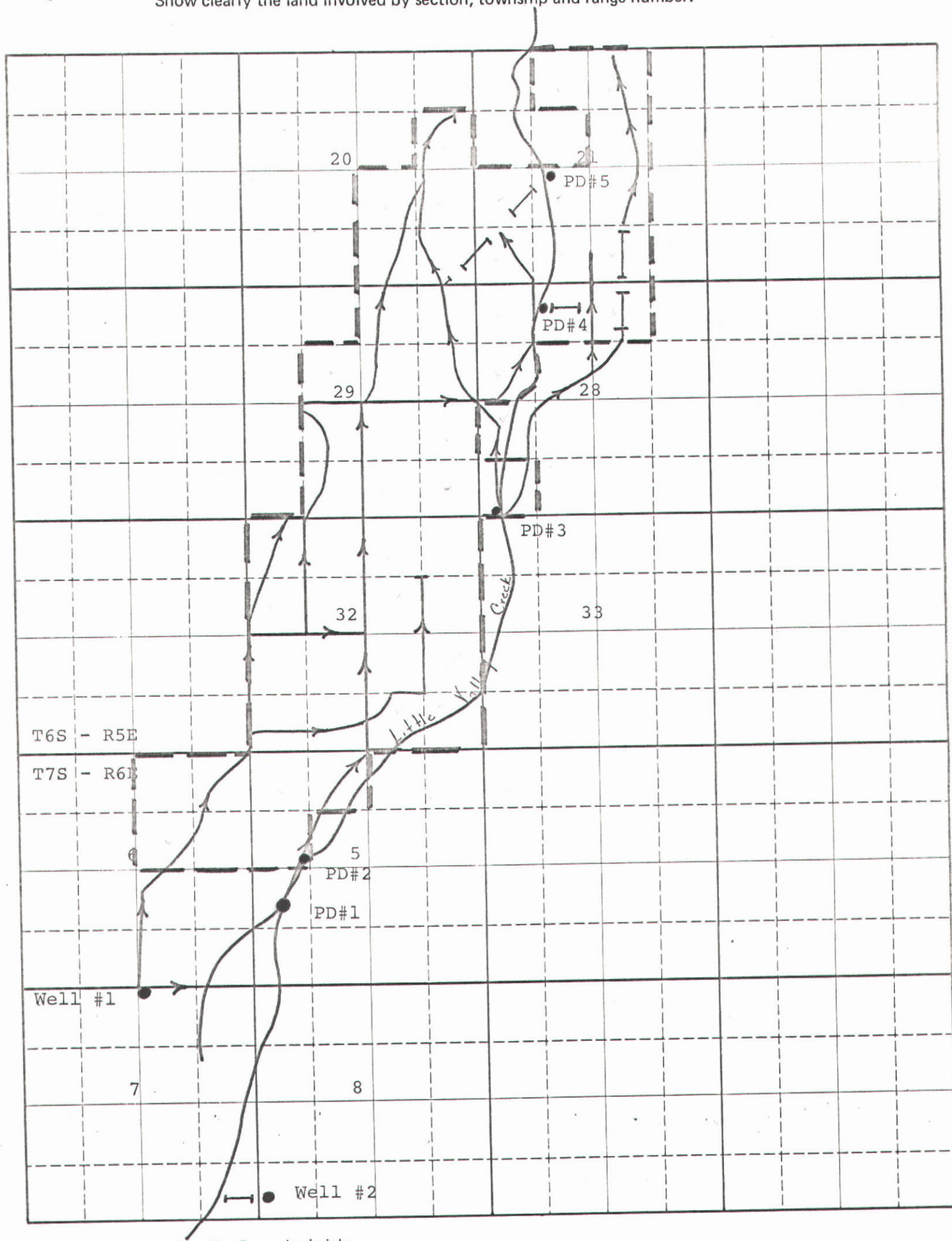


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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 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.

Leslie Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 51 - 2111

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 - 2111 and is recorded as follows:

Amount: 2.52 cfs.

Priority: January 19, 1950.

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 & domestic purposes within the W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ -NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T6S-R5E B. M.

TO BE CHANGED AS FOLLOWS

Amount: 2.52 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; 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 and 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
Jy
RECEIVED
JAN 24 1978

Department of Water Resources
Western Regional Office

MICROFILMED

R-5E.

TO GRANDVIEW



T. 6S.
T. 7S.

Township Line Offset



Little Valley Cr.

Subdivisions = five
Area = 126 acres
Q = 126 inches

P.D.

See protest

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

Ernest Agenbrodd
Route 3, Nampa, Idaho

Permit No. 21338

Examination for Beneficial use

County Owyhee

6-TS.-5E.

Q = 5.0 c.f.s.

S = Little Valley Cr. (Jacks Cr.)

P.D. = SE, SE, Sec. 6, T. 7S. - R. 5E.

Use = Irrigation & Domestic

Priority = Jan. 19, 1950
Due = Jan. 24, 1961

C/W = 7-31-54

18" x 15' corr. pipe
20" vert. headgate

head ing = corr. 4 1/2' w.
x 6' l. x 6' h.

Spill. is over & thru
the headgate 18" free.

3 1/8" pipe thru the head
gate - metal slide gate

Wings on concrete
2' x 6" thick

Ham 60' x 6' x 6' w. out
washed out.

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 cubic feet per second of the waters of Little Valley Creek in accordance with the terms and conditions of Permit No. 21338 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding such permit are Ernest 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 cu. ft. per second.

The place where said water is used W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29; Township 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 Benham Canal.

The right to take water from such works is based upon Permit No. 21338.

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 January 19, 1950.

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

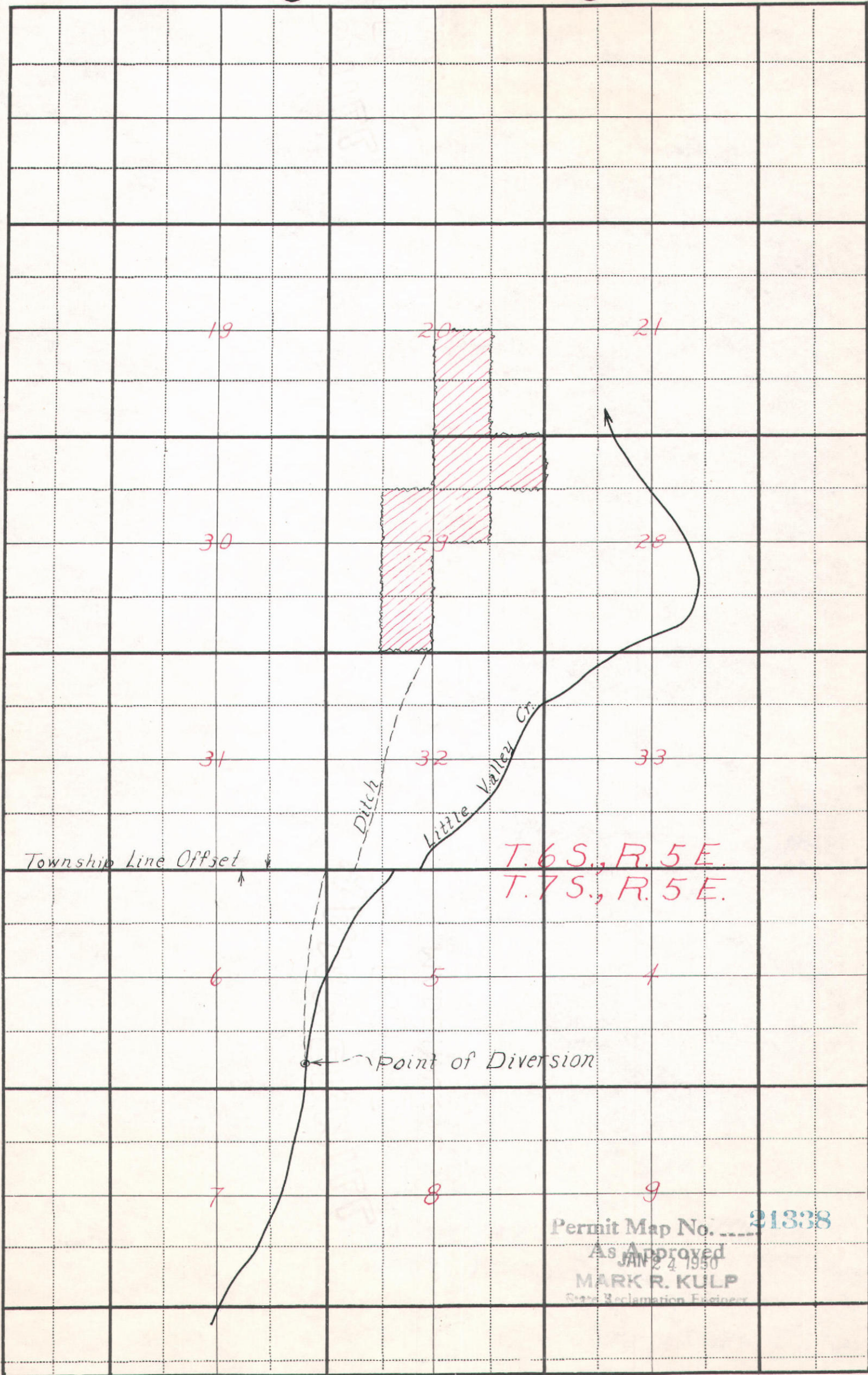
Subscribed and sworn to before me this 2 day of Sept.
A. D., 1955.

John E. Cheever
Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho

My commission expires March 20, 1959.

21338



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

Handwritten markings in the grid:

- Section 20: A small black dot and red scribbles.
- Section 29: A small black dot and red scribbles.

21330

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2195	Bruneau Cattle Company	2.52	0	51-2111

R

E

F

S

N

A

R

MICROFILMED

Transfer No. 2195

Application No. 51-2111

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. 21338/51-2111 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 1/19/1950

5. Water is used for the following purposes:

amount ~~2.52 cfs~~ for ~~xxxxxxx domestic~~ purposes from ~~1/1~~ to ~~12/31~~
amount 2.52 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. 2.52 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.

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	20														6	20		26
		29	40	25	35														100

Total number of acres to be irrigated 126

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. 2.52 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	20														6	20		26
		29	40	25	35														100

ATTACHED SHEET

APPLICATION FOR TRANSFER OF WATER RIGHT
BRUNEAU CATTLE COMPANY
LICENSE NO. 21338/51-2111

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

1. Change in point of diversion

a. Amount of water to be diverted - 2.52 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.,
all in Owyhee County.

c. Description of diverting works:

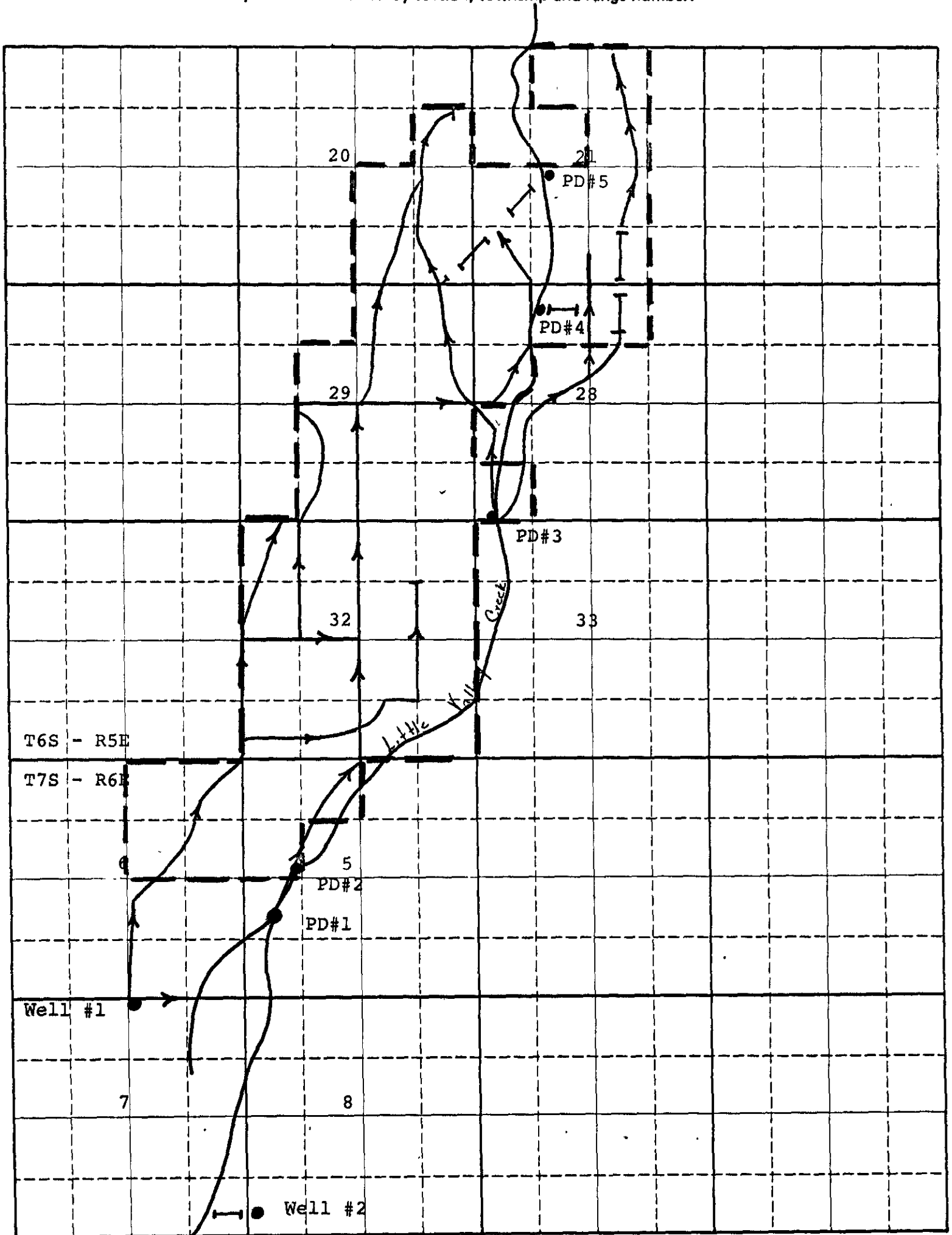
1. Dam.
2. Pump and motor.
3. Dam.
4. Pump and motor.
5. Pump and motor.

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

Lands to be irrigated by this License No. 21338/51-2111, 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, 21370/51-2112, 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.

2021-08-17

- 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

MICROFILM

- 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

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

My commission expires 7/25/78.

Joseph J. Thachuk
(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. 51-2111, 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

S. Kenneth Rumm
DEPUTY DIRECTOR

FOR DEPARTMENT USE ONLY

Received by cmld Date 12/15/77

Prelim. check by jj Fee \$30.00

Received by cmld Date 12/15/77 # Part 8 12/13

Published in Owyhee Nugget

Pub. dates Jan 5 + 12

Watermaster recommendation requested on _____

rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by JJL S.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 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.

Forrest Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

MICROFILMED

OK 24-78
RECEIVED

JAN 21 1978

Department of Natural Resources
Washington Regional Office

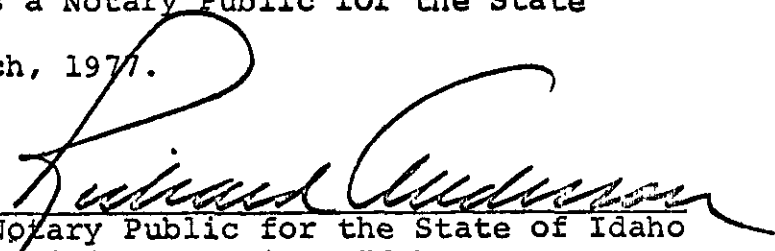
CERTIFICATE OF TRUE COPY

STATE OF IDAHO)
COUNTY OF ADA) ss.

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

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



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)

Attest: M. J. Lachner
TRUST OFFICER

By: [Signature]
Vice President and Trust Officer

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

On this 67th day of ^{NOVEMBER} October, 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 Boise

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

On this 4th day of ^{November} October, 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.

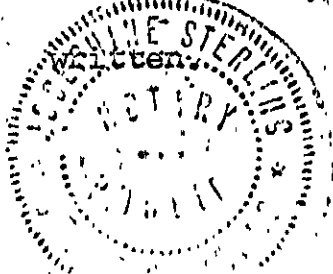
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Josephine Sterling
Notary Public for the State of Idaho
Residing at Boise

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

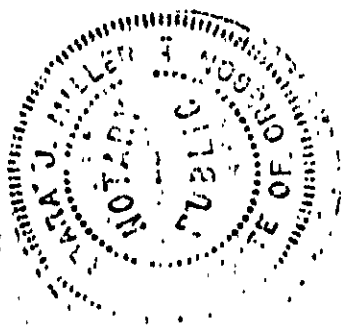


James Earl Sterlacy
Notary Public for the State of Idaho,
Residing at Boise, Idaho.

STATE OF Oregon,)
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.

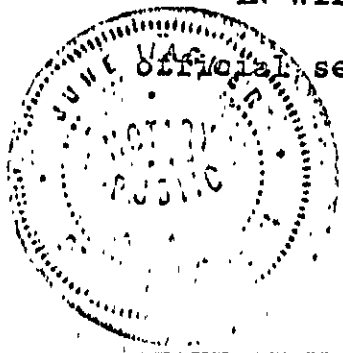


Barbara D. Miller
Notary Public for the State of Oregon
Residing at Portland, Oregon

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 411 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 CLIFFORD JAMES AGENBROAD, known to me to be the Vice President and Trust Officer ^{of the} 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. M. T.
Notary Public for the State of Washington,
Residing at Spokane, Washington.

Instrument Number 130712

*** WARRANTY DEED ***

Laura M. Agenbroad, et al

to	Recorded	☒
	Compared	☒
	Ind.-Direct	☒
	Ind.-Reverse	☒
	Bl. & Pg. B.	☐
	Bl. & Pg. R.	☐
	Assigned	☐
	Released	☐

Bruneau Cattle Co.

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 IRLI
Ex-Officio Recorder.

By C. Nittler
Deputy.

Fee, \$ 8.00

State of Idaho
License and Certificate of Water Right

Water License No. 21338 Amount 2.52 second feet
Water District No. Priority January 19, 1950

THIS IS TO CERTIFY that ERNEST AGENBROAD
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 19, 19 50 ; that Permit No. 21338
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5 second feet, was issued thereunder on July 31, 19 54, showing that said works
were completed on the 23rd day of July, 19 54 ; and that on the 14th
day of September, 19 55 ,
ERNEST 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
Cr. & Trib., a tributary of Bruneau River, for the purpose of irrigation and domestic
use, under Use Permit No. 21338 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 5696, on the 24th day of April, 19 56 ;
The right hereby confirmed dates from January 19, 19 50 ;

The Point of Diversion is located in the SE 1/4 SE 1/4 Sec. 6, Twp. 7 S., Rge. 5 E., B.M. and an additional
point of diversion from un-named tributary
in the NW 1/4 SW 1/4, 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 2.52 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	NW ¹ / ₄ SE ¹ / ₄	40	6.
			SW ¹ / ₄ SE ¹ / ₄	40	20
		29	NE ¹ / ₄ NE ¹ / ₄	40	40
			NW ¹ / ₄ NE ¹ / ₄	40	25
			SW ¹ / ₄ NE ¹ / ₄	40	35
			SE ¹ / ₄ NW ¹ / ₄	40	--
			NE ¹ / ₄ SW ¹ / ₄	40	--
			SE ¹ / ₄ SW ¹ / ₄	40	--
Number of Acres Actually Irrigated				- - 126	

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, 19 56 .

(SEAL) MARK R. KULP
State Reclamation Engineer.

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, 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 ¼ SW ¼, 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 ¼ NE ¼	40	25
			NE ¼ SE ¼	40	30
		21	SE ¼ SE ¼	40	30
			SW ¼ SW ¼	40	40
		28	NW ¼ NW ¼	40	25
			SW ¼ NW ¼	40	20
			NW ¼ SW ¼	40	5
		Number of Acres Actually Irrigated			

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.

Nº 21338
51-2111

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

APPLICATION No. 29032
PERMIT No. 21338
DISTRICT No.

1. Name of Applicant: **ERNEST AGENEROAD**

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:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: **Five (5)**

cubic feet per second.

3. Source of water supply: **Little Valley Creek (Jack's 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 **SE $\frac{1}{4}$ SE $\frac{1}{4}$**

of Section **6** , T. **7 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: \$ **200.00**

8. Kind of works: **Head gate and ditch**

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 **3**

feet; height

3

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

3

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

31x (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: **See 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.

ERNEST AGNEBROAD

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 4:00 P. M. January 19, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21338

Recorded in Book 76 Page 21338 Approved January 24, 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 **March 24, 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 July 24, 1952

The whole of said work to be completed on or before **January 24, 1955**

Beneficial use of water appropriated in accordance herewith, to be made on or before **January 24, 1961**

WITNESS My hand this 24th day of January, 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 24th.....

day of January, 19 50

STATE OF IDAHO

Countersigned:

(SEAL)

By..... C. A. ROBINS

Governor.

By J. D. "CY" PRICE

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																80	
		29	40	40	40				40	40			40			40	40	240	
Total Number of Acres to be Irrigated -																		320	
Permit No. 21338																			
Certificate of Completion of Works																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that ERNEST AGENBROAD of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 29032 bearing date of priority of January 19, 1950, authorizing the diversion of Five (5) feet of the waters of Little Valley Creek (Jack's Creek), County of Owyhee, State of Idaho, for irrigation and domestic use, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of Completion of the diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place use Five (5) second feet of the waters of Little Valley or Jack's Creek; that the point of diversion of said waters is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 7 South, Range 5 East, B. M. and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Township 6 South, Range 5 East, B. M. Section 29,																			
Witness my hand this 31st day of July, A. D. 1954.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made July 23rd, 1954.																			
Certificate of Completion of Works issued July 31st, 1954.																			
LICENSE ISSUED FOR 2.52 SEC. 17 Page # 5696																			

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. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
enclosures

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source _____

Name Brunson Cattle Co

2. Right Being Transferred

Right No. 51-211

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 R.W.H.

Date _____

11. Recommended Action

☒ Approve

☐ Deny

☐ Conditions _____

By [Signature]

Date 1-24-78



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



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: 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
Jef

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-2111

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. 51-2111

_____ and is recorded as follows:

Amount: 2.52 cfs Priority: January 19, 1950

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 & domestic purposes within the W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 20;

N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 29 T6S-R5E B.M.

TO BE CHANGED AS FOLLOWS

Amount: 2.52 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; 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~~ irrigation and domestic

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

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

July 16, 1971

Anderson,, Kaufman, Anderson and Ringert
Attorneys at Law
P. O. Box 2773
Boise, Idaho

Gentlemen:

Attached herewith is your receipt No. 6841 in the amount of \$ 9.45
for copies
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

51 2111

ANDERSON, KAUFMAN, ANDERSON AND RINGERT

LAWYERS

IDAHO BUILDING

BOISE, IDAHO 83701

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

July 1, 1971

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

RECEIVED
JUL 1 1971

Department of Water Administration

Department of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

Re: Anderson, Kaufman, Anderson and Ringert

Gentlemen:

I have your letter of June 29, 1971 enclosing copies
from your records and rendering statement for \$9.45.

Check for that amount is herewith.

I certainly do appreciate your prompt assistance and
attention to these matters.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON
AND RINGERT

By

Eugene H. Anderson

EHA:pho
Enclosure

Rec'd 7/1/71
16841

51 2111

June 29, 1971

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

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

ATTENTION: Eugene H. Anderson

P Dear Mr. Anderson:

P 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.

Y If we may be of further assistance, please advise.

Very truly yours,

Donald W. McKelowney
Appropriation Supervisor

DWM/BB

Enc: Copies (22)

51 2111

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 2111

RE: Permit Nos. 22000, 21827, ~~21338~~, 20699
25330, 21748, G-26034 & G-26116

see

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

21338

April 24, 1956

RE: Permit No. 21338

Mr. James Agenbroad
Route 3
Nampa, Idaho

Dear Mr. Agenbroad:

We enclose License and Certificate of Water Right issued on Permit No. 21338 confirming the right of Ernest Agenbroad to the use of 2.52 second feet of the waters of Little Valley Creek and Tributary with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 7 South, Range 5 East, B.M. and an additional point of diversion from un-named tributary in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, Township 7 South, Range 5 East, B.M., with priority of January 19, 1950, for irrigation and domestic use on the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, 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 \$16.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

21338

April 12, 1956

RE: Permit No. 21338

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. 21338 in the name of Ernest Agenbroad. This report shows that he has 126 acres of land located in the $W\frac{1}{2}SE\frac{1}{4}$ Section 20, $W\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}NE\frac{1}{4}$ Section 29, Township 6 South, Range 5 East, B.M., with water from Little Valley Creek with an additional point of diversion from an un-named 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 2.52 cubic feet per second of water upon receipt of the license fee of \$16.00. 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

Rshll



ROBERT E. SMYLLIE
GOVERNOR

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

BOISE

April 12, 1956

RE: Permit No. 21338

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. 21338 in the name of Ernest Agenbroad. This report shows that he has 126 acres of land located in the $W\frac{1}{2}SE\frac{1}{4}$ Section 20, $W\frac{1}{2}NE\frac{1}{4}$ and $NE\frac{1}{4}NE\frac{1}{4}$ Section 29, Township 6 South, Range 5 East, B.M., with water from Little Valley Creek with an additional point of diversion from an un-named 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 2.52 cubic feet per second of water upon receipt of the License fee of \$16.00. This fee is at the rate of \$2.00 for each 40 acre sub-division irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge
Chief Clerk

R:hll

21338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

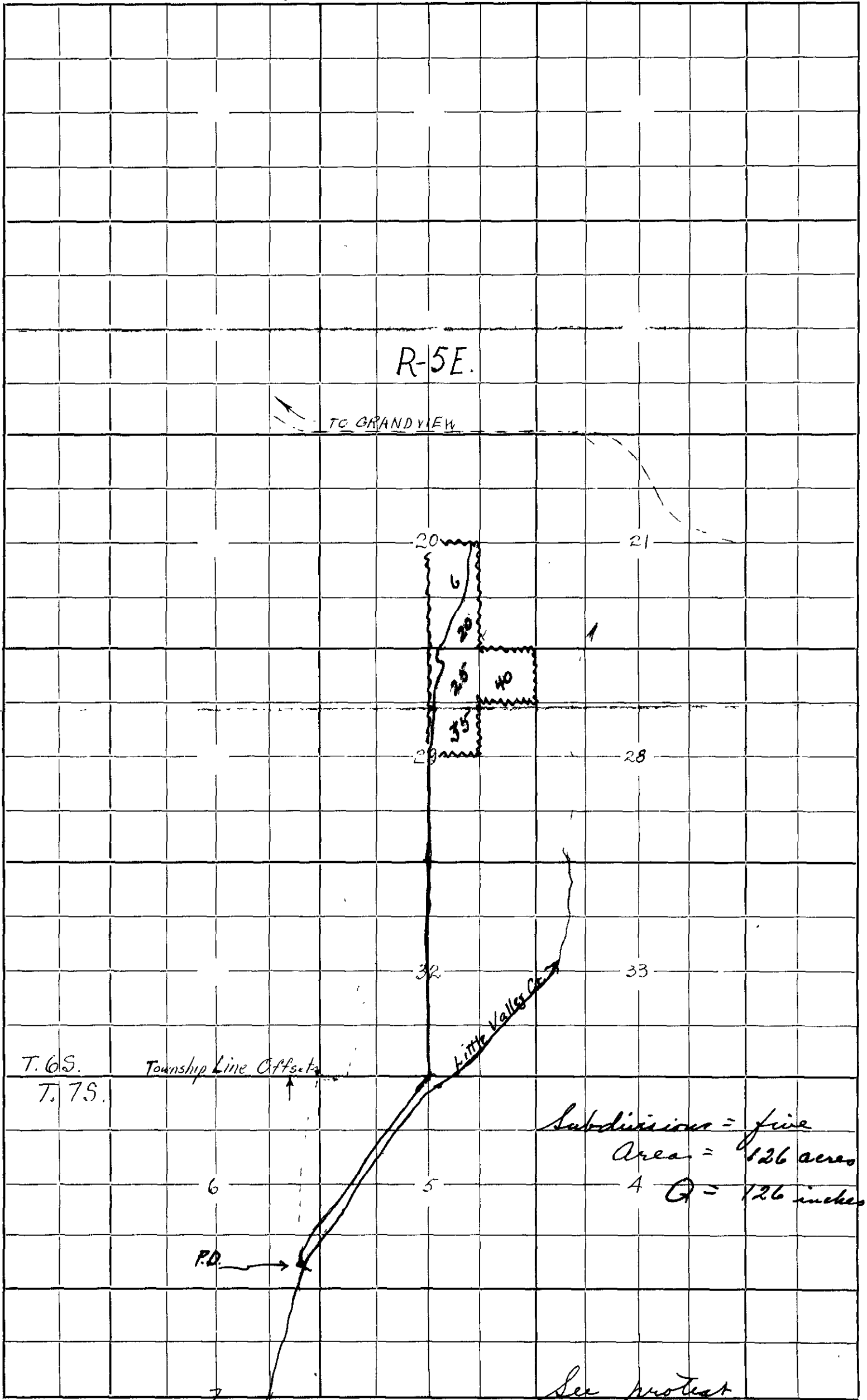
PERMIT NO. 21338

REPORT ON PROOF OF Beneficial Use

ERNEST AGENBROAD , Route 3, Nampa, Idaho

5.4	5.1
11	
2.1	8
2.4	3.2

252 a/s
with additional point
of diversion from
unnamed tributary
in the NW 1/4 Sec 5
T4S R5E



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

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

Permit No. 21338This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Ernest Agenbroad, Route 3, Nampa, Idaho
2. Source of water supply: Little Valley Creek
- x 3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6
T. 7 S. R. 5 E. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: At the point of diversion there is a dam 60' by 6' by 6' wide on top. There is a concrete heading 4 $\frac{1}{2}$ ' wide by 6' long by 6' high with an 18" pipe 31' long through the headgate for control and a spillway over the top of the gate. There is 15' of 18" diameter concrete pipe extending through the dam embankment on the West side leading into the canal. Water has been so high this spring that the dam is partially washed out and will have to be repaired before the irrigation season.

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):

NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 29;

W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20;

Twp. 6 South, Range 5 East, B. M.

See the map.

x NOTE: Proof gives Point of diversion in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5. Mr. Agenbroad says they cannot be sure whether it is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, or SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5

(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, 1956

(Signed) E. M. Humphrey Examiner.

21338

Ernest Agenbrodd
Route 3, Nampa, Idaho

Permit No. 21338

Examination for Beneficial use

County Owyhee

6-78-5E

Q = 5.0 c.f.s.

S = Little Valley, Jarvis Co.

P.L. = SESE, Sec. 6 T.7S. - R.5E.

Use = 1/2" at 10' & 1/2" at 20'

18" x 15' cone pipe
20" vert. distance
head in = 1000 ft
x 6' x 6' h.

pick up over 7' then
the distance 18' head

3' x 18" pipe to the head
metal slide gate

Wings on concrete
2' x 6" thick

Ham 6' x 6' x 6' w. 1/4"
worked out

Received Jan. 19 1956
Jan. 24, 1961

C/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.

RECEIVED
APR 11 1956

Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of

Frank Faria

Against issuance of license to
Ernest Agnewbrood for 5 cubic feet
per second of the waters of Little
Valley Creek under Permit No. 21338

DISMISSAL OF PROTEST

On January 19, 1950, Ernest Agnewbrood made application for permit to appropriate 5 cubic feet per second of the waters of Little Valley Creek for the irrigation of 320 acres of land in Sections 20 and 29, Township 6 South, Range 5 East, B.M.

The application was approved and Permit No. 21338 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 works were adequate and that 126 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. 21338 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. 21338 for 2.52 cubic feet per second of the waters of Little Valley Creek with a priority date of January 19, 1950.

Anyone feeling himself aggrieved by this dismissal of protest and issuance of license under Permit No. 21338 may appeal the same to the District Court for Owyhee County within sixty (60) days 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 H. Kulp

MARK H. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of

Frank Faria

Against issuance of license to
Ernest Agenbroad for 5 cubic feet
per second of the waters of Little
Valley Creek under Permit No. 21338

DISMISSAL OF PROTEST

On January 19, 1950, Ernest Agenbroad made application for permit to appropriate 5 cubic feet per second of the waters of Little Valley Creek for the irrigation of 320 acres of land in Sections 20 and 29, Township 6 South, Range 5 East, B.M.

The application was approved and Permit No. 21338 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 works were adequate and that 126 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. 21338 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. 21338 for 2.52 cubic feet per second of the waters of Little Valley Creek with a priority date of January 19, 1950.

Anyone feeling himself aggrieved by this dismissal of protest and issuance of license under Permit No. 21338 may appeal the same to the District Court for Owyhee County within sixty (60) days 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

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	(	DISMISSAL OF PROTEST
Ernest Agenbroad for 5 cubic feet	)	
per second of the waters of Little	(	
Valley Creek under Permit No. 21338	)	

On January 19, 1950, Earnest Agenbroad made application for permit to appropriate 5 cubic feet per second of the waters of Little Valley Creek for the irrigation of 320 acres of land in Section 20 and 29, Township 6 South, Range 5 East, B.M.

The application was approved and Permit No. 21338 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 works were adequate and that 126 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. 21338 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. 21338 for 2.52 cubic feet per second of the waters of Little Valley Creek with a priority date of January 19, 1950.

Anyone feeling himself aggrieved by this dismissal of protest and issuance of license under Permit No. 21338 may appeal the same to the District Court or Owyhee County within sixty (60) days 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.

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

SEAL

21338

April 12, 1956

RE: Permits Nos. 21338, 25320, 21370

Mr. Frank Faria
Brunson
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 H. KLP
State Reclamation Engineer
By

Chief Clerk

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

21338

✓
September 24, 1935

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

Mr. James Agnew
Route # 3
Nampa, Idaho

Dear Mr. Agnew:

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

Achl

21338



ROBERT E. SMYLLIE
GOVERNOR

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

BOISE

September 16, 1955

RE: Permit No. 21338

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

In checking the depositions of Ernest Agenbroad and witnesses on Permit No. 21338 out of Little Valley Creek we note that they all give the point of diversion as the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 7 South, Range 5 East, whereas the Permit gives the point of diversion as the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 7 South, Range 5 East.

If this is an error in the proof we can correct it but if there has been a change in the point of diversion it will be necessary to file an Application for Amendment.

We shall await your advice.

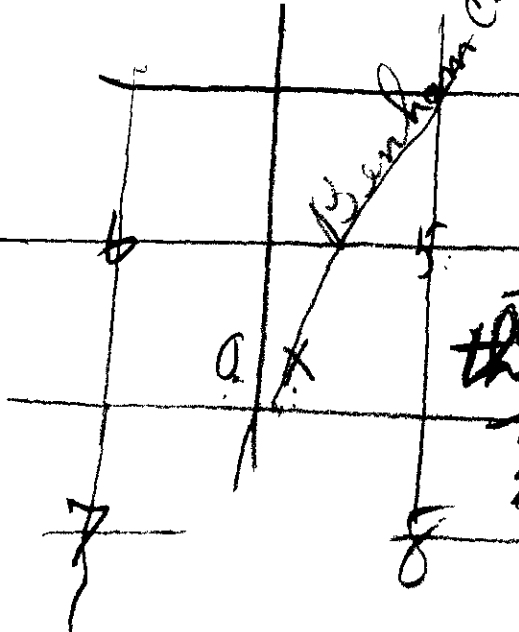
Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:CU



*at the time filing
for the permit I appeared
the point of diversion could
be in any one of four
40 acre tracts*

21338

OWYHEE COUNTY ABSTRACT CO.

BONDED ABSTRACTERS

MURPHY, IDAHO

REAL ESTATE
BONDSINSURANCE
INCOME TAX

TO WHOM IT MAY CONCERN:

I hereby certify that on September 3rd, 1955,
I was in my office at Route 3 Nampa, Idaho ;
and that there were no protests filed or made
in person, against Permit No. 25320 in the
name of James Agenbroad Route 3 Nampa, Idaho;
Permit No. 21338 in the name of Ernest Agen-
broad Route 3 Nampa, Idaho; Permit No. 21394
in the name of Ernest Agenbroad Route 3 Nampa,
Idaho; and permit No. 21370 in the name of
Clifford Agenbroad Route 3 Nampa, Idaho; as to
the proofs of application of water to benefi-
cial use to the above named applicants.

Dated September 6th, 1955

Signed

Victor C. Ford

Notary Public for Idaho

Residence: Nampa, Idaho

21338

September 16, 1955

Mr. James Agenbroad
Route # 3
Nampa, Idaho

Dear Mr. Agenbroad:

We return the Affidavit of Mr. Victor C. Ford, Notary Public, in connection with the several proofs of yourself and Sons on Water Permits in order that he may affix his Notarial seal.

The Affidavit should also be dated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cm
Enc.

21338

The Owyhee Chronicle

Publishing & Printing

TELEPHONE 3581

HOMEDALE, IDAHO

Aug. 11, 1955

21338

RECEIVED
AUG 15 1955
Department of Reclamation

Department of Reclamation
Mark R. Kulp, Engineer,
Boise, Idaho

Dear Mr. Kulp,

This is to acknowledge receipt of Notices for Publication on Permits No. 21338, 21370, 21394 and 25320 and to notify you that said legal notices began publication with our issue of today (August 11) and will be published once each week for four consecutive weeks as per your instructions. Enclosed is a tearsheet showing the four Notices for Publication as they are appearing in The Owyhee Chronicle, for checking purposes in your office.

James Agenbroad, Route 3, Nampa, Idaho will be billed for the cost of the publication of the four notices and in accordance with your instructions, the affidavits of publication will be completed and sent to Mr. Agenbroad following publication of the notices.

Sincerely,

Evelyn S. Colley

Mrs. Everett A. Colley

21338

Ernest

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21338

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Ernest Acombroad 38, 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.

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

Ans. Permit #21338 Priority Date Jan. 19, 1950

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

5252
6-
Ans. Creek diversion located N.W. 1/4 S.W. 1/4 Sec. 5, T. 7S. R. 5E.

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 and rock dam. Benham Canal capable of carrying 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 S. 1/4 S. E. 1/4 Sec. 20: 30 acres. N. 1/4 N. E. 1/4 60 acres;
and S. W. 1/4 N. E. 1/4 30 acres; Sec. 29 T. 6S. R. 5E. Boise Meridian

21338

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 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. This water when available has been used for irrigating the land under this permit during the years 1953-54 and 55, using up to 5 sec. ft.

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 water from an artesian well Permit No. 21394 up to 3 sec. ft. to irrigate this land

(Sign)

Ernest Agenbroad

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 *Naupah* County of *Canyon*

State of Idaho, on this *14th* day of *September*, A. D. 195*3*.

Victor C. Ford

My commission expires *11-6-57*

21338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21338**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 Ernest Azenbroad, the holder of Permit No 21338? 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. 21338, 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 Creek diversion located N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 5 T.7S. R. 5E.

Earth and rock dam, Benham Canal.

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. Capable of carrying 5 Sec. ft. of water.

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 This water is used to irrigate the following described land:

S. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 20, 30 acres; N. $\frac{1}{4}$ N.E. $\frac{1}{4}$, 60 acres; and S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 30 acres; Sec. 29 T.6S. R.5 E. Boise Meridian. Cultivated and seeded to hay, grain, and pasture.

21338

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 5 sec. ft.
of water being used on said land.

(Signed) Dean A. Lin

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

Walter C. Ford

Notary Public.

My commission expires 11-6-57.

21338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21338

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 drilling, Rt. #3 Nampa, Idaho

Ques. 2 Are you acquainted with Ernest Azenbroad, the holder of Permit No 21338? 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 21338, 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. Creek diversion located Located N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 5 T.7S.R.5E.

Boise Meridian. Earth and rock dam. Benham Canal

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 Capable of carrying 5 Sec. ft. of water.

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 This water is used to irrigate the following described land. W. $\frac{1}{4}$

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

Sec. 29 T.6S. R5E. Boise Meridian. Cultivated seeded to hay grain

and pasture.

21338

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 seen up to 5 sec. ft.
of water 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 Nampa,
County of Canyon, State of Idaho, on this 14th day of September,
A. D. 1955.

Victor E. Ford
Notary Public.

My commission expires 11-6-57.

21338

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.

Delia E. Cheever
Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho

My commission expires March 20 9
1955

21735

21338

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

21338

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.

Grace Hall
Notary Public for Idaho
Residing at Mountain Home, Idaho
My Commission expires: June 26, 1959

August 5, 1955

Re: Permits Nos. 21338-21370-
21394 & 25380

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 Agnew, Route 3, Nampa, Idaho.

Please acknowledge receipt of this notice.

VERY TRULY YOURS,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21338

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 Hamedale, Idaho published in
the county in which the works are situated.

Ernest H. Eggenbroed

(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.

21338

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 cubic feet per second of the waters of Little Valley Creek
in accordance with the terms and conditions of Permit No. 21338
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

Ernest Arenbroad Rt. #3 Nampa, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 5 cu. ft. per second.

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

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$

Section 29; Township 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

Benham Canal

The right to take water from such works is based upon Permit No. 21338

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 January, 19, 1950

MARK R. KULP

State Reclamation Engineer.

21338

✓
August 4, 1954

RE: Permits Nos. 21338, 21370

Mr. James A. Arenbroad
Route 3
Nampa, Idaho

Dear Mr. Arenbroad:

We enclose Certificate of Completion of Works issued on Permit No. 21338 of Ernest Arenbroad 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 $\frac{1}{4}$, 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 Arenbroad 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 $\frac{1}{2}$ NE $\frac{1}{4}$ 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.

21338

Permit No. 21338

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Canyon

Ernest Agenbroad, 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. 21338, 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 in Se. 1/4 Sec. 1 of Section 6, T. 7 S. R. 5 E. B. M. County of Owyhee

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 24, 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 ~~(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 60 feet, length of dam at bottom 25 feet. Material used in construction earth and rock

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 3 feet, height 2 feet.

(d) Conduit ditch width at bottom 2 feet, width at water line 5 feet
(State whether ditch, flume or pipe)

feet, depth of water 1 1/2 feet; diameter of pipe inches, average grade per mile is 15 feet. Length of conduit is 2 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use 5 second feet of water.

Eighth: That water appropriated under said permit is available for 200 acres of land described as follows: the N. 1/4 of the S. E. 1/4 Sec. 20, and the N. 1/4 and the S. 1/4 of the N. E. 1/4 Sec. 29. T. 6. S. R. 5 E. B. M.

Ninth: Remarks: That this water is intended to irrigate some of Clifford Agenbroad's land not described in this permit.

Ernest Agenbroad
(Sign Here)

Subscribed and sworn to before me this 23rd day of July, 1955

My commission expires 11-6-57

Walter C. Foad
Notary Public.

21338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21338

Date January 27, 1950

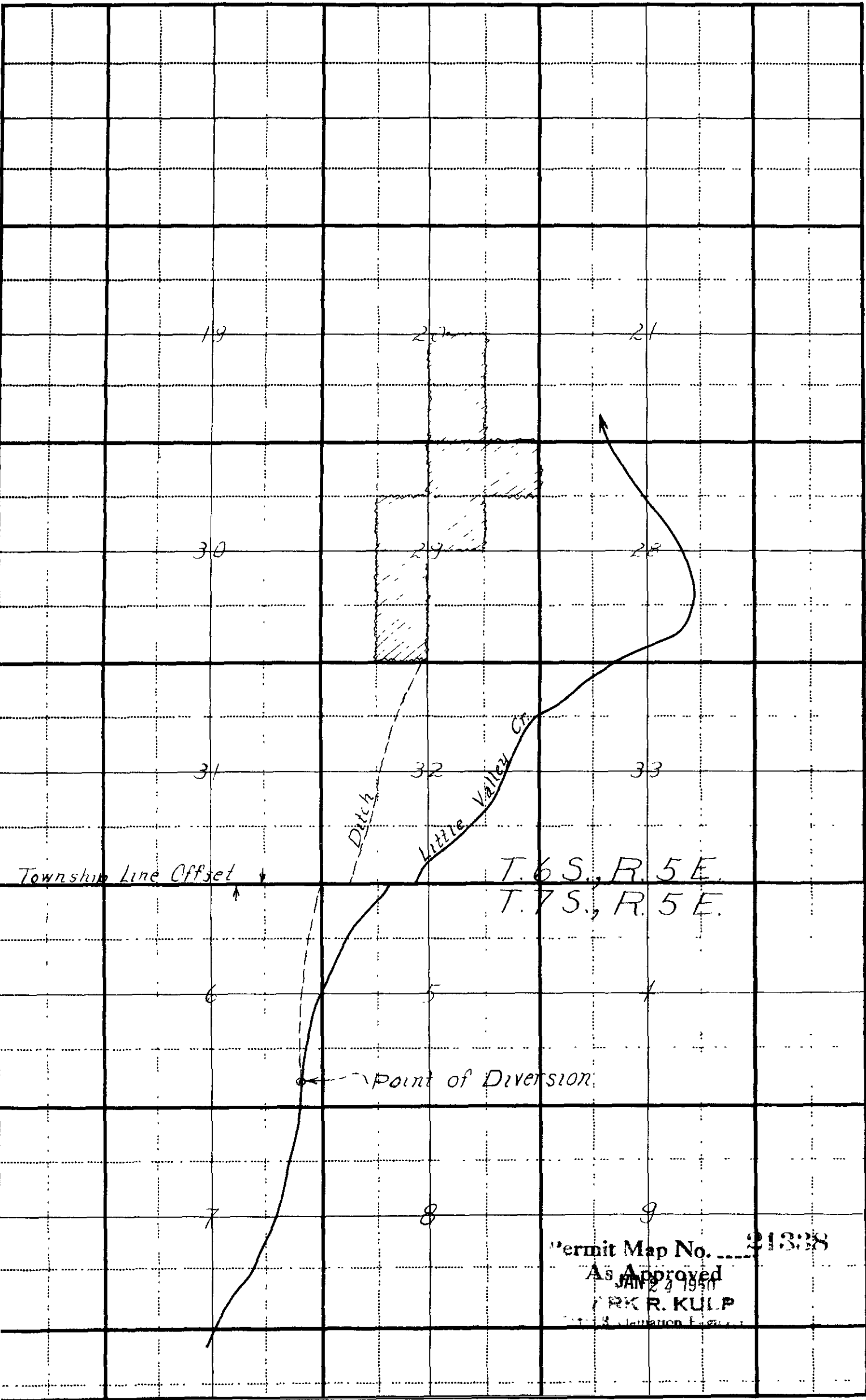
We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Ernest Agenbroed
Rt. 3
Nampa, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 22027.

21338



SCALE: ONE INCH TO ONE MILE

Township. Range.

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

21332

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 Sep-

tember, 1955, at Nampa, Coun-

ty of Canyon, State of Idaho, be-

fore Victor Ford, County Public,

proof will be submitted of the ap-

plication to beneficial use of 5

cu. ft. per second of the wa-

ters of Little Valley Creek in ac-

cordance with the terms and con-

ditions of Permit No. 21338 here-

tofore issued by the Department

of Reclamation of the State of

Idaho.

The name and postoffice ad-

dress of the person or corporation

holding such permit are Ernest

Aggenbrod Rt. No. 3 Nampa, Ida-

ho.

The use to which said water

has been applied is irrigation.

The amount applied to benefi-

cial use is 5 cu. ft. per second.

The place where said water is

used W 1/2 SE 1/4 Section 20; NE 1/4

NE 1/4, W 1/2 NE 1/4 Section 29,

Township 6 South, Range 5 East,

B. M.

The name of the canal or ditch

or other works by which said wa-

ter is conducted to such place of

use is Benham Canal.

The right to take water from

such works is based upon Per-

mit No. 21338.

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

January 19, 1950

MARK R. KULP

State Reclamation Engineer

8-11-4

NOTICE FOR PUBLICATION

NOTICE OF DOF APPLI- CATION OF WATER TO BENE- FICIAL USE.

Notice is hereby given that at
10 A.M. on ~~the 11th day of~~ Sep-
tember, 1955, at ~~Nampa, Coun-~~

~~ty. of Canyon, State of Idaho,~~ be-
~~fore~~ Victor Ford, Notary Public,
proof will be submitted of the ap-
plication to beneficial use of 5
cubic feet per second of the wa-
ters of Little Valley Creek in ac-
cordance with the terms and con-
ditions of Permit No. 21338 here-
tofore issued by the Department
of Reclamation of the State of
Idaho

The name and postoffice ad-
dress of the person or corporation
holding such permit are Ernest
Agenbroad Rt No. 3 Nampa, Ida-
ho.

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

The amount applied to benefi-
cial use is 5 cu. ft. per second.

The place where said water is
used W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; NE $\frac{1}{4}$
NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29,
Township 6 South, Range 5 East,
B M.

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

The right to take water from
such works is based upon Per-
mit No 21338

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
January 19, 1950

MARK R. KULP
State Reclamation Engineer.

8-11-4

NOTICE FOR PUBLICATION

NOTICE OF P. OF APPLI- CATION OF WATER TO BENE- FICIAL USE.

Notice is hereby given that, at
10 A.M. on the 3rd day of Sep-
tember, 1955, at Nampa, Coun-

~~ty of Idaho.~~
~~By Victor Ford, Notary Public,~~
proof will be submitted of the ap-
plication to beneficial use of 5
cubic feet per second of the wa-
ters of Little Valley Creek in ac-
cordance with the terms and con-
ditions of Permit No. 21338 here-
tofore issued by the Department
of Reclamation of the State of
Idaho.

The name and postoffice ad-
dress of the person or corporation
holding such permit are Ernest
Agenbroad Rt. No 3 Nampa, Ida-
ho.

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

The amount applied to benefi-
cial use is 5 cu. ft. per second.

The place where said water is
used $W\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; NE $\frac{1}{4}$
NE $\frac{1}{4}$, $W\frac{1}{2}$ NE $\frac{1}{4}$ Section 29,
Township 6 South, Range 5 East,
B. M.

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

The right to take water from
such works is based upon Per-
mit No. 21338.

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
January 19, 1950.

MARK R. KULP
State Reclamation Engineer.

8-11-4

NOTICE FOR PUBLICATION

NOTICE OF P^r OF 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 cubic feet per second of the waters of Little Valley Creek in accordance with the terms and conditions of Permit No. 21338~~ heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding such permit are Ernest 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 cu. ft. per second.

The place where said water is used W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29; Township 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 Benham Canal.

The right to take water from such works is based upon Permit No. 21338.

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 January 19, 1950.

MARK R. KULP

State Reclamation Engineer

8-25-55

8-11-4