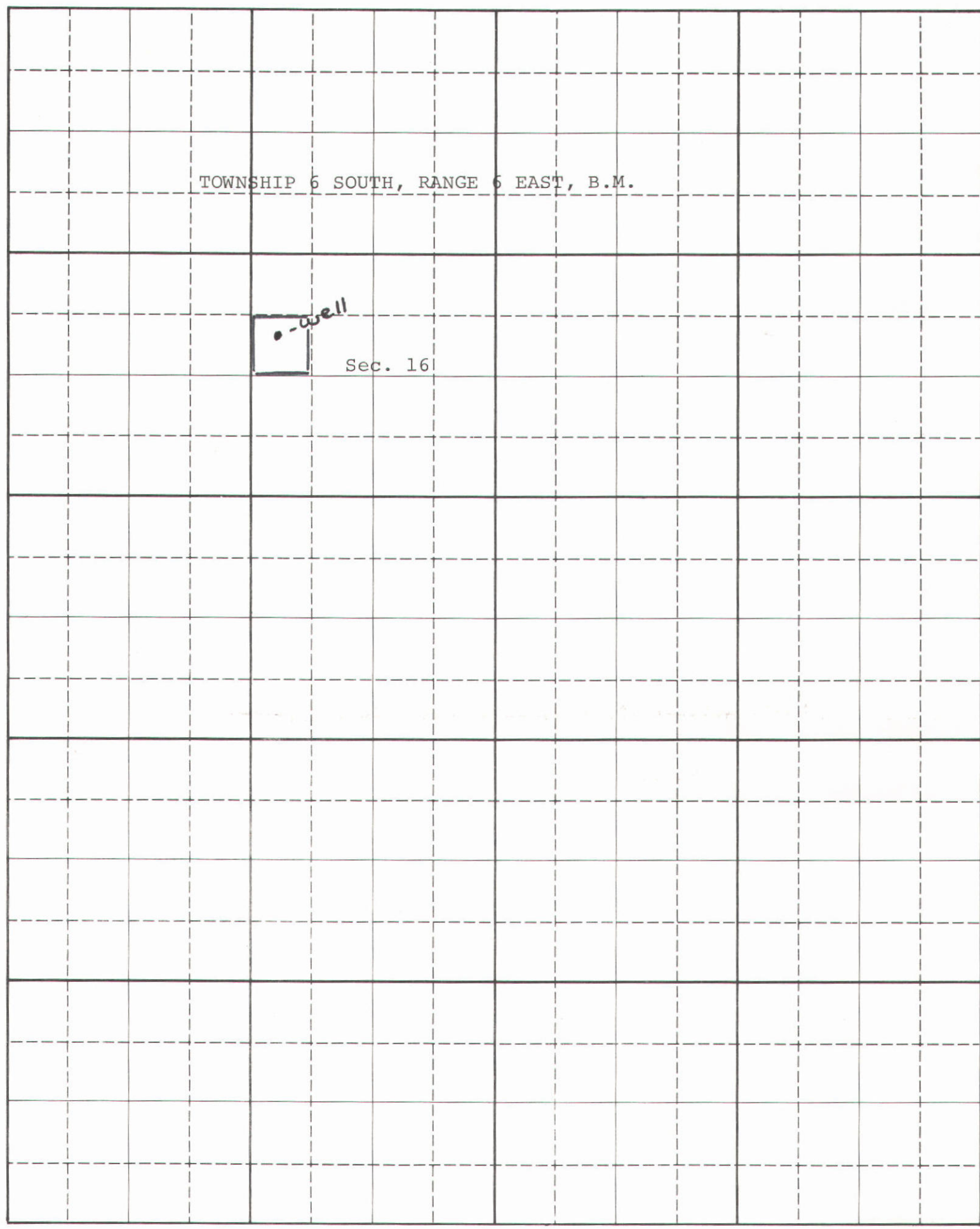


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Jay H. Smith
(Applicant)

51 7070

RECEIVED

AFFIDAVIT OF PUBLICATION

17 1972

Department of Water Administration

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that ASA BLACK, Bruneau, Idaho has on October 20, 1972 submitted Application No. 51-7070 for a permit to appropriate .01 cubic feet per second of water from a ground-water source by means of motor, pump, pressure system and storage tank within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 6 S., R. 6 E., B.M., Owyhee County to be used from Nov. 1 to Feb. 28 and from April 1 to June 30 for stockwater purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 6 S., R. 6 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Nov. 27, 1972.

R. KEITH HIGGINSON
Director

Published in the Owyhee Chronicle, Homedale, Idaho on Nov. 9, 1972 and Nov. 16, 1972.

STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

I, Everett A. Colley, being first duly sworn, depose and say:

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

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the printer or publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice NOTICE OF APPLICATION
FOR WATER PERMIT

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

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

Nov. 9, 1972

Nov. 16, 1972

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 16th day of Nov.

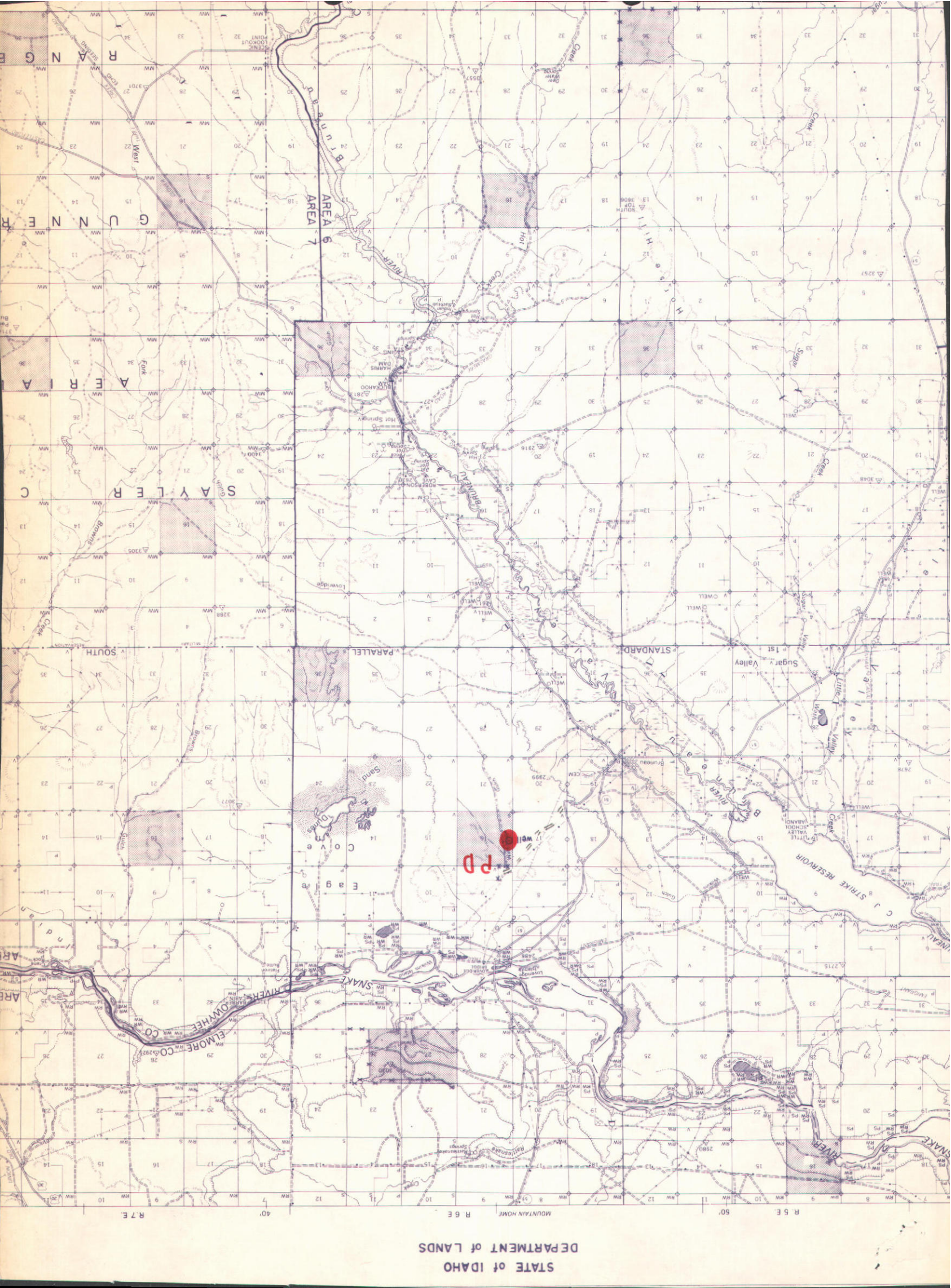
A. D., 19 72

Evelyn S. Colley
Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires 2-6, 19 76.

51 7070





WELL
LOCATION

WATERHOUSE Gulch

PD

St. PIPELINE

Highway 51

Highway 51

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that ASA

BLACK, Bruneau, Idaho has on
October 20, 1972 submitted Appli-

cation No. 51-7070 for a permit
to appropriate .01 cubic feet per

second of water from a ground-
water source by means of motor,

pump, pressure system and stor-
age tank within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.

16, T. 6 S., R. 6 E., B.M.,
Owyhee County to be used from

Nov. 1 to June 30 for stockwater pur-
poses within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.

16, T. 6 S., R. 6 E., B.M.,
If issued, this permit will be

subject to all prior water rights.
Protests against the granting of

the permit must be filed with the
Idaho Department of Water Ad-

ministration, Statehouse, Boise,
Idaho, 83707, on or before Nov.

27, 1972.
R. KEITH HIGGINSON
Director

11-8-72
Published in the Owyhee Chron-
icle, Homedale, Idaho on Nov.
9, 1972 and Nov. 16, 1972.

51 7070

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 51-7070 Priority Oct. 20, 1972 Amount 0.01 cfs

THIS IS TO CERTIFY, that the State of Idaho, Department of Public Lands
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 51-7070 issued pursuant to Application for Permit dated October 20, 1972,
and has submitted proof to the Department of Water Resources on September 5, 1975,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 0.01 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Stockwater</u>	from <u>Nov 1</u> to <u>Feb. 28</u> at <u>0.01</u> cfs and	<u>2.64</u> acre feet	
<u>Stockwater</u>	from <u>April 1</u> to <u>June 30</u> at <u>0.01</u> cfs and	<u>1.01</u> acre feet	
	from _____ to _____ at _____ cfs and		
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.01 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.65 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 16,
Twp. 6 S, Rge. 6 E, B.M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 S	6 E	16						X							

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
October, 19 75.

Director

State of Idaho

Department of Water Administration

JUL 11 1973

ASSIGNMENT OF PERMIT

Department of Water Administration

I, Asa L. Black, hereby assign to Department of Public Lands
of State Capitol Building, Boise, Idaho
Address

☒ All my right, title, and interest, in and to Permit No. 51-7070
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. 51-7070 to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 1st day of May, 19 73.

Asa L. Black
Permit Holder

Marilyn A. Black
Spouse of Permit Holder

State of Idaho)
County of Oneida) ss.

On this 1st day of May, 19 73, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~he~~ (she) (they) executed the same.

David E. Holtz
Notary Public residing at
Boise, Idaho

My commission expires: March 7, 1977

51 7070

LICENSE ISSUED FOR 101 SEC. FT.
LICENSE PAG NO.

Identification No.

Application No. 51-7070

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

ASSIGNED TO:
Dept. of Public Lands
State Capitol Bldg.
Boise, Idaho

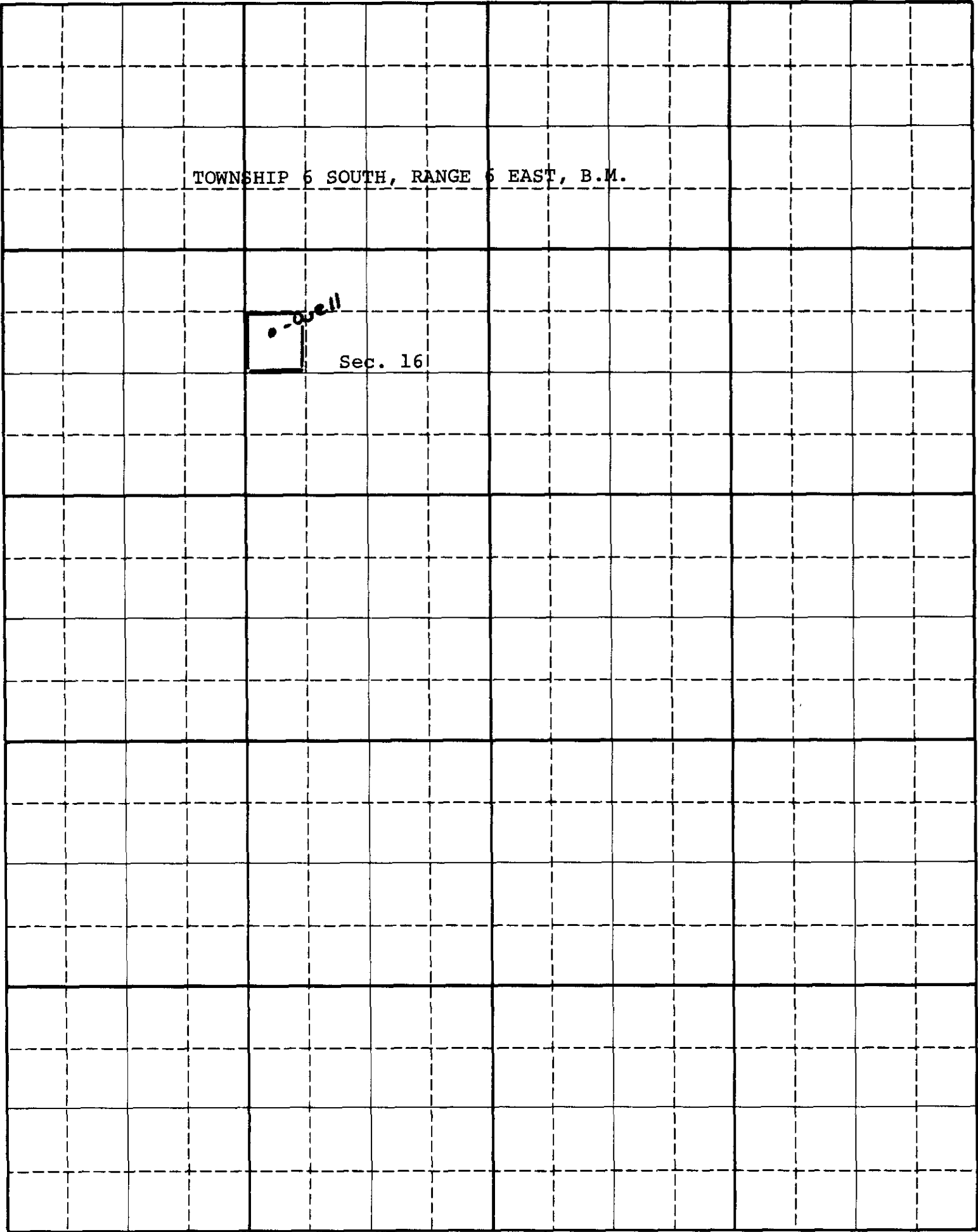
- 1 Name of applicant Asa Black
post office address Bruneau, Idaho 83604
- 2 Source of water supply subterranean which is a tributary of
- 3 a Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 6S
Range 6E B.M. Owyhee County; additional points of diversion if any:
- b. If water is not consumed, it will be discharged into at a point in $\frac{1}{4}$
of $\frac{1}{4}$ of Section Township Range B.M.
- 4 Water will be used for the following purposes:
Amount .01 for stockwater purpose from 11/1 to 2/28 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .01 for stockwater purpose from 4/1 to 6/30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purpose from to (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated:
a. .01 cubic feet per second and/or
b. acre feet per annum.
- 6 Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 5 hp motor, electric submersible pump, pressure system, 5,000 gallon storage tank
well is already drilled
- b. Height of storage dam feet, active reservoir capacity acre feet; total reservoir capacity acre feet, materials used in storage dam:
Period of year during which storage will occur to inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 6 inches; proposed depth of well is 1100 feet.
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b Estimated construction cost is \$ 2,500.
- 8 Description of proposed uses:
a If water is not for irrigation.
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 6S
Range 6E B.M.
(2) Amount of power to be generated: hp under feet of head
(3) List number of each kind of livestock to be watered 460 cattle, 45 horses 11/1 to 2/28
210 cattle 4/1 to 6/30
(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:

Total number of acres to be irrigated.

9. a. Who owns the property at the point of diversion _____ State of Idaho
b. Who owns the land to be irrigated or place of use _____ State of Idaho
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____ I have the property under grazing lease, No. 2093-72.

10. Remarks

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.

[Signature]
(Applicant)

51 700

Received by ef Date 10-20-72 Time 8:00 A
Preliminary check by W Fee \$ 10.00
Received by ef Date 10-20-72 Leit # 2965
Publication prepared by D.A. Date 11-3-72
Published in Carlsbad Chronicle
Publication dates 11-9-72 & 11-16-72
Publication approved D.A. Date 11-17-72
Priority ~~reduced to~~ 10-20-72 Reason _____

Protests filed by: Idaho Dept. of Public Lands

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by dr

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 51-7070, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1978.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 18th day of July, 1973.

R. Keith Higin
Director

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

RECEIVED

Oct 18 1972

Department of Water Administration

The undersigned owner (s) of Permit (Application) No. attached
of the State Reclamation Engineer of the State of Idaho hereby nominates
and appoints Joseph J. Thackaberry, whose address is
P.O. Box 1603, Boise, Idaho, as attorney-in-fact with full author-
ity to act for and on behalf of the undersigned in all matters pertaining
to Application or Permit. Such acts shall include, but not be limited to
the filing of applications, receiving of all notices, the signing and
filing of applications for extension of time and for amendment of said
Permit, and the submission of proofs of completion of works and beneficial
use of water.

Dated this 18th day of October, 1972.

State of Idaho)
County of ada) ss

On this 18th day of October 1972,
personally appeared before me the signer (s) of the above instrument, who
duly acknowledged to me that he (she)(they) executed the same.

Laura Spangler
Notary Public

My commission expires:

8/15/74

RECEIVED

AFFIDAVIT OF PUBLICATION

11-17-72

STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

Department of Water Administration

I, Everett A. Colley, being first duly sworn, depose and say:

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

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the printer or publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice NOTICE OF APPLICATION
FOR WATER PERMIT

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

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

Nov. 9, 1972

Nov. 16, 1972

(Signed)

Everett A. Colley

Subscribed and sworn to before me this 16th day of Nov.

A. D., 19 72.

Evelyn S. Colley

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires 2-6, 19 76.

October 22, 1975

Re: Permit No. 51-7070

Department of Lands
Statehouse
Boise, ID 83720

Gentlemen:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:rb

Enc.

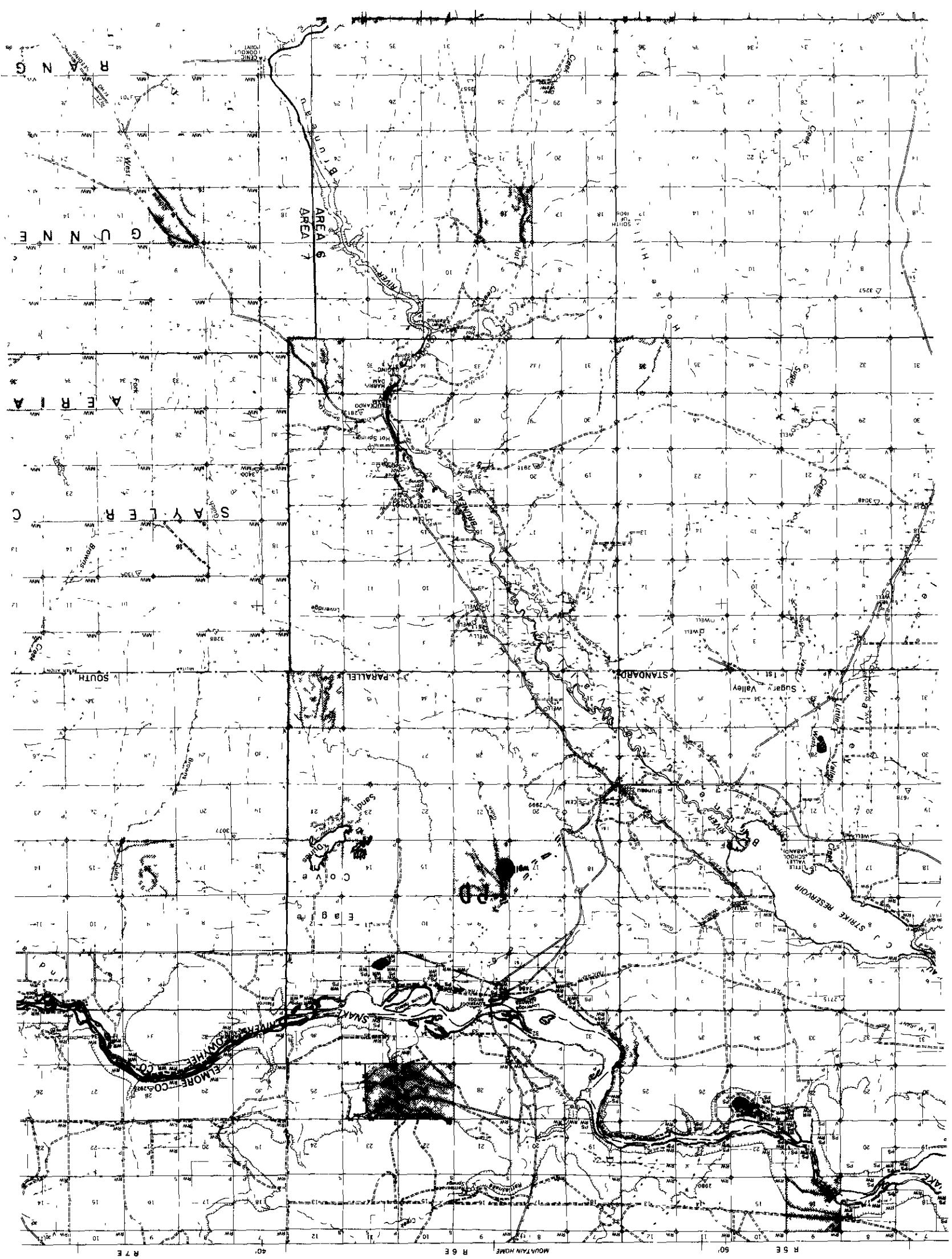
cc: Asa Black, lessee ✓

Department of Lands,
Southwest Idaho Area Office ✓

FIELD REPORT

TOTAL ACREAGE

STATE of IDAHO
DEPARTMENT of LANDS





692-0

DATE OF EXAM 10-15-75

ACREAGE
Found N/A
Recommended N/A

Irrigation Requirement N/A Ac Ft/Ac

USE
Irrigation Q= c.f.s. V= AF/Ann. from to
Domestic Q= c.f.s. V= AF/Ann. from to
Livestock Q= 0.01 c.f.s. V= ~~10.12~~ 2.2 AF/Ann. from Nov 1 to Feb 28
Livestock Q=0.01 cfs V= 1.0 AF/Ann. April 1 June 30
Total 3.2 AF/ann

Is water co-mingled? yes no X

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange.
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 0.01 cfs Method of measurement estimate

Total Q recommended 0.01 cfs Meter No. Type Condition

Total V recommended ~~10.12 af~~ 3.2 AF

Recommended Amendments

P.D.
Place of Use
Other
None X

MEASUREMENT CALCULATION
0.01 cfs is estimate. Total of 715 animals using water for
total of 336 days per year. 336 ÷ 365 days = .92 years = 11.95
for 715 animals for full year use. 11.95 x .92 = 10.12 af for
total V. Nov 1 → Feb 28 6.7 11.9 = ~~2.18~~ 2.2 AF
April → June 30 4.1 9.0 = 1.0 AF
3.2 total AF

SYSTEM DESCRIPTION.
6" well, 810' deep, 1 H.P. submersible pump, 1" steel mainline going
to 2 steel, heated, stockwater tanks. ~~3000' deep~~

REMARKS:

Examiner's Signature Peter Chamberlin Date 10-15-75
Checked by Date 10-16-75
Approved by Date



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 10, 1975

Re: Permit No. 65-7521 & 51-7070

Idaho Dept. of Lands
Statehouse
Boise, Idaho 83720

Gentlemen:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for the above referenced permits.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in Boise.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

cc: Max Hall
Jay G. Biladeau

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

RECEIVED

SEP 5 1975

OK j

Identification No. _____

Permit No. 51-7070

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder State of Idaho Department of Lands
 b) Post Office Address Room 119 State Capitol Building - Boise, Idaho 83720
2. Permit Number 51-7070
3. Date of Priority that you are prepared to establish 25 July 1973
4. a) Source from which water was appropriated Ground water
 b) Location of the point of diversion: SW ¼ NW ¼, Section 16
Township 6S, Range 6E Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
 Amount .10 cfs for stock water purposes from 1 November to 28 February incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount .10 cfs for stock water purposes from 1 April to 30 June incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 Amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated .10 cfs cfs and/or acre-feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Measured by Dave Adamson who is commercially engaged in submersible well pump installation.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: A 201 extrol tank and two automatic feeder tanks mounted on plywood for water storage with a one inch check valve and one foot of 6" casing.
 b) Describe the agreement or understanding by which you take water from the works: The State lessee contracted drilling the well in 1952. The water permit application has been assigned to the State of Idaho. The lessee receives the use of the water as part of his State grazing lease.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) A 4 amp. 19-1 horse power submersible pump with 335 feet of one inch pipe. Well is 6 inch, cased down 40 feet, total well depth is 810 feet, depth to water is 180 feet.
 b) Describe the type and size of measuring device which you have installed at your point of diversion: None
 c) Give well driller's name and address and the date the well was completed: Drilled by Irvin Glineski - Bruneau, Idaho. Drilling was completed in 1952, however, the well was not put to beneficial use until 15 October 1973. The pump was installed by Luekenga Construction; Nampa, Idaho.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Water is beneficially used to water livestock at the well site located in same subdivision as described in 4 (b) above.

Exam typed 9-10-73 j

274B

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: NA

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated NA

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

Feb. 21, 1975
(Date)

Max L. Hall
(Signature)
Range Asst.

State of Idaho)
County of Ada) ss.

On this 21 day of February, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Samuel E. Hobbs
Notary Public residing at Boise

My commission expires March 7, 1977

BOISE, IDAHO
AUG 18 AM 9:02 '75
DEPT. OF LANDS



STATE OF IDAHO

RECEIVED

SEP 5 1975

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

Department of Water Resources

STATE BOARD OF LAND COMMISSIONERS

CECIL D. ANDRUS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
WAYNE L. KIDWELL
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
ROY TRUBY
SUPT OF PUBLIC INSTRUCTION

September 5, 1975

Mr. R. Keith Higginson
Director
Water Resources Dept.
Statehouse Mail

Dear Mr. Higginson:

We are forwarding herewith "Proof of Application of Water to Beneficial Use" for Permit No. 51-7070 in the name of the State of Idaho, Department of Lands.

Very truly yours,

DIVISION OF LANDS

W. J. Mitchell

W. J. Mitchell, Chief
Bureau of Lands

WJM/bv
Encl.

SEP 10 1975

July 20, 1973

Re: Permit No. 51-7070

Department of Public Lands
State Capitol Building
Boise, Idaho 83707

Gentlemen:

We have received and recorded an assignment conveying Application for Permit No. 51-7070 to your Department. Enclosed is a copy of the assignment.

We are also enclosing a copy of your approved Application for Permit No. 51-7070. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

cc: Asa Black
Bruneau, ID 83604

51 7070

IDAHO

DEPARTMENT OF PUBLIC LANDS
BOISE, IDAHO 83707



GORDON C. TROMBLEY
COMMISSIONER

STATE BOARD OF LAND COMMISSIONERS

CECIL D. ANDRUS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
W. ANTHONY PARK
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
DELMER F. ENGELKING
SUP'T OF PUBLIC INSTRUCTION

July 10, 1973

RECEIVED

JUL 11 1973

Department of Water Administration

Mr. R. Keith Higginson, Director
Department of Water Administration
Building Mail

Dear Mr. Higginson:

We are forwarding herewith an Assignment of Permit executed by
Asa L. and Marilyn A. Black, assigning Permit No. 51-7070 to the
Department of Public Lands.

Please advise us what action is required to acquire the water right
applied for under the permit.

Very truly yours

FOR THE COMMISSIONER

A handwritten signature in cursive script that reads "W. J. Mitchell".

W. J. Mitchell
Division Chief, Lands

WJM/lgb

Enclosure

51 7070

January 5, 1973

Re: Application for Permit No. 51-7070

Mr. Asa Black
Bruneau, Idaho 83604

Dear Mr. Black:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 51-7070. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Sincerely

KENNETH H. FOIT, P. E.
Western District Engineer

51 7070

KHF:df

Enclosure

cc: Joseph J. Thackaberry

January 5, 1973

Re: Application No. 51-7070 Asa Black

Mr. David P. Tidwell
Division Chief, Range Management
Idaho Department of Public Lands
STATEHOUSE MAIL

Dear Mr. Tidwell:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

51 7070

KHF:df

IDAHO

DEPARTMENT OF PUBLIC LANDS
BOISE, IDAHO 83707



GORDON C. TROMBLEY
COMMISSIONER

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DELMER F. ENGELKING
SUPT OF PUBLIC INSTRUCTION

November 22, 1972

RECEIVED

NOV 22 1972

Mr. Kenneth H. Foit, P.E.
Western District Engineer
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Department of Water Administration

Re: Application for Permit No. 51-7070

Dear Mr. Foit:

This department has reviewed application for permit No. 51-7070 submitted by Asa Black of Bruneau, Idaho.

Permit No. 51-7070 should be denied Mr. Black for the following reasons.

1. The lessee's leasehold interest cannot exceed ten years in any single lease term. A permit or water right would exceed the term of his lease as authorized by law, thus placing Mr. Black in a preferential position.
2. The lessee has exclusive use of the water through the terms and conditions of his state grazing lease.
3. A permit or water right in other than the State of Idaho's name would cloud the title of the state land thus complicating future sale or exchange of the land.
4. The lessee's interest in authorized improvements is adequately protected by statute and through the terms and conditions of his lease. This well would be considered such an authorized improvement.
5. Title to water should be vested in the owner of the land, the State of Idaho in the instance of Section 16, Township 6 South, Range 6 East.

An assignment of Permit No. 51-7070 is being pursued between Mr. Black and this department. It is anticipated that this assignment will be executed in the very near future.

51 7070

Mr. Kenneth H. Foit, P.E.
Department of Water Administration
November 22, 1972
page 2

Please advise this department of any further action, which may
be required to deny this permit to Mr. Black.

Very truly yours,

FOR THE COMMISSIONER

A handwritten signature in dark ink, appearing to read "David P. Tidwell", written in a cursive style.

DAVID P. TIDWELL

Division Chief, Range Management

DPT:vp
cc: Division Chief, Lands
Area Supervisor, Southwestern Idaho

Western District Office

November 6, 1972

RE: APPLICATION FOR PERMIT NO. 51-7070

State of Idaho
Department of Public Lands
STATEHOUSE MAIL

Gentlemen:

We are enclosing a copy of the above referenced application for permit, which may be of interest to your agency.

Please review the application and if you have any comments, please submit them to our Department as soon as possible.

We normally complete the processing of an application within a six (6) week period and we are required to take final action shortly thereafter.

If we may be of any assistance to you in the meantime, please do not hesitate to contact this Department.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:mhp

Enclosure

51 7070

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 3, 1972

RE: APPLICATION FOR PERMIT #51-7070, ASA BLACK

**Owyhee Chronicle
20 East Idaho Avenue
Homedale, Idaho 83628**

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

51 7070

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ASA BLACK,
Bruneau, Idaho
has on October 20, 1972 submitted Application No. 51-7070
for a permit to appropriate .01 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from a groundwater source
by means of motor, pump, pressure system and storage tank
within the SW1/4, Sec. 16, T. 6 S., R. 6 E., B.M., Owyhee County

to be used from Nov. 1 to Feb. 28 and from April 1 to June 30
for stockwater purposes
within the SW1/4, Sec. 16, T. 6 S., R. 6 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Nov. 27, 1972.

R. KEITH HIGGINSON

Director

Published in the Owyhee Chronicle, Homedale, Idaho
on Nov. 9, 1972 and Nov. 16, 1972

Idaho Land & Appraisal Service

BOISE, IDAHO 83701

Real Estate Appraisers & Counselors
Land Management

MERVIN J. CHRISTENSEN
JOSEPH J. THACKABERRY
ROBERT W. SMITH

RECEIVED

1972

Department of Water 633 N. 4TH
BOISE, IDAHO 83720
208-344-2500

October 27, 1972

Mr. James E. Booker
Water Resource Examiner
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

RE: Application for Permit 51-7070, Asa Black

Dear Jim:

Enclosed is the above designated application which you returned to me for signature, it is now properly signed.

As per my telephone conversation with you, it will not be necessary to supply you with a copy of grazing lease 2093-72, you were going to telephone Virginia Peters of the Department of Public Lands to verify that Asa Black holds grazing lease 2093-72.

If you have any further questions, please give me a call.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Joseph J. Thackaberry

ls

encl

Note: I contacted Dept Pub Lands who verified the grazing permit

Jim A H

51 7070

Western District Office

October 25, 1972

Re: Application for Permit #51-7070, Ada Black

Mr. Joseph Thackaberry
Idaho Land & Appraisal
P. O. Box 1603
Boise, Idaho

Dear Mr. Thackaberry:

We are returning the above referenced application in order that you can make some necessary changes.

Since you have the power of attorney, you are authorized to sign the application.

Also, before we can make the final approval of this application, it will be necessary for you to supply a copy of grazing permit #2093-72.

If we can be of any further assistance in this matter, please feel free to contact this office.

Sincerely,

JAMES E. BOOKER
Water Resource Examiner

JEB:df

Enclosure

51 7070

Western District Office

October 20, 1972

C
RE: APPLICATION FOR PERMIT NO. 51-7070

Mr. A. Black
Bruneau
Idaho 83604

Dear Mr. Black:

Attached herewith is your Receipt No. 8965 in the amount of \$10.00 for
Application for Permit no. 51-7070 which was received in this office
Oct. 20, 1972.

P
Sincerely,

Y
KENNETH H. FOIT, P.E.
Western District Engineer

KHF:mkp

Enclosure

51 7070

Idaho Land & Appraisal Service

BOISE, IDAHO 83701

Real Estate Appraisers & Counselors
Land Management

MERVIN J CHRISTENSEN
JOSEPH J THACKABERRY
ROBERT W SMITH

October 18, 1972

633 N 4TH
P O BOX 1603
208-344-2547

RECEIVED

Department of Water Administration

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

RE: Ada Black, Application for Permit

Dear Mr. Higginson:

Enclosed herewith please find the following:

1. Application for Water Permit in the name of Ada Black.
2. Power of Attorney naming Joseph J. Thackaberry.
3. Check in the amount of \$10.00 to cover the fee for less than .2 cfs.

If you require any further information, please let me know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Joseph J. Thackaberry

ls

encl

51 7070