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

Postage	$ .29
Certified Fee	1.—
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.—
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	$ 2.29
Postmark or Date	

PS Form 3800, June 1990

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☆U.S.G.P.O. 1990-270-153

PS Form **3800**, June 1990 *(Reverse)*

P 860 399 186

Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

UNITED STATES

JOHN B URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

Postage	$ .29
Certified Fee	1.-
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.-
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	$ 2.29
Postmark or Date	

PS Form 3800, June 1990

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U S G.P O 1990-270-

Form **3800**, June 1990 *(Reverse)*

P 860 399 185

Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail

OWENS RANCH TRUST
RICHARD L OWEN TRUSTEE
STAR ROUTE B
PO BOX 110
BRUNEAU ID 83604

Postage	$ 29
Certified Fee	1 —
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 —
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	$ 2 29
Postmark or Date	

MAR 05 1992

PS Form 3800, June 1990

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6 Save this receipt and present it if you make inquiry

U.S G.P.O. 1990-270

PS Form **3800**, June 1990 *(Reverse)*

UNITED STATES POST[illegible]ERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

BOISE, ID 837
PM
29 OCT

RECEIVED
OCT 30 1991



PENALTY FOR PRIVATE USE, $300

MAR 05 1992

Department of Water Resources
Print Sender's name, address, and ZIP Code in the space below.
Western Regional Office

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-7293

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

JOHN B URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

FILED

05 1992

4. Article Number
P 860 399 186

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X John B Urquidi

6. Signature — Agent
X

7. Date of Delivery
10-28-91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 *U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

UNITED STATES POST[illegible] SERVICE

OFFICIAL BUSINESS

BOISE, ID 837 PM 25 OCT 1991

FOR THE RIDE

AM 1991

PENALTY FOR PRIVATE USE, $300

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MAR 05 1992

RECEIVED

OCT 28 1991

Department of Water Resources
Western Regional Office

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

51-1293

SEND Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

OWENS RANCH TRUST
RICHARD L OWEN TRUSTEE
STAR ROUTE B
PO BOX 110
BRUNEAU ID 83604

RECEIVED
MAR 05 1992

4. Article Number
P 860 399 185

Type of Service:
- ☒ Registered
- ☐ Insured
- ☐ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

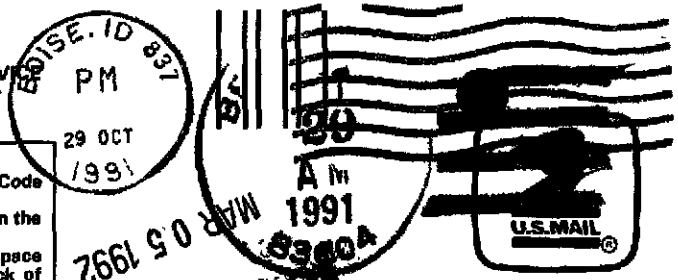
5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
10-25-91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Apr. 1989 *U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT



UNITED STATES POST[illegible]RVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED
OCT 30 1991
Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

4. Article Number
P 860 399 187

Type of Service:
- ☐ Registered
- ☐ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

CANCELLED
MAR 05 '90

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X Eric Davis

7. Date of Delivery
10-29-31

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWEN'S RANCH TRUST	**PROPOSED MEMORANDUM DECISION AND ORDER**

This matter having come before the Department of Water Resources (department) as an Application for Permit filed by Owens Ranch Trust by Richard L. Owen, Trustee, hereinafter applicant, protests having been filed, a conference, a hearing and a rehearing having been held, the Hearing Officer, as a representative of the Director of the department proposes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On June 27, 1986, the applicant filed Application for Permit No. 51-7293 (application) with the department proposing the diversion of 2.5 cubic feet per second (cfs) from springs tributary to the Bruneau River. The points of diversion are described as being within the SWNESE and SENWSE Section 22, T7S, R6E,BM and the proposed season of use is April 1st to October 31st of each year.

2. The application proposes the irrigation of 125 acres of land located within parts of Sections 22, 23 and 26, T7S, R6E,B.M., Owyhee County, Idaho.

3. On November 21 and 28, 1990, the department advertised the application in the Owyhee Avalanche, a newspaper of general circulation in Owyhee County.

4. On December 12, 1990, John B. Urquidi, Jr. and Gene Davis, hereinafter protestants, filed protests against approval of the application.

5. The department held a conference in the matter on April 10, 1990. The applicant and protestants were present and represented themselves.

6. Since the conference did not resolve the matter of protest, on June 19, 1991, the department conducted a hearing attended by the applicant and protestants. John B. Urquidi, Sr. represented John B. Urquidi, Jr. who was unable to attend the hearing.

7. On August 13, 1991, the department issued a proposed

MAR 05 1992

Memorandum Decision and Order in the matter. The applicant subsequently filed exceptions to the proposed decision and requested that the hearing in the matter be reopened to allow the presentation of additional evidence. The Department granted a rehearing which was held on November 26, 1991, in Boise, Idaho.

8. The protestants identified the following issues:

a) That the proposed use will reduce the quantity of water under existing water rights,

b) That the water supply is insufficient for the purpose for which it is sought to be appropriated,

c) That the application is not made in good faith, and is made for delay or speculative purposes,

d) That the proposed use will conflict with the local public interest, and

e) That the proposed use is contrary to conservation of water resources within the state of Idaho.

9. The water sought to be appropriated is flow from Pence Hot Spring and cold water springs which discharge through an eighteen inch diameter pipe flowing about half-full year-round. The pipe discharges directly into the Bruneau River. Pence Hot Spring will provide about one-half of the water sought in the application with the other half being provided by cold water springs.

10. Most of the 125 acres shown as the place of use on the application is developed and is irrigated with ground water. Application 51-7293 would provide supplemental surface water for the irrigation of the land.

11. The discharge from Pence Hot Spring has been periodically measured. The discharge varies from a minimum of 705 gallons per minute (1.57 cfs) to a maximum of 1060 gallons per minute (2.36 cfs).

12. The major irrigation diversions from the Bruneau River are by the Bruneau Buckaroo Ditch Co., the Hot Springs Ditch Co. and the South Side Bruneau Canal Co. Ltd. The Buckaroo ditch and Hot Springs ditches divert water from the Bruneau River upstream from where the springs sought for appropriation in the application flow into the Bruneau River. The South Side canal diverts water from the Bruneau River downstream from where the springs flow into the Bruneau River.

13. The existing decreed water rights of the major users on the Bruneau River as determined in the case of Grandview Irrigation District v. Bruneau Buckaroo Co-operative Ditch Company, et. al, are as follows:

MAR 05 1992

Buckaroo Ditch ..... 60.0 cfs
Hot Springs Ditch ..... 14.0 cfs
South Side Bruneau Canal.. 24.0 cfs

Each of these entities, however, has submitted adjudication claims in the ongoing Snake River Basin Adjudication for quantities in excess of these amounts.

14. The validity or the extent of the validity of any of the unadjudicated Snake River Basin Adjudication claims which have been filed with the department is unknown and will remain unknown until determined by the district court.

15. The flows of the Bruneau River as shown by the records of the United States Geological Survey have often been measured in excess of the established water rights of record. Such excess measurements generally occur prior to July 15th in typical water years.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, states in part as follows:

> The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application in not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people directly affected by the propsed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Chapter 6, Title 42, Idaho Code, provides for the creation of water districts by the department and for the appointment of watermasters who are authorized to distribute water during times of scarcity to those entitled to its use.

3. The applicant has the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of

MAR 05 1992

Section 42-203A(5), Idaho Code, and the ultimate burden of persuasion for all of the criteria of Section 42-203A, Idaho Code.

4. Both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are each most cognizant.

5. The water sought for appropriation is tributary to the Bruneau River.

6. The appropriation will not injure prior water rights if diversion and use of the water under terms of any permit issued by the department is subject to all prior water rights and the season of use is limited to the time period when flows in the Bruneau River generally exceed the permitted, licensed and decreed rights of record.

7. The water supply is sufficient for the purpose for which it is sought to be appropriated and has been measured in approximately the amount applied for.

8. The application was made in good faith and not for delay or speculative reasons. The applicant intends to divert and apply the water to beneficial use and has access to the property to construct and operate the proposed project as described in the application. Part of the diversion and distribution system has already been constructed and some of the equipment has been purchased.

9. The application does not conflict with the local public interest which in the general vicinity of the application is ranching and the raising of irrigated crops.

10. The application is not contrary to conservation of water resources within the state of Idaho.

11. The department should issue a permit with certain conditions and limitations.

ANALYSIS

The proposed memorandum decision and order issued by the department on August 13, 1991, denied the application for permit. The reason for the denial was that the applicant had not met the required burden of proof and had not provided sufficient factual information on which the department could base a reasoned decision.

During the second hearing held on November 26, 1991, the applicant did meet the required burden of proof and did provide sufficient factual information on which to base a decision.

ORDER

IT IS THEREFORE, HEREBY ORDERED, that Application for Permit

MAR 0 5 1992

No. 51-7293 is APPROVED subject to the following conditions:

1. Use of water under the permit is subject to all prior rights.

2. The season of use is limited to April 1 to July 15 of each year.

3. A flow measurement port or other device as specified by the department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the department.

4. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date shown in the final Memorandum Decision and Order.

Signed this 8th day of January, 1992.

L. GLEN SAXTON
Hearing Officer

MAR 05 1992

CERTIFICATE OF MAILING

I, HEREBY certify that on this 8th day of January, 1992, a true and correct copy of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER FOR PERMIT NO. 51-7293 were mailed, postage prepaid to:

Scott L. Campbell
Elam, Burke and Boyd
702 West Idaho
P. O. Box 1539
Boise, ID 83701

Owen's Ranch Trust
c/o Richard L. Owen
Star Route B
P.O. Box 110
Bruneau, ID 83604

John B. Urquidi
HC 85, Box 135
Bruneau, ID 83604

Gene Davis
HC 85, Box 138
Bruneau, ID 83604

Karen L. Gustafson
KAREN L. GUSTAFSON
Secretary/Records Manager

MAR 05 1992

RECEIVED
SEP 16 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST

ORDER

GRANTING REHEARING

On June 19, 1991, the Director of the Department of Water Resources (Director) issued a Proposed Memorandum Decision and Order denying the above captioned application for permit.

On August 28, 1991, Owens Ranch Trust (applicant) filed exceptions to the decision and requested a rehearing in connection with the proposed decision. The protestants did not file an answer to the exceptions or request for rehearing.

The Director has reviewed the applicant's petition and responds to each exception as follows:

Exception I. Finding of Fact No. 7 should not be changed, since the protestants identified all of the matters listed in the finding as issues. The amount of evidence presented in connection with an issue is not the measure to determine whether a matter is an issue or not. The exception also incorrectly states that other "filings" of the protestants did not raise the matters as issues. The written protest of John Urquidi clearly alleges injury to his prior water right.

Exception II. The exception is incorrect. The written protest of John Urquidi states that he receives less water than his entitlement during June, July and August through the South Side Canal Company and would receive less water if the pending application is approved. The statement was not contested by the applicant. The exception and some of the following exceptions incorrectly infer that the only "record" in this matter is the electronic tape recording of the hearing. The water right file, related documents and correspondence in the water right file are also properly part of the "record".

The applicant bears the burden of proof under Water Appropriation Rules 4,4,2,1. and 4,4,3. and clearly did not meet the proof requirements.

Exception III. The exception is without merit, since Water Appropriation Rules 4,4,2,1. and 4,4,3. describe the burden of proof to be met by an applicant.

Exception IV. The exception is without merit for the same reason as described under Exception II. above.

MAR 0 5 1992

Exception V. No response is required, since the exception merely disagrees with the decision reached.

Exception VI. The fact that water flows from the proposed spring source and has been measured by the USGS does not "demonstrate" there is unappropriated water available. Flow from the springs is tributary to the Bruneau River and has been used to supply water rights which divert directly from the Bruneau River.

Exception to the analysis section. See comments for Exception II. above.

Even though the exceptions filed by the applicant are not persuasive, the department will grant a rehearing since the quality and the amount of evidence provided by both the protestants and the applicant is lacking to the extent that a more reasoned decision can be reached if all of the parties to this matter better prepare themselves for hearing and provide a more thorough factual basis for their respective positions.

IT IS THEREFORE HEREBY ordered that the petition requesting a rehearing in this matter is GRANTED.

Dated this 12th day of September, 1991.

NORMAN C. YOUNG
Administrator

MAR 05 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWEN'S RANCH TRUST	ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, L. GLEN SAXTON, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

ENTERED

MAR 05 1992

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATE OF SERVICE

All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 13th day of August, 19 91.

R. KEITH HIGGINSON
Director

MAR 05 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO 51-7293 IN THE NAME OF OWEN'S RANCH TRUST	PROPOSED MEMORANDUM DECISION AND ORDER

This matter having come before the Department of Water Resources (department) as an Application for Permit filed by Owens Ranch Trust by Richard L. Owen, Trustee, hereinafter applicant, protests having been filed and a conference and a hearing having been held, the Hearing Officer, as a representative of the Director of the department proposes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On June 27, 1986, the applicant filed Application for Permit No. 51-7293 (application) with the department proposing the diversion of 2.5 cubic feet per second from Springs (sometimes known as Pence Hot Springs) tributary to the Bruneau River. The points of diversion are described as being within the SWNESE and SENWSE Section 22, T7S, R6E,BM.

2. The application proposes the irrigation of 125 acres of land located within parts of Sections 22, 23 and 26, T7S, R6E,B.M., Owyhee County, Idaho.

3. On November 21 and 28, 1990, the department advertised the application in the Owyhee Avalanche, a newspaper of general circulation in Owyhee County.

4. On December 12, 1990, John B. Urquidi, Jr. and Gene Davis, hereinafter protestants, filed protests against approval of the application.

5. The department held a conference in the matter on April 10, 1990. The applicant and protestants were present and represented themselves.

6. Since the conference did not resolve the matter of protest, on June 19, 1991, the department conducted a hearing attended by the applicant and protestants. John B. Urquidi, Sr. represented John B. Urquidi, Jr. who was unable to attend the hearing.

MAR 05 1992

7. Issues raised by the protestants include the following:

a) That the proposed use will reduce the quantity of water under existing water rights,

b) That the water supply is insufficient for the purpose for which it is sought to be appropriated,

c) That the application is not made in good faith, and is made for delay or speculative purposes,

d) That the proposed use will conflict with the local public interest, and

e) That the proposed use is contrary to conservation of water resources within the state of Idaho.

8. The water sought to be appropriated is flow from Pence Hot Springs and comes from an eighteen inch diameter pipe which flows about half-full year-round and discharges directly into the Bruneau River.

9. Most of the 125 acres shown as the place of use on the application is developed and is irrigated with ground water. Application 51-7293 would provide supplemental surface water for the irrigation of the land.

10. The protestants have existing water rights that are not fully supplied at all times during the year. Additional diversion of water from the Bruneau River or its tributaries during times of shortage will injure existing water rights.

CONCLUSIONS OF LAW

1. Idaho Code Section 42-203A, Idaho Code, states in part as follows:

> The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application in not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people directly affected by the propsed use, or (f) that it is contrary to conservation of water resources within the

MAR 05 19

state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. The applicant has the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of Section 42-203A(5), Idaho Code, and the ultimate burden of persuasion for all of the criteria of Section 42-203A, Idaho Code.

3. Both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are each most cognizant.

4. Unrefuted testimony shows that the water sought for appropriation is tributary to the Bruneau River.

5. The applicant did not meet the burden of proof to show that the application should be approved. The specific lack of showing is with respect to injury to existing water rights.

6. Water Appropriation Rule 5,1,1,1. provides that a proposed use will be determined to reduce the quantity of water under an existing water right if the amount of water available under an existing water right will be reduced below the amount recorded by permit, license, decree or valid claim or the historical amount beneficially used by the water right holder under such recorded rights, whichever is less.

7. Application for Permit No. 51-7293 should be denied.

ANALYSIS

This application cannot be approved since the applicant did not provide sufficient information on the availability of unappropriated water from the Bruneau River and its tributaries. Without such a showing, the applicant has not met his burden of proof and has not demonstrated there is water over and above the existing water rights on the Bruneau River.

With respect to injury to prior water rights, the applicant stated he would shut off his pump after a determination had been made that there was not sufficient water to supply prior rights. Such an offering can not be considered as the required showing that unappropriated water in fact is available for appropriation and/or that the proposed appropriation will not injure prior rights.

ORDER

IT IS THEREFORE, HEREBY ORDERED, that Application for Permit No. 51-7293 is REJECTED and that the Director refuses to issue a permit therefor.

MAR 03 1982

Signed this 13th day of August, 1991.

L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I, HEREBY certify that on this 13th day of August, 1991, a true and correct copy of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER REJECTING APPLICATION FOR PERMIT NO. 51-7293 were mailed, postage prepaid to:

Owen's Ranch Trust
c/o Richard L. Owen
Star Route B
P.O. Box 110
Bruneau, ID 83604

John B. Urquidi
HC 85, Box 135
Bruneay, ID 83604

Gene Davis
HC 85, Box 138
Bruneau, ID 83604

RITA I. FLECK
Secretary/Records Manager

MAR 05 1992

Form 202
3/78

Ident. No. 51-7293

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard L Owen, Trustee/ Owen's Ranch Trust Phone 845-2742

   Post office address Star Route B, P. O. Box 110, Bruneau, ID 83604

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

3. Location of point of diversion is (a) SW¼ NE ¼ of SE ¼ of Section 22 Township 7S

   Range 6E B.M. Owyhee County, additional points of diversion if any:

   (or) SE NW SE S.22 T 7S R 6E (one spring - near line)

4. Water will be used for the following purposes:

   Amount 2.5cfs (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)

5. Total quantity to be appropriated:

   a. 2.5 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Concrete basin at spring head, 50 hp electric pump & bowls, 10" PVC pipe to existing mainline at NW corner of NWSW, Sec. 23

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

   Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is not for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M.

      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: _____

      MAR 05 1992

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	6E	22	15			40									30				85
		23									10	10							20
		26						10	10										20

Total number of acres to be irrigated 125

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion applicant

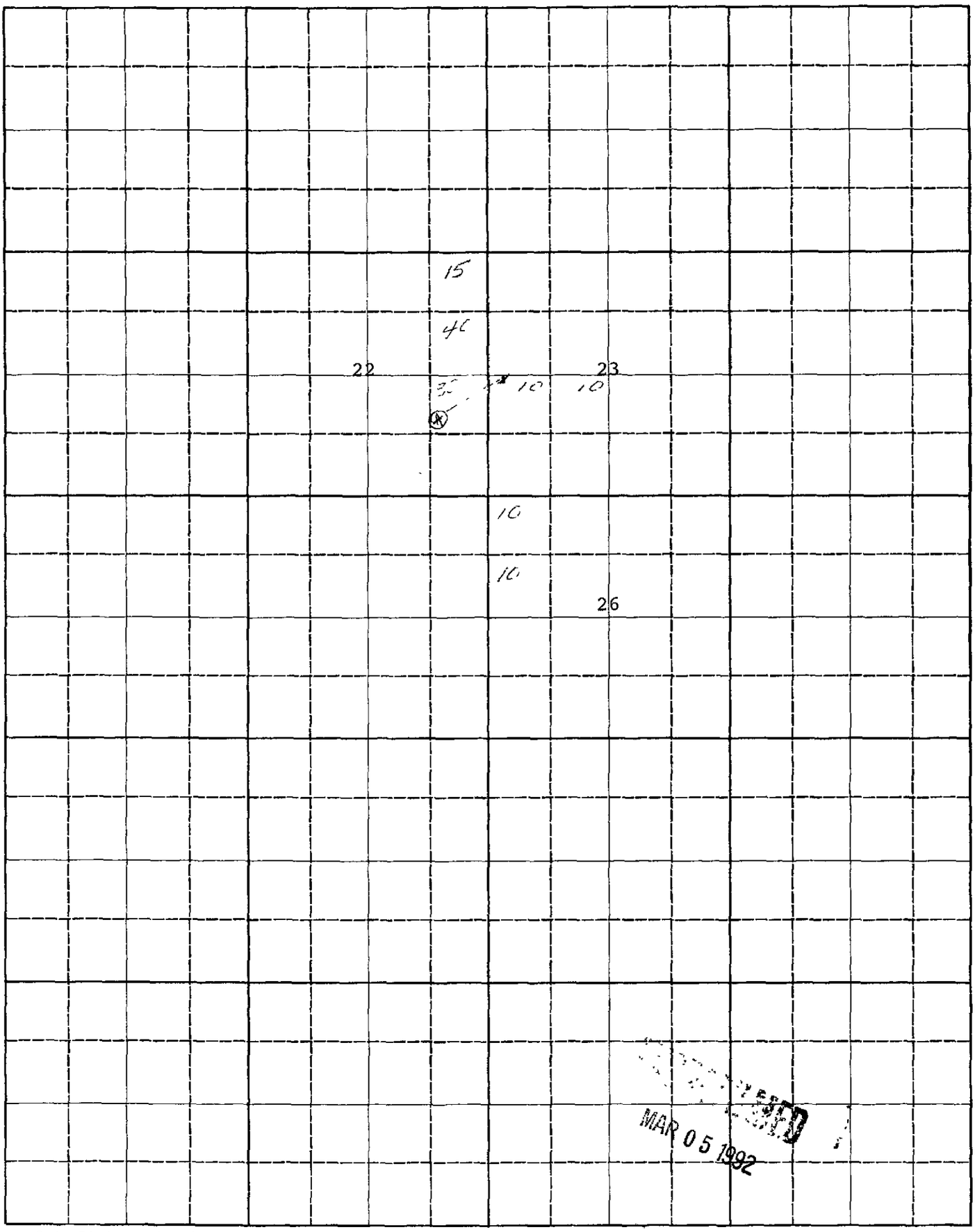
b. Who owns the land to be irrigated or place of use applicant

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 There are other rights in some of the same subdivisions but not for these same lands

MAR 05 1992

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



Scale 2 inches equal 1 mile.

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

OWEN'S RANCH TRUST

X _____

Richard L. Owen, Trustee (Applicant)

Received by JP Date 6/27/86 Time 10:00

Preliminary check by JP Fee $ 85.00

Receipted by JP Date 6/27/86 RECEIPT No. 40415

Publication prepared by JP Date 7/30/86

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

_____

_____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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:

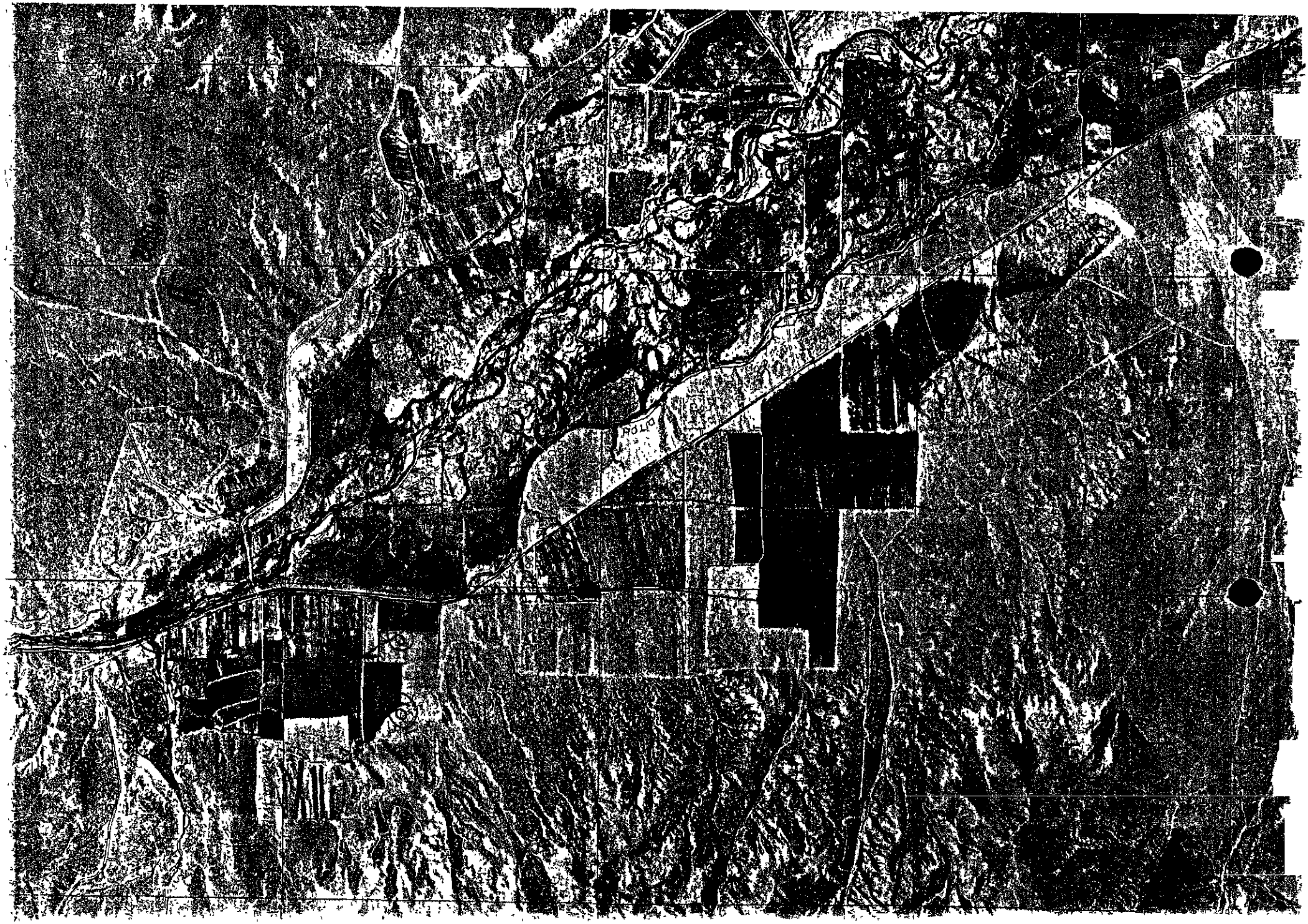
   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   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. Other:

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Dept of Water - Statehouse

THE OWYHEE AVALANCHE

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss
COUNTY OF OWYHEE)

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

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

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

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

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in two(2)

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

November 21 & 28, 1990

Signed Joe E Aman

Subscribed and sworn to before me this 28th day of Nov. A.D., 19 90

Chris Baham

Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 1996

[redacted]
RIGHT
51-07293
OWENS RANCH TRUST
RICHARD L. OWEN,
TRUSTEE
BOX 590
BRUNEAU, ID 836040000
Source: SPRINGS
Diversion Pt: NESE Sec 22 T 07S R 06E
Use: IRRIGATION (2.500 CFS)
Total Diversion: (2.500 CFS)
Date Filed: 6/27/ 1986
In: T07S R06E S22 NENE SENE NESE
S23 NESW NWSW
S26 NWNW SWNW
125.0 ACRES TOTAL
Permits will be subject to all prior water rights. [redacted] be submitted [redacted] the public [redacted] Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before DECEMBER 13, 1990.
R. KEITH HIGGINSON,
Director
Publish November 21 & 28, 1990

OK TJL 12-3-90

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See Folder #2 for
Rehearing / Exhibits / Correspondence

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APR 13 1994

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

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SEP 16 1991
Department of Water Resources
Western Region

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 13, 1991

Scott L. Campbell
Elam, Burke and Boyd
702 West Idaho
P.O. Box 1539
Boise, ID 83701

RE: APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST

Dear Mr. Campbell:

Enclosed is an order granting a rehearing in the above captioned matter.

The department will reschedule a hearing which likely will be held in Boise and will provide appropriate notice to you.

Please feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
John B. Urquidi
Gene Davis

MAR 05 1992

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

September 13, 1991

Gene Davis
HC 85
Box 138
Bruneau, ID 83604

RE: APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST

Dear Mr. Davis:

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Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
Scott L. Campbell
John B. Urquidi

DEC 5 1992

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

September 13, 1991

John B. Urquidi
HC 85
Box 135
Bruneau, ID 83604

RE: APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST

Dear Mr. Urquidi:

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The department will reschedule a hearing which likely will be held in Boise and will provide appropriate notice to you.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
Scott L. Campbell
Gene Davis

RECEIVED
SEP 05 1991

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

September 13, 1991

Scott L. Campbell
Elam, Burke and Boyd
702 West Idaho
P.O. Box 1539
Boise, ID 83701

RE: APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST

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Please feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
John B. Urquidi
Gene Davis

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST	ORDER GRANTING REHEARING

On June 19, 1991, the Director of the Department of Water Resources (Director) issued a Proposed Memorandum Decision and Order denying the above captioned application for permit.

On August 28, 1991, Owens Ranch Trust (applicant) filed exceptions to the decision and requested a rehearing in connection with the proposed decision. The protestants did not file an answer to the exceptions or request for rehearing.

The Director has reviewed the applicant's petition and responds to each exception as follows:

Exception I. Finding of Fact No. 7 should not be changed, since the protestants identified all of the matters listed in the finding as issues. The amount of evidence presented in connection with an issue is not the measure to determine whether a matter is an issue or not. The exception also incorrectly states that other "filings" of the protestants did not raise the matters as issues. The written protest of John Urquidi clearly alleges injury to his prior water right.

Exception II. The exception is incorrect. The written protest of John Urquidi states that he receives less water than his entitlement during June, July and August through the South Side Canal Company and would receive less water if the pending application is approved. The statement was not contested by the applicant. The exception and some of the following exceptions incorrectly infer that the only "record" in this matter is the electronic tape recording of the hearing. The water right file, related documents and correspondence in the water right file are also properly part of the "record".

The applicant bears the burden of proof under Water Appropriation Rules 4,4,2,1. and 4,4,3. and clearly did not meet the proof requirements.

Exception III. The exception is without merit, since Water Appropriation Rules 4,4,2,1. and 4,4,3. describe the burden of proof to be met by an applicant.

Exception IV. The exception is without merit for the same reason as described under Exception II. above.

MAR 05 1992

Exception V. No response is required, since the exception merely disagrees with the decision reached.

Exception VI. The fact that water flows from the proposed spring source and has been measured by the USGS does not "demonstrate" there is unappropriated water available. Flow from the springs is tributary to the Bruneau River and has been used to supply water rights which divert directly from the Bruneau River.

Exception to the analysis section. See comments for Exception II. above.

Even though the exceptions filed by the applicant are not persuasive, the department will grant a rehearing since the quality and the amount of evidence provided by both the protestants and the applicant is lacking to the extent that a more reasoned decision can be reached if all of the parties to this matter better prepare themselves for hearing and provide a more thorough factual basis for their respective positions.

IT IS THEREFORE HEREBY ordered that the petition requesting a rehearing in this matter is GRANTED.

Dated this 12th day of September, 1991.

NORMAN C. YOUNG
Administrator

MAR 05 1992

Scott L. Campbell
ELAM, BURKE AND BOYD
Key Financial Center, 10th Floor
702 West Idaho
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES,

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	EXCEPTIONS TO PROPOSED MEMORANDUM DECISION

Owens Ranch Trust, by Richard L. Owen, trustee (hereinafter "applicant"), by and through its counsel of record, Scott L. Campbell, of the firm of Elam, Burke and Boyd, hereby submits these Exceptions to Proposed Memorandum Decision, pursuant to Idaho Code section 42-1701(A) and Rules and Regulations of Practice and Procedure, Rules 10,2. and 10,2,1.

EXCEPTIONS

I.

APPLICANT TAKES EXCEPTION TO FINDINGS OF FACT NO. 7A THROUGH 7E

This finding implies that the protestants raised all five of the issues and presented evidence on each issue at the hearing

MAR 05 1992

conducted on June 19, 1991. The hearing record demonstrates that such is not the case. Additionally, the protestants did not raise all of the issues in any other filings with the Department of Water Resources.

II.

APPLICANT TAKES EXCEPTION TO FINDINGS OF FACT NO. 10

The record before the Department presents no evidence that the protestants have existing water rights that are not fully supplied at all times during the year. The testimony at the hearing did not establish this fact, nor did any of the documentation presented by the protestants. Additionally, no evidence presented to the Department or testimony presented at the hearing established that "additional diversion of water from the Bruneau River or its tributaries during times of shortage will injure existing water rights."

III.

APPLICANT TAKES EXCEPTION TO CONCLUSION OF LAW NO. 5

The applicant believes that the burden of proof was satisfied, particularly with regard to whether the proposed use of water would "reduce the quantity of water under existing water rights." Conclusion of Law No. 5 is erroneous in that it states that "the specific lack of showing is with respect to injury to existing water rights." This is not the standard under Idaho Code section 42-203(A)(5)(a). Applicant believes that the burden of proof with regard to the appropriate statutory criteria have been satisfied, particularly Idaho Code section 42-203(A)(5)(a).

MAR 05 1992

IV.

APPLICANT TAKES EXCEPTION TO CONCLUSION OF LAW NO. 6

This conclusion of law properly states Water Appropriation Rule 5,1,1,1. However, applicant takes exception to the inclusion of this rule in the conclusions of law inasmuch as the evidence presented by the protestants at the hearing did not establish that the proposed use would reduce the quantity of water under any existing water right or that the amount of water available under an existing water right would be reduced below the amount recorded by permit, license, decree, valid claim, or the historical amount beneficially used by the water right holder. There was no evidence presented by the protestants as to the existence of their water rights, or that their water rights have not been fully satisfied, or that the proposed use requested by the applicant would reduce the quantity of water available under any existing water right they may have.

V.

APPLICANT TAKES EXCEPTION TO CONCLUSION OF LAW NO. 7

This exception is taken because the applicant believes that application for Permit No. 51-7293 should be approved. Applicant believes that it has met its burden of proof on all of the issues required by Idaho Code section 42-203(A). Consequently, the application should be approved.

VI.

APPLICANT TAKES EXCEPTION TO THE ANALYSIS PORTION OF THE PROPOSED MEMORANDUM DECISION

This exception is based upon the fact that the applicant demonstrated at the hearing and with the subsequent information obtained from the USGS regarding spring flow measurements that there is sufficient unappropriated water from the Bruneau River and its tributaries such that the proposed use will not reduce the quantity of water under any existing water rights. Additionally, the protestants did not establish the existence of any water rights, nor did they establish that the proposed use would adversely affect those rights. Moreover, applicant takes exception to the analysis portion inasmuch as it rejects applicant's offering that if the proposed use is deemed to injure any existing water rights, diversions would immediately stop under the requested use. This is particularly so given the fact that there was no evidence introduced at the hearing or otherwise to indicate that the protestants possessed any existing water rights which would be adversely impacted by the proposed use. The protestants likewise did not demonstrate by testimony or otherwise that they have ever failed to receive full deliveries of water under any existing rights they may have.

CONCLUSION

Based upon the above-referenced exceptions, the applicant requests that the director modify the proposed Memorandum Decision and issue the requested Permit No. 51-7293, with

332

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWEN'S RANCH TRUST	NOTICE OF REHEARING

On June 27, 1986, Owen's Ranch 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 John B. Urquidi and Gene Davis, a conference was held by the Department on April 10, 1991, and a hearing was held on June 19, 1991.

The Department has set the matter of protest for a rehearing, to be held on Tuesday, November 26, 1991, at 9:00 a.m. at the Department of Health & Welfare, Division of Environmental Quality, Conference Room B, 1410 N. Hilton, Boise, ID 83706, (located behind the Department of Water Resources State Office). The hearing 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 23rd day of October, 1991.

David R. Tuthill Jr.

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

NOV 05 1992

I hereby certify that on the 24th day of October, 1991, 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

OWENS RANCH TRUST
RICHARD L OWEN TRUSTEE
STAR ROUTE B
PO BOX 110
BRUNEAU ID 83604

JOHN B URQUIDI
HC 85 BOX 135
BRUNEAU ID 83604

GENE DAVIS
HC 85 BOX 138
BRUNEAU ID 83604

Non-Certified Mail

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

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1) Will the proposed use reduce the quantity of water under existing 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 proposed project?

5) Will the proposed use conflict with the local public interest?

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, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

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

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EXHIBITS

MAR 05 1992

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

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

TELEPHONE
208-343-5454
TELECOPIER
208-384-5844

SCOTT L. CAMPBELL

September 16, 1991

RECEIVED
SEP 17 1991
Department of Water Resources

Mr. L. Glen Saxton
Chief, Water Allocation Bureau
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83720-9000

RE: Application for Permit No. 51-7293 in the Name of Owens Ranch Trust

Dear Mr. Saxton:

Thank you for your correspondence of September 13, 1991, and the enclosed Order Granting Rehearing in the above captioned matter.

I would appreciate any efforts you can make to contact me prior to issuance of a formal notice of hearing so that I can avoid conflicts on my schedule for the hearing date.

Thank you very much for your consideration in this regard.

Very truly yours,

ELAM, BURKE AND BOYD

Scott L. Campbell

SLC:jm

cc: Richard L. Owen

MAR 05 1992

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

September 13, 1991

RECEIVED
SEP 16 1991
Department of Water Resources
Western Regional Office

Gene Davis
HC 85
Box 138
Bruneau, ID 83604

RE: APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST

Dear Mr. Davis:

Enclosed is an order granting a rehearing in the above captioned matter.

The department will reschedule a hearing which likely will be held in Boise and will provide appropriate notice to you.

Please feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
Scott L. Campbell
John B. Urquidi

MAR 06 1992

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

RECEIVED
SEP 16 1991
Department of Water Resources
Western Regional Office

September 13, 1991

John B. Urquidi
HC 85
Box 135
Bruneau, ID 83604

RE: APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWENS RANCH TRUST

Dear Mr. Urquidi:

Enclosed is an order granting a rehearing in the above captioned matter.

The department will reschedule a hearing which likely will be held in Boise and will provide appropriate notice to you.

Please feel free to contact the department if you have questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
Scott L. Campbell
Gene Davis

OCT 05 1992

appropriate conditions. In the alternative, applicant requests that the hearing in this proceeding be reopened to allow applicant to present additional evidence regarding the availability of unappropriated water from the Bruneau River and its tributaries and any possible adverse impact upon existing rights.

DATED this 28 day of August, 1991.

ELAM, BURKE AND BOYD

By Scott L. Campbell
Scott L. Campbell, Of the Firm
Attorneys for Owens Ranch Trust

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28 day of August, 1991, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, Idaho 83604

Gene Davis
HC 85
Box 138
Bruneau, Idaho 83604

Scott L. Campbell
Scott L. Campbell

MAR 05 1992

Scott L. Campbell
ELAM, BURKE AND BOYD
Key Financial Center, 10th Floor
702 West Idaho
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES,

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	CERTIFICATE OF SERVICE

Owens Ranch Trust, by Mr. Richard L. Owen, trustee, hereinafter "Applicant," by and through its counsel of record, Scott L. Campbell of Elam, Burke and Boyd, hereby certifies that true and correct copies of (1) Exceptions to Proposed Memorandum Decision and (2) Memorandum in Support of Exceptions to Proposed Memorandum Decision were mailed on this 28th day of August, 1991, postage prepaid, to: John B. Urquidi, Jr., HC 85, Box 135, Bruneau, Idaho 83604, and to Gene Davis, HC 85, Box 138, Bruneau, Idaho 83604.

DATED This 28th day of August, 1991.

ELAM, BURKE AND BOYD

By Scott L. Campbell
Scott L. Campbell, Of the Firm
Attorneys for Owens Ranch Trust

MAR 05 1992

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 28 day of August, 1991, I caused a true and correct copy of the foregoing document to be mailed, postage prepaid, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, Idaho 83604

Gene Davis
HC 85
Box 138
Bruneau, Idaho 83604

Scott L. Campbell

05 1992

Scott L. Campbell
ELAM, BURKE AND BOYD
Key Financial Center, 10th Floor
702 West Idaho
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454

Attorneys for Owens Ranch Trust

BEFORE THE DEPARTMENT OF WATER RESOURCES,

OF THE STATE OF IDAHO

In the Matter of Application for Permit No. 51-7293, in the Name of Owens Ranch Trust, Applicant.	MEMORANDUM IN SUPPORT OF EXCEPTIONS TO PROPOSED MEMORANDUM DECISION

INTRODUCTION

Owens Ranch Trust, by Richard L. Owen, trustee (hereinafter "applicant"), by and through its counsel of record, Scott L. Campbell, of the firm of Elam, Burke and Boyd, concurrent with this memorandum, filed Exceptions to Proposed Memorandum Decision in this proceeding. This memorandum is submitted in support of said exceptions, pursuant to Rules and Regulations of Practice and Procedure before the Department of Water Resources, Rule 10,2,2.

MAR 05 1992

DISCUSSION

The applicant has taken exception to Findings of Fact 7 and 10; Conclusions of Law 5, 6, and 7; and the analysis portion of the proposed Memorandum Decision. The grounds for the exceptions are specifically stated in the Exceptions to Proposed Memorandum Decision.

In addition to the items identified in the exceptions filing, the applicant would like to point out to the director that the testimony presented at the hearing conducted in this matter on June 19, 1991, did not produce evidence as suggested in the proposed Memorandum Decision.

Of particular note is the testimony of the protestants, which the Proposed Memorandum Decision says established that the proposed use requested under the application would reduce water available under existing rights. The testimony of the protestants did not establish this fact.

Mr. Gene Davis, one of the protestants, did state that there was "no question that it will reduce down-river flow." He also stated:

> I guess I'd be concerned that whoever owns the property, whoever is the owner of this water right, at the very time of the year when myself as a stockholder in Southside Canal Company and my neighbors when we would be short of water would be the time probably when this application would be most needed to supplement possibly water in the sprinkle ground or in the area of application which Mr. Owen indicates he wants to place that water.

There is nothing in this testimony to indicate that the shareholders of the Southside Canal Company have not always received

MAR 05 1992

their full allotment of water or that the proposed use would cause a reduction in the amount of water delivered under any water right which may exist for the Southside Canal Company. This fact possibly could be established but the testimony of Mr. Davis did not establish that fact.

During the course of the hearing, following the testimony of Mr. John Urquidi, Sr., Mr. Saxton, the hearing officer, elicited additional testimony from Mr. Urquidi concerning his water right. Even so, Mr. Urquidi failed to establish the existence of his water rights or that the proposed use would reduce the amount of water available to satisfy those rights. Mr. Urquidi testifies:

> I imagine our basic position would be is the fears that arise as to how it will affect us on our hot springs ranch as well as the ranch under the Southside Canal.

While the Department apparently inferred from this testimony that Mr. Urquidi owns existing water rights and that they would be reduced by the proposed use, that inference is not appropriate given the vague nature of the testimony. Mr. Urquidi did not establish the existence of a valid water right or that the right would be adversely affected by the proposed use.

Furthermore, following this testimony by Mr. Urquidi, Mr. Saxton interjected a question: "Is your property located downstream of the applicants?" In answer to this question, Mr. Urquidi responded affirmatively. Not only was it unnecessary and perhaps inappropriate for Mr. Saxton to assist Mr. Urquidi in presenting his testimony, but this statement by Mr. Urquidi

MAR 05 1992

likewise did not establish the existence of a valid water right which would be impacted by the proposed use.

Following the conclusion of Mr. Urquidi's testimony, Mr. Saxton, the hearing officer, permitted Mr. Gene Davis to make an additional statement, even though he had already concluded his direct testimony. Mr. Davis's statement is obviously in reaction to Mr. Saxton's final question to Mr. Urquidi. Mr. Davis testifies:

> I know I've had my turn but I didn't explain, come out on the record here as I did earlier some things I should state, could I have reentry?
>
> (Mr. Saxton: Sure.)
>
> I think what the big thing I neglected to do is suggest that this is a tributary of the Bruneau River, the proposed source of water and since it would decrease the flow in the river downstream if the filing is allowed and the pump installed that it would act adversely to downstream users. I believe it is important that that be on the record.

This testimony was improperly allowed by the hearing officer. However, notwithstanding that procedural defect, the testimony does not clearly establish the existence of water rights held by the protestants or that those water rights would be adversely impacted by the proposed use.

CONCLUSION

The testimony presented at the hearing by the protestants did not rebut the valid testimony of the applicant on the six criteria required to be established under Idaho Code section 42-203(A). Additionally, the protestants failed to establish that they possessed valid existing water rights or that those water rights

would be injured (the amount of water to the rights reduced) by the proposed use requested by the applicant. Consequently, the applicant believes that the exceptions to the proposed Memorandum Decision are proper and that the director should issue a decision allowing the proposed permit with appropriate conditions. In the alternative, the applicant believes that reopening the hearing to permit additional testimony on the issues raised herein and in the exceptions filing, would be appropriate.

DATED this 28 day of August, 1991.

ELAM, BURKE AND BOYD

By Scott L. Campbell
Scott L. Campbell, Of the Firm
Attorneys for Owens Ranch Trust

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28 day of August, 1991, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

John B. Urquidi, Jr.
HC 85
Box 135
Bruneau, Idaho 83604

Gene Davis
HC 85
Box 138
Bruneau, Idaho 83604

Scott L. Campbell
Scott L. Campbell

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

June 27, 1991

Richard L. Owen, Trustee
Owen's Ranch Trust
Star Route B
P.O. Box 110
Bruneau, ID 83604

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

RE: Protested Application for Permit No. 51-7293

Dear Interested Party:

Enclosed please find the measurement data from Pence Hot Springs provided by the U.S. Geological Survey at the request of this office after the hearing last week.

Please provide any comments or response regarding these measurements to this office no later than July 10, 1991. In accordance with the direction of the Hearing Officer at the hearing, these data are hereby made a part of the record in this matter.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: Copies of data and the USGS coverletter

cf: Glen Saxton

MAR 0 5 1992

United States Department of the Interior
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
230 Collins Road
Boise, Idaho 83702

TAKE PRIDE IN AMERICA

RECEIVED
JUN 27 1991
Department of Water Resources
Western Regional Office

June 26, 1991

David R. Tuthill, Jr.
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Tuthill:
Dave

Enclosed for your use are discharge measurements for Pence Hot Springs (7S-6E-22DADB1S) for the period April 1989 to June 1991. I have also included discharge measurements for the same period for three other springs in the area. If you need additional information please call me at 334-1566.

Sincerely,

Bill

H. W. Young

Hydrologist

Enclosure

MAR 05 1992

Telephone. (208) 334-1750 FTS: 554-1750 Fax: (208) 334-1272 Fax FTS: 554-1272

LOCAL WELL NUMBER	DATE DISCHARGE MEASURED	DISCHARGE (GPM)
07S 06E 22DADB1S	04-10-89	864
Pence Hot Springs	05-17-89	853
	06-07-89	749
	07-05-89	826
	08-08-89	705
	09-29-89	705
	11-13-89	787
	01-04-90	791
	02-01-90	854
	03-19-90	1040
	04-18-90	988 *
	05-16-90	909
	06-12-90	903
	07-11-90	854
	08-14-90	765
	09-17-90	806
	10-09-90	876
	11-15-90	999
	12-12-90	997
	01-17-91	927
	02-08-91	914
	03-08-91	936
	04-11-91	914
	06-06-91	830
	12-11-89	783
07S 06E 34DCB1S	03-23-89	98
	05-17-89	68.7
	06-07-89	81
	07-05-89	76
	08-08-89	73.0
	09-07-89	60.7
	10-02-89	67.0
	11-05-89	68.8
	12-11-89	81
	01-04-90	71.0
	02-01-90	89
	03-18-90	93
	04-13-90	94
	05-16-90	76
	06-12-90	80.5

1 cfs = 449 gpm

2.5 cfs = 1122 gpm

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

June 19, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Bill Young
U.S. Geological Survey
230 Collins Rd.
Boise, ID 83702

Re: Request for Stream Flow Measurement Data

Dear Bill:

At a hearing regarding a proposed water right in the Bruneau Valley, Mr. Richard Owen testified that flow measurement data has been collected at a spring on his property. The purpose of this letter is to request that flow measurement data relative to the spring be provided to this office for inclusion in the water right record.

Application for permit #51-7293 identifies the source of water as springs located in the SW1/4 NE1/4 SE1/4, or the SE1/4 NW1/4 SE1/4, Sec. 22, T07S, R06E, Owyhee County. These springs are sometimes known as Pence Springs. Could you please supply to this office copies of the measurement data for spring flows in this area? To enable us to proceed with this protested application, we would ask that this information be provided no later than July 1, 1991, if possible.

Thank you for your assistance in this matter.

Sincerely,

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

DRT:st

MAR 0 5 1992

6/19/1991

Hearing Notes Owen's Ranch Trust 51-7293

Hearing Officer: Glen Saxton Notes by D. Tuthill

Applicant Present & represented by

Mr. & Mrs. Owen

Protestants Present:

Gene Davis

John Urguidi Sr. representing John Urguidi Jr.

Issues:

1. Reduce existing rts.
2. Insufficient water supply
3. Delay or spec.
5. Conflict with local public interest
6. Contrary to use within Id.

Richard Owen

1. If existing rts are ~~per~~ affected, pump will be shut off.
2. There is sufficient water 18 in diam half full
   Bill Young, USGS.

5. Not in conflict with local public interest.

- Has water from wells. This water is supplemental source only.

RECEIVED
MAR 05 1992

Marie Owen

Owen Ranch has demonstrated concern for water in Id.

Gene Davis

1. This use will reduce other water rights.
2. Water is insufficient to supply 125 inches.
   Bureau Buckaroo Water is not a part of the spring source.
5. Contrary to local public interest

When water is needed for supplement, it is also needed below

How will we determine who and how the settlement is made?

John Urquidi Sr.

Concerns: 1. Could this rt become a well?
2. Will it adversely impact the wetland?

Record open for 10 days, to allow Western to solicit from USGS spring information. These ~~records~~ data will be sent to all participants for a 10 day comment period.

DOCUMENT
MAR 05 1992

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

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

TELEPHONE
208-343-5454
TELECOPIER
208-384-5844

SCOTT L. CAMPBELL

August 28, 1991

RECEIVED
AUG 28 1991
Department of Water Resources

VIA HAND DELIVERY

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

Re: In the Matter of Application for Permit No. 51-7293 in the Name of Owens Ranch Trust

Dear Mr. Higginson:

Pursuant to Rules and Regulations of Practice and Procedure, Rule 10,2,1., Rule 10,2,2., and Rule 10,2,3., I have enclosed the following pleadings for filing in the above-referenced matter: (1) Exceptions to Proposed Memorandum Decision, (2) Memorandum in Support of Exceptions to Proposed Memorandum Decision, and (3) Certificate of Service. I enclose the original and one copy of each pleading pursuant to the rules of service and filing.

Additionally, I request oral argument on the exceptions pursuant to Rule 10,2,3.

Thank you for consideration of this matter.

Very truly yours,

ELAM, BURKE AND BOYD

Scott L. Campbell

SLC:cj
Enclosures (3)
cc: Richard L. Owen
John B. Urquidi, Jr.
Gene Davis

Re: Owen's Ranch Trust, #51-7293

Place: 150 S. 4th St. E., Mountain Home, ID 83647

Date: June 19, 1991

Hearing conducted by: Glen Saxton

ROSTER OF ATTENDANCE

Name	Address	Representing
Richard L. Owen	P.O. Box 590 Bruneau,	Owen Ranches
Marie Owen	P.O. Box 590 Bruneau	Owen Ranches.
[illegible]	P.O HC 85 Box 135 Bruneau 83624	Family
[illegible] Davis	HC 85 Box 138 Bruneau	Self

[illegible] 05 1992

P-581 149 838

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

Postage	$ .29
Certified Fee	.90
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom Date and Address of Delivery	
Postage and Fees	$ 2.19
Postmark or Date	

PS Form 3800, June 1985

P-581 149 835

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

Owen's Ranch Trust
Richard L. Owen, Trustee
Star Route B,
P.O. Box 110
Bruneau, ID 83604

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, June 1985

P-581 149 836

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

[redacted]
John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

Postage	$ .29
Certified Fee	.90
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom Date and Address of Delivery	
[redacted]TAL Postage and Fees	$ 2.19
Postmark or Date	

PS Form 3800, June 1985

P-581 149 812

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

Postage	.29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.90
Return Receipt showing to whom Date and Address of Delivery	
Postage and Fees	2.19
Postmark or Date	

MAR 05 1992

U.S.

PS Form 3800, June 1985

P-581 149 811

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

[redacted]n's Ranch Trust
Richard L. Owen, Trustee
Star Route B,
P.O. Box 110
Bruneau, ID 83604

Postage	$ .29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery	
Return Receipt showing to whom and Date Delivered	90
Return Receipt showing to whom Date and Address of Delivery	
[redacted] and Fees	$ 2.19
Postmark or Date	

USG

Form 3800, June 1985

P-581 149 813

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

Postage	$ .29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	.96
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	$ 2.19
Postmark or Date	

PS Form 3800, June 1985

UNITED STATES POST[redacted]ERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

BOISE JUN 4 AM 1991 9360A

FILED MAR 05 1992

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RECEIVED JUN 5 1991

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

Department of Water Resources
Western Regional Office

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the *reverse side*. Failure to do this will prevent this card from being returned to you. *The return receipt fee will provide you the name of the person delivered to and the date of delivery.* For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)* 51-7293

3. Article Addressed to:

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

4. Article Number
P-5 149 938

Type of Service:
- ☐ Registered
- ☐ Insured
- ☑ Certified
- ☐ COD
- ☐ Express Mail
- ☑ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee
X

6. Signature – Agent
X Erie L. Davis

7. Date of Delivery
6-4-91 LD

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MAR 0 5 1992

BOISE ID
JUN 2
AM
1991
83704

PENALTY FOR PRIVATE USE, $300

RETURN TO

RECEIVED
JUN 4 1991

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

Department of Water Resources
Western Regional Office

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)
2. ☐ Restricted Delivery (Extra charge) 51-7293

Owen's Ranch Trust
Richard L. Owen, Trustee
Star Route B,
P.O. Box 110
Bruneau, ID 83604

4. Article Number
P 581 149 835

Type of Service:
- ☐ Registered
- ☐ Insured
- ☑ Certified
- ☐ COD
- ☐ Express Mail
- ☑ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
6-3-91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr 1989 ★U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

UNITED STATES POS[illegible]SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP C[illegible] in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

MAR 0 5 1992

BRUNEAU JUN 17 A M 1991 8360[illegible]

U.S.MAIL

PENALTY [illegible] USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

57-7293

3. Article Addressed to.

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

4. Article Number

MER 581 149 836

Type of Service:

- ☐ Registered
- ☐ Insured
- ☐ Certified
- ☐ COD
- ☐ Express Mail
- ☑ Return Receipt for Merchandise

Always obtain signature of addressee

(CONSULT POSTMASTER FOR FEE)

5. Signature — Addressee

X

6. Signature — Agent

X John B. Urquidi

7. Date of Delivery

June 15 199

8. Addressee's Address *(ONLY if requested and fee paid)*

RECEIVED
JUN 18 1991
Department of Water Resources
Western Regional Office

PS Form 3811, Apr. 1989 *U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

UNITED STATES P[redacted]L SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- **Complete items 1, 2, 3, and 4 on the reverse.**
- **Attach to front of article if space permits, otherwise affix to back of article.**
- **Endorse article "Return Receipt Requested" adjacent to number.**



PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

Put your address in th[illegible]ETURN TO" Space on the reverse side Failure to do [illegible]ill prevent this card from being returned to [illegible] The return receipt fee will provide you the name of the [illegible]erson delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested

1 ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Owen's Ranch Trust
Richard L. Owen, Trustee
Star Route B,
P.O. Box 110
Bruneau, ID 83604

4. Article Number

P- 578 149 - 811

Type of Service: 51-7293

☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail $ ☐ Return Receipt for Merchandise

RECEIVED

MAR 05 1992

Always obtain signature of addressee and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X Monica A. Beck

7. Date of Delivery

3-27-91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 *U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE

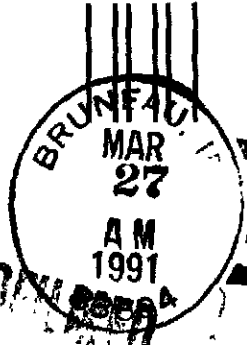
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO





FOR PRIVATE USE, $300

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

4. Article Number
P 580 149 813

Type of Service:
- ☐ Registered
- ☐ Insured
- ☐ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

MAR 05 1992

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X Eric Davis

7. Date of Delivery
3-27-91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

UNITED STATES [redacted]AL SERVICE

'OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- *Complete Items* 1, 2, 3, *and* 4 *on the reverse.*
- Attach to front of article if space permits, otherwise affix to back of *article.*
- Endorse article "Return Receipt Requested" adjacent to number.

MICROFILMED

MAR 05 1992

[redacted]BUREAU, ID
MAR
27
AM
1991
83702
U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, *and ZIP Code In the space below.*

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

4. Article Number
P-581 149 812

Type of Service: 51-7293
- ☐ Registered
- ☐ Insured
- ☑ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X John B Urquidi MAR 05 1992

6. Signature — Agent
X

7. Date of Delivery

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Apr 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
) NOTICE OF HEARING
FOR PERMIT NO. 51-7293 IN THE)
)
NAME OF OWEN'S RANCH TRUST)

On June 27, 1986, Richard L. Owen, trustee of Owen's Ranch 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 John B. Urquidi and Gene Davis and a conference was held by the Department on Wednesday, April 10, 1991.

The Department has now set the matter of protest for a hearing on Wednesday, June 19, 1991, at 10:00 a.m. at the Elmore County Courthouse Commissioner's Room, 150 S. 4th St. E., Mountain Home, ID 83647. The hearing 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 29th day of May, 1991.

David R. Tuthill Jr.

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

MAR 05 1992

I hereby certify that on the 31st day of May, 1991, 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's Ranch Trust
Richard L. Owen, Trustee
Star Route B,
P.O. Box 110
Bruneau, ID 83604

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

05 1992

HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

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 conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the State of Idaho?

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

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petitition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of the Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

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

MAR 0 5 1992

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 15, 1991

Rob Black
Ranch Manager, Owen Ranches
P.O. Box 590
Bruneau, ID 83604

RE: Fencing Across the Bruneau River

Dear Mr. Black:

On April 12, 1991, this office received a letter (copy enclosed) from Mr. Dennis Hoyem of the Bureau of Land Management in which he expressed a concern about fences across the Bruneau River. The primary concern relates to the potential for injury to people and equipment as the river is used for recreational purposes.

I just called Mr. Hoyem to ask him about the probable time frame for recreational users this year. He stated that the flows are now high enough in the river to support some recreational uses, and the fences should be removed immediately.

As expressed in a letter to you from Mr. Erv Ballou dated March 12, 1990 (copy enclosed), the placement of posts, rock and fencing within a stream channel requires review and approval under the Stream Protection Act. Our records do not reflect that any permits have been issued to Owen Ranches for fencing across the Bruneau River. Therefore, any existing fences, with the exception of the removable fences as allowed in Mr. Ballou's letter, are in violation of the Act.

The purposes of this letter are to notify you of (1) the urgent concern related to potential impacts on recreational uses, and (2) our intent to enforce the provisions of the Stream Protection Act with respect to fencing across rivers. If the factual situation regarding the existence of the fences is incorrect, please advise this office. If, on the other hand, the fences are presently installed, they need to be removed immediately.

Please feel free to contact this office if you have questions or comments about this matter.

Sincerely,

David R. Tuthill

MAR 05 1992

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf: BLM (Hoyem), IDWR (Ballou, Gibson)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
BOISE DISTRICT OFFICE
3948 DEVELOPMENT AVENUE
BOISE, IDAHO 83705

TAKE PRIDE IN AMERICA

APR 12 1991 IN REPLY REFER TO

Department of Water Resources 8300
Western Regional Office

APR 11 1991

Mr. Gene Gibson
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Gene:

I am writing to confirm our conversation of April 9, 1991, and to reiterate BLM's concerns with the fences crossing the Bruneau River. The fences of concern are shown on the enclosed map (Exhibit A). Please refer, also, to Erwin Ballou's letters of March 12, 1990 and April 12, 1990, to Rob Block (properly Black). It appears that there may be violations of State of Idaho statutes/regulations.

Again, our concerns are:

The fences present a navigational hazard and are potentially life-threatening to recreational boaters. Floating season is already underway, and boaters unaware of the fences could be easily pinned against them and held by the enormous force of moving water.

Damages to property as well as injuries or deaths to recreational users as a result of these fences may leave the state and perhaps the federal government subject to tort claims.

The fences may cause trampling-related damages to the rare Bruneau Hot Springs snail that occurs in the vicinity by channelling cows into vulnerable snail habitat.

I would ask that you give this item a high priority and keep us informed of any developments. Please direct any questions to Frank Jenks of my staff at 384-3393.

Sincerely,

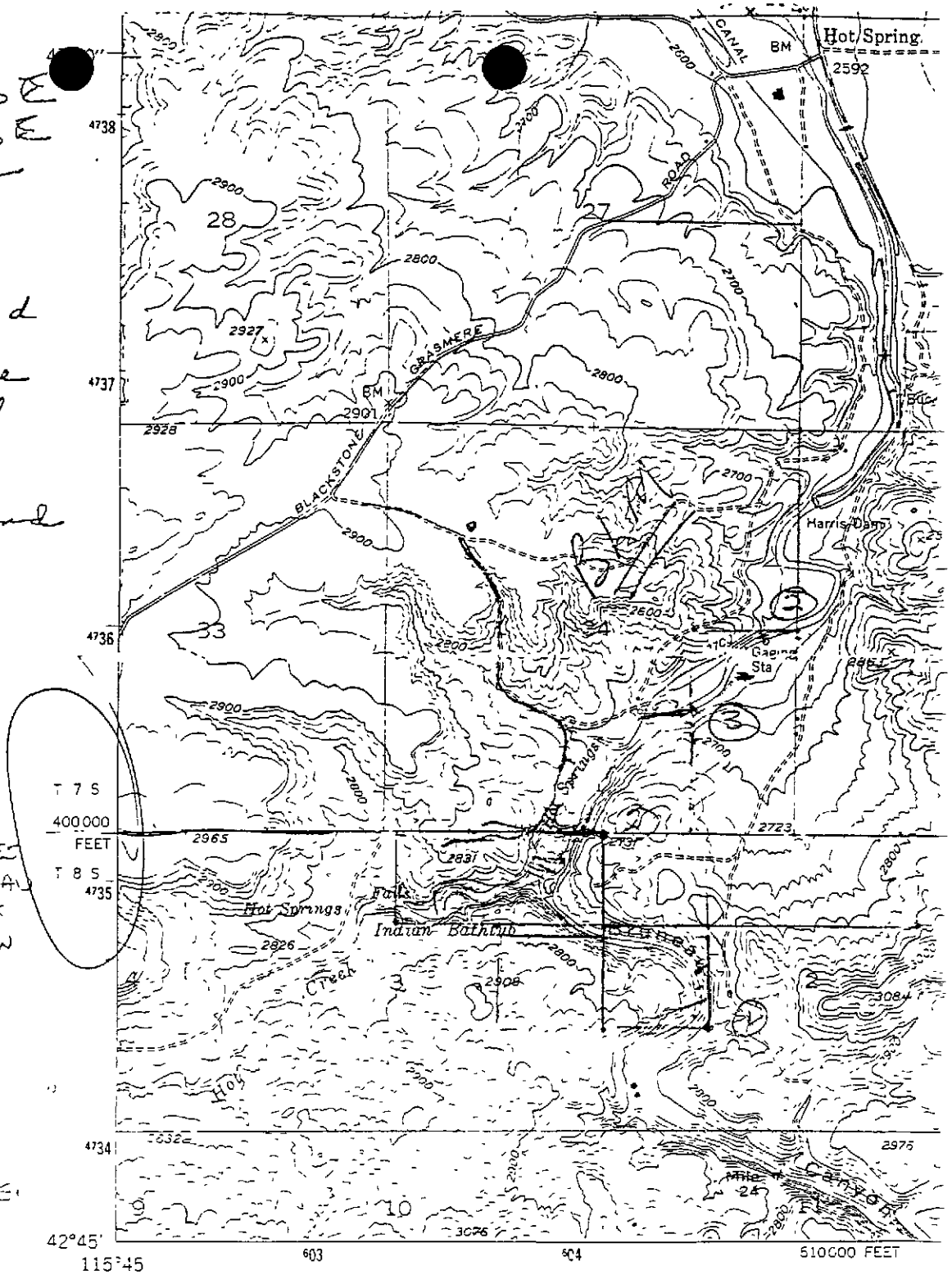
for Dennis R. Hovem
Bruneau Area Manager

enclosure

MAR 05 1992

T7S, R6E
T8S, R6E

① On put. land
② Appears to be on put. land boundary
③ On BLM land

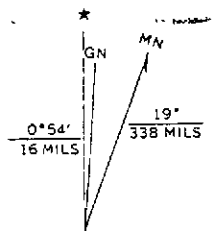


Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Culture and drainage in part compiled from aerial photographs taken 1946
Topography by plane-table surveys 1946–1947

Polyconic projection. 1927 North American datum
10000 foot grid based on Idaho coordinate system, west zone
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue



UTM GRID AND 1947 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Field to PO + BN on WDS 4/3/91

EXHIBIT A

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Rob #
845-2010

April 12, 1990

Rob Block
Ranch Manager, Owen Ranches
P.O. Box 590
Bruneau, Idaho 83604

RE: Fencing

Dear Mr. Block:

We have noted that one of the fence jacks and rock was left in the river at site No. 4, as shown on the attachment to our march 12, 1990 letter.

This could represent a hazard to other river users if it was to remain in the channel. If it has been removed since the site was inspected please disregard this letter, if not removal should be accomplished as soon as conditions allow.

We were also expecting an application to be submitted for placement of the temporary fencing. If you need assistance, please do not hesitate to contact this office.

Sincerely,

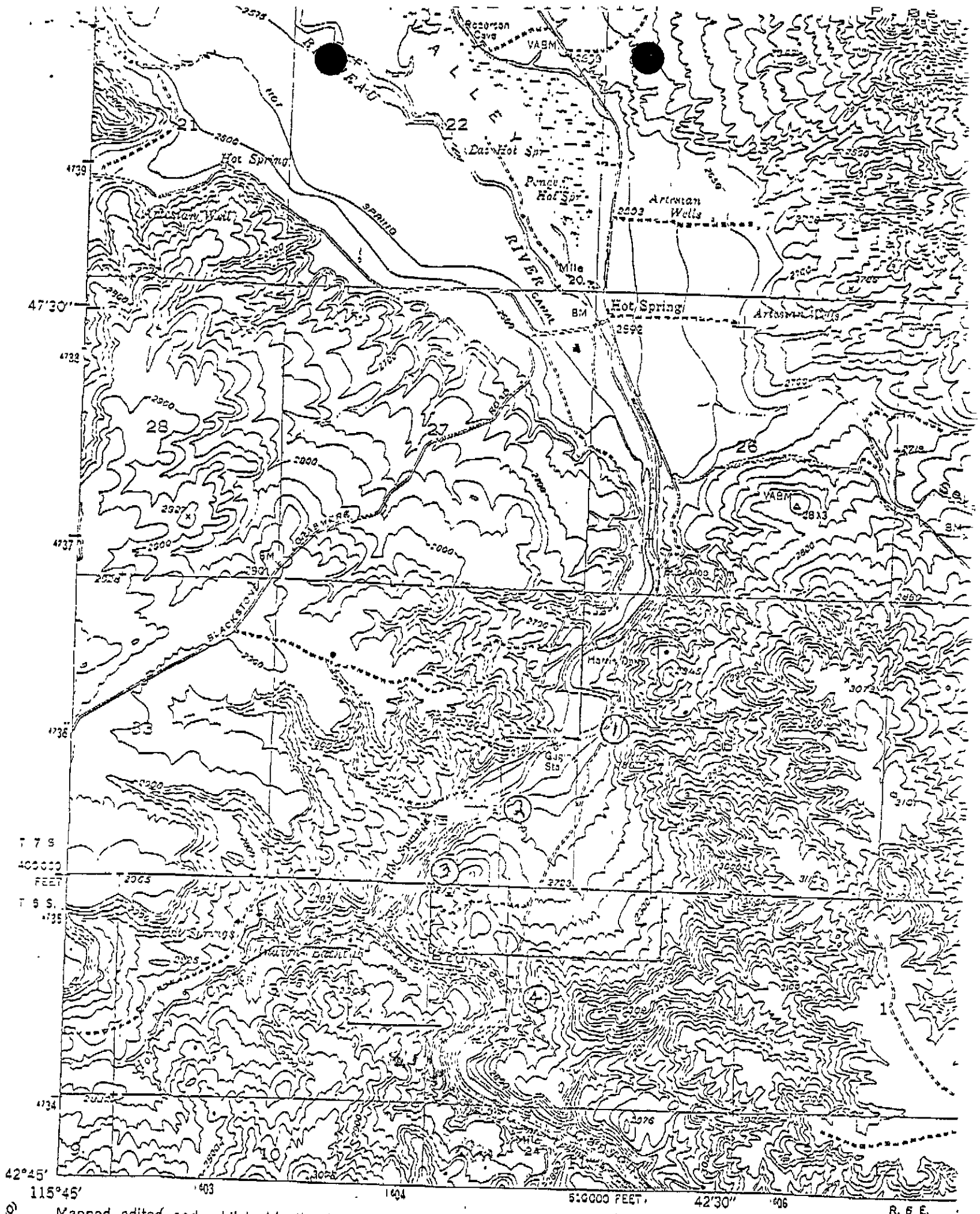
Ervin E. Ballou
Stream Protection Specialist
Western Regional Office

EEB:e

cc: Frank Jenks, Pat Olmstead-BLM

RECEIVED
APR 17 90

MAR 05 1992



Maoced, edited, and published by the Geological Survey

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Dennis FYI
WR

3-9-91 11:00 Gene's FAX 208/334-2348

March 12, 1990

Rob Block
Ranch Manager, Owen Ranches
P.O. Box 590
Bruneau, Idaho 83

RE: Fencing

Dear Mr. Block:

As discussed with you during our meeting on March 9, 1990, the placement of post, rock and fencing within a stream channel requires review and approval under the State Stream Channel Protection Act. The fences now spanning the Bruneau River are in violation of the act, and must be removed.

In attendance at the meeting were Pat Olmstead and Frank Jenks of the BLM, you and myself. We appreciated your assistance and the courteous manner in which you addressed the problem, and the recognition given by you for the danger to other river users, caused by fencing across the river channel.

The fenced areas are shown on the attached map and are marked as sites 1 to 4, from the lower end going upstream. The approximate location are as follows:

Site 1, is located in the SENW, Sec. 34, Twp. 7S, Rge. 6E.
Site 2, is located in the NWSE, Sec. 34, Twp. 7S, Rge. 6E.
Site 3, is located in the (NENE) N½ Lot 1, Sec. 3, Twp. 8S, Rge. 6E.
Site 4, is located in the NWSW, Sec. 2, Twp. 8S, Rge. 6E.

Sections 2&3 are short sections and the locations shown are approximate as located during our site inspections.

By agreement of all parties in attendance, Owen Ranches will remove all of the posts and fencing within and across the river channel immediately. By your admission, the fences are not required to maintain control over the livestock this time of year. At site No. 4 all the posts and rock fill, used in construction of the fence jacks, will also be removed. A new alignment for the fence will then be built, upland of the river channel, to allow the livestock access to the water but denied access to downstream river areas.

We also agreed that a removable fence could be used to control livestock during the periods when float traffic will not be a problem. To insure that all users are involved a determination will be made when fencing may be placed across the river channel at sites 1, 2, & 3 as part of the application and permit process under the Stream Channel Protection Act.

Dave Tuthill is Eru B.'s supervisor.

NOTE: Gene Gibson replaced Eru F. She is now their State [illegible]

MAR 05 1992

The purpose of this letter is to provide everyone present with a record of what we agreed to. (1) Immediate removal of the fences now in the river channel. (2) Agreement to allow placement of temporary fencing in the future, after review and approval under the State Stream Channel Protection Act.

If you have any questions or require any assistance in preparation of the application, please do not hesitate to contact this office.

Sincerely,

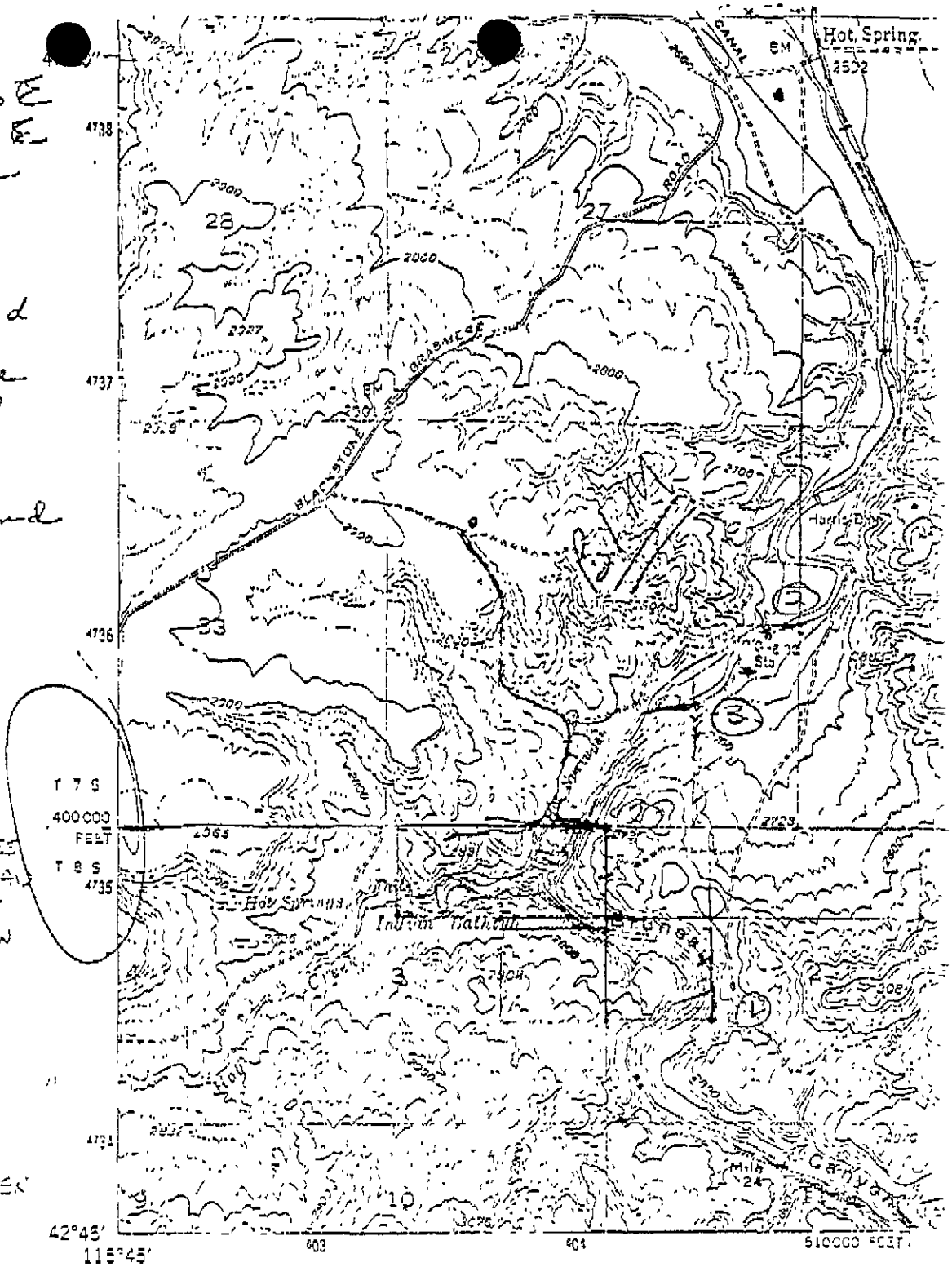
Ervin E. Ballou

Ervin E. Ballou
Stream Protection Specialist
Western Regional Office

EEB:e

cc: IDFG-Jerome,
Frank Jenks, Pat Olmstead-BLM
Corps of Engineers

5 1992



T7S, R6E
T8S, R6E

① On put. land
② Appears to be on put. land boundary
③ On BLM land

7½ SURFACE ACRES
0.34 m. BRUNEAU
0.4 m HOT CR
13 ACRES RIPARIAN

0.4 m HOT CREEK
0.7 BRUNEAU RIVER

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Culture and drainage in part compiled from aerial photographs taken 1946

Topography by plane-table surveys 1946 - 1947

Polyconic projection. 1927 North American datum
10000 foot grid based on Idaho coordinate system, west zone
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

BIG HILL 1:62500
2909 III

BOUNDARY TO BE LOCATED
T7S R6E SEC 4 NE
T7S R6E SEC 4 NW 1/4 SEC 3

GN MN
0°34
15 MILS
19°
338 MILS

UTM GRID AND 1947 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

MAR 28 1992

FENCE FOR BLM ONLY 4/3/91

EXHIBIT A

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 24, 1991

John B. Urquidi
HC85 Box 135
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

RE: Application for Permit No. 51-7293 in the Name of Owen's Ranch Trust

Gentlemen:

After our recent conference in the above-referenced matter Mr. and Mrs. Owen advised this office that the proposed point of diversion of this water right was measured to be at least 300 feet from the Bruneau River. Accordingly, if the protests are withdrawn at this time, the four conditions of approval identified at the conference, with 300 feet replacing 200 feet, would be attached to the water right.

Please review this matter and notify me no later than May 8, 1991, if you wish to withdraw your protest. If I do not receive withdrawals by that date, we will schedule the matter for a hearing.

If you have any questions concerning the conditions as proposed, feel free to contact me.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf: Richard L. Owen

MAR 05 1992

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 24, 1991

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Gene Davis
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Please review this matter and notify me no later than May 8, 1991, if you wish to withdraw your protest. If I do not receive withdrawals by that date, we will schedule the matter for a hearing.

If you have any questions concerning the conditions as proposed, feel free to contact me.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf: Richard L. Owen

In the Matter of)
Application for Permit No. 51-7293) Withdrawal of Protest
In the Name of Owen's Ranch Trust)

We, the undersigned, hereby agree to withdraw our protests to the above-referenced application, subject to the inclusion of the following Conditions of approval on the water right:

1. This water right is subject to all prior water rights.

2. This water right is junior to ^ existing downstream water rights on the Bruneau River, including those of the South Side Bruneau Canal Company, Ltd.

3. The water right holder shall cease this diversion during all periods when flow in the Bruneau River is inadequate to satisfy the senior downstream water rights.

4. The point of diversion of this water right shall be located at least ~~100~~ @ 200 feet from the Bruneau River.

Signed this _____ day of _____, 1991. MAR 05 1992

X _____
Protestant

X _____
Protestant

_____ Acceptance by Applicant 10 April 91

Owen's Ranch Trust App for Permit No. 51-7293

Conference Notes

Mountain Home, Elmore Co Courthouse

Notes by D. Tuthill

Applicant Richard Owen
Marie Owen

Protestants John Urquidi
Gene Davis

Concerns:
1. Who would measure? (Locations downstream (Senior rts) have meas devices).
2. Well/sump is now obtaining river water perhaps
3. Does the spring flow this amount? 125 in?

Protestants will review proposed conditions and will report back to this office.

MAR 05 1992

Re: Owen's Ranch Trust, #51-7293

Place: Elmore County Courthouse, 150 S. 4th St. E., Mtn. Home, ID

Date: April 10, 1991

Hearing conducted by: David R. Tuthill, JR.

ROSTER OF ATTENDANCE

Name	Address	Representing
John B Urquidi	HC 85 Box 135	Self
Eugene C. Davis	HC 85 Box 138	Self
Richard Owen		
Marie Owen		

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 51-7293 IN THE NAME OF OWEN'S RANCH TRUST	NOTICE OF CONFERENCE

On June 27, 1986, Owen's Ranch 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 John B. Urquidi and Gene Davis.

The Department has set the matter of protest for a conference on Wednesday, April 10, 1991, at 1:00 p.m., in 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.

MAR 05 1992

Dated this 26th day of March, 1991.

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

I hereby certify that on the 26th day of March, 1991, 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

Certified Mail

Owen's Ranch Trust
Richard L. Owen, Trustee
Star Route B,
P.O. Box 110
Bruneau, ID 83604

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

APR 05 1991

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 9, 1991

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

Re: Application for Permit No. 51-7293 in the Name of Owen's Ranch Trust

Dear Protestants:

Mr. & Mrs. Owen were in this office today and proposed to add a condition of approval to their application for permit. This condition would be that water under this right will only be diverted when the water rights of the South Side Bruneau Canal Co., Ltd. from the Bruneau River are fully satisfied.

If this condition of approval meets with your satisfaction would you be willing to withdraw your protests of this application?

Sincerely,

David R. Tuthill

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

DRT:st

CC: Mr. & Mrs. Owen

NOV 05 1992

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 21, 1990

Randy Morris, Chairman
Committee for Idaho's
High Desert
P.O. Box 2863
Boise, ID 83701

Re: Application for Permit 51-7293 in the Name of Owen's Ranch Trust

Dear Mr. Morris:

We are in receipt of your letter dated December 13, 1990, in which you protested the approval of the above-referenced application for permit. Please be advised, however, that the final protest date was December 13, 1990, and that the letter was not received by this office until December 17, 1990. Pursuant to the Idaho Code, we cannot officially accept the protest as valid. However, we have received two timely protests of this application.

If the applicant and protestants cannot reach an agreement within 20 days the matter will be set for a conference. We will place your name on the mailing list so you will be advised of the date and time of this conference if one is to be held.

In addition, you have the opportunity to petition for intervention in this matter. Please find enclosed a copy of pages 3 and 4 of the Rules and Regulations Regarding Practice and Procedure for this agency. The procedure for petitioning to intervene is described in Rule 6.

If you have any questions in this matter please call this office.

Sincerely,

David R. Tuthill

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

DRT:st

DEC 13 1990

RECEIVED
DEC 17 1990
Department of Water Resources

COMMITTEE FOR IDAHO'S
HIGH DESERT
P O.BOX 2863 BOISE, IDAHO 83701
Phone 208-587-4326 * FAX 208-788-4259

December 13, 1990

R. Keith Higginson, Director
Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

RE: Application 51-07293

Dear Mr. Higginson:

The Committee for Idaho's High Desert PROTESTS application 51-07293 under Sec. 42-203A(4), Sec. 42-203 A(5)(e), and Sec. 42-203 A (5)(f) of the Idaho Code.

We request that the Department of Water Resources hold this application in abeyance until the Department reviews the merits of this application. We further request that the Department hold a public hearing on this application to obtain sufficient information on which to base its judgement.

Our reasons for this protest include:

1. The waters of the Snake River are still in adjudication and granting of this permit on a surface tributary of the Snake River is premature.

2. A Candidate Threatened and Endangered species (The Bruneau Hot Springs Snail, an undescribed monotypic genus in the Hydrobiidae) is endemic to nearby springs and presumably both springs share the same aquifer. This spring should be evaluated for this or other T & E species before this permit is granted. This diversion may not be in the local public interest.

3. This spring lies within a Groundwater Management Area and the method of diversion and impacts of the diversion on the aquifer need to be defined before the permit is granted. This diversion may be contrary to the conservation of the water resources of the State of Idaho.

Sincerely,

Randy Morris

Randy Morris, Chairman

ACTION REQUIRED

FROM: Tim Luke / S.O App. No 51-7293

TO: Western Region 12-14-90

I am forwarding this App. BACK to you since protests have been file in accordance with Section 42-203A, I.C. Protests are @ Your office.

Tim

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 17, 1990

Owen's Ranch Trust
Richard L. Owen, Trustee
Star Route B, P.O. Box 110
Bruneau, ID 83604

Re: Application for Permit No. 51-7293

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.

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

DRT/st

Enclosure: Copy of protest(s)

RECEIVED
DEC 05 1992

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 17, 1990

John B. Urquidi
HC 85 Box 135
Bruneau, ID 83604

Gene Davis
HC 85 Box 138
Bruneau, ID 83604

Re: Application for Permit No. 51-7293 in the Name of Owen's Ranch Trust

Dear Protestant:

This office acknowledges receipt of your protest 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 protest has 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 42-1203, 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

MAR 05 1

Application No. 51-7293

SPECIAL NOTE:

PROTEST INFORMATION SHEET

Protestant - Name(s)

John B. Urquidi

Gene Davis

Address HC 85 Box 135, Bruneau, ID 83604

HC 85 Box 138, Bruneau, ID 83604

Attorney - Name & Address

Date Filed 12-12 & 12-13-90 Protest Date 12-13-90

Issues

Applicant - Attorney - Name & Address

Dates:

Acknowledgement letters:

Hearing Notice:

Hearing Date:

Other:

Protest Information submitted in Computer (following hearing):

RECEIVED
DEC 13 1990
Department of Water Resources
Western Regional Office

12-13-90

protest Water Right #51-7293, in the name of Owen's Ranches Trust, on the basis of interference with my downstream rights.

GENE DAVIS
HC 85 Bx 138
BRUNEAU ID 83604

Gene Davis

MICROFILMED
MAR 05 1992

RECEIVED
DEC 12 1990
Department of Water Resources
Western Regional Office

I protest Notice of Application for Trust Water Rights
51-07293

reasons:

1) the spring During the proposed time of use doesn't flow ~~the~~ 2.5 CFS.
2) the lands the ~~wa~~ Spring water are ~~being transfered on~~ To be used on already had water filings, this filing is an attempt to enlarge an existing water right, lost by a transfere ~~#0 0475~~
3) the spring is Been part of the Allocated water of Brunead River
4) I believe the Spring H_2O is already part of an existing water licensed.
5) ~~I~~ I as a user of South Side Canal Company Water in the months of June July Aug do not receive the delivered amount of water I'm entitled to by transfere of H_2O licenses to SS.C.C. by the predecessor of my land. The removal of the spring H_2O will harm this Water Right
6) If this application is approved then it would void the conditions from which the consolidating transfers ~~were~~ established causeing harm by adding ~~more~~ additional stress on ground water supply
7) If the spring application is approved then a corresponding amount of well water should be suspend
8) non measurement depresses are currently ~~not~~ used and should be

MAR 05 1992

9) The point of diversion should not be within 100 feet of the Bruneau River otherwise they could be tapping the Bruneau River supply

10) The loss of the spring water will change the Geological environment of the river endangering the Bruneau Snail.

11) This application is an attempt to increase ground water use that is already over allocated

~~12)~~

13) The priority date should read 1990 instead of 1986

13) This spring water has already been alterated

14) The ~~the~~ use of the H_2O for irrigation could endager the Bruneau Snail ~~espe~~

15) Planting talapea in spring H_2O without aproval could ~~are also~~ endangering Bruneau Snail

16) This applicant is currently running unappropriated waters for fish propagation without a licence or permit

17) ~~If this application is approved~~ The transfere reduces the habitate ~~This application should be~~ for Bruneau Snail

John S. Ugundi

HC 65 Box 135

Bruneau, ID 83604

MAR 05 1992

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

NOVEMBER 14, 1990

Owyhee Avalanche
P.O. Box 97
Homedale, ID 83628

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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 affidavit of publication and publication billing to this office before DECEMBER 13, 1990.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MAR 0 5 1992

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

51-07293

OWENS RANCH TRUST
RICHARD L. OWEN, TRUSTEE
BOX 590
BRUNEAU, ID 836040000

Source: SPRINGS

Diversion Pt: NESE Sec 22 T 07S R 06E

Use: IRRIGATION (2.500 CFS)
Total Diversion: (2.500 CFS)

Date Filed: 6/27/ 1986

In: T07S R06E	S22	NENE	SENE	NESE
	S23	NESW	NWSW	
	S26	NWNW	SWNW	

125.0 ACRES TOTAL

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 public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before DECEMBER 13, 1990.

R. KEITH HIGGINSON, Director

Published 11/21/1990 & 11/28/1990

1992

MEMORANDUM

TO: FILE NO. 51-7293

FROM: BRENDA

RE: ADDRESS CHANGE

DATE: NOVEMBER 14, 1990

The new address for Owen Rances is: Box 590
Bruneau, ID 83604

The database has been updated to reflect the change.

MAR 05 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 51-7293/Swan Falls Processing

DATE: 11-9-90

This is a trust water filing which has come up for sequential processing under the appropriate rules and statutes. The applicant returned the questionnaire uncompleted, but later realized he had returned a blank questionnaire and called me to provide the answers we were seeking.

Mr. Owen informed me that he had completed the diversion and conveyance works under this filing but had not actually put the source to any beneficial use. He informed me that all of the acreage under this filing had been irrigated since prior to 1984 with groundwater rights, but that he did not have an adequate water supply to cover these lands as he wanted, and that this inadequacy limited the type of crops he could grow there. This statement conflicts slightly with statements on the original application filing in which he stated that the groundwater rights were appurtenant to the same subdivisions but not the same lands.

Attached to this memo is a water right place of use overlap report and IDWR irrigated acreage classification for the subject lands. Irrigated acrage for this area was classified by the department's remote sensing lab using 1984 coverage. Using the overlap and irrigated acreage reports, I find that 40 of the 125 acres under the application were not classified as irrigated in 1984. As a result, I suggest that this filing be considered supplemental to 85 acres, and primary to 40 acres. The 40 acres should be counted as trust acres.

RECEIVED
MAR 05 1992

OWEN RANCHES
P O BOX 590
BRUNEAU, IDAHO 83604
(208) 845-2001

November 6, 1990

Tim Luke
Sr. Water Resource Agent
Dept of WAter Resources
1301 North Orchard ST
Statehouse Mail
Boise, Idaho 83720

RECEIVED
NOV 3 1990
Department of Water Resources

Subject: Application for Permit No. 51-7293

Dear Mr. Luke,

Enclosed is our application for the subject permit.

Apparently, there was a misunderstanding, since a major portion of the construction work has been completed and we were requested to stop. This is an integral part of an overall irrigation system and it is desperately needed. Any suggestions and/or corrections you may have, to be added to this, would be appreciated.

Yours truly,

Richard L. Owen

cc: Scott Campbell

MAR 0 5 1992

completed headworks & conveyance pipe to fields
does not irrigate

MAR 0 5 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 51-7293

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No
b. If you are not the propoerty owner, please descibe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ____ No X
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)
All CWD irrigated w/ groundwater rights prior to 1984. Springs will provide more adequate water for this particular acreage

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. None

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. Same 125

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.
Yes - groundwater rights. All supplemental

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant _____ Date 11-9-90
Questionnaire completed per telephone conversation w/ Mr. Owen on 11-9-90.
T J Lile

MAR 05 1992

PLACE OF USE 1/4 1/4 OVERLAP REPORT

11/09/90

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	SUM
5107293											
5100069	PENCE, SR.	D	PENCE WARM SPRINGS	07S	06E	22				40 40	80
5102089B	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102091	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102120	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102123	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102127	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102150	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102165	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102169	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102170	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5102205	OCAMICA	L	GROUNDWATER	07S	06E	22		12 7	23 26		68
5102213B	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5104102	URQUIDI	S	SPRING	07S	06E	22			3		3
5107047	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5107058	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	22	25				25
5107092	OWEN	P	GROUNDWATER	07S	06E	22				20 40	80
5107293	OWENS RANCH TRUST	A	SPRINGS	07S	06E	22	15	40		30 20	85
L5107092	OWEN	L	GROUNDWATER	07S	06E	22				15 30	65
	~~1986~~ 1984 MAPPING DATA ---	-	COUNTY 73 QUAD AA 63	07S	06E	22	34	22 39 32	39 34 39 31	38 41 27 38	40 22 36 29 541
5107293											
5102089A	PENCE	L	GROUNDWATER	07S	06E	23				5	5
5102089B	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102091	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102120	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102123	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102127	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102150	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102165	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102169	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102170	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5102213A	ROSE	L	GROUNDWATER	07S	06E	23				10 35	45
5102213B	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5107047	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5107058	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	23		38	30 29	40	137
5107082	OWEN	P	GROUNDWATER	07S	06E	23				40	40
5107293	OWENS RANCH TRUST	A	SPRINGS	07S	06E	23			10 10		20
	~~1986~~ 1984 MAPPING DATA ---	-	COUNTY 73 QUAD AA 63	07S	06E	23		1 37 5	30 36	38 40	22 34 243
5107293											
5100072	ROBERTSON	D	WILSONS SPRINGS	07S	06E	26			40		40
5102089B	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102091	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102120	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102123	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102127	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102150	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102165	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102169	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102170	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103
5102213A	ROSE	L	GROUNDWATER	07S	06E	26	40				40
5102213B	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26	15 8	40	40		103

PLACE OF USE 1/4 1/4 OVERLAP REPORT

11/09/90

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM
							NE				NW				SW				SE				
5107047	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26			15	8	40			40									103
5107058	OWENS RANCH TRUST	L	GROUNDWATER	07S	06E	26			15	8	40			40									103
5107082	OWEN	P	GROUNDWATER	07S	06E	26			25	32		30	30		33								150
5107293	OWENS RANCH TRUST	A	SPRINGS	07S	06E	26						10	10										20
	~~1986~~ 1984 MAPPING DATA ---	-	COUNTY 73 QUAD AA 63	07S	06E	26	1	32	37	28	39	38	41	40	21	20			4				301

Remote Sensing data for this area of state is from 1984.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 22, 1990

RE: APPLICATION FOR PERMIT NO. 51-7293

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

MAR 05 1992

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

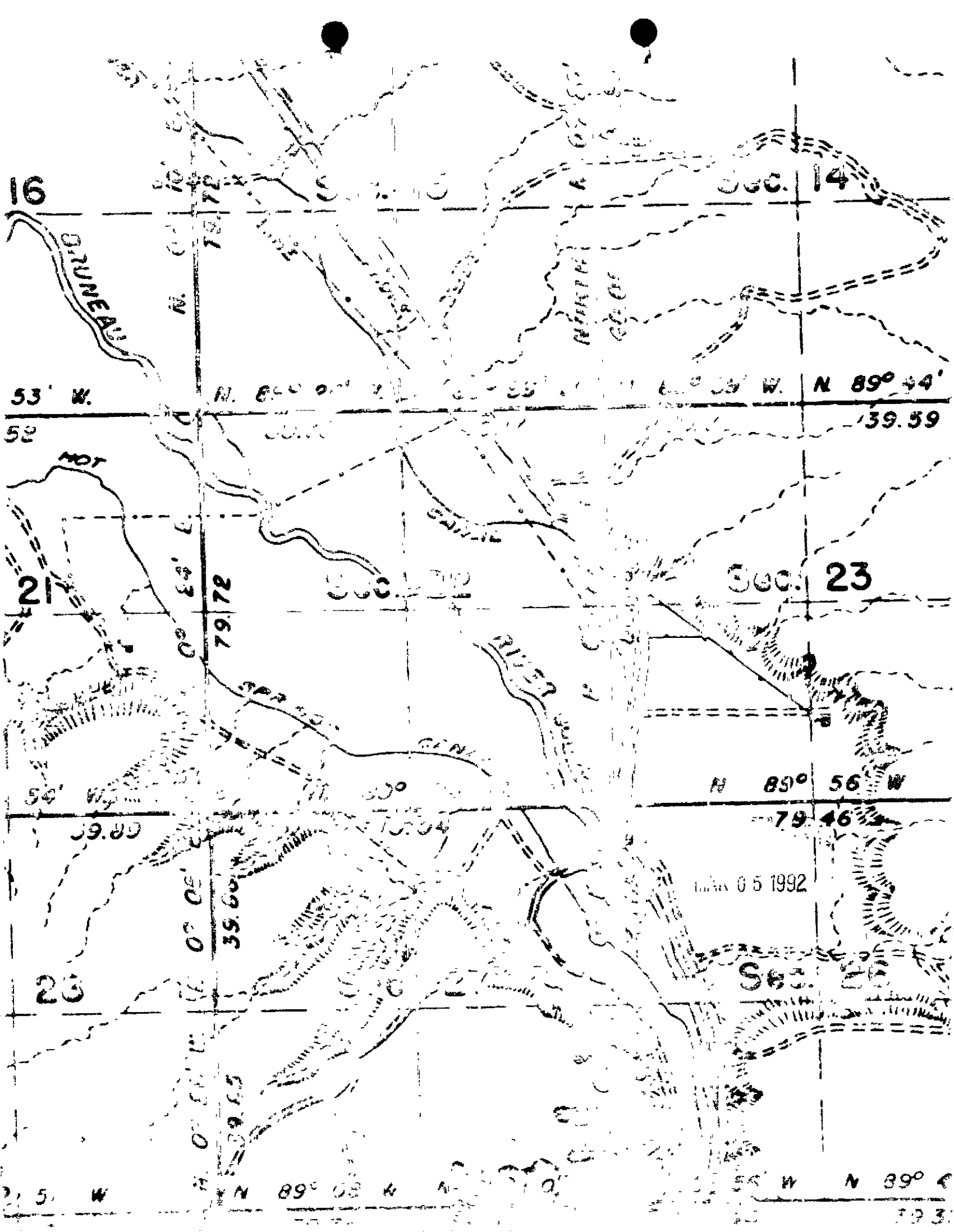
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures


16
Sec. 14
BRUNEAU
N. 53' W.
N 89° 44'
39.59
21
Sec. 23
79.72
N 89° 56' W
79.46
39.00
39.63
28
Sec.
N 89°
W
N 89°

Form No. 202a
3/79

Above Twin Falls - Do not advertise!

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Shute APPLICATION NUMBER: 51-7293

CHECK:

- ☑ ~~Source.~~
- ☑ ~~Point of diversion.~~
- ☑ ~~County.~~
- ☑ ~~Quantity of water and period of use.~~
- ☑ ~~Description of diverting works.~~
- ☑ ~~Time required for beneficial use of water.~~
- ☑ ~~Place of use or acres irrigated.~~
- ☑ ~~Map.~~
- ☑ ~~Signature.~~
- ☑ ~~Fee.~~

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes ☐ No Field check required.
- ☑ ~~Yes~~ ☐ No Critical groundwater area. BRUNEAU - GRANDVIEW AREA
- ☐ Yes ☑ ~~No~~ Request dam safety information. Sent by: _____ Date: _____
- ☑ ~~Yes~~ ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☑ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

PROCESSING:

- ☐ Yes ☑ ~~No~~ Platted by: _____ Map No. _____
- ☑ ~~Yes~~ ☐ No Other rights on same place of use. 51-0069 SAME LANDS, DIFF. P.O. FROM SPRINGS - ALL OTHERS ARE G.W. RIGHTS. NO LOTS.
- ☑ ~~Yes~~ ☐ No* In form for advertising.
  Final date for protests: _____
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
- ☐ Application published correctly. If not, record action taken: _____
- ☐ Fee amount, receipt date & number, recorded on application.
- ☐ Publication dates and paper, recorded on application. Twin Falls Times-News
- ☐ Protests, dates, withdrawal, etc., recorded on application.
- ☐ Recommendation & initial, recorded on application.
- ☐ Yes ☐ No Measuring device required.
- ☐ Yes ☐ No Access port required.
- ☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
  _____ Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

_____.____.____.____.____.___.___.__.__.__

51-7293

OWENS RANCH TRUST

RICHARD L. OWEN, TRUSTEE, STAR RT. B, P.O. BOX 110, BRUNEAU, ID 83604

Source: SPRINGS

Diversion Pt: NESE Sec 22 T 07S R 06E

Use: IRRIGATION (2.5 CFS)

Date Filed: 06/27/1986

In: NENE SENE NESE Sec 22 T 07S R 06E NESW NWSW Sec 23 T 07S R 06E NWNW SWNW Sec 26 T 07S R 06E FOR 125 ACRES

RECEIVED
MAR 05 1992