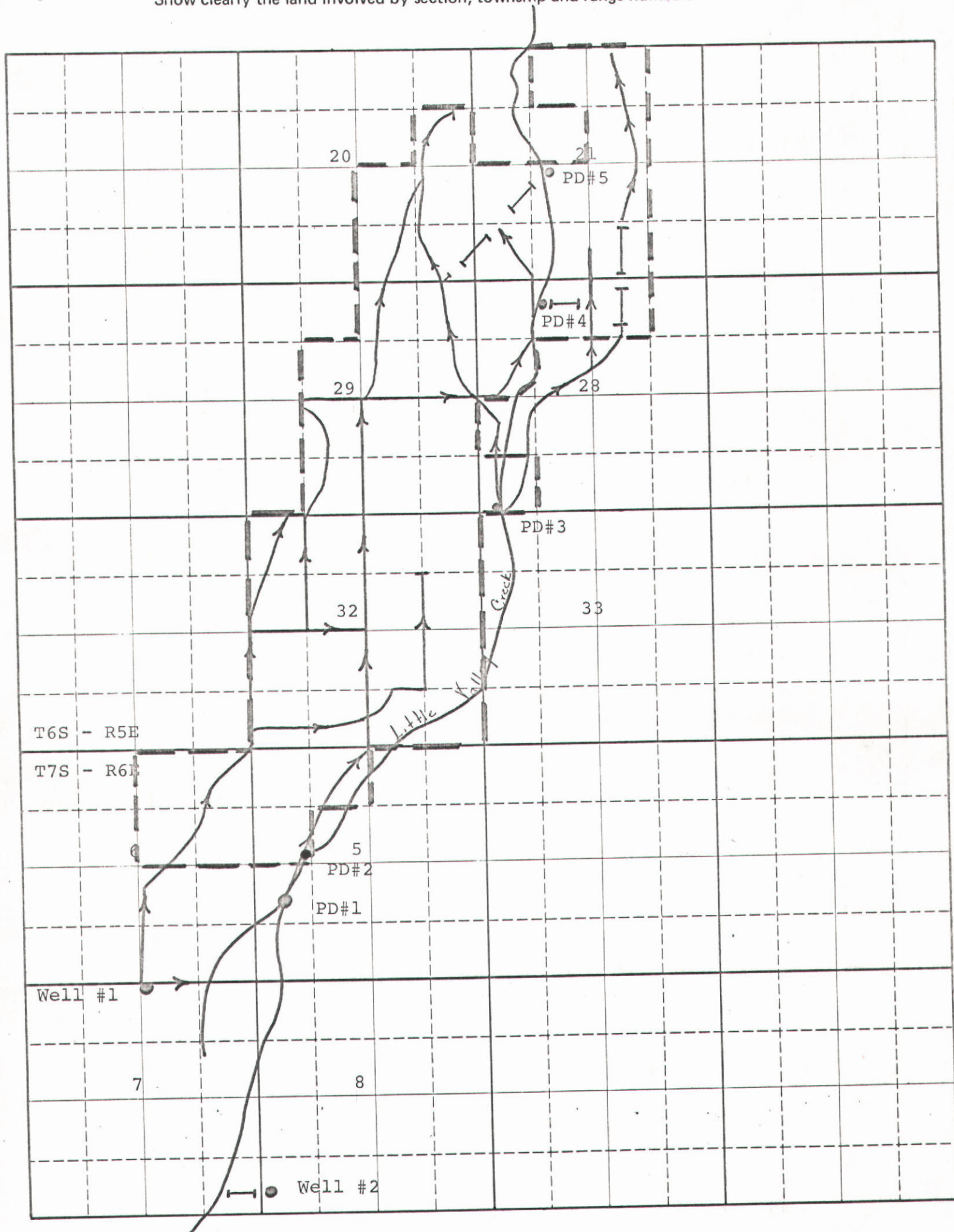


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Little Valley Creek (aka Jack Creek)

Pipeline

Ditch

Property Boundary

MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Owyhee } s.s.

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

That the annexed notice was published in said newspaper once each week and every week for 7 consecutive weeks, the first publication being on the 5 day of January, 1978, and the last publication being on the 12 day of January, 1978;

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

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 12 day of Jan, 1978.

Leona Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 51 - 2131

Notice is hereby given that BRUNEAU CATTLE COMPANY of Bruneau, Idaho has applied to the Department of Water Resources for a change of point of diversion of the water of Little Valley Creek.

The right sought to be changed is evidenced by License No. 51 - 2131 and is recorded as follows:

Amount: 1.6 cfs.

Priority: December 13, 1954.

Point(s) of Diversion: NW $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6 T7S - R5E B. M., Owyhee County.

The water is used for irrigation purposes within the W $\frac{1}{2}$ -NE $\frac{1}{4}$ Sec. 32, T6S - R5E B. M.

TO BE CHANGED AS FOLLOWS

Amount: 1.6 cfs.

Point(s) of Diversion: NW $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5 T7S-R5E B. M., Owyhee County.

The water will be used for irrigation purposes within the same land.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before January 23, 1978.

C. STEPHEN ALLRED,
Director.

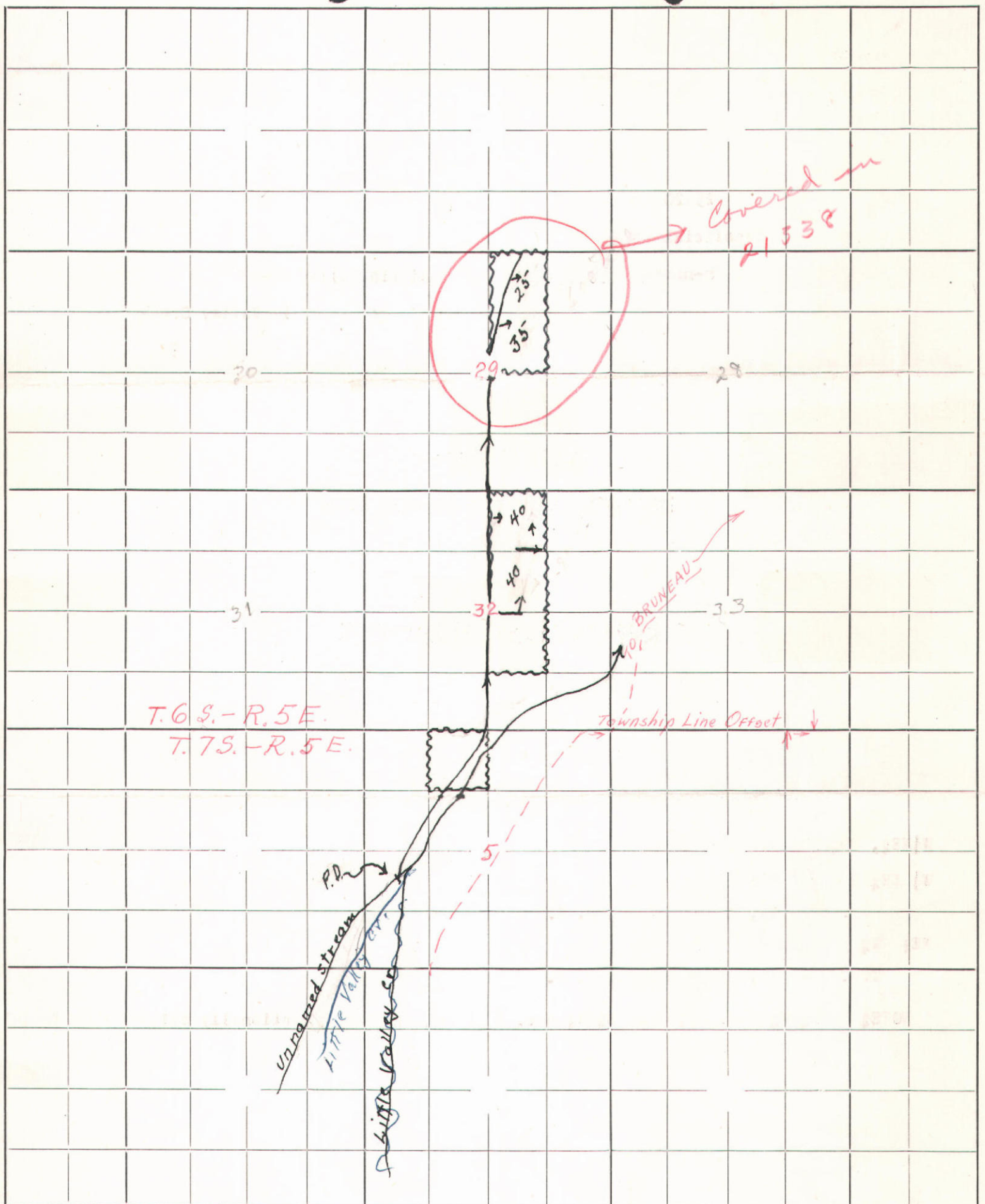
Published in the Owyhee Nugget, Marsing, ID on January 5, 1978 and January 12, 1978.

RECEIVED

JAN 04 1978

Department of Water Resources
Western Regional Office

OK
1-24-78
Y



Subdivisions = ~~Four~~ Two

Area = ~~140~~ acres. 80 acres.

Q = ~~140~~ inches. 80 inches

The source of this water is either waste or uncontrolled wells for the greater part.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 A. M. on the 3rd day of September, 1955, at Nampa, County of Canyon, State of Idaho, before Victor Ford, Notary Public, proof will be submitted of the application to beneficial use of 4 cubic feet per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 25320 herebefore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James Agenbroad and Sons Rt. No. 3 Nampa, Idaho.

The use to which said water has been applied is Irrigation.

The amount applied to beneficial use is 4 cubic ft. per second.

The place where said water is used W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29; Twp. 6 South, Range 5 East, B. M. and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, Twp. 7 South, Range 5 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Benham Canal.

The right to take water from such works is based upon Permit No. 25320.

The source of supply from which such water is diverted is Unnamed stream, tributary to Little Valley Creek.

The date of priority which said user is prepared to establish is December 13, 1954.

MARK R. KULP

State Reclamation Engineer.

8-11-55 8-11-4

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

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

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

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

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

4. That said notice NOTICE FOR PUBLICATION

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

August 11, 1955

August 18, 1955

August 25, 1955

September 1, 1955

Signed

Everett A. Colley

Subscribed and sworn to before me this 2 day of Sept.

A. D., 1955.

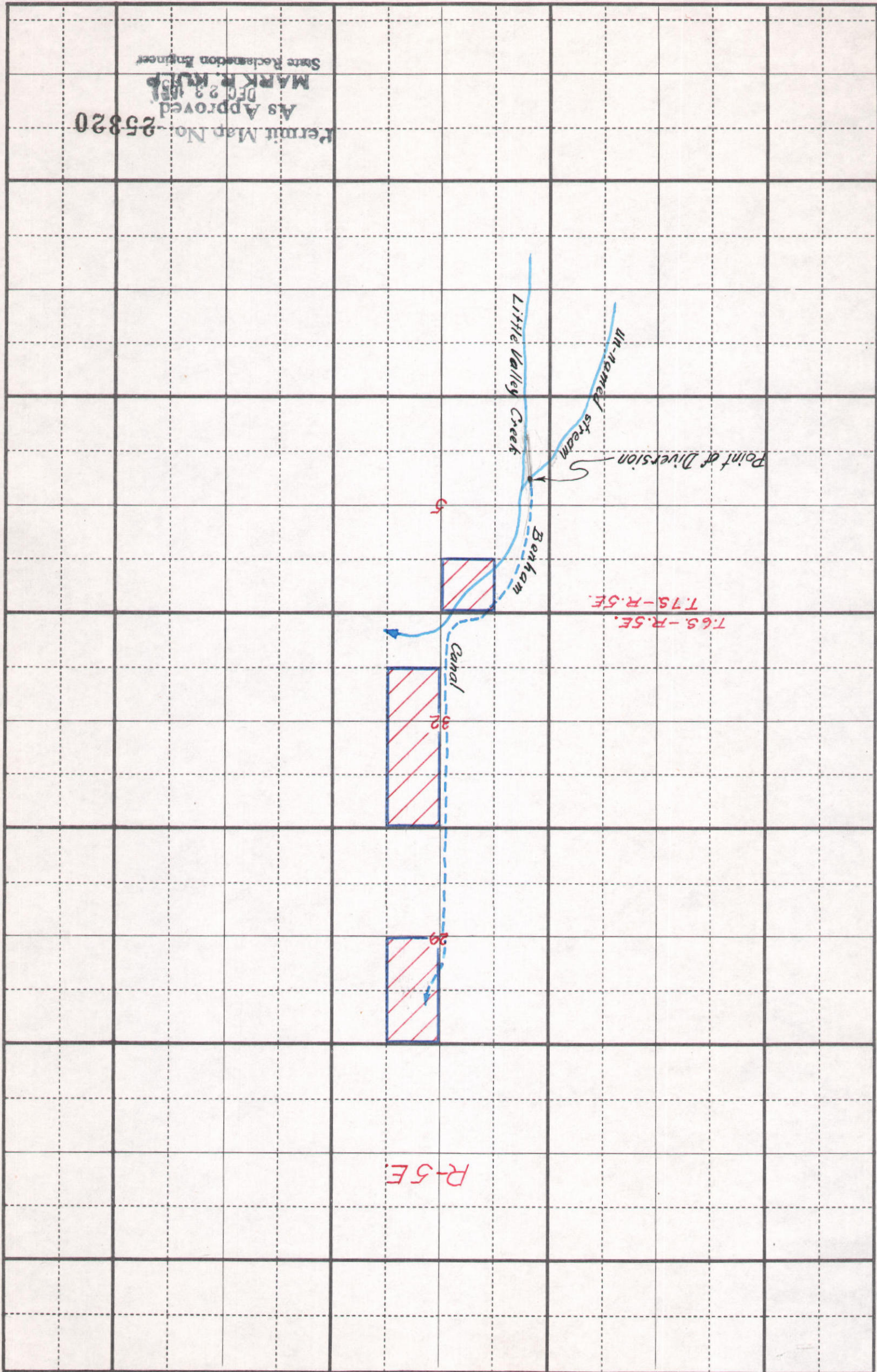
Julius Echevarria

Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho

My commission expires March 20, 1959.

25320



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Permit Map No. 25820
As Approved
DEC 23 1951
MARK R. KILB
State Reclamation Engineer

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2193	Bruneau Cattle Company	1.6	0	51-2131

R

E

F

S

N

A

R

Transfer No. 2193

Application No. 51-2131

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 15 1977

Department of Water Resources

APPROVED APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Bruneau Cattle Company Phone 845-2762

Post office address c/o Eugene C. Davis, Bruneau, Idaho 83604

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 25320/51-2131 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

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

3. Source of water Little Valley Creek (aka Jack Creek) tributary to Bruneau River

4. Date of priority 12/13/1954

5. Water is used for the following purposes:

amount 1.6 cfs. for irrigation purposes from 3/15 to 11/15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 1.6 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5
Township 7S Range 5E, B.M., in Owyhee County
Additional points of diversion, if any SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 7 South,
Range 5 East, B.M., Owyhee County.

8. Lands irrigated or place of use:

TWP	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	5E	32		40	40														80

Total number of acres to be irrigated 80

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 1.6 cubic feet per second
&/or
b. acre feet per annum
2. Point of diversion NW ¼ SW ¼, Section 5 Township 7S
Range 5E, B.M., Owyhee County
Additional points SE¼SE¼, Section 6, Township 7 South, Range 5 East,
B.M., Owyhee County.
3. Place of use:

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

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted c.f.s. &/or acre feet

b. Point(s) of diversion ¼ ¼, Section Township
Range, B.M., County
Additional points See attached sheet.

c. Description of diverting works

d. Describe the reasons for applying for a change in the point(s) of diversion

2. Change in place of use
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	5E	32		40	40														80

ATTACHED SHEET

APPLICATION FOR TRANSFER OF WATER RIGHT
BRUNEAU CATTLE COMPANY
LICENSE NO. 25320/51-2131

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE.

1. Change in point of diversion

a. Amount of water to be diverted - 1.6 cfs.

b. Points of diversion: Little Valley Creek aka Jack Creek

1. NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Twp. 7 South - Range 5 East, B.M.
2. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Twp. 7 South - Range 5 East, B.M.,
in Owyhee County.

d. Description of diverting works:

1. Dam.
2. Pump and motor.

d. Describe the reasons for applying for a change in the points of diversion:

Lands to be irrigated by this License No. 25320/51-2131, as well as lands irrigated by Permit No. 21394/51-2113 and License Nos. 21827/51-2117, 21827/51-2117 Transfer No. 982, 29617/51-2164, 5783/51-2015, 10628/51-2039, 21338/51-2111, 21370/51-2112, 22489/51-2124, 31364/51-2181, and 7426/51-2254, are integrated into one irrigation system utilizing points of diversion as listed in C.l.b. above and also utilizing points of diversion being Well No. 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T7S, R5E., B.M., and Well No.2, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, T7S, R5E., B.M.

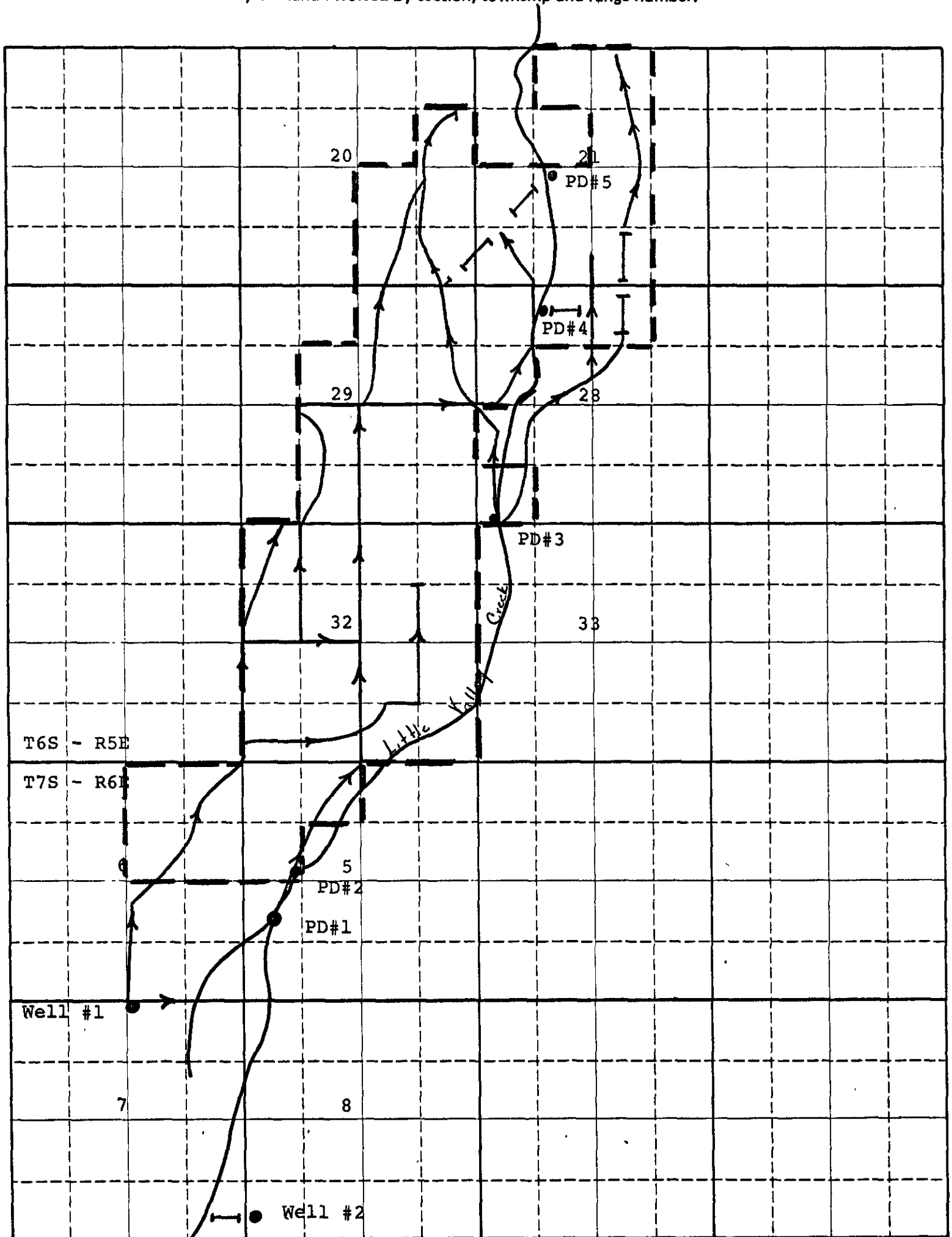
Also the following points of diversion are utilized in Little Valley Creek (aka Jack Creek):

3. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Twp. 6 South - Range 5 East, B.M.
4. NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Twp. 6 South - Range 5 East, B.M.
5. NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Twp. 6 South - Range 5 East, B.M.,
in Owyhee County.

The two points of diversion listed in C.l.b. above are the only two points of diversion on Little Valley Creek aka Jack Creek that divert water to the irrigable lands under this license.

NOTED

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Little Valley Creek (aka Jack Creek)

Pipeline

Ditch

Property Boundary

MICROFILMED

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

BRUNEAU CATTLE COMPANY

by

Eugene C. Davis
Eugene C. Davis, President
(Signature of Applicant)

Subscribed and sworn to before me this 14th day of December, 19 77

My commission expires 7/25/78

Joseph J. Thacker
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 51-2131, and said application is hereby APPROVED.

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

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

Witness my hand this 8 day of March, 19 78

St. James
DEPUTY DIRECTOR

FOR DEPARTMENT USE ONLY

Received by mlb Date 12/15/77

Protest filed by _____

Prelim. check by jj Fee \$30.00

Receipted by mlb Date 12/15/77 # 10213

Published in Owyhee Nugget

Copies of protest forwarded by _____

Pub. dates Jan 5 & 12, 1978

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for approval denial

_____ rec'd. _____

by 144 J.S.

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

} s.s.

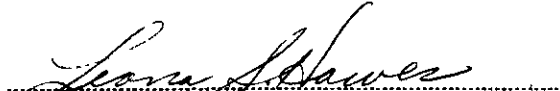
I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 7 consecutive weeks, the first publication being on the 5 day of January, 1978, and the last publication being on the 12 day of January, 1978;

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


PUBLISHER

Subscribed and sworn to before me this 12 day of Jan, 1978.


NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

MICROFILMED

OK
1-24-78
J

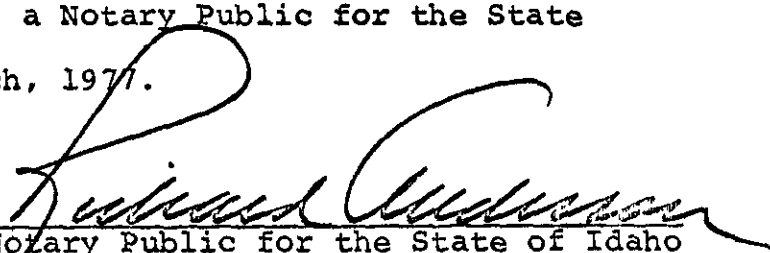
CERTIFICATE OF TRUE COPY

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

I, Richard Anderson, DO HEREBY CERTIFY:

That the within and foregoing copy of deed is a true,
accurate and correct copy of the original deed executed and
acknowledged by the parties of the first part therein and
delivered to the parties of the second part therein, covering
the real property therein described.

IN WITNESS WHEREOF, I have hereunto subscribed my name
and affixed my official seal as a Notary Public for the State
of Idaho, this 30th day of March, 1977.


Notary Public for the State of Idaho
Residing at Boise, Idaho

MICROFILMED

WARRANTY DEED

THIS INDENTURE, Made this 1st day of June, 1971, between LAURA M. AGENBROAD, a widow, ERNEST R. AGENBROAD and ARDITH C. AGENBROAD, husband and wife, CARL S. AGENBROAD and JUDITH AGENBROAD, husband and wife, DORIS McDONNELL and BRUCE McCONNELL, wife and husband, LELAND D. AGENBROAD and DORLENE FAYE AGENBROAD, husband and wife, and OLD NATIONAL BANK OF WASHINGTON, Spokane, Washington, as the Trustee of the testamentary trust established and created by the Last Will and Testament of Clifford James Agenbroad (deceased), the parties of the first part, and BRUNEAU CATTLE CO., an Idaho corporation, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party 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:

TOWNSHIP 6 SOUTH, RANGE 5 EAST, B. M.

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

Section 21: That part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21,
described as follows:
Beginning at the quarter corner common

to Sections 20 and 21, T. 6 S., R. 5 E., B. M., thence South 0°16' East along the section line between Sections 20 and 21 a distance of 2,640 feet to the SW corner of Section 21; thence East along the South line of Section 21 to the SE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21; running thence Northwesterly to the point of beginning.

Section 28: That portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28 lying and being Westerly from the center line of Little Valley Creek as now located and extending over and across said property.

Section 29: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 32: NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 7 SOUTH, RANGE 5 EAST, B. M.

Section 5: Lots 3 and 4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 6: NE $\frac{1}{4}$

Section 7: A tract of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T. 7 S., R. 5 E., B. M., described as follows:

Beginning at the NW corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7; running thence South 75 feet; thence East 75 feet; thence North 75 feet; thence West 75 feet to the point of beginning.

TOGETHER with all water, water rights and rights to the use of water appurtenant to the above described land, together with all wells, ditches, canals, flumes, waterways, pipes, pipelines, conduits, reservoirs, headgates and all means or methods for the diversion, impounding, distribution or use of any such water or the flow thereof, including but not limited to, the water rights evidenced or represented by licenses and permits issued by the State Reclamation Engineer of the State of Idaho (now the Director of the Department of Water Administration), and numbered as follows:

License and Certificate of Water Right
No. 21338, and now numbered by said Department, 51-2111;
License and Certificate of Water Right
No. 21370, and now numbered by said Department, 51-2112;
License and Certificate of Water Right
No. 21827, and now numbered by said Department, 51-2117;
License and Certificate of Water Right
No. 25320, and now numbered by said Department, 51-2131;
Permit No. 21394, and now also numbered by
said Department, 51-2113;
Permit No. 31364, and now also numbered by
said Department, 51-2181.

TOGETHER with the tenements, hereditaments and appurtenances belonging or in anywise appertaining to said described real property; and,

TOGETHER with all crops grown on said described lands in the year 1971 or now growing and all crops to be grown on said described lands.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their 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.

This conveyance is made subject to all reservations in patents to said described lands from the United States of America, and to all easements appearing on said described lands or of record in the office of the county recorder of the said County of Owyhee; and, subject also to all taxes and assessments levied and assessed or to be levied and assessed against said described premises and property for the year 1971 and years subsequent thereto.

IN WITNESS WHEREOF, The said parties of the first part have

hereunto set their hands and seals the day and year first
above written.

Laura M. Agenbroad

Laura M. Agenbroad

Ernest R. Agenbroad

Ernest R. Agenbroad

Ardith C. Agenbroad

Ardith C. Agenbroad

Carl S. Agenbroad

Carl S. Agenbroad

Judith Agenbroad

Judith Agenbroad

Doris McConnell

Doris McConnell

Bruce McConnell

Bruce McConnell

Leland D. Agenbroad

Leland D. Agenbroad

Dorlene Faye Agenbroad

Dorlene Faye Agenbroad



W. J. Lee
TRUST OFFICER

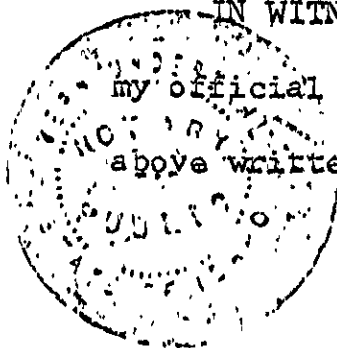
OLD NATIONAL BANK OF WASHINGTON
Spokane, Washington, as Trustee
of the testamentary trust established
and created by the Last Will and
Testament of Clifford James
Agenbroad (deceased)

By [Signature]
Vice President and Trust Officer

STATE OF Idaho,)
COUNTY OF Campan,) ss.

On this 676 day of ~~October~~ ^{NOVEMBER}, in the year 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared Laura M. Agenbroad, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Heinrich Lindahl
Notary Public for the State of Idaho,
Residing at Home

STATE OF Idaho,)
COUNTY OF Ada,) ss.

On this 4 day of ~~October~~ ^{November}, in the year 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared Ernest R. Agenbroad and Ardith C. Agenbroad, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Josephine Steinhilber
Notary Public for the State of Idaho,
Residing at Spokane

STATE OF IDAHO,)
COUNTY OF ADA,) ss.

On this 7 day of November, in the year 1971, before me,
the undersigned, a Notary Public in and for said State, personally
appeared Carl S. Agenbroad and Judith Agenbroad, husband and wife,
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.

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

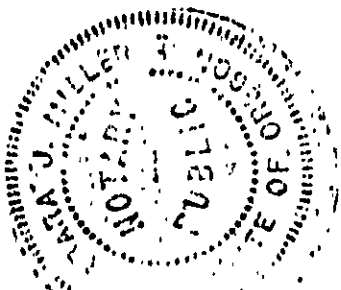


Pauline Sterling
Notary Public for the State of Idaho,
Residing at Boise, Idaho.

STATE OF Idaho,)
COUNTY OF Washington) ss.

On this 19th day of October, in the year 1971, before me,
the undersigned, a Notary Public in and for said State, personally
appeared Doris McConnell and Bruce McConnell, wife and husband,
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.

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

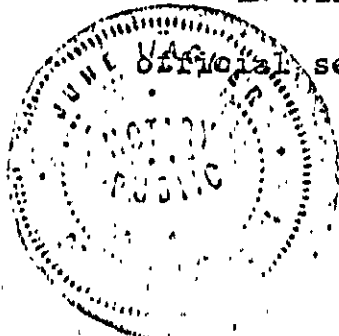


Barbara D. Miller
Notary Public for the State of Idaho
Residing at Boise, Idaho

STATE OF _____,)
COUNTY OF _____,) ss.

On this 26th day of October, in the year 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared Leland D. Agenbroad and Dorlene Faye Agenbroad, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



[Signature]
Notary Public for the State of _____
Residing at 1111 10th Ave

My Commission Expires Sept. 12, 1976

STATE OF WASHINGTON,)
COUNTY OF SPOKANE,) ss.

On this 2nd day of November, in the year 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared W. B. Riden, known to me to be the Vice President and Trust Officer of OLD NATIONAL BANK OF WASHINGTON, Spokane, Washington, that executed the foregoing instrument as Trustee of the testamentary trust established and created by the Last Will and Testament of Clifford James Agenbroad (deceased),

and acknowledged to me that such Bank, as such Trustee, executed the same.

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



M. J. Martin
Notary Public for the State of Washington,
Residing at Spokane, Washington.

Instrument 130712
Number

*** WARRANTY DEED ***

Laura M. Agenbroad, et al

to	Recorded	☒
	Compared	☒
	Ind. Direct	☒
	Ind. Reverse	☒
	Bk. & Pg. B.	
	Bk. & Pg. R.	
Bruneau Cattle Co.		☒ Assigned
		☒ Released

STATE OF IDAHO, } ss.
Owyhee County,

Filed for record this 9th day
of December, 1971
at 11:35 o'clock A.M. at
request of
Eugene H. Anderson
and
Micro-filmed
in the records of said county.

NICK IHLE
Ex-Officio Recorder.

By C. Nittler
Deputy.

Fee, \$ 8.00

State of Idaho
License and Certificate of Water Right

Water License No. 25320 Amount 1.6 second feet
Water District No. Priority December 13, 1954

THIS IS TO CERTIFY that JAMES AGENBROAD and SONS
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 13, 1954; that Permit No. 25320
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4 second feet, was issued thereunder on August 9, 1955, showing that said works
were completed on the 2nd day of August, 1955; and that on the 14th
day of September, 1955,
JAMES AGENBROAD and SONS
of Nampa, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Little Valley Cr.
& Trib., a tributary of Bruneau River, for the purpose of irrigation
, under Use Permit No. 25320 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5697, on the 24th day of April, 1956;
The right hereby confirmed dates from December 13, 1954;
The Points of Diversion^{are} located from Little Valley Cr. in SE¹/₄ SE¹/₄ Sec. 6, & From the Trib.
in the NW¹/₄ SW¹/₄ Sec. 5, Tp. 7 S., R. 5 E., B. M. Owyhee County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	5 E.	32	NW ¹ / ₄ NE ¹ / ₄	40	40
			SW ¹ / ₄ NE ¹ / ₄	40	40
			NW ¹ / ₄ SE ¹ / ₄	40	--
			NW ¹ / ₄ NE ¹ / ₄	40	--
7 S.	5 E.	5	SW ¹ / ₄ NE ¹ / ₄	40	--
			NE ¹ / ₄ NW ¹ / ₄	40	--
			Number of Acres Actually Irrigated		80

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24th day of April, 1956.

(SEAL) MARK R. KULP
State Reclamation Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. G-24092
Water District No.

Amount 0.3 second foot
Priority December 13, 1953

THIS IS TO CERTIFY that JAMES E. THOMPSON
of Weiser, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 4, 1953; that Permit No. G-24092
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.3 second foot, was issued thereunder on November 21, 1955, showing that said works
were completed on the 16th day of November, 1955; and that on the 31st
day of December, 1955,
JAMES E. THOMPSON
of Weiser, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, ~~subterranean~~ (subterranean flow, for the purpose of irrigation use
, under Use Permit No. G-24092 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5698, on the 25th day of April, 1956;
The right hereby confirmed dates from December 13, 1953;
The Point of Diversion is located
in the SE 1/4 NE 1/4, Sec. 5, Tp. 10 N, R. 5 W, B. M. / Washington County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.3 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 N.	5 W.	5	SE 1/4 NE 1/4	15	15

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
25th day of April, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

51-2131 25320

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 33169
PERMIT No. 25320
DISTRICT No.

1. Name of Applicant: JAMES AGENBROAD and SONS

Postoffice address: Rt. 3, Nampa

County: Canyon

State:

Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 4.0

cubic feet per second.

3. Source of water supply: Un-Named Stream / (Waste and drainage water) which is a tributary of Little Valley Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 5 , T. 7 S. , R. 5 E. , B.M., County of Owyhee

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the

of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: Dam and ditch

9. Height of dam 8 feet; length of dam at top 60 feet; length of dam at bottom 20

feet; material used in dam: Earth

10. Size of headgate: Width 3' tile feet; height feet.

11. Ditch: Width at bottom 5 feet; width at water line 10 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 3 miles.

Average grade per mile feet.

12. The time required for the completion of such work is One years.

13. The time required for the complete application of the water to the proposed use is Six additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Underground water see permits Nos. 21827 & 24346

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

JAMES AGENBROAD & SONS Applicant.

By JAMES AGENBROAD Agent.

Date of first receipt at Department of Reclamation: 3-30 P.M. December 13, 1954

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 25320
Recorded in Book 90 Page 25320 Approved Dec. 23, 1954
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve he same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before February 23, 1955 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 23, 1955
The whole of said work to be completed on or before December 23, 1955
Beneficial use of water appropriated in accordance herewith, to be made on or before December 23, 1961

WITNESS My hand this 23rd day of December, 1954

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of December, 19 54 .
STATE OF IDAHO
Countersigned: LEN JORDAN Governor.
By IRA H. MASTERS Secretary of State.
By PAULA L. FLEENOR Acting Secretary of State
REMARKS: Live and waste water from own wells, being carried in this un-named stream previously was a dry stream. Water filed on herewith is supplemental to existing water rights.

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	5 E.	5					40												40
6 S.	5 E.	32	40	40											40				120
		29	40	40															80
Total Number of Acres to be Irrigated																			240
Permit No. 25320																			
CERTIFICATE OF COMPLETION OF WORKS																			

TO ALL WHOM IT MAY CONCERN:

This is to certify that JAMES AGENBROAD & SONS of Nampa, Idaho, County of Canyon, and State of Idaho, the holders of Permit No. 25320, issued upon Application No. 33169 bearing date of priority of December 13, 1954, authorizing the diversion of Four (4) second feet of the waters of an un-named stream (waste and drainage water) tributary to Little Valley Creek, County of Owyhee, State of Idaho, for irrigation purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use Four (4) second feet of the waters of said un-named stream; that the point of diversion of said waters is in the NW1/4 Section 5, Township 7 South Range 5 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE1/4 Section 5, Twp. 7 South, Range 5 East, B.M. W1/2 NE1/4 Section 29, and W1/2 NE1/4, NW1/4 SE1/4 Section 32, Twp. 6 South, Range 5 East, B. M.

Witness my hand this 9th day of August, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made August 2, 1955.
Certificate of Completion of Works issued August 9, 1955.

March 13, 1978

Re: Transfer of Water Right No.'s 51-2015,
51-2039, 51-2111, 51-2112, and 51-2131

Bruneau Cattle Company
C/o Eugene C. Davis
Bruneau, ID 83604

Dear Mr. Davis:

Enclosed are copies of the approved Transfers on the above referenced water rights.

Sincerely,

L. GLENN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosures

MICROFILM

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Little Valley Creek

Name Brunman Cattle Co.

2. Right Being Transferred

Right No. 51-2131

a. ☐ Decree

Transfer No. _____

☒ License

☒ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. ☒ " - Original P. U.

e. ☒ " - New P.D.

f. ☒ " - New P.U.

g. ☒ Amount

☒ All

☐ Part

3. ☒ Proof of Ownership of Right

Comment _____

4. ☒ Expansion of Right

Comment _____

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments NA.

9. Comments _____

10. Initial Review by R.W.H.

Date _____

11. Recommended Action

☒ Approve

☐ Deny

☐ Conditions _____

By [Signature]

Date 1-24-78

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

December 22, 1977

Re: Transfer Applications - Bruneau Cattle Co.

Joseph J. Thackaberry
P. O. Box 1405
Boise, ID 83701

Dear Mr. Thackaberry:

Enclosed is your Receipt No. 12013 in the amount of \$ 150.00
for five transfer applications which was received in
this office on December 15, 1977.

Sincerely,

RITA FLECK
Secretary

RF

Enclosure

MICROFILMED



DEPARTMENT OF WATER RESOURCES

WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

December 22, 1977

Re: Notice of Proposed Change of Water Right No. 51-2015 - Bruneau Cattle Co.
57-2112 - " " "
51-2039 - " " "
51-2111 - " " "
51-2131 - " " "
57-0249 - C. T. Ranch, Co.

Owyhee Nugget
Marsing,
Idaho 83639

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before January 16, 1978.

Sincerely,

RITA FLECK
Secretary

Bill submitted
1-24-78
yf

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-2131

Notice is hereby given that BRUNEAU CATTLE COMPANY
of XXXX Bruneau, Idaho has applied to the Department of Water
Resources for a change of point of diversion
of the water of Little Valley Creek.
The right sought to be changed is evidenced by License No. 51-2131

and is recorded as follows:

Amount: 1.6 cfs Priority: December 13, 1954
Point(s) of Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 6 T7S-R5E B.M., Owyhee County
The water is used for irrigation purposes within the W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 32
T6S-R5E B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1.6 cfs
Point(s) of Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 5 T7S-R5E B.M., Owyhee County
The water will be used for irrigation purposes within the same land.

Any protest against approval of the proposed change of water right appli-
cation must be filed with the Department of Water Resources, 92 S. Cole Road,
Boise, Idaho 83705 on or before January 16, 1978.

C. STEPHEN ALLRED

Director

Published in the Owyhee Nugget, Marsing, ID

on December 29, 1977 and January 5, 1978

MICROFILMED

JOSEPH J. THACKABERRY
LAND MANAGEMENT CONSULTANT

DEC 15 1977

Department of Water Resources

(208) 345-0975

December 14, 1977

528 Idaho Building
P. O. Box 1405
Boise, Idaho 83701

Mr. Stephen Allred
Director
Department of Water Resources
State Capitol
Boise, Idaho 83720

Dear Mr. Allred:

Enclosed herewith please find Applications for
Transfer of Water Rights as follows:

- (1) 51-2015
- (2) 51-2039
- (3) 51-2111
- (4) 51-2112
- (5) 51-2131

Also enclosed is my check in the amount of \$150 to
cover fees required for these transfers.

I would appreciate receiving a copy of these transfers
when approved.

Very truly yours,


Joseph J. Thackaberry

JJT/bm

Enclosure

CC: Mr. Eugene C. Davis

MICROFILM

June 29, 1971

Re: License No. 51-2111
" " 51-2112
" " 51-2117
" " 51-2131
Permit No. 51-2113

ANDERSON, KAUFMAN, ANDERSON & RINGERT
Attorneys at Law
P. O. Box 2773
Boise, Idaho

ATTENTION: Eugene H. Anderson

Dear Mr. Anderson:

Pursuant to your request, please find enclosed copies of the correspondence taken from permit no. 51-2113 and certified copies of the above referenced licenses. The fee for the copies and certified licenses will be \$9.45.

If we may be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enc: Copies (22)

51 2131

Rec. No. 33682

RECEIVED
MAR 14 1967

ASSIGNMENT

Department of Reclamation

For value received, we hereby assign all of our right,
title and interest in and to Permit to Appropriate the Public Waters of
the State of Idaho, No. 33168 to Shaw-Ingle, Inc. of Bruneau, Idaho.

*and also assign all of our right title and interest in and to
Permit Nos. 21310, 21338, 21394, 21922, 21827, 25320
and a one third interest under
Permit No. 31364*

Dick C. Ingle
Permit Holder

~~Wife of Permit Holder~~

STATE OF IDAHO)
County of Ada) ss.

On this *1st* day of *March*, 1967, before me, a Notary
Public for the State of Idaho, residing at *Boise, Idaho*
personally appeared Dick Ingle and ~~Pearl Ingle~~, known to me to be the
persons whose names are subscribed to the within instrument and duly
acknowledged to me that they executed the same.

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

Victor C. Ford
Notary Public for Idaho
Residing at *Nampa*
My Commission Expires: *11-6-69*

25320

RE: Permit Nos 22000, 21827, 21338, 20699
25320, 21748, G-26034 & G-26116

SEE LETTER OF NOVEMBER 8th, 1956 REGARDING TRANSMITTAL OF
ASSIGNMENT IN FILE NO. 22000

25320

April 24, 1956

RE: Permit No. 25320

Mr. James Agenbroad
Route 3
Nampa, Idaho

Dear Mr. Agenbroad:

We enclose License and Certificate of Water Right issued on Permit No. 25320 confirming the right of yourself and sons to the use of 1.6 second feet of the waters of Little Valley Creek and Tributary with points of diversion from Little Valley Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, and from the Tributary in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 7 South, Range 5 East, B.M. with priority of December 13, 1954, for irrigation of land in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32, Township 6 South, Range 5 East, B.M.

Departmental receipt No. 27919 was handed you when in the office on April 20, 1956, for the \$4.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

25320

April 12, 1956

RE: Permit No. 25320

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

We now have on file the report of our field engineer on examination for Beneficial Use proof on Permit No. 25320. This report shows that you have irrigated 80 acres of land located in the $W\frac{1}{2}$ NE $\frac{1}{4}$ Section 32, Township 6 South, Range 5 East, B.M., with water from Little Valley Creek and Tributary with points of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, and from the tributary in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 6 South, Range 5 East, B.M.

A License can, therefore, be issued for 1.6 cubic feet per second of water upon receipt of the License fee of \$4.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hl1

25320



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 12, 1956

RE: Permit No. 25320

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

We now have on file the report of our field engineer on examination for Beneficial Use proof on Permit No. 25320. This report shows that you have irrigated 80 acres of land located in the $W\frac{1}{2}$ $NE\frac{1}{4}$ Section 32, Township 6 South, Range 5 East, B.M., with water from Little Valley Creek and Tributary with points of diversion in the $SE\frac{1}{4}$ $SE\frac{1}{4}$ Section 6, and from the tributary in the $NW\frac{1}{4}$ $SW\frac{1}{4}$ Section 5, Township 6 South, Range 5 East, B.M.

A License can, therefore, be issued for 1.6 cubic feet per second of water upon receipt of the License fee of \$4.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna F. Rutledge
Chief Clerk

R:hl1

25320

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

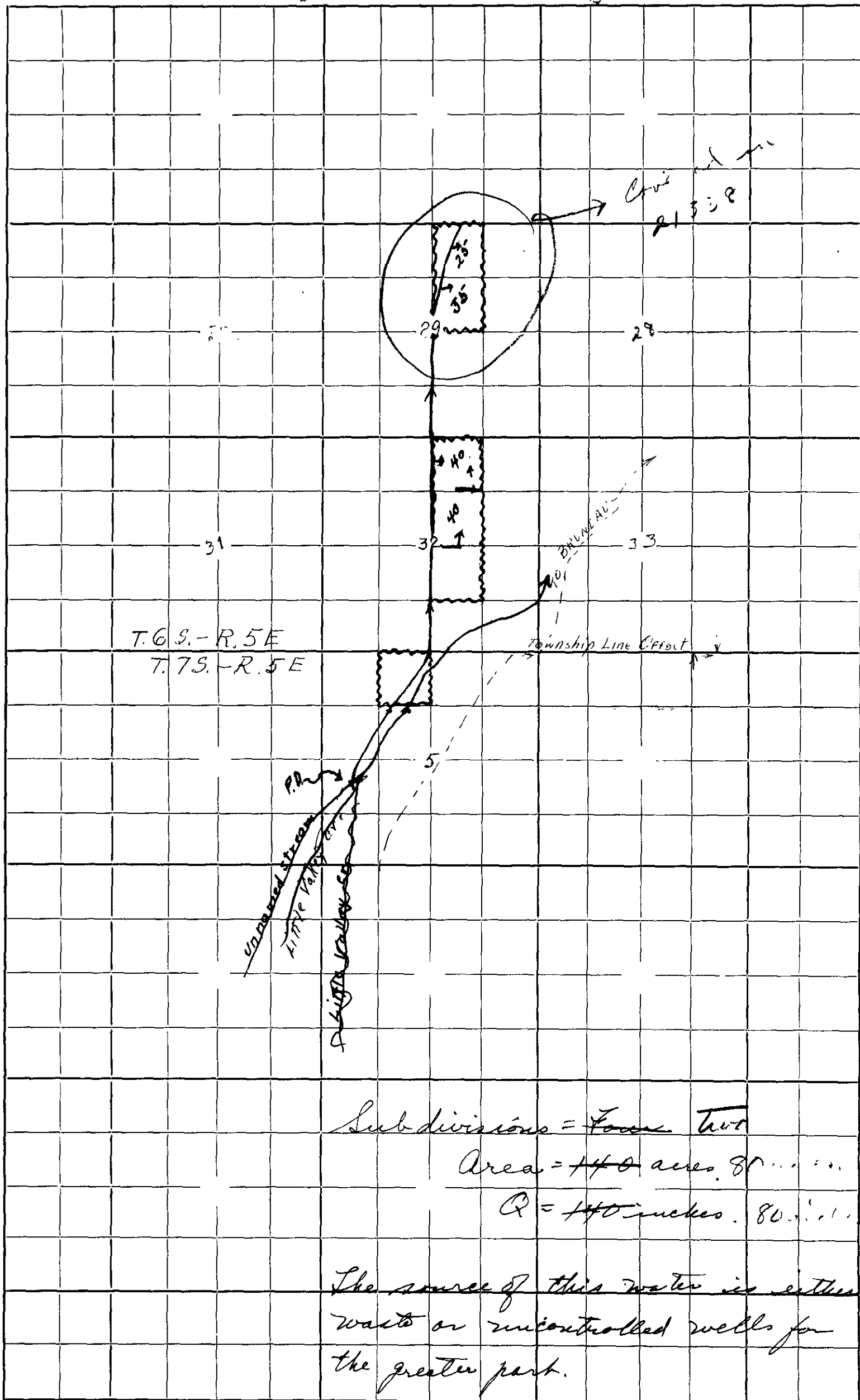
PERMIT NO 25320

REPORT ON PROOF OF Beneficial use

JAMES AGENBROAD, Route 3, Nampa, Idaho

*from 4.6 cfs 700K
Little Valley Creek and tributary
North prairie of demonstration
in S.E. 1/4 S.E. 1/4 Sec 6
and from tributary in
N.W. 1/4 S.W. 1/4 Sec 5 T. 1 S. 2 E. 10 N.*

*app. 4.0
Sup. 6
acres 24.5*



Subdivisions = Four Two
 Area = 140 acres. 80...
 Q = 140 inches. 80...
 The source of this water is either
 waste or uncontrolled wells for
 the greater part.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 25320

This proof is for Beneficial use In Water District No. _____

1. Name of applicant James Agenbroad, Route 3, Nampa, Idaho
2. Source of water supply: An un-named stream tributary to Little Valley Creek
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5
T. 7 S. R. 5 E. County of Owyhee

4. ~~Describe works as they exist, giving dimensions and capacities of same:~~ Accompanying map

This dam is composed of rock and earth. It is 4' wide by 20' long by 8' high. Water is allowed to spill over the top of it. A ditch leads from it on the West side and flows into the main canal leading to the lands to be irrigated.

5. ~~Water is used for:~~ irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32;W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29;Twp. 6 South, Range 5 East, B. M.NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5;Twp. 7 South, Range 5 East, B. M.NOTE: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5 in notice, but intentionally omitted from proofSee the map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Crops are Hay and Pastures.This examination was made on the 9th day of April, 19 56(Signed) E. N. Humphrey

Examiner.

25320

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
APR 11 1956

Department of Reclamation

James Sgenbroad
Route 3, Nampa, Idaho

Permit No. 25320

Examination for Beneficial use

County Owyhee

5-7S. -5E.

Q₂ = 4.0 c.f.s.

S = Un-named stream (waste water)

P.D. = NW. SW, Sec. 5, T. 7S. - R. 5E

Use Irrigation

Priority = Dec 13, 1954
Date = Dec. 23, 1961

C/W = 8-9-55

Dam washed out at present.

Rock & Earth. 8'h x 20'l.
x 4'w.

Spills over top.

Ditch = 2'w. in bottom

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Protest of	)	
Frank Faria	(	DISMISSAL OF PROTEST
Against issuance of License to	)	and
James Agenbroad for 4 cubic feet	(	DECISION OF
per second of the waters of an	)	STATE RECLAMATION ENGINEER
un-named tributary of Little	(	
Valley Creek under Permit No. 25320.	)	

On December 13, 1954, James Agenbroad made application to appropriate 4.0 cubic feet per second of the waters of an un-named tributary to Little Valley for the irrigation of land in Sections 29 and 32, Township 6 South, Range 5 East, B.M. and Section 5, Township 7 South, Range 5 East, B.M.

The application was approved and Permit No. 25320 was issued. Proof of Completion of Works was made and Certificate of Completion of Works was issued.

Notice of Proof of Application of Water to Beneficial Use was published as required by statute and protest was filed by Frank Faria alleging that except for spring run-off conditions the flow of Little Valley Creek and the un-named tributary of Little Valley Creek consists of waste water from a well of the protestant.

Inspection of the works and the lands irrigated was made by an engineer of the Department of Reclamation and it was found that works were adequate and that 80 acres had been irrigated in addition to lands irrigated under Permit No. 21338 and that the water supply was from Little Valley Creek including the un-named tributary of Little Valley Creek.

It is the decision of the State Reclamation Engineer that appropriation of water from Little Valley Creek and the un-named tributary of Little Valley Creek does not depend on a sustained yield of the Creek and Tributary throughout the irrigation season and that waste water draining into Little Valley Creek and the un-named tributary to Little Valley Creek becomes a part of the waters of Little Valley Creek as soon as it reaches a natural channel and that the issuance of a license under Permit No. 25320 does not require continuance of waste water from protestant's well into Little Valley Creek and the un-named tributary to Little Valley Creek and that the appropriation of water under Permit No. 25320 is from Little Valley Creek including the un-named tributary with points of diversion from both Little Valley Creek and the un-named tributary of Little Valley Creek.

The protest of Frank Faria against issuance of a license to James Agenbroad under Permit No. 25320 is therefore dismissed and license will be issued under Permit No. 25320 for 1.6 cubic feet per second of the waters of Little Valley Creek including the un-named tributary of Little Valley Creek.

Anyone feeling himself aggrieved by the dismissal of the protest and the decision of the State Reclamation Engineer or the issuance of license under Permit No. 25320 may appeal the same to the District Court for Cayuse County as outlined in Section 42-224 of the Idaho Code.

Given under my hand and the seal of the State Department of Reclamation, at Boise, Idaho, this 12th day of April, 1956.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of

Frank Faria

Against issuance of License to
James Aganbrood for 4 cubic feet
per second of the waters of an
un-named tributary of Little
Valley Creek under Permit No. 25320.

DISMISSAL OF PROTEST

and

DECISION OF
STATE RECLAMATION ENGINEER

On December 13, 1954, James Aganbrood made application to appropriate 4.0 cubic feet per second of the waters of an un-named tributary to Little Valley for the irrigation of land in Sections 29 and 32, Township 6 South, Range 5 East, B.M. and Section 5, Township 7 South, Range 5 East, B.M.

The application was approved and Permit No. 25320 was issued; Proof of Completion of Works was made and Certificate of Completion of Works was issued.

Notice of Proof of Application of Water to Beneficial Use was published as required by statute and protest was filed by Frank Faria alleging that except for spring run-off conditions the flow of Little Valley Creek and the un-named tributary of Little Valley Creek consists of waste water from a well of the protestant.

Inspection of the works and the lands irrigated was made by an engineer of the Department of Reclamation and it was found that works were adequate and that 80 acres had been irrigated in addition to lands irrigated under Permit No. 21338 and that the water supply was from Little Valley Creek including the un-named tributary of Little Valley Creek.

It is the decision of the State Reclamation Engineer that appropriation of water from Little Valley Creek and the un-named tributary of Little Valley Creek does not depend on a sustained yield of the Creek and Tributary throughout the irrigation season and that waste water draining into Little Valley Creek and the un-named tributary to Little Valley Creek becomes a part of the waters of Little Valley Creek as soon as it reaches a natural channel and that the issuance of a license under Permit No. 25320 does not require continuance of waste water from protestant's well into Little Valley Creek and the un-named tributary to Little Valley Creek and that the appropriation of water under Permit No. 25320 is from Little Valley Creek including the un-named tributary with points of diversion from both Little Valley Creek and the un-named tributary of Little Valley Creek.

The protest of Frank Faria against issuance of a license to James Aganbrood under Permit No. 25320 is therefore dismissed and license will be issued under Permit No. 25320 for 1.6 cubic feet per second of the waters of Little Valley Creek including the un-named tributary of Little Valley Creek.

Anyone feeling himself aggrieved by the dismissal of the protest and the decision of the State Reclamation Engineer or the issuance of license under Permit No. 25320 may appeal the same to the District Court for Cuyahoe County as outlined in Section 42-22h of the Idaho Code.

Given under my hand and the seal of the State Department of Reclamation, at Boise, Idaho, this 12th day of April, 1956.

MARK W. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Protest of

Frank Faria

Against issuance of License to
James Agenbroad for 4 cubic feet
per second of the waters of an
un-named tributary of Little
Valley Creek under Permit No. 25320.

DISMISSAL OF PROTEST

and

DECISION OF
STATE RECLAMATION ENGINEER

On December 13, 1954, James Agenbroad made application to appropriate 4.0 cubic feet per second of the waters of an un-named tributary to Little Valley for the irrigation of land in Sections 29 and 32, Township 6 South, Range 5 East, B.M. and Section 5, Township 7 South, Range 5 East, B.M.

The application was approved and Permit No. 25320 was issued: Proof of Completion of Works was made and Certificate of Completion of Works was issued.

Notice of Proof of Application of Water to Beneficial Use was published as required by statute and protest was filed by Frank Faria alleging that except for spring run-off conditions the flow of Little Valley Creek and the un-named tributary of Little Valley Creek consists of waste water from a well of the protestant.

Inspection of the works and the lands irrigated was made by an engineer of the Department of Reclamation and it was found that works were adequate and that 80 acres had been irrigated in addition to lands irrigated under Permit No. 21336 and that the water supply was from Little Valley Creek including the un-named tributary of Little Valley Creek.

It is the decision of the State Reclamation Engineer that appropriation of water from Little Valley Creek and the un-named tributary of Little Valley Creek does not depend on a sustained yield of the Creek and Tributary throughout the irrigation season and that waste water draining into Little Valley Creek and the un-named tributary to Little Valley Creek becomes a part of the waters of Little Valley Creek as soon as it reaches a natural channel and that the issuance of a license under Permit No. 25320 does not require continuance of waste water from protestant's well into Little Valley Creek and the un-named tributary to Little Valley Creek and that the appropriation of water under Permit No. 25320 is from Little Valley Creek including the un-named tributary with points of diversion from both Little Valley Creek and the un-named tributary of Little Valley Creek.

The protest of Frank Faria against issuance of a license to James Agenbroad under Permit No. 25320 is therefore dismissed and license will be issued under Permit No. 25320 for 1.6 cubic feet per second of the waters of Little Valley Creek including the un-named tributary of Little Valley Creek.

25320

Anyone feeling himself aggrieved by the dismissal of the protest and the decision of the State Reclamation Engineer or the issuance of license under Permit No. 25320 may appeal the same to the District Court for Cayuse County as outlined in Section 42-224 of the Idaho Code.

Given under my hand and the seal of the State Department of Reclamation, at Boise, Idaho, this 12th day of April, 1956.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

April 12, 1956

RE: Permits Nos. 21338, 25320, 21370

Mr. Frank Faria:
Bruneau
Idaho

Dear Mr. Faria:

We enclose, herewith, Dismissal of Protest issued
against your protest for issuance of license on the above
Permits.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hl
Enc.
cc - Mr. Perce Hall
Mr. James Agenbroad

25320

September 27, 1955

RE: Permits Nos. 21338, 21370, 21394 and 25320

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

We have filed the depositions of the applicants and two witnesses together with affidavits of publication in the Owyhee Chronicle all submitted in proof of beneficial use on the above numbered Permits.

We understand that you have talked to Mr. Humphrey in regard to the inspections but we cannot advise you at this time when these inspections will be made.

However, we will try to notify the applicants in advance in order that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

25320

September 27, 1955

RE: Permits Nos. 21338, 21370, 21394 and 25320

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

We have filed the depositions of the applicants and two witnesses together with affidavits of publication in the Owyhee Chronicle all submitted in proof of beneficial use on the above numbered Permits.

We understand that you have talked to Mr. Humphrey in regard to the inspections but we cannot advise you at this time when these inspections will be made.

However, we will try to notify the applicants in advance in order that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

25320

April 12, 1956

RE: Permits Nos. 21338, 25320, 21370

Mr. Frank Faria
Bureau
Idaho

Dear Mr. Faria:

We enclose, herewith, Dismissal of Protest issued
against your protest for issuance of license on the above
Permits.

Very truly yours,

WILLIAM H. K. LP
State Reclamation Engineer
By

Chief Clerk

Rhl
Enc.
cc - Mr. Percy Hall
Mr. James Agnew

25320



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

ROBERT E. SMYLLIE
GOVERNOR

BOISE

September 16, 1955

RE: Permit No. 25320

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

In checking the depositions of yourself and two witnesses in proof of Beneficial Use on Permit No. 25320 we note that the land description omits the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township 6 South, Range 5 East, B. M., and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, Township 7 South, Range 5 East, B.M. which are included in the Permit and in the published notice.

Was this omission intentional?

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson

Chief Clerk

A:cu

This was intentional as we had not used water on these lands

James Agenbroad

See notary's affidavit in 21338

25320

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

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

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

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

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

4. That said notice NOTICE FOR PUBLICATION

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

August 11, 1955

August 18, 1955

August 25, 1955

September 1, 1955

Signed

Everett A. Colley

Subscribed and sworn to before me this 2 day of Sept.

A. D., 1955

Julius E. Schumann

Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho

My commission expires March 20, 1959

25320

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 25320

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. James Azenbroad, Nampa, Farming, Rt. #3 Nampa, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. James Azenbroad and Sons Inc. President of Corporation

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit 25320 Dec. 23, 1954 priority date Dec. 13, 1954

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Unnamed stream, tributary of Little Valley Creek N.W. 1/4 S.W. 1/4 Sec. 5

T. 7S. R. 5E. Boise, Meridian

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Earth dam, cement spillway and headgate. Benham Canal will carry

8 sec. ft.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. W. 1/4 N.E. 1/4 Sec. 32 80 acres. W. 1/4 N.E. 1/4 Sec. 29 60 acres.

All in T. 6S. R. 5E. Boise, Meridian Cultivated land seeded to hay
and pasture.

25320

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 4 sec. ft.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. There has been used during irrigation season of 1955 4 sec. ft. of water at different times to irrigate said lands.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Prior to 1955 irrigation season, water was used on this land under permits No. 21394 and 21338. Permit No. 21394 is an artesian well and Permit No. 21338 is Creek diversion Little Valley Creek. Flood and waste water.

(Sign) James Agnew

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Hampton, County of Canyon,

State of Idaho, on this 14th day of September, A. D. 1955.

Walter C. Ford

My commission expires 11-6-57

25320

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 25320

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques 1 State your name, age, residence, occupation and postoffice address.

Ans. A. M. Kautson, 70, Nampa, well drilling, Rt. #3 Nampa, Idaho

Ques. 2. Are you acquainted with James Azenbroad, the holder of Permit No 25320? How long have you known him and where does he reside?

Ans 10 years. Rt. #3 Nampa, Idaho

Ques. 3. Have you read or heard read said Permit No 25320, and are you familiar with its provisions and conditions?

Ans. yes

Ques 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unnamed stream, tributary of Little Valley Creek N.W. 1/4, S.W. 1/4 Sec. 5 T. 7S. R. 5E. Boise, Meridian

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 6 sec. ft.

Ques. 6. State for what purpose water is used and at what place (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. W. 1/4, N.E. 1/4 Sec. 32 80 acres. 4. 1/4 N.E. 1/4 Sec. 29 60 acres. All in T. 6S. R. 5E. Boise, Meridian. Cultivated land seeded to hay and pasture.

25320

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy clay and volcanic ash. I estimate 4 sec. ft. will take care
of this.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen these said lands irrigated the last 3 years.

(Signed) A. M. Knutson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Harbor,
County of Canyon, State of Idaho, on this 14th day of September,
A. D. 1953.

Walter C. Ford

Notary Public.

My commission expires 11-6-57

25320

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 25320

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques 1. State your name, age, residence, occupation and postoffice address.

Ans. ~~Dean O. Elm, 40 years, Farmer, Boise, Idaho~~ Nampa, Idaho

Ques. 2 Are you acquainted with James Arenbroad, the holder of Permit No 25320? How long have you known him and where does he reside?

Ans. 18 years. Rt. #3 Nampa, Idaho

Ques 3. Have you read or heard read said Permit No. 25320, and are you familiar with its provisions and conditions?

Ans yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use

Ans Unnamed stream, tributary of Little Valley Creek N.W. 1/4, S.W. 1/4 Sec. 5 T. 7S. R. 5E. Boise, Meridian

Ques 5 How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans 8 sec. ft.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans Irrigation. W. 1/4, N.E. 1/4 Sec. 32 80 acres. W. 1/4 N.E. 1/4 sec. 29 60 acres. All in T. 6S. R. 5E. Boise, Meridian. Cultivated land seeded to hay and pasture.

25320

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. sandy clay and volcanic ash. I estimate 4 sec. ft. will take
care of this.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans I have irrigated these lands using up to 4 sec. ft. during the
years 1953--54--and 55.

(Signed) Dean R. Linn

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Madrigal Canyon Madrigal
County of Blaine Canyon, State of Idaho, on this 14th day of September,
A. D. 19 55.

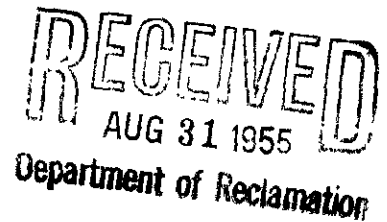
Walter C. Ford

Notary Public.

My commission expires 11-6-57

25320

25320



P R O T E S T

STATE OF IDAHO)
) ss
COUNTY OF ELMORE)

Re: Proof of Application of
Water to Beneficial Use
of James Agenbroad and
Sons, (Permit No. 25320),
Ernest Agenbroad (Permit
No. 21338) and Clifford
Agenbroad (Permit No.
21370)

Frank Faria, being first duly sworn, deposes and says:

That affiant is over the age of majority, a citizen of the United States of America, and a resident of Bruneau Valley, in the County of Owyhee, State of Idaho; that affiant is the owner of a large tract of land which affiant is developing for agricultural purposes, and upon which affiant has drilled a large artesian well;

That this affidavit is made by affiant for the purpose of protesting against the statements made by James Agenbroad and Sons, Ernest Agenbroad and Clifford Agenbroad, contained in the published notices of their intention to submit proof of application of water to beneficial use of 4 cubic feet per second by James Agenbroad and Sons, under permit No. 25320, of 5 cubic feet per second by Ernest Agenbroad under Permit No. 21338, and of 5.6 cubic feet per second by Clifford Agenbroad under Permit No. 21370; that the reasons for the filing of such protest are as follows:

(a) That in the published notice of James Agenbroad and Sons, of intention to submit proof of application of water to beneficial use under permit No. 25320, it is stated that the amount of water applied to beneficial use is 4 cubic feet per second, diverted out of an unnamed stream, a tributary to Little Valley creek; that such unnamed stream has no natural flow the whole of which would equal 4 cubic feet per second or even a

25320

small part thereof; that Little Valley creek, of which said unnamed stream is a tributary, has no natural flow after spring flood water and beyond approximately the month of May of each year and that the entire flow of Little Valley Creek at the present time and during most of the summer months consists of waste water, a larger portion of which comes from a large well owned by affiant and drilled for the purpose of irrigating the tract of land owned by affiant and which is now being developed for agricultural purposes; that as soon as affiant completes the development of his said tract of land, all of said water from his well will be put to beneficial use and that affiant hereby protests any attempt on the part of the said James Agenbroad and Sons, to file upon any part of said water which is now wasting from affiant's wells while he is completing the developing of his land for the purpose of putting the water to beneficial use.

(b) That in the notice of proof of application of water to beneficial use being published by Ernest Agenbroad in connection with Permit No. 21338, it is stated that proof will be submitted of the application to beneficial use to 5 cubic feet per second of water diverted from Little Valley creek; that there is insufficient natural flow of Little Valley creek to equal 5 cubic feet per second or to equal any amount whatsoever subsequent to approximately May of each year and that the flow of Little Valley creek during most of the irrigating season consists of waste water as mentioned in sub-paragraph (a) above and that affiant hereby protests any attempt on the part of the said Ernest Agenbroad to file upon any part of affiant's water produced by the well above mentioned and which water is now being wasted but will be put to beneficial use as soon as affiant's land can be

developed and is made ready for application of water to beneficial use.

(c) That in the notice of proof of application of water to beneficial use being published by Clifford Agenbroad in connection with Permit No. 21370, it is stated ~~that~~ proof will be submitted of the application to beneficial use of 5.6 cubic feet per second of water of Little Valley Creek; that there is insufficient natural flow in the water of Little Valley creek to equal 5.6 cubic feet per second or any part thereof subsequent to about the month of May of each year and that during most of the irrigating season of each year the entire flow of Little Valley Creek consists wholly of waste water, a large portion of which is presently being produced by the well of affiant as above mentioned; that affiant is presently developing his land for the purpose of irrigation and that as soon as the development is completed all of the water now being wasted from affiant's well will be put to beneficial use and that affiant hereby protests any attempt on the part of the said Clifford Agenbroad to file upon any part of the water presently being wasted from affiant's well for the reasons above mentioned.

That for the foregoing reasons a license should not be issued confirming the right and claim by the said James Agenbroad and Sons, Ernest Agenbroad and Clifford Agenbroad, as above mentioned.

Frank L. Lipp

Subscribed and sworn to before me this 31st day of August, 1955.

Ernest Hall
Notary Public for Idaho
Residing at Mountain Home, Idaho
My Commission expires June 20, 1959

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 3rd day of September, 1955,
at Hampa, County of Canyon, State of Idaho, before
Victor Ford, Notary Public, proof will be submitted of the
application to beneficial use of 4 cubic feet per second of the waters of unnamed stream
in accordance with the terms and conditions of Permit No. 25320
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

James Arenbroad and Sons Rt. #3 Hampa, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 4 cubic ft. per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32; W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29; Twp. 6 South, Range 5 East, B. M. and
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, Twp. 7 South, Range 5 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

Benham Canal

The right to take water from such works is based upon Permit No. 25320

The source of supply from which such water is diverted is Unnamed stream, tributary to
Little Valley Creek.

The date of priority which said user is prepared to establish is December 13, 1964

MARK R. KULP
State Reclamation Engineer.

25320

August 5, 1955

Re: Permits Nos. 21338-21370-
21394 & 25320

Owyhee Chronicle
Homedale, Idaho

Gentlemen:

Enclosed find four notices for publication,
once a week for four weeks, beginning with your
issue of August 11, 1955.

The cost of publication is to be paid by the
applicants, to whom please send affidavit of publication,
when completed, together with statement of costs, in
care of James Agenbrod, Route 3, Nampa, Idaho.

Please acknowledge receipt of this notice.

VERY TRULY YOURS,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

25320

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 2, 1955

(P. O.) _____

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Owyhee Chronicle of Homedale, Idaho published in
the county in which the works are situated.

James Agnew

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

25320

✓
August 11, 1955

RE: Permit No. 25320

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

We enclose Certificate of Completion of Works issued on Permit No. 25320 in the name of James Agenbroad & Sons for the diversion of 4 second feet of water from an unnamed stream tributary to Little Valley Creek with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 7 South, Range 5 East, B.M., for the irrigation of lands as described in this Section and in Sections 29 and 32, Township 6 South, Range 5 East, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:eu
Enc.

25320

Permit No. 25320STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Canyon

ss.

James Azenbroad, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 25320, and that his postoffice address is Rt. #3 Nampa, Idaho State of IdahoSecond: That the name of the stream from which said water is to be diverted is Unnamed stream, tributary of Little Valley Creek.Third: That the point of diversion of said water is N.W. 1/4, S.W. 1/4 Section 5 T. 7S. R. 5E. B. M. Owyhee County.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Dec 23, 1955, 1955.Fifth: That the use for which said water is intended is IrrigationSixth: That on the date above mentioned, the works constructed under said permit were ~~(incomplete)~~ fully completed and consisted of the following:I. Kind of works: a dam, and ditch
(Reservoir, dam, ditch, ~~flume, pipe~~ or otherwise)

II. Dimensions of work:

(a) Height of dam 8 feet, length of dam at top 60 feet, length of dam at bottom 20 feet. Material used in construction earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.(c) Size of headgate: ~~Width xxxxxxxxxx feet, height xxxxxxxxxx feet~~ 3ft. tile(d) Conduit ditch width at bottom 5 feet, width at water line 10
(State whether ditch, ~~flume~~ or pipe)feet, depth of water 1 feet; diameter of pipe inches, average grade per mile is 8 feet. Length of conduit is 3 miles.Seventh: That said works are capable of conducting to the place of intended use 4 second feet of water.Eighth: That water appropriated under said permit is available for 200 acres of land described as follows: W. 1/2, N.W. 1/4, N.W. 1/4 S.E. 1/4 Sec. 32 and W. 1/2 N.E. 1/4 Sec. 29 T. 6S. R. 5E. B. M. NE 1/4 NW 1/4 Section 5, Twp. 7 S., Range 5 E., B.M.Ninth: Remarks: That James P. Azenbroad
(Sign Here)Subscribed and sworn to before me this 2nd day of August, 1955My commission expires 11-6-57Nicholas C. Ford
Notary Public.

25320

December 30, 1954

RE: Permit No. 25320

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

We enclose Permit No. 25320 in the name of James
Agenbroad and Sons and direct your attention to the
limitations and conditions as given on the fourth page
under Approval of the State Reclamation Engineer.

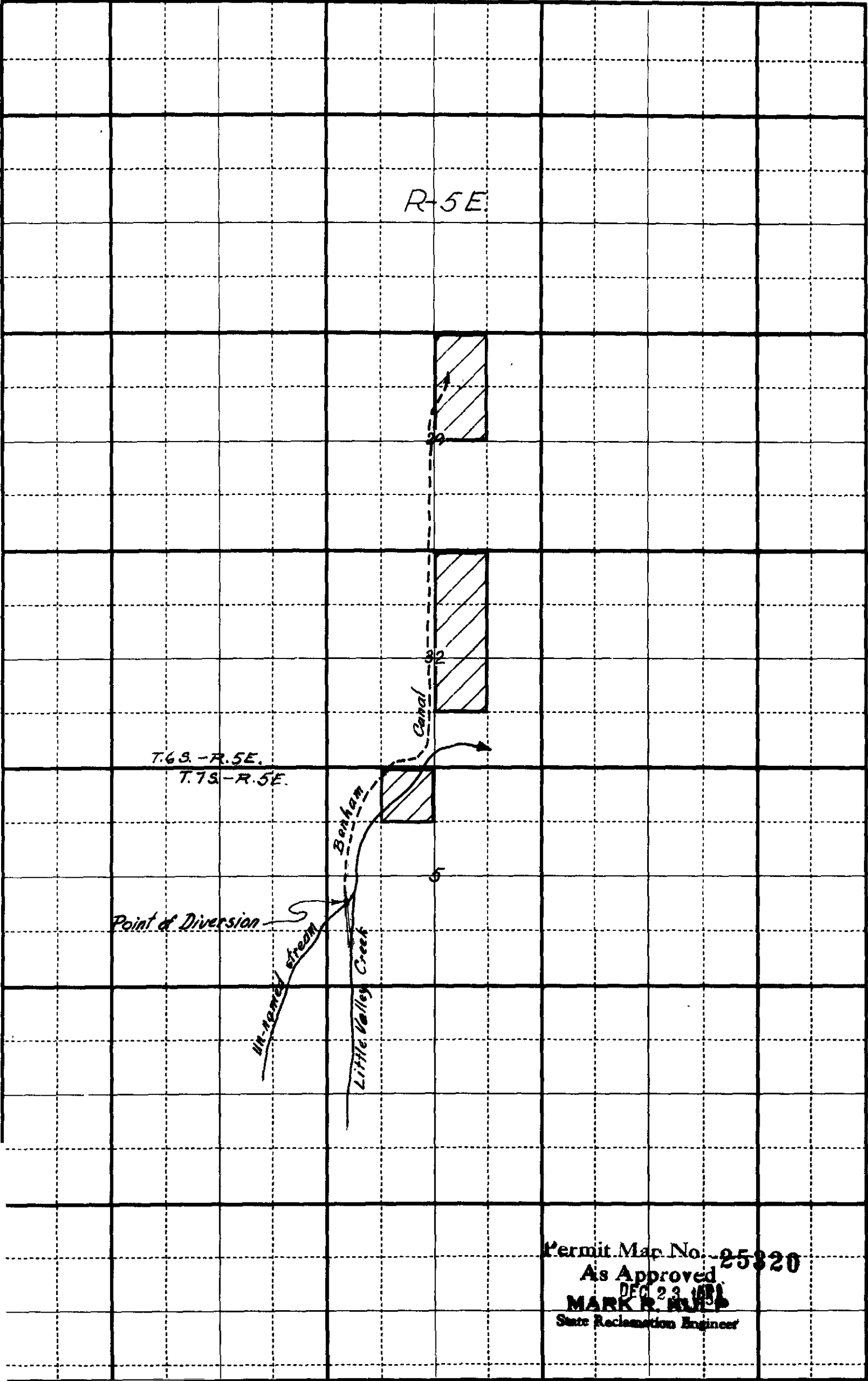
Very truly yours,

MA & R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

25320



Permit Map No. 25320
As Approved
DEC 23 1931
MARK R. RUIP
State Reclamation Engineer

APPLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 A. M. on the 3rd day of September, 1955, at Nampa, County of Canyon, State of Idaho, before Victor Ford, Notary Public, proof will be submitted of the application to beneficial use of 4 cubic feet per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 25320 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James Agenbroad and Sons Rt No. 3 Nampa, Idaho.

The use to which said water has been applied is Irrigation.

The amount applied to beneficial use is 4 cubic ft. per second

The place where said water is used W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29, Twp. 6 South, Range 5 East, B. M. and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, Twp. 7 South, Range 5 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Benham Canal.

The right to take water from such works is based upon Permit No. 25320.

The source of supply from which such water is diverted is Unnamed stream, tributary to Little Valley Creek.

The date of priority which said user is prepared to establish is December 13, 1954.

MARK R. KULP
State Reclamation Engineer.

8-11-55

8.11.4