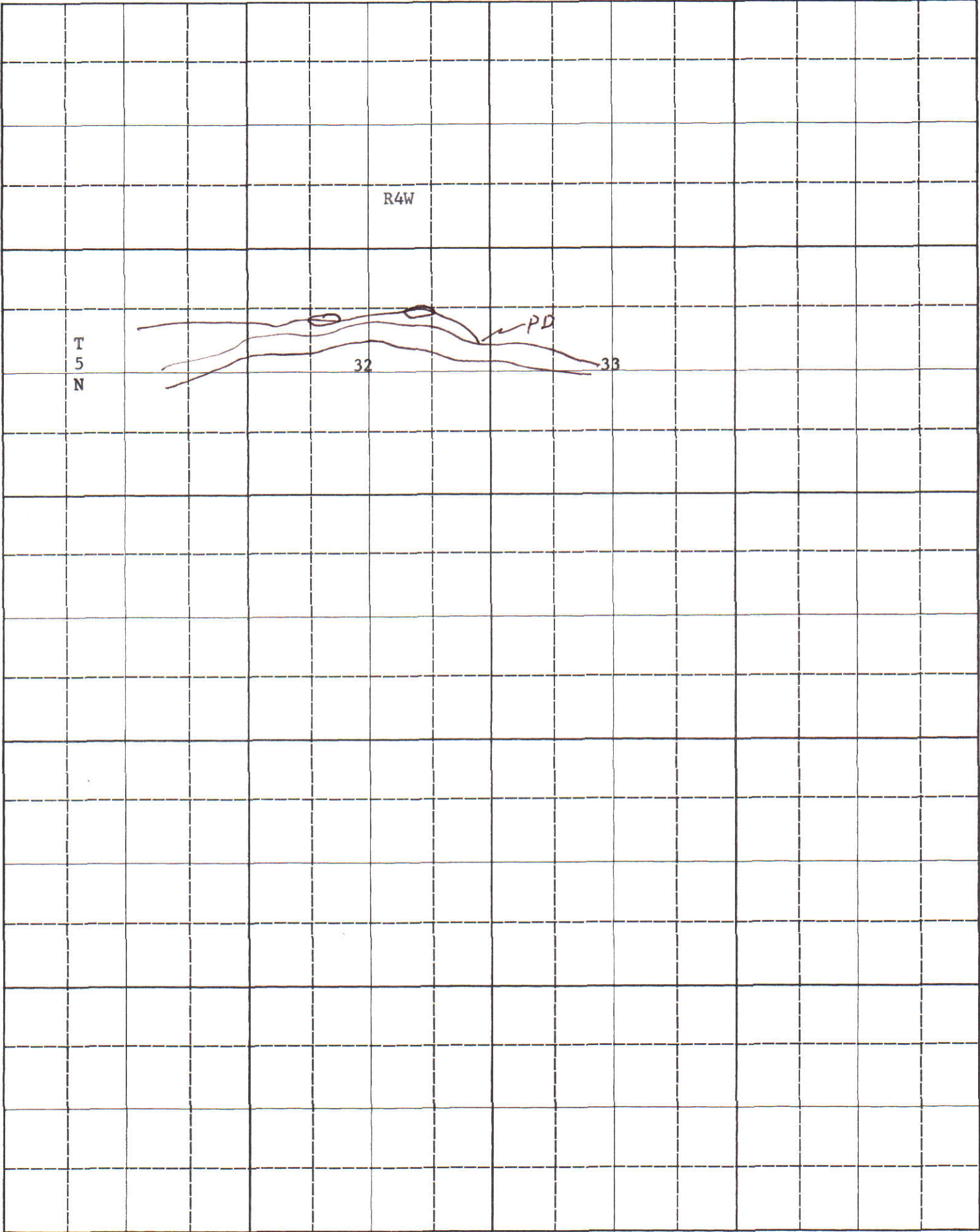


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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



[Signature]
(Applicant)

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Connie Cutberth
of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

September 9, 16, 1982

Connie Cutberth

Subscribed and sworn to before me this 16th
day of September

19 82

Joanne Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

63-9944 / 18

BILBAO, JR., DAN

P.O. BOX 270, ELKO, Nevada 89801

Source: BOISE RIVER tributary to SNAKE RIVER

Date Filed: August 11, 1982

Amount: 1.00 CFS

Diversion Point: SENE Sec 32 T 05N R 04W, CANYON County

Use: WILDLIFE (1.00 CFS) from January 1 to December 31

RECREATION (1.00 CFS) from January 1 to December 31

Place of Use: SWNE SENE SWNW SENW Sec 32 T 05N R 04W

Diversion Means: DIVERSION WORKS, DITCHES & PONDS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, Western Region Statehouse, Boise, Idaho 83720 on or before SEPTEMBER 27, 1982.

A. KENNETH DUNN
Director

September 9, 16, 1982

RECEIVED
SEP 23 1982

Department of Water Resources
Western Regional Office

NOTED
SEP 23 1982

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN

410 S. Orchard, Suite 144
Boise, ID 83705

344-6690

RECEIVED RECEIVED
SEP 17 1987 SEP 15 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources
Western Regional Office

A. GENERAL INFORMATION

Permit No. 63-9944

1. Owner: Dan Bilbao, Jr. Phone No. 1-800-648-2345

Current Address: P.O. Box 270, Elko, Nevada 89801

2. Accompanied by: Gerald Rueth EXAM. DATE: 8/26/87

Address: Parma, Idaho Phone No. 722-6559

Relationship to Permit Holder: Farm Manager

3. Source: Boise River tributary to Snake River

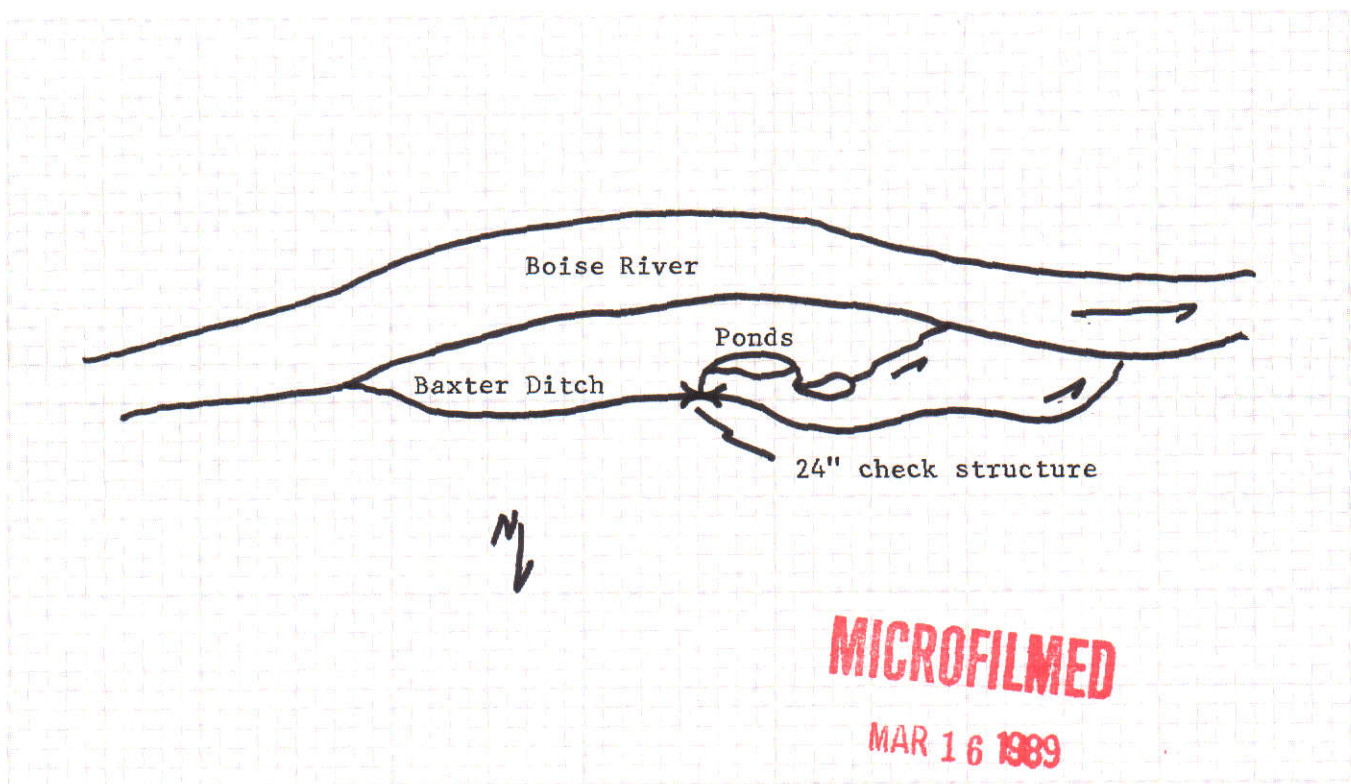
B. OVERLAP REVIEW

1. Other water rights with same place of use: None
☐ Copies Attached

2. Other water rights with same point of diversion: None
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



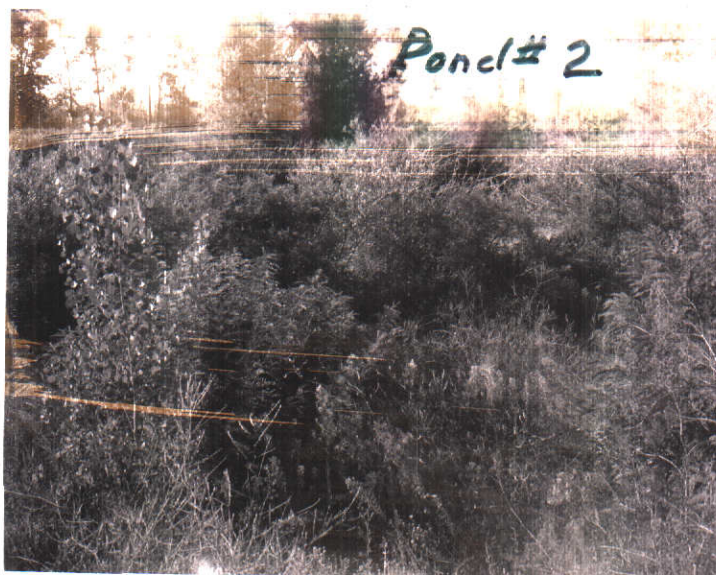
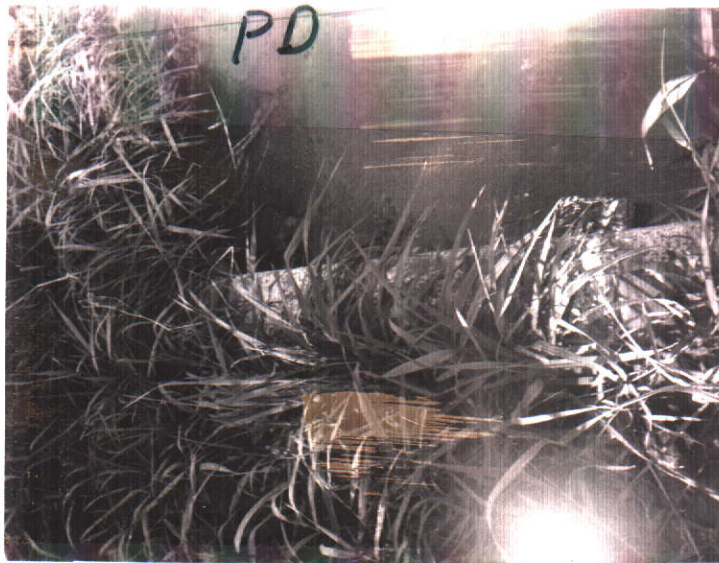
Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).



MICROFILMED
MAR 16 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09944

Priority: August 11, 1982 Amount: 1.00 CFS 724.0 AFA

This is to certify, that DAN BILBAO, JR.
P.O. BOX 270
ELKO, NV 89801

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated August 11, 1982, and has submitted proof to the Department of Water Resources on September 15, 1987, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.110 cfs of water from:

BOISE RIVER tributary to SNAKE RIVER

source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
WILDLIFE	01/01 to 12/31	1.00 CFS	724.0 AFA
RECREATION	01/01 to 12/31	1.00 CFS	724.0 AFA
	Totals	1.00 CFS	724.0 AFA

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 32, Township 05N, Range 04W
CANYON County

PLACE OF USE: WILDLIFE

TWN RGE SEC

05N 04W 32 SWNW SENW

PLACE OF USE: RECREATION, same as WILDLIFE use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 63
5. The total pond volume under this right shall be limited to 15.4 acre feet.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09944

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 13TH
day of MARCH, 1989.

Director

Rosanne Cyg



State of Idaho
Department of Water Resources

RECEIVED
FEB - 8 1988

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-9944

Department of Water Resources

Date of Priority: August 11, 1982

Comes now DAN BILBAO, JR.
P.O. BOX 270
ELKO, NV 89801

and represents to the Director of the

APPROVED

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-9944, and requests that the permit be changed as follows:

Source: BOISE RIVER

tributary to: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Wildlife	01/01 to 12/31	1.00 cfs	724.0 afa
Recreation	01/01 to 12/31	1.00 cfs	724.0 afa
	Totals	1.00 CFS	724.0 AFA

LOCATION OF POINT OF DIVERSION(S):

NWNE, Sec. 32, Township 5N, Range 4W
Canyon County

PLACE OF USE: Wildlife

TWN RGE SEC

5N 4W 32

SWNW

SENE

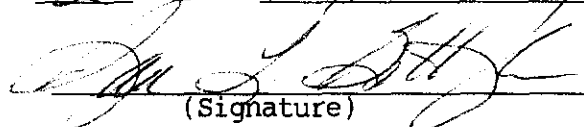
PLACE OF USE: Recreation, same as Wildlife use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Elko, this 2 day of February, 1988.

MICROFILMED

MAR 16 1989


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-9944

FOR DEPARTMENT USE ONLY

48382

Preliminary check by KW Fee = \$20.00 ✓ Received by LF Date 2-9-88

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-9944 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 63 .

Witness my hand this 13TH day of MARCH, 1989

Roman C Young
(Director)

210300-1000

March 10 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 63-9944) ORDER
IN THE NAME OF DAN BILBAO, JR.)

WHEREAS, on October 28, 1982 the Department of Water Resources issued Permit No. 63-9944 in the name of Dan Bilbao, Jr. with the requirement that:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

and,

WHEREAS, the Department of Water Resources has determined that a measuring device and lockable controlling works are not required at this time for a determination of the quantity of water appropriated under the permit;

NOW THEREFORE, the condition of approval on Permit No. 63-9944 requiring that a measuring device and lockable controlling works be installed is hereby REMOVED.

Dated this 23rd day of November, 1987.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

MAR 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Dan Bilbao, Jr. Phone 1-800-648-2345

Post office address P.O. Box 270, Elko, Nevada 89801

2. Source of water supply Boise River which is a tributary of SNAKE RIVER

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32 Township 5N

Range 4W B.M. Canyon County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 cfs for Recreation & Wildlife purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing diversion works and ditches to ponds located on applicants property.

b. Height of storage dam N/A feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: S $\frac{1}{2}$ $\frac{1}{4}$ of N $\frac{1}{2}$ $\frac{1}{4}$ of Section 32 Township 5N
Range 4W B.M.

(2) Amount of power to be generated: N/A horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered N/A

(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below: N/A

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

Total number of acres to be irrigated -0-

c. Describe any other water rights used for the same purposes as described above. None

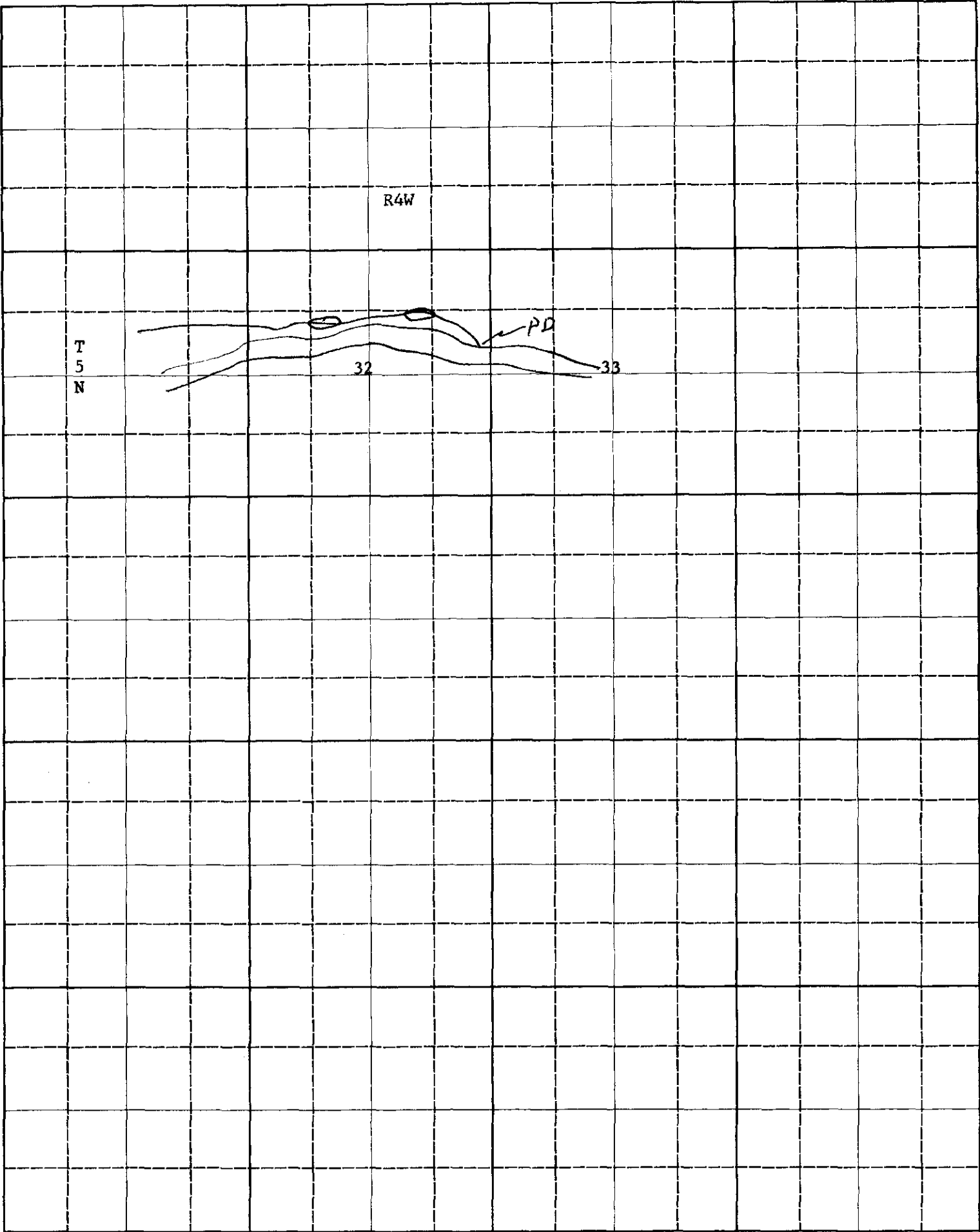
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing N/A

10. Remarks Applicant wishes to divert water through the Baxter Ditch to ponds located on his land to provide aesthetic and recreational value. Wildlife habitat will be increased and provided on a year-round basis. The Baxter Ditch is partially owned by the applicant and will be closed above neighbors property during the non-irrigation season. No other water rights will be affected by diversion of the water or closing of the ditch during the non-irrigation season.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

[Signature]
(Applicant)

Proposed Priority 8/11/1982
Received by CHS Date 8/11/82 Time 2:30
Preliminary check by JG Fee \$ 45.00 = 24100
Received by JP Date 8/11/82
Publication prepared by JS Date 9/1/82
Published in Press-Tribune
Publication dates 9/9 & 9/10/82
Publication approved JS Date 9/23/82
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by OBS RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9944, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 87.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
Use of water under this permit is subject to control by the watermaster of State Water District No. 63, Boise River.
Any outflow from ponds not used for irrigation under existing irrigation rights shall be returned to the Boise River within one-half mile of the downstream most pond.

Witness my hand this 28th day of October, 1982.

J. Glen Sayton
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Connie Cutberth
of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

NOTICE OF APPLICATION FOR WATER RIGHT
Notice is hereby given that the following application(s) have
been submitted for permit to appropriate the public waters of
the State of Idaho:

63-9944 / 1P
BILBAO, JR., DAN
P.O. BOX 270, ELKO, Nevada 89801
Source: BOISE RIVER tributary to SNAKE RIVER
Date Filed: August 11, 1982
Amount: 1.00 CFS
Diversion Point: SENE Sec 32 T 05N R 04W, CANYON County
Use: WILDLIFE (1.00 CFS) from January 1 to December 31
RECREATION (1.00 CFS) from January 1 to December 31
Place of Use: SWNE SENE SWNW SENW Sec 32 T 05N R 04W
Diversion Means: DIVERSION WORKS, DITCHES & PONDS
If issued, the permit(s) will be subject to all prior water
rights. Protests against the granting of any permit must be filed
with the Director of the Idaho Department of Water Resources,
Western Regional Statehouse, Boise, Idaho 83720 on or before
SEPTEMBER 27, 1982.

A. KENNETH DUNN
Director
September 9, 14, 1982

1. That I am a citizen of the United States of
America, and at all times hereinafter mentioned
was over the age of eighteen years, and not a party
to the above entitled action.

2. That I am the Principal Clerk of the Idaho
Press-Tribune, a daily, (except Saturday)
newspaper published in the City of Nampa and
Caldwell, in the County of Canyon, State of Idaho;
that the said newspaper is in general circulation
in the said County of Canyon, and in the vicinity of
Nampa and Caldwell, and has been uninterrupted-
ly published in said County during a period of
seventy-eight consecutive weeks prior to the first
publication of the notice, a copy of which is hereto
attached.

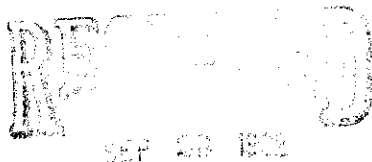
3. That the notice, of which the annexed is a printed
copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and
was printed in the newspaper proper, and not in a
supplement.

4. That said notice was published the following
dates:

September 9, 16, 1982



Department of Water Resources
Western Regional Office

Connie Cutberth

Subscribed and sworn to before me this 16th
day of September
19 82

Joanne Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

March 15, 1989

DAN BILBAO, JR.
P.O. BOX 270
ELKO, NV 89801

RE: PERMIT NO. 63-09944

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 16 1989

MEMORANDUM

TO: File no. 63-9944
FROM: Gary Spackman *Gary*
DATE: February 15, 1989
RE: Total pond volume

I spoke with Sheryl Chapman, the certified examiner who examined the beneficial use for permit no. 63-9944. Sheryl checked his aerial photos of the place of use, and estimated the pond volumes. He stated that the first pond had surface area of 1.03 acres, and a volume of 7 acre-feet. He also estimated that the surface area of the second pond at 1.4 acres, with a volume of 8.4 acre-feet.

The license should be conditioned to limit the total volume to 15.4 acre-feet. The following conditions should be imposed:

The total pond volume under this right shall be limited to 15.4 acre-feet.

15 FEB 16 1989

January 21, 1988

DAN BILBAO, JR.
P.O. BOX 270
ELKO, NV 89801

RE: Permit No. 63-9944

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

cc: Sherl Chapman

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

RECEIVED

DEC 23 1987

Department of Water Resources

December 22, 1987

Mr. Jim Johnson
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Jim:

Enclosed is the Power of Attorney given to me in order to allow me to sign proof of beneficial use form #63-9944 in the name of Dan Bilbao, Jr. I hope this completes action on this water right exam but if you have any other questions, please don't hesitate to give me a call.

Sincerely yours,

Sherl L. Chapman

Sherl L. Chapman
Consultant

SLC:kje
enclosure

MICROFILMED

MAR 16 1989

RECEIVED

DEC 23 1987

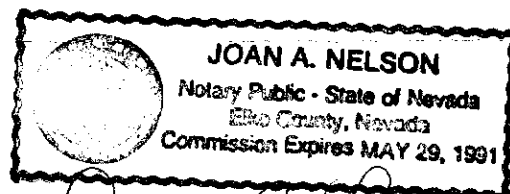
NOVEMBER 16, 1987

Department of Water Resources

POWER OF ATTORNEY;

THIS POWER IS GIVEN TO SHERL L. CHAPMAN TO SIGN PROOF OF BENEFICIAL USE
FORM 63-9944 FOR ME.

Dan L. Bilbao Jr.
DAN L. BILBAO JR.



Joan A. Nelson
November 16, 1987

RECORDED

1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. **Measurement Calculations**

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

c) Volume Calculations for Other Uses:

2. **Overlap Review**

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:

MICROFILMED

MAR 16 1989

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	63-9944	8-11-1982	1.00	8-11-1982	9-15-1987	1.11 cfs

4. Permit Holder: Dan Bilbao, JR.

Address: P.O. Box 270, ELKO, NEVEDA 89801

5. Source: BOISE RIVER tributary to SNAKE RIVER

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
RECREATION	JAN 1 DEC 31	1.0	724.0
WILDLIFE	" "	"	724.0

Allowable Maximums: 1.0 724.0

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
			NW	NE	32	5N	4W	~~ADA~~

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	4W	32							X	X									
Total Acres _____																			

9. Recommended Conditions/Remarks: ROY (63)

MICROFILMED

10. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

MAR 16 1989

11. Examiner's Signature _____ Date _____

Checked in Regional Office by _____ Date _____

Approved in State Office by Jim Date 11-18-87



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 23, 1987

RE: Permit No. 63-9944

Dan Bilbao, Jr.
Box 270
Elko, NV 89801

Dear Mr. Bilbao:

Enclosed is an order removing the condition of the above referenced permit that a measuring device and lockable controlling works be installed.

If you have any questions regarding this document, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 16 1989

Sheri L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

November 13, 1987

RECEIVED
NOV 16 1987

Mr. Jim Johnson
Department of Water Resources
Statehouse
Boise, Idaho 83720

Reference: Permit #63-9944 (Bilbao)

Department of Water Resources

Dear Jim:

Thank you for your letter of November 2, 1987. You had asked for a number of items relating to the field report for permit 63-9944. I'll address these in the same sequence as outlined in your letter.

1. A waiver request for elimination of the measuring device requirement is included as a separate enclosure in this letter.
2. I had originally believed that the power of attorney submitted for another permit in behalf of Mr. Bilbao covered this permit but since it doesn't I have requested a separate power of attorney from Mr. Bilbao for this permit and it will be submitted as soon as it is received.
3. Since the right is a non-consumptive right, I did not think that an annual volume was necessary for the water right exam. However, since you feel you must have it, please add 724 acre feet per annum to the water right exam under Section I-1.
4. The outflow of the ponds are within 100 yards of the main stem Boise River. I would use a 7-1/2 minute quadrangle map except that the scale is so small in that area that it would not be of benefit. Additionally, the river channel has changed significantly since the development of that particular map.

If you have any other questions or need additional information, please don't hesitate to contact me.

Sincerely yours,

Sheri L. Chapman
Sheri L. Chapman
Consultant

MICROFILMED
MAR 16 1989

SLC:kje
enclosure
cc:Mr. Dan Bilbao, Jr.

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

November 13, 1987

RECEIVED
NOV 16 1987

Mr. Jim Johnson
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

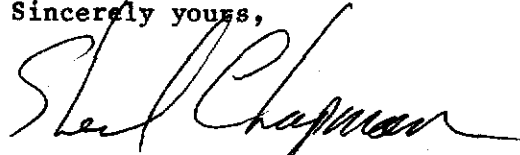
REFERENCE: Measuring Device Waiver, Permit #63-9944

Dear Mr. Johnson:

Please consider this letter as a formal request for waiver of the measuring device requirement included on permit #63-9944 in the name of Dan Bilbao, Jr. A certified measurement was made on the diversion for proof of beneficial use for the permit which normally will substitute for an installed measuring device. Additionally, the permit is a diversion for non-consumptive purposes with the water returning directly to the Boise River on the applicant's property. Therefore, no potential exists for interference with other water rights.

If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Dan Bilbao, Jr.

MICROFILMED

MAR 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

November 2, 1987

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

Sherl Chapman
410 S. Orchard
Suite #144
Boise, ID 83705

Dear Sherl:

We have received the beneficial use field report for Permit No. 63-9944 and it is currently being reviewed. Before a license can be issued there are three items which need to be addressed:

1. Rule 5,1,6. requires that all conditions of the permit be complied with. One of the conditions requires installation of a measuring device. However, based upon the location and nature of the use, it appears that the measuring device requirement can be waived. Rule 2,2,4. requires formal action. It appears appropriate that you submit the waiver request.

2. Rule 3.1. requires written authority from the permit holder for you to act on his behalf. I cannot locate this in the file.

3. Rule 5,1,10. requires an annual volume reflecting extent of water used beneficially under the right. This has not be included.

4. The permit has a condition imposed which requires the location of the pond outflow to be within $\frac{1}{2}$ mile of the Boise River. I cannot determine from your system diagram if this condition has been met because no scale has been included. I would suggest you use a 7.5" USGS quadrangle and draw the system on it.

Please provide the required information within thirty (30) days of the date of this letter, pursuant to Rule 5,2,3.

If you have any questions, Sherl, I'll be happy to assist you in whatever way I can.

Sincerely,

JIM JOHNSON, Supervisor
Water Rights

REPROFILMED

MAR 16 1989

JJ:jf
CC: Western

FIELD EXAM REVIEW

TO: File 63-9944

FROM: Jim Johnson

DATE: 10-14-87

COMPLIANCE WITH BENEFICIAL USE RULES & REGULATIONS:

<u>X</u> 3,1.	<u>OK</u> 5,1,4.	<u>N/A</u> 5,1,9.	<u>N/A</u> 5,1,14.
<u>OK</u> 3,2.	<u>OK</u> 5,1,5.	<u>X</u> 5,1,10.	<u>N/A</u> 5,1,15.
<u>OK</u> 4,1.	<u>X</u> 5,1,6.	<u>OK</u> 5,1,11.	<u>OK</u> 5,1,16.
<u>OK</u> 5,1,2.	<u>N/A</u> 5,1,7.	<u>X</u> 5,1,12.	<u>X</u> 5,2,4.
<u>OK</u> 5,1,3.	<u>N/A</u> 5,1,8.	<u>OK</u> 5,1,13.	<u>N/A</u> 5,3,1.

REMARKS:

- 3,1. Not included
- 5,1,6. No measuring device, installed.
- 5,1,10. Volume amount not included.
- 5,1,12. No description of extent of beneficial use included. Not required per conversation w/ Glenn S.
- 5,2,4. SEE 5,1,6.

Correspondence for more info. required.

MICROFILMED

MAR 16 1989

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN

1015 S. Orchard, Suite 144

6/88

Boise, ID 83705

344-6690

RECEIVED
SEP 17 1987
SEP 15 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources
Western Regional Office

A. GENERAL INFORMATION

Permit No. 63-9944

1. Owner: Dan Bilbao, Jr.

Phone No. 1-800-648-2345

Current Address: P.O. Box 270, Elko, Nevada 89801

2. Accompanied by: Gerald Rueth

EXAM. DATE: 8/26/87

Address: Parma, Idaho

Phone No. 722-6559

Relationship to Permit Holder: Farm Manager

3. Source: Boise River tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: None

☐ Copies Attached

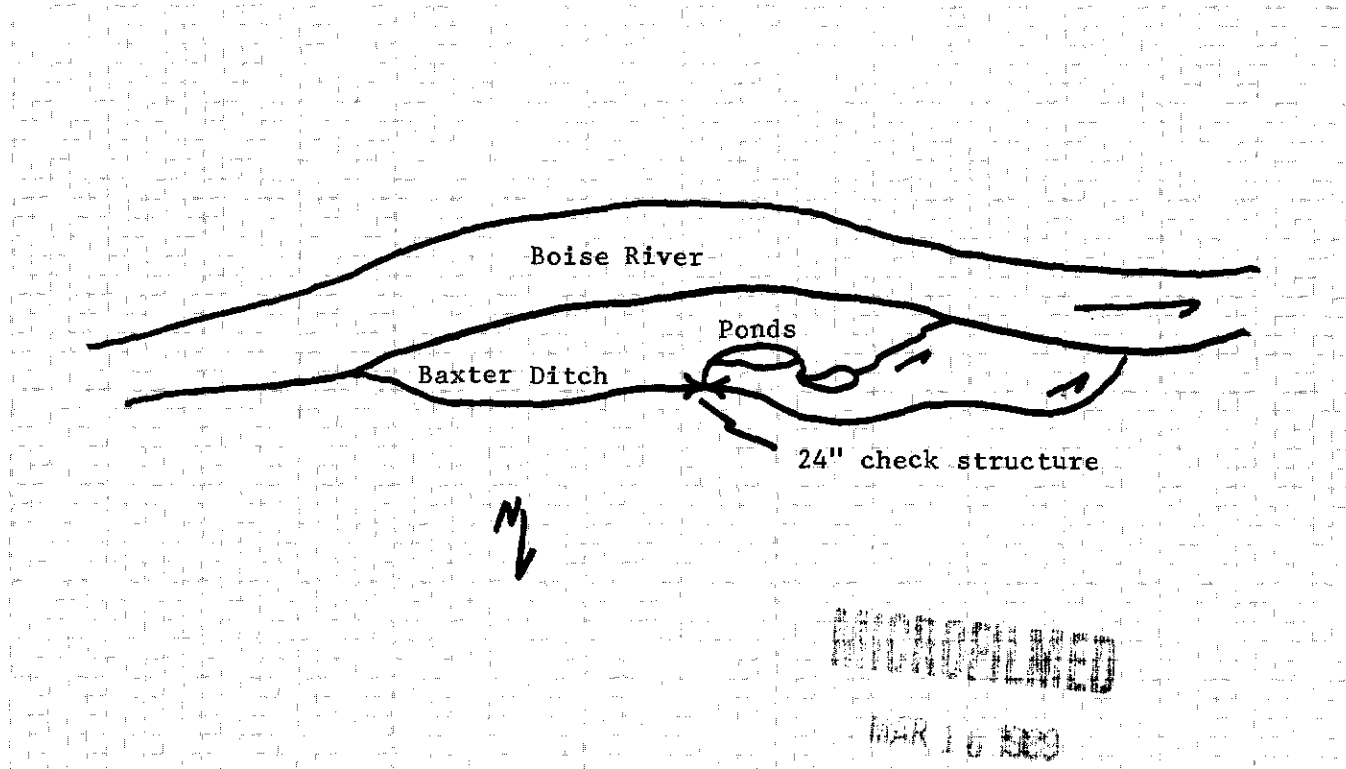
2. Other water rights with same point of diversion: None

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Water is transmitted from the Boise River to the diversion via the Baxter Ditch.
Water is then diverted through a concrete diversion in a gravity ditch to the
first pond. Water exits the first pond and enters the second. Flow from the
second pond enters the Boise River in the NW/4 SW/4, Sec. 32, T5S, R4W. Percolation
from the ponds also enters the Boise River as under flow.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	N/A	---	---	---	---

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NE	32	5N	4W	Ada	Quad map

6. **Place(s) of Use:**

Indicate Method of Determination field/map

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	4W	32							X	X									

RECORDED

MAR 16 1989

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Current meter	AA	Sci Inst	AA	M11WW1	1/2"	1985

2. Measurements:

1.11 cfs = 56"

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{N/A}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses:

RECORDED

APR 16 1989

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

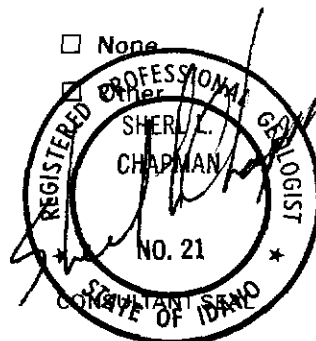
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Recreation & wildlife</u>	<u>1-1</u>	<u>12-31</u>	<u>1.0</u>	<u>non-consumptive</u>
Totals:			<u>1.0</u>	

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above

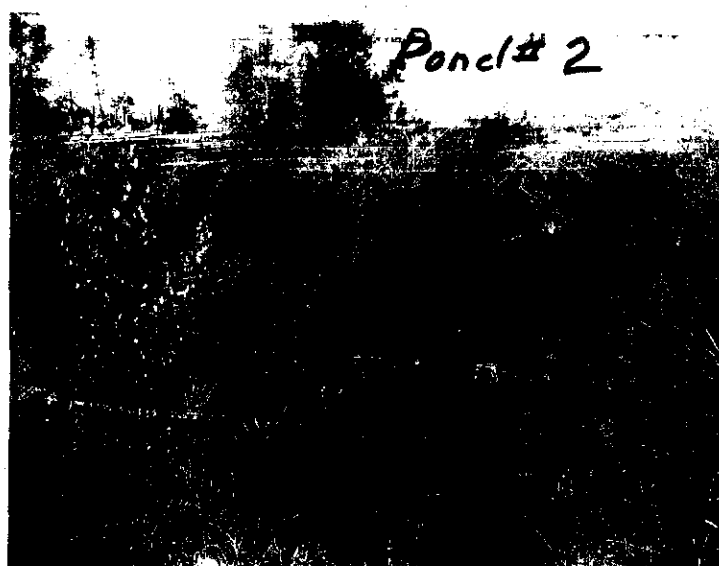
J. AUTHENTICATION

Field Examiner's Name Sheri L. Chapman
Signature *Sheri L. Chapman*
Certification Date 5/5/87
Field Report Preparation Date 8/28/87



- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MAR 16 1988



LEE

CURRENT METER NOTES

PARTY SLC/GP CAGE _____

[illegible]

Ckd by

MAR 16 1989

Form 217

03/86
Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

SEP 17 1987

SEP 15 1987

Department of Water Resources
STATE OF IDAHO

Department of Water Resources
Nevada Regional Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Reviewed by _____

Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 63-9944Name(s) of Permit Holder: Dan Bilbao, Jr.Post Office Address: P. O. Box 270, Elko, Nevada 89801Telephone No. 1-800-648-2345Source of Water: Boise River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Wildlife & recreationTotal rate and/or volume for which proof is submitted 1.0 cfs _____ acre-feetShow the date water was first diverted and beneficially used under this permit: 1982

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Fee enclosed \$ _____
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

N/A

(Name)

(Telephone Number)

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MAR 16 1989

Date

Signature of Permit Holder (and title, if appropriate)

138828
CERTIFIED MAIL
July 31, 1987

BILBAO, JR., DAN
P.O. BOX 270
ELKO, NV 89801

PROOF DUE NOTICE

RE: Permit No. 63-9944

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1987. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

RECORDED
INDEXED

43

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BILBAO, JR., DAN
P.O. BOX 270
ELKO, NV 89801

NOVEMBER 09, 1982

RE: PERMIT NO. 63-9944

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS THAT WILL ENABLE THE WATERMASTER TO CONTROL YOUR RATE OF DIVERSION.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

- I think this
should have
some type of
cond. that
return flow from
the ponds
shall be injected
back into the
Boise R.

- Plz check w/
Dave Shaw.

Vst
10-7-82

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Glover

APPLICATION NUMBER: 63-9944

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☐ Fee.
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No*

Field check by: _____

Date: _____

Comments: _____

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: 9/27/82

- ☐ Yes ☐ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9/23/82
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 45/24100
☒ Publication dates and paper, recorded on application. 9/9 & 9/10/82 Press table
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 63
☒ 8/11/82 Date of priority recommended.
☒ Special conditions of approval or cover letter. OIE

* Any outflow from ponds not used for irrigation under existing irrigation rights shall be returned to the Boise River within one-half mile of the downstream most pond.

RECEIVED

OCT 13 1982

By: DBS

Date: 9/28/82

STATE OFFICE REVIEW:

SL/LT, 103

OIE 26 05/63
Special and alone

- ☐ See attached sheet for more information.

By: _____

Date: 10/6/82
10/19/82

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

RECORDS IN WATER RECORDS

IDAHO STREAM CODE INDEX

001161885

RECEIVED

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

SEPTEMBER 1, 1982

Idaho Press-Tribune
P.O. Box 9399
Nampa, ID 83652

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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 27, 1982.

Yours truly,

JUDY PENSE
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before SEPTEMBER 27, 1982.

A. KENNETH DUNN

Director

Published 09/09 & 09/16/82.

63-9944

BILBAO, JR., DAN

P.O. BOX 270, ELKO, NV 89801

Source: BOISE RIVER tributary to SNAKE RIVER

Date Filed: 08/11/1982

Amount: 1.00 CFS

Diversion Point: SENE Sec 32 T 05N R 04W, CANYON Co.

Use: WILDLIFE	(1.00 CFS)	from 01/01 to 12/31
RECREATION	(1.00 CFS)	from 01/01 to 12/31

Place of Use: SWNE SENE SWNW SENW Sec 32 T 05N R 04W

Diversion Means: DIVERSION WORKS, DITCHES & PONDS

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]