

The Owyhee Avalanche

P.O. BOX 97

HOMEDALE, IDAHO 83828

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

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

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

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

January 2, 1985

January 9, 1985

(Signed).....

Joe E Aman

Subscribed and sworn to before me this 9th day of January A.D., 1985.

Clara E. Brown

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires March 26, 1988

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Transfer of Right No. 51-4091 in the name of Bureau of Land Management, Dept. of Lands & M.L. Investment Co. was published in error on 9-19 and 9-26-84.

The Place of Use was advertised as being within Sections 1&13, T 11S., R. 4E., Sec. 25, T. 10S., R 4E., Sec. 12, 15, 4, 3, T 11 S., R 5E., Sec. 4, 10, 11, 12, 26, 21, T. 10S., R 5E., Sec. 11, 10, 5, 9, 21, 28, 33, 25, 36, T. 9S. R 5E., Sec. 15, 28, 32, T. 8S., R. 5E. Sec. 6, T 11S., R. 6E., Sec. 3, 9, 21, 29, T. 10S., R 6E. Sec. 2, 3, 9, 1, 23, T 9S., R 6E. Sec. 22, 26, 33, 36, T. 8S., R. 6E.

WHEREAS, the actual Place of Use is within Sections 1 & 13, T 11S, R 4E. Sec. 25 T 10S, R 4E., Sec. 12, 15, 4, 3, T 11S, R 5E. Sec. 4, 10, 11, 14, 26, 21, T. 10S, R 5E., Sec. 18, 11, 5, 9, 21, 28, 33, 25, 36, T 9S, R 5E. Sec. 15, 28, 32, T 8S, R. 5E. Sec. 6, T 11S., R 6E. Sec. 3, 9, 21, 29, T 10S, R 6E. Sec. 2, 3, 9, 7, 23, T 9S, R 6E. Sec. 22, 26, 33, T 8S, R 6E. Sec. 36, T 8S, R 4E.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, Statehouse, 450 W. State St., Boise, ID 83720 on or before January 21, 1985.

Ken Dunn
Director

Published in the Owyhee Avalanche
on Jan. 2, 9, 1985 2t

RECEIVED

JAN 14 1985

Department of Water Resources
Western Regional Office

MICROFILMED

4/16

PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

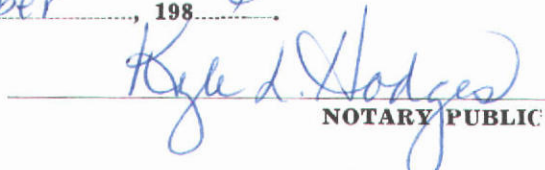
That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 19 day of September, 1984, and the last publication being on the 26 day of September, 1984;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.


PUBLISHER

Subscribed and sworn to before me this 26 day of

September, 1984.


NOTARY PUBLIC

My commission expires 3-84

(SEAL)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 51-4091 VJP

Notice is hereby given that M. L. Investment Co. of P.O. Box 27, Boise, ID 83707, State of Idaho, Dept. of Lands, Statehouse, Boise, ID 83720 & Bureau of Land Mgmt., 3948 Development Ave., Boise, ID 83705 applied to the Department of Water Resources for a change of Place of Use of the water of Wickahoney Spring. The right sought to be changed is evidenced by Claim No. 51-4091 and is recorded as follows: Amount 2.0 cfs Priority: 1880. Point (s) of Diversion: NWSE, S. 21, T11S, R4E.

The water is used for Domestic, Irrigation and Stockwater purposes within the NWSE, S.21, T.11S, R.4E.

TO BE CHANGED AS FOLLOWS

Amount: 0.50 cfs

Point (s) of Diversion: NWSE, S.21, T.11S, R.4E

The water will be used for Stockwater purposes within the following Sections: Sec. 1 & 13, T.11S., R4E.; Sec. 25, T.10S., R4E.; Sec. 12, 15, 4, 3 T.11S., R5E.

Sec. 4, 10, 11, 12, 26, 21, T10S, R5E.

Sec. 11, 10, 5, 9, 21, 28, 33, 25, 36, T. 9S., R5E.

Sec. 15, 28, 32, T.8S., R5E., Sec. 6, T11S., R.6E.

Sec. 3, 9, 21, 29, T10S., R6E. Sec. 2, 3, 9, 1, 23, T9S., R.6E

Sec. 22, 26, 33, 36, T8S., R6E.

Any protest against approval of the proposed change of water application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before October 8, 1984.

KEN DUNN,
Director

Published in the Owyhee Nugget, Marsing and Homedale, Owyhee County, Idaho 9/19 & 9/26/81.

RECEIVED
SEP 28 1984

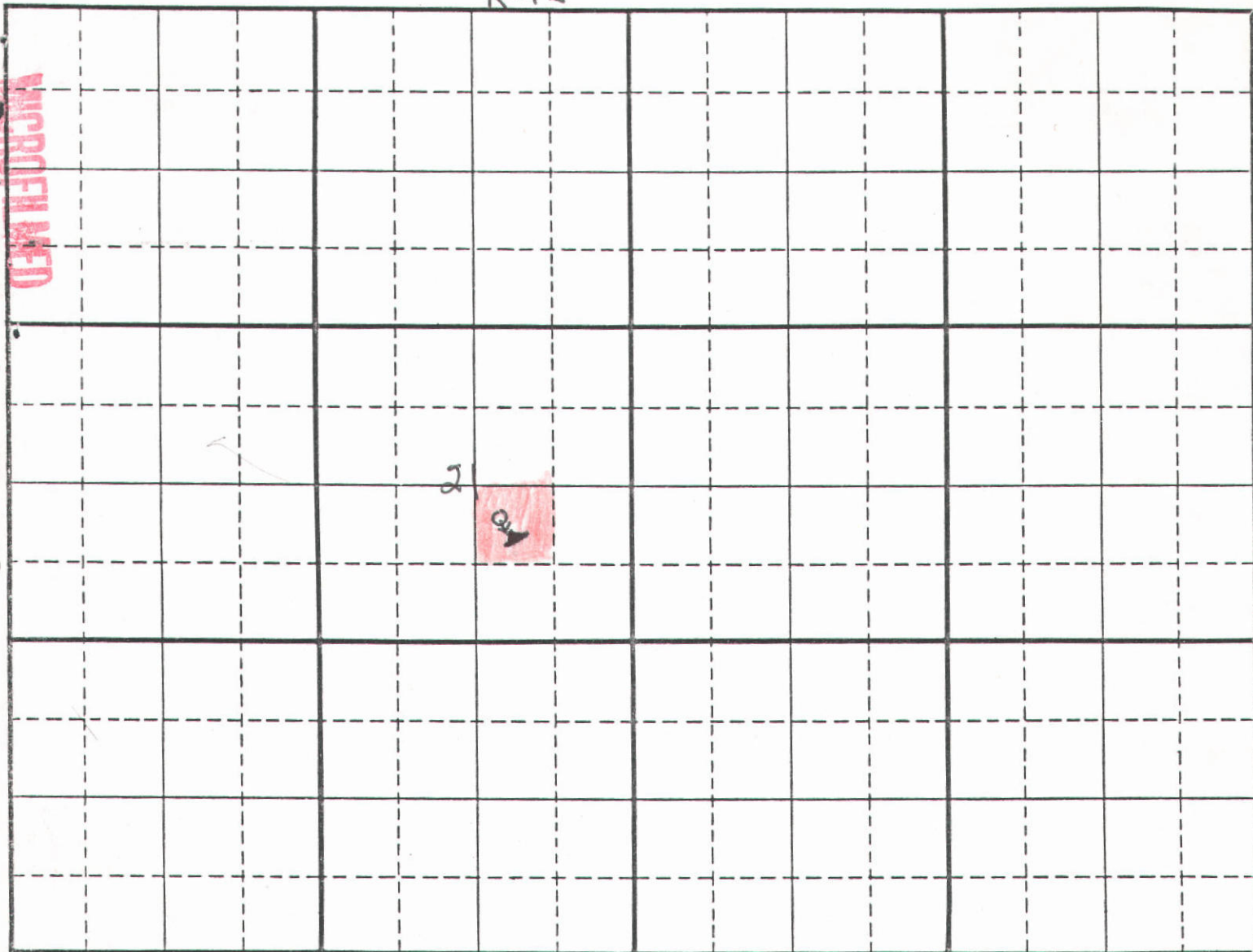
Department of Water Resources
Western Regional Office

MICROFILMED

322

(8) Remarks _____

R4E



Scale: 2 inches equal 1 mile.  spring  reservoir

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29th day of June, 1983.
Ramona D. Granger-Secretary
(Claimant)

Laurel J. Walker
Notary Public
Residing at Bowen, Idaho

My commission expires Lifetime

7-5-83 FOR DEPARTMENT USE ONLY

Received by <u>SLC</u>	Date <u>6/30/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>WHS</u>	Date <u>12/6/83</u>		claimant by:	
\$20.00 fee received by <u>MA</u>	Date <u>7/16/83</u>	<u>26916</u>		
Published in <u>Oregonian Register</u>	<u>Idaho Dept. of Lands</u>	<u>JP</u>		<u>3/27/84</u>
Dates <u>1/23 & 3/1/84</u>				

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That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 29 day of

February, 1984.

Ryle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

RECEIVED

MAR 2 1984

Department of Water Resources
Western Regional Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been filed on water rights created by diversion and beneficial use:

51-4089

SHANNON, DENNIS
GRASMERE STATION, GRASMERE RT., GRASMERE, ID 83604

Source: GROUNDWATER

Priority Date: 01/01/1940

Diversion Pt: SWSW Sec 16 T 12S R 05E

Use: DOMESTIC (0.06 CFS)

In: SWSW Sec 16 T 12S R 05E

51-4090

SIMPLIT LIVESTOCK CO.

P.O. BOX 27, BOISE, ID 83701

Source: INDIAN HOT SPRINGS

trib. to BRUNEAU RIVER

Priority Date: 01/01/1860

Diversion Pt: NWSW Sec 33 T 12S R 07E

Use: IRRIGATION (4.00 CFS)

STOCKWATER (4.00 CFS)

DOMESTIC (4.00 CFS)

In: NWSW Sec 33 T 12S R 07E

FOR 40 ACRES

51-4091

SIMPLIT LIVESTOCK CO.

P.O. BOX 27, BOISE, ID 83701

Source: WICKAHONEY SPRING

trib. to WICKAHONEY CREEK

Priority Date: 01/01/1880

Diversion Pt: NWSE Sec 21 T 11S R 04E

Use: IRRIGATION (2.00 CFS)

STOCKWATER (2.00 CFS)

DOMESTIC (2.00 CFS)

In: NWSE Sec 21 T 11S R 04E

FOR 40 ACRES

55-4146

MAC KENZIE, ROBERT S. &/or KAREN

P.O. BOX 125, JORDAN VALLEY, OR 97910

Source: BADGER CREEK to

SOUTH MOUNTAIN CREEK

COYOTE CREEK trib. to SOUTH

MOUNTAIN CREEK

Priority Date: 04/01/1906

Diversion Pt: NESW Sec 36 T 07S

R 05W NENW Sec 30 T 07S R 04W

Use: IRRIGATION (0.30 CFS)

In: NWSE Sec 36 T 07S R 05W

NENW Sec 30 T 07S R 04W FOR

15 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Published in the Owyhee Nugget, Marsing and Homedale Idaho, Owyhee County, Idaho 2/22 & 2/29/1984.

RECEIVED

JUL 1 1985

RECEIVED

JUN 5 1985

Department of Water Resources

Bureau of Land Management
Boise District

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw Application for Transfer of
Water Right No. 51-4091.

Signed at BOISE IDAHO

this 28th day of JUNE, 1985.

C. Vernon Dwyer 5/29/85
BUREAU OF LAND MANAGEMENT
Boise District Area Manager Date

Alan J. Atkinson 6/3/85
DEPARTMENT OF LANDS Date

Russell J. Graves - Secretary 6/28/85
M. L. INVESTMENT Company Date

MICROFILMED

RECEIVED

BOISE DISTRICT OFFICE
Transfer No. 3097
BOISE, IDAHO

Water Right No. 51-4091
JUL 12 3 39 PM '84

1984 JUL 20 AM 7:45
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Bureau of Land Management State of Idaho M.L. Investment Co.
Boise District Office Department of Lands P.O. Box 27
3948 Development Avenue Directors Office Boise, Idaho 83707
Post Office address Boise, Idaho 83705 Statehouse Attn: R. N. Graves
Boise, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____
dated in WITHDRAWN in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 51-4091 on file with the Idaho Department of Water Resources

*2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Wickahoney Spring tributary to Wickahoney Ck

4. Date of priority 1880

5. Water is used for the following purposes:

amount 2.0 for Irr. purposes from 1-1 to 12-31
amount 2.0 for Stock water purposes from 1-1 to 12-31
amount 2.0 for Domestic purposes from 1-1 to 12-31
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21
Township 11S Range 4E, B.M., in Owyhee County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	4E	21																	40

Total number of acres _____

9. Describe any other water rights used for the same purpose as described above _____
51-4092 - State Lands - .02 CFS-stockwater

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? yes If yes, describe in item D, REMARKS _____

omit part B)

a. _____ cubic feet per second
b. _____ acre feet per annum &/or

2. Point of diversion $\frac{1}{4}$ NM $\frac{1}{4}$ SE $\frac{1}{4}$, Section

_____ Range

Circumstance	Percentage (%)
If someone is attacking you	95
If someone is threatening you	85
If someone is harassing you	75
If someone is insulting you	65
If someone is annoying you	55

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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11

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DESCRIPTION OF

a. Amount of

Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	20%
65-74	15%
75-84	10%
85+	5%

modifications

3.

09/12/2017 08:56:59

01971 4451

Describe

c. Describe the lands place of use to which the right will be transferred: see attachment A

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

- 4 Describe any other water rights used for the same purpose as described above. none
- 5 Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

SCALE 2 inches equal 1 mile. Draw plan in ink

MICROFILMED

MICROFILMED

D. REMARKS

The intent of this application is not to increase use but to disburse the place of use.
THE IRRIGATION & DOMESTIC USE HAS NOT BEEN USED FOR SEVERAL
YEARS, HOWEVER, STOCK HAVE WATERED FROM THE SPRING CONTINUOUSLY.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

X James E. Holbe x 8/20/84 M. L. INVESTMENT CO.
CHIEF RANGE MANAGEMENT DATE BY Lawrence J. Walker
Subscribed and sworn to before me this 12th day of July, 19 84
(Signature of Applicant) Secretary

Lawrence J. Walker
(Notary Public)

My commission expires

Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

BOISE, IDAHO

14 AUG 17 11 15

DEPT. OF LANDS

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

FOR DEPARTMENT USE ONLY

Received by an Date 9-6-84 Protest filed by _____
Prelim. check by g Fee 50.00 ID-910-BP3-0003 (20th readvertisement fee) ID-910-BP3-0003
Receipted by g Date 2-27-85 #36279
Published in Boise Business Journal Copies of protest forwarded by _____
Pub. dates 9/19 & 9/26/84 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by DBS

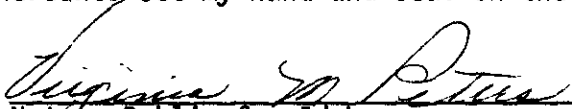
STATE OF IDAHO)

ss.

County of Ada)

On this 20th day of August, in the year 1984, before me, a Notary Public in and for said State, personally appeared Donald E. Hobbs, known to me to be the applicant that executed the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.



Notary Public for Idaho
Residing at Boise, ID.
Commission expires 3-15-88

The Owyhee Avalanche

P.O. BOX 97

HOMEDALE, IDAHO 83628

208/337-4881

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
COUNTY OF OWYHEE)

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

..... January 2, 1985

..... January 9, 1985

.....

.....

.....

.....

.....

(Signed).....

Joe E Aman

Subscribed and sworn to before me this 9th day of January
A.D., 1985.

.....
Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires March 26, 1988.

RECEIVED

JAN 14 1985

Department of Water Resources
Western Regional Office

MICROFILMED

4/16

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PUBLISHER

Subscribed and sworn to before me this 26 day of

September, 1984.

Kyle D. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

RECEIVED
SEP 28 1984

Department of Water Resources
Western Regional Office

MICROFILMED

526

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STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 22 day of February, 1984, and the last publication being on the 29 day of February, 1984;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 29 day of

February, 1984

Kyle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

RECEIVED

MAR 2 1984

Department of Water Resources
Western Regional Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been filed on water rights created by diversion and beneficial use:

51-4089

SHANNON, DENNIS
GRASMERE STATION, GRASMERE RT., GRASMERE, ID. 83604

Source: GROUNDWATER

Priority Date: 01/01/1940

Diversion Pt: SWSW Sec 16 T 12S R 05E

Use: DOMESTIC (0.06 CFS)

In: SWSW Sec 16 T 12S R 05E

51-4090

SIMPLIST LIVESTOCK CO.

P.O. BOX 27, BOISE, ID 83701

Source: INDIAN HOT SPRINGS

trib. to BRUNEAU RIVER

Priority Date: 01/01/1860

Diversion Pt: NWSW Sec 33 T 12S R 07E

Use: IRRIGATION (4.00 CFS)

STOCKWATER (4.00 CFS)

DOMESTIC (4.00 CFS)

In: NWSW Sec 33 T 12S R 07E

FOR 40 ACRES

51-4091

SIMPLIST LIVESTOCK CO.

P.O. BOX 27, BOISE, ID 83701

Source: WICKAHONEY SPRING

trib. to WICKAHONEY CREEK

Priority Date: 01/01/1880

Diversion Pt: NWSE Sec 21 T 11S R 04E

Use: IRRIGATION (2.00 CFS)

STOCKWATER (2.00 CFS)

DOMESTIC (2.00 CFS)

In: NWSE Sec 21 T 11S R 04E

FOR 40 ACRES

KAREN
P.O. BOX 125, JORDAN VALLEY, OR 97910

Source: BADGER CREEK to

SOUTH MOUNTAIN CREEK

COYOTE CREEK trib. to SOUTH MOUNTAIN CREEK

Priority Date: 04/01/1906

Diversion Pt: NESW Sec 36 T 07S R 05W NENW Sec 30 T 07S R 04W

Use: IRRIGATION (0.30 CFS)

In: NESW Sec 36 T 07S R 05W

NENW Sec 30 T 07S R 04W FOR

15 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Published in the Owyhee Nugget, Marsing and Homedale Idaho, Owyhee County, Idaho 2/22 & 2/29/1984.

August 13, 1985

State of Idaho
Department of Lands
Directors Office
Statehouse
Boise, ID 83720

Re: Application for Transfer of Water Right 51-4091

This office acknowledges the withdrawal of the above referenced Application for Transfer of Water Right.

The Transfer will be removed from the Department's records.

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

Sincerely,

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

DRT:jp

MICROFILMED

August 13, 1985

Bureau of Land Management
Boise District Office
3948 Development Ave.
Boise, ID 83705

Re: Application for Transfer of Water Right 51-4091

This office acknowledges the withdrawal of the above referenced Application for Transfer of Water Right.

The Transfer will be removed from the Department's records.

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

Sincerely,

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

DRT:jp

MICROFILMED

August 13, 1985

M. L. Investment Co.
P. O. Box 27
Boise, ID 83707

Re: Application for Transfer of Water Right 51-4091

This office acknowledges the withdrawal of the above referenced Application for Transfer of Water Right.

The Transfer will be removed from the Department's records.

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

Sincerely,

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

DRT:jp

MICROFILMED

M. L. INVESTMENT
P.O. Box 27
Boise, Idaho 83707

RECEIVED
JUL 1 1985

Department of Water Resources

June 28, 1985

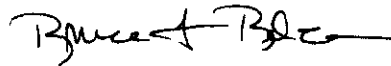
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: 51-4091

Dear Sir or Madam:

Enclosed is a completely executed Withdrawal of the
previously submitted Application for Transfer.

Sincerely,



BRUCE L. BELZER
Assistant Corporate Counsel

BLB/dw
Enc.

MICROFILMED

BOISE
DISTRICT OFFICE
BOISE, IDAHO
ASSIGNMENT OF WATER RIGHT

JUL 12 3 38 PM '84

RECEIVED
SEP 6 1984

Department of Water Resources
Western Regional Office

M. L. INVESTMENT CO., a Nevada corporation hereby assigns to the BUREAU OF LAND MANAGEMENT, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, and to the STATE OF IDAHO, Department of Lands, Directors Office, Statehouse, Boise, Idaho 83720 and to M. L. INVESTMENT CO., P.O. Box 27, Boise, Idaho 83707, Attention: R. N. Graves, each an undivided one-third interest in and to .5 cfs of M. L. INVESTMENT CO.'s right, title and interest in and to Claim No. 51-4091 to appropriate the public waters of the State of Idaho. It is the intent that this Assignment of Water Right assign only an undivided one-third interest in .5 cfs from Claim No. 51-4091 to each the BUREAU OF LAND MANAGEMENT, the STATE OF IDAHO and to M. L. INVESTMENT CO.

DATED this 12th day of July, 1984.

M. L. INVESTMENT CO.

By *Ronald N. Graves*
Secretary

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 12th day of July, 1984, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.

(SEAL)

Laurel J. Walker
Notary Public residing at:
Boise, Idaho
My Commission Expires: *Lifetime*

MICROFILMED

RECORDED
SEP 6 1984

Department of Land Resources
Western Regional Office

CERTIFICATE OF STATE OF IDAHO
BOISE DISTRICT OFFICE
BOISE, IDAHO

JUL 17 3 39 PM '84

I, STANLEY F. HAMILTON, Director of the Department of Lands and Secretary for the State Land Board, in and for the State of Idaho, do hereby certify that insofar as the public land records of the State of Idaho are concerned there are no instruments of record whereby the State of Idaho has purported to sell, convey or in any way encumber to any person the lands listed below.

I further certify that the public land records of the State of Idaho show that said lands were acquired by the State of Idaho under authority of the Act of Congress approved July 3, 1890, entitled, "An Act to Provide for the Admission of the State of Idaho into the Union" (26 Stat. 215).

All the following described lands are subject to any valid interfering rights existing at the date of selection by the State of Idaho.

N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 21, Township 11 South, Range 4 East, Boise Meridian was selected by the State of Idaho under Clear List No. 30 for the support of Public Schools. Clear List No. 30 was approved by the Office of the Secretary of Interior on April 3, 1922. The State title attached as of that date.

Lands acquired under Clear List No. 30 listed above are subject to a prior reservation to the United States of America for rights-of-way over and across said lands for ditches and canals constructed by authority of the United States, as directed and required by the Act of Congress approved August 30, 1890. (26 Stat. 391; U.S.C. Sec. 945).

WITNESS my hand and the official Seal of the Board of Land Commissioners on this 1st day of May, 1984.

Stanley F. Hamilton
STANLEY F. HAMILTON, Director
Department of Lands
State of Idaho
DFM

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Jan Grover

DATE

5/23/85

TO

File Wickahoney Spring

SUBJECT

Re for App. for Permit

MICROFILMED

A transfer was filed on 51-4091 at the suggestion of the Dept. & later decided an app. for permit would be more practical since the transfer would cause an expansion. Therefore, since it was our suggestion - we should transfer the fee or 45 of it to the app. for permit. Since the transfer was advertised the \$5 should not be refunded.

SIGNATURE

Jan:

Frank Bachman finally got back with me and indicated that ~~the~~ Investment would not continue to pursue the transfer of water rights process. Therefore we will submit this Application for Permit. Please apply the transfer fee to this application. Thanks for all of your efforts.

Mike

P.S. I increased the water appropriated from .5 to .7 cfs. If this will create any further delays in processing I could change it back to .5 cfs. I would imagine you will have to readvertise anyway so it probably won't make any difference if it ^(cfs) is increased.

RECEIVED

MAY 22 1985

Department of Water Resources
Western Regional Office

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

TO

SUBJECT

DATE

4/22/85

I spoke w/ Mike Pellant concerning the possible expansion of the right & he stated that Simplot & B.M. cattle have both been watering here, but based on just the claim there is a possibility it

MICROFILMED

SIGNATURE

can be construed as an expansion
so therefore I sent a new application
to Mike to be considered with Sim-
plot (so they won't protest it) & he
will get back with me on it.

JG

4/22/85

INTER-DEPARTMENT MEMO — 1

RECEIVED

DATE 3-28-85

MAR 23 1985

FROM Bob Fleenor

TO Dave Shaw

Department of Water Resources
Western Regional Office

SUBJECT Transfer 3097 of 51-4091

Before action is taken on the transfer a field examination is needed.

The claim was originally filed for 2.00 cfs for a combination of 40 acres of irrigation, domestic use at cow camps and stockwatering. The extent of the ^{historic} stockwatering use must be determined so that a comparison can be made with the planned stockwater use. The historic use appears from the comment of 6 B to have been very limited.

An application for any stockwatering use which exceed the historic stockwatering use must be filed.

Bob

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

Dave T

DATE

3/26/85

TO

Glenn → Dave T DET
I agree! *[Signature]*
3-27-85

SUBJECT

T 3097

Jim Johnson brought this one to my attention, as we have been asked to expedite. Note the following:

- Exception letter in Claim file from Dept of Lands which points out major weaknesses in the claim.
- Dept of Lands is now a co-transferree of the claim! (as originally filed)
- I view the app for transfer as a probable expansion. To say that the intent is not to increase the use seems unlikely.
- The region apparently has not performed a field exam, as is normally req'd (over,

SIGNATURE

I would suggest that we write the applicant a letter
① asking to demonstrate how this won't increase the no of cattle
using the water, ② suggesting that an app for permit be filed if
the no of animal units using the water source is proposed to
increase under the new system, and ③ requesting an explanation of the
resolution of points raised in the Dept of Lands exception.

Dave

2/26/88

ACTION REQUIRED

FROM:

Jan Jansen

TO:

Jim Johnson

Mike Pellant phoned from OLM
& wanted to hurry this up as
they are waiting to buy pipeline, etc.
until the transfer is approved.

Thank Jan

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY:

Jan Grover

1. Right number 51-4091 Applicant BLM, Dept. of Lands & M. L. Invest. Co.
2. Type of right: ☐ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☐ Check map (shows p.d. and p.u. after transfer). *PER PHONE CONVO. 9/13/84 MIKE PELLANT-BLM WILL BE SERVING A MAP OF PROP. USE.*
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on 4/15/85
2. Is transfer published correctly? ☒ Yes ☐ No *Original Requested 9/19/84 & 9/26/84 \$50/*
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

MICROFILMED

REC

Hold for fee,

RECEIVED

4. By OBS

Department of Water Resources
Date

2/5/85

FEE 00 1985

Department of Water Resources



J R SIMPLOT COMPANY / ONE CAPITAL CENTER / 999 MAIN STREET / SUITE 1300
P O BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432

CORPORATE HEADQUARTERS

February 4, 1985

Jan Grover
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: 51-4091

Dear Jan:

I've enclosed a copy of an assignment from Simplot Livestock to M. L. Investment. This assignment predates the three party agreement between the State, the BLM and M. L. Investment, and should have been filed prior to it. I think this should be the solution to your question. Please advise if you need anything further.

Sincerely,

BRUCE L. BELZER
Assistant Corporate Counsel

BLB/rm
Enc.

MICROFILMED

RECEIVED

FEB 5 1985

Department of Water Resources
Western Regional Office

ASSIGNMENT OF WATER RIGHT

SIMPLOT LIVESTOCK CO., a Nevada corporation hereby assigns to M. L. INVESTMENT CO., P. O. Box 27, Boise, Idaho 83707 (Attention: R. N. Graves) Simplot Livestock Co.'s right, title and interest in and to Claim No. 51-4091 to appropriate the public waters of the State of Idaho.

DATED this 1st day of June, 1984.

SIMPLOT LIVESTOCK CO.

By *Ronald Graves*
Secretary

STATE OF IDAHO)
) ss
County of Ada)

On this 1st day of June, 1984, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.

(SEAL)

Rena Matter
Notary Public residing at:
Boise, Idaho
My Commission Expires: *Jan. 19, 1991*

MICROFILMED
RECEIVED
FEB 5 1985

Department of Water Resources
Western Regional Office

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Transfer of Right No. 51-4091 in the name of Bureau of Land Management, Dept. of Lands & M. L. Investment Co. was published in error on 9/19 and 9/26/1984.

The Place of Use was advertised as being within Sections 1 & 13, T 11S., R. 4E, Sec. 25 T. 10S., R 4E., Sec. 12, 15, 4, 3, T 11 S., R 5E., Sec. 4, 10, 11, 12, 26, 21, T. 10S., R 5E., Sec. 11, 10, 5, 9, 21, 28, 33, 25, 36, T. 9S. R 5E., Sec. 15, 28, 32, T. 8S., R. 5E. Sec. 6, T 11S., R. 6E., Sec. 3, 9, 21, 29, T. 10S., R. 6E. Sec. 2, 3, 9, 1, 23, T 9S., R 6E. Sec. 22, 26, 33, 36, T. 8S., R. 6E.

WHEREAS, the actual Place of Use is within Sections 1 & 13, T 11S, R 4E. Sec. 25 T 10S, R 4E., Sec. 12, 15, 4, 3, T 11S, R 5E. Sec. 4, 10, 11, 14, 26, 21 T. 10S, R 5E., Sec. 18, 11, 10, 5, 9, 21, 28, 33, 25, 36, T 9S, R 5E. Sec. 15, 28, 32, T 8S, R. 5E. Sec 6, T 11S., R 6E. Sec. 3, 9, 21, 29, T 10S, R 6E. Sec. 2, 3, 9, 7, 23, T 9S, R 6E. Sec. 22, 26, 33, T 8S, R 6E. Sec. 36, T 8S, R 4E.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, Statehouse, 450 W. State St., Boise, ID 83720 on or before January 21, 1985.

Ken Dunn
Director

Published in the Owyhee Nugget on 1/2/85 & 1/9/85

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse Boise, Idaho 83720

(208) 334-47
(208) 334-47

BILL TO	U.S. Bureau of Land Management	INVOICE
	Idaho State Office	
	3380 Americana Terrace	
	Boise, ID 83706	
	Attention Sharlene Sheirbon	
Date	Blanket Purchase Arrangement	
12-11-84	Acquisition of Water Rights	ID-910-BP3-0003
12-05-84	Readvertisement fee for transfer of #51-4091	\$20.00
		TOTAL \$20.00

POOR QUALITY ORIGINAL

MICROFILMED

INTER-DEPARTMENT MEMO — 1

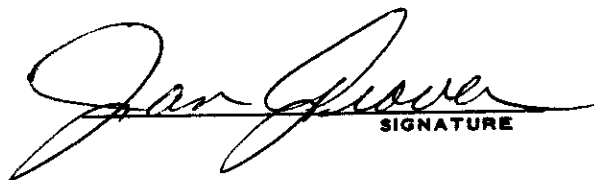
FROM JAN GROVER

DATE 12/5/84

TO ROBERTA GARRETT

SUBJECT BILLING BLM FOR RE-ADVERTISEMENT FEE.

I SPOKE WITH STEVE ELLIS OF THE BLM
STATE OFFICE ABOUT OBTAINING THE \$20 RE-
ADVERTISING FEE FOR APP. FOR TRANSFER
NO. 51-4091. HE SAID TO BILL THEM FOR
IT. SO COULD YOU GET THE PAPERWORK
STARTED? THANK


SIGNATURE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT *96*

No. 51-4091

Notice is hereby given that M. L. Investment Co. of P.O. Box 27, Boise, ID 83707, State of Idaho, Dept. of Lands, Statehouse, Boise, ID 83720 & Bureau of Land Mgmt., 3948 Development Ave., Boise, ID 83705 applied to the Department of Water Resources for a change of Place of Use of the water of Wickahoney Spring. The right sought to be changed is evidenced by Claim No. 51-4091 and is recorded as follows: Amount 2.0 cfs Priority: 1880.

Point (s) of Diversion: NWSE, S. 21, T11S, R4E.

The water is used for Domestic, Irrigation and Stockwater purposes within the NWSE, S.21, T.11S, R.4E.

TO BE CHANGED AS FOLLOWS

Amount: 0.50 cfs

Point (s) of Diversion: NWSE, S.21, T.11S, R.4E.

The water will be used for Stockwater purposes within the following Sections: Sec. 1 & 13, T.11S., R4E.; Sec. 25, T.10S., R4E.; Sec. 12, 15, 4, 3 T.11S., R5E.

Sec. 4, 10, 11, ¹⁴~~12~~, 26, 21, T10S, R5E.

Sec. ¹⁸~~11~~, 10, 5, 9, 21, 28, 33, 25, 36, T. 9S., R5E.

Sec. 15, 28, 32, T.8S., R5E., Sec. 6, T11S., R.6E.

Sec. 3, 9, 21, 29, T10S., R6E. Sec. 2, 3, 9, ⁷~~7~~, 23, T9S., R.6E

.Sec. 22, 26, 33, ~~35~~ T8S., R6E., Sec. 36, T. ~~8S~~, R.4E.

Any protest against approval of the proposed change of water application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before October 8, 1984.

Ken Dunn
Director

Published in the Owyhee Nugget 9/19 & 9/26/84.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT ⁹⁶

No. 51-4091

Notice is hereby given that M. L. Investment Co. of P.O. Box 27, Boise, ID 83707, State of Idaho, Dept. of Lands, Statehouse, Boise, ID 83720 & Bureau of Land Mgmt., 3948 Development Ave., Boise, ID 83705 applied to the Department of Water Resources for a change of Place of Use of the water of Wickahoney Spring. The right sought to be changed is evidenced by Claim No. 51-4091 and is recorded as follows: Amount 2.0 cfs Priority: 1880. Point (s) of Diversion: NWSE, S. 21, T11S, R4E. The water is used for Domestic, Irrigation and Stockwater purposes within the NWSE, S.21, T.11S, R.4E.

TO BE CHANGED AS FOLLOWS

Amount: 0.50 cfs

Point (s) of Diversion: NWSE, S.21, T.11S, R.4E.

The water will be used for Stockwater purposes within the following Sections: Sec. 1 & 13, T.11S., R4E.; Sec. 25, T.10S., R4E.; Sec. 12, 15, 4, 3 T.11S., R5E.

Sec. 4, 10, 11, 12, 26, 21, T10S, R5E.

Sec. 11, 10, 5, 9, 21, 28, 33, 25, 36, T. 9S., R5E.

Sec. 15, 28, 32, T.8S., R5E., Sec. 6, T11S., R.6E.

Sec. 3, 9, 21, 29, T10S., R6E. Sec. 2, 3, 9, 1, 23, T9S., R.6E

.Sec. 22, 26, 33, 36, T8S., R6E.

Any protest against approval of the proposed change of water application must be filed with the Department of Water Resources, Statehouse, Boise, ID 83720 on or before October 8, 1984.

Ken Dunn
Director

Published in the Owyhee Nugget 9/19 & 9/26/84.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 6LS

Right Number 51-4091 Applicant Simplof

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 3/2/84
- ☒ Claim published correctly. original request
- ☒ Exceptions processed. 30/26A16 2/23 & 3/1/84

By DBS Date 3/29/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 4/17/84

MICROFILMED

RECEIVED
APR 17 1984

Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

March 27, 1984

Simplot Livestock Company
P. O. Box 27
Boise, ID 83701

Re: Claim No. 51-4091

Gentlemen:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David B. Shaw", is written over the typed name.

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enc:

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

Boise, ID 83720

Mr. G. Adkinson
Area Supervisor
State of Idaho
Department of Lands
Statehouse
Boise, ID 83720

Re: Claim No. 51-4091 by Simplot Livestock Company

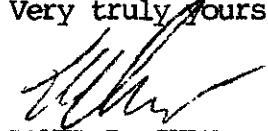
Dear Mr. Adkinson:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,


DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enc:

WATER RESOURCES



STATE OF IDAHO

DEPARTMENT OF LANDS

Southwestern Idaho Area Office
8355 West State Street
Boise, Idaho 83703

March 22, 1984

RECEIVED
MAR 23 1984

Department of Water Resources
Western Regional Office

Dave Shaw
Department of Water Resources
Western Regional Office
450 W. State
Boise, ID 83720

Dear Dave:

4 We would like to file an exception concerning a claim to a water right No. 51-4091, by Simplot Livestock Company.

Our exception is based on five points:

1. Claimant filed on more water than is being produced by the spring.
2. Claimant uses a priority date of 1880, however the land that the water was being used on was not patented until 1908.
3. Location of use is not properly filled out. Claimant indicates the point of diversion is also point of use. Except for stock-water, this is not the case.
4. We feel that because we have used a portion of the flow for stock that is feeding on this land, we have an inferred claim and right.
5. Diversion and ditches named in claim by claimant are unuseable and have been for some time. The water is neither used for irrigation or domestic purposes.

Thank you for your consideration in this matter.

Sincerely,

ALAN G. ATKINSON
Area Supervisor

AGA/slp

cc CBRM

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 14, 1984

SIMPLOT LIVESTOCK CO.
P.O. BOX 27
BOISE

ID 83701

RE: Claim No. 51-4091

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

51-4091

SIMPLOT LIVESTOCK CO.

P.O. BOX 27, BOISE, ID 83701

Source: WICKAHONEY SPRING trib. to WICKAHONEY CREEK

Priority Date: 01/01/1880

Diversion Pt: NWSE Sec 21 T 11S R 04E

Use: IRRIGATION	(2.00 CFS)
STOCKWATER	(2.00 CFS)
DOMESTIC	(2.00 CFS)

In: NWSE Sec 21 T 11S R 04E FOR 40 ACRES

FILED