

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 2 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.

Ronald Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 57 - 2112

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 - 2112 and is recorded as follows:

Amount: 3.5 cfs.

Priority: November 8, 1949.

Point(s) of Diversion: SW $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 28 T6S - R5E B. M., Owyhee County.

The water is used for irrigation & domestic purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, W $\frac{1}{2}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T6S - R5E B. M.

TO BE CHANGED AS FOLLOWS

Amount: 3.5 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., SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 28, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21 T6S - R5E B. M.

The water will be used for irrigation & domestic purposes on 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.

OK
1-24-78
M

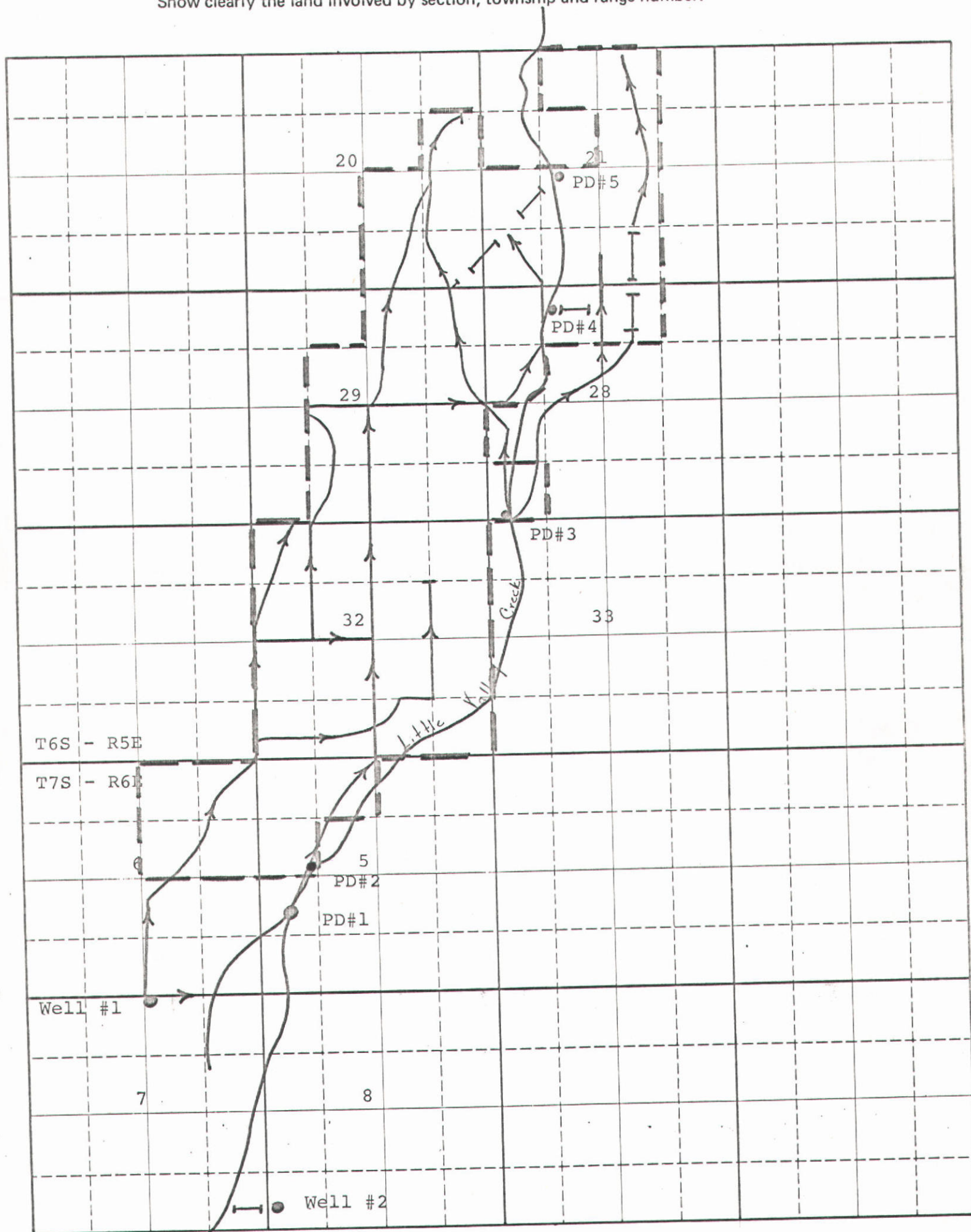
RECEIVED

JAN 24 1978

Department of Water Resources
Western Regional Office

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.



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

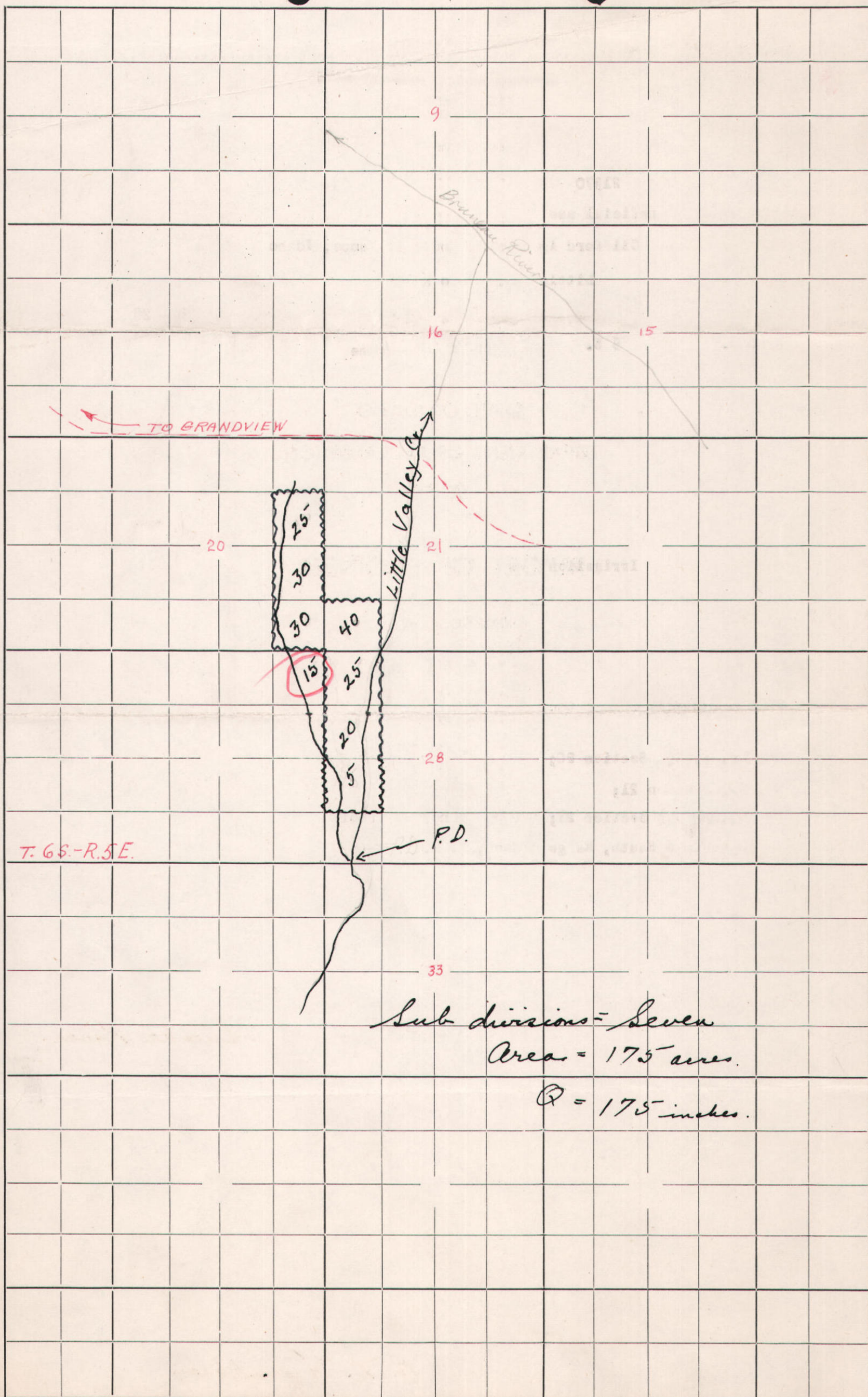
Little Valley Creek (aka Jack Creek)

Pipeline

Ditch

Property Boundary

MICROFILMED



Sub divisions = Seven
Area = 175 acres.
Q = 175 inches.

Clifford Agenbroad

Rte. 3, Nampa, Idaho

Permit No. 21370

Examination for Beneficial use

County Owyhee

28-6S.-5E.

Q = 5.6 c.f.s.

S = Little Valley Creek.

P.D. = SW, SW., Sec. 28, T.6S.-R.5E.

Use = Irrigation & Domestic

Priority = Nov. 8, 1949
Due =

M/W = 7-31-54

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.

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APR 11 1956

Department of Reclamation

15' x 9' 1/2"
in blocks
Est. 3' head when pipe
x 8' concrete
Spillways on East 16' x 3 1/2'
10' x 10' x 8' x 100'
Plank head etc.
heading in creek
8' x 8' x 12' x 8' concrete
metal headgate
18" x 18' x 8' concrete pipe
West Spillway

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLI- CATION OF WATER TO BENE- FICIAL 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 5.6 cubic feet per second of the waters of Little Valley Creek in accordance with the terms and conditions of Permit No. 21370 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 Clifford Agenbroad Rt. No. 3 Nampa, Idaho.

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

The amount applied to beneficial use is 5.6 cu. ft. per second.

The place where said water is used SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; All in Twp. 6 South, Range 5 East, B. M.

The right to take water from such works is based upon Permit No. 21370.

The source of supply from which such water is diverted is Little Valley Creek.

The date of priority which said user is prepared to establish is Nov. 5, 1949.

MARK R. KULP
State Reclamation Engineer
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

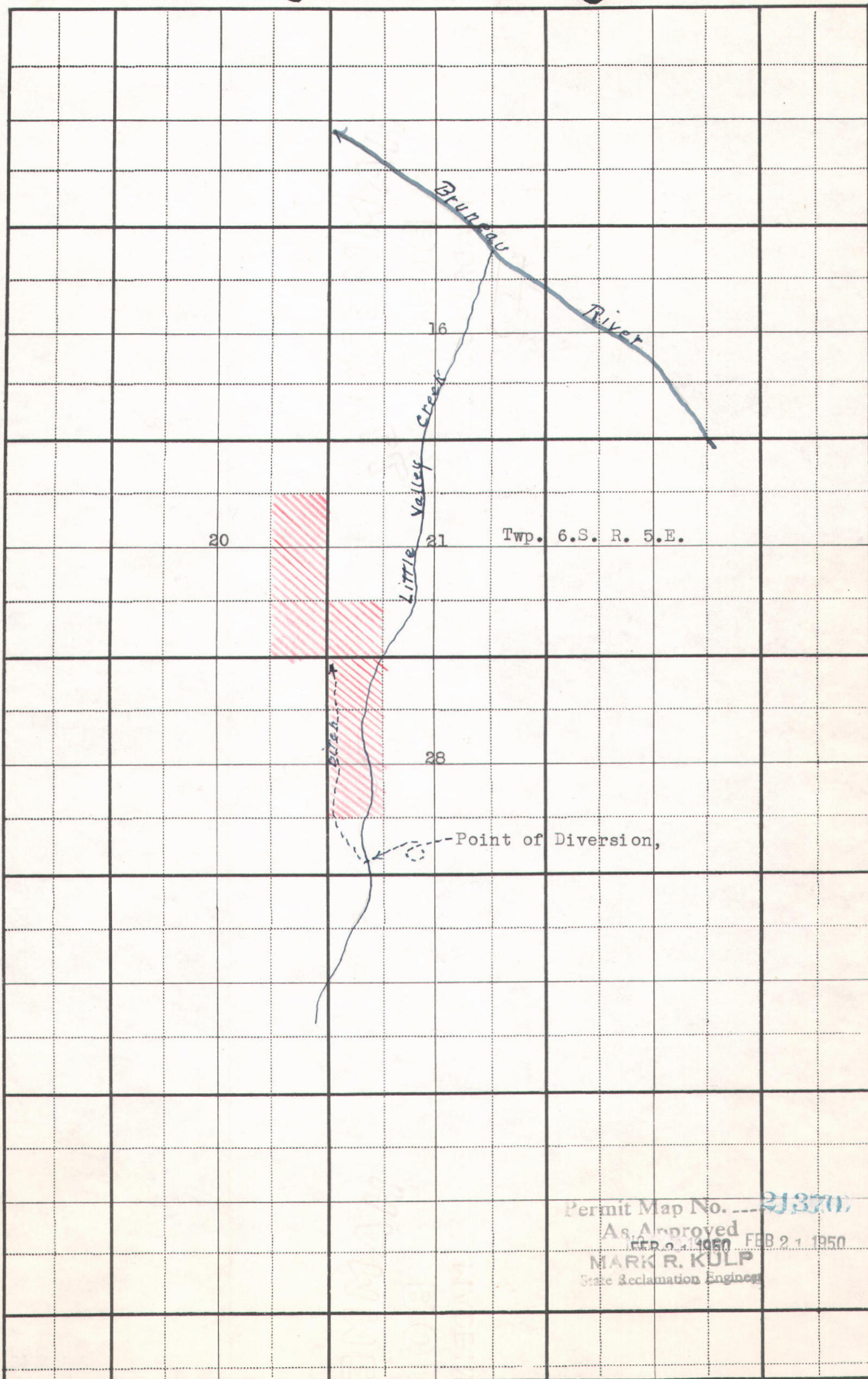
Subscribed and sworn to before me this 2 day of Sept.
A. D., 195 5.

Jesse E. Egan
Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho

My commission expires March 20, 195 9.

21370



Permit Map No. 21370
As Approved
FEB 21 1950
MARK R. KULP
State Reclamation Engineer

SCALE: ONE INCH TO ONE MILE

Township _____ Range _____

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

21370

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

} s.s.

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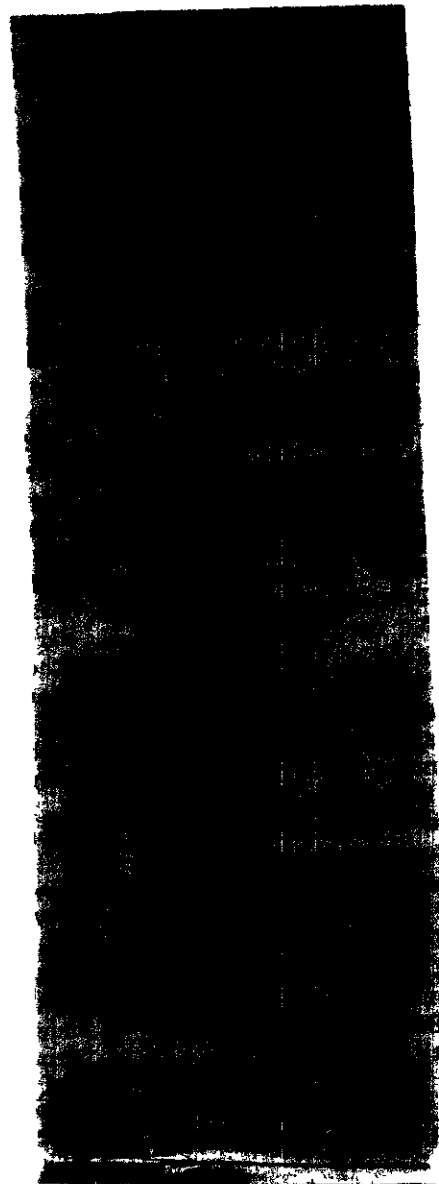
Rodney A. Hawes
PUBLISHER

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

Rodney A. Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)



OK
1-24-78
M

NOTARY PUBLIC

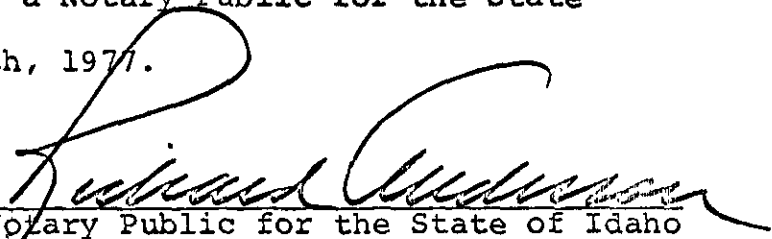
CERTIFICATE OF TRUE COPY

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 $0^{\circ}16'$ 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

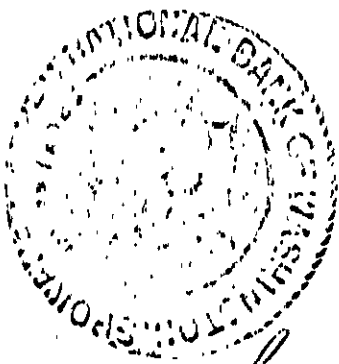
Bruce McConnell

Leland D. Agenbroad

Leland D. Agenbroad

Dorlene Faye Agenbroad

Dorlene Faye Agenbroad



attest. M. J. Schaefer
TRUST OFFICER

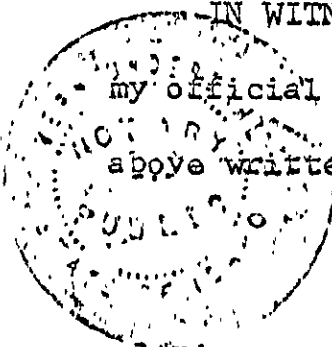
OLD NATIONAL BANK OF WASHINGTON
Spokane, Washington, as Trustee
of the testamentary trust established
and created by the Last Will and
Testament of Clifford James
Agenbroad (deceased)

By [Signature]
Vice President and Trust Officer

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

On this 67th 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.



Virginia Anderson
Notary Public for the State of Idaho,
Residing at Idaho

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

On this 7th 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.

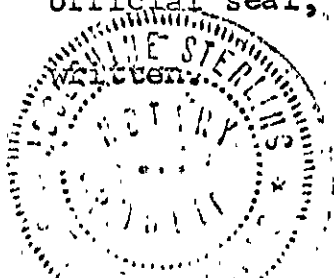


Josephine A. Anderson
Notary Public for the State of Idaho,
Residing at Idaho

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

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

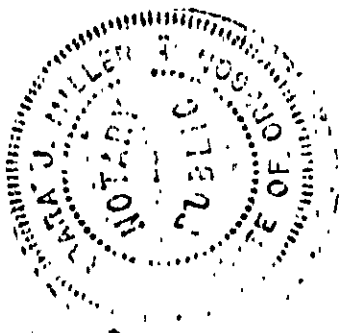


James Earl Sterling
Notary Public for the State of Idaho,
Residing at Boise, Idaho.

STATE OF Oregon,)
) ss.
COUNTY OF Washington

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.

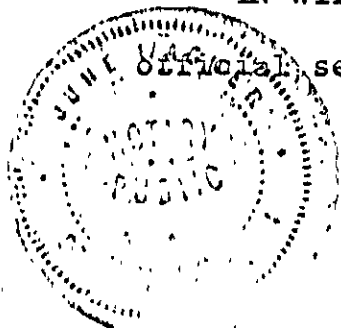


Barbara D. Miller
Notary Public for the State of Oregon
Residing at The Woodmen Building

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

On this 21st 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 _____

My Commission Expires Sept. 12, 1975

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

On this 21st day of October, in the year 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared CLIFFORD JAMES AGENBROAD, 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 Number 130712

*** WARRANTY DEED ***

Laura M. Agenbroad, et al

to Bruneau Cattle Co

Recorded	☒
Compared	☒
Ind. Direct	☒
Ind. Reverse	☒
Ek. & Pg. E.	☐
Ek. & Pg. R.	☐
Assigned	☐
Released	☐

STATE OF IDAHO, } ss.
Owyhee County, }

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

NICK INLI
Ex-Officio Recorder.

By C. Nittler
Deputy.

Fee, \$ 8.00

SECRET

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 18th day of May, 1977.


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

THIS INDENTURE, Made this 25th day of September, , in the year of our Lord one thousand nine hundred and fifty-nine between

LITTLE VALLEY RANCH, INC.

a corporation duly organized and existing under the laws of the State of Idaho, and having its principal office in Idaho at Bruneau, in the County of

Owyhee , party of the first part, and BRUNEAU CATTLE CO., an Idaho corporation, having its principal place of business in Idaho at

Bruneau , County of Owyhee , State of Idaho, party of the second part,

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of

TEN DOLLARS and other valuable consideration -----DOLLARS,

lawful money of the United States of America, to it in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors heirs and assigns forever, all

the following described real estate situated in the County of Owyhee,

State of Idaho, to-wit: A parcel of land in the southwest quarter of the southwest quarter of Section 21, Township 6 South, Range 5 East, Boise Meridian, bounded and described as follows:

Beginning at the quarter corner common to sections 20 and 21, Township 6 South, Range 5 East, Boise Meridian, thence south 0°16' east along the section line between said sections 20 and 21 a distance of 1320 feet to the southwest corner of the northwest quarter of the southwest quarter of said section 21, thence south 89°55' east a distance of 660 feet along the south boundary line of the northwest quarter of the southwest quarter of said section 21 to a point, being the real point of beginning; thence south 30° east a distance of 1450 feet more or less to the southeast corner of the southwest quarter of the southwest quarter of said section 21, thence north 0°16' west along the east boundary line of the southwest quarter of the southwest quarter of said section 21 a distance of 1320 feet to the northeast corner thereof, thence north 89°55' west along the north boundary line of the southwest quarter of the southwest quarter of section 21 a distance of 660 feet more or less to the real point of beginning, containing 10 acres, more or less.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and 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 party 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 heirs and assigns forever. And the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said part y of the second part, its successors heirs and assigns, against the said party of the first part, and its successors, and against all and

MICROFILMED

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 party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance

to said resolution the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

LITTLE VALLEY RANCH, INC.

By James D. Agenbroad

Its President.

Attest Ernest R. Agenbroad

Its Secretary.

STATE OF IDAHO,

ss.

COUNTY OF

OWYHEE,

On this 24th day of October

in the year 19 59, before me

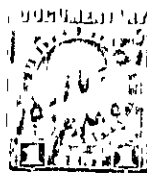
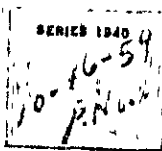
the undersigned

a Notary Public in and for the said State,

personally appeared James D. Agenbroad and Ernest R. Agenbroad, known to me to be the President & Secretary, respectively, of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Nick Ihli
Notary Public for the State of Idaho,
Residing at Naupaka, Idaho.



No. 101695

Corporation Warranty Deed

for Little Valley Ranch, Inc.

—TO—

Bruneau Cattle Co.

Dated September 25, 19 59

STATE OF IDAHO, }
COUNTY OF OWYHEE } ss.

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

Anderson, Kaufman and Anderson

at 20 minutes past 11

o'clock a M., this 22nd. day

of October, A.D. 19 59

in my office, and duly recorded in Book 52

of Deeds. at page 82

NICK IHLI
Ex-Officio Recorder,
Deputy.

Fees, \$ 1.80

Mailed to Anderson, Kaufman and
Anderson, Ida. Bldg. Boise, Ida.

STANDARD FILING CO., BOISE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 15 1977

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Department of Water Resources

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. 21370/51-2112 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 11/8/1949
5. Water is used for the following purposes:
amount ~~XXXXXX~~ for ~~XXXXXX~~ purposes from ~~XXX~~ to ~~XX/XX~~
amount 3.5 cfs. for irrigation purposes from 3/15 to 11/15
~~amount~~ and for domestic purposes from 1/1 to 12/31
(month/day -- both dates inclusive)
6. Total amount of water under right: a. 3.5 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SW ¼ of SW ¼ of Section 28
Township 6S Range 5E, B.M., in Owyhee County
Additional points of diversion, if any _____
8. Lands irrigated or 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	
6S	5E	20				25									30			30	85
		21											40						40
		28					25	20			5								50

Total number of acres to be irrigated 175

RECEIVED

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. 3.5 cubic feet per second
&/or
b. acre feet per annum
2. Point of diversion SW 1/4 SW 1/4, Section 28 Township 6S
Range 5E, B.M., Owyhee County
Additional points

3. Place of use:

TWP	RANGE	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	

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 1/4 1/4, 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.	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	
6S	5E	20				25									30			30	85
		21											40						40
		28					25	20			5								50

ATTACHED SHEET

APPLICATION FOR TRANSFER OF WATER RIGHT
BRUNEAU CATTLE COMPANY
LICENSE NO. 21370/51-2112

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

1. Change in point of diversion

a. Amount of water to be diverted - 3.5 cfs.

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

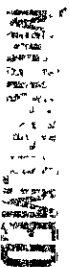
1. NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Twp. 7 South - Range 5 East, B.M.
2. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Twp. 7 South - Range 5 East, B.M.
3. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Twp. 6 South - Range 5 East, B.M.
4. NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Twp. 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.

c. Description of diverting works:

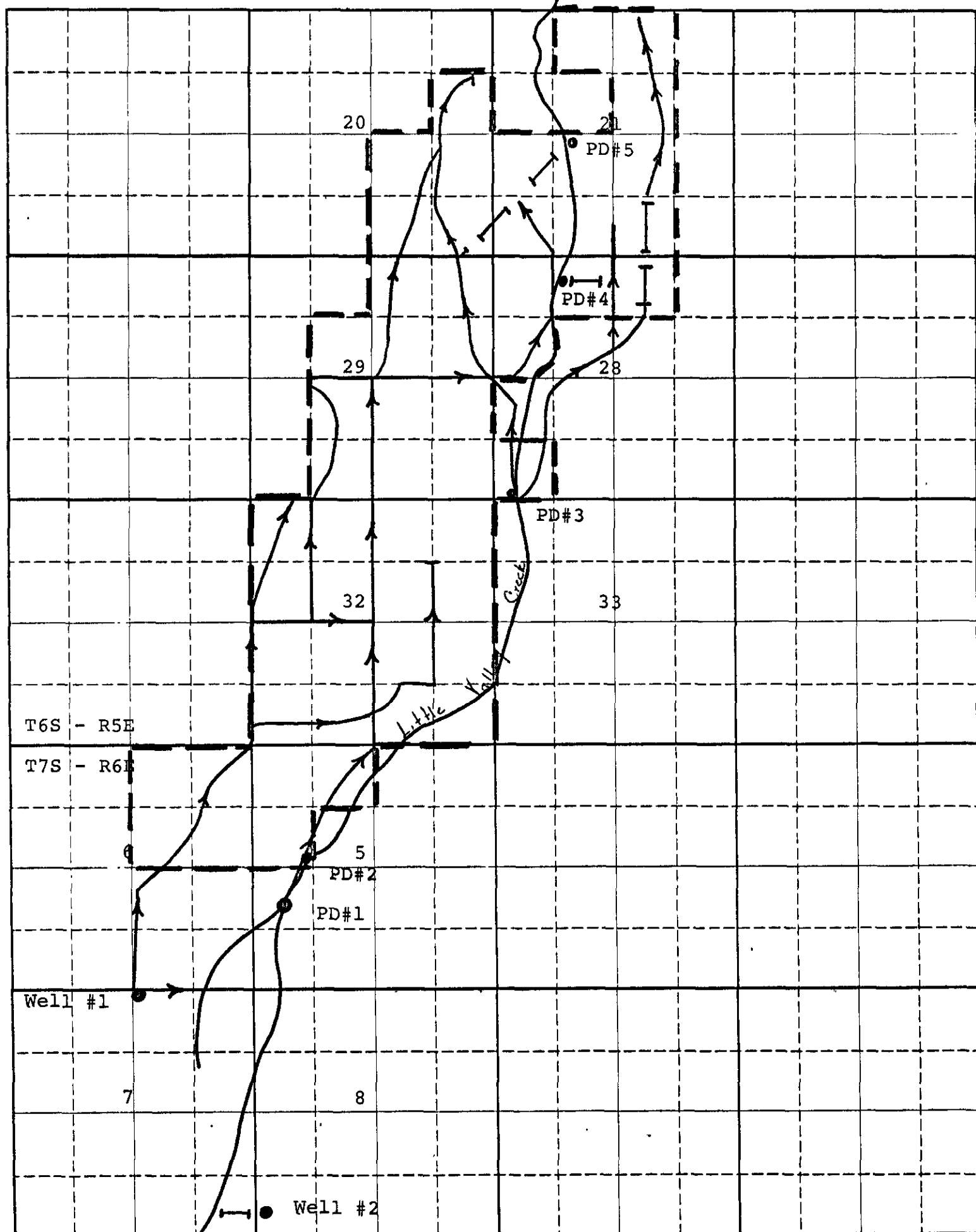
1. Dam.
2. Pump and motor.
3. Dam.
4. Pump and motor.
5. Pump and motor.

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

Lands to be irrigated by this License No. 21370/51-2112, 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, 22489/51-2124, 25320/51-2131, 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.



- 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

- 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
(Signature of applicant) President

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

My commission expires 7/25/78

Joseph J. Thackeray
(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. 51-2112, 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

A. Kenneth Dunn
DEPUTY DIRECTOR

FOR DEPARTMENT USE ONLY

Received by mlb Date 12/15/77

Prelim. check by jj Fee \$30⁰⁰

Receipted by mlb Date 12/15/77 ^{paid} #10213

Published in Owyhee Nugget

Pub. dates Jan 5 & 12, 1978

Watermaster recommendation requested on _____
_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial
by 1/28 S.S.

State of Idaho
License and Certificate of Water Right

Water License No. 21370

Amount 3.50 second feet

Water District No.

Priority November 8, 1949

THIS IS TO CERTIFY that CLIFFORD AGENBROAD
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 8, 1949; that Permit No. 21370
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.6 second feet, was issued thereunder on July 31, 1954, showing that said works
were completed on the 23rd day of July, 1954; and that on the 14th
day of September, 1955,
CLIFFORD AGENBROAD
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
Creek, a tributary of Bruneau River, for the purpose of irrigation and domestic
use, under Use Permit No. 21370 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 5695, on the 24th day of April, 1956;
The right hereby confirmed dates from November 8, 1949;
The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 28, Tp. 6 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 3.50 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.	20	SE ¹ NE ¹	40	25	
			NE ¹ SE ¹	40	30	
			SE ¹ SE ¹	40	30	
			SW ¹ SE ¹	40	40	
		21	NW ¹ NW ¹	40	25	
			SW ¹ NW ¹	40	20	
			28	NW ¹ SE ¹	40	5
				Number of Acres Actually Irrigated - - 175		

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.

MARK E. KULP

State Reclamation Engineer.

(SEAL)

51 2112

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

APPLICATION No. 28973
PERMIT No. 21370
DISTRICT No.

1. Name of Applicant: CLIFFORD AGENBROAD

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: 5.6 cubic feet per second.

3. Source of water supply: Little Valley Creek which is a tributary of Bruneau River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the SW¹/₄ SW¹/₄

of Section 28 , T. 6 S. , R. 5 E. , B.M., County of Owyhee

5. Water is to be used for Irrigation and domestic purposes.

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: \$ 2,000.00

8. Kind of works: Pump, ditches and headgate

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width 4 feet; height 4 feet.

11. Ditch: Width at bottom 3 feet; width at water line 6 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit Approx. 2 miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) 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: Permit No. 20908

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.

CLIFFORD AGENBROAD *Applicant.*

By **James Agenbroad** *Agent.*

Date of first receipt at Department of Reclamation: 11:15 A. M. November 8, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21370

Recorded in Book 76 Page 21370 Approved February 21, 1950

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 the 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 **April 21, 1950** 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 **August 21, 1952**

The whole of said work to be completed on or before February 21, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before February 21, 1961

WITNESS My hand this 21st day of February, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 21st.

day of **February** , 19 **50** .

STATE OF IDAHO

Countersigned:

(SEAL) By C. A. ROBINS

Governor.

Secretary of State.

REMARKS:

14.

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 $\frac{1}{4}$	
6 S.	5 E.	20	40												40				120
		21									40				40				40
		28					40 40				40								120

Total Number of Acres to be Irrigated - 280 -

Permit No. 21370

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CLIFFORD AGENEROAD of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 211 issued upon Application No. 28973 bearing date of priority of November 8, 1949, authorizing the diversion of 5.6 second feet of the waters of Little Valley Creek, a tributary of Bruneau River, County of Owyhee, State of Idaho, for irrigation and domestic purposes, has 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 5.6 second feet of the waters of Little Valley Creek; that the point of diversion of said waters is in the SW $\frac{1}{4}$ Section 28, Twp. 6 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: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28; All in Township 6 South, Range 5 East, B. M.

Witness my hand this 31st day of July, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made July 23, 1954.

Certificate of Completion of Works issued July 31, 1954.

LICENSE ISSUED FOR 3.50 SEC. FI

Page# 5695

March 1, 1978

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

Bruneau Little 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. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosures

RECEIVED
MAR 1 1978
BUREAU OF LAND MANAGEMENT
RENO, NEVADA

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Little Valley Creek Name Brunneau Cattle Co.

2. Right Being Transferred Right No. 51-2112

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 N.A.

9. Comments _____

10. Initial Review by Bob Hamilton Date _____

11. Recommended Action

☒ Approve

☐ Deny

☐ Conditions _____

By HZA

Date 1-24-78

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: 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.

Oxyhee 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

MICROFILMED

Bill submitted
1-24-78
rf

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 57-2112

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. 51-2112

_____ and is recorded as follows:

Amount: 3.5 cfs Priority: November 8, 1949

Point(s) of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28 T6S-R5E B.M., Owyhee County

The water is used for irrigation & domestic purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
Sec 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 28 T6S-R5E B.M.

TO BE CHANGED AS FOLLOWS

Amount: 3.5 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., SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21 T6S-R5E B.M. domestic

The water will be used for irrigation & purposes on 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 16 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

MICROFILMED

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 2112

DEPARTMENT OF RECLAMATION

Frank Faria

Against issuance of license to Clifford
Agenbroed for 5.6 cubic feet per second
of the waters of Little Valley Creek
under Permit No. 21370.

DISMISSAL OF PROTEST

On November 5, 1949, Clifford Agenbroad made application to appropriate 5.6 cubic feet per second of the waters of Little Valley Creek for the irrigation of 280 acres in Sections 20, 21, and 28, Township 6 South, Range 5 East, B.M.

The application was approved and Permit No. 21370 was issued. Proof was made of Completion of Works 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 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 the works were adequate and that 175 acres had been irrigated.

It is the decision of the State Reclamation Engineer that the appropriation of water from Little Valley Creek does not depend on a sustained yield of the Creek throughout the irrigation season and that waste water draining into Little Valley Creek becomes a part of the waters of Little Valley Creek as soon as it reaches the Creek and that the issuance of a license under Permit No. 21370 does not require continuance of waste water from the protestant's well into Little Valley Creek.

The protest is therefore dismissed and license will be issued under Permit No. 21370 for 3.50 cubic feet per second of the waters of Little Valley Creek with a priority of November 5, 1949.

Anyone feeling himself aggrieved by this dismissal of the protest and the issuance of license under Permit No. 21370 may appeal the same to the District Court for Owyhee 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
State Reclamation Engineer

DEPARTMENT OF RECLAMATION

Frank Parlo

Against issuance of license to Clifford Aggenbroed for 5.6 cubic feet per second of the waters of Little Valley Creek under Permit No. 21370.

LIENESSAL OF PROTEST

On November 5, 1949, Clifford Agenbroad made application to appropriate 5.6 cubic feet per second of the waters of Little Valley Creek for the irrigation of 280 acres in Sections 20, 21, and 28, Township 6 South, Range 5 East, B.M.

The application was approved and Permit No. 21370 was issued. Proof was made of Completion of Work and Certificate of Completion of Work 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 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 the works were adequate and that 175 acres had been irrigated.

It is the decision of the State Reclamation Engineer that the appropriation of water from Little Valley Creek does not depend on a sustained yield of the Creek throughout the irrigation season and that waste water draining into Little Valley Creek becomes a part of the waters of Little Valley Creek as soon as it reaches the Creek and that the issuance of a license under Permit No. 21370 does not require continuance of waste water from the protestant's well into Little Valley Creek.

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Anyone feeling himself aggrieved by this dismissal of the protest and the issuance of license under Permit No. 21370 may appeal the same to the District Court for Owyhee 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 Clifford
Agenbroad for 5.6 cubic feet per second
of the waters of Little Valley Creek
under Permit No. 21370.

DISMISSAL OF PROTEST

On November 5, 1949, Clifford Agenbroad made application to appropriate 5.6 cubic feet per second of the waters of Little Valley Creek for the irrigation of 280 acres in Sections 20, 21, and 28, Township 6 South, Range 5 East, B.M.

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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 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 the works were adequate and that 175 acres had been irrigated.

It is the decision of the State Reclamation Engineer that the appropriation of water from Little Valley Creek does not depend on a sustained yield of the Creek throughout the irrigation season and that waste water draining into Little Valley Creek becomes a part of the waters of Little Valley Creek as soon as it reaches the Creek and that the issuance of a license under Permit No. 21370 does not require continuance of waste water from the protestant's well into Little Valley Creek.

The protest is therefore dismissed and license will be issued under Permit No. 21370 for 3.50 cubic feet per second of the waters of Little Valley Creek with a priority of November 5, 1949.

Anyone feeling himself aggrieved by this dismissal of the protest and the issuance of license under Permit No. 21370 may appeal the same to the District Court for Owyhee 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

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

In the Matter of the protest of

Frank Faria

Against issuance of license to Clifford
Agenbroad for 5.6 cubic feet per second
of the waters of Little Valley Creek
under Permit No. 21370.

DISMISSAL OF PROTEST

On November 5, 1949, Clifford Agenbroad made application to appropriate 5.6 cubic feet per second of the waters of Little Valley Creek for the irrigation of 280 acres in Sections 20, 21, and 28, Township 6 South, Range 5 East, B.M.

The application was approved and Permit No. 21370 was issued. Proof was made of Completion of Works 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 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 the works were adequate and that 175 acres had been irrigated.

It is the decision of the State Reclamation Engineer that the appropriation of water from Little Valley Creek does not depend on a sustained yield of the Creek throughout the irrigation season and that waste water draining into Little Valley Creek becomes a part of the waters of Little Valley Creek as soon as it reaches the Creek and that the issuance of a license under Permit No. 21370 does not require continuance of waste water from the protestant's well into Little Valley Creek.

The protest is therefore dismissed and license will be issued under Permit No. 21370 for 3.50 cubic feet per second of the waters of Little Valley Creek with a priority of November 5, 1949.

Anyone feeling himself aggrieved by this dismissal of the protest and the issuance of license under Permit No. 21370 may appeal the same to the District Court for Owyhee 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.

SEAL

/s/ Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

21370

April 12, 1956

RE: Permits Nos. 21338, 25320, 21370

Mr. Frank Faria
Bruneseu
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. KILP
State Reclamation Engineer
By

Chief Clerk

Rshl
Enc.
cc - Mr. Perce Hall
Mr. James Agnew

21370

April 24, 1956

RE: Permit No. 21370

Mr. James Agenbroad
Route 3
Nampa, Idaho

Dear Mr. Agenbroad:

We enclose License and Certificate of Water Right issued on Permit No. 21370 confirming the right of Clifford Agenbroad to the use of 3.50 second feet of the waters of Little Valley Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 6 South, Range 5 East, B.M., with priority of November 8, 1949, for irrigation and domestic use on the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{2}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, 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 \$14.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

21370

April 12, 1956

RE: Permit No. 21370

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. 2370 in the name of Clifford Agenbroad. This report shows that he has irrigated 175 acres of land with water from Little Valley Creek with point of diversion being located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 6 South, Range 5 East, B.M., for use on the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, same Township and Range.

A License can, therefore, be issued for 3.50 cubic feet per second upon receipt of the ~~license~~ fee of \$14.00. This fee is at the rate of \$2.00 for each 40 acre subdivision irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll



ROBERT E. SMYLLIE
GOVERNOR

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

BOISE

April 12, 1956

RE: Permit No. 21370

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. 2370 in the name of Clifford Agenbroad. This report shows that he has irrigated 175 acres of land with water from Little Valley Creek with point of diversion being located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 6 South, Range 5 East, B.M., for use on the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, same Township and Range.

A License can, therefore, be issued for 3.50 cubic feet per second upon receipt of the License fee of \$14.00. This fee is at the rate of \$2.00 for each 40 acre subdivision irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge
Chief Clerk

R:hll

21370

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

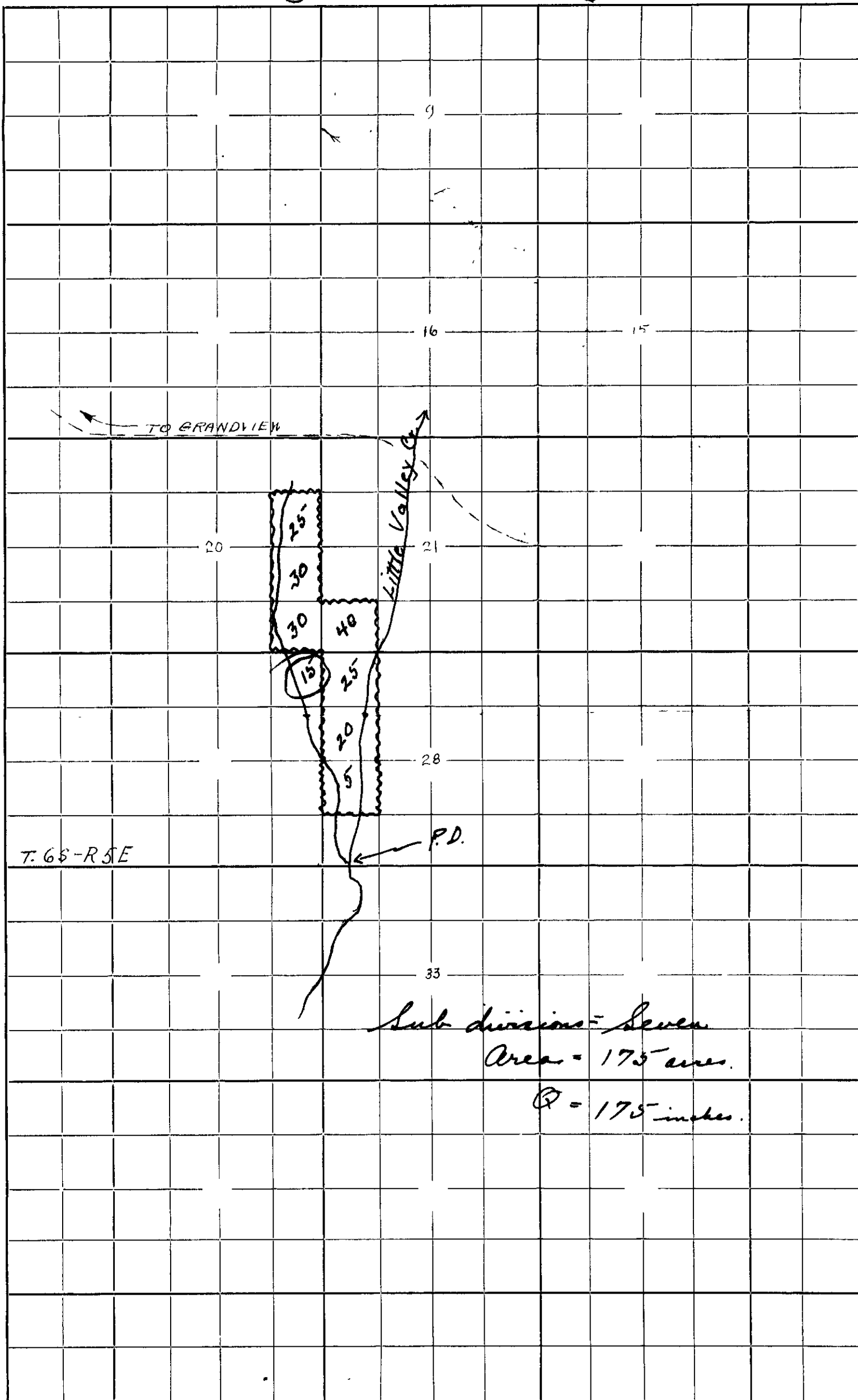
PERMIT NO. 21370

REPORT ON PROOF OF Beneficial use

CLIFFORD AGENBROAD, Route 3, Nampa, Idaho

3.50 cfs
max

app. 5.6 cfs
Sub 7
on 11-1-56



Sub divisions = Seven
 Area = 175 acres.
 Q = 175 inches.

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

Permit No. 21370

This proof is for Beneficial use In Water District 116

1. Name of applicant Clifford Agenbroad, Route 3, Nampa, Idaho
2. Source of water supply: Little Valley Creek
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28
T. 6 S. R. 5 E. County of Owyhee
4. Describe works as they exist, giving dimensions and capacities of same: There is a concrete heading 8' wide by 8' high by 12' long, plank flash boards. Dam is 10' wide by 8' high by 100' long with a spillway on the East 16' wide 3' high by 8' long. Freeboard is 3'. There is a ditch on each side of the reservoir leading to lands to be irrigated. There is a concrete pipe 18" diameter 18' long with a metal headgate that extends through the dam. There is a pipe line on the East side 15" diameter by 9' long extending through into the ditch on that side.
5. Water is used for: Irrigation
6. 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):

SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20;SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21;W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; (NW $\frac{1}{4}$ SW $\frac{1}{4}$ not in proof)Township 6 South, Range 5 East, B. M.See 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? Snake River.

Remarks:

This examination was made on the 9th day of April, 19 56

(Signed)

E. N. Humphrey

Examiner.

21370

Examination for Beneficial use

County Owyhee 28-6S-5E

Qz 5.6 c.s.

S = Little Valley Creek.

P.L. = SW. SW. 1/4, Sec. 28, T. 6 S. - R. 5 E

See Division 8, 100000

Examination = Nov. 8, 1949

Qz = 5.6 c.s.

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

6 x 10 1/2

is blocked.

3 x 5' concrete
applied in 16' x 16' x 16'

10' x 8' x 10'

heading in rock
blank

2' x 2' x 12' x 12' cone

metal 1' x 1' x 1'

18" x 18" x 18" cone pipe

best of all

✓
September 27, 1955

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

Mr. James Agenbroad
Route # 3
Kampa, 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:hl1

21320

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

Miss E. E. Egan

Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho

My commission expires March 30, 1959

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21370

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Clifford Avenbroad, 33, Nampa, Farmer, 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. _____

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

Ans. Permit # 21370 Priority Date Nov. 8, 1949

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

Ans. Little Valley Creek S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 28 T.6S. 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 and ditch capable of carrying up to 6 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. S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$, 30 Acres; E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 20, 60 acres;
S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 21, 20 acres; W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ Sec. 28, 55 acres; all in
T. 6S. R. 5E. Boise Meridian. Cultivated, seeded to hay, grain and
Pasture.

See Notary's affidavit in 21338

21370

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. 5 Sec. ft. More needed at times.

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. During the years 1953--54--and 55 there has been used when available for irrigation under the above permit up to 6 cu. ft. of water.

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. During the years 1953--54--and 55 there has been used as needed up to 4 sec. ft. of water from an artesian well, Permit No. 21394.

(Sign) Clifford J. Ford

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 Nampa, County of Canyon,

State of Idaho, on this 14th day of September, A. D. 1953.

Victor C. Ford

My commission expires 11-6-57

21376

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21370

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. Knutson, 70, Nampa, Well driller, Rt. #3 Nampa, Idaho

Ques 2 Are you acquainted with Clifford Aasenbroad, the holder of Permit No 21370? How long have you known him and where does he reside?

Ans 8 years. Rt. #3 Nampa, Idaho

Ques 3 Have you read or heard read said Permit No. 21370, 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 Little Valley Creek. Place of diversion is in the S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 28 T.6S. R. 5E. Boise Meridian. Private ditch.

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. S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$, 30 acres; E $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 20, 60 acres.

S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 21, 20 acres; N.W. $\frac{1}{4}$ Sec. 28, 55 acres; all in

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

21370

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. The land is sandy clay and volcanic ash and at times needs up to two inches per acre.

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 During the years 1953--54--and 55 I have witnessed up to 6 sec.
ft. of water being used on said land.

(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 Manzan,
County of Cayuse, State of Idaho, on this 14th day of September,
A. D. 1953.

Victor C. Ford
Notary Public.

My commission expires 11-6-57

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21370

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. Lim, 40, Bruneau, Farmer, Bruneau, Idaho

Ques 2 Are you acquainted with Clifford Arenbroad, the holder of Permit No 21370? How long have you known him and where does he reside?

Ans 8 years Rt. #3 Nampa, Idaho

Ques 3 Have you read or heard read said Permit No. 21370, 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 Little Valley Creek. Place of diversion is in the S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 28 T. 6S. R. 5E. Boise Meridian. Private ditch.

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. S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$, 30 acres; E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 20, 60 acres; S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 21, 20 acres; W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ Sec. 28, 55 acres; all in T. 6S. R. 5E. Boise Meridian. Cultivated, seeded to hay, grain and pasture.

21370

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 The land is sandy ealy and volcanic ash and at times needs up to
two inches per acre.

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 During the years 1953--54--and 55 I have seen up to 6 sec. ft.
of water being used on said land.

(Signed) Dean C. Lim

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 Nampa,
County of Canyon, State of Idaho, on this 17th day of September,
A D. 1953

Walter C. Furl

Notary Public.

My commission expires 11-6-57

21370

RECEIVED
AUG 31 1955

Department of Reclamation

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

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 Lewis

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

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

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 Agarbred, Route 3, Nampa, Idaho.

Please acknowledge receipt of this notice.

VERY TRULY YOURS,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21370

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 2, 1955

(P. O.) Nampa, Idaho

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 Nomedale, Idaho published in

the county in which the works are situated

Clifford 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.

21376

NOTICE FOR PUBLICATION

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 5.6 cubic feet per second of the waters of Little Valley Creek
in accordance with the terms and conditions of Permit No. 21370
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

Clifford Asenbroad Rt. #3 Nampa, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 5.6 cu. ft. per second

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

.....

13-00000-1000-28-66-2004-11

~~SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28;~~

-----All in Twp. 6 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

The right to take water from such works is based upon Permit No. 21370.....

The source of supply from which such water is diverted is Little Valley Creek

The date of priority which said user is prepared to establish is Nov. 5, 1949

MARK R. KULP
State Reclamation Engineer.

21 371

✓
August 4, 1954

RE: Permits Nos. 21338, 21370

Mr. James Agenbroad
Route 3
Nampa, Idaho

Dear Mr. Agenbroad:

We enclose Certificate of Completion of Works issued on Permit No. 21338 of Ernest Agenbroad for the diversion of 5 second feet of water from Little Valley Creek (Jack's Creek) with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 7 South, Range 5 East B.M. for irrigation and domestic use on the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; N $\frac{1}{2}$ NE, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, Township 6 South, Range 5 East B.M.

We also enclose Certificate of Completion of Works issued on Permit No. 21370 of Clifford Agenbroad for the diversion of 5.6 second feet of water from Little Valley Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 6 South, Range 5 East B.M. for irrigation and domestic use on the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28; all in Township 6 South, Range 5 East B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21370

Permit No. 21370

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Canyon
Clifford Acenbroad

ss.

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. 21370, and that his postoffice address is Route #3-Nampa, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Little Valley Creek, (Jacks Cr.)

Third: That the point of diversion of said water is S¹/₄ S¹/₄ of Sec. 28 T.6S R.5E, Boise Meridian, County of Owyhee.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 21, 1955.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~for xxxxxx~~ fully completed and consisted of the following:

I. Kind of works: dam, and ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 12 feet, length of dam at top 100 feet, length of dam at bottom 30 feet. Material used in construction earth and concrete

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 24 in. tile feet, height feet.

(d) Conduit ditch width at bottom 3 feet, width at water line 6 feet,
(State whether ditch, flume or pipe)

feet, depth of water 1 1/2 feet; diameter of pipe inches, average grade per mile is 8 feet. Length of conduit is 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use 5.6 second feet of water.

Eighth: That water appropriated under said permit is available for 240 acres of land described as follows: The S. E. 1/4 N. E. 1/4 and E. 1/4 of the S. E. 1/4 Sec. 20, the S. 1/4 S. E. 1/4 Sec. 21, the N. 1/4 N. E. 1/4 Sec. 28 T.6S. R.5E, Boise Meridian

Ninth: Remarks: That

(Sign Here)

Subscribed and sworn to before me this 23rd day of July 1954

My commission expires 11-6-57

Notary Public.

21370

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 21370

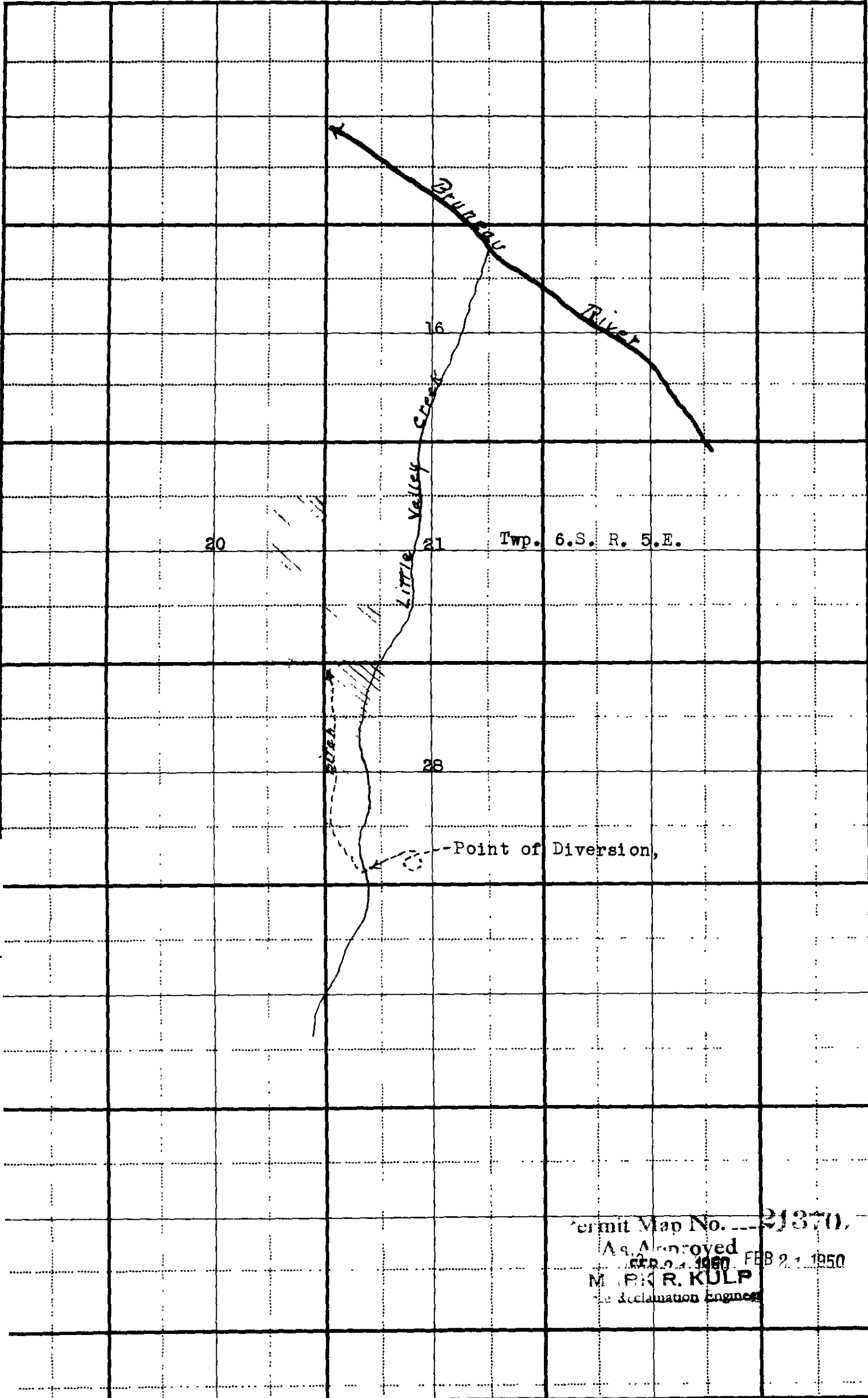
Date February 24, 1950

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Clifford Agenbroad
Route 3
Nampa, Idaho

MARK R. KULP
State Reclamation Engineer

21370



Permit Map No. 21370.
As Approved
FEB 21 1950 FEB 21 1950
M. P. R. KULP
Le. Declaration Engineer

SCALE: ONE INCH TO ONE MILE

Township						Range					
6	5	4	3	2	1						
7	8	9	10	11	12						
18	17	16	15	14	13						
19	20	21	22	23	24						
30	29	28	27	26	25						
31	32	33	34	35	36						

INTER-DEPARTMENT MEMO--1

DATE November 21, 1949

FROM State Reclamation Engineer

TO Field Engineer

SUBJECT Dam in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 6 South, Range 5 East, B.M.

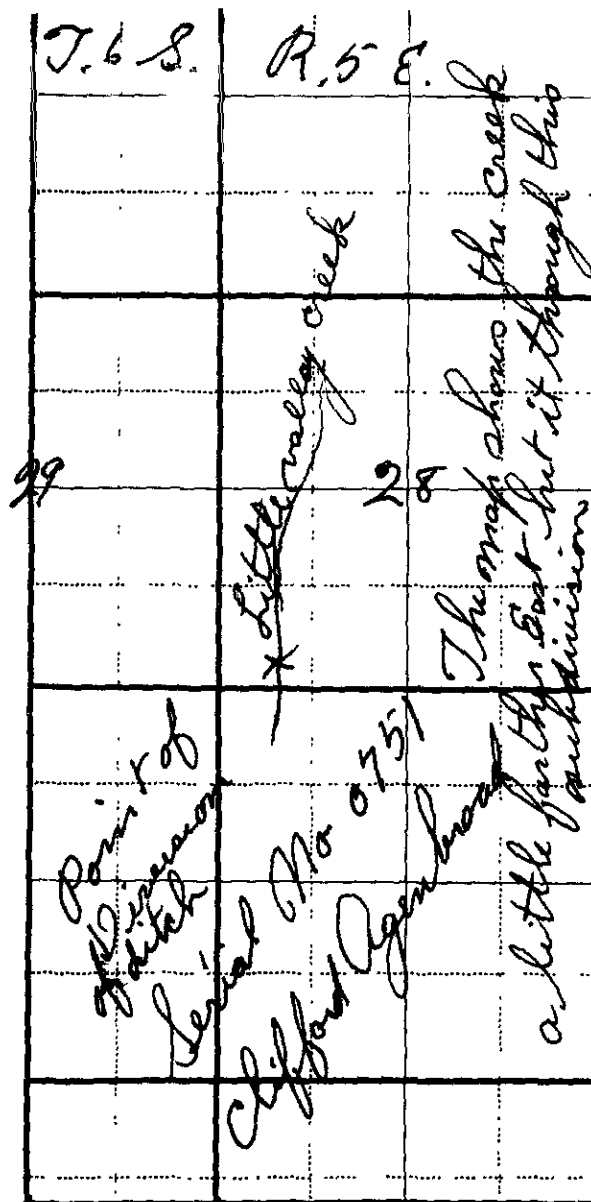
Please inspect a dam located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 6 South, Range 5 East, B. .

This dam is described in Permit No. 7426, under which a License was issued to Mr. Fred J. Born of Bruneau, for 2.4 second feet of water from Dry Creek, to be used on the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 6 South, Range 5 East, B.M. with priority of May 26, 1911.

A Mr. Bockencamp from Bruneau, called in regard to this dam which he thought might be interferred with by a new application of Clifford Agenbroed, with point of diversion in the same subdivision.

SIGNATURE

State Reclamation Engineer



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN

21377

NOTICE FOR PUBLICATION

NOTICE OF 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 5.6 cubic feet per second of the waters of Little Valley Creek in accordance with the terms and conditions of Permit No. 21370 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 Clifford Agenbroad Rt. No. 3 Nampa, Idaho.

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

The amount applied to beneficial use is 5.6 cu. ft. per second.

The place where said water is used SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; All in Twp. 6 South, Range 5 East, B. M.

The right to take water from such works is based upon Permit No. 21370.

The source of supply from which such water is diverted is Little Valley Creek.

The date of priority which said user is prepared to establish is Nov. 5, 1949.

MARK R. KULP

State Reclamation Engineer

8 - 11 - 55 8-11-4

NOTICE FOR PUBLICATION

NOTICE OF JOF APPLI- CATION OF WATER TO BENE- FICIAL 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 5.6 cubic feet per second of the waters of Little Valley Creek in accordance with the terms and conditions of Permit No. 21370 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 Clifford Agenbroad Rt. No. 3 Nampa, Idaho.

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

The amount applied to beneficial use is 5.6 cu. ft. per second.

The place where said water is used SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; All in Twp. 6 South, Range 5 East, B. M.

The right to take water from such works is based upon Permit No. 21370.

The source of supply from which such water is diverted is Little Valley Creek.

The date of priority which said user is prepared to establish is Nov. 5, 1949.

MARK R. KULP
State Reclamation Engineer

8-25-55 8-11-4

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION OF WATER TO BENEFICIAL USE.

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

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

The amount applied to beneficial use is 5.6 cu. ft. per second.

The place where said water is used SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; All in Twp. 6 South, Range 5 East, B. M.

The right to take water from such works is based upon Permit No. 21370.

The source of supply from which such water is diverted is Little Valley Creek.

The date of priority which said user is prepared to establish is Nov. 5, 1949.

MARK B. KULP
State Reclamation Engineer

8-11-4

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 5.6 cubic feet per second of the waters of Little Valley Creek in accordance with the terms and conditions of Permit No. 21370 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 Clifford Agenbroad Rt. No. 3 Nampa, Idaho.

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

The amount applied to beneficial use is 5.6 cu. ft. per second.

The place where said water is used SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28; All in Twp. 6 South, Range 5 East, B. M.

The right to take water from such works is based upon Permit No. 21370.

The source of supply from which such water is diverted is Little Valley Creek.

The date of priority which said user is prepared to establish is Nov. 5, 1949.

MARK R. KULP

State Reclamation Engineer

8-11-55 8-11-4