

R. 5 E.

C.J. STRIKE RESERVOIR
NORMAL POOL ELEVATION: 2455

Wilkins

Little Valley Sch
(Aband)

T. 6 S.

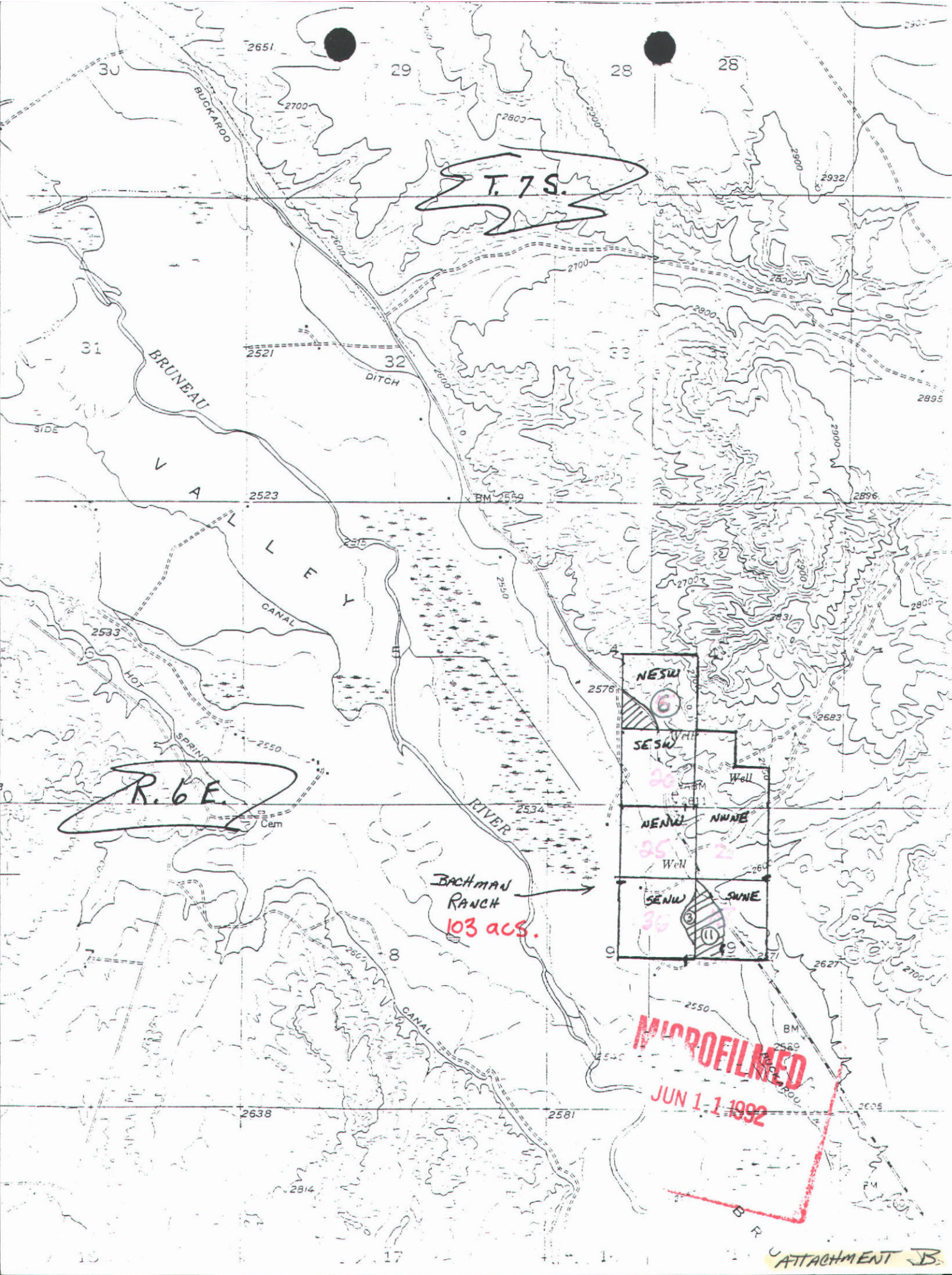
Pencilled & Underlined
Acres - Claimed
on A.S. 10350

MICROFILMED
JUN 11 1992

Colyer Rn.

lands removed
from this
parcel

37	40	37	NW 1/4	10	5
35			NE 1/4	35	
30	35		SE 1/4	30	35
10	20	30	NW 1/4	20	30
15	30	20	SW 1/4	15	30



ATTACHMENT B

RECEIVED
MAY 31 1991

Department of Water Resources
Western Regional Office

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

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

May 1 & 8, 1991

Signed

Subscribed and sworn to before me this

29th day of May A.D., 1991

Chris Bahem

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-00004 ✓st

Notice is hereby given that Bruneau Buckaroo Cooperative Ditch Co. of Bruneau, Idaho has applied to the Department of Water Resources for a change of place of use of the water of Bruneau River. The right sought to be changed is evidenced by decreed right and is recorded as follows:

Amount: 12.64 cfs Priority: 4-1-1897

Point(s) of Diversion: T7S, R6E, S26 SWSW (Buckaroo Dam). The water is used for irrigation and stockwater purposes on the lands of the shareholders and particularly .40 cfs for 20 acres belonging to Colyer Cattle Co. in T6S, R5E, S.24 SWSW.

TO BE CHANGED AS
FOLLOWS
51-00004B

Amount: .40 cfs

Point(s) of Diversion: T7N, R6E S26 SWSW. The water will be used for irrigation and stockwater purposes on 20 acres belonging to Frank Bachman in T7S, R6E, S.4 NESW AND S.9 SWNE AND SENW. All other uses remain unchanged.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before May 20, 1991.

R. Keith Higginson
Director

Publish May 1 & 8, 1991

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Acreage computed with LaSica digital planimeter, sn. B-90848

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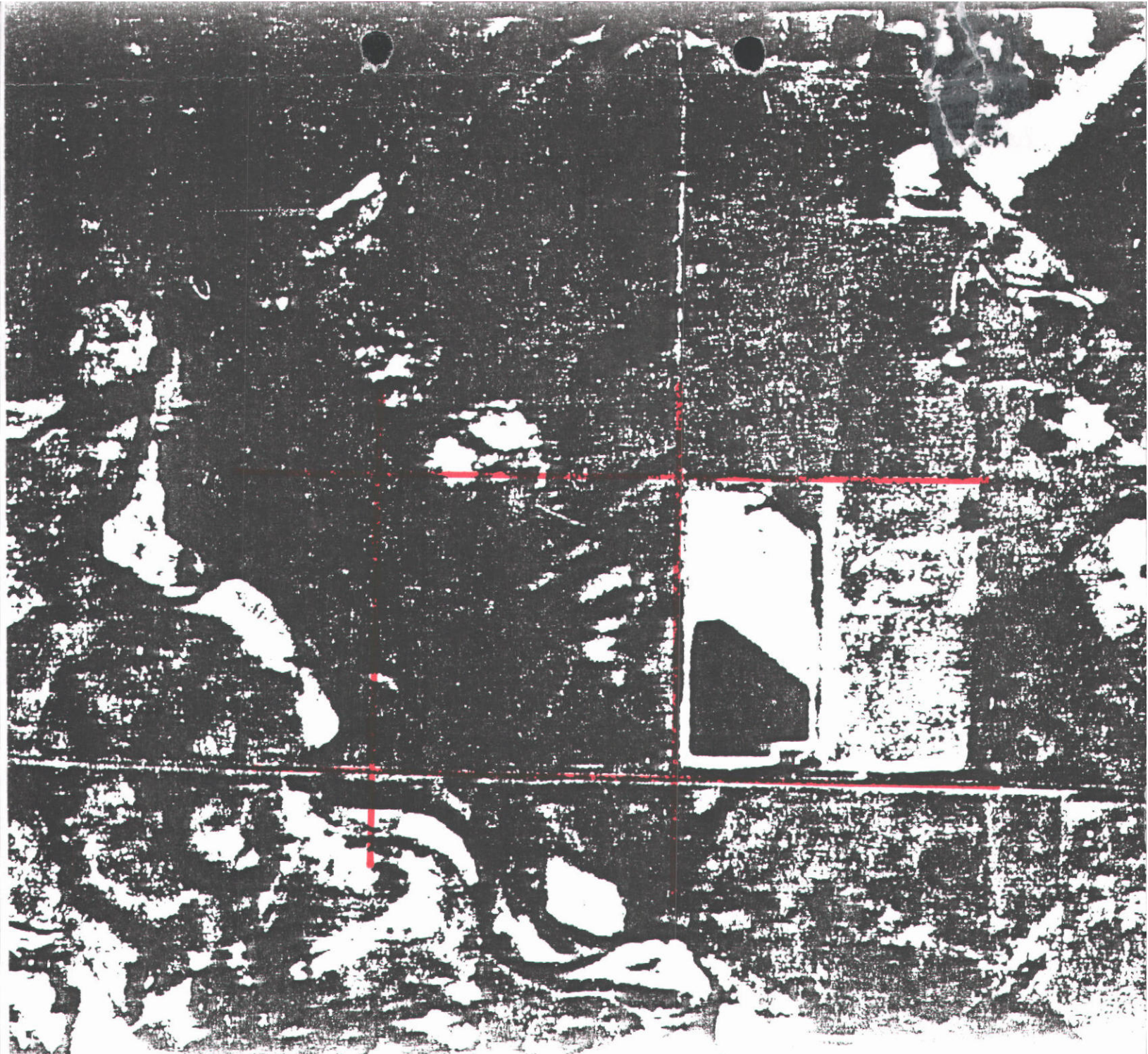
JUN 11 1992

Base map is an enlargement
of NAPP Photo 428-124

Dated 7-31-87

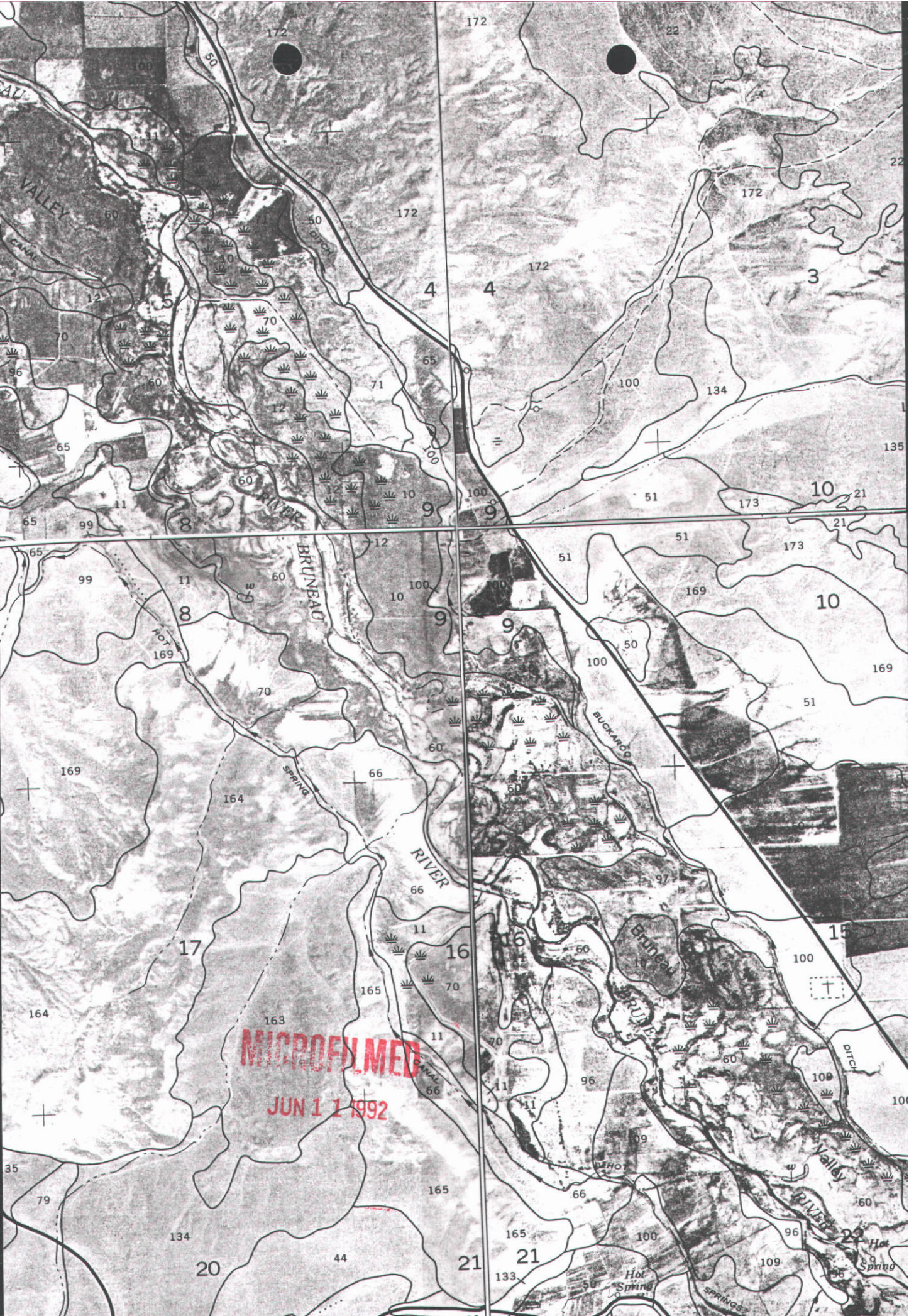
Located at Western Region, IDWR

Map Prepared by D. Tuttle
3/31/92



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JUN 1 1 1992



AA62NE



AA12SW

RAPP

428-160

7-31-87

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JUN 1 1 1992





1413
2324

Colyer

34 11.6
C 88
200
A 6.9

C 88
165 C

B 5.8

D 2.3

B 4.4
A 10.6

E 5.5
F 17.7

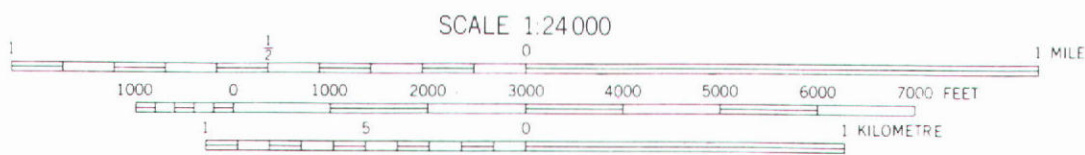
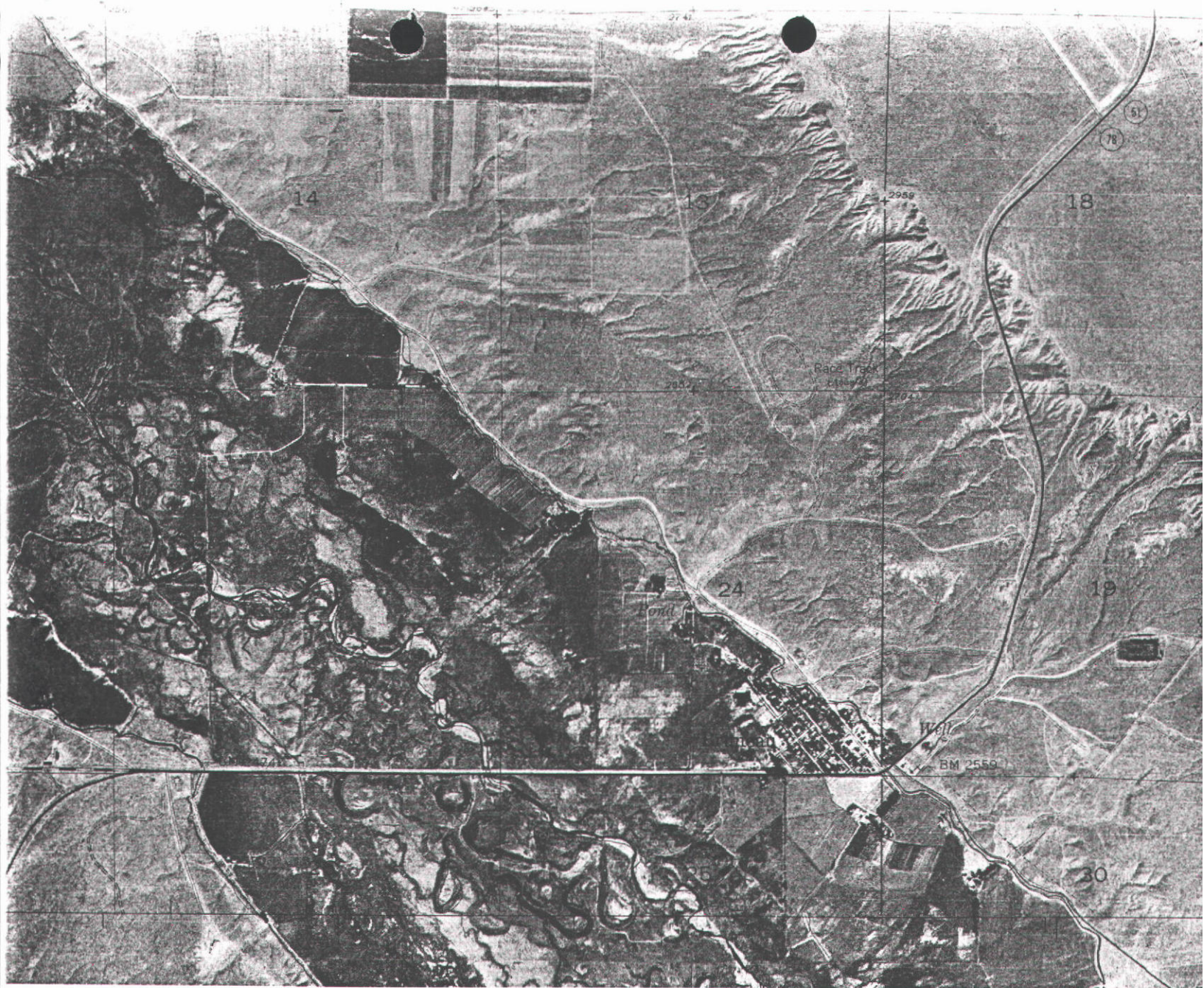
C 15.8
E 6.9

2324
2625

EE 80

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NORTH

1974 Orthophotograph

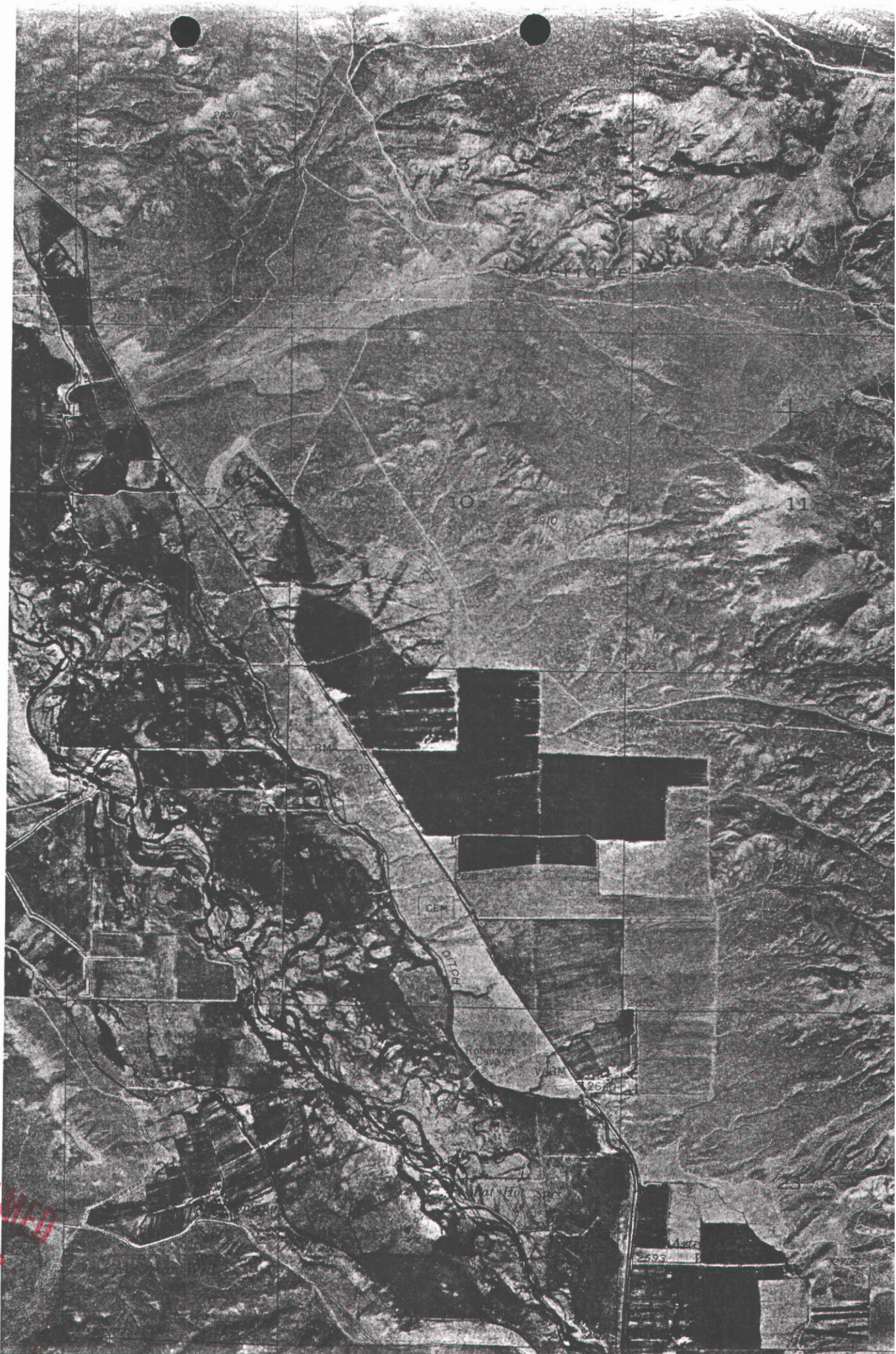
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

Copies Of These Maps Can Be Obtained
At Bonneville Blue Print, Boise Idaho

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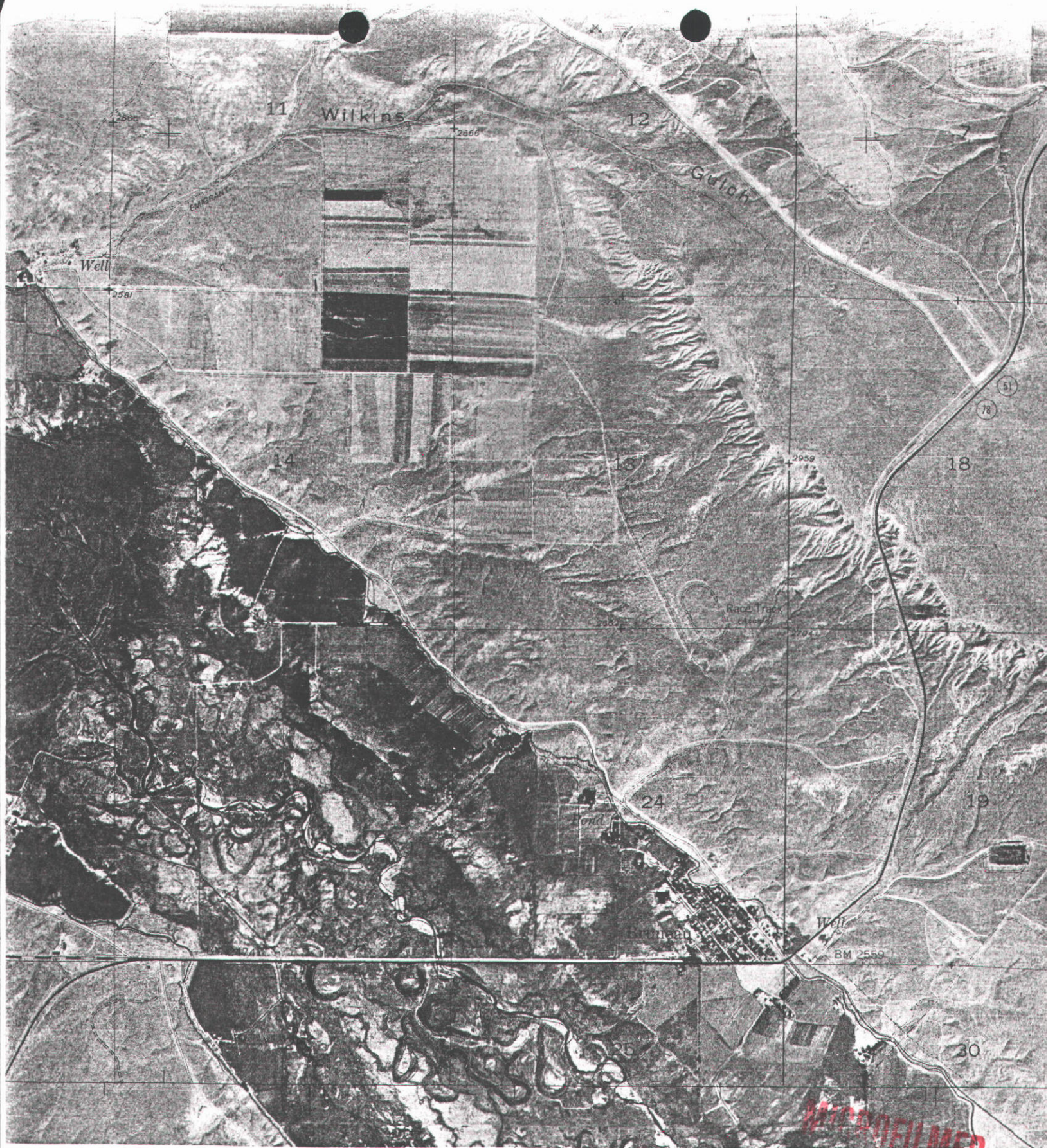
7S



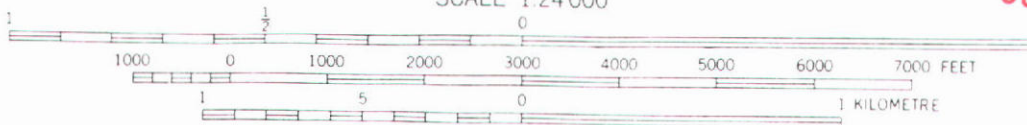
1974

Orthophotoguard

UNCLASSIFIED
JUN 11 1992



SCALE 1:24 000



NORTH

NOT FILMED
JUN 1 1 1992

4/13
3/24

13/18
24/19

24
25

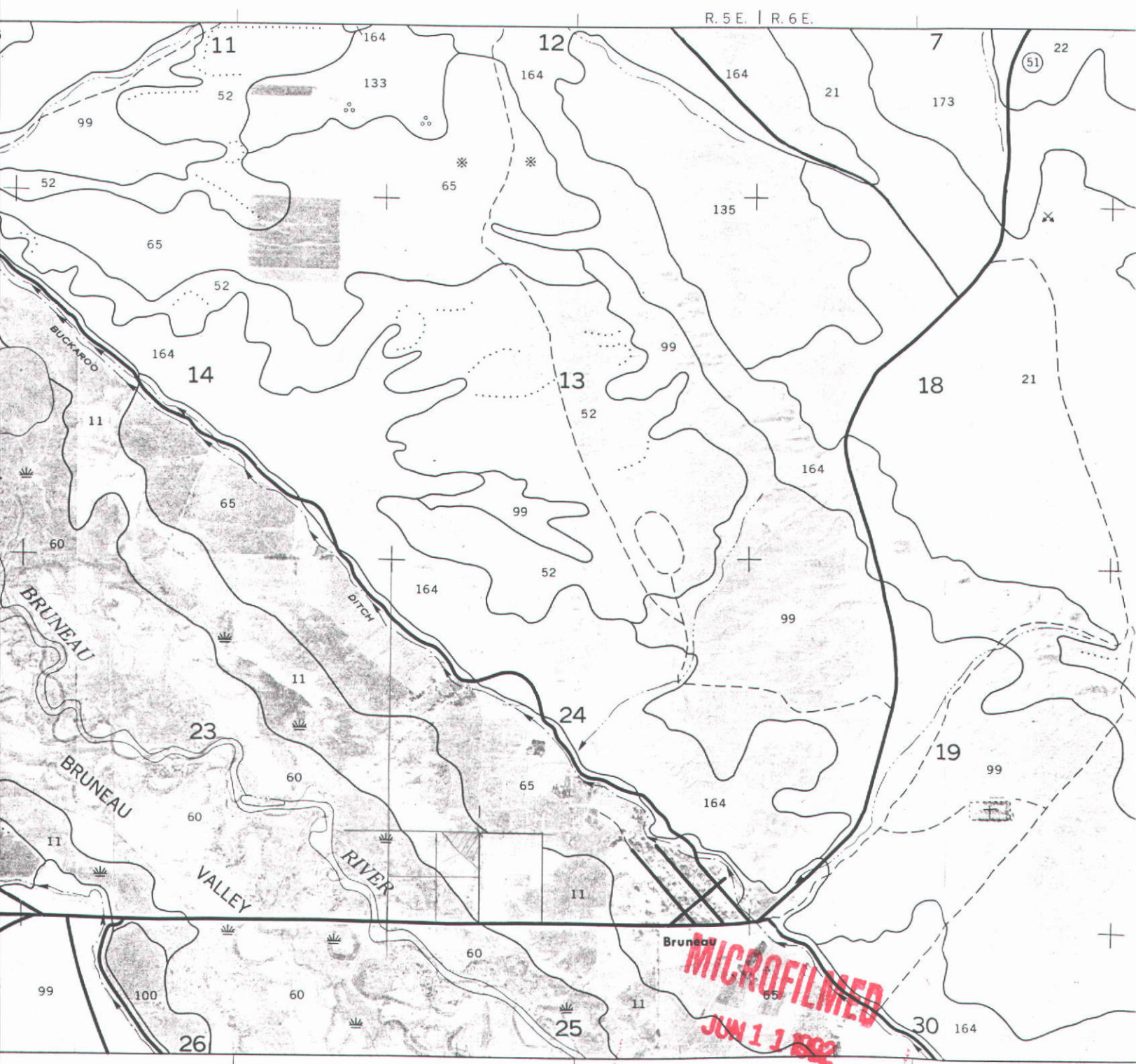
24/19
25/30

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JUN 1 1 1992

From ASCS,
NABSI/6

NOV 1 1991

Photos 87 & 88



United States
Department of
Agriculture

Soil
Conservation
Service

In cooperation with
United States Department
of Agriculture, Forest
Service; United States
Department of the
Interior, Bureau of Land
Management; University
of Idaho, College of
Agriculture; and Idaho
Soil Conservation
Commission

Soil Survey of Elmore County Area, Idaho, Parts of Elmore, Owyhee, and Ada Counties



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1940
photo
(1946)

COLVER'S
UPPER PLACE

DG0
77.25

WELL DG2
93.0

640.26
Errol Black

Denver
Kington

IA
240

WELL

2

3

Errol Black

2 WELLS DG3
LOVERIDGE
WASH 91.0

BRUSH

SWAMP

- 1 acre
Swampy
- 2 acres
Shrub

Joe Black
120
1/10 Tommy BERRY 49A 74

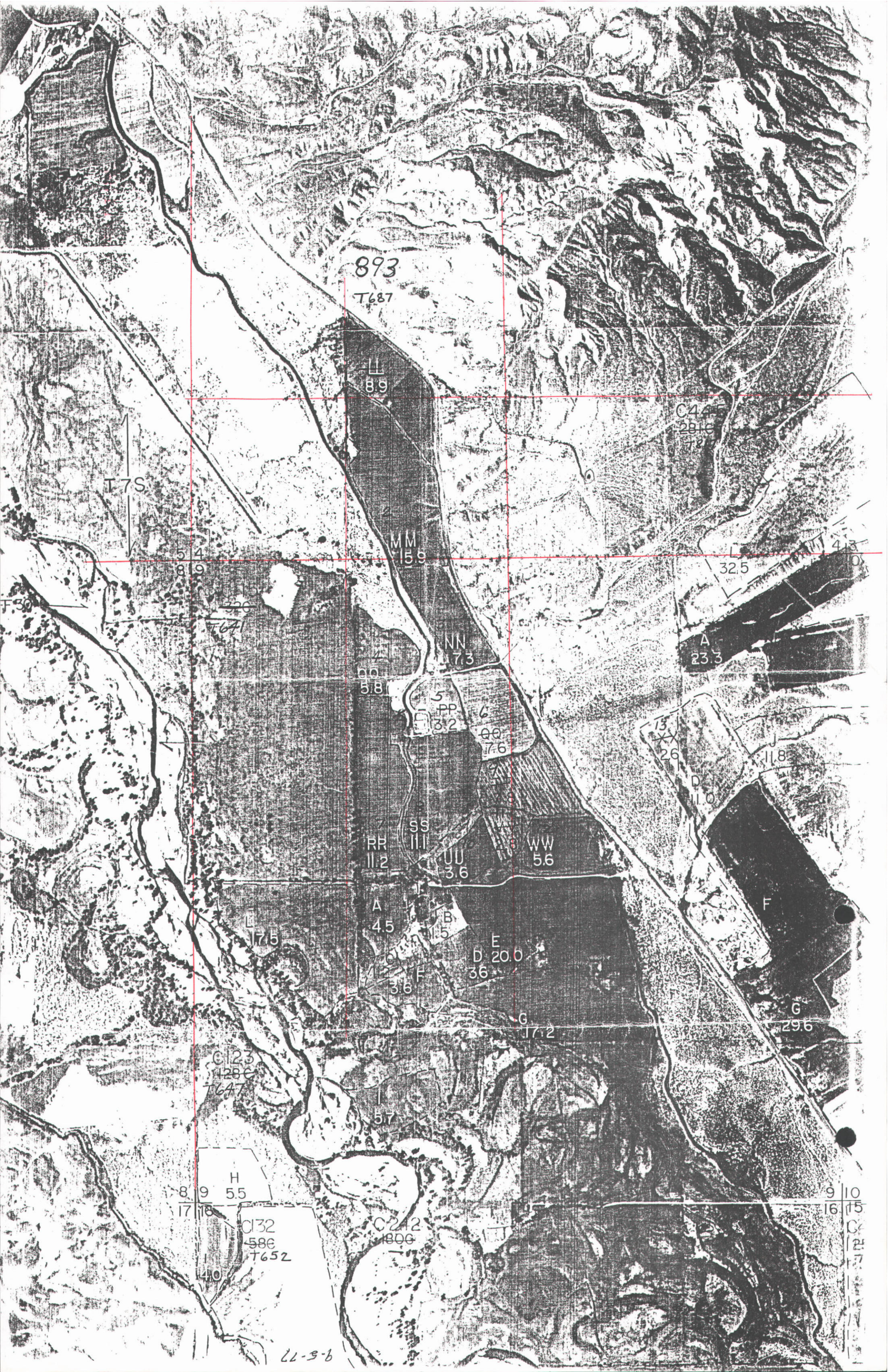
3

Thomas

DG4
55.0

4 130

8 9
17 16



893

T687

II
8.9

C445
2816
7277

T7S

MM
15.9

32.5

4.3

F30

326
T641

A
23.3

NN
17.3

5
PP
3.2

6
QQ
17.6

13
XX
26

11.8

RR
11.2

SS
11.1

UU
3.6

WW
5.6

A
4.5

B
11.5

E
20.0

D
36

F
36

G
17.2

G
29.6

C123
1286
T647

5.7

H
5.5

8

9

17

18

C132
586
T652

C242
1806

9

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16

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24

22-3-6



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Photos Taken by D. Turhill
for Field Exam on 9/12/91
APP for Transfer of 51-00004B
Bureau-Buckaroo Ditch Co.

1. Panorama taken at
NE corner of SW 1/4 SW 1/4
See 29 T6S R5E.

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JUN 1 1992

UNFILMED

Typical areas from which water is proposed to be removed.



which water is proposed to be removed.



View south over lands for which decreed water



View south over lands
for which decreed water is
to remain.



View South over lands for which decreed man...



View south over lands
for which decreed water is
to remain.



view north
from Hwy
toward land
from which
water is proposed
to be removed
REMOVED
JUN 11 1992

Exhibits

<u>No.</u>	<u>Applicants</u>	<u>Admitted?</u>
1	Overlay for Orthophotoguaad showing share locations	yes
2	Aerial Photo taken 7/8/1964	yes
3	Aerial Photo taken 5/10/1969	yes
4	Photos - Taken on 40 ac parcel	yes
	1. From NE corner (first 4 photos)	
	2. From " " , moving SW (Next 3)	
	3. " " " " "	
	4. Closeups of division fence within 40 ac tract	
5	Photos	yes
	Row 1.	
	2. From SE toward N, Last photo from SE toward N	
	3. From division fence toward N	
6	Photos	yes
	Row 1. Photos along fence	
	2. " " "	
	3. Taken along eastern portion of tract	
7	Aerial Photo receipt	yes
8-18	Photos	
18	Taken from NE Corner	
16	Extension from ditch in southern part of tract	
	9, 10, 12, 15, 16, 17, 18 offered	yes

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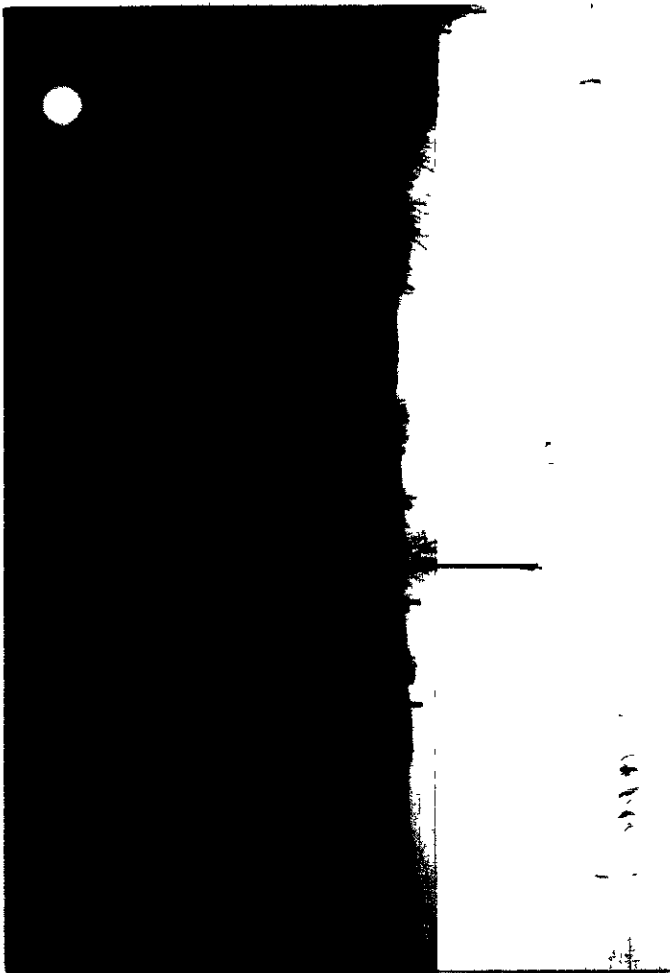


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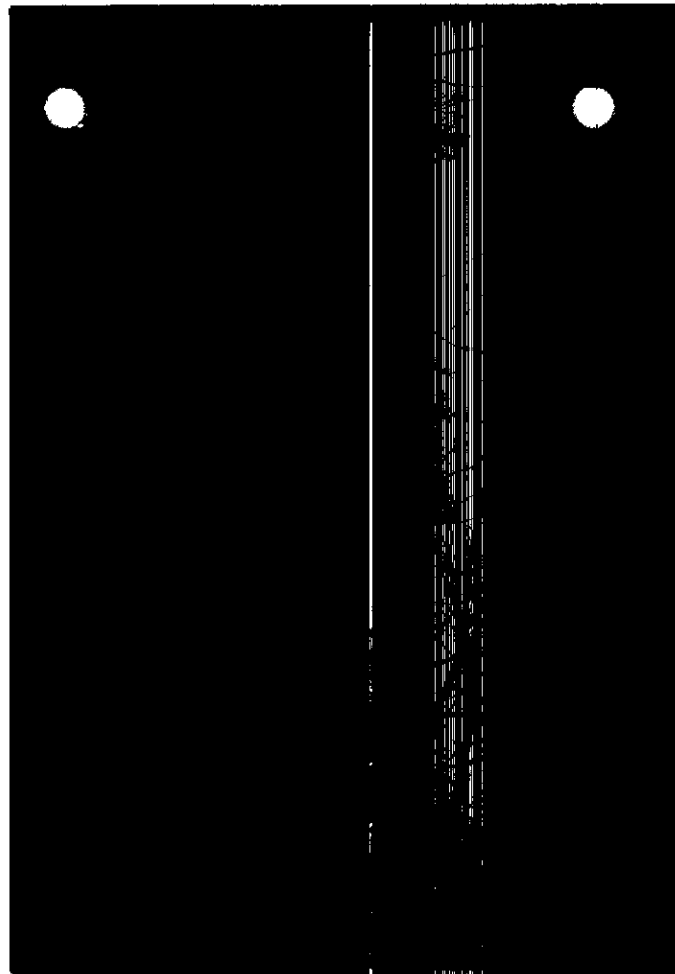
Tape for Brunson - Buckaroo Hearing

2/26/92



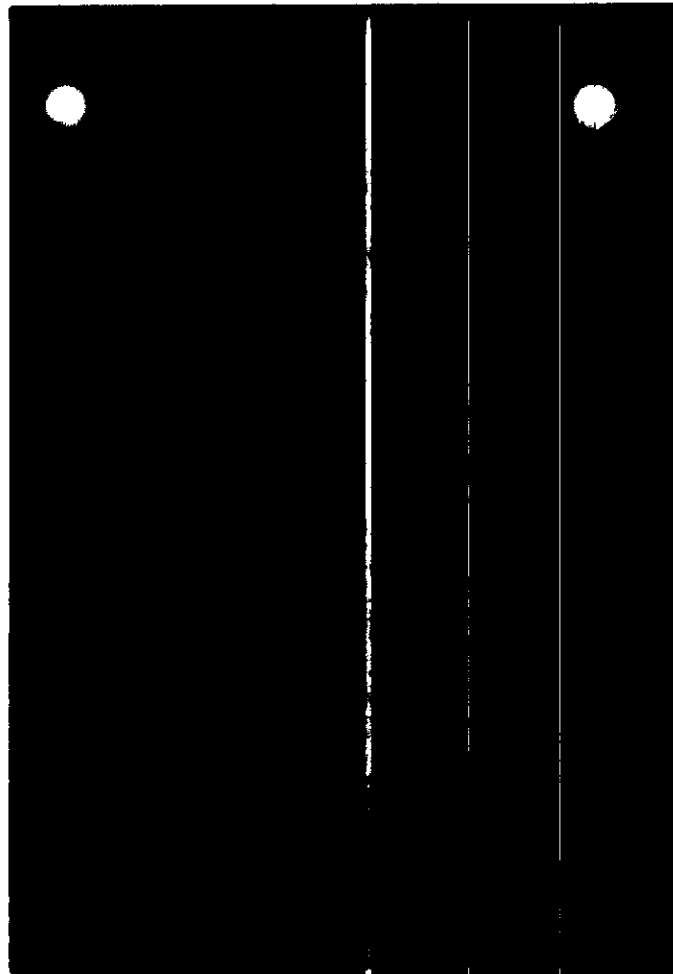
Applicant's Exhibit No. 17

Admitted by G. Sarton 2/26/92



Applicants Exhibit No. 16

Admitted by G. Saxton 2/26/92



Applicant's Exhibit No. 15

Admitted by G. Saxton 2/26/92



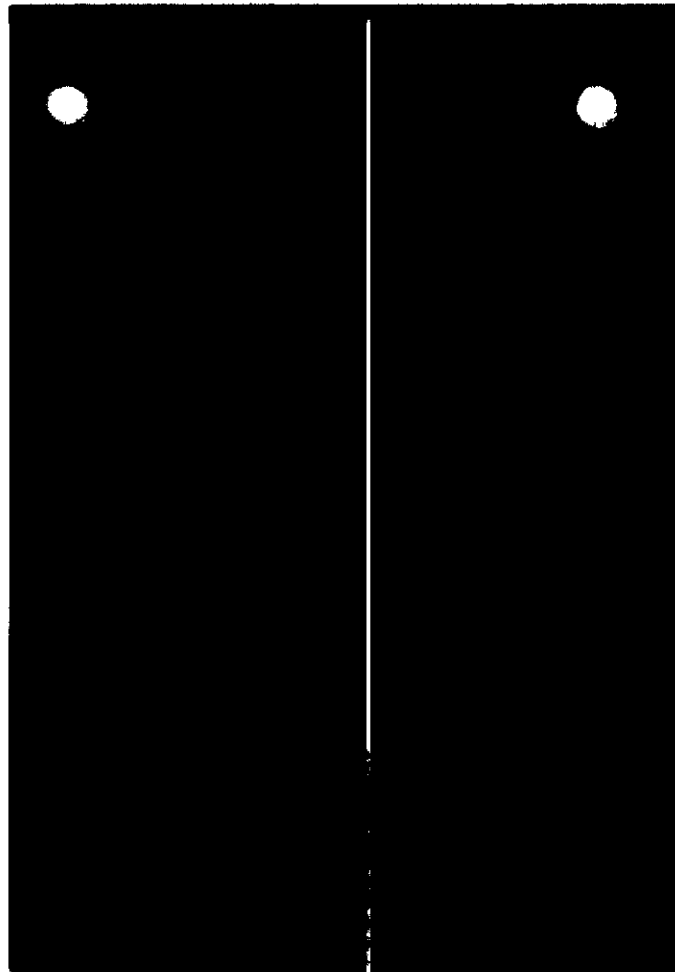
Applicants Exhibit No. 12

Admitted by C. Saxon

2/26/90

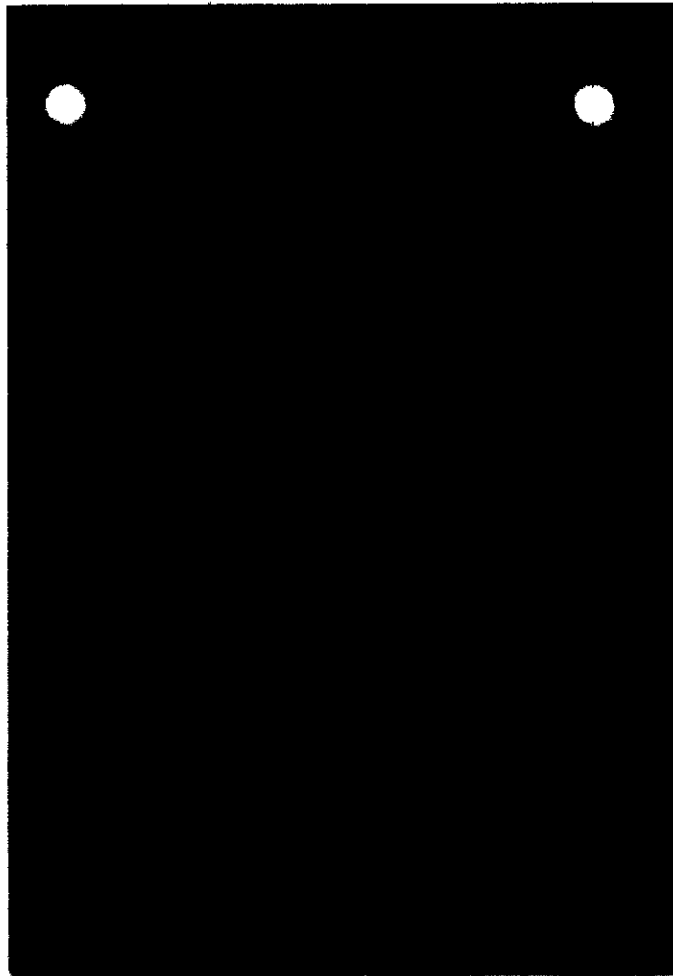
(1)

0



Applicant's Exhibit No. 10

Admitted by G. Saxton 2/26/92



Applicant's Exhibit No. 9

Adm. Hcd by G. Sayton 2/26/82

Photos

UNRECORDED
JUN 11 1992

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)	
)	SOURCE: Bruneau River
TRANSFER OF DECREED WATER RIGHT)	
)	COUNTY: Owyhee
NO. 51-00004 IN THE NAME OF THE)	
)	
BRUNEAU-BUCKAROO COOP. DITCH COMPANY)	
)	
)	

**MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR TRANSFER**

On April 15, 1992, the Department of Water Resources (Department) issued a proposed decision in connection with an Application for Transfer filed in the name of the Bruneau Buckaroo Cooperative Ditch Company (applicant) which application involved a portion of decreed right no. 51-00004.

On April 28, 1991, the applicant filed exceptions to the proposed decision. The Department revised Finding of Fact No. 1 to show the changes suggested in the exception.

As a part of its exceptions, the applicant also more explicitly described the place of use which was limited in the proposed decision of the department. Condition No. 5. has been changed to describe the specific place of use.

FINDINGS OF FACT

1. On March 21, 1991, the Bruneau-Buckaroo Cooperative Ditch Company (Company) applied to the Department of Water Resources (Department) to transfer the place of use of a 0.40 cubic feet per second (cfs) portion of decreed water right no. 51-00004, identified as portion "B", from its present location on 20 acres within the SW1/4 SW1/4, Sec. 24, Twp. 6S., Rge. 5E., B.M., (hereinafter Land A) to a location of 20 acres within NE1/4 SW1/4, Sec. 4, and SW1/4 NE1/4 and SE1/4 NW1/4, Sec. 9, Twp. 6S., Rge. 5 E., B.M., (hereinafter Land B) to be used for irrigation. Notice of the application was published in the Owyhee Avalanche on May 1 and 8, 1991. On September 12, 1991, the applicant amended

JUN 1 1 1992

application changing the place of use to a total of 20 acres within the NE1/4SW1/4, SE1/4SW1/4 Section 4 and SW1/4NE1/4, SE1/4NW1/4 Section 9, all in T7S, R6E, BM.

2. Protests against approval of the application were received from Asa Black and Robert C. Black.

3. On August 16, 1991, the Department conducted a conference to discuss the application and review potential resolutions of the protests. The conference did not resolve the concerns of the protestants.

4. On September 12, 1991, the Department conducted a field examination of the land from which the water is proposed to be removed and the land to which the water is proposed to be moved. This field examination, and subsequent investigations, resulted in the dissemination of a summary letter to the parties on January 17, 1992.

5. On February 26, 1992, the Department held a hearing regarding the application. The applicant was represented by Company president Frank Bachman. Mr. Bachman also is the owner of the property to which the water right is proposed to be moved. Mr. William F. Ringert, attorney at law, represented Mr. Bachman personally. Protestants Asa Black and Robert C. Black were present and represented themselves.

6. The protestants raised objections to the proposed transfer by alleging that approval of the transfer would result in:

(a) enlargement of a water right for which the use has historically been limited; and,

(b) an adverse impact on existing water rights.

In addition, the protestants expressed concerns that:

(c) the land from which the water is to be removed has not been fully irrigated historically; and,

(d) the land to which the water is to be moved was not owned by an original shareholder in the Company, and is outside the delivery area of the Company.

7. The water right identified in this application, with priority date of April 1, 1897, is commonly referred to as a

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"second priority" water right in the Bruneau-Buckaroo ditch.

8. Water from the Bruneau Buckaroo ditch is used on property commonly referred to as the "Hutchison Place", located within the E1/2 NE1/4 and NE1/4 SE1/4, Sec. 23, and W1/2 W1/2, Sec. 24, Twp 6 S., Rge. 5 E., B.M. The 4037.5 shares for this water, representing 2.56 cfs of "first priority" water and 0.67 cfs of "second priority" water, are presently owned by Colyer Cattle Company. Decreed water right no. 51-00004, which represents "second priority" water, does not specify a place of use by forty acre tract. Snake River Basin Adjudication claim no. A51-00004 identifies the irrigated acres by forty acre tract within this property. The claimed irrigated acreage in Land A is 15 acres.

9. The Bruneau River flows near the southwest corner of Land A. The soil in Land A is classified in two categories, per the 1991 Soil Conservation Service Survey of the Elmore County Area. The northeastern 18 acres are classified as Bram silt loam, which is capable of producing irrigated crops. The depth to the water table during the irrigation season is 36 to 60 inches, within the root depth of some pasture grasses. The Soil Conservation Service has classified the southwestern 22 acres as a channeled Fluvaquent. This soil classification does not specify an irrigation requirement since the depth to the water table is from 18 to 36 inches during the irrigation season, within the root depth of pasture grasses.

10. Per testimony and the field visit, irrigation of Land A has consisted of flooding from a ditch that runs from north to south along the east side of the tract. Per testimony, little effort has historically been made to control the flows after they were diverted from the ditch. Flows diverted from the ditch proceeded downslope to the southwest, watering the low areas but not the high areas. The tract is unfurrowed and unleveled.

11. Aerial photographs, including a NAPP infrared photograph dated July 31, 1987, demonstrate that some of the northeast portion of Land A is not irrigated. This land is high ground within the tract.

12. After deleting high ground not presently irrigated and

MEMORANDUM DECISION AND ORDER - Page 3

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JUN 11 1992

fluvaquent soils which do not benefit from irrigation, irrigated acreage in Land A is computed to be 13 acres.

13. Land A has historically been the recipient of wastewater from upland irrigated tracts. This intermittent flow has reduced the amount of water required as direct flow from the Bruneau-Buckaroo ditch.

14. Land B is located above the Bruneau-Buckaroo ditch. This land was traditionally irrigated with ground water, but as the ground water supply has diminished, Mr. Bachman desires to irrigate the land with water from the Bruneau-Buckaroo ditch. The sprinkler system presently serving the system has been installed for a number of years. The applicant does not intend to bring new lands under irrigation.

15. The soil in Land B is classified as Mazuma fine sandy loam and Garbutt silt loam, both of which have high depths to the water table and are well suited to irrigation.

CONCLUSIONS OF THE LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-222 states in part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;...

2. In the case of Jenkins v. State of Idaho, 103 Idaho 384 (1982), the Idaho Supreme Court stated that with respect to reviewing applications for transfer of water rights:

... the director of the Department of Water Resources has jurisdiction to determine the question of abandonment and forfeiture and such is required as a preliminary step to performance of his statutory duty in determining whether or not the proposed transfer would injure other water rights. While ordinarily abandonment or forfeiture are to be determined in a separate proceeding, it is clear that when a water right is sought to be transferred and protestors allege

that it has been abandoned or forfeited, and to allow resumption of that right would cause some injury, a determination of abandonment or forfeiture is necessary for the performance of his powers of determining injury.

Application of Legal Principles

3. The evidence presented in the hearing and in the file indicates that the water right at Land A has been neither forfeited nor abandoned.

4. The extent to which water right can be transferred is limited to the extent to which the water right has historically been used on Land A.

ANALYSIS

A primary concern relative to this application is the amount of water that can be allowed to be transferred from Land A to Land B. On one hand, the owner of Land A has sufficient shares of "second priority" water in the Company to irrigate all 20 acres identified in the application. On the other hand, in order to prevent injury to other water rights the Department must ensure that enlargement is not allowed to occur as a result of the transfer.

In this case, two dimensions of enlargement must be reviewed. First, the number of acres irrigated, which represents total consumptive use, must not be increased. Second, the total amount of water diverted must not be allowed to increase. Land A is located near the bottomlands of the river system. A portion of the water supply historically received by the land is wastewater from upper lands. The depth to the water table is generally shallow and much of the plant growth requirement is provided by water table sub-irrigation rather than by applied irrigation.

The diversion requirement from the Bruneau-Buckaroo ditch to irrigate an acre of Land B will not be significantly different from the diversion requirement to irrigate an acre of Land A. The efficiency of the irrigation system for Land B is higher than that for Land A so the diversion requirement per acre is lower. A total of 13 acres are found to be transferrable from Land A to Land B.

One concern of the protestants is that a portion of the water

right is proposed to be placed on land which was not originally owned by a holder of shares in the Company. There is no limitation as to where a ditch company can transfer water based on original ownership of the land. Also, the fact that Land B is located above the ditch does not preclude approval of the transfer.

ORDER

It is ORDERED that Application for Transfer of Water Right No. 51-00004B is HEREBY APPROVED IN PART, subject to the following conditions:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

2. Failure to comply with the conditions of this transfer is cause for the Director to issue an order to show cause why the approval should not be rescinded.

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

4. Use of water from right no. 51-00004 or the Bruneau-Buckaroo ditch is no longer authorized for use on lands within the SW1/4SW1/4 Section 22, Twp. 6S., Range 5E., B.M.

5. This transfer authorizes the irrigation of 13 acres at a maximum flow rate of 0.26 cfs. The authorized place of use is 13 acres located as follows:

T7S, R6E, BM

Section 4	NE1/4SW1/4 - 6 acres
	SE1/4SW1/4 - 3 acres
Section 9	SW1/4NE1/4 - 3 acres
	SE1/4NW1/4 - 1 acre

Dated this 15th day of May, 1992.


R. KEITH HIGGINSON
Director

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JUN 1 1 1992

CERTIFICATE OF MAILING

I hereby certify that on this 4th day of June, 1992, I mailed a true and correct copy of the Memorandum Decision and Order, postage prepaid to the following:

Frank/Cindy Bachman
P.O. Box 186
Bruneau, ID 83604

Terry Black
HC 85 Box 104
Bruneau, ID 83604

Robert C. Black
P.O. Box 153
Bruneau, ID 83604

Guy Colyer
HC 85 Box 881
Bruneau, ID 83604

Ace Black
HC 85 Box 101
Bruneau, ID 83604

W. F. Ringert
P.O. Box 2773
Boise, ID 83701

Bonnie Colyer
HC 85 Box 896
Bruneau, ID 83604



Karen L. Gustafson
Secretary/Records Manager

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JUN 11 1992

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3933

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Bruneau Buckaroo Cooperative Ditch Co. Phone 845-2040
 Post Office address c/o Frank Bachman, President P.O. Box 186, Bruneau Id 83604

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Water right transfer between Colyer Cattle Co & Frank Bachman, both Shareholders. Colyer will remove 20 acres from irrigation. Water will be applied to lands owned by Bachman. All water within Bruneau-Buckaroo Ditch. See request for transfer, attachment D.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 51-00004B Priority 4-0-1897 Amount .40 (cfs/ac-ft) Nature of Use Irrigation Period of Use 3-15 to 11-15
Stockwater 1-1 to 12-31
2. Total amount of water being transferred .40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bruneau River tributary to Snake River
4. Point(s) of Diversion: (NO CHANGE)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	26	7S	6E	OWYhee	Bruneau Buckaroo Ditch Dam

5. Lands irrigated or place of use: Bachman Ranch. All other lands, no change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	6E	9			2					3									11
		4									6			3					9

MICROFILMED
JUN 11 1992Total acres 202-372
2-28
9-12-91

PART 1

6 General Information

a. Description of diversion system

Water delivered via Brunner-Buckaroo Ditch before and after transfer.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No ☐ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

The 20 acres from which the water is being transferred will no longer be irrigated.

d. Remarks

Mr. Backman also waters with shares derived from right # 51-00003, held by Brunner-Buckaroo Cooperative Ditch Co. with priority date of 1-20-1888, on same average. Total of all shares will not exceed one inch per acre. (2.06 cfs)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 51-00004B and said application is hereby PARTIALLY APPROVED, subject to the following limitations and conditions: PURSUANT TO ORDER DATED 5/15/92.

Witness my hand this 15TH

day of MAY

19 92

NOT RECORDED

JUN 1 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 51-00004 Decreed to Bureau Buckaroo Cooperative Ditch Co.
in case of Grandview (ing. Dist vs. Bureau Buckaroo Coop. Ditch Co.
dated 2-14-25 in Ada county of Idaho
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed (Colyer cattle co.)

☐ Other _____

3. Source of water Bureau River tributary to Snake River

4. Date or priority 4-1-1897

5. Water is used for the following purpose:

amount 12.64 for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for Stockwater purposes from _____ to _____
(cfs/ac-ft)
amount _____ for Domestic purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 12.64 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

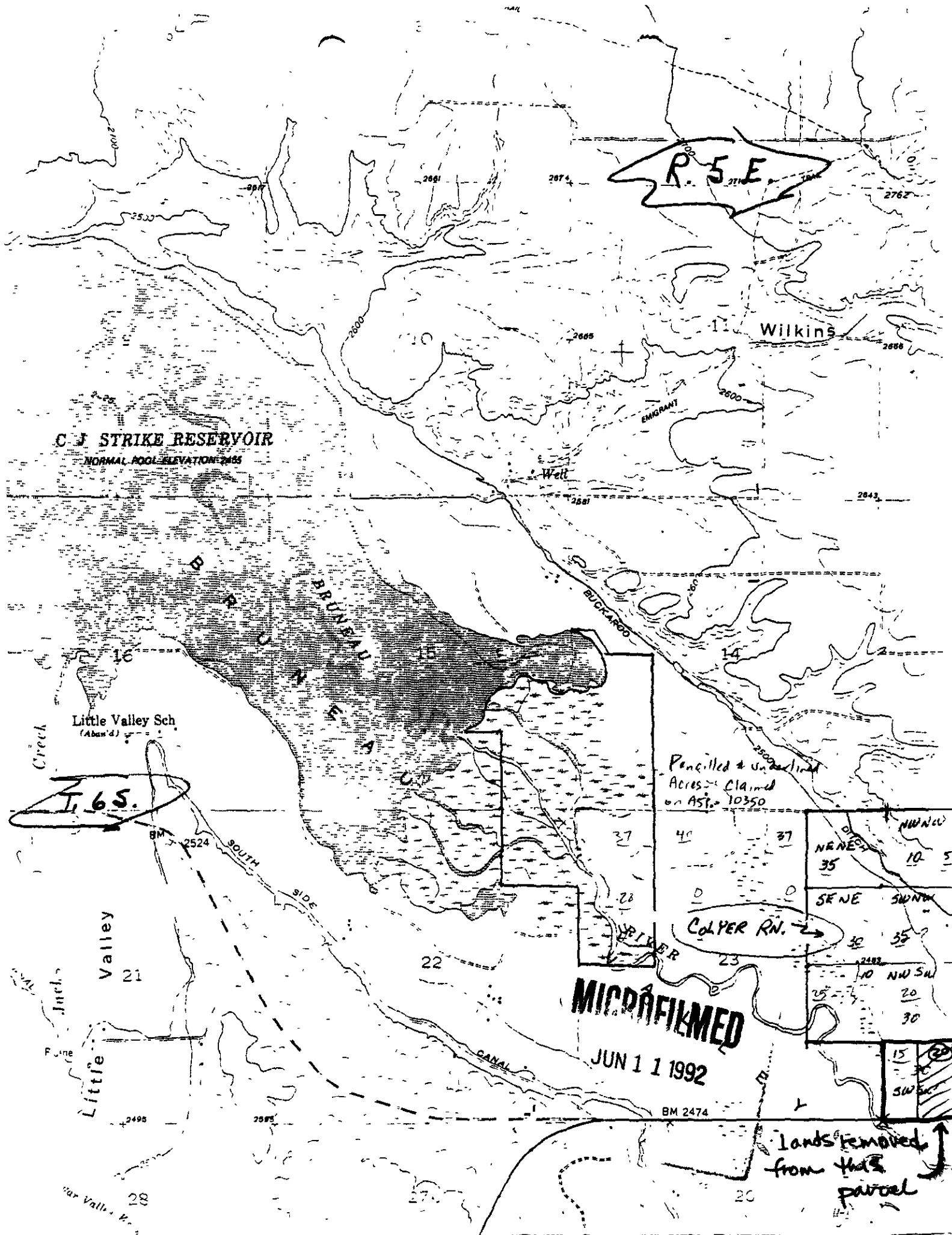
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	26	75	6E	Owyhee	Bureau Buckaroo Ditch Dam

8. Lands irrigated or place of use: LANDS OF STOCKHOLDERS

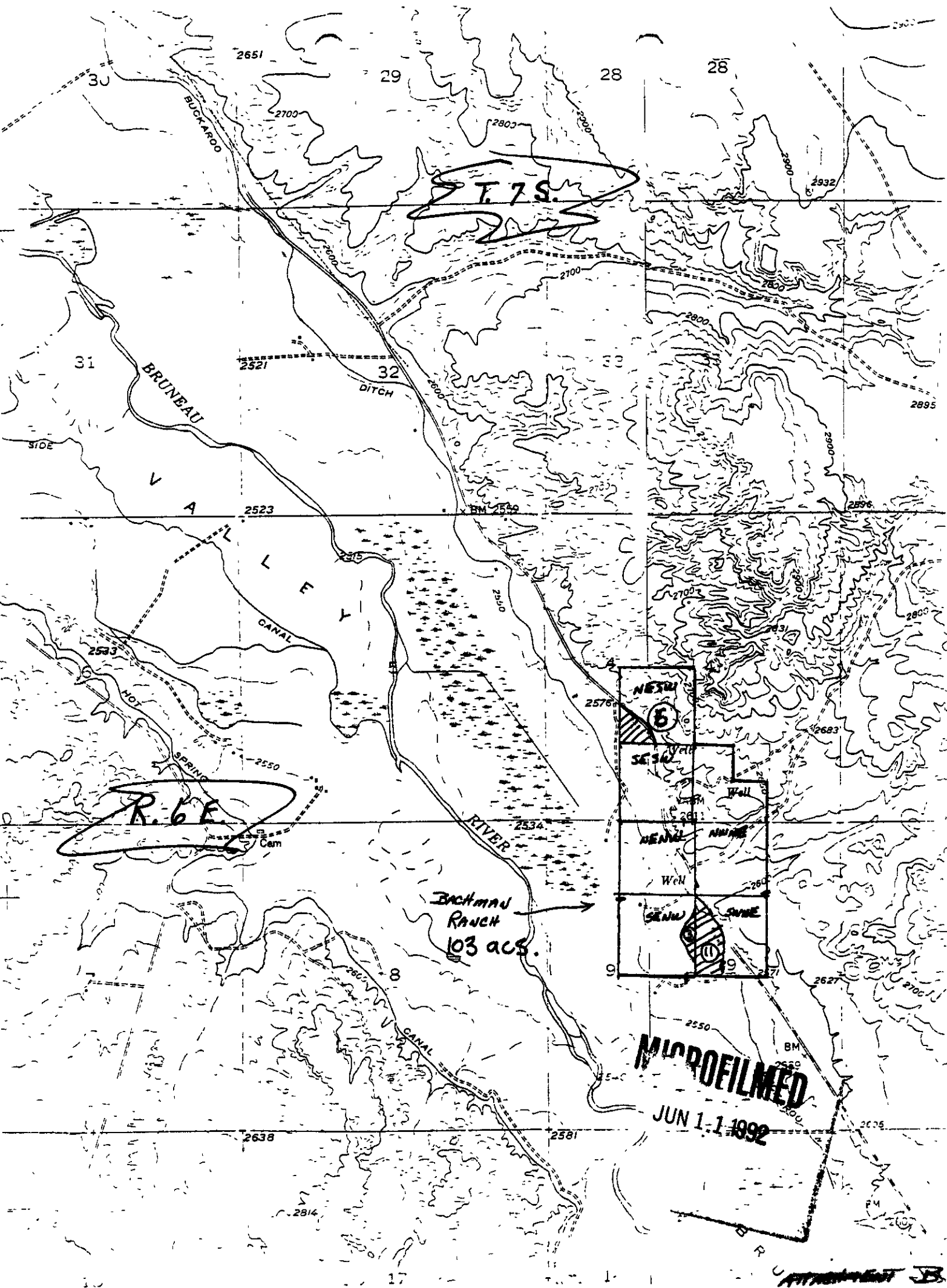
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT:

B. BACHMAN RANCH

C. COLYER CATTLE CO.

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JUN 11 1992

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

NO change to amount of water diverted from Bruneau River. Point of diversion is the same. No effect on downstream users.

Water from Buckaroo Ditch is controlled by the Ditch Co. All users are allocated based on existing shares and priority.

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 willful misrepresentations made in this application may result in voiding its approval.

Bruneau Buckaroo Ditch Co.
by: Frank D. Bachman, President
(Signature of Applicant)

Subscribed and sworn to before me this 21st day of Mar, 19 91.

David R. Tittel
(Notary Public)

My commission expires 9/15/1994

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by DW Date 3/21/91

Protest filed by Asa & Robert Black

Prelim. check by SL Fee 50⁰⁰/ W013136

Receipted by DW Date 3/21/91

Published in Owyhee Avalanche

Copies of protest forwarded by _____

Pub dates 5/1 & 5/8/91

Hearing held by J. Saxton Date 2/26/92

ADD. AMENDMENT 10/16 + 10/23/91

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

by Glen Saxton in part

_____ rec'd. _____

Copy of transfer sent to lien holder 6/4/92

JUN 11 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER OF DECREED WATER RIGHT
NO.51-00004 IN THE NAME OF THE
BRUNEAU BUCKAROO COOP. DITCH COMPANY

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.

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JUN 11 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

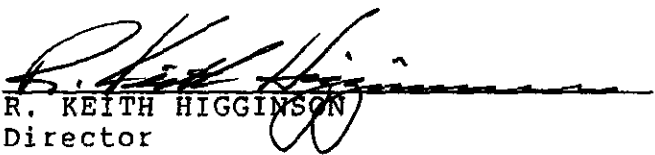
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

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 15th day of April, 19 92.


R. KEITH HIGGINSON
Director

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JUN 11 1992

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of April, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Proposed Memorandum Decision and Order and Order Issuing the Proposed Memorandum Decision to:

Frank/Cindy Bachman
P.O. Box 186
Bruneau, ID 83604

Terry Black
HC 85 Box 104
Bruneau, ID 83604

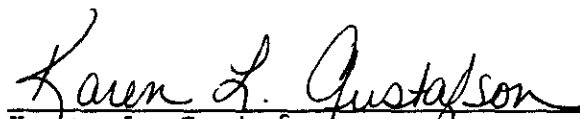
Robert C. Black
P.O. Box 153
Bruneau, ID 83604

Guy Colyer
HC 85 Box 881
Bruneau, ID 83604

Ace Black
HC 85 Box 101
Bruneau, ID 83604

W. F. Ringert
P.O. Box 2773
Boise, ID 83701

Bonnie Colyer
HC 85 Box 896
Bruneau, ID 83604


Karen L. Gustafson
Secretary, Records Manager

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JUN 11 1992

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF DECREED WATER RIGHT)
NO. 51-00004 IN THE NAME OF THE)
BRUNEAU-BUCKAROO COOP. DITCH COMPANY)

COUNTY: Owyhee

3. On August 16, 1991, the Department conducted a conference to discuss the application and review potential resolutions of the protests. The conference did not resolve the concerns of the

Microfilm
JUN 11 1992

protestants.

4. On September 12, 1991, the Department conducted a field examination of the land from which the water is proposed to be removed and the land to which the water is proposed to be moved. This field examination, and subsequent investigations, resulted in the dissemination of a summary letter to the parties on January 17, 1992.

5. On February 26, 1992, the Department held a hearing regarding the application. The applicant was represented by Company president Frank Bachman. Mr. Bachman also is the owner of the property to which the water right is proposed to be moved. Mr. William F. Ringert, attorney at law, represented Mr. Bachman personally. Protestants Asa Black and Robert C. Black were present and represented themselves.

6. The protestants raised objections to the proposed transfer by alleging that approval of the transfer would result in:

(a) enlargement of a water right for which the use has historically been limited; and,

(b) an adverse impact on existing water rights.

In addition, the protestants expressed concerns that:

(c) the land from which the water is to be removed has not been fully irrigated historically; and,

(d) the land to which the water is to be moved was not owned by an original shareholder in the Company, and is outside the delivery area of the Company.

7. The water right identified in this application, with priority date of April 1, 1897, is commonly referred to as a "second priority" water right in the Bruneau-Buckaroo ditch.

8. Water from the Bruneau Buckaroo ditch is used on property commonly referred to as the "Hutchison Place", located within the E1/2 NE1/4 and NE1/4 SE1/4, Sec. 23, and W1/2 W1/2, Sec. 24, Twp 6 S., Rge. 5 E., B.M. The 4037.5 shares for this water, representing 2.56 cfs of "first priority" water and 0.67 cfs of "second priority" water, are presently owned by Colyer Cattle Company. Decreed water right no. 51-00004, which represents

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priority" water, does not specify a place of use by forty acre tract. Snake River Basin Adjudication claim no. A51-00004 identifies the irrigated acres by forty acre tract within this property. The claimed irrigated acreage in Land A is 15 acres.

9. The Bruneau River flows near the southwest corner of Land A. The soil in Land A is classified in two categories, per the 1991 Soil Conservation Service Survey of the Elmore County Area. The northeastern 18 acres are classified as Bram silt loam, which is capable of producing irrigated crops. The depth to the water table during the irrigation season is 36 to 60 inches, within the root depth of some pasture grasses. The Soil Conservation Service has classified the southwestern 22 acres as a channeled Fluvaquent. This soil classification does not specify an irrigation requirement since the depth to the water table is from 18 to 36 inches during the irrigation season, within the root depth of pasture grasses.

10. Per testimony and the field visit, irrigation of Land A has consisted of flooding from a ditch that runs from north to south along the east side of the tract. Per testimony, little effort has historically been made to control the flows after they were diverted from the ditch. Flows diverted from the ditch proceeded downslope to the southwest, watering the low areas but not the high areas. The tract is unfurrowed and unleveled.

11. Aerial photographs, including a NAPP infrared photograph dated July 31, 1987, demonstrate that some of the northeast portion of Land A is not irrigated. This land is high ground within the tract.

12. After deleting high ground not presently irrigated and fluvaquent soils which do not benefit from irrigation, irrigated acreage in Land A is computed to be 13 acres.

13. Land A has historically been the recipient of wastewater from upland irrigated tracts. This intermittent flow has reduced the amount of water required as direct flow from the Bruneau-Buckaroo ditch.

14. Land B is located above the Bruneau-Buckaroo ditch. This land was traditionally irrigated with ground water.

ground water supply has diminished, Mr. Bachman desires to irrigate the land with water from the Bruneau-Buckaroo ditch. The sprinkler system presently serving the system has been installed for a number of years. The applicant does not intend to bring new lands under irrigation.

15. The soil in Land B is classified as Mazuma fine sandy loam and Garbutt silt loam, both of which have high depths to the water table and are well suited to irrigation.

CONCLUSIONS OF THE LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-222 states in part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;...

2. In the case of Jenkins v. State of Idaho, 103 Idaho 384 (1982), the Idaho Supreme Court stated that with respect to reviewing applications for transfer of water rights:

... the director of the Department of Water Resources has jurisdiction to determine the question of abandonment and forfeiture and such is required as a preliminary step to performance of his statutory duty in determining whether or not the proposed transfer would injure other water rights. While ordinarily abandonment or forfeiture are to be determined in a separate proceeding, it is clear that when a water right is sought to be transferred and protestors allege that it has been abandoned or forfeited, and to allow resumption of that right would cause some injury, a determination of abandonment or forfeiture is necessary for the performance of his powers of determining injury.

Application of Legal Principles

3. The evidence presented in the hearing and in the file indicates that the water right at Land A has been neither forfeited nor abandoned.

4. The extent to which water right can be transferred is

limited to the extent to which the water right has historically been used on Land A.

ANALYSIS

A primary concern relative to this application is the amount of water that can be allowed to be transferred from Land A to Land B. On one hand, the owner of Land A has sufficient shares of "second priority" water in the Company to irrigate all 20 acres identified in the application. On the other hand, in order to prevent injury to other water rights the Department must ensure that enlargement is not allowed to occur as a result of the transfer.

In this case, two dimensions of enlargement must be reviewed. First, the number of acres irrigated, which represents total consumptive use, must not be increased. Second, the total amount of water diverted must not be allowed to increase. Land A is located near the bottomlands of the river system. A portion of the water supply historically received by the land is wastewater from upper lands. The depth to the water table is generally shallow and much of the plant growth requirement is provided by water table sub-irrigation rather than by applied irrigation.

The diversion requirement from the Bruneau-Buckaroo ditch to irrigate an acre of Land B will not be significantly different from the diversion requirement to irrigate an acre of Land A. The efficiency of the irrigation system for Land B is higher than that for Land A so the diversion requirement per acre is lower. A total of 13 acres are found to be transferrable from Land A to Land B.

One concern of the protestants is that a portion of the water right is proposed to be placed on land which was not originally owned by a holder of shares in the Company. There is no limitation as to where a ditch company can transfer water based on original ownership of the land. Also, the fact that Land B is located above the ditch does not preclude approval of the transfer.

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ORDER

It is ORDERED that Application for Transfer of Water Right No. 51-00004B is HEREBY APPROVED IN PART, subject to the following conditions:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.


2. Failure to comply with the conditions of this transfer is cause for the Director to issue an order to show cause why the approval should not be rescinded.

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

4. Use of water from right no. 51-00004 or the Bruneau-Buckaroo ditch is no longer authorized for use on lands within the SW1/4SW1/4 Section 22, Twp. 6S., Range 5E., B.M.

5. This transfer authorizes the irrigation of 13 acres at a maximum flow rate of 0.26 cfs.

Dated this 15th day of April, 1992.


L. Glen Saxton
Hearing Officer

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

P 860 399 253



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Asa Black

HC 85 Box 101

Bruneau, ID 83604

PS Form 3800, June 1990

Postage	\$.29
Certified Fee	-
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	

MAILED
JUN 11 1997

**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 requested, 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

P 860 399 252



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Frank & Cindy Bachman

P.O. Box 186

Bruneau, ID 83604

PS Form 3800, June 1990

Postage	\$ 29
Certified Fee	1
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 29
Postmark or Date	

RECEIVED
JUN 1 1992

**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)
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- 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 requested, 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

P 860 399 254



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

Robert c. Black
P.O. Box 153
Bruneau, ID 83604

PS Form 3800, June 1990

Postage	\$ 29
Certified Fee	1+
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 29
Postmark or Date	

**STACK 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 requested, 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

51 00024B

● **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 boxes for additional service(s) requested.

1 ☐ Show to whom delivered, date, and addressee's address 2 ☐ Restricted Delivery
(Extra charge)

3 Article Addressed to

4 Article Number

FRANK &/OR

PO BOX 186

BRUNEAU ID 83604

JUN 1 1 1992

Type of Service:

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee

or agent and **DATE DELIVERED.**

8 Addressee's Address (ONLY if
requested and fee paid)

5 Signature - Addressee

6 Signature - Agent

7 Date of Delivery

PS Form 3811, Apr 1989

*USGPO 1989-238-615

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

RECEIVED
JUN 11 1992

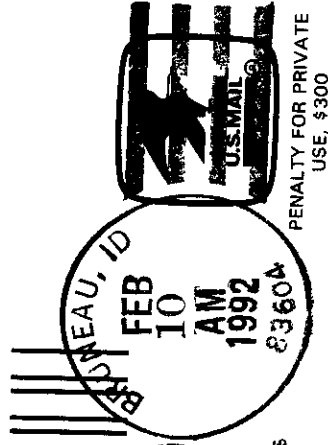
SENDER INSTRUCTIONS
Print your name, address, and phone number in the space below.
• Complete items 1, 2, 3, and 4 on the reverse
• Attach to front of article if space permits, otherwise attach to back of article
• Endorse article "Return Receipt Requested" and attach return number

RETURN
TO

Department of Water Resources
Boise, Idaho 83705

RECEIVED
JUN 1 1 1992

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



57-00004B

GENERAL RETURN Items 1 and 2 when additional services are desired, and complete items

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 boxes for additional service(s) requested.

- 1 ☐ Show to whom delivered, date, and addressee's address 2 ☐ Restricted Delivery
(Extra charge)

3 Article Addressed to

ROBERT C BLAZER I I NJ
PO BOX 153
BRUNEAU ID

DEMINTUJIN

4 Article Number

860 399 254

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee

or agent and DATE DELIVERED

8 Addressee's Address (ONLY if requested and fee paid)

5 Signature - Addressee

X

6 Signature - Agent

X

7 Date of Delivery

2-16-92

PS Form 3811, Apr. 1989

* U.S.G.P.O. 1989-238-815

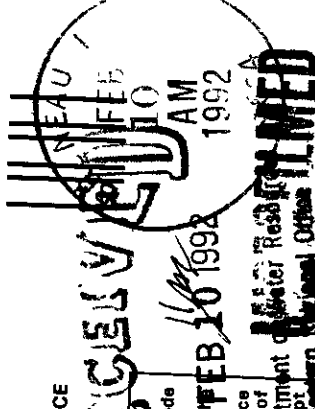
DOMESTIC RETURN RECEIPT

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 Requested" adjacent to number



PENALTY FOR PRIVATE
USE, \$300

RETURN

TO



Print Sender's name and address in the space below

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

U. S. MAIL

51-008048

● **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 boxes) for additional service(s) requested

1 ☐ Show to whom delivered, date, and addressee's address 2 ☐ Restricted Delivery
(Extra charge)

3 Article Addressed to	4 Article Number P 860 399 253
ASA BLACK HC 85 BOX 10661 1 NUT BRUNEAU ID 83604 1 0211100JIM	Type of Service: <input type="checkbox"/> Insured <input type="checkbox"/> Registered <input type="checkbox"/> COD <input type="checkbox"/> Certified <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED. 8 Addressee's Address (ONLY if requested and fee paid)
5 Signature Address	
X Signature - Agent	
7 Date of Delivery 2-11-92	

PS Form 3811, Apr 1989

*US GPO 1985-238-815

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 reverse
- Attach to front of article if space permits, otherwise affix to back of article
- Endorse article "Returned to Requested" adjacent to number

RECEIVED

FEB 11 1992

BRUNEAU, ID
FEB 11 AM



PENALTY FOR PRIVATE USE, \$300

Water Resources

Regional Office

RETURNED

RETURN

TO

Print Sender's name, address, and ZIP Code in the space below

JUN 11 1992

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

MAY 3 1991

Dept of Water - Western

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):

May 1 & 8, 1991

Signed

Joe E. Aman

Subscribed and sworn to before me this

29th day of May A.D., 1991

Chris Bahem

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

RIGHT

No. 51-00004

Notice is hereby given that Bureau Buchanan Cooperative Ditch Co. of Burmese, Idaho has applied to the Department of Water Resources for a change of place of use of the water of Burmese River. The right sought to be changed is evidenced by decreed right and is recorded as follows:

Amount: 12.84 cfs Priority: 4-1-1897

Point of Diversion: T7S, R6E, S2S, SWSW (Buchanan Dam). The water is used for irrigation and stockwater purposes on the lands of the shareholders and particularly 40 cfs for 20 acres belonging to Coburn Cattle Co. in T8S, R6E, S2S, SWSW.

TO BE CHANGED AS FOLLOWS

51-00004B

Amount: 40 cfs

Point of Diversion: T7S, R6E, S2S, SWSW. The water will be used for irrigation and stockwater purposes on 20 acres belonging to Frank Buchanan in T7S, R6E, S2S, NESE AND S2S SWNE AND SWW. All other uses remain unchanged.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before May 21, 1991.

R. Keith Higdon
Director

Filed May 1 1991

MICROFILMED
JUN 1 1 1992

MEMORANDUM

TO: FILE # 51-00004

FROM: KARI LYNN *Ket*

DATE: MAY 15, 1997

RE: USGS MAPS

CINDY @ WESTERN PHONED TO SAY THAT FRANK BACHMAN WAS IN HER OFFICE AND WANTED TO RETRIEVE THE USGS MAPS THAT HE HAD PROVIDED PRIOR TO THE HEARING THAT TOOK PLACE SEVERAL YEARS AGO. I PULLED THE FILE FROM THE VAULT, FOUND THE MAPS SHE WAS REFERRING TO AND TOLD HER I WOULD HOLD THE FILE AT MY DESK PENDING FRANK'S ARRIVAL. I THEN TOOK THE FILE TO GLEN SAXTON AND EXPLAINED THE SITUATION. HE LOOKED AT THE MAPS AND THE FILE AND TOLD ME IT WAS ALRIGHT FOR FRANK TO TAKE THE MAPS.

FRANK CAME INTO OUR OFFICE AND LOOKED THE MAPS OVER AND DECIDED THAT HE WOULD TAKE THEM WITH HIM SINCE THEY ARE NEEDED FOR THE ADJUDICATION PROCESS.

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MAY 22 1997

51-00004

**ROUTING SHEET FOR PROTESTED APPLICATIONS
WHICH REQUIRE A MEMORANDUM DECISION AND ORDER**

Date

Activity

2/26/92

HEARING HELD

FILE RECEIVED AT STATE OFFICE (Cindy)

- Date stamp, label and add file to bar code system
- Attach temporary file from protest drawer
- Route to Brenda for general review

GENERAL APPLICATION REVIEW (Brenda)

- Create "P" file and edit per general review
- Route file to Karen

4/15/92

PREPARE PMD&O (Karen & Hearing officer)

- Log in for tracking through the decision process
- Route file for review of the decision
- Prepare order issuing PMD&O and certificate of mailing, route for signature and mail
- Hold file for 15 days - for exceptions

5/15/92

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
- Route to Brenda for final permit processing

6/4/92

50

FINAL PERMIT PROCESSING (Brenda)

- Edit and condition "P" file per signed MDO
- Update data base and prepare APPROPRIATE permit document (Use signature stamp on permit).
- Drop "P" from temporary file
- Route to Karen for final order processing

6/4/92

PREPARE FINAL ORDER (Karen)

- Route to Karen for final order processing
- Prepare cover letter and certif. of mailing
- Mail the final MD&O
- Send file to microfilm

RECEIVED

JUN 1 1992

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- Film the file
- Route file to vault

51-00004

VAULT

- Remove out-cards from the protest drawer and hold drawer



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

June 4, 1992

Bruneau Buckaroo Cooperative Ditch Company
c/o Frank Bachman, President
P.O. Box 186
Bruneau, ID 83604

Re: In the Matter of Application for Transfer of
Degreed Water Right No. 51-00004B in the name of
Bruneau Buckaroo Cooperative Ditch Company

Dear Permit Holder:

Enclosed is a copy of the Final 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
Chief, Water Allocation Bureau

Enc: Final Order
Certificate of Mailing

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JUN 11 1992

RECEIVED
APR 28 1992

Department of Water Resources

William F. Ringert
RINGERT CLARK CHARTERED
455 South Third Street, P.O. Box 2773
Boise, ID 83701-2773
Telephone: (208) 342-4591

Attorneys for Applicant

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR TRANSFER OF DECREED WATER)	SOURCE: Bruneau River
RIGHT NO. 51-00004 IN THE NAME)	
OF THE BRUNEAU-BUCKAROO COOP.)	COUNTY: Owyhee
DITCH COMPANY)	
)	EXCEPTION TO PROPOSED
)	DECISION

The Applicant, Bruneau-Buckaroo Cooperative Ditch Company, files this Exception to Finding of Fact No. 1 in the Proposed Memorandum Decision and Order Approving Application for Transfer entered in this proceeding on April 15, 1992. Proposed Finding of Fact No. 1 states that the location of the land to which a portion of decreed water right no. 51-00004 is to be transferred is "20 acres within NE1/4 SW1/4, Sec. 4, and SW1/4 NE1/4 and SE1/4 NW1/4, Sec. 9, Twp. 6 S. Rge. 5 E., B.M."

An amended application was filed on or about September 12, 1992, and notice of that amendment was published October 2 and October 9, 1992. Copies of the Application for Transfer of Water Right, Part 1, showing the amendment, and of the Notice of Amendment issued by the Director, are attached to these

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Exceptions.

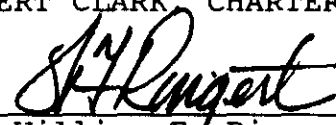
Proposed Finding of Fact No. 1 should be revised to reflect the amendment and the publication of notice of the amendment.

Although Applicant does not necessarily agree with the Findings of Fact or Conclusions of Law on which the Hearing Officer has based his Proposed Decision to allow the transfer of only 13 acres of entitlement instead of the 20 acres covered by the application, Applicant and the water users do not desire to make any additional expenditures of time, effort and money in challenging the Proposed Findings and Conclusions. Therefore, in order to bring the application in line with the decision, Applicant requests that the remaining 4 acres, after allowance for 9 acres in the two subdivisions in Section 4, be allocated to 3 acres in the ~~NE 1/4 SW 1/4~~ and 1 acre in the ~~NW 1/4 SE 1/4~~, of Section 9, T. ~~SWNE~~ 7 S., R. 6 E., B.M. ~~SENW~~

Dated this 28th day of April, 1992.

RINGERT CLARK, CHARTERED

By



William F. Ringert
Attorneys for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that service of the within and foregoing Exception to Proposed Decision was made this 28th day of April, 1992, by mailing a copy thereof, postage prepaid, to each of the following:

Frank/Cindy Bachman
P.O. Box 186
Bruneau, ID 83604


Terry Black
HC Box 104
Bruneau, ID 83604

Robert C. Black
P.O. Box 153
Bruneau, ID 83604

Guy Colyer
HC 85 Box 881
Bruneau, ID 83604

Ace Black
HC 85 Box 101
Bruneau, ID 83604

Bonnie Colyer
HC 85 Box 896
Bruneau, ID 83604



William F. Ringert

MAILED
JUN 11 1992

NOTICE OF AMENDMENT FOR PROPOSED CHANGE OF WATER RIGHT

No. 51-00004/51-00004B

Notice is hereby given that Bruneau Buckaroo Cooperative Ditch Co. have applied to the Department of Water Resources to change the place of use of the water of Bruneau River. The decreed right sought to be changed was previously proposed and advertised as follows:

No. 51-00004B

Amount: .40 cfs

Priority: 4-1-1897

Point(s) of Diversion: T7N, R6E, Sec. 26 SWSW. The water was to be used for irrigation and stockwater purposes on 20 acres belonging to Frank L. Bachman in T7S, R6E, Sec. 4 NESW and Sec. 9 SWNE, SENW.

The applicant now proposes to amend the application by changing the place of use to T7S, R6E, Sec. 4 NESW, SESW and T7S R6E Sec. 9 SWNE, SENW, Owyhee County. All other uses remain unchanged.

(No change in remaining 12.24 cfs in No. 51-00004).

Any protest against the approval of the proposed amended water right change must be filed with the Department of Water Resource, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before October 21, 1991.

R. Keith Higginson
Director

Published in the Owyhee Avalanche on 10/2 and 10/9/1991.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Bruneau Buckaroo Cooperative Ditch Co. Phone 845-2040
Post Office address 66 Frank Bachman, President P.O. Box 186, Bruneau Id 83604

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Water right transfer between Colyer Cattle Co & Frank Bachman, both Shareholders. Colyer will remove 20 acres from irrigation. Water will be applied to lands owned by Bachman. All water within Bruneau Buckaroo Ditch. See request for transfer, attachment D.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 51-00004B Priority 4-01-1897 Amount .40 (cfs/ac-ft) Nature of Use Irrigation Period of Use 3-15 to 11-15
Stockwater 1-1 to 12-31
2. Total amount of water being transferred .40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bruneau River tributary to Snake River
4. Point(s) of Diversion: (NO CHANGE)

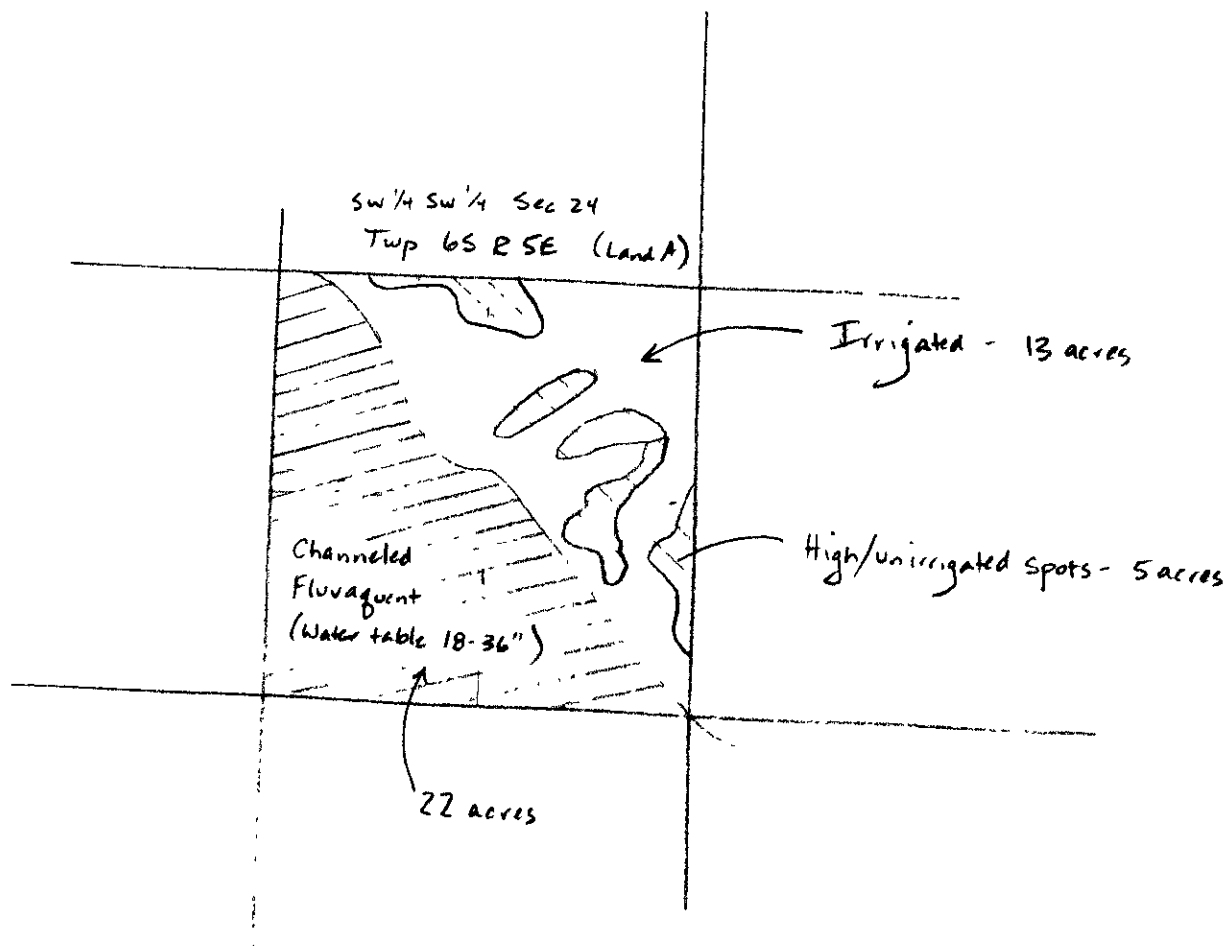
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	26	7S	6E	OWYHEE	Bruneau Buckaroo Ditch Dam

5. Lands irrigated or place of use: Bachman Ranch. All other lands, no change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	6E	9			11					3									14 11
		4									6			3					9

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Total acres 20



Acreage computed with LaSico digital planimeter, sn. B-90848

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Base map is an enlargement

of NAPP Photo 428-124

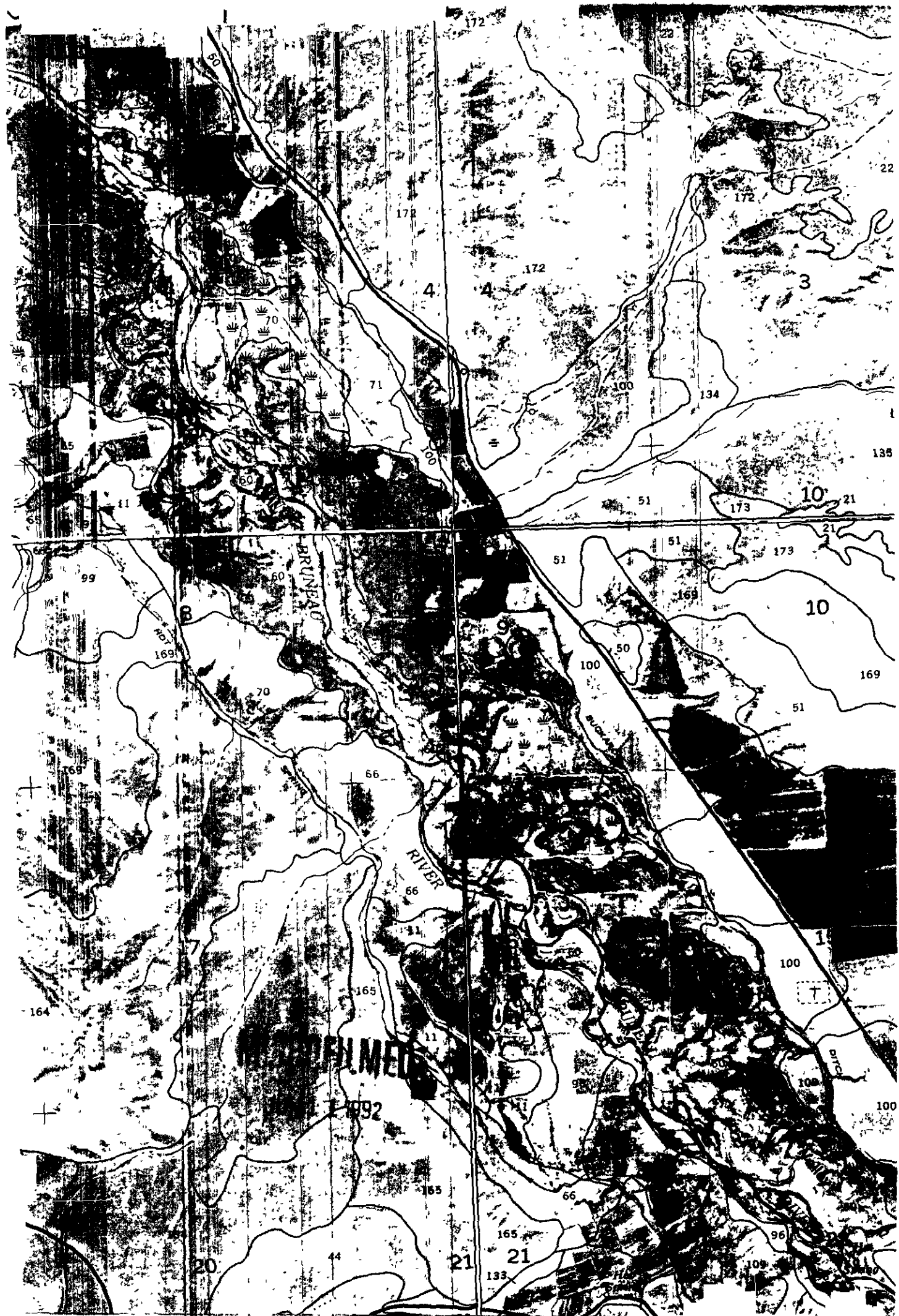
Dated 7-31-87

Located at Western Region, IDWR

Map Prepared by D. Tuttle
3/31/92



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- 4 to 36 inches—brown, light yellowish brown, and very pale brown clay loam
- 36 to 42 inches—very pale brown sandy clay loam
- 42 to 60 inches—very pale brown sandy loam

Depth class: Very deep
Drainage class: Well drained
Permeability: Moderately slow
Available water capacity: High
Potential rooting depth: 60 inches or more
Runoff: Slow or medium
Hazard of water erosion: Moderate
Hazard of wind erosion: Moderate

Characteristics of the Rock Outcrop

Kind of material: Exposed basalt or rhyolite that is fractured in some places

Contrasting Inclusions

Elk creek soils; Rubble land; soils that have 3 to 15 percent of the surface covered with stones; soils that have slopes of more than 12 percent

Use and Management

- Major use:* Rangeland
- Major management factors:* Available water capacity, stones on the surface, depth to bedrock, hazard of water erosion, areas of Rock outcrop
- Dominant vegetation in potential natural plant community:*
- Gaib soil—low sagebrush, bluebunch wheatgrass;
 - Simonton soil—mountain big sagebrush, Idaho fescue, bluebunch wheatgrass
- General management considerations:*
- Forage production is limited mainly by the depth to bedrock in the Gaib soil.
 - The suitability of this map unit for range seeding is poor. Seeding is limited by the depth to bedrock in the Gaib soil and by the areas of Rock outcrop.
 - Seeding the more favorable areas of Simonton soil in this map unit is difficult because of the pattern in which they occur with the less favorable areas of Gaib soil and the areas of Rock outcrop.
 - The use of equipment is limited by the stones on the surface and the areas of Rock outcrop.
 - Installation of pipelines is limited by the areas of Rock outcrop and by the depth to bedrock in the Gaib soil.
 - Construction of fences on the Gaib soil is limited by the depth to bedrock

Interpretive Groups

- *Land capability classification:* Gaib soil—VIIIs, nonirrigated; Simonton soil—IIIs, nonirrigated, Rock outcrop—VIII
- *Prime site:* Gaib soil—Shallow Stony Loam, 12- to 16-

inch precipitation zone; Simonton soil—Loamy, 12- to 16-inch precipitation zone

65—Garbutt silt loam, 0 to 4 percent slopes

Composition

Garbutt soil and similar inclusions—80 percent
 Contrasting inclusions—20 percent

Setting

Position on landscape: Basalt plains, drainageways, fan terraces
Elevation: About 2,800 feet
Average annual precipitation: About 7 inches
Average annual air temperature: About 52 degrees F
Frost-free season: About 140 days

Characteristics of the Garbutt Soil

Typical profile:

- 0 to 5 inches—light brownish gray silt loam
- 5 to 60 inches—light gray very fine sandy loam

Depth class: Very deep
Drainage class: Well drained
Permeability: Moderate
Available water capacity: High
Potential rooting depth: 60 inches or more
Runoff: Slow
Hazard of water erosion: Slight
Hazard of wind erosion: Moderate

Contrasting Inclusions

Mazuma and Dors soils, drained Grandview soils, Bahem and Hawsley soils

Use and Management

Major uses: Rangeland, irrigated cropland, homesites in a few areas
Major management factors: Hazard of wind erosion, low precipitation

Rangeland

Dominant vegetation in potential natural plant community: Winterfat, Indian ricegrass

General management considerations:

- Forage production is limited mainly by low precipitation.
- The suitability of this map unit for range seeding is poor. Seeding is limited by low precipitation.

Cropland

General management considerations:

- Most climatically suited crops can be grown if irrigation water is provided.

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- Suitable irrigation methods are sprinkler, furrow, and corrugation systems.
- Leveling is needed in sloping areas for efficient application and removal of irrigation water.
- Surface drains are needed to remove tailwater if surface irrigation is used.
- Regulating the applications of irrigation water helps to control runoff and erosion.
- Returning crop residue to the soil, regularly adding manure, rotating crops, and keeping tillage at a minimum increase the water intake rate and improve tilth.
- Keeping sprinkler irrigation rates at a minimum, keeping tillage at a minimum, returning crop residue to the soil, and regularly adding manure reduce surface crusting.
- The hazard of wind erosion is reduced by maintaining crop residue on the surface and keeping the surface of the soil rough.

Building site development

General management considerations:

- Excavation can expose soil material that is highly susceptible to wind erosion, and it increases the risk of water erosion.
- Limited soil strength adversely affects the quality of roadbeds and road surfaces.

Interpretive Groups

Land capability classification: IIe, irrigated; VIIc, nonirrigated

Range site: Silty, 7- to 10-inch precipitation zone

66—Garbutt silt loam, 4 to 8 percent slopes

Composition

Garbutt soil and similar inclusions—75 percent

Contrasting inclusions—25 percent

Setting

Position on landscape: Basalt plains, fan terraces

Elevation: About 2,700 feet

Average annual precipitation: About 7 inches

Average annual air temperature: About 52 degrees F

Frost-free season: About 140 days

Characteristics of the Garbutt Soil

Typical profile:

0 to 5 inches—light brownish gray silt loam

5 to 60 inches—light gray very fine sandy loam

Depth class: Very deep

Drainage class: Well drained

Permeability: Moderate

Available water capacity: High

Potential rooting depth: 60 inches or more

Runoff: Slow or medium

Hazard of water erosion: Moderate
oderate

Contrasting Inclusions

Mazuma, Power, Royal, Hawsley, and Dors soils; soils that have slopes of less than 4 percent

Use and Management

Major uses: Rangeland, irrigated cropland

Major management factors: Hazard of water erosion, hazard of wind erosion, low precipitation

Rangeland

Dominant vegetation in potential natural plant community

Shadscale, bud sagebrush, Indian ricegrass,

Thurber needlegrass

General management considerations:

- Forage production is limited mainly by low precipitation.
- The suitability of this map unit for range seeding is poor. Seeding is limited by low precipitation.

Cropland

General management considerations:

- Most climatically suited crops can be grown if irrigator water is provided.
- The best suited irrigation method is a sprinkler system.
- Regulating the applications of irrigation water helps to control runoff and erosion.
- Returning crop residue to the soil, regularly adding manure, rotating crops, and keeping tillage at a minimum increase the water intake rate and improve tilth.
- Keeping sprinkler irrigation rates at a minimum, keeping tillage at a minimum, returning crop residue to the soil, and regularly adding manure reduce surface crusting.
- Keeping tillage at a minimum and maintaining a clod surface reduce the hazard of water erosion.
- The hazard of wind erosion is reduced by maintaining crop residue on the surface, keeping tillage at a minimum, and keeping the surface of the soil rough.

Interpretive Groups

Land capability classification: IIIe, irrigated; VIIe, nonirrigated

Range site: Calcareous Loam, 7- to 10-inch precipitation zone

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100—Mazuma fine sandy loam, 0 to 4 percent slopes

Composition

Mazuma soil and similar inclusions—75 percent
Contrasting inclusions—25 percent

Setting

Position on landscape: Low stream terraces, fan terraces
Elevation: About 2,500 feet
Average annual precipitation: About 7 inches
Average annual air temperature: About 52 degrees F
Frost-free season: About 145 days

Characteristics of the Mazuma Soil

Typical profile
0 to 4 inches—pale brown fine sandy loam
4 to 33 inches—light gray and very pale brown fine sandy loam
33 to 40 inches—very pale brown sandy loam
40 to 60 inches—very pale brown loam
Depth class: Very deep
Drainage class: Well drained
Permeability: Moderately rapid
Available water capacity: Moderate
Potential rooting depth: 60 inches or more
Decomposition: Slow
Hazard of water erosion: Slight
Hazard of wind erosion: Moderate
Salinity: Slightly saline or moderately saline

Contrasting Inclusions

Hawsley, Garbutt, Dors, Davey, and Vanderhoff soils; soils that are moderately well drained; soils that are strongly saline

Use and Management

Major uses: Irrigated cropland, rangeland
Major management factors: Hazard of wind erosion, salinity, risk of seepage, low precipitation

Rangeland

Dominant vegetation in potential natural plant community: Black greasewood, basin wildrye, inland saltgrass
General management considerations:
• Forage production is limited mainly by low precipitation.
• The suitability of this map unit for range seeding is poor. Seeding is limited by low precipitation and by salinity.
• A risk of seepage limits the construction of livestock watering ponds and other water impoundments.

Cropland

General management considerations:

- Production of irrigated crops is limited by salinity and the hazard of wind erosion.
- Suitable irrigation methods are sprinkler, furrow, and corrugation systems.
- Leveling is needed in sloping areas for efficient application and removal of irrigation water.
- Surface drains are needed to remove tailwater if surface irrigation is used.
- Regulating the applications of irrigation water helps to avoid overirrigating and the leaching of plant nutrients.
- Returning crop residue to the soil, regularly adding manure, rotating crops, and keeping tillage at a minimum increase the water intake rate and improve tilth.
- Keeping sprinkler irrigation rates at a minimum, returning crop residue to the soil, and regularly adding manure reduce surface crusting.
- Maintaining crop residue on the surface, planting field windbreaks, keeping tillage at a minimum, and keeping the surface of the soil rough reduce the hazard of wind erosion.
- Returning crop residue to the soil, carefully applying irrigation water, applying gypsum, leaching out the salts, applying sulfur or sulfuric acid, and growing green manure crops reduce the content of salts

Interpretive Groups

Land capability classification: IIIe, irrigated; VIIe, nonirrigated

Range site: Saline Bottom, 8- to 12-inch precipitation zone

101—Mazuma-Hawsley complex, 0 to 12 percent slopes

Composition

Mazuma soil and similar inclusions—40 percent
Hawsley soil and similar inclusions—35 percent
Contrasting inclusions—25 percent

Setting

Position on landscape: Drainageways, fan terraces
Elevation: About 2,600 feet
Average annual precipitation: About 7 inches
Average annual air temperature: About 52 degrees F
Frost-free season: About 145 days

Characteristics of the Mazuma Soil

Typical profile:

0 to 4 inches—pale brown fine sandy loam

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JUN 11 1992

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER	USE	CODE	WATER	LAST	O	STG	PRIORITY	WATER
			1/4 1/4						RIGHT	NAME	C		DATE	SOURCE
06S	05E	23	NE NE	35.0	01				A51-00002	BRUNEAU BUCKAROO D C D	D		01/02/1883	BRUNEAU RIVER
06S	05E	23	NE NE	35.0	01				A51-00003	BRUNEAU BUCKAROO D C D	D		02/20/1888	BRUNEAU RIVER
06S	05E	23	NE NE	35.0	01,04				A51-10271	BRUNEAU BUCKAROO D C J	J		02/20/1888	BRUNEAU RIVER
06S	05E	23	NE NE	35.0	01				A51-10350	BRUNEAU BUCKAROO D C D	D		04/01/1897	BRUNEAU RIVER
06S	05E	23	NW NE		43,04				A51-10100	WHITESIDE C J	J		05/15/1986	GROUNDWATER
06S	05E	23	NW NE		43,04				A51-10100	WHITESIDE C J	J		05/15/1986	GROUNDWATER
06S	05E	23	NW NE	37.0	01				A51-00002	BRUNEAU BUCKAROO D C D	D		01/02/1883	BRUNEAU RIVER
06S	05E	23	NW NE	37.0	01				A51-00003	BRUNEAU BUCKAROO D C D	D		02/20/1888	BRUNEAU RIVER
06S	05E	23	NW NE	37.0	01				A51-00005	BRUNEAU BUCKAROO D C D	D		04/01/1905	BRUNEAU RIVER
06S	05E	23	NW NE	37.0	01,04				A51-10271	BRUNEAU BUCKAROO D C J	J		02/20/1888	BRUNEAU RIVER
06S	05E	23	NW NE	37.0	01				A51-10350	BRUNEAU BUCKAROO D C D	D		04/01/1897	BRUNEAU RIVER
06S	05E	23	SE NE	30.0	01				A51-00002	BRUNEAU BUCKAROO D C D	D		01/02/1883	BRUNEAU RIVER
06S	05E	23	SE NE	30.0	01				A51-00003	BRUNEAU BUCKAROO D C D	D		02/20/1888	BRUNEAU RIVER
06S	05E	23	SE NE	30.0	01,04				A51-10271	BRUNEAU BUCKAROO D C J	J		02/20/1888	BRUNEAU RIVER
06S	05E	23	SE NE	30.0	01				A51-10350	BRUNEAU BUCKAROO D C D	D		04/01/1897	BRUNEAU RIVER
06S	05E	23	NE NW	40.0	01				A51-00002	BRUNEAU BUCKAROO D C D	D		01/02/1883	BRUNEAU RIVER
06S	05E	23	NE NW	40.0	01				A51-00005	BRUNEAU BUCKAROO D C D	D		04/01/1905	BRUNEAU RIVER
06S	05E	23	NE NW	40.0	01,04				A51-10271	BRUNEAU BUCKAROO D C J	J		02/20/1888	BRUNEAU RIVER
06S	05E	23	NE NW	40.0	01				A51-10350	BRUNEAU BUCKAROO D C D	D		04/01/1897	BRUNEAU RIVER
06S	05E	23	NW NW	4.0	01				A51-00007	SOUTH SIDE BRUNEAU C D	D		04/01/1897	BRUNEAU RIVER
06S	05E	23	NW NW	4.0	01				A51-00008	SOUTH SIDE BRUNEAU C D	D		04/01/1905	BRUNEAU RIVER
06S	05E	23	NW NW	4.0	01				A51-04096	SOUTH SIDE BRUNEAU C D	D		04/01/1905	BRUNEAU RIVER
06S	05E	23	NW NW	37.0	01				A51-00002	BRUNEAU BUCKAROO D C D	D		01/02/1883	BRUNEAU RIVER
06S	05E	23	NW NW	37.0	01				A51-00005	BRUNEAU BUCKAROO D C D	D		04/01/1905	BRUNEAU RIVER

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TWP	RNG	SECT	TRACT	LOT	ACRES	WATER	USE	CODE	WATER	LAST	NAME	O	STG	PRIORITY	WATER	SOURCE
			114	114					RIGHT			C		DATE		
06S	05E	23	NW	NW	37.0	01.04			A51-10271	BRUNEAU	BUCKAROO D C J	0	D	02/20/1888	BRUNEAU	RIVER
06S	05E	23	NW	NW	4.0	01.04			A51-00006	SOUTH	SIDE BRUNEAU C D	0	D	03/23/1896	BRUNEAU	RIVER
06S	05E	23	NW	NW	37.0	01			A51-10350	BRUNEAU	BUCKAROO D C D	0	D	04/01/1897	BRUNEAU	RIVER
06S	05E	23	NW	NW	37.0	01			A51-10351	BRUNEAU	BUCKAROO D C D	0	D	10/27/1893	BRUNEAU	RIVER
06S	05E	23	NW	NW	15.0	01			A51-00007	SOUTH	SIDE BRUNEAU C D	0	D	04/01/1897	BRUNEAU	RIVER
06S	05E	23	NW	NW	15.0	01			A51-00008	SOUTH	SIDE BRUNEAU C D	0	D	04/01/1905	BRUNEAU	RIVER
06S	05E	23	NW	NW	15.0	01			A51-04096	SOUTH	SIDE BRUNEAU C D	0	D	04/01/1905	BRUNEAU	RIVER
06S	05E	23	NW	NW	26.0	01			A51-00002	BRUNEAU	BUCKAROO D C D	0	D	01/02/1883	BRUNEAU	RIVER
06S	05E	23	NW	NW	26.0	01			A51-00005	BRUNEAU	BUCKAROO D C D	0	D	04/01/1905	BRUNEAU	RIVER
06S	05E	23	NW	NW	26.0	01.04			A51-10271	BRUNEAU	BUCKAROO D C J	0	D	02/20/1888	BRUNEAU	RIVER
06S	05E	23	NW	NW	15.0	01.04			A51-00006	SOUTH	SIDE BRUNEAU C D	0	D	03/23/1896	BRUNEAU	RIVER
06S	05E	23	NW	NW	26.0	01			A51-10350	BRUNEAU	BUCKAROO D C D	0	D	04/01/1897	BRUNEAU	RIVER
06S	05E	23	NW	NW	26.0	01			A51-10351	BRUNEAU	BUCKAROO D C D	0	D	10/27/1893	BRUNEAU	RIVER
06S	05E	23	SE	NW	40.0	01			A51-00005	BRUNEAU	BUCKAROO D C D	0	D	04/01/1905	BRUNEAU	RIVER
06S	05E	23	SE	NW	40.0	01.04			A51-10271	BRUNEAU	BUCKAROO D C J	0	D	02/20/1888	BRUNEAU	RIVER
06S	05E	23	NE	NW	40.0	01			A51-000348	SLACK	OMEN O	0	D	04/01/1875	BRUNEAU	RIVER
										STATE OF IDAHO	C					
										CROCHERON	O					
										CAMPBELL	O					
06S	05E	23	NE	NW	40.0	01			A51-000358	SLACK	OMEN O	0	D	04/01/1897	BRUNEAU	RIVER
										CROCHERON	O					
										STATE OF IDAHO	C					
										CAMPBELL	A					
06S	05E	23	NE	NW	40.0	01			A51-000368	CROCHERON	SLACK O	0	D	04/01/1905	BRUNEAU	RIVER
										STATE OF IDAHO	C					
										OMEN	O					
										CAMPBELL	A					

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			1/4 1/4																
06S	05E	23	NE SW	40.0	01				A51-000698		0	0	04/01/1897	BRUNEAU RIVER					
									OWEN		0								
									MOOREHOUSE		0								
									STATE OF IDAHO		C								
06S	05E	23	NE SW	35.0	01				A51-00007		0	04/01/1897	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NE SW	35.0	01				A51-00008		0	04/01/1905	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NE SW	35.0	01				A51-04096		0	04/01/1905	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NE SW	35.0	01,04				A51-00006		0	03/23/1896	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NE SW	04					A51-10279		0	12/31/1860	BRUNEAU RIVER						
									CAMPBELL		A								
									OWEN		0								
									OWEN FAMILY REVOC A		C								
06S	05E	23	NW SW	40.0	01				A51-00007		0	04/01/1897	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NW SW	40.0	01				A51-00008		0	04/01/1905	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NW SW	40.0	01				A51-04096		0	04/01/1905	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NW SW	40.0	01,04				A51-00006		0	03/23/1896	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	NW SW	40.0	01				A51-00034A		0	04/01/1875	BRUNEAU RIVER						
									SLACK		0								
									OWEN		0								
									CAMPBELL		A								
									CROCHERON		0								
									OWEN FAMILY REVOC A		C								
06S	05E	23	NW SW	40.0	01				A51-00035A		0	04/01/1897	BRUNEAU RIVER						
									OWEN		0								
									CAMPBELL		A								
									SLACK		0								
									OWEN FAMILY REVOC A		C								
									CROCHERON		0								
06S	05E	23	NW SW	40.0	01				A51-00036A		0	04/01/1905	BRUNEAU RIVER						
									CROCHERON		0								
									CAMPBELL		A								
									OWEN FAMILY REVOC A		C								
									OWEN		0								
									SLACK		0								
06S	05E	23	SW SW	35.0	01				A51-00007		0	04/01/1897	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	SW SW	35.0	01				A51-00008		0	04/01/1905	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								
06S	05E	23	SW SW	35.0	01				A51-04096		0	04/01/1905	BRUNEAU RIVER						
									SOUTH SIDE BRUNEAU C		D								

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06S	05E	23	SW SW	40.0	01		A51-00035A	OWEN CAMPBELL SLACK OWEN FAMILY REVOKA CROCHERON	O A O O	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SW SW	35.0	01,04		A51-00006	SOUTH SIDE BRUNEAU C	O	D	03/23/1896	BRUNEAU RIVER
06S	05E	23	SW SW	40.0	01		A51-00034A	SLACK OWEN CAMPBELL CROCHERON OWEN FAMILY REVOKA C	O O A O O	D	04/01/1875	BRUNEAU RIVER
06S	05E	23	SW SW	40.0	01		A51-00036A	CROCHERON CAMPBELL OWEN FAMILY REVOKA C OWEN SLACK	O A O O O	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	SW SW	40.0	01		A51-00068A	MOOREHOUSE OWEN CAMPBELL OWEN FAMILY REVOKA C	O O A O	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SE SW	40.0	01		A51-00034B	SLACK OWEN STATE OF IDAHO CROCHERON CAMPBELL	O O C O O	D	04/01/1875	BRUNEAU RIVER
06S	05E	23	SE SW	40.0	01		A51-00035B	SLACK OWEN CROCHERON STATE OF IDAHO CAMPBELL	O O O C A	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SE SW	40.0	01		A51-00036B	CROCHERON SLACK STATE OF IDAHO OWEN CAMPBELL	O O C O A	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	SE SW	40.0	01		A51-00068B	OWEN MOOREHOUSE STATE OF IDAHO	O O C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SE SW	40.0	01		A51-00007	SOUTH SIDE BRUNEAU C	O	D	04/01/1897	BRUNEAU RIVER

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			1/4 1/4						RIGHT	NAME	C		DATE	SOURCE
06S	05E	23	SE SW	40.0	01	A51-00008	SOUTH SIDE BRUNEAU	C	D	04/01/1905	BRUNEAU RIVER			
06S	05E	23	SE SW	40.0	01	A51-04096	SOUTH SIDE BRUNEAU	C	D	04/01/1905	BRUNEAU RIVER			
06S	05E	23	SE SW	40.0	01,04	A51-00006	SOUTH SIDE BRUNEAU	C	D	03/23/1896	BRUNEAU RIVER			
06S	05E	23	NE SE	25.0	01	A51-00002	BRUNEAU BUCKAROO	D	C	01/02/1893	BRUNEAU RIVER			
06S	05E	23	NE SE	25.0	01	A51-00003	BRUNEAU BUCKAROO	D	C	02/20/1898	BRUNEAU RIVER			
06S	05E	23	NE SE	25.0	01,04	A51-10271	BRUNEAU BUCKAROO	D	C	02/20/1898	BRUNEAU RIVER			
06S	05E	23	NE SE	25.0	01	A51-10350	BRUNEAU BUCKAROO	D	C	04/01/1897	BRUNEAU RIVER			
06S	05E	23	NW SE	20.0	01,04	A51-00066	STATE OF IDAHO	C	D	04/01/1897	BRUNEAU RIVER			
							SHARP	O						
							BACHMAN	O						
							BACHMAN	O						
							FISH & GAME	K						
06S	05E	23	NW SE	20.0	01,04	A51-00067	BACHMAN	O	D	04/01/1905	BRUNEAU RIVER			
							STATE OF IDAHO	C						
							BACHMAN	O						
							BACHMAN	O						
							FISH & GAME	K						
06S	05E	23	SW SE	30.0	01,04	A51-00066	STATE OF IDAHO	C	D	04/01/1897	BRUNEAU RIVER			
							SHARP	O						
							BACHMAN	O						
							BACHMAN	O						
							FISH & GAME	K						
06S	05E	23	SW SE	30.0	01,04	A51-00067	BACHMAN	O	D	04/01/1905	BRUNEAU RIVER			
							STATE OF IDAHO	C						
							BACHMAN	O						
							FISH & GAME	K						
							SPENCER	O						
06S	05E	23	SE SE	20.0	01,04	A51-00066	STATE OF IDAHO	C	D	04/01/1897	BRUNEAU RIVER			
							SHARP	O						
							BACHMAN	O						
							BACHMAN	O						
							FISH & GAME	K						

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TRP	RNG	SECT	TRACT	LOT	ACRES	WATER	USE	CODE	WATER	RIGHT	NO.	LAST	NAME	O	STG	PRIORITY	WATER	SOURCE
																DATE		
06S	05E	23	SE	SE	20.0	01.06			AS1-00067			BACMAN	STATE OF IDAHO	O	D	06/01/1905	BRUNEAU	RIVER
												BACMAN		O				
												FISH & GAME		O				
												SPENCER		O				

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TWP	RNG	SECT	TRACT	LOT	ACRES	WATER	USE	CODE	WATER	RIGHT	NO.	LAST	NAME	O	STG	PRIORITY	DATE	WATER	SOURCE
			1/4	1/4															
06S	05E	24	NW	NW	5.0	01			A51-00002			BRUNEAU	BUCKAROO D C D	01/02/1883				BRUNEAU	RIVER
06S	05E	24	NW	NW	5.0	01			A51-00003			BRUNEAU	BUCKAROO D C D	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NW	NW	5.0	01,04			A51-10271			BRUNEAU	BUCKAROO D C J	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NW	NW	5.0	01			A51-10350			BRUNEAU	BUCKAROO D C D	04/01/1897				BRUNEAU	RIVER
06S	05E	24	NW	NW	35.0	01			A51-00002			BRUNEAU	BUCKAROO D C D	01/02/1883				BRUNEAU	RIVER
06S	05E	24	NW	NW	35.0	01			A51-00003			BRUNEAU	BUCKAROO D C D	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NW	NW	35.0	01,04			A51-10271			BRUNEAU	BUCKAROO D C J	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NW	NW	35.0	01			A51-10350			BRUNEAU	BUCKAROO D C D	04/01/1897				BRUNEAU	RIVER
06S	05E	24	SE	NW	43,04				A51-10045			BACHMAN		C J	04/01/1925			GROUNDWATER	
06S	05E	24	SE	NW	43,04				A51-10045			BACHMAN		C J	04/01/1925			GROUNDWATER	
06S	05E	24	SE	NW	18.0	01			A51-00003			BRUNEAU	BUCKAROO D C D	02/20/1888				BRUNEAU	RIVER
06S	05E	24	SE	NW	18.0	01,04			A51-10271			BRUNEAU	BUCKAROO D C J	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NE	SW	43				A51-10040			RENNER		C J	01/01/1900			GROUNDWATER	
06S	05E	24	NE	SW	34.0	01			A51-00003			BRUNEAU	BUCKAROO D C D	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NE	SW	34.0	01,04			A51-10271			BRUNEAU	BUCKAROO D C J	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NW	SW	20.0	01			A51-00002			BRUNEAU	BUCKAROO D C D	01/02/1883				BRUNEAU	RIVER
06S	05E	24	NW	SW	20.0	01			A51-00003			BRUNEAU	BUCKAROO D C D	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NW	SW	20.0	01,04			A51-10271			BRUNEAU	BUCKAROO D C J	02/20/1888				BRUNEAU	RIVER
06S	05E	24	NW	SW	20.0	01			A51-10350			BRUNEAU	BUCKAROO D C D	04/01/1897				BRUNEAU	RIVER
06S	05E	24	SW	SW	15.0	01			A51-00002			BRUNEAU	BUCKAROO D C D	01/02/1883				BRUNEAU	RIVER
06S	05E	24	SW	SW	15.0	01			A51-00003			BRUNEAU	BUCKAROO D C D	02/20/1888				BRUNEAU	RIVER
06S	05E	24	SW	SW	15.0	01,04			A51-10271			BRUNEAU	BUCKAROO D C J	02/20/1888				BRUNEAU	RIVER
06S	05E	24	SW	SW	15.0	01			A51-10350			BRUNEAU	BUCKAROO D C D	04/01/1897				BRUNEAU	RIVER

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			1/4 1/4						RIGHT NO.	NAME	C	DATE	SOURCE
06S	05E	24	SE SW	40					A51-07109	BRUNEAU WATER AND	C	07/20/1976	GROUNDWATER
06S	05E	24	SE SW	32					A51-10038	BRUNEAU WATER AND	C	07/15/1966	GROUNDWATER
06S	05E	24	NE SE	40					A51-07109	BRUNEAU WATER AND	C	07/20/1976	GROUNDWATER
06S	05E	24	NE SE	43,04					A51-10101	ANDUZA COLLINS SHERWOOD	C	08/15/1913	GROUNDWATER
06S	05E	24	NE SE	43,04					A51-10101	ANDUZA COLLINS SHERWOOD	C	08/15/1913	GROUNDWATER
06S	05E	24	NW SE	40					A51-07109	BRUNEAU WATER AND	C	07/20/1976	GROUNDWATER
06S	05E	24	NW SE	43,04					A51-10023	MECHAN MECHAN	C	07/01/1963	GROUNDWATER
06S	05E	24	NW SE	43,04					A51-10023	MECHAN MECHAN	C	07/01/1963	GROUNDWATER
06S	05E	24	NW SE	43					A51-10024	MECHAN MECHAN	C	05/01/1984	GROUNDWATER
06S	05E	24	NW SE	01					A51-00003	BRUNEAU BUCKAROO D	C	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW SE	01,04					A51-10271	BRUNEAU BUCKAROO D	C	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW SE	40					A51-07109	BRUNEAU WATER AND	C	07/20/1976	GROUNDWATER
06S	05E	24	NW SE	43,01					A51-10053	MORRIS MORRIS	C	05/12/1985	GROUNDWATER
06S	05E	24	NW SE	43,01					A51-10053	MORRIS MORRIS	C	05/12/1985	GROUNDWATER
06S	05E	24	NW SE	43					A51-10063	BLACK	C	07/15/1985	GROUNDWATER
06S	05E	24	NW SE	01					A51-00003	BRUNEAU BUCKAROO D	C	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW SE	01,04					A51-10271	BRUNEAU BUCKAROO D	C	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW SE	40					A51-07109	BRUNEAU WATER AND	C	07/20/1976	GROUNDWATER
06S	05E	24	NW SE	10					A51-10060	CAMPBELL CAMPBELL	C	01/01/1959	GROUNDWATER

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			1/4 1/4						RIGHT NO.	NAME	C		DATE	SOURCE
06S	05E	24	SE SE		43.01				A51-10054	CROUSE	C	J	06/01/1945	GROUNDWATER
06S	05E	24	SE SE	0.3	43.01				A51-10054	CROUSE	C	J	06/01/1945	GROUNDWATER
06S	05E	24	SE SE		43				A51-10067	ELLINGTON	C	J	08/13/1981	GROUNDWATER
06S	05E	24	SE SE		43				A51-10078	TAYLOR	C	J	12/31/1953	GROUNDWATER
06S	05E	24	SE SE		43				A51-10131	MIKOLAJCZYK	C	J	05/05/1959	GROUNDWATER
06S	05E	24	SE SE						ADKINSON	GLINESKI JR.	C			
06S	05E	24	SE SE						JONES		C			
06S	05E	24	SE SE		43				A51-10159	MARSH	C	J	12/03/1977	GROUNDWATER
06S	05E	24	SE SE		10.0	01			A51-00003	BRUNEAU BUCKARCO D	C	D	02/20/1888	BRUNEAU RIVER
06S	05E	24	SE SE		10.0	01.04			A51-10271	BRUNEAU BUCKARCO D	C	J	02/20/1888	BRUNEAU RIVER

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TWP	RNG	SECT	TRACT	LOT	ACRES	WATER	USE	CODE	WATER	LAST	O	STG	PRIORITY	WATER
			1/4 1/4						RIGHT	NAME	C		DATE	SOURCE
06S	05E	23	SW	NE	40.0	01,04,43			51-00066	SHARP	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SW	NE	40.0	01,04,43			51-00067	SPENCER	C	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	NW	NW	40.0	01,04,43			51-00034	CROCHERON	C	D	04/01/1875	BRUNEAU RIVER
06S	05E	23	NW	NW	40.0	01,04,43			51-00035	CROCHERON	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	NW	NW	40.0	01,04,43			51-00036	CROCHERON	C	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	SW	NW	40.0	01,04,43			51-00034	CROCHERON	C	D	04/01/1875	BRUNEAU RIVER
06S	05E	23	SW	NW	40.0	01,04,43			51-00035	CROCHERON	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SW	NW	40.0	01,04,43			51-00036	CROCHERON	C	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	NE	SW	40.0	01,04,43			51-00068	MOOREHOUSE	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	NW	SW	40.0	01,04,43			51-00034	CROCHERON	C	D	04/01/1875	BRUNEAU RIVER
06S	05E	23	NW	SW	40.0	01,04,43			51-00035	CROCHERON	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	NW	SW	40.0	01,04,43			51-00036	CROCHERON	C	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	SW	SW	40.0	01,04,43			51-00068	MOOREHOUSE	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SE	SW	40.0	01,04,43			51-00068	MOOREHOUSE	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	NW	SE	40.0	01,04,43			51-00066	SHARP	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	NW	SE	40.0	01,04,43			51-00067	SPENCER	C	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	NW	SE	40.0	01,04,43			51-00066	SHARP	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	NW	SE	40.0	01,04,43			51-00067	SPENCER	C	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	SW	SE	40.0	01,04,43			51-00067	SPENCER	C	D	04/01/1905	BRUNEAU RIVER
06S	05E	23	SE	SE	40.0	01,04,43			51-00066	SHARP	C	D	04/01/1897	BRUNEAU RIVER
06S	05E	23	SE	SE	40.0	01,04,43			51-00067	SPENCER	C	D	04/01/1905	BRUNEAU RIVER

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

DATE: 03/23/92
PAGE: 1

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER	USE	CODE	WATER	LAST	O	STG	PRIORITY	WATER
									RIGHT	NAME			DATE	SOURCE
									MO.					
06S	05E	24	SE SW		43				51-07109	BRUNEAU WATER & SE C L	C		07/20/1976	GROUNDWATER
06S	05E	24	NE SE		43				51-07109	BRUNEAU WATER & SE C L	C		07/20/1976	GROUNDWATER
06S	05E	24	NW SE		43				51-07109	BRUNEAU WATER & SE C L	C		07/20/1976	GROUNDWATER
06S	05E	24	SW SE		43				51-07109	BRUNEAU WATER & SE C L	C		07/20/1976	GROUNDWATER
06S	05E	24	SE SE		43				51-07109	BRUNEAU WATER & SE C L	C		07/20/1976	GROUNDWATER
06S	05E	24	SE SE		43				51-07311	GEIGER	C	A	11/30/1988	GROUNDWATER
										BOYER	O			

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Application for Transfer of Water Rt. No. 51-00004B
 Bruneau - Buckaroo Ditch Co
 Hearing on 2/26/1992
 Notes by D. Turhill

In Attendance: Bob Black > Protestants
 Asa Black

Applicants

Bruneau - Buckaroo Cooperative Ditch Co.
 Frank Backman - Pres
 Bill Ringert - Atty

Question: Validity of water right / already wet
 1. Enlargement
 2. Impact on existing rights

Frank Backman

President of Bruneau - Buckaroo Ditch Co.

Water right to be transferred is second priority
 Location receiving water - identified by Certs 9 & 10

Location from which water is to be taken - identified by Cert 123

Original: #15
~~#28~~

Property purchased from Ronald Hutchinson

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Frank Bachman (cont.)

→ Question? What type of irrigation system? (Answered below)

Evidence of system on photos?

Chance of sub-irrigation as opposed to surface irrigation?

Grasses Fescue, Rye, Canary Reed, Orchard

In SW corner of tract there is a wetland, \approx 7-8 acres of 40

Grasses will not grow without irrigation

2000 lb/acre forage

700 lb/AUM = 2.8 AUM/acre

8 acres of wetland > within 40 acre parcel

5 acres of dryland

5 years ago ^{upland} land was placed ~~under gated pipe~~

Up until then, water was placed in a ditch on the NE Corner

Now with gated pipe, plug in pipe is removed and flooding occurs.

* The whole 40 acre tract is to be dried up to provide 20 ac of water.

Water enters property in NE corner. Supply ditch is along
E side of property

Feeder ditch from
Willow Trees flows toward south

→ Doesn't the "supply ditch" flow to the south? Yes

Enlargement? No - no add'l water used at new

Questions: Ditch maintained? (Minimally)

Chance of sub-irrigation?

What percentage of water requirement is provided by

live flow vs. wastewater? Unknown

How many acres do you suggest are irrigated?

What has been a typical irrigation regimen? (inches/days) ^{unknown}

Which years has this regimen occurred?

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X Exam - 20 more acres / 20 more inches will adequately irrigate the ranch at upper lands

Question: How much transfer credit can be allowed for live flow, when wastewater provides much of the flow?

Mention in decision

* Issue raised by Bob Black - lands to which water is to be placed ^{are} outside boundary. This is acceptable for a Ditch Company.

Cindy Bachman

Guy Colyer - Co-Owner of Colyer Cattle Co.

Nok: ^X IOWE is required to make a ruling on the forfeiture issue per Jenkins

"We won't receive a reduction from the transfer." (Guy Colyer)

Questions: Earlier years - 30 acres + pasture
~~the~~ When did this change occur?
 How many acres now?

Ray Colyer ^{First} Corn, then down the ditch

In recent years 30 years acres + have been irrigated

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Terry Black

- Does not believe the pictures show the true irrigation
- Movement of water will constitute injury
- Guy Colliers' testimony - no reduction in water

Ace Black

- This ground will still be wet after the transfer
- Expansion can occur if ground continues to be wet

Bob Black

- Protests placing water on ground outside the Bureau
Buckaroo Ditch Co ground.

IDWR to prepare a decision.

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Date: February 26, 1992

Hearing conducted by: Glen Saxton

2

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)

FOR TRANSFER OF WATER RIGHT)

NO. 51-00004B IN THE NAME OF)

BRUNEAU BUCKAROO COOP. DITCH CO.)

NOTICE OF HEARING

On March 21, 1991, Bruneau Buckaroo Cooperative Ditch Co. filed with the Department of Water Resources an Application for Transfer of Water Right No. 51-00004B in the name of Bruneau Buckaroo Cooperative Ditch Co. The application was protested by Asa Black and Robert C. Black and a conference was held by the Department on August 16, 1991.

The Department has now set the matter of protest for a hearing to be held on Wednesday, February 26, 1992, at 1:00 p.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. 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

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of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 7th day of February, 1992.

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

I hereby certify that on the 7th day of February, 1992, 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

FRANK &/OR CINDY BACHMAN
PO BOX 186
BRUNEAU ID 83604

ASA BLACK
HC 85 BOX 101
BRUNEAU ID 83604

ROBERT C BLACK
PO BOX 153
BRUNEAU ID 83604

Non-Certified Mail

TERRY BLACK
HC 85 BOX 104
BRUNEAU ID 83604

TONY BLACK
BOXC 102
BRUNEAU ID 83604

RAY COLYER
BRUNEAU ID 83604

GUY COLYER
HC 85 BOX 881
BRUNEAU ID 83604

DICK STRICKLAND
HC 85 BOX 105
BRUNEAU ID 83604

WILLIAM F RINGERT ESQ
PO BOX 2773
BOISE ID 83701

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JUN 1 1 1992

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in the consideration of the application and protest(s):

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2, & 3 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 4, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgeable 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 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

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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 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 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.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or 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.

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JUN 11 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 17, 1992

Distribution: See Attached List

RE: Protested Application for Transfer in the Name of Bruneau Buckaroo Cooperative Ditch Co., Water Right No. 51-00004B

Dear Interested Party:

At the water right conference in the above-referenced matter held on August 16, 1991, we determined that the Department should conduct a field examination of the land to which and from which the water right is proposed to be transferred. Accordingly, on September 12, 1991, I conducted a field examination, accompanied by representatives of both the applicant and the protestants. The purpose of this letter is to document the results of both the field examination and the subsequent investigation of related information.

The first topic of the field examination was the land to which the water right is proposed to be transferred. At the conference there had been a difference of opinion regarding the location prior to the installation of a sprinkler system of the gravity flow ditch at the north end of the property, within the E1/2 SW1/4, Sec. 4, T 7 S, R 6 E, B.M. To confirm the location of the original ditch I established an elevation measuring point on the east side of the original ditch at a point just north of the section line, within the SE1/4 SW1/4, Sec. 4, T 7 S, R 6 E, B.M. From this point I used a Lietz CE3 Self-Leveling Level to take readings on a rod positioned by Mr. Richard Strickland, beginning at a point 234 feet to the south and proceeding along the ditch to the north. The measurements demonstrate that the original ditch veered to the northeast at a point about 610 feet north of the instrument location, in the direction of the NW corner of the SE1/4SW1/4, Sec. 4. This coincides with a line between two fields on an aerial photo that was reviewed at the conference. The irrigated area upland from this line has been measured to be 3 acres within the SE1/4SW1/4, and 6 acres within the NE1/4SW1/4, Sec. 4. These acres are considered to have been added to the field at the time the sprinkler system was installed.

Other lands to which the water right is proposed to be moved are located within the SW1/4NE1/4 and SE1/4NW1/4 Sec. 9 of the same township. These lands were originally quantified as 11 acres in the SW1/4NE1/4 and 3 acres in the SE1/4NW1/4. I have reviewed these lands on: ASCS photos in the file; an infrared NAPP photograph dated July 31, 1987; the orthophotoquads dated 1974; and as a part of the field inspection. It appears that the 3 acres in the SE1/4NW1/4 are correct, and the acres within the SW1/4NE1/4

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Bruneau-Buckaroo Cooperative Ditch Co. Application for Transfer

should be reduced by one, to 10. Thus, based on the field examination and subsequent review it appears that the total area requiring an additional water right is 22 acres.

The second topic of the field examination was the land from which the water right is proposed to be removed. Information utilized in making a preliminary determination in this regard includes: the on-site field examination of September 12, 1991; mapping products consisting of an infrared NAPP photo dated July 31, 1987, an orthophotoquad dated 1974, and an undated ASCS aerial photo from the SCS file; review of the SCS file with William E. Vetten, District Conservationist; the soil map from the 1991 SCS Soil Survey of Elmore County Area; the IDWR water right data base; and information regarding tax assessments of the property as provided by the Owyhee County Assessor's office. Based on this information, my preliminary assessment is that the Department will consider allowing credit for the transfer of irrigation water from the six (6) acres within the NE corner of the SW1/4SW1/4 Sec. 24 to the new place of use. This determination is based primarily on the following indicators:

1. The soil in the NE corner of the SW1/4SW1/4 is classified as Bram silt loam, which is capable of producing irrigated crops.
2. Grasses in this quadrant appear to be to some extent introduced rather than natural.
3. Evidence in the area of irrigation is limited to extensions of existing systems from the upland irrigated fields.
4. Close examination of infrared photography suggests that these lands have been irrigated to a limited extent.

As this time the above information is offered for your review and analysis. Because of the numerous reference items, and the fact that some of the items are in color, copies of the information have not been distributed but instead those individuals that are further interested in examining the information are invited to visit the Western Regional Office of the Department at 2735 Airport Way in Boise to review the file.

In order to continue the processing of this file in a timely manner, please conduct any file reviews no later than February 5, 1992. At that time the Department will poll the applicant and the protestants as to whether the above determination is acceptable or whether, in the alternative, the Department needs to conduct a hearing in aid of preparing a formal decision in this matter.

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Page 3

Bruneau-Buckaroo Cooperative Ditch Co. Application for Transfer

Again, the information in this letter is not intended to be a formal Department determination but rather is a preliminary determination based on the information that has been assembled to date. If you have questions regarding either the information presented herein or future actions regarding this application please feel free to contact this office.

Sincerely,

David R. Tuthill, Jr.

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf: State Office Protest Drawer

Frank & Cindy Bachman
P.O. Box 186
Bruneau, ID 83604

Tony Black
Box 102
Bruneau, ID 83604

Asa Black
HC 85 Box 101
Bruneau, ID 83604

Ray Colyer
Bruneau, ID 83604

Robert c. Black
P.O. Box 153
Bruneau, ID 83604

Guy Colyer
HC 85 Box 881
Bruneau, ID 83604

Terry Black
HC 85 Box 104
Bruneau, ID 83604

Dick Strickland
HC 85 Box 105
Bruneau, ID 83604

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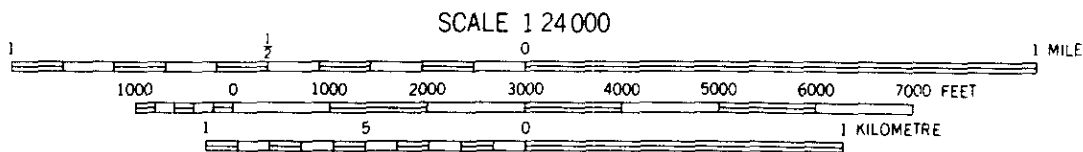
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NORTH

1974 Aerial photograph

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

Copies Of These Maps Can Be Obtained
At Bonneville Blue Print, Boise Idaho

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S

1974
Orthophotograph

JUN 11 1992

CONVERSATION MEMORANDUM

DATE 12/24/91FILE 51-0004BNAME OF PARTY Owyhee Co Assessor Y95-2817EMPLOYEE D. TutbillRE: Assessed Irrigated Acreage - ^{per} Diane

T6S R5E Sec 23 NENE

SENE

23.7 Irrigated

NESE

31 ac Meadows

SESE

24.4 dry grazing

Sec 24 NWNW

SWNW

30.9 ac. Irrigated

NWSW

9.5 Meadow

SWGN

14.8 Improved Meadow

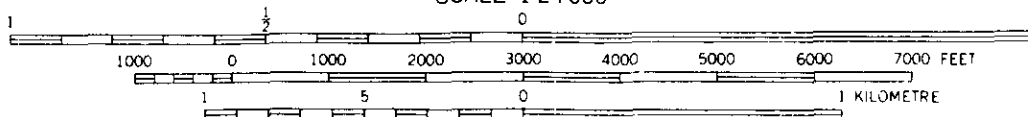
67.6 Dry grazing

Not further subdivided by
assessor's office (to 40 ac tract)

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SCALE 1 24 000



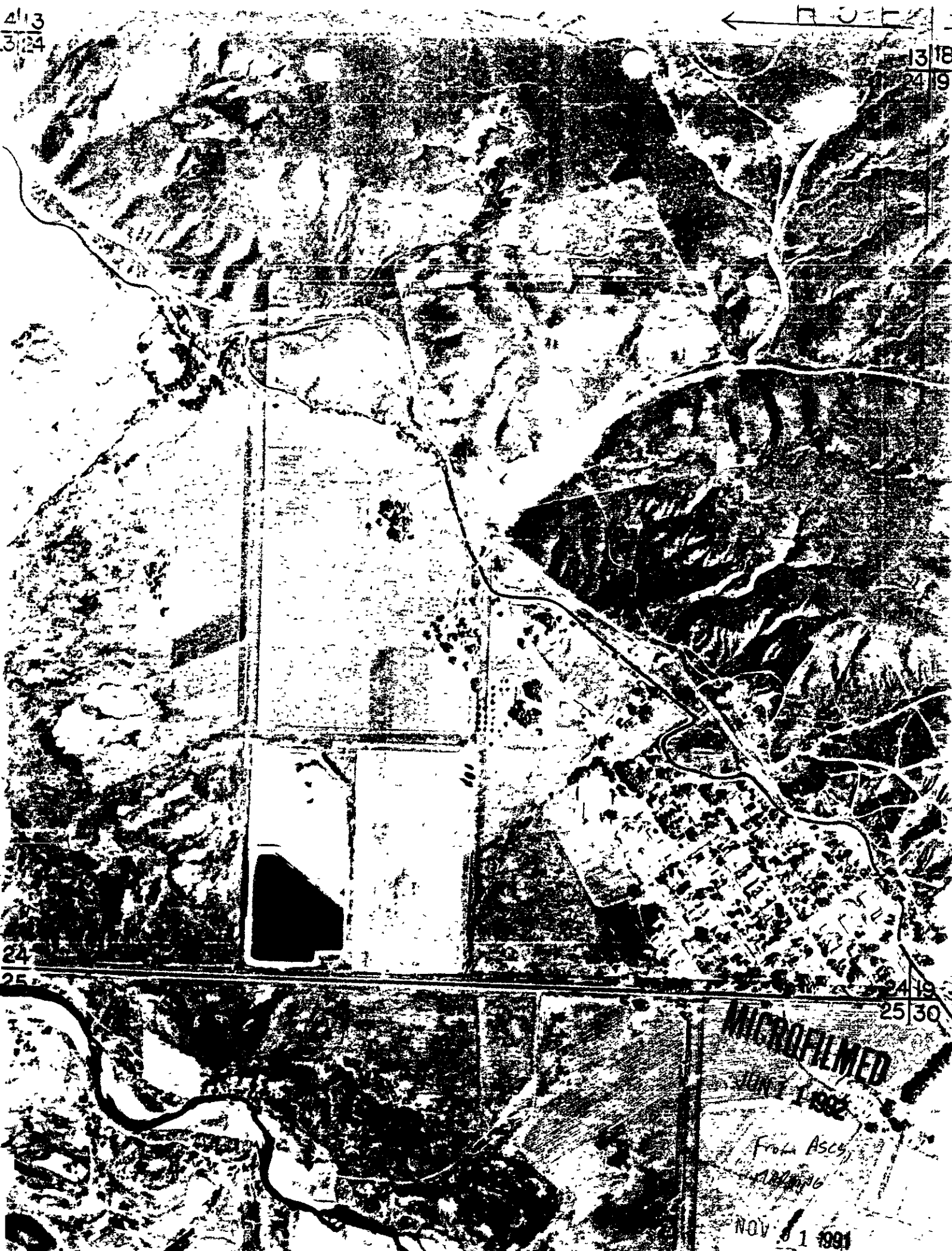
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1 MILE

NORTH

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3/24

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24/19



24
25

24/19
25/30

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JUN 1 1992

From ASCS
122/196

NOV 1 1991

Photos 87 & 88

TWP	RNG	SECT	TRACT 1/4 1/4	LOT	ACRES	WATER USE CODE	WATER RIGHT NO.	LAST NAME	O	STG	PRIORITY DATE	WATER SOURCE
06S	05E	24	NW NW	5.0	01		A51-00002	BRUNEAU BUCKAROO	D C	D	01/02/1883	BRUNEAU RIVER
06S	05E	24	NW NW	5.0	01		A51-00003	BRUNEAU BUCKAROO	D C	D	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW NW	5.0	01,04		A51-10271	BRUNEAU BUCKAROO	D C	J	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW NW	5.0	01		A51-10350	BRUNEAU BUCKAROO	D C	D	04/01/1897	BRUNEAU RIVER
06S	05E	24	SW NW	35.0	01		A51-00002	BRUNEAU BUCKAROO	D C	D	01/02/1883	BRUNEAU RIVER
06S	05E	24	SW NW	35.0	01		A51-00003	BRUNEAU BUCKAROO	D C	D	02/20/1888	BRUNEAU RIVER
06S	05E	24	SW NW	35.0	01,04		A51-10271	BRUNEAU BUCKAROO	D C	J	02/20/1888	BRUNEAU RIVER
06S	05E	24	SW NW	35.0	01		A51-10350	BRUNEAU BUCKAROO	D C	D	04/01/1897	BRUNEAU RIVER
06S	05E	24	SE NW		43,04		A51-10045	BACHMAN BACHMAN	C J	J	04/01/1925	GROUNDWATER
06S	05E	24	SE NW		43,04		A51-10045	BACHMAN BACHMAN	C J	J	04/01/1925	GROUNDWATER
06S	05E	24	SE NW	18.0	01		A51-00003	BRUNEAU BUCKAROO	D C	D	02/20/1888	BRUNEAU RIVER
06S	05E	24	SE NW	18.0	01,04		A51-10271	BRUNEAU BUCKAROO	D C	J	02/20/1888	BRUNEAU RIVER
06S	05E	24	NE SW		43		A51-10040	RENNER	C J	J	01/01/1900	GROUNDWATER
06S	05E	24	NE SW	34.0	01		A51-00003	BRUNEAU BUCKAROO	D C	D	02/20/1888	BRUNEAU RIVER
06S	05E	24	NE SW	34.0	01,04		A51-10271	BRUNEAU BUCKAROO	D C	J	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW SW	20.0	01		A51-00002	BRUNEAU BUCKAROO	D C	D	01/02/1883	BRUNEAU RIVER
06S	05E	24	NW SW	20.0	01		A51-00003	BRUNEAU BUCKAROO	D C	D	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW SW	20.0	01,04		A51-10271	BRUNEAU BUCKAROO	D C	J	02/20/1888	BRUNEAU RIVER
06S	05E	24	NW SW	20.0	01		A51-10350	BRUNEAU BUCKAROO	D C	D	04/01/1897	BRUNEAU RIVER
06S	05E	24	SW SW	15.0	01		A51-00002	BRUNEAU BUCKAROO	D C	D	01/02/1883	BRUNEAU RIVER
06S	05E	24	SW SW	15.0	01		A51-00003	BRUNEAU BUCKAROO	D C	D	02/20/1888	BRUNEAU RIVER
06S	05E	24	SW SW	15.0	01,04		A51-10271	BRUNEAU BUCKAROO	D C	J	02/20/1888	BRUNEAU RIVER
06S	05E	24	SW SW	15.0	01		A51-10350	BRUNEAU BUCKAROO	D C	D	04/01/1897	BRUNEAU RIVER

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS BY PLACE OF USE

AJ0721NP
(00-21)

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER	USE	CODE	WATER	RIGHT	NO.	LAST	NAME	O	STG	PRIORITY	DATE	WATER	SOURCE
			1/4																
06S	05E	24	SE	SW		40			A51-07109			BRUNEAU	WATER AND	C	L	07/20/1976		GROUNDWATER	
06S	05E	24	SE	SW		32			A51-10038			BRUNEAU	WATER AND	C	J	07/15/1946		GROUNDWATER	
06S	05E	24	NE	SE		40			A51-07109			BRUNEAU	WATER AND	C	L	07/20/1976		GROUNDWATER	
06S	05E	24	NE	SE		43,04			A51-10101			ANDUZA		C	J	08/15/1913		GROUNDWATER	
												COLLINS		C					
												SHERWOOD		C					
06S	05E	24	NE	SE		43,04			A51-10101			ANDUZA		C	J	08/15/1913		GROUNDWATER	
												COLLINS		C					
												SHERWOOD		C					
06S	05E	24	NW	SE		40			A51-07109			BRUNEAU	WATER AND	C	L	07/20/1976		GROUNDWATER	
06S	05E	24	NW	SE		43,04			A51-10023			MECHAN		C	J	07/01/1963		GROUNDWATER	
												MECHAN		C					
06S	05E	24	NW	SE		43,04			A51-10023			MECHAN		C	J	07/01/1963		GROUNDWATER	
												MECHAN		C					
06S	05E	24	NW	SE		43			A51-10024			MECHAN		C	J	05/01/1984		GROUNDWATER	
												MECHAN		C					
06S	05E	24	NW	SE		20.0	01		A51-00003			BRUNEAU	BUCKAROO D	C	D	02/20/1888		BRUNEAU RIVER	
06S	05E	24	NW	SE		20.0	01,04		A51-10271			BRUNEAU	BUCKAROO D	C	J	02/20/1888		BRUNEAU RIVER	
06S	05E	24	SW	SE		40			A51-07109			BRUNEAU	WATER AND	C	L	07/20/1976		GROUNDWATER	
06S	05E	24	SW	SE		0.5	43,01		A51-10053			MORRIS		C	J	05/12/1985		GROUNDWATER	
												MORRIS		C					
06S	05E	24	SW	SE		43,01			A51-10053			MORRIS		C	J	05/12/1985		GROUNDWATER	
												MORRIS		C					
06S	05E	24	SW	SE		43			A51-10063			BLACK		C	J	07/15/1985		GROUNDWATER	
06S	05E	24	SW	SE		38.0	01		A51-00003			BRUNEAU	BUCKAROO D	C	D	02/20/1888		BRUNEAU RIVER	
06S	05E	24	SW	SE		38.0	01,04		A51-10271			BRUNEAU	BUCKAROO D	C	J	02/20/1888		BRUNEAU RIVER	
06S	05E	24	SE	SE		40			A51-07109			BRUNEAU	WATER AND	C	L	07/20/1976		GROUNDWATER	
06S	05E	24	SE	SE		10			A51-10060			CAMPBELL		C	J	01/01/1959		GROUNDWATER	
												CAMPBELL		C					

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JUN 11 1982

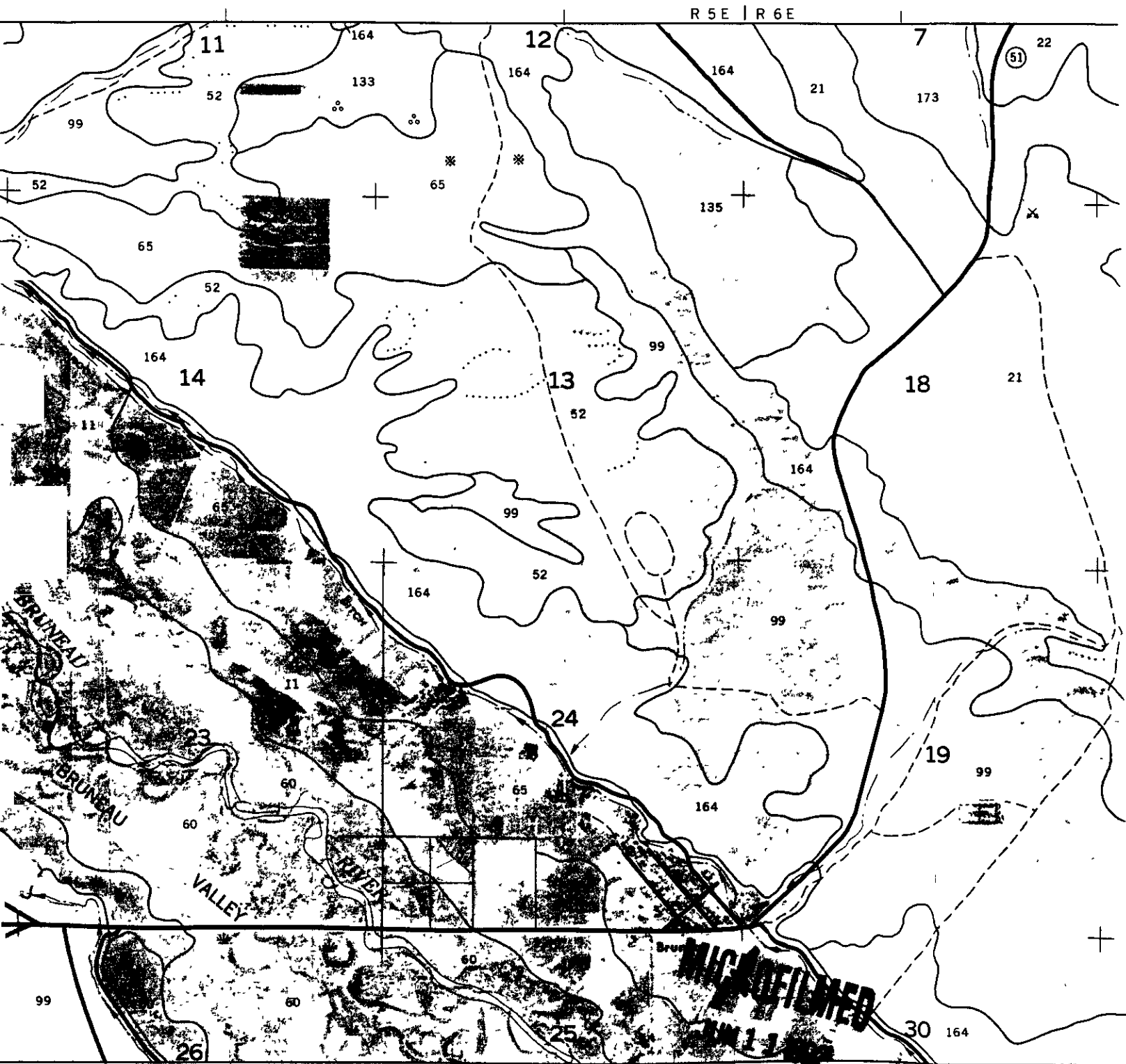
IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS BY PLACE OF USE

AJ0721MP
(00-21)

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER USE CODE	WATER RIGHT NO.	LAST NAME	O	STG	PRIORITY DATE	WATER SOURCE
06S	05E	24	SE SE	1/4 1/4		43,01	A51-10054	CROUSE	C	J	06/01/1945	GROUNDWATER
06S	05E	24	SE SE		0.3	43,01	A51-10054	CROUSE	C	J	06/01/1945	GROUNDWATER
06S	05E	24	SE SE		43		A51-10067	ELLINGTON	C	J	08/13/1981	GROUNDWATER
06S	05E	24	SE SE		43		A51-10078	TAYLOR	C	J	12/31/1953	GROUNDWATER
06S	05E	24	SE SE		43		A51-10131	MIKOLAJCZYK	C	J	05/05/1959	GROUNDWATER
								ADKINSON	C			
								GLINESKI JR.	C			
								JONES	C			
06S	05E	24	SE SE		43		A51-10159	MARKS	C	J	12/03/1977	GROUNDWATER
06S	05E	24	SE SE		10.0	01	A51-00003	BRUNEAU BUCKAROO	D	C	02/20/1888	BRUNEAU RIVER
06S	05E	24	SE SE		10.0	01,04	A51-10271	BRUNEAU BUCKAROO	D	C	02/20/1888	BRUNEAU RIVER

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JUN 1 1 1992

L SURVEY OF ELMORE COUNTY AREA, IDAHO, PARTS OF ELMORE, OWYHEE, AND ADA COUNTIES



United States
Department of
Agriculture
Soil
Conservation
Service

Office
of
Technical
Assistance
and
Cooperation
Soil
Conservation
Service

16
A

This soil survey is a publication of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other federal agencies, state agencies including the Agricultural Experiment Stations, and local agencies. The Soil Conservation Service has leadership for the federal part of the National Cooperative Soil Survey.

Major fieldwork for this soil survey was completed in 1985. Soil names and descriptions were approved in 1986. Unless otherwise indicated, statements in this publication refer to conditions in the survey area in 1985. This survey was made cooperatively by the Soil Conservation Service; the Forest Service; the Bureau of Land Management; the University of Idaho, College of Agriculture; and the Idaho Soil Conservation Commission. It is part of the technical assistance furnished to the Elmore and Bruneau River Soil Conservation Districts.

Soil maps in this survey may be copied without permission. Enlargement of these maps, however, could cause misunderstanding of the detail of mapping. If enlarged, maps do not show the small areas of contrasting soils that could have been shown at a larger scale.

All programs and services of the Soil Conservation Service are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

Cover: View looking south from High Prairie. Brinegar loam, 0 to 4 percent slopes, is under native pasture in the foreground, and Roanhide, Bauscher, Schoolhouse, and Oland soils are on the hills. Pockets of quaking aspen are on Demast soils.

All 600 programs of the Soil Conservation Service are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

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- Water-tolerant plants should be grown unless drainage is provided
- Salt-tolerant grasses can be grown
- Subsurface drains can be used to reduce wetness if suitable outlets are available.

Interpretive Groups

Land capability classification: Illw, irrigated and nonirrigated

Range site: Semiwet Saline Meadow

11—Bram silt loam, 0 to 2 percent slopes

Composition

Bram soil and similar inclusions—85 percent

Contrasting inclusions—15 percent

Setting

Position on landscape: Flood plains, stream terraces

Elevation: About 2,400 feet

Average annual precipitation: About 7 inches

Average annual air temperature: About 53 degrees F

Frost-free season: About 145 days

Characteristics of the Bram Soil

Typical profile:

0 to 28 inches—very pale brown silt loam

28 to 36 inches—very pale brown very fine sandy loam

36 to 45 inches—very pale brown silt loam

45 to 65 inches—white loam

Depth class: Very deep

Drainage class: Somewhat poorly drained

Permeability: Moderately slow

Available water capacity: Moderate

Restriction affecting rooting depth: Water table at a depth of 36 to 60 inches from April through November

Runoff: Slow

Hazard of water erosion: Slight

Hazard of wind erosion: Moderate

Depth to water table: 36 to 60 inches from April through November; more than 60 inches the rest of the year

Frequency of flooding: Rare

Salinity: Moderately saline

Contrasting Inclusions

Baldock, Bramwell, and Letha soils; soils that are moderately well drained, soils that are strongly saline

Use and Management

Major uses: Irrigated cropland, homesites in a few areas

Minor use: Livestock grazing in a few small areas (less than 10 percent of the map unit) that support native vegetation

Major management factors: Hazard of wind erosion, frost heaving, permeability, salinity, wetness

Cropland

General management considerations:

- Production of irrigated crops is limited by the seasonal high water table and by salinity.
- Suitable irrigation methods are sprinkler, furrow, and corrugation systems.
- Leveling is needed in sloping areas for efficient application and removal of irrigation water.
- Providing drainage is difficult in some areas because of poor outlets.
- If suitable outlets are available, subsurface drains can be used to remove excess water and leached salts.
- Salt-tolerant crops can be grown if the content of salts in the soil is reduced by leaching.
- Surface drains are needed to remove tailwater if surface irrigation is used.
- Regulating the applications of irrigation water helps to prevent a rise in the level of the water table and an increase in the concentration of salts and sodium in the soil.
- Returning crop residue to the soil, regularly adding manure, rotating crops, and keeping tillage at a minimum increase the water intake rate and improve tilth.
- Keeping sprinkler irrigation rates at a minimum, keeping tillage at a minimum, returning crop residue to the soil, and regularly adding manure reduce surface crusting.
- The hazard of wind erosion is reduced by maintaining crop residue on the surface, keeping tillage at a minimum, and keeping the surface of the soil rough.
- Returning crop residue to the soil, carefully applying irrigation water, providing adequate drainage, applying gypsum, leaching out the salts, applying sulfur or sulfuric acid, and growing green manure crops reduce the content of salts.

Building site development

General management consideration:

- Septic tank absorption fields can be expected to function poorly because of the seasonal high water table.

Interpretive **MICROFILMED**
Land capability classification: Illw, irrigated
JUN 11 1982

Typical profile:

- 0 to 9 inches—grayish brown and dark grayish brown loam
- 9 to 12 inches—brown clay loam
- 12 to 25 inches—light yellowish brown and pale brown sandy clay loam
- 25 to 37 inches—very pale brown coarse sandy loam
- 37 to 60 inches—very pale brown loamy coarse sand

Depth class: Very deep

Drainage class: Well drained

Permeability: Moderately slow

Available water capacity: High

Potential rooting depth: 60 inches or more

Runoff: Medium or rapid

Hazard of water erosion: Severe

Contrasting Inclusions

Rainey and Lankbush soils; Van Dusen soils on north-facing side slopes and toe slopes; Schoolhouse soils on ridgetops; Rock outcrop

Use and Management

Major use: Rangeland

Major management factors: Available water capacity, hazard of water erosion, slope, low precipitation

Dominant vegetation in potential natural plant community:

Farrot soil—mountain big sagebrush, bluebunch wheatgrass, Haw soil—Wyoming big sagebrush, bluebunch wheatgrass

General management considerations:

- Forage production is limited mainly by low precipitation
- The use of forage by livestock is limited by the slope.
- The suitability of this map unit for range seeding is poor. Seeding is limited by the slope and low precipitation.
- The use of equipment is limited by the slope.

Interpretive Groups

Land capability classification: Vle, nonirrigated

Range site: Farrot soil—Loamy, 12- to 16-inch precipitation zone; Haw soil—Loamy, 10- to 12-inch precipitation zone

60—Fluvaquents, channeled

Composition

Fluvaquents and similar inclusions—80 percent

Contrasting inclusions—20 percent

Setting

Position on landscape: Flood plains

Elevation: About 2,500 feet

Average annual precipitation: About 7 inches

Average annual air temperature: About 53 degrees F

Frost-free season: About 145 days

Characteristics of the Fluvaquents

Slope: 0 to 1 percent

Representative profile:

0 to 5 inches—light brownish gray clay loam

5 to 7 inches—light brownish gray loam

7 to 18 inches—light brownish gray loamy sand

18 to 31 inches—light gray fine sandy loam

31 to 60 inches—light olive gray and light gray silt loam

Depth class: Very deep

Drainage class: Poorly drained or somewhat poorly drained

Permeability: Slow to moderately rapid

Available water capacity: Low to high

Restriction affecting rooting depth: Water table at a depth of 18 to 36 inches from April through November

Runoff: Very slow

Hazard of water erosion: Slight

Hazard of wind erosion: Moderate

Depth to water table: 18 to 36 inches from April through November; more than 36 inches the rest of the year

Frequency of flooding: Occasional

Salinity: Slightly saline

Other characteristics: Channels that are 10 to 20 feet wide and 2 to 4 feet deep throughout the map unit

Contrasting Inclusions

Baldock, Letha, Bram, and Bramwell soils, Riverwash; soils that have slopes of more than 1 percent; soils that are moderately well drained; soils in abandoned meander loops that have a thick, dark upper layer

Use and Management

Major uses: Hayland, pasture

Major management factors: Flooding, wetness

General management considerations:

- Wetness limits the choice of plants and the period of cutting or grazing.
- Providing drainage is difficult because of poor outlets.
- If suitable outlets are available, subsurface drains can be used to remove excess water and leached salts. Water-tolerant plants should be used unless drainage is provided.
- Applying gypsum, leaching out the salts, and

MICROFILMED
JUN 11 1982

adding manure reduce the content of salts.

Interpretive Groups

Land capability classification: Vw, nonirrigated

61—Gaib-Rubble land complex, 40 to 80 percent slopes

Composition

Gaib soil and similar inclusions—45 percent

Rubble land—40 percent

Contrasting inclusions—15 percent

Setting

Position on landscape: Canyonsides, foothills

Elevation: About 4,500 feet

Average annual precipitation: About 15 inches

Average annual air temperature: About 45 degrees F

Frost-free season: About 80 days

Characteristics of the Gaib Soil

Percent of rock fragments on the surface: 5 to 15 percent stones

Typical profile:

0 to 4 inches—brown very stony fine sandy loam

4 to 12 inches—brown very gravelly loam

12 inches—unweathered bedrock

Depth class: Shallow

Drainage class: Well drained

Permeability: Moderate

Available water capacity: Low

Potential rooting depth: 10 to 20 inches

Runoff: Rapid

Hazard of water erosion: Severe

Characteristics of the Rubble Land

Kind of material: More than 90 percent loose surface stones

Contrasting Inclusions

Elkcreek, Simonton, and Bauscher soils on toe slopes and foot slopes; Rock outcrop; soils that have slopes of less than 40 percent

Use and Management

Major use: Rangeland

Major management factors: Stones on the surface, areas of Rubble land, depth to bedrock, hazard of water erosion, slope

Dominant vegetation in potential natural plant community:

Gaib soil—mountain big sagebrush, bluebunch wheatgrass

General management considerations:

- Forage production is limited mainly by the slope, the stones on the surface, and the depth to bedrock.
- The use of forage by livestock is limited by the slope and by the stones on the surface.
- The suitability of this soil for range seeding is poor. Seeding is limited by the slope and by the stones on the surface.
- The use of equipment is limited by the slope and by the stones on the surface
- Installation of pipelines is limited by the slope and the depth to bedrock.

Interpretive Groups

Land capability classification: Vlle, nonirrigated

Range site: Fractured South Slope, 12- to 16-inch precipitation zone

62—Gaib-Elkcreek-Rock outcrop association, 2 to 20 percent slopes

Composition

Gaib soil and similar inclusions—40 percent

Elkcreek soil and similar inclusions—30 percent

Rock outcrop—15 percent

Contrasting inclusions—15 percent

Setting

Position on landscape: Foothills

Elevation: About 5,400 feet

Average annual precipitation: About 15 inches

Average annual air temperature: About 42 degrees F

Frost-free season: About 65 days

Characteristics of the Gaib Soil

Position on landscape: Ridges, side slopes

Percent of rock fragments on the surface: 1 to 3 percent stones

Typical profile:

0 to 4 inches—brown stony fine sandy loam

4 to 12 inches—brown very gravelly loam

12 inches—unweathered bedrock

Depth class: Shallow

Drainage class: Well drained

Permeability: Moderate

Available water capacity: Low

Potential rooting depth: 10 to 20 inches

Runoff: Slow or medium

Hazard of water erosion: Moderate

Characteristics of the Elkcreek Soil

Position on landscape: Side slopes

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JUN 1 1 1992

CONVERSATION MEMORANDUM

DATE 11/1/1991

FILE Bureau Buckaroo

NAME OF PARTY Skip (SCS)

587-3616

ASCS 896-4387

EMPLOYEE Dave Turnill

RE: Request for Aerial Photos & Crop Identification Assistance

SCS has 4 yr old coverage on many lands

Grandview office (manned 5 Tues-Thurs)

- Will look up office plan to see if Colyer Cattle Co is on file.

- Call ASCS Office in Marsing (896-4384)

(They will send a copy)

1/2/1992

MED

JUN 11 1992

William E. 'Skip' Vetten
District Conservationist



United States
Department of
Agriculture

282 S. 3rd W.
Mountain Home, ID 83647



Soil
Conservation
Service

(208) 587-3616

SD-36		Township: 06S		Range: 05E		Section: 24		Tract:		Lot:	
S	L			STATE	O	S	Max # Records	6			
E	O	Water	Name		W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc	
---	---	---	---	---	---	---	---	---	---	---	---
---	SESW		51-07109	BRUNEAU WATER & SEWER	C		L	07/20/1976	43	DOMEST	
---	NESE		51-07109	BRUNEAU WATER & SEWER	C		L	07/20/1976	43	DOMEST	
---	NWSE		51-07109	BRUNEAU WATER & SEWER	C		L	07/20/1976	43	DOMEST	
---	SWSE		51-07109	BRUNEAU WATER & SEWER	C		L	07/20/1976	43	DOMEST	
---	SESE		51-07109	BRUNEAU WATER & SEWER	C		L	07/20/1976	43	DOMEST	
---	SESE		51-07311	GEIGER, EDWIN D.	C		A	11/30/1988	43	DOMEST	
---				BOWER, VERA	O						

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

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JUN 11 1992

1940
photo
(1946)

COLDER'S
UPPER PLACE

DG 10
7725

WELL DG 2
93.0

640 26

Denver
Kington

Errol Black

18 240

2

3

Errol Black

WELLS DG 3
LOVERIDGE
WASH 410

SWAMP

Joe B
120
100 Tommy

7 130

8 9
17 16

DG 10
55.0



NOTICE OF AMENDMENT FOR PROPOSED CHANGE OF WATER RIGHT

No. 51-00004/51-00004B

Notice is hereby given that Bruneau Buckaroo Cooperative Ditch Co. have applied to the Department of Water Resources to change the place of use of the water of Bruneau River. The decreed right sought to be changed was previously proposed and advertised as follows:

No. 51-00004B

Amount: .40 cfs

Priority: 4-1-1897

Point(s) of Diversion: T7N, R6E, Sec. 26 SWSW. The water was to be used for irrigation and stockwater purposes on 20 acres belonging to Frank L. Bachman in T7S, R6E, Sec. 4 NESW and Sec. 9 SWNE, SENW.

The applicant now proposes to amend the application by changing the place of use to T7S, R6E, Sec. 4 NESW, SESW and T7S R6E Sec. 9 SWNE, SENW, Owyhee County. All other uses remain unchanged.

(No change in remaining 12.24 cfs in No. 51-00004).

Any protest against the approval of the proposed amended water right change must be filed with the Department of Water Resource, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before October 21, 1991.

R. Keith Higginson
Director

Published in the Owyhee Avalanche on ^{10/16} ~~10/2~~ and ^{10/23} 10/9/1991.

MICROFILMED

JUN 11 1992

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-00004

Notice is hereby given that Brunson Buckaroo Cooperative Ditch Co.
of Brunson, Id. has applied to the Department of Water

Resources for a change of place of use
of the water of Brunson River.

The right sought to be changed is evidenced by decreased right
and is recorded as follows:

Amount: 12.64 cfs Priority: 4-1-1897

Point(s) of Diversion: T75 R6E S.26 SWSW (Buckaroo Dam)

The water is used for irrigation & stockwater purposes on the lands of
the shareholders and particularly .40 cfs for 20 acres belonging
to Colyer Cattle Co. in T6S R5E S.24 SWSW

TO BE CHANGED AS FOLLOWS

Amount: { 51-00004 B
.40 cfs

Point(s) of Diversion: T75 R6E S.26 SWSW

The water will be used for irrigation & stockwater purposes on 20 acres
belonging to Frank Bachman in T75 R6E S.4 NESW & S.9
SWNE & SENW. All other uses remain unchanged.

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

R. Keith Higginson
Director

Published in the _____
on _____ and _____

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JUN 11 1992

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

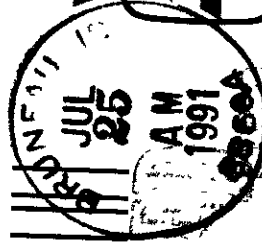
- Complete items 1, 2, 3, and 4 on the reverse
- Attach to front of article if space permits, otherwise affix to back of article
- Endorse article "Return Receipt Requested" adjacent to number 4 on reverse

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below

Department of Water Resources
Western Regional Office
JUL 1 1992



PENALTY FOR PRIVATE
USE, \$300

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

571-000045

● **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 2 ☐ Restricted Delivery
(Extra charge)

3 Article Addressed to	4 Article Number
Asa Black HC 85 Box 101 Bruneau, ID 83604	P 571 149 850 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt <input type="checkbox"/> Extra Mail <input type="checkbox"/> For Restricted Delivery
5 Signature - Addressee X <i>Asa Black</i>	
6 Signature - Agent X <i>[Signature]</i> JUN 1 1 1992	
7 Date of Delivery 7-24-91	8 Signature of Post Office Master <i>[Signature]</i>

PS Form 3811, Apr 1989

*USGPO 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

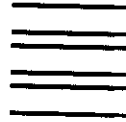
RETURN
TO

Print Sender's name, address, and ZIP Code in the space below

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705



MICROFILMED

JUN 1 1 1992



PENALTY FOR PRIVATE
USE, \$300

57-60004 D

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 boxes for additional service(s) requested.

- 1 ☐ Show to whom delivered, date, and addressee's address 2 ☐ Restricted Delivery
(Extra charge)

3 Article Addressed to

Robert C. Black
P.O. Box 153
Bruneau, ID 83604

4 Article Number

581 149 851

Type of Service

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

MISSING

Signature of addressee
DATE DELIVERED.

5 Signature - Addressee

X *Robert C. Black* JUN 11 1992

6 Signature - Agent

X

7 Date of Delivery

9-65-91

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 of reverse
- Attach to front of article if space permits, otherwise affix to back of article
- Endorse article "Return Receipt Requested" adjacent to name of

JUL 20 1991

Department of Water Resources
Regional Office

RETURN

TO



Postage and Fees

Sender's Name

Address

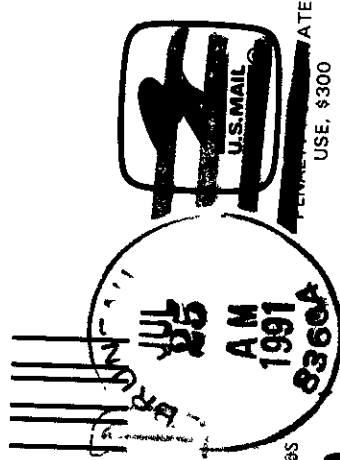
and ZIP Code in the space below

DEPARTMENT OF WATER RESOURCES

JUN

2735 AIRPORT WAY

BOISE, IDAHO 83705



NOT RECORDED

P-581 149 850

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE CLAIM PROVIDED
NOT FOR INTEREST IN MAIL


Asa Black
HC 85 Box 101
Bruneau, ID 83604

U S C

PS Form 3800, June 1985

Postage	\$ 29
Certified Fee	1-
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date of Delivery	1-
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$ 2.29
Postmark of Date	

**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 of space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number 
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make inquiry

P-581 149 849

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

Bruneau Buckaroo Coop
c/o Frank Bachman
P.O. Box 186
Bruneau, ID 83604

PS Form 3800, June 1985

U S	Postage	\$
	Certified Fee	
	Special Delivery	
	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	

**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 retail 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 stub ends of space permit. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the appropriate blocks in item 1 of Form 3811

6. Save this receipt and present it if you make inquiry

P-581 149 851

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

Robert c. Black
P.O. Box 153
Bruneau, ID 83604

U.S.

U.S. Form 3800, June 1985

Postage	\$ 29
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	\$ 29
Postmark or Note	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

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- 2 If you do not want this receipt postmarked, stick the ~~gummed~~ stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article
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- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make inquiry

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

File No. 51-0004B

STATE OF IDAHO
Department of Water Resources

FIELD INSPECTION REPORT

1. Date: 9/12/1991 Time: 9:00 am Photos: ☒ Yes ☐ No
2. Inspection involves: ☒ Water Rights ☐ Dam Safety ☐ Well Construction or Driller
☐ Waste Well ☐ Stream Channel Alteration ☐ Water Distribution
☐ Other _____
3. Reason for inspection: Irrigation of land from which water is to be removed
4. Stream name: Bureau River
5. Stream characteristics: _____
6. Stream width: _____ Depth: _____ Gradient: _____ Q: _____ est. _____
meas. _____
7. Location: _____ 1/4 _____ 1/4, Sec. _____, Twp. _____, Rge. _____, County _____
Landmark: _____
8. Person(s) contacted: See attached list
9. Dam name: _____ Spilling: ☐ No ☐ Yes Q _____
Outlet open: ☐ No ☐ Yes Q _____ Spillway open: ☐ Yes ☐ Fibrd ☐ Gate open
Freeboard: Spillway _____ Crest _____ Res. stage: ☐ Rising ☐ Falling _____ Rate _____
10. Area characteristics: _____
11. Weather conditions: _____
12. Describe activity/conditions inspected: 1. Surveyed the levels of the ditch to determine original location. Determined that the ditch would have been oriented as shown on the attached field note diagram.
2. Conducted field inspection of place from which water is to be removed.
13. Are all requirements being met? ☐ Yes
If not, check type violated: ☐ Statutory ☐ Rules & Regs ☐ Permit
14. Describe impact on others: _____
15. Describe alternatives: _____

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17. Followup Necessary: ☐ Yes ☐ No Describe: _____

This image shows a full page of blank graph paper. The grid consists of small, equal-sized squares formed by thin black lines. There are approximately 20 columns and 20 rows of squares, creating a uniform pattern across the entire page. The background is white, and the lines are consistently spaced throughout.

20. Signed: _____

21. Follow up action: Date: _____ Additional Memo Prepared: ____ Yes ____ No

Describe: _____

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JUN 1 1 1992

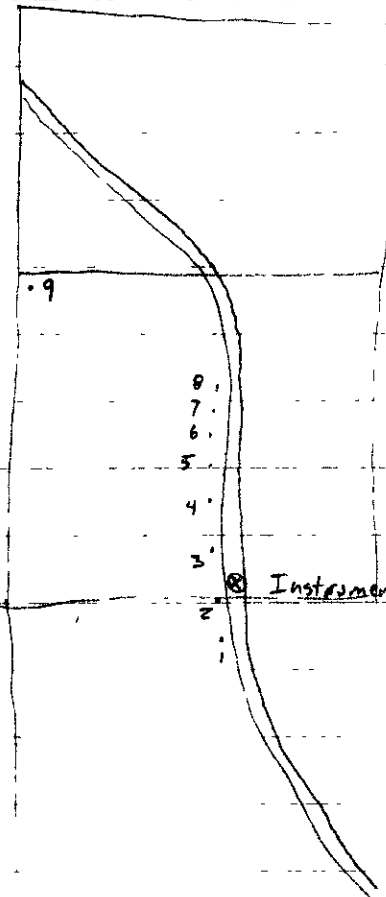
Field Notes

D. Tuttle 9/12/1991 using Lietz CE3 153413

Set up Location No. A

SW SE SE SW Sec 4

Readings



No	Elev	Stadia	Dist
1	4.70	3.53 5.87	234'
2	5.26	5.06 5.40	40'
3	5.56	5.03 6.11	108'
4	6.01	4.86 7.16	230'
5	6.70	4.80 8.60	380
6	7.80	10.40 Err 5.20	520
7	7.50	10.55 4.45	610
8	5.8	9.2 3.4	680
9	8.5	0.5 16.5	1600

Conclusion: Gravity flow from diagonal ditch

8" pipe from House to ditch

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JUN 1 1992

9/12/1991

On-Site Meeting /
Field Exam

<u>Name</u>	<u>Representing</u>
FRANK BACHMAN	LAND OWNER / BUCKAROO DITCH
Larry Colyer	Bureau Buckaroo Ditch
Cindy Bachman	Frank & Cindy Bachman
Roy Colyer	Land owner
Dick Thirkland	Bureau Buckaroo Ditch
DICK & MARIE OWEN	Land owner / BUCKAROO DITCH
Robert C. Black	Land / WATER RIGHTS
Terry Black	Ace Black Ranch
Chuck Ceccarelli	Owen Ranches

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JUN 11 1992

Page 183

Photos Taken by D. Turhill

for Field Exam on 9/12/91

App for Transfer of 51-000048

Brunson-Buckaroo Ditch Co.

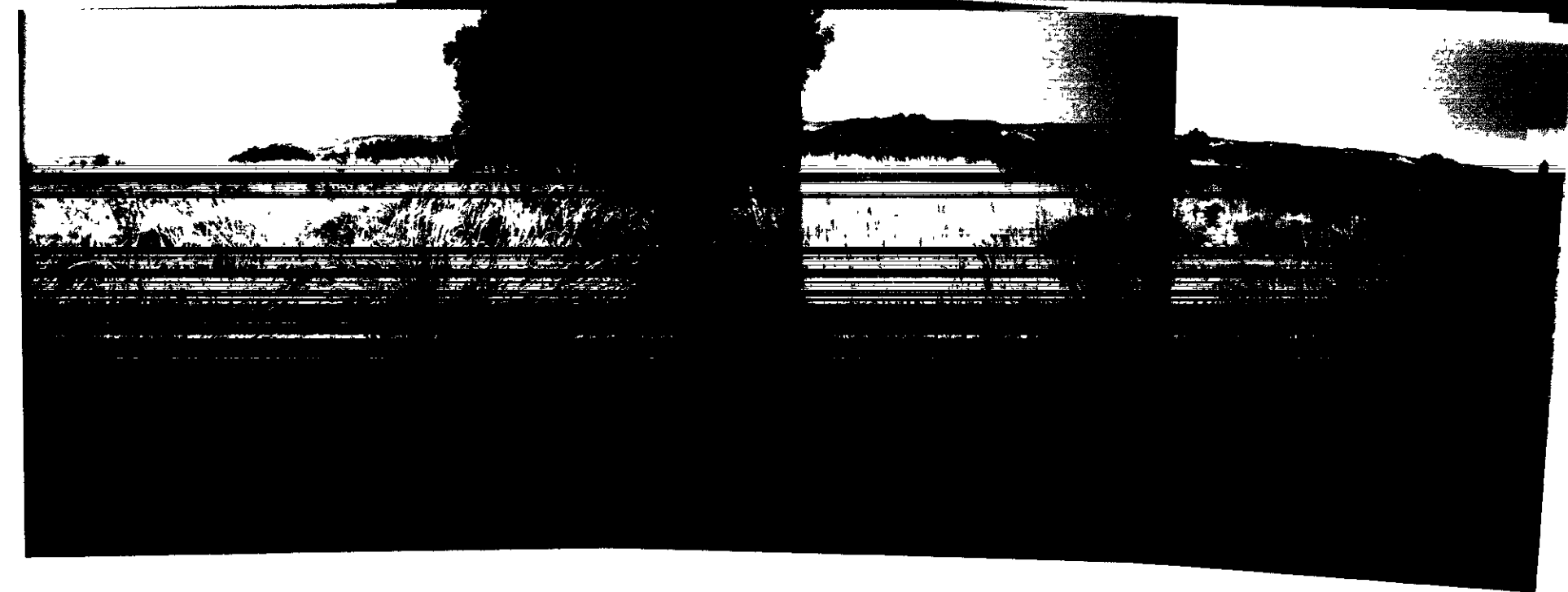
1. Panorama taken at
NE corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec 24 T6S R5E.

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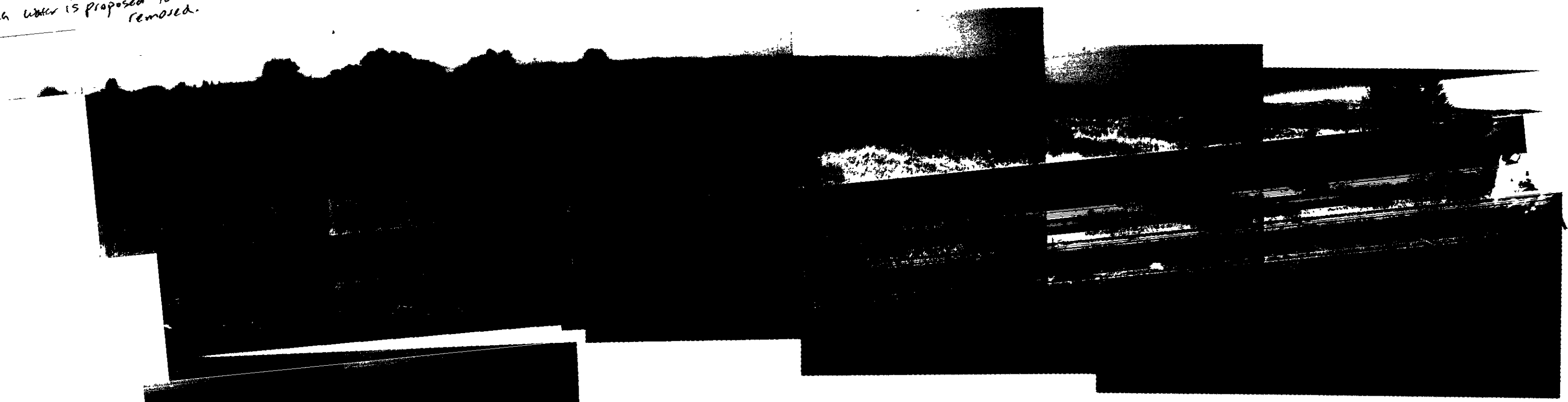


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Typical areas from which water is proposed to be removed.



which water is proposed to be removed.



Page 283

View south over lands for which decreed mineral



View south over lands
for which decreed water is
to remain.



view north
from Hwy
toward land
from which

is proposed
to be removed

JUN 11 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

August 20, 1991

Distribution: See Below

RE: Protested Application for Transfer of Water Right No. 51-00004B in the Name of the Bruneau Buckaroo Ditch Company

Dear Interested Party:

As we discussed in the Conference in this matter dated August 16, 1991, the next step toward resolution is for the Department to conduct a field examination to determine the following:

1. The location and nature of lands to which the water right is proposed to be transferred, and
2. The location and nature of the lands from which the water right is proposed to be transferred.

The examination will include an on-site map review, and a brief land elevation review utilizing a Department level.

All parties who attended the conference are invited to attend this field review, which is scheduled to be conducted on Thursday, September 5 at 9:00 am, starting at the "Upper Colyer Place" to which the water right is proposed to be transferred.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Interested Parties: Asa Black, Robert Black, Terry Black, Tony Black, Ray Colyer, Guy Colyer, Frank and Cindy Bachman, Dick Strickland

Delayed telephonically by one week to 9/12/91. (medical emergency)

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JUN 11 1992

Bruneau - Buckaroo Ditch Co

App for Transfer of Wtr Rt 51-0004 B Conf
Notes by D. Tutill 8/16/91
Elmore Co Courthouse

Applicant represented by Frank Bachman, Pres, Ditch Co

Protestants represented by Asa Black
Robert Black
Terry Black (son of Asa)

Applicant:

This app is filed in response to concerns raised in 1989 relative to use of water above the ditch.

- Bob Black 1. Concerned about placing water on land that did not have decreed water per the George Craig book
2. Well water has been drying up.
3. Does not want water re established per adj.

Questions.

1. What could be irrigated by gravity flow prior to sprinkler system?

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JUN 11 1992

2. Water was lost in wells when upstream well was installed?

(after 1977) First.

Flows dry up after July now.

→ Conduct a field review of (a) lands now irrigated, (b) land to be dried up, w/ Transit/Level

Hearing conducted by: David R. Tuthill, JR.

ROSTER OF ATTENDANCE

[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 51-00004B IN THE) NOTICE OF CONFERENCE
NAME OF BRUNEAU BUCKAROO COOP.)
DITCH CO.)

On March 21, 1991, Bruneau Buckaroo Coop. Ditch Co., filed with the Department of Water Resources an application for transfer of water right no. 51-00004B. The application was protested by Asa Black and Robert C. Black.

The Department has set the matter of protest for a conference on Friday, August 16, 1991, at 10:00 a.m., at the Elmore County Courthouse, 150 S. 4th St. E., Mountain Home, ID 83647. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 23rd day of July, 1991.

Steve Lister Sr. W.R. Agent for
DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

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I hereby certify that on the 23rd day of July,
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

Bruneau Buckaroo Coop. Ditch Co.
c/o Frank Bachman, Pres.
P.O. Box 186
Bruneau, ID 83604

Asa Black
HC 85 Box 101
Bruneau, ID 83604

Robert C. Black
P.O. Box 153
Bruneau, ID 83604

7-218-10
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JUN 11 1992

CONFERENCE INFORMATION
IN THE MATTER OF APPROVAL OF AN PROPOSED TRANSFER

In accordance with Idaho Code, Section 42-222, the following issues are involved in the consideration of the application and protest:

1. Will the proposed transfer, if approved, injure other water rights?
2. Will the proposed transfer, if approved, constitute an enlargement in use of the original right?
3. Is the proposed transfer in the local public interest as defined in Section 42-203A, Idaho Code?

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 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 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.

Failure to appear at the time and place set for hearing by the applicant(s) or protestant(s) may allow the Department to dismiss without prejudice the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

June 7, 1990

GOVERNOR

Bruneau Buckaroo Coop. Ditch Co.
c/o Frank Bachman, Pres.
P.O. box 186
Bruneau, ID 83604

R. KEITH HIGGINSON

DIRECTOR

Re: Application for Transfer No. 51-00004B in the name of
Bruneau Buckaroo Cooperative Ditch Co.

Dear Applicant:

This office acknowledges receipt of two protests to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the protestant(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 the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

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

DRT:st

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JUN 11 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

June 7, 1991

Asa Black
HC 85 Box 101
Bruneau, ID 83604

Robert C. Black
P.O. Box 153
Bruneau, ID 83604

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Re: Application for Transfer No. 51-00004B in the name of
Bruneau Buckaroo Cooperative Ditch Co.

Dear Protestants:

This office acknowledges receipt of your protest to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

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 the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

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

DRT:st

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JUN 11 1992

May 17, 1991

Dr
Dave Tuthill, Manager
IDWR Western Region
2735 Airport Way
Boise, ID 83703

Mr. Tuthill:

This letter is in protest of the transfer of 0.4 cfs from 20 acres in SWSW S24, T6S, R5E, as evidenced by water right # 51-00004. This water is carried through the Buckaroo Ditch.

The 20 acres described in this transfer on the original right are mostly swamp and greasewood. The top of the parcel does receive some waste water from the Frank Bachman home ranch in addition to the water proposed to be transferred.

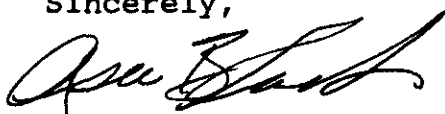
The transfer also proposes an illegal transfer of Bruneau Buckaroo Ditch Co. water onto land that is not in the jurisdiction of the Ditch Company's adjudicated water.

The use of the shareholders' (Colyer or Bachman) water on this land since 1981 has been illegal and unauthorized. There is currently a protest on record with the Water Resource Board in the Snake River Basin Adjudication on this ground. There is also a protest filed dated May 11, 1989 against the illegal and unauthorized use of this water. Copies of both are attached.

I would also like to include in this protest a letter to the Bruneau Buckaroo Ditch Co. dated Jan. 8, 1990 that will more clearly show the problems and history of this water use. (See paragraphs 2, 4, 5, 6, and 11.)

Until this matter is cleared up, I request the issuance of a cease and desist order in accordance with Idaho Code 42-351.

Sincerely,



Asa Black
Shareholder, Bruneau Buckaroo Ditch

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JUN 11 1992

TO: The Buckaroo Ditch Company and The State Of Idaho's Department
of Water Resource

I ask the Bruneau Ditch Co. for legal protection from the
directors past and present. I Protest, and do Prostest to the
State of Idaho's Department of Water Resource, the New Proposed
Resolutions and Polices for the Bruneau Backaroo Ditch Company.

page 2
Res. #2

1. Claim to easement on private property of 50 feet. I
protest because, only a verbal use has ever been granted.

page 3
Res. #3

2. Shall serve as the basis for making & filing the notice
of claim for the Buckaroo Ditch Co. in the Snake River
Basin Adjudication. I protest because, of the Bruneau
River Adjudication.

3. Futher resolved, that the element of water rights as
stated above (proposed resolutions & polices of Bruneau
Ditch Co.) shall be deemed to represent the actual his-
torical delivery and use of water diverted from the Bruneau
River and delievered through the Buckaroo Ditch. I protest
because, it does not represent the actual historial de-
livery and use of the Bruneau River Adjudication of share-
holders. This states the true purpose. The rest of the
new resolutions are political to achieve this plan.

page 4&5
creamble

4. The attempt to control where shareholders decreed water
can go and determine what land it can go on. I protest
because, it is not the business of the Ditch Co., it is
the business of the State of Idaho. Old by-laws and Comm-
any records require water to be measured at 4 inch head
when control is needed on the ditch.
5. Illegal use of Bruneau River Judicated water. I protest
because the new resolution will allow the irrigation of
property which can come under Snake River Basin adjudi-
cation, but not the adjudication of Bruneau River water
that has been decreed to Shareholders prior to 1925.

In my opinion these new resolutions circumvent the by-laws
and certificate records. They allow the directors complete control
without requard of law and equity.

Robert C. Black
Shareholder

Robert C. Black

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JUN 11 1992

May 11, 1989

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

Dear Mr. Higginson:

On August 11, 1988, Mr. Ringert, The Bruneau Buckaroo Ditch Company's lawyer, in a letter to the Water Resources, applied the law to the use of water above the canal.

Using his letter, I am protesting the illegal and unauthorized use of shareholders water on the Colyer Upper Place, (see description on enclosures).

The ditch company holds water rights from the Bruneau River as specified in the decree entered in the case of Grandview Irrigation District vs. Bruneau Buckaroo Co-operative Ditch Company, et al. Bonnie Colyer and her husband are stockholders in the ditch company. The water right in question is evidenced by Stock Certificate nos. 292 and 293, according to the information furnished to me by the ditch company. A copy of the ditch company's record with respect to the water rights under certificate nos. 292 and 293 are enclosed.

I hereby request that you immediately undertake an investigation of the use by Colyers of the water under their first, second and third priorities on lands lying above the ditch company's canal, and that a cease and desist order be issued to Colyers under the provisions of Idaho Code 42-351, requiring that they cease applying water under the first, second, and third priority water rights, on lands lying above the canal.

You are also requested to impose an administrative penalty of \$100.00 per day against Colyers for any diversions made after service of the cease and desist order.

Thank you for your attention to this matter.

Yours truly,



Asa Black

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JUN 11 1992

January 8, 1990

Board of Directors & Shareholders
Bruneau Buckaroo Ditch Co.

Information on this proposal, in part, will be compiled from copies of letters received from the Department of Water Resource Board including Bill Ringert's letter of August 30, 1988; Bonnie Colyer's letter of August 15, 1988 and Dave Tuthill of the Department of Water Resource letter of July 18, 1989 to this Board of Directors.

Madam Chairman:

- 1 The following proposal will have copies of some paragraphs from Dave Tuthill's letter of July 18, 1988 to make the points I feel the Shareholders should be aware of and can request immediate action.
- 2 Even though the ditch company's description of the place of use might include the lands above the ditch, no water right is established as far as the state or other water users are concerned until the water is applied to beneficial use on the land for which the water right is asserted. (Ringert - Aug.30,1988)
"An investigation of the Department relative to the water rights that exist on the Colyer Upper Place resulted in the identification of the following water rights:
 - A. Claim to a Water Right No. 51-04048, Priority Date:1912
Flow claimed: 50" .10 cfs, 122 degrees F temp.
Place of Use: 8 acres in SWNE, 20 acres in NENW, 20 acres in SENW, Sec.9; 22 acres in SESW
Sec. 4, TWP 7s, RGE. 6E.
 - B. Claim to a Water Right No. 51-04049, Priority Date: April 1916
Flow claimed: 74" 1.48 cfs, 120 degrees F Temp
Place of Use: Same as for 51-04048
For a total of 79", 70 acres covered by well water".
- 3 Quote from Bonnie Colyer's letter of August 15, 1988 to Dave Tuthill; "The ranch up Hot Springs Road has a pump and sprinkler system. This system was installed and in operation since March of 1981."
- 4 It appears that 1981 established the date that ditch water was put to beneficial use by pumping to all lands above th ditch already covered by water rights #51-04048 - 0.10 cfs and #51-04049- 1.48 cfs or 79 " for 70 acres; including lands that were not previously irrigated from the ditch.

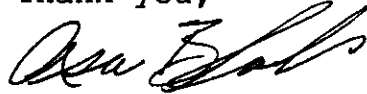
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- 5 This appears to be an illegal and unauthorized use of Bruneau Buckaroo Ditch water, as no transfer took place after 1969, (the year the law began to require written transfers) and was done without the approval of the Shareholders in 1981.
- 6 "The preliminary finding of the Department in this regard is that the records of the Company do support the Colyer contention that there was historically some limited water wheel irrigation above the ditch on the Colyer Upper Place. However, it appears that the amount of irrigation presently occurring above the ditch is in excess of that which historically occurred."
- 7 In a letter dated April 20, 1989, addressed to Cheryl Whiteside, President of the Company, Frank L. Bachman requested a change in point of diversion and place of use of water delivered by the Bruneau Buckaroo Canal system. The proposal was to move 50 miner inches (1.0 cubic feet per second) of water from the present place of use near the end of the ditch to a new place of use on the Colyer Upper Place. This proposal is part of a proposed exchange involving the Idaho Department of Fish & Game and Idaho Power Company. The exchange anticipates a transfer of Bruneau River water from Mr. Bachman's present place of use near the river, to be used for wildlife purposes in Borden Lake next to C.J. Strike Reservoir.
- 8 In a letter dated May 7, 1989, Ms. Whiteside responded that the Board of Directors, after holding an informational meeting of the shareholders of the Company, voted unanimously approval of the transfer. Subsequently, on May 25, 1989, Mr. Bachman submitted to the Department, an application for transfer of water from his property in Sec. 23, Twp. 6S, Rge. 5E, B.M., to Borden Lake. This application will be advertised on July 19 and 26, and the final date for protests will be August 7, 1989. An application for transfer in the name of Idaho Power Company for the change in place of use of lands irrigated via the Bruneau Buckaroo Ditch to the Colyer Upper Place has been drafted, but has not been received in signed form by the Department.
- 9 At this time, Frank Bachman's request for transfer, has been withdrawn for the time being. It is possible that that particular water right could be invalid under Idaho Code 42-222(2), if he tries to transfer in this type of trade for Bruneau Buckaroo Ditch water.
- 10 At the April 28, 1989 special shareholder's meeting, I agreed with Frank that the upper Colyer Ranch was short of water and that I would not object to a legal transfer of legal water, but it appears that this particular water swap cannot be done legally.
- 11 To my knowledge, in reference to my letter of complaint of May 11, 1989, the Board of Directors have not complied to the recommendations of Dave Tuthill, Department of Resources, and may be facing issuance of a cease and desist order in accordance with Idaho Code 42-351, contingent on compliance with recommendations through "4" of his letter to Bruneau Buckaroo Ditch July 18, 1989.

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JUN 11 1992

12 Since the present Board of Directors took no action ~~to~~ comply with the recommendations of Dave Tuthill, I propose the new Board take immediate action to comply with those recommendations before the irrigating season starts. In view of the present Drought conditions, the water outlook could be far below normal for the ~~up~~coming season.

Thank you,



Ace Black
Ace Black Ranches

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JUN 11 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SL

1. Right number 51-00004 Applicant Bannock Butte Corp. Ditch 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). PIO continued via AA63 quad.
- f. ☒ Check for correct signature, notarization, and fee. Signature shown for transfer is not. but 1994
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments NONE anticipated as long as .02 cfs/ac. has been available for lands from which water is transferred.
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 51-00003 mentioned in remarks but database does not specify Q&A for this right. Also shows as p.u. = land of shareholders (database remark)
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____ Comment letter sent ☐ Yes ☐ No

only other rights
per database are
51-04048/04049,
groundwater

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

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

4. By _____ Date _____

* All uses within Watermaster Districts require special conditions.

~~ATTACHMENT A~~

THIS INDENTURE, Made this

18th day of October

in the year of our Lord one thousand nine hundred and eighty-eight

, between

RONALD O. HUTCHISON, a single man,

of Riddle

, County of Owyhee

, State of Idaho

the part Y of the first part, and

COLYER CATTLE CO., INC., an Idaho Corporation,

of Bruneau

, County of Owyhee

, State of Idaho

the part Y of the second part.

WITNESSETH, That the said part Y

of the first part, for and in consideration of the sum of

TEN AND NO/100

DOLLARS,

lawful money of the United States of America, and other good and valuable consideration

to him

in hand paid by the said

part Y of the second part, the receipt whereof is hereby acknowledged, he has granted, bargained

and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part Y

of the second part, and to its successors and assigns forever, all of the following described real estate,

situated in the , County of Owyhee , State of Idaho, to-wit:

The East Half of the Northeast Quarter and the
 Northeast Quarter of the Southeast Quarter of
 Section Twenty-three; and the West Half of the
 West Half of Section Twenty-four, all in Township
 Six South, Range Five East, Boise Meridian,
 TOGETHER with all water rights in the 4,037.5
 shares of the capital stock of Bruneau-Buckaroo
 Ditch Company, an Idaho Corporation, as represented
 by Certificate No. 308.

MICROFILMED

JUN 11 1992

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
 issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
 in law as in equity, of the said part Y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances, unto the part Y of the second part, and to its successors and assigns forever,
 and the said part Y of the first part, and his heirs, the said premises in the quiet and peaceable
 possession of the said part Y of the second part, its successors and assigns, against the said part Y
 of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Ronald O. Hutchison [Seal]
Ronald O. Hutchison

[Seal]

[Seal]

[Seal]

STATE OF IDAHO,

COUNTY OF ELMORE,

ss.

On this

18th

day of

October

in the year 1988, before me

the undersigned

, a Notary Public

in and for said State, personally appeared

RONALD O. HUTCHISON,

known to me to be the person whose name is
acknowledged to me that he executed the same.

subscribed to the within instrument, and

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

[Signature]
Notary Public for the State of Idaho,
Residing at Mt. Home, Idaho.

202776

FILED-RECORDED

JUN 6 10 40 AM '90

BARBARA JAYO
OTWEE COUNTY RECORDER
BY [Signature]
DEPUTY

REQUEST OF
Barbara Jayo
FEE 6.00

INDEXED
MICROFILMED

MICROFILMED
JUN 11 1992

WARRANTY DEED

No.

TO

Dated _____, 19____

STATE OF IDAHO,

ss.

COUNTY OF _____

I hereby certify that this instrument was filed
for record at request of _____

at _____ minutes past _____

o'clock _____ M., this _____ day

of _____, A. D. 19____

in my office, and duly recorded in Book _____

of _____ at page _____

Ex-Officio Recorder.

By _____ Deputy.

Fees, \$ _____

Mall to _____

CLERK OF DISTRICT COURT, CALDWELL, IDAHO 83402

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-00004

Notice is hereby given that Bruneau Buckaroo Cooperative Ditch Co. of Bruneau, Idaho has applied to the Department of Water Resources for a change of place of use of the water of Bruneau River. The right sought to be changed is evidenced by decreed right and is recorded as follows:

Amount: 12.64 cfs

Priority: 4-1-1897

Point(s) of Diversion: T7S, R6E, S26 SWSW (Buckaroo Dam). The water is used for irrigation and stockwater purposes on the lands of the shareholders and particularly .40 cfs for 20 acres belonging to Colyer Cattle Co. in T6S, R5E, S.24 SWSW.

TO BE CHANGED AS FOLLOWS

51-00004B

Amount: .40 cfs

Point(s) of Diversion: T7N, R6E S26 SWSW. The water will be used for irrigation and stockwater purposes on 20 acres belonging to Frank Bachman in T7S, R6E, S.4 NESW and S.9 SWNE and SENW. All other uses remain unchanged.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before May 20, 1991.

R. Keith Higginson
Director

Published in the Owyhee Avalanche on 5/1 and 5/8/1991.

MICROFILMED
JUN 11 1992

January 1, 1991

Cheryl Whiteside
President, Brunau Buckaroo Co-op Ditch Co.
Brunau, Idaho 83604

Dear Cheryl:

Please consider this letter a formal request to change the place of use and the point of delivery for 20 inches (500 shares) of water within your canal system.

The 20 inches of water is presently in the name of Colyer Cattle Co. and recognized as a portion of the following certificate:

Certificate #354	3200 Shares	128 inches	First priority
	837.5 Shares	33.5 inches	Second priority

The proposed water transfer would move 20 inches of second priority (April 1, 1897) water from Colyer Cattle Co. to Frank Backman.

Presently the 20 inches (500 shares) is used on property commonly referred to as the George Hutchinson place located in Township 6 South, Range 5 East, B.M., Section 23, $E\frac{1}{2}$ NE, NESE, and Section 24 $W\frac{1}{2}$ $W\frac{1}{2}$.

The 20 inches of second priority water would be transferred to the Bachman property located in Township 7 South, Range 6 East, 3rd M., Section 4 NESW, SESW, SWSE, and Section 9 NENW, SENW, NWNE, SWNE. This additional water (20 inches or 500 shares) would be combined with (65 inches or 1625 shares) of water presently recognized for the above described property.

To accommodate this transfer, the point of delivery for this water would change from several headgates located in Township 6 South, Range 5 East (Hutchison Place), to Township 7 South, Range 6 East, Section 9, SENW, Bachman Property.

Point of diversion from Bureau River would not change. The priority date of April 1, 1897 would not change due to this transfer. The transfer would not impact any shareholder in your system or and downstream user of the Bureau River.

Please present this proposal to your shareholders for their consideration. Thank You

RECORDED

JUN 11 1992

Frank L. Bachman

BRUNEAU SUCKAROO CO-OP DITCH CO

The annual meeting of the Bruneau Suckaroo Co-op Ditch Co. was held January 7, 1991, at 6:00 clock p.m. in the library at Bruneau, Idaho. a quorum of 50,350.00 shares was reached and the meeting was called to order by President Cheryl Whiteside.

Dick Strickland made a motion to accept the year's minutes as mailed, George Turner seconds, all vote in favor.

Acting secretary Vera Hopson asks the shareholders what action they they wish to take on the collection of unpaid water bills. Discussion follows. It is agreed to make another attempt by mail to convince the water user to pay the bill, if this fails, Frank Bachman makes a motion to go through procedure to attach a lien on the property. Les Gennette seconds, all vote in favor.

Frank Bachman presents a letter to the shareholders requesting a transfer of the point of delivery and the place of use of 500 shares or 20 inches of 2nd priority water from Colyers George Hutchinson property to Bachman's Upper Place. He also reads a letter from the Water Resources Board as to the five point criteria for such a change of water usage. Discussion follows. Bachman and Colyer assure the shareholders that exchange acreage will be dried up, specific acreage will be identified in the request to the Water Resources Board. Dick Strickland makes a motion to approve this request, Les Gennette seconds. Robert Black says he has contested the original water usage on this property. Water rights and priority dates are discussed. President Whiteside calls for a vote. Eight vote in favor one opposed, motion carries.

Nominations for new board of directors are opened. Ray Colyer nominates Les Gennette to replace Eugene Perkins and then to keep the old board. No more nominations are made. Frank Bachman closes the nominations. Dick Strickland seconds Colyer's motion, all vote in favor. Robert Black makes a motion to adjourn, Dick Strickland seconds, meeting is adjourned in forty five minutes--record time!

New certificates issued in 1990

#354 4037.5 shares 3200 or 128" 1st 637.5 or 33.5" 2nd no third
Ronald O. Hutchinson to Colyer Cattle

#355 1125 shares 675 or 27" 1st 450 or 18" 2nd no third

#356 500 shares no first 250 or 10" 2nd 250 or 10" third
Colyer Cattle to Frank and Cindy Bachman

#357 2400 shares no 1st, no 2nd, all third 96"

#358 1200 shares no 1st, no 2nd, all third 48"

#359 1200 shares no 1st, no 2nd, all third 48"

#360 700 shares no 1st, no 2nd, all third 28"

Eugene and Charlene Perkins to Owen Family Revocable Trust

Vera Hopson
acting secretary

UNRECORDED

JUN 11 1992

BRUNEAU BUCKAROO DITCH CO.
February 26, 1991

A meeting of the Bruneau Buckaroo Ditch Co. board of directors was held at the library in Bruneau, Idaho at 8 o'clock p.m. on February 26, 1991. Cheryl Whiteside, Frank Bachman, Les Gennette, Dick Strickland and Guy Colyer were present. The meeting was called to order by president Whiteside. A motion to accept the minutes of the annual meeting as mailed was made by Strickland, second by Gennette. All voted in favor.

A discussion of the proper transportation, use and storage of chemicals, hazardous materials is introduced by Strickland. A motion is made by Colyer to have Cristobal Construction Co. construct the proper type of enclosure for the material on the property of Dick Strickland for the ditch company. Bachman seconds, all are in favor.

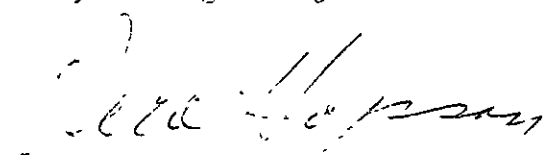
All board members are in favor of March 1, 1991 to turn the water out of the Bruneau Buckaroo Ditch for the spring work. Bachman will contact Ashby Construction in regards to the cleaning of the ditch. Anyone who needs a new headgate, please contact Les Gennette at Jumoo's.

Next on the agenda is a discussion of the letter to the board with a request for a pay increase from the ditch rider, Dixie McKay. A motion is made by Bachman to offer her \$50.00 per month increase, with no other changes. This would bring her pay to \$550.00 per month with the usual \$500.00 bonus at the end of the season. Gennette seconds, three vote in favor and one against, motion carries.

The election of new officers on the board is as follows, Frank Bachman president, Dick Strickland as vice president, Guy Colyer as secretary. All are in favor, a new board has been installed.

Frank Bachman announces a meeting of the boards of directors of all three ditch companies Hot Springs, Southside and Bruneau Buckaroo at the American Legion Hall on March 7, 1991. The overall water situation for the coming year will be discussed.

Gennette makes a motion to adjourn, Colyer seconds, meeting is adjourned.


Vera Hopson
acting secretary

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JUN 11 1992

Water Right Number - 51-00004

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***

BRUNEAU BUCKAROO COOPERATIVE DITCH CO.

1 -
2 -
3 -
City-
Phone -

State- Zip-

Priority Date - 04/01/1897

Region - 14 WESTERN

Stage - D - DECREED

Status -

Source - BRUNEAU RIVER

Tributary - SNAKE RIVER

Point of Diversion - Stream Index (Blank if no Index Code)

07S 06E 26 SW SW (73) OMYHEE

Code Description Period From Period to Water Use Diversion Rate Diversion Volume

01 - IRRIGATION
04 - STOCKWATER
43 - DOMESTIC

12.640

Total Div. Rate - 12.640 Total Div. Volume - Total Div. Capacity - Total Consumptive Use - KW Usage -

Twn Rng Sec Tract Lot Rflg County Place of Use Description County

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

LANDS OF STOCKHOLDERS.

- - - Old Water Right Numbers found.
- - - No Old Water Right Numbers found.

- - - Conditions of Approval found.
- - - No Conditions of Approval found.

- - - Decree Plaintiff GRANDVIEW IRR. DIST. - - - Decree Defendant BRUNEAU BUCKAROO CO-OP DITCH CO. - - - Decree Date 02/14/1925

Prefix Translation: WATER RIGHT

No comments found

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protected Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 02/14/1925	Microfilm Roll No	-	Presumption Flag	-

TRACT	ACRES	WATER-USE CODE	WATER RIGHT NO.	LAST NAME	STG	PRIORITY DATE	WATER SOURCE
NE NE 1/4 1/4	40.0	01,04,43	51-00062	ROBERT NOBLE EST.	C	04/01/1905	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00060	NOBLE	C	04/01/1876	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00061	NOBLE	C	04/01/1897	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00062	ROBERT NOBLE EST.	C	04/01/1905	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00060	NOBLE	C	04/01/1876	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00061	NOBLE	C	04/01/1897	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00062	ROBERT NOBLE EST.	C	04/01/1905	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00060	NOBLE	C	04/01/1876	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00061	NOBLE	C	04/01/1897	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00062	ROBERT NOBLE EST.	C	04/01/1905	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-07152	DAVIS	C	08/25/1980	GROUNDWATER
SE NE 1/4 1/4	40.0	01,04,43	51-07152	DAVIS	C	08/25/1980	GROUNDWATER
SE NE 1/4 1/4	31.0	01,04	51-07119	PERKINS	C	07/13/1977	GROUNDWATER
SE NE 1/4 1/4	8.0	01,04,43	51-04048	COLYER CATTLE CO.	C	01/01/1912	GROUNDWATER
SE NE 1/4 1/4	8.0	01,04,43	51-04049	COLYER CATTLE CO.	C	04/01/1925	GROUNDWATER
SE NE 1/4 1/4	9.0	01,04	51-07119	PERKINS	C	07/13/1977	GROUNDWATER
SE NE 1/4 1/4	20.0	01,04,43	51-04048	COLYER CATTLE CO.	C	01/01/1912	GROUNDWATER
SE NE 1/4 1/4	20.0	01,04,43	51-04049	COLYER CATTLE CO.	C	04/01/1926	GROUNDWATER
SE NE 1/4 1/4	20.0	01,04,43	51-04048	COLYER CATTLE CO.	C	01/01/1912	GROUNDWATER
SE NE 1/4 1/4	20.0	01,04,43	51-04049	COLYER CATTLE CO.	C	04/01/1926	GROUNDWATER
SE NE 1/4 1/4	40.0	01,04,43	51-00021	HALL	C	02/21/1879	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00022	HALL	C	11/01/1882	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00023	HALL	C	04/01/1905	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00021	HALL	C	02/21/1879	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00022	HALL	C	11/01/1882	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00023	HALL	C	04/01/1905	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00021	HALL	C	02/21/1879	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00022	HALL	C	11/01/1882	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00023	HALL	C	04/01/1905	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00018	DAVIDSON	C	04/01/1882	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00019	DAVIDSON	C	04/01/1897	BRUNEAU RIVER
SE NE 1/4 1/4	40.0	01,04,43	51-00020	DAVIDSON	C	04/01/1905	BRUNEAU RIVER

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JUN 1 1 1992

NO rights listed in plat
for 65 SE 5.24 SWSW 4E
75 SE 5.4 NWSW

J 2

DATE: 09/22/90
PAGE: 6750

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFICHE BY PLACE OF USE

HR400 INP
(00-21)

TRP	RNG	SECT	TRACT	LOT	ACRES	WATER-USE CODE	WATER RIGHT NO.	LAST NAME	STG	PRIORITY DATE	WATER SOURCE
075	06E	9	SE 5E	40.0	01,04,43	51-00018	DAVIDSON	DAVIDSON	C	04/01/1882	BRUNEAU RIVER
			SE 5E	40.0	01,04,43	51-00019	DAVIDSON	DAVIDSON	C	04/01/1897	BRUNEAU RIVER
			SE 5E	40.0	01,04,43	51-00020	DAVIDSON	DAVIDSON	C	04/01/1905	BRUNEAU RIVER
		10	NW 5E	39.0	01,04	51-07119	PERKINS	PERKINS	C	07/13/1977	GROUNDWATER
			SH NW	14.0	01,04	51-07119	PERKINS	PERKINS	C	07/13/1977	GROUNDWATER
			SH NW	38.0	01	51-02082B	PERKINS	PERKINS	C	11/05/1925	GROUNDWATER