

State of Idaho
License and Certificate of Water Right

Water License No. 10628 / 51-2039

Amount 1.6 second feet

Water District No. _____

Priority September 8, 1914

THIS IS TO CERTIFY that **DAVID M. KENISON**
of **Bruneau, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **September 8**, 1914; that Permit No. 10628
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3 second feet, was issued thereunder on **October 6**, 1919, showing that said works
were completed on the **29th** day of **September**, 1919; and that on the **15th**
day of **September**, 1925,
DAVID M. KENISON

of **Bruneau**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Dry Creek**
, a tributary of _____, for the purpose of **irrigation and domestic**
use, under Use Permit No. 10628 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

7 of Licenses at page **4292**, on the **16th** day of **April**, 1946
to **DICK BENHAM**, of **Bruneau, Idaho**;
The right hereby confirmed dates from **September 8**, 1914

The Point of Diversion is located
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 **1.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	5 E.	29	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	-
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	-
			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
16th day of **April**, 1946.

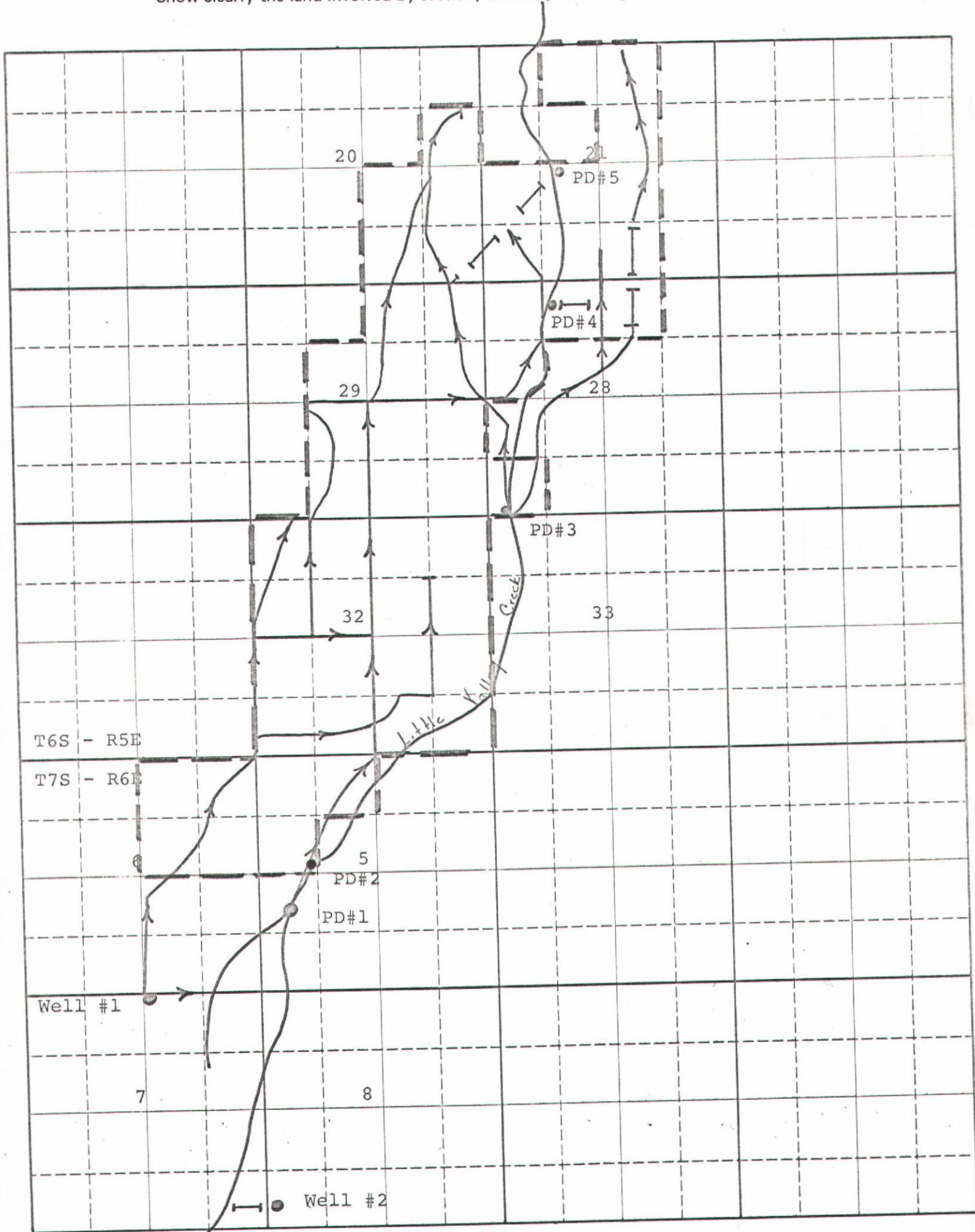
MARK R. KULP

State Reclamation Engineer

(SEAL)

51 2039

- 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.

Lana Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 51 - 2039

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 Dry Creek (aka Little Valley Creek).

The right sought to be changed is evidenced by License No. 51 - 2039 and is recorded as follows:

Amount: 1.6 cfs.

Priority: September 8, 1914.

Point(s) of Diversion: NW $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 5, 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. 29, T6S-R5E B. M.

TO BE CHANGED AS FOLLOWS

Amount: 1.6 cfs.

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

The water will be used for domestic & irrigation 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.

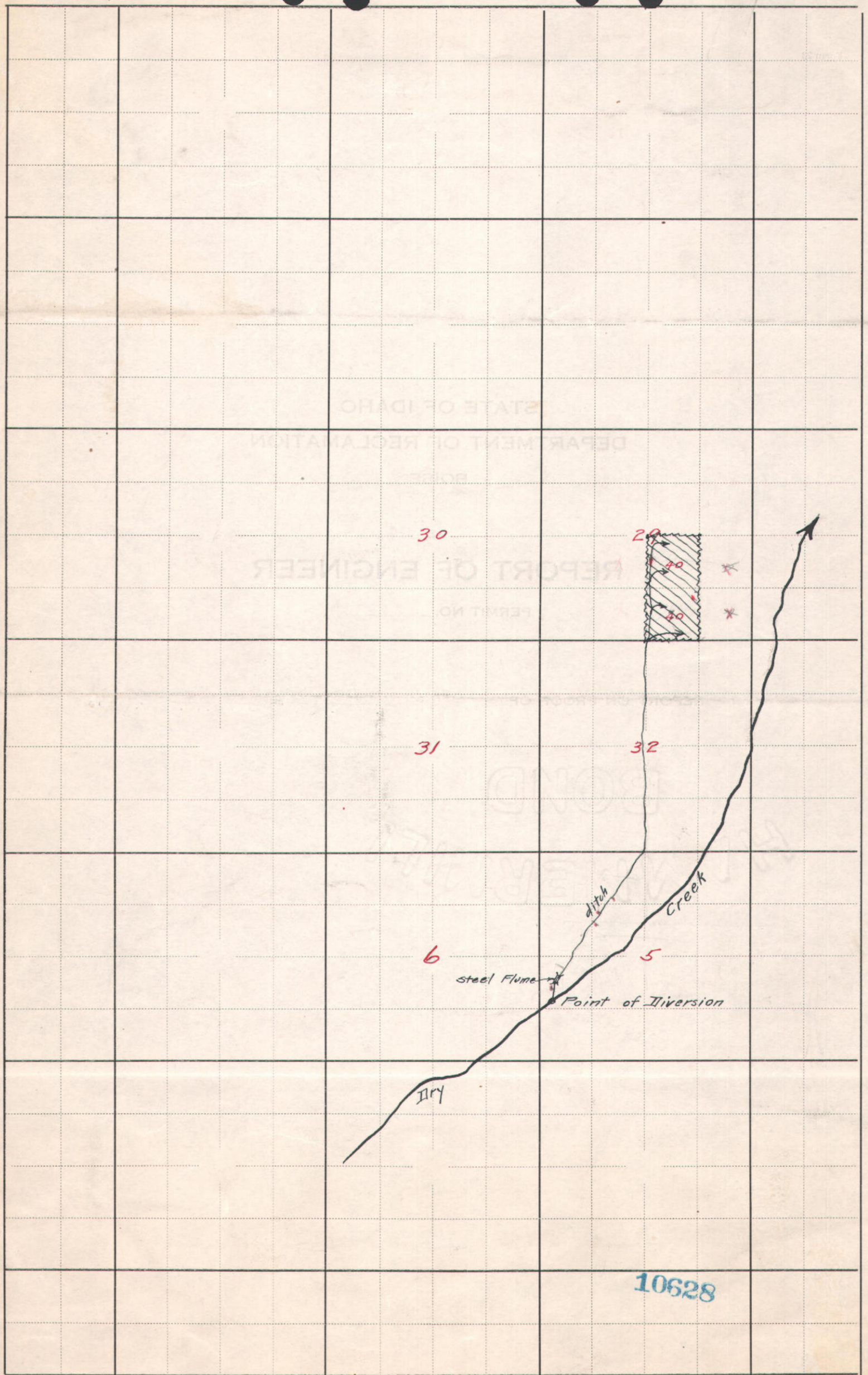
C. STEPHEN ALLRED,
Director.

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

OK
1-24-78
JH
RECEIVED

JAN 24 1978

Department of Water Resources
Western Regional Office



10628

T75R5E BM

1/4 Cor
92.8
92.0
Point of
diversion

Dry Creek

Main Canal

32

David M. Kenison
Bureau
Owyhee Co. Idaho

Application No 15286

Terminal Pt.

T65R5E BM

29

10628

State of Idaho
License and Certificate of Water Right

Water License No. 10628/51-2039

Amount 1.6 second feet

Water District No. _____

Priority September 8, 1914

THIS IS TO CERTIFY that **DAVID M. KENISON**

of Bruneau, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 8, 1914; that Permit No. 10628 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3 second feet, was issued thereunder on October 6, 1919, showing that said works were completed on the 29th day of September, 1919; and that on the 15th day of September, 1925,
DAVID M. KENISON

of Bruneau, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Dry Creek, a tributary of _____, for the purpose of irrigation and domestic use, under Use Permit No. 10628 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 7 of Licenses at page 4892, on the 16th day of April, 1946, to **DICK BENHAM**, of Bruneau, Idaho; The right hereby confirmed dates from September 8, 1914.

The Point of Diversion is located

in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 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 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	5 E.	29	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	-
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	-
			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 16th day of April, 1946.

MARK R. KULP

State Reclamation Engineer

(Seal)

51 2039

No.15652

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: David M. Kenison

Postoffice address: Bruneau

County: Owyhee

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The 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. The quantity of water claimed is Three (3) cubic feet per second.

3. Source of water supply: Dry Creek

4. Location of point of diversion: SW $\frac{1}{4}$ Sec. 5, T. 7 S. R. 5 E.B.M. and bears S. 68° 50' E. 920' from $\frac{1}{4}$ cor. com. to Secs. 5 and 6 T. 7 S. R. 5 E.B.M.

County of Owyhee

5. To be used for:

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 160 acres.

(b) In the following legal subdivisions: SE $\frac{1}{4}$ Sec. 29, T. 6 S. R. 5 E.B.M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under ft. head

[c] Is water to be returned to any stream?
return:

[d] If so, name stream and locate point of

6. Estimated cost of works:

7. Description of works for diversion:

I. Kind of works: Gravity Ditch

II. Dimensions of works:

[a] Height of dam 5 feet, length of dam at top 75 feet,
length of dam at bottom 75 feet. Material used in construction: Earth and concrete
or log cribbing.

[b] Capacity of reservoir acre feet. (c) Size of headgate, width 3 feet,

Height 3 feet. (d) Conduit canal width at bottom 3 feet,

width at water line 5 feet, depth of water 1 feet; diameter of pipe

inches; average grade per mile is 5.28 feet. Length of conduit is 1.5/8 miles,
and it crosses the following quarter sections: SW $\frac{1}{4}$ Sec. 5, NW $\frac{1}{4}$ Sec. 5 T. 7 S. R. 5 E.
thence along $\frac{1}{2}$ sec. line North through center line Sec. 32, to terminal pt.
at $\frac{1}{4}$ cor. com. to Secs. 32-29 T. 6 S. R. 5 E.B.M.

8. The time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 6
additional years.BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public
waters of the State of Idaho as herein set forth.

David M. Kenison

Applicant.

By

S. L. Vance

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. September 8, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10628

Recorded in Book 35 Page 10628 Approved September 30, 1914.

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 November 20, 1914 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 March 30, 1917.

The whole of said work to be completed on or before September 30, 1919.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 30, 1925.

Witness my hand this 30th day of September, 1914.

F. P. King, State Engineer.

Remarks:

Works Completed: 9-29-1919.
Certificate issued: 10-6-1919.

Permit No. 10628

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that DAVID M. KENISON of Bruneau, County of Owyhee, and State of Idaho, the holder of Permit No. 10628, issued upon Application No. 15652, bearing date of priority of September 8, 1914, authorizing the diversion of three (3) second feet of the waters of Dry Creek, 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 three (3) second feet of the waters of Dry Creek; that the point of diversion of said waters is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 7 S., R. 5 E., B. M., and is about 920' S., 68° 50' E. from $\frac{1}{4}$ corner common to Secs. 5 and 6, T. 7 S., R. 5 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ Sec. 29, T. 6 S., R. 5 E., B. M.

Witness my hand this 6th day of October, A. D. 1919.

W. G. SWENDSEN,
Commissioner of Reclamation of the State of Idaho.

By S. T. BAER,
Deputy.

Sheriff's Deed, executed by George Riddle, Sheriff of Owyhee County, to William Isaac Turner, Adelaide Maude Turner Hawes, William Vernon Turner and Roland J. Hawes, Trustees of the Estate of John Turner, dated September 18, 1934, and recorded in Book 27 of Deeds, pages 608-609, Owyhee County, contains the following:

"The Southeast quarter (SE $\frac{1}{4}$) Section 29, in Township Six South of Range Five East of the Boise Meridian Idaho, containing one hundred sixty acres, and all water rights appurtenant thereto, together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining."

Recorded in State Department of Reclamation April 16, 1946

WARRANTY DEED

THIS INDENTURE Made this 18th day of March, 1946, between WILLIAM ISAAC TURNER, ADELAIDE MAUDE TURNER HAWES, LIAM VERNON TURNER AND ROLAND J. HAWES, os Trustees of the John Turner Estate, the parties of the first part, and LARD SAWYERS AND NELL SAWYERS, husband and wife, of Bruneau, County of Owyhee, State of Idaho, parties of the ond part,

x x x x x x x x x x x

NOW, THEREFORE, in consideration of the premises and of the purchase price heretofore paid by the parties the second part to the parties of the first part for the sum of One Dollar and other valuable consideration, the ties of the first part have granted, bargained and sold and by these presents do grant, bargain, sell, convey and firm unto the parties of the second part, and to their heirs and assigns forever, all of the real property einbefore referred to, being the real property situate in the County of Owyhee, State of Idaho, particularly de- ibed as follows, to-wit:

The southeast quarter of section twenty-nine in township six south of range five east of the Boise Meridian, together with all water and water rights, ditches and ditch rights used thereon or in connection therewith, however evidenced;

x x x x x x x x x x

IN WITNESS WHEREOF, The parties of the first part, as trustees of the John Turner Estate, have hereunto their hands the day and year first above written.

/s/ WILLIAM ISAAC TURNER
/s/ ADELAIDE MAUDE TURNER HAWES
/s/ WILLIAM VERNON TURNER
/s/ ROLAND J. HAWES.

IE OF IDAHO)
NTY OF OWYHEE) ss.

On this 30 day of March in the year 1946, before me, the undersigned, personally appeared William Isaac ner, Adelaide Maude Turner Hawes, William Vernon Turner and Roland J. Hawes, known to me to be the persons whose es are subscribed to the within instrument as Trustees of the John Turner Estate, and acknowledged to me that y executed the same as such Trustees.

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

(SEAL)

/s/ H. H. GOLDEN
Notary Public for Idaho
Residing at Bruneau, Idaho

Recorded in State Department of Reclamation April 16, 1946

WARRANTY DEED

THIS INDENTURE, Made this 18th day of March, in the year of our Lord one thousand nine hundred and forty-six, ween DILLARD SAWYERS and NELL SAWYERS, husband and wife, of Bruneau, County of Owyhee, State of Idaho, the parties the first part, and DICK BENHAM, of Bruneau, County of Owyhee, State of Idaho, 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 er valuable consideration, lawful money of the United States of America, to them in hand paid by the party of the ond part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these predents do nt, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, of the following described real estate, situated in the County of Owyhee, State of Idaho, to-wit:

The southeast quarter of section twenty-nine in township six south of tange five east of the Boise Meridian, together with all water and water rights, ditches and ditch rights, used thereon or in connection therewith, however evidenced.

x x x x x x x x x x

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day year first above written.

/s/ DILLARD SAWYERS
/s/ NELL SAWYERS

STATE OF IDAHO)
 (ss.
COUNTY OF OWYHEE)

On this 30th day of March, in the year 1946, before me, H. H. Golden, the undersigned, a Notary Public in and for said State, personally appeared DILLARD SAWYERS and NELL SAWYERS, 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 the certificate first above written.

(SEAL)

/s/ H. H. GOLDEN
Notary Public for the State of Idaho
Residing at Bruneau, Idaho

Recorded in State Department of Reclamation April 16, 1946.

LICENSE ISSUED FOR 1.6 SEC. FT.
p. 4292

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2196	Bruneau Cattle Company	1.6	0	51-2039

R

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MICROFILMED

Transfer No. 2196
Application No. 51-2039

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. 10628/51-2039 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 Dry Creek (aka Little Valley Creek) tributary to _____

4. Date of priority 9/8/1914

5. Water is used for the following purposes:

amount ~~1.6 cfs.~~ for ~~irrigation & domestic~~ purposes from ~~1/1~~ to ~~12/31~~
amount 1.6 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. 1.6 cubic feet per second
&/or
b. _____ acre feet per annum

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

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	29														40	40		80

Total number of acres to be irrigated 80

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

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

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.
- 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	29														40	40		80

ATTACHED SHEET

APPLICATION FOR TRANSFER OF WATER RIGHT
BRUNEAU CATTLE COMPANY
LICENSE NO. 10628/51-2039

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

1. Change in point of diversion

- a. Amount of water to be diverted - 1.6 cfs.
- b. Points of diversion: Little Valley Creek aka Jack Creek
 1. NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Twp. 7 South - Range 5 East, B.M.
 2. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Twp. 7 South - Range 5 East, B.M.,
in Owyhee County.
- c. Description of diverting works:
 1. Dam.
 2. Pump and motor.
- d. Describe the reasons for applying for a change in the points of diversion:

Lands to be irrigated by this License No. 10628/51-2039, 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, 21338/51-2111, 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.1.b. above and also utilizing points of diversion being Well No. 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T7S, R5E., B.M., and Well No. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, T7S, R5E., B.M.

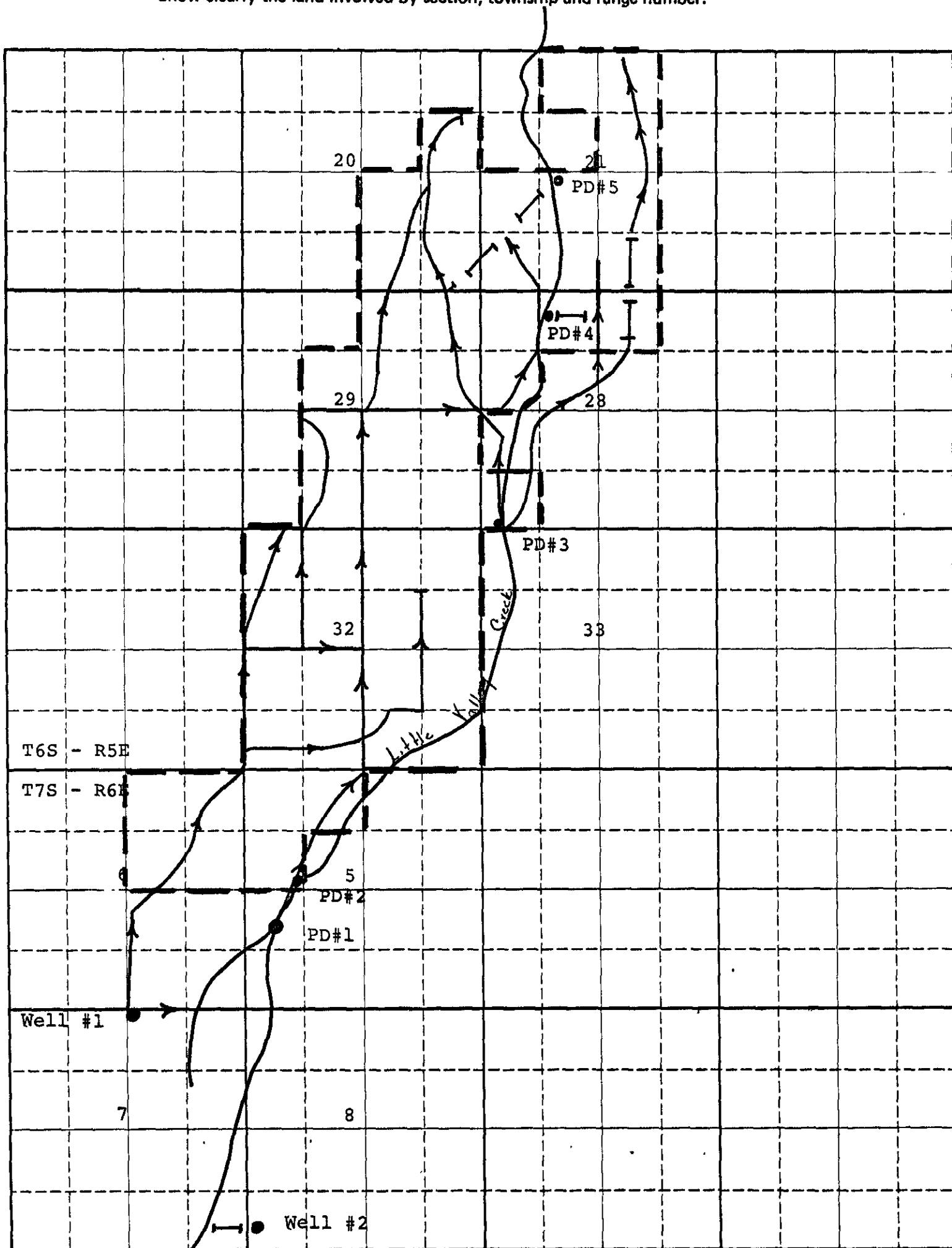
Also the following points of diversion are utilized in Little Valley Creek (aka Jack Creek):

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

The two points of diversion listed in C.1.b. above are the only two points of diversion on Little Valley Creek aka Jack Creek that divert water to the irrigable lands under this license.

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

- 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, Applicant, President

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

My commission expires 7/25/78.

Jay F. Thacker
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 51-2039, 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. J. Stewart
DEPUTY DIRECTOR

FOR DEPARTMENT USE ONLY

Received by mlb Date 12/15/77

Protest filed by _____

Prelim. check by js Fee 30⁰⁰

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

Published in Owyhee Nugget

Copies of protest forwarded by _____

Pub. dates Jan 5 & 12, 1978

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for approval 3.5 denial

_____ rec'd. _____

by js

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.


PUBLISHER

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


NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

MICROFILMED



OK
1-24-78
JH

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 18th day of May, 1977.


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

MICROFILMED

WARRANTY DEED

THIS INDENTURE, Made this 6th day of April, in the year of our Lord one thousand nine hundred and fifty-nine, between PERLE DAVIS AND SONS, a copartnership consisting of Perle Davis, Eugene C. Davis and Donald L. Davis, as the copartners thereof, and Perle Davis and Hilda M. Davis, husband and wife, Eugene C. Davis and Afton Letty Davis, husband and wife, and Donald L. Davis and Dolores P. Davis, husband and wife, all of Bruneau, County of Owyhee, State of Idaho, the parties of the first part, and BRUNEAU CATTLE CO., an Idaho corporation having its principal place of business at Bruneau, County of Owyhee, State of Idaho, 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 situate in the County of Owyhee, State of Idaho, to-wit:

504

The southeast quarter of the northeast quarter and the east half of the southeast quarter and the southwest quarter of the southeast quarter of Section 32, Township 6 South, Range 5 East, Boise Meridian;

The northeast quarter of the northeast quarter of Section 32, Township 6 South, Range 5 East, Boise Meridian;

The southwest quarter of the southwest quarter of Section 28, Township 6 South, Range 5 East, Boise Meridian;

The southeast quarter of Section 29, Township 6 South, Range 5 East, Boise Meridian;

The northwest quarter of the southwest quarter and the northeast quarter of the southwest quarter and the southeast quarter of the southwest quarter and the northwest quarter of the southeast quarter and the southwest quarter of the southeast quarter of Section 21, and the northeast quarter of the northwest quarter and the northwest quarter of the northeast quarter of Section 28, Township 6 South, Range 5 East, Boise Meridian;

The northeast quarter of the northwest quarter and the west half of the northeast quarter of Section 21, Township 6 South, Range 5 East, Boise Meridian;

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

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.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

PERLE DAVIS AND SONS

By Perle Davis
Perle Davis

By Eugene C. Davis
Eugene C. Davis

By Donald L. Davis
Donald L. Davis
The copartners thereof.

Perle Davis
Perle Davis

Hilda M. Davis
Hilda M. Davis

Eugene C. Davis
Eugene C. Davis

Afton Letty Davis
Afton Letty Davis

Donald L. Davis
Donald L. Davis

Dolores P. Davis
Dolores P. Davis



506

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

On this 30th day of June, in the year 1959, before me,
the undersigned, a Notary Public in and for said State, personally
appeared Perle Davis, Eugene C. Davis and Donald L. Davis, known
to me to be the partners in Perle Davis and Sons, a copartnership,
who subscribed said partnership name to the foregoing instrument,
and acknowledged to me that they executed the same in said
partnership name.

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



Notary Public for Idaho,
Residing at Bruneau, Idaho.

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

On this 30th day of June, in the year 1959, before me,
the undersigned, a Notary Public in and for said State, personally
appeared Perle Davis and Hilda M. Davis, husband and wife, Eugene C.
Davis and Afton Letty Davis, husband and wife, Donald L. Davis and
Dolores P. Davis, 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.



Notary Public for Idaho,
Residing at Bruneau, Idaho

100657

*** WARRANTY DEED ***

Perle Davis & Sons

to

Bruneau Cattle Co.

STATE OF IDAHO
Owyhee County,

Filed for record this 14th.

of July 59

at 11:15 o'clock A

request of Anderson, Kaufman

& Anderson, lawyers

and recorded in Book 51

Deeds

page 503 of the records of said

NICK IHLE

Ex-Officio Recorder

[Signature]
Deputy.

Fee, \$ 3.50

Mailed to:

Ida. Bldg. Boise, Idaho

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 Transfer of the above referenced water rights.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosures

MICROFILMED

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Dry CreekName Bruneau Cattle Co.

2. Right Being Transferred

Right No. 51-2039a. ☐ Decree

Transfer No. _____

☒ License☒ Useb. ☒ Priorityc. ☒ Location - Original P. D.d. ☒ " - Original P. U.e. ☒ " - New P.D.f. ☒ " - New P.U.g. ☒ Amount☒ All☐ Part3. ☒ Proof of Ownership of Right

Comment _____

4. ☒ Expansion of Right

Comment _____

5. ☒ Map6. ☒ Signature7. ☒ Fee8. Watermaster's Comments NA

9. Comments _____

10. Initial Review by R.W.M. Date _____

11. Recommended Action

☒ Approve☐ Deny☐ Conditions _____By 122Date 1-24-78

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

December 22, 1977

Re: Transfer Applications - Bruneau Cattle Co.

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

Dear Mr. Thackaberry:

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

Sincerely,

RITA FLECK
Secretary

RF

Enclosure

MICROFILMED



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.

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
BY N. J. HARRIS
1978

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 51-2039

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 Dry Creek (aka Little Valley Creek).
The right sought to be changed is evidenced by License No. 51-2039

_____ and is recorded as follows:

Amount: 1.6 cfs Priority: September 8, 1914

Point(s) of Diversion: NW¹SW¹ Sec 5 T7S-R5E B.M., Owyhee County

The water is used for irrigation & domestic purposes within the W¹SE¹ Sec 29
T6S-R5E B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1.6 cfs

Point(s) of Diversion: NW¹SW¹, SW¹NW¹ Sec 5 T7S-R5E B.M.

The water will be used for domestic & 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

November 14, 1946

Re: Permit No. 10628

Mr. Dick Benham
Bruneau, Idaho

Dear Mr. Benham:

We enclose herewith certified copy of
License and Certificate of Water Right
No. 10628, issued to you under date of
April 16, 1946.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

10628

REGISTRATION-A

RECEIVED from Department of Registration
the following-described pieces of Registered mail.

NOTE: Additional receipt copies of this bill will be furnished on receipt of mailing only, upon payment of 1 cent for each article listed on such additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limit. (See postmaster for detailed information.)

NUMBER OF ARTICLES	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	Postage (exclusive of other charges or fees)	Insurance or O. O. D. fee	Fee paid for return receipt	Special delivery fee	Special handling charge	Amount due sender if O. O. D.	Endorsement on article	Delivery restricted - Yes paid - Remarks
1	Dist. Postmaster, Brewster, Maine	3	20	4					
2									
3									
4									
5									

*Special-handling charges apply only to fourth-class parcels. Special-delivery services also includes special-handling charges. Mark "P" if "Perishable", "E" if "Eggs", "F" if "Fragile", "L" if "Liquids", "S" if "Slide", "T" if "Tea", "B" if "Batteries", "M" if "Mail", "F" if "Fragile", "L" if "Liquids", "S" if "Slide", "T" if "Tea", "B" if "Batteries", "M" if "Mail".

Total number of pieces listed by sender

Total number of pieces received at post-office

Postmaster, per

(Name of receiving employee)

(Affix stamp here for fee, if issued as a certificate of mailing)



(Postmark and date of receipt)

Form 8811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Mr Dick Benham
(Signature or name of addressee)

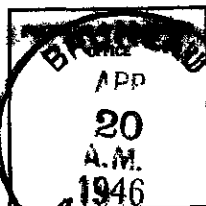
2 Mrs Dick Benham
(Signature of addressee's agent—Agent should enter addressee's name on fourth line)

Date of delivery 4/20

1946

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
3PO1



Return to

Street and Number,
or Post Office Box,

(NAME OF SENDER)

REGISTERED ARTICLE

No.

INSURED PARCEL

No.

BOISE, 10628

IDAHO.

Bruneau 106-8

Sheriff's Deed- George Riddle, Sheriff Owyhee County
to William Isaac Turner, Adelaide Marude Turner Hawes, William
Vernon Turner and Roland J. Hawes, Trustees of the Estate of John Turner-

~~Sept. 18, 1934~~ Recorded Book 27 of Deeds, pages 608-609, Owyhee Co.
~~records-~~

Conveys "The Southrast quarter (SE $\frac{1}{4}$) Section 29, in Township
six south of range five east of the Boise Meridian, Idaho, containing one
hundred sixty acres, and all water rights appurtenant thereto, together wi
with all the tenements, hereditaments and appurtenances thereto
belonging or in anywise appertaining.

Warranty Deed from above to Dillard Sawyers and Nell Sawyers to
be furnished

Warranty Deed from Dillars Sawyers and Nell Sawyers, husband
and wife to Dick Benham, dated March 18, 1946- conveying "The Southeast
arekter of Section 29, Twp. 6 S. Range 5 East of the B.M., together
with all water and wqter rights, ditches amd ditch rights, used thereon
or in connection therewith, however evidenc d."

(Dick Benham Bruneau)

Dick Benham

10628

Bruneau -

10628

✓
April 17, 1946

Re: Permit No. 10628

Mr. Dick Benham
Bruneau, Idaho

Dear Mr. Benham:

We enclose herewith License and Certificate of Water Right, issued under the above numbered permit, confirming your right to the use of 1.6 cubic feet per second, with priority of September 8, 1914, of the waters of Dry Creek, for irrigation and domestic use on the $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 6 South, Range 5 East, B.M.

We also enclose Departmental Receipt No. 19397 for \$3.50, which includes \$4.00 fee in connection with beneficial use proof, and \$1.50 for recording three transfers of this water Permit.

Warranty Deed from William Isaac Turner, et al. to Dillard & Nell Sawyers, and from the Sawyers to yourself, are returned herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

10628

October 14, 1928

Re: Permit No. 10628

Mr. David M. Kenison,
Bruneau, Idaho.

Dear Sir:

Upon receipt of fees
in the sum of \$4.00, license will
be issued you under the above numbered
permit.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By
Chief Clerk.

CB-H

10628

September 24, 1928

Re: Permit No. 10628

Mr. F. J. Borne
Brunson, Idaho

Dear Sir:

The permit upon which D. M. Kenison is at the present time making proof states that the source of his water supply is Dry Creek. No mention is made in the application of flood water and neither should there be any such designation. There is no distinction between flood water and any other water of a stream in so far as it relates to the right of any person to appropriate. The matter is automatically adjusted by reason of priority dates which attach to various rights. It may be that a late right can secure water only during the flood period of the stream, however, that makes no difference in the right, in that it should specifically state that the source of supply is flood water.

After taking consideration of the facts contained in your letter, I know of no reason why license should not issue to Mr. Kenison, in accordance with the findings of our examining engineer.

Very truly yours,

Assistant Commissioner
of Reclamation

ONE:K

10628

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10:00 a.m. on the 15th day of September, 1925, at Bruneau, County of Owyhee, State of Idaho, before Charles Pascoe, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Dry Creek, in accordance with the terms and conditions of Permit No. 10628, heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are D. M. Kenison, Bruneau, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 1.6 cubic feet per second.

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

West half of the southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), Section 29, Township 6 South, Range 5 East, Boise Meridian.

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

The right to take water from such works is based upon Permit No. 10628.

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

The date of priority which said user is prepared to establish is September 8, 1914.

AFFIDAVIT OF PUBLICATION

I, Charles Pascoe, publisher of THE OWYHEE NUGGET, published weekly at Bruneau, Owyhee County, Idaho, do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular entire issue of said newspaper, and not in any supplement thereof, for 5 consecutive issues, commencing with the issue dated August 13 1925 and ending with the issue dated September 10 1925; that the said newspaper has been continuously published in said county during a period of seventy eight consecutive weeks prior to the first publication of this notice.

Subscribed and sworn to before me this 15th day of September 1925

Charles Pascoe

Geo. R. Jones
Notary Public

10628

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. David M. Kenison; 42; BrunEAU; Lawyer; BrunEAU, 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. Acting for self

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

Ans. 10628; Sep. 8, 1914; Sept. 8, 1914

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

Ans. Dry Creek; N.W. 1/4, Sec. 6, T. 7 S., R. 5 E., B.M.

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.

Ans. rock and brush dam 24 feet long on bottom, 20 feet long on top; headgate 3x5 ft.; ditch 3 ft. wide on bottom and 5 ft. on top lacking only a few feet of 3 miles long; carries 1 foot of water, and the grade is 1 ft. to the mile

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 cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The entire 80 acres is in cultivation, no portion of it being uncultivated except the barn site. It is all cultivated land.

All the land is seeded to alfalfa; cut 150 tons of hay; is all fenced with a residence, barn and outbuildings and the returns from the area are decidedly profitable--a result of irrigation through the works above described.

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

Ans. For irrigation only

10628

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

Ans. A miner's inch

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. I am the person

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

Ans. Annually from the 1st of March to the 1st of July since 1914 have used all the 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 right claimed thereunder.

Ans. None

(Sign) *David M. Hendon*

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 Bruneau, County of Owyhee, State of Idaho, on this 15th day of September, A. D. 1925.

Charles Piscoe
Notary Public

10628

RECORDED
1925
SEP 18

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. _____

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. George D. Craig; 44; Bruneseu; farmer; Bruneseu, Idaho

Ques. 2. Are you acquainted with David L. Kenison, the

holder of Permit No. 10628? How long have you known him and where does he reside?

Ans. Yes; about 10 years; Bruneseu, Idaho

Ques. 3. Have you read or heard read said Permit No. 10628, 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. Dry creek; NW 1/4 Sec. 6, T. 7 S., R. 5 E.; rock, brush and earth dam; a 1/2-mile ditch carrying the water therefrom to the irrigated area; this ditch is 3 ft. wide on the bottom, 6 ft. wide on top and carries safely to the place of use 1 second foot of water.

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. One second foot; I have seen this done many times

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 on this entire area--W 1/2 SE 1/4 Sec. 29, T. 6 S., R. 5 E., S. 1/4. It is all cultivated land, being seeded to alfalfa hay; is all under good wire fence, with good house, barn, outbuildings and yields some 110 tons of hay annually.

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

Ans. For irrigation only.

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

Ans. Sandy loam, once sagebrush; it requires all the water allowed under the terms of the permit for its profitable cultivation.

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 past ten or eleven years I have seen the water applied annually during each irrigation season to the full extent of the allowance of the permit.

(Sign) George S Craig

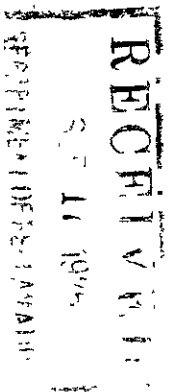
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Bruneau County of Owyhee, State of Idaho, on this 15th day of September A D 1925.

Charles P. Rasmussen

Notary Public.

My commission expires June 27, 1927.

10628



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. _____

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. William L. Turner; 55; Bruneau; farmer; Bruneau, Idaho

Ques. 2. Are you acquainted with _____ David M. Kenison _____, the

holder of Permit No. 10628? How long have you known him and where does he reside?

Ans. Yes; 15 years; Bruneau, Idaho

Ques. 3. Have you read or heard read said Permit No. 10628, 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. Dry creek; NW 1/4 SW 1/4 Sec. 5, T. 7 S., R. 5 E. Rock, brush and earth dam, from which a 2-mile ditch carries the water to the area irrigated; the ditch is 3 ft. wide on the bottom, 5 ft. wide on the top and carries a foot of water

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. 2 second foot; I have often seen as much safely carried

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; the entire eighty acres is cultivated and irrigated--no natural meadow, but all cultivated; it is all strongly fenced; has a good house upon it; a good barn and other outbuildings and he raises at least 150 tons of alfalfa annually--which is some result

10628

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

Ans. for irrigation only

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. It is a sandy loam and requires all the water granted by the permit for its profitable cultivation

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

Ans. I have not

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. For the past ten years I have annually observed the irrigation of this land during the season, which is normally March 1 to July 1, all the water being used--1 acre foot.

(Sign) *William J. Turner*

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 Bruneau County of Owyhee State of Idaho, on this 18th day of September A. D. 1925

Charles Pascoe

Notary Public.

My commission expires June 27, 1927.

10628

RECORDED
SEP 16 1925
NOTARY PUBLIC
CHAS. PASCOE

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, Sept. 9, 1925.

D. M. Kenison,

c/o Charles Pascoe,
Bruneau, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 10628

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On September 15, 1925, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Bruneau before Charles Pascoe, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

W. G. SWENDSEN,

Commissioner of Reclamation.

10628

NOTICE FOR PUBLICATION

Notice of Proof . . . location . . . Water
to Beneficial Use

Notice is hereby given that at 10:00 a.m. on the 15th day of September, 1925, at Bruneau, County of Owyhee, State of Idaho, before Charles Pascoe, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Dry Creek, in accordance with the terms and conditions of Permit No. 10628, heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are D. M. Kenison, Bruneau, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 1.6 cubic feet per second.

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

West half of the southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), Section 29, Township 6 South, Range 5 East, Boise Meridian.

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

The right to take water from such works is based upon Permit No. 10628.

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

The date of priority which said user is

prepared to establish is September 8, 1914.

W. G. SWENDSEN,
Commissioner of Reclamation.
aug13sep10

Notice to Creditors

Estate of Michael Hyde, deceased.

Notice is hereby given by the undersigned administrator of the estate of Michael Hyde, deceased, to the creditors of and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within four months after the first publication of this notice, to the said administrator at the office of B. R. Riordan, at Silver City, County of Owyhee, State of Idaho, this being the place fixed for the transaction of the business of said estate.

Dated August 6th, 1925.

B. H. HYDE,
Administrator of the Estate of Michael Hyde,
deceased.
B. R. RIORDAN, Silver City, Idaho,
Attorney for Administrator.

aug13sep10

then note

Sample 12117

Bruneau, Ida.

Aug. 25 - 25-

Mr. W. G. Swendsen.

Boise, Ida

10628

Dear Sir,

I inclose in this letter a proof of application of water to beneficial use by Dave Kennison.

His permit if you will take notice, is on flood water, at least that has been his claim, and that is ~~all~~ the water he has had, at times there is lots of flood water, but his application calls for the water of dry creek, of which there about 70 or 80 inches at this time in the creek.

He has 7 wells of which 6 are flowing, he always claimed about 60 inches of artesian water, but the last 2 years they have been failing and he only has about 30 inches now. This water has always been used on the 80 acres he is claiming water for.

Now what I am interested in is, if he can make proof on the water of

dry creek, or whether his notice must read
flood water,

If he's allowed to make proof
as his application now reads, I can
see trouble ahead. for he has been
taking water lots of times, but was
always ready to turn it ~~home~~ back, when
he was notified to do so. but I have
always had to watch him.

Hoping you see to it that application
reads same as permit, and awaiting
a ~~reply~~ to this. I remain

yours, Respectfully
F. J. Boone
Brinnan
Ida.

VERAIDS

E if They P
Two . . .

NOTICE FOR PUBLICATION Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10:00 a.m. on the 15th day of September, 1925, at Bruneau, County of Owyhee, State of Idaho, before Charles Pascoe, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Dry Creek, in accordance with the terms and conditions of Permit No. 10628, heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are D. M. Kenison, Bruneau, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 1.6 cubic feet per second.

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

West half of the southeast quarter ($W\frac{1}{2}SE\frac{1}{4}$), Section 29, Township 6 South, Range 5 East, Boise Meridian.

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

The right to take water from such works is based upon Permit No. 10628.

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

The date of priority which said user is prepared to establish is September 8, 1914.

W. G. SWENDSEN,
Commissioner of Reclamation.

aug13sep10

Brunnaw, Ida

Aug. 24 - 25-

Mr. W. D. Swendsen

Commissioner of Reclamation

Dear Sir,

I inclose a proof of application of water to beneficial use, of D. M. Kemisen his permit if you will notice is on flood water. at least that is what he claims and that is the only water he has had.

At times there is lots of flood water. but his application calls for the waters of Dry Creek, of which there is about 70 or 80 inches at this time in the creek.

He has 7 wells of which 2 are flowing he always claimed 60 inches of artesian water, but the last 2 years he says they are failing, and he only claims about 36 inches of artesian. This water has always been used on the 80 acres he is claiming water for now.

Now what I am interested in, is if he can make proof on the water of dry creek or if he notices flood water.

If he is allowed to make proof on his application as it now reads, I can see trouble ahead. while he has taken water lots of times, but was always ready to turn it back in the creek when he was notified to do so, but I always have to be on the watch

He say he don't see any difference in flood water or any other kind.

Hoping you see to it that application reads flood water, same as permit.

Awaiting a reply to this

I remain yours respectfully

F. J. Borne

Dumas,

Ida.

I wrote you another letter like this, but lost it; Some one may have mailed it-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE **August 5, 1925.**

**The Owyhee Nugget,
Brunson, Idaho.**

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **September 15, 1925**, the date set for proof, the expense of the publication to be paid by the applicant, **D. H. Lamson, Brunson**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of the notice and furnish this office with a copy of the first publication.

Very truly yours,

W. C. SWENDBERG,

Commissioner of Reclamation.

10628

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

Permit No. 10628This proof is for BENEFICIAL USEIn Water District No. 57-A

1. Name of applicant: D. M. Kenison
2. Source of water supply: Dry Creek
3. Location of point of diversion: Is in the NW 1/4 of Section 5
T. 7 S. R. 5 E., B.M. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: Diversion dam of rocks and logs 25 ft long x 6 ft high about 3 ft wide on top. Head gate 3 ft high x 3 ft wide x 5 ft long, Main ditch 3 ft wide x 1 ft deep x about 2 miles long

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 for other than irrigation): West half of Southeast quarter (W 1/2), Sec. 29, Twp. 6 S., R. 5 E., B.M.

(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 (during floods only)

Remarks: Water covered by this filing is supplemented by the flow of several arterial wells situated along the main ditch

This examination was made on the 17th day of July 1925

(Signed)

Arvid A. Holman

Examiner.

10628

D.H.Kenison,
Brumson

Permit No. 10628

Examination for BEN. USE

County CHYLER

INSTRUCTIONS TO EXAMINERS

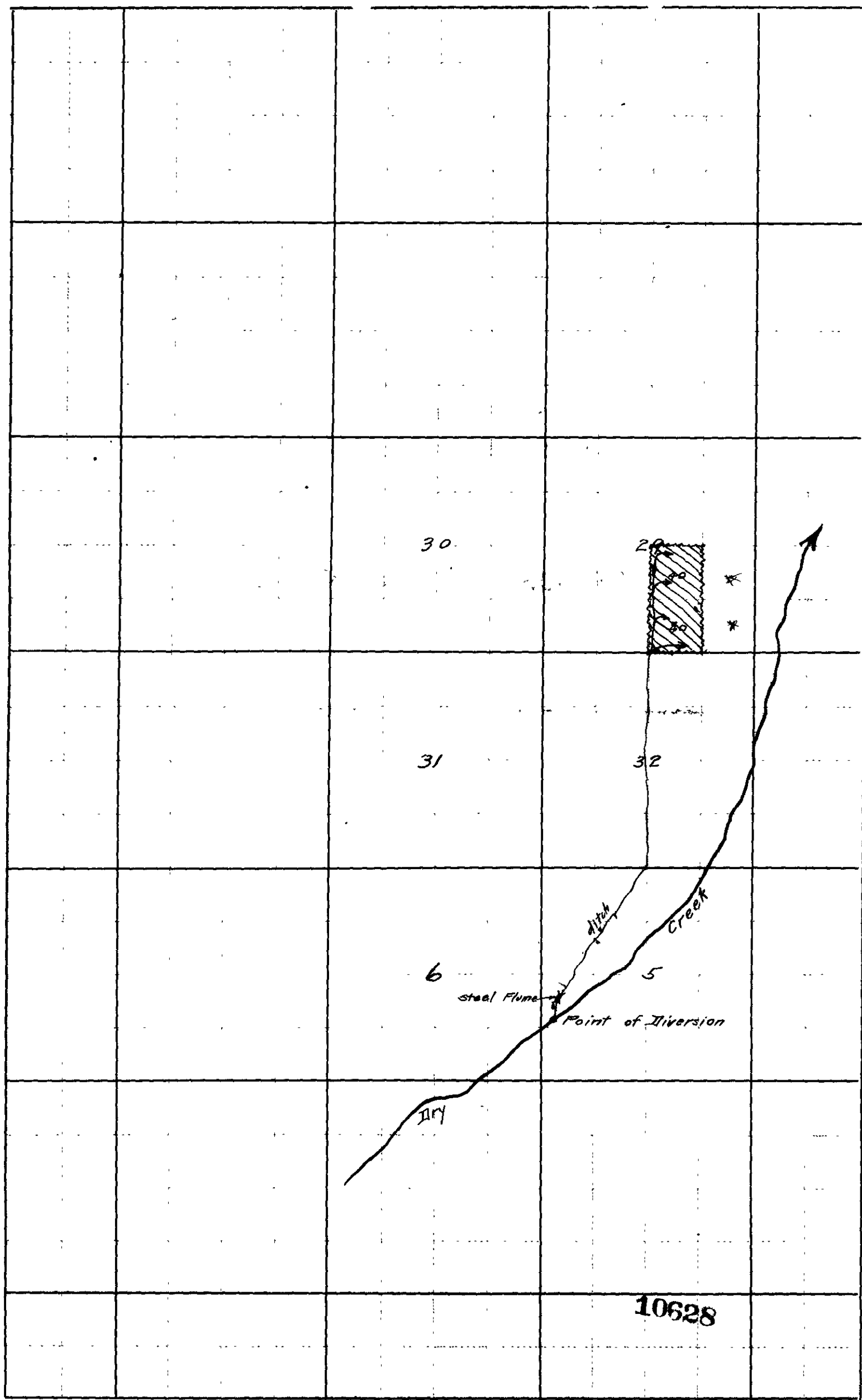
1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a 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.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 8", 1925

(P. O.) Bureau, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Boise Post-Journal of Boise, Idaho, published in the county in which the works are situated.

D. J. [Signature]

(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.

10628

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:20 a. m. on the 5th day of September, 1914,
at Brannon, County of Blaine, State of Idaho,
before Charles Pasco, Notary Public, proof will be submitted
of the application to beneficial use of One and three fifths cubic feet per second of the
waters of Ray Creek - Blaine County in accordance with the terms and conditions of
Permit No. 10628 heretofore issued by the State Engineer
of the State of Idaho.

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

N. M. Kemison, Brannon, Idaho

The use to which said water has been applied is irrigation of said lands

and domestic use

The amount applied to beneficial use is One and three fifths seconds feet.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) the West half (1/2) of Section 29 Township 6N Range 5E

South, Blaine County, Idaho (29) Township 6N Range 5E
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 Kemison ditch

The right to take water from such works is based upon Permit No. 10628

The source of supply from which such water is diverted is said Ray Creek

September 8, 1914.

The date of the priority which said user is prepared to establish is September 8, 1914.

W. C. Swendsen,

Commissioner of Reclamation.

N.W. SW - 5 - 7S - 5E

- 57 - 9

10628

Form No. 9.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

June 3, 1925

David M. Kennison
Bruneau, Idaho

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. **10628**, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN
Commissioner of Reclamation.

10628

October 7, 1919.

In re: Permit 10628.

David M. Kenison,
Brunson, Idaho.

Dear Sir:

Find enclosed, herewith, certificate of completion of
works, together with receipt covering fees submitted.

Yours very truly,

W. G. SWENDSEN,
Commissioner of Reclamation,

By

Chief Clerk.

L/B.
Enc.

10628

Permit No. 10628

OFFICE OF STATE ENGINEER

SEP 1916

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO.

County of Ada } ss.David M. Kenison

, 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. 10628, and that his postoffice address is Bruneau, Idaho
 State of _____

Second: That the name of the stream from which said water is to be diverted is _____

Dry Creek

Third: That the point of diversion of said water is in the NW 1/4 Sec 5, T. 7 S., R. 5 E. B.M. and is about 920' S 68° 50' E from 1/4 corner common to Secs 5 & 6 said township.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by September 30, 19 19

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 (or were not) fully completed and consisted of the following:

I. Kind of works: Ditch and dam

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: _____

(a) Height of dam 4 feet, length of dam at top 75 feet, length of dam at bottom 75 feet. Material used in construction earth, logs and brush

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir no acre feet.

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

(d) Conduit ditch width at bottom 3 feet, width at water line av. 5 feet, depth of water 1 feet; diameter of pipe _____ inches;

(State whether ditch, flume or pipe)

average grade per mile is 5.28 feet. Length of conduit is 1 3/4 miles.

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

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: SE 1/4 Sec 29, T. 6 S., R. 5 E., B.M.

Ninth: Remarks: That the ditch is not five feet wide at the water line in all sections but the bottom is three feet wide throughout and by reason of the character of the formation in places the banks are practically vertical. It was found that a dam of the height specified was not necessary for the diversion of the full amount of water.

(Sign here)

Subscribed and sworn to before me this 29th day of September, 19 19

My commission expires Oct 30 - 1921

Notary Public

Residence at Meridian Idaho

10628

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho,

June 7, 1919

David M. Kennison
Bruneau, Idaho

Dear Sir:—

Under the terms of your permit No. 10628 you are required to complete your diversion works on or before Sept. 30, 1919. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

10628

W. G. Swendson Commissioner of Reclamation.

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit No. 10628

BOISE, IDAHO. Sept. 30, 1914.

David M. Kenison,
Bruneau, Ida.
Dear Sir:

*I enclose herewith above numbered permit. BE SURE TO NOTE
LIMITATIONS AND CONDITIONS OF SAME as given under approval
of State Engineer on the third page.*

F. P. KING,
State Engineer.

10628

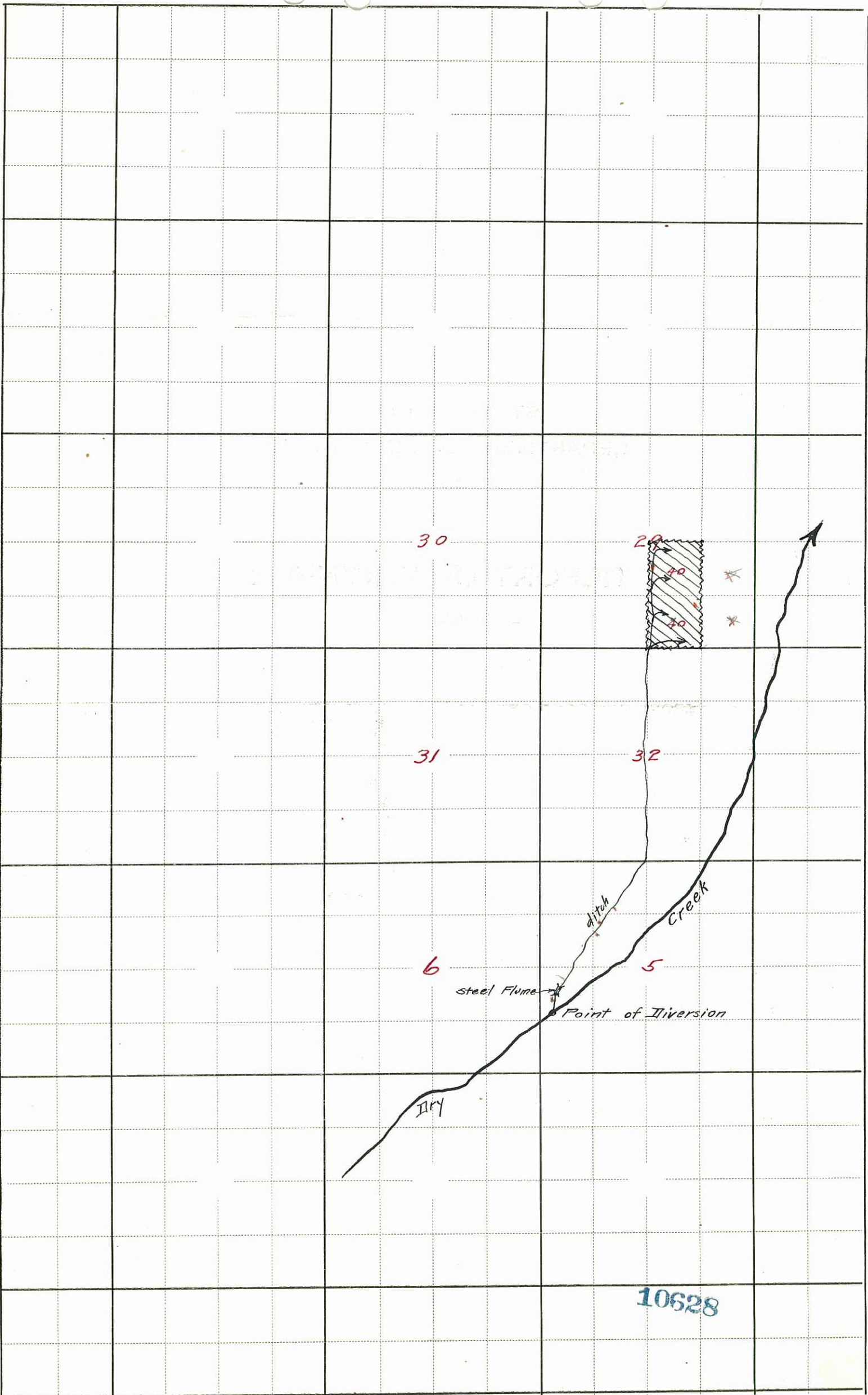
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

RECEIVED
JUN 18 1905



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.



Application No 15286

David M. Kenison

Bruneau

Owyhee Co. Idaho