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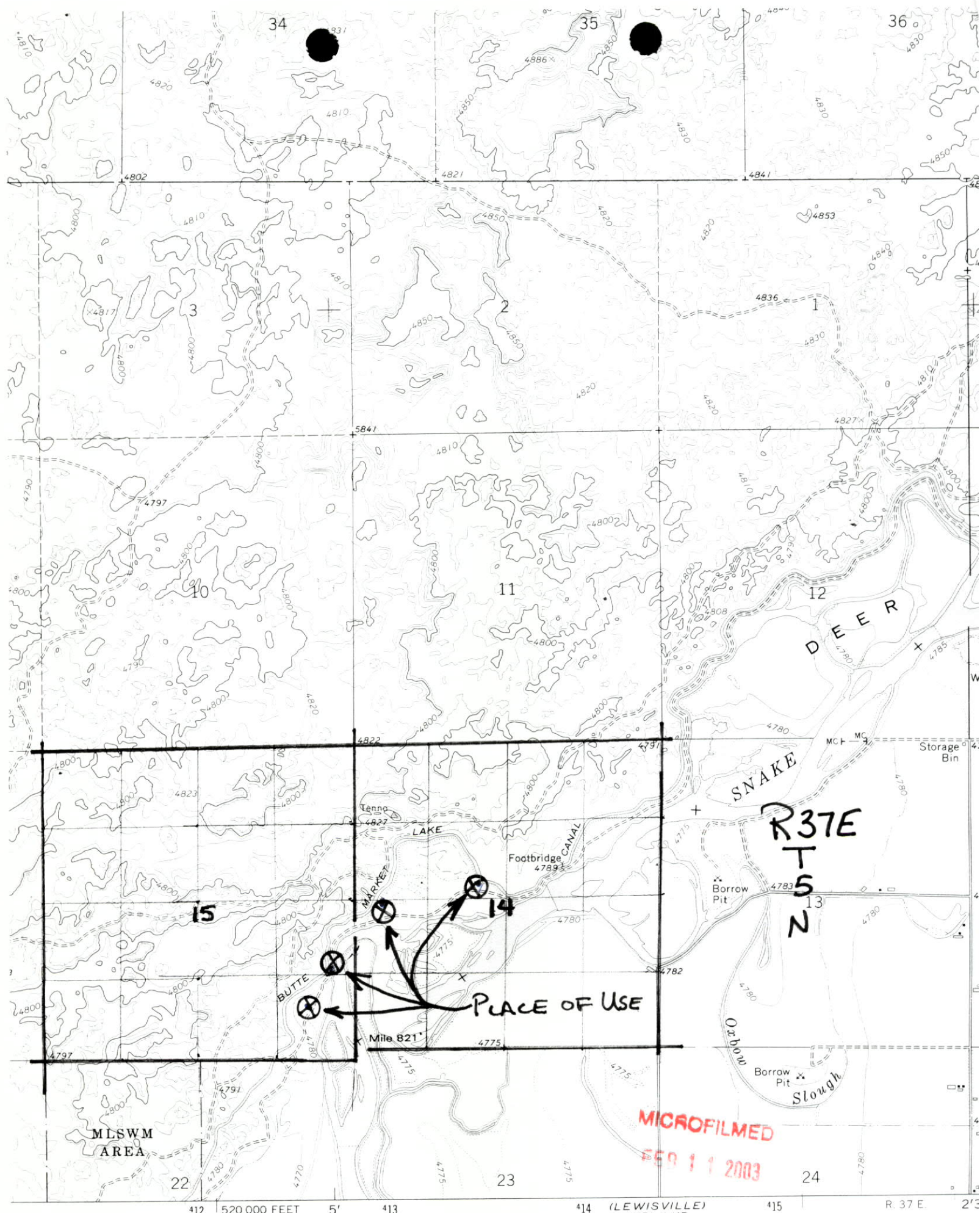
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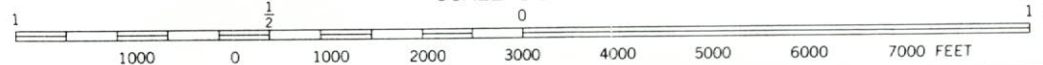
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cal Survey



RECEIVED

DEC 12 2002

Ident No. 01-10408Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES70254
70255

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder M & M Cattle
c/o Ronald S. Merrill Phone (208) 754-0433
Mailing address 673 N 3550E MENAN ID 83434
2. Source of water supply SNAKE RIVER tributary to COLUMBIA RIVER
3. Point of diversion is in Gov't. Lot 4, 1/4 NW 1/4 NW 1/4, Section 22, Township 5N Range 38E, B.M., MADISON County.
4. Description of diversion and delivery system:
- a) Describe the type of diversion: Headgate of Butte Market Lake Canal with siphon tubes to 2" pipe to stock tanks
 - b) Describe the delivery system: Butte Market Lake Canal to siphon tubes to four (4) stock tanks
 - c) Describe the number, type and total capacity of troughs or tanks 4 stock tanks with total capacity of 2000 gal
 - d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: 2" ball valve
 - e) Describe how the system is designed to allow measurement of the rate of diversion: Timed volumetric displacement
5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
5N	37E	14								X		X						
		15													X			X

6. Priority date claimed or established: June 1, 1950
7. Rate of diversion: 0.04 cfs

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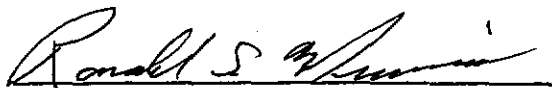
FEB 11 2003

8. Season of use: From 11/1 to 6/1
9. a) Who owns the property at the point of diversion? CANAL CO
b) Who owns the property at the place of use? APPLICANT
10. When will construction occur? 11/12/2002
11. Comments: _____

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 12 day of NOV, 2002

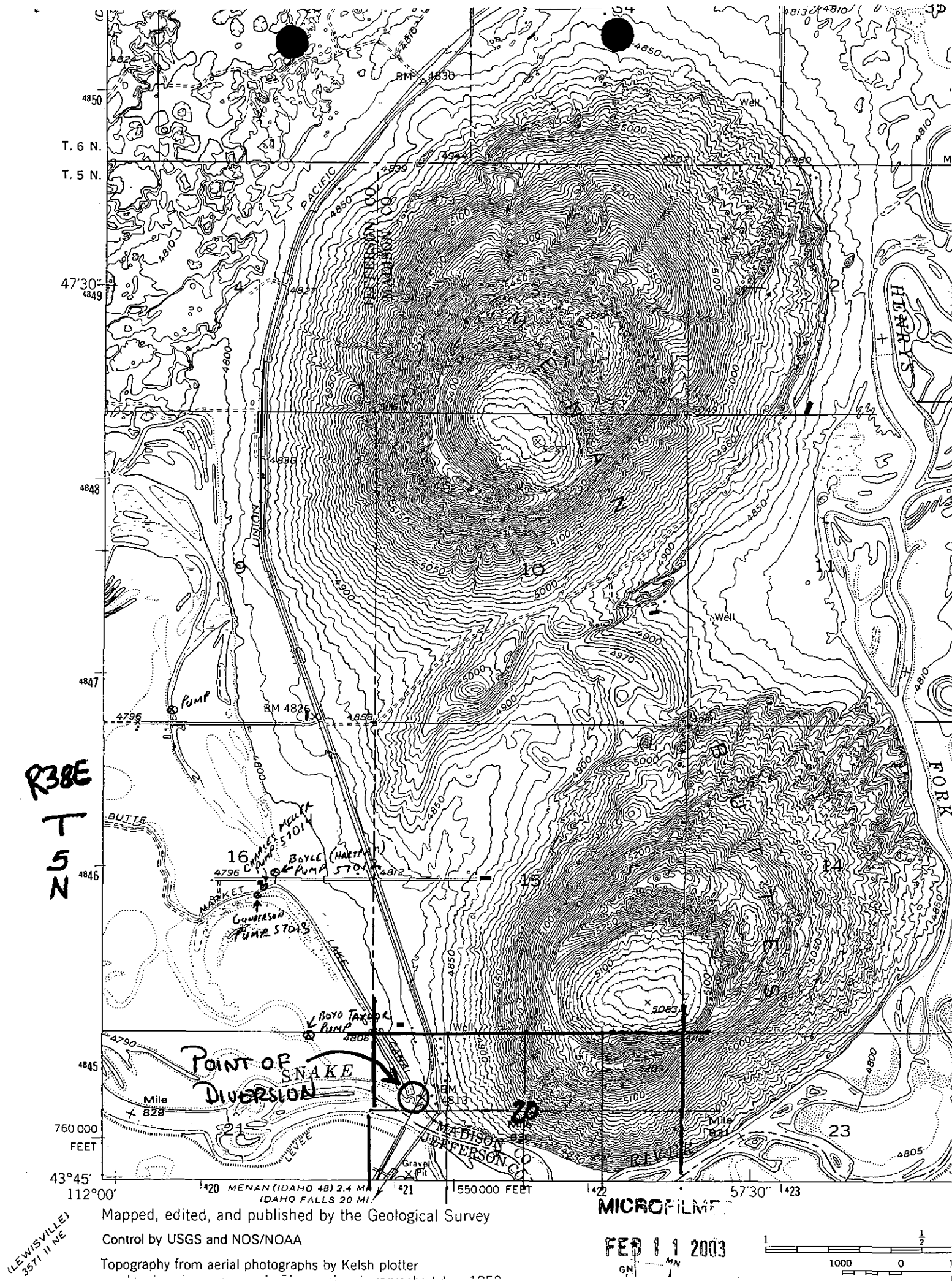

Right Holder or Authorized Representative

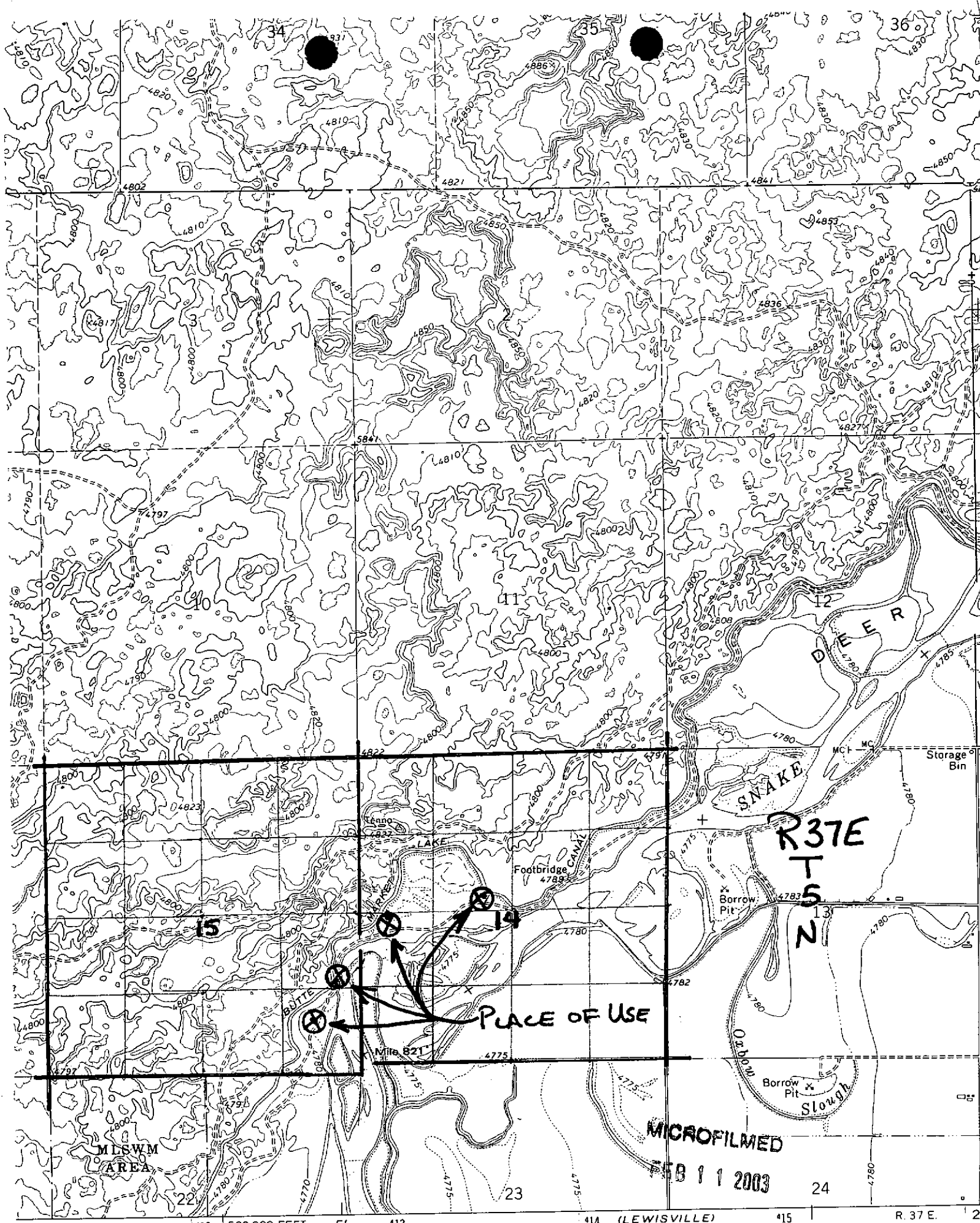
FOR DEPARTMENT USE

Received by KCW Date 11/12/2002 Preliminary check by _____
Fee: \$ 25 Received by KCW Receipt No. EP28300 Date 11/12/2002
Water District No. 01 Entered into data base 11/14/02 By HWS

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FEB 11 2003



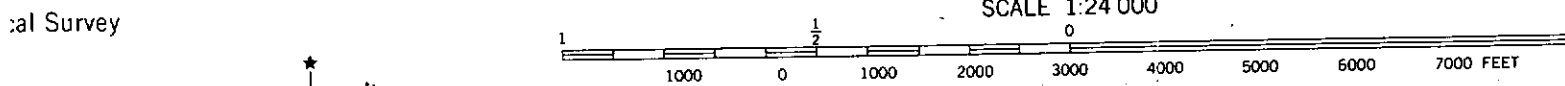


MLSWM
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PLACE OF USE

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DEC 12 2002

STATE OF IDAHO

Department of Water Resources

Department of Water Resources

Notice of Diversion for Instream Stockwater Use
Section 42-113, Idaho Code

Name of Right Holder: M + M Cattle

Initial Review By: HWT Date: 11-14-02

Based on prior recorded instream stockwater right? Yes ☐ No ☒

If yes, right number: _____ Instream Stock Div. No. _____

Also, if right was claimed in SRBA, this notice will amend claim.

If no, enter as statutory claim.

CHECK:

- ☒ Name & address
 - ☒ Date of Priority
 - ☒ Source
 - ☒ Period of use
 - ☒ Point of diversion (limited to 1 diversion)
 - ☒ Location of use
 - ☒ Signature
 - ☒ \$25.00 filing fee
 - ☒ Water District 01
 - ☒ Amount of Water
 - ☒ Description of diversion/delivery system.
 - ☒ GIS Done
- Publish? Yes ☐ No ☒ (Regional Determination*)

Receipt No. E028300

☒ Review Complete
By: HWT
Date: 11-14-02

*Generally not advertised unless determined to be necessary by Regional Manager.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 26, 2002

M & M Cattle
C/O Ronald S Merrill
673 N 3550 E
Menan ID 83434

RE: Instream Stock Diversion No 01-10408
Notice of Diversion for Instream Stockwater Use

Dear Sir:

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

If exceptions to the notice are filed you will be sent a copy of the exceptions(s).

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information, including any exceptions, regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a

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FEB 11 2003

manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.

- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,



Harold W Jones
Water Right Supervisor

HWJ::sc

Enclosure

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