

No. 3598

RECEIVED

MAR 22 1971

Department of Water Administration

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Payette } ss.

I Vicki Blackburn, being duly sworn,
deposes and says:

That she is the principal clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper
published at Payette, in the County of Payette and State
of Idaho that said paper has been and is in general cir-
culation in the county aforesaid, and in the vicinity of Pay-
ette; that the advertisement, a copy of which is attached
hereto, was published in said newspaper once a week for
two (2) consecutive weeks in the regular and entire
issue of said paper during the period and time of publica-
tion, and was published in the newspaper proper and not
a supplement; that said paper has been established and
regularly published for more than seventy-eight consecu-
tive weeks prior to the date of first publication of said
advertisement.

Such notice was published in the issue beginning with
March 18, 19 71, and ending

with the issue of March 25, 19 71
Vicki Blackburn

Fee \$ 10.81

Subscribed and sworn to before me this 26th day
of March, 19 71

Virginia Hutchinson
Notary Public, Residing at Payette, Idaho.

My Commission Expires 12-27, 19 73

NOTICE OF EXISTING
WATER PERMIT

Notice is hereby given that
Angelo Marostica, Route No. 1,
Box 64, Ontario, Oregon, has
received an approved Permit
No. 31602/65-2762 issued by
the Idaho Department of Water
Administration authorizing
the diversion of 1.6 cubic feet
per second of water from
Whitney Drain, trib. to the
Snake River. The priority to
be established under this per-
mit is January 13, 1968, and
the permit was approved De-
cember 20, 1963.

Water is to be diverted by
pump and ditches from a point
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33,
T. 7N, R. 5W, B.M., Payette
County, Idaho, to be used for
irrigation in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
32; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 7N,
R. 5W, B.M.

Proof of the application of
the water to beneficial use
was submitted to the Depart-
ment on January 21, 1971.
Any protests against the issu-
ance of the license for the
above referenced permit
should be filed with the Idaho
Department of Water Adminis-
tration within ten (10) days of
the last date of publication of
this notice or prior to the li-
censing of the permit.

R. KEITH HIGGINSON
Director, Idaho Dept.
of Water Administration
STATEHOUSE
Boise, Idaho

Published in the Indepen-
dent-Enterprise, Payette, Ida-
ho, on March 18 and March 25,
1971.

No. 3598

3-18-2tc

CR
3-31-71

63 3625

R. 5 W.

63 3625

T.
7
N.

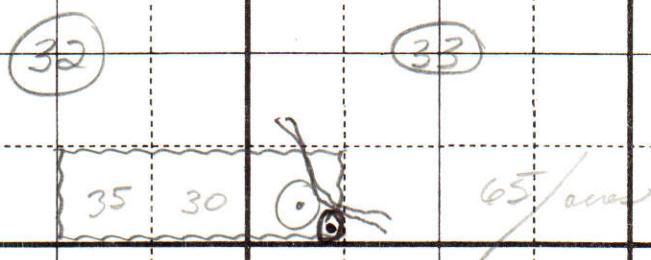
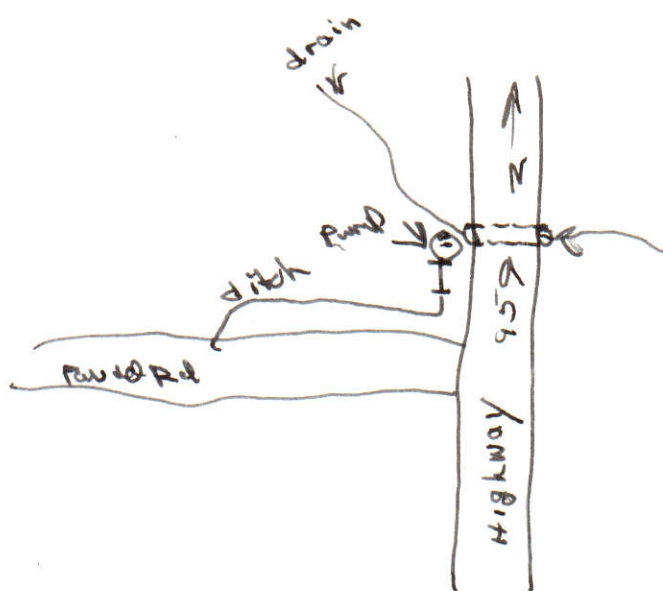
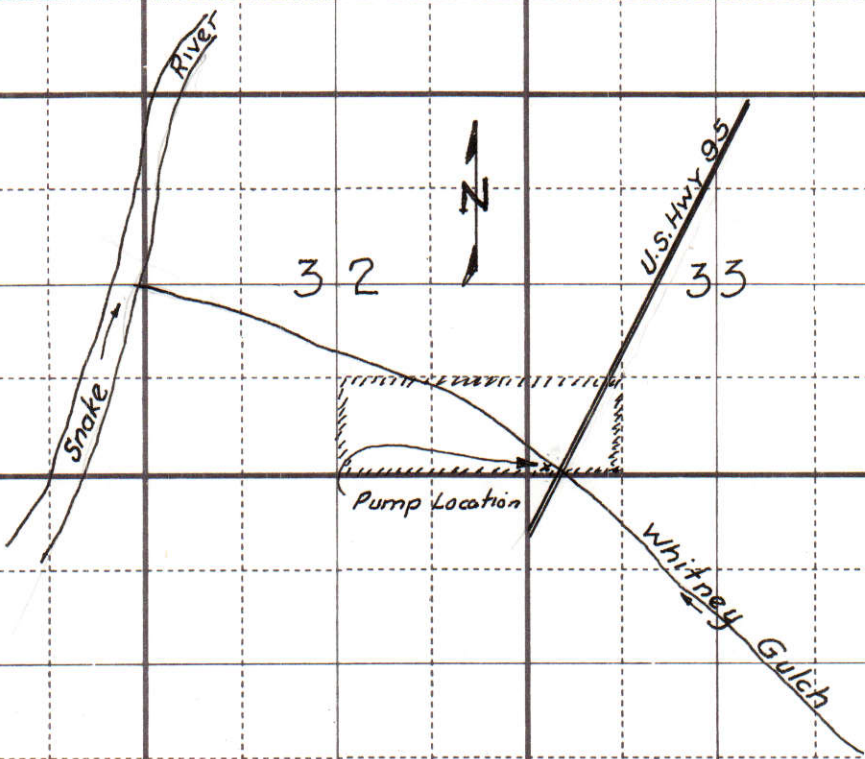


Diagram of System



NAME OF APPLICANT Angelo Marostica

Form No. 0



7N 5W

Permit Map No. 31602
As Approved
CARL E. TAPPAN
State Reclamation Engineer
DEC 20 1963

31602

Nº 3598

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Payette }

I, Vicki Blackburn, being duly sworn,
deposes and says:

That 4 he is the Principal Clerk of THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two (2) consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with March 18, 1971, and ending with the issue of March 25, 1971

Vicki Blackburn

Fee \$ 10.81

Subscribed and sworn to before me this 26th day
of March, 1971

Virginia Hutcherson
Notary Public, Residing at Payette, Idaho.

My Commission Expires 12. 27, 1972

Approved by the Board of Fish and Game, No. 1, Res. 6, 1934. The Board has received a permit from the National Fish and Game Commission, by the United States Fish and Game Commission, to take water from the Snake River, to the Snake River. The priority to be established under this permit is January 13, 1934, and the permit was approved December 20, 1934.

Water is to be diverted by pump and ditch from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 7N, R. 5W, E.M. Fremont County, Idaho, to be used for irrigation in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 7N, R. 5W, E.M.

Proof of the application of the water to beneficial use was submitted to the Department on January 31, 1971. Any protests against the issuance of the license for the above mentioned permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit.

R. KEITH HIGGINSON
Director, Idaho Dept.
of Water Administration
STATEHOUSE
Boise, Idaho

Published in the Indonesian
 Independent Press, December 24,
 1971.

No. 300-100000-12

63 3625

Identification No. 63-3625

Permit No. 31602/65-2762

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JAN 21 1971

Department of Water Administration

1. a) Name of Permit Holder Angelo Marostica
b) Post Office Address Route #1, Box 64, Ontario, Oregon
2. Permit Number 31602/65-2762
3. Date of Priority that you are prepared to establish December 13, 1963
4. a) Source from which water was appropriated Whitney Drain or Black Canyon Irrigation Drain
b) Location of the point of diversion: SW 1/4 SW 1/4, Section 33
Township 7N, Range 5W, Boise Meridian, Other points of diversion:
600' west from corner of SW 1/4 SW 1/4, Sec. 33 & approximately 100' north from
section line
5. a) The amount of water and use to which the water has been applied:
amount 1.6 for irrigation purposes from Mar. 20 to Oct. 20 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.6 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: by temporary weir. Watermaster or ditch
rider measured the rate of flow
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: open ditch
b) Describe the agreement or understanding by which you take water from the works: authorized by
Black Canyon Irrigation District
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) waste water; pumped from below the level
of waste ditch into open lateral pump size no. 6
motor 7.5 electric
b) Describe the type and size of measuring device which you have installed at your point of diversion:
c) Give well drillers name and address and date the well was completed

Exam typed 5-3-71. (ce)

63 3625

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: sandy loam and section of extreme sand.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	5W	32															35	30	65
		33											15						15

Total number of acres irrigated 80

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

January 21, 1971
(Date)

Angelo L. Marostica Sr.
(Signature)

State of Idaho)
County of Ada) ss.

On this 21 day of JAN., 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Donald R. Elbert
Notary Public residing at Boise Idaho

My commission expires 2-18-1974

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31602/65-2762)
in the name of Angelo Marostica)

ORDER

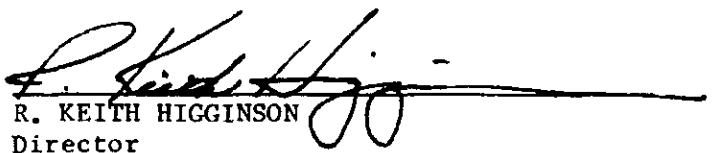
WHEREAS, on December 13, 1963, Angelo Marostica applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 1.6 cubic feet of water per second from Whitney Drain, tributary to the Snake River, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 7N, R. 5W, B.M., Payette County, Idaho, for the purpose of irrigating 80 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 7N, R. 5W, B.M.; and,

WHEREAS, on December 20, 1963, the Department approved the application with the condition that the whole of the work be completed on or before December 20, 1964, and proof of the application of the water to beneficial use be submitted to the Department on or before December 20, 1965; and,

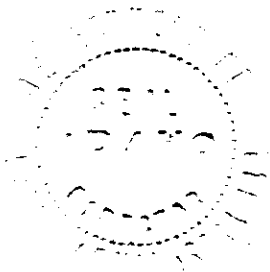
WHEREAS, proof of application of the water was submitted to the Department on January 21, 1971;

IT IS, THEREFORE, HEREBY ORDERED that the priority of permit no. 31602/65-2762 be advanced to January 13, 1968.

Dated this 1st day of FEBRUARY, 1971.


R. KEITH HIGGINSON
Director

RKH/dg



BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 31602/65-2762)

in the name of Angelo Marostica)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 65-2762 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

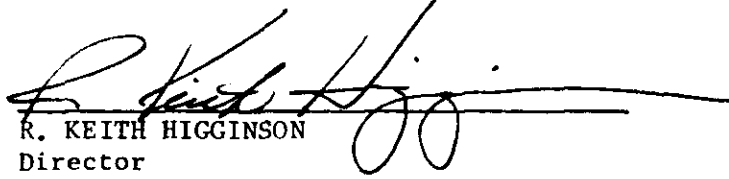
1. The above numbered permit will be completed under the terms of Title 42,

Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.

2. The conditions of the above numbered permit are modified as follows:

a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 25TH day of February, 1971.


R. KEITH HIGGINSON
Director

RKH/dg

Application For Permit To Appropriate the Public Waters of the State of Idaho 63-2625

APPLICATION No. 39712
PERMIT No. 31602
DISTRICT No.

1. Name of Applicant: **Angelo Marostica**
Postoffice address: **Rt. 2, Parma** County: **Canyon** State: **Idaho**
I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:
(a) Cash on hand: (c) Bond to be issued:
(b) Treasury stock: (d) Other resources:
2. Quantity of water claimed: **1.6** cubic feet per second.
3. Source of water supply: **Whitney Drain** which is a tributary of **Snake River**
4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B.M., and is in the **SW $\frac{1}{4}$ SW $\frac{1}{4}$**
of section **33** , T. **7 N** , R. **5 W** , B. M., County of **Payette**
5. Water is to be used for **Irrigation**
6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.
7. Estimated cost of works: \$ **2000.00**
8. Kind of works: **Pump & Ditches**
9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom **2** feet; width at water line **4** feet; depth of water **2 $\frac{1}{2}$** feet;
dimensions of flume:
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.
12. The time required for the completion of such work is **1** years.
13. The time required for the complete application of the water to the proposed use is **1** additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

s/ Angelo Marostica

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. 12/13/63

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 31602

Recorded in Book 111 Page 31602 Approved December 20, 1963

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 **February 20, 1964** 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 **June 20, 1964**

The whole of said work to be completed on or before **December 20, 1964**

Beneficial use of water appropriated in accordance herewith, to be made on or before **December 20, 1965**

WITNESS My hand this 20 day of December, 1963

s/ CARL E. TAPPAN

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE,.....ROBERT E. SMYLIE....., Governor of the State of Idaho,
and ARNOLD WILLIAMS....., Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....20.....

day of December, 19 63.
Countersigned:

STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor.

Secretary of State.

REMARKS: Am filing this pending permit from Black Canyon Project for said water

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
7 N	5 W	32																65	
7 N	5 W	33																15	
Total Number of Acres to be Irrigated																		80	
Permit No. 31602																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that ANGELO MAROSTICA of Parma, County of Canyon, and State of Idaho, the holder of Permit No. 31602, issued upon application No. 39712, bearing date of priority of December 13, 1963, authorizing the diversion of 1.6 second feet of waters of Whitney Drain, County of Payette, State of Idaho, for irrigation 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 1.6 second feet of the waters of Whitney Drain, tributary of Snake River; that the points of diversion of said waters SW ¹ / ₄ SW ¹ / ₄ , Sec. 33, T. 7 N., R. 5 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:																			
S ¹ / ₂ SE ¹ / ₄ , Sec. 32; SW ¹ / ₄ SW ¹ / ₄ , Sec. 33, T. 7 N., R. 5 W., B. M.																			
Witness my hand this 6th day of January, A. D. 1965.																			
s/ RALPH W. THOMAS, Deputy State Reclamation Engineer																			
Proof of Completion of Works Made: December 7, 1964																			
LICENSE ISSUED FOR 1.3 SEC. FT. LICENSE PAGE NO.																			

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 31602/63-3625 Priority Jan. 13, 1968 Amount 1.30 cfs
(late proof)

THIS IS TO CERTIFY, that ANGELO MAROSTICA
of Ontario, Oregon, has complied with the terms and conditions of Permit
No. 31602/63-3625 issued pursuant to Application for Permit dated December 13, 1963,
and has submitted proof to the Department of Water Administration on January 21, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.39 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from surface water (Whitney Drain)
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 1.30 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.30 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp. 7 N, Rge. 5 W, B.M.

in the county of Payette; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 292 acre feet per year or _____
4.5 acre feet per acre.

Description and location of 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 $\frac{1}{4}$	
7 N	5 W	32															35	30	65

Total number of acres irrigated 65

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of
February, 19 73.


Director

63 3625

February 26, 1973

Re: Permit No. 31602/63-3625 (Re-numbered from 65-2762)

Mr. Angelo Marostica
Route 1, Box 64
Ontario, Oregon 97914

Dear Mr. Marostica:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

63 477

THIS INDENTURE, Made this day of January

in the year of our Lord one thousand nine hundred and forty-five , between

George Schiemer and Katharine Schiemer, husband and wife,

of the County of Payette , State of Idaho ,

the parties of the first part, and Angelo Marostica and Marie Marostica,

husband and wife,

of the County of Payette , State of Idaho ,

the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

Three thousand three hundred twenty-five and no/100 - - DOLLARS,

lawful money of the United States of America,

to them in hand paid by the said

parties 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 parties

of the second part, and to their heirs and assigns forever, all of the following described real estate,

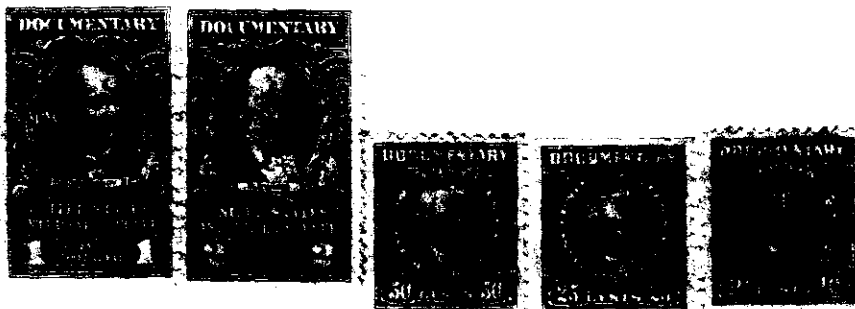
situated in the County of Payette, State of Idaho, to-wit:

The South Half of the Southeast Quarter of Section 32, and the Southwest Quarter of the Southwest Quarter of Section 33, Township 7 North of Range 5 West of the Boise Meridian.

RECEIVED

FEB 23 1973

Department of Water Administration



63 3625

January 15, 1973

Mr. Angelo Marostica
Route 1 - Box 64
Ontario, Oregon 97914

Dear Mr. Marostica:

A representative of this Department has made an examination of the works covered by your Permit No. 31602/65-2762 and has found the following:

Quantity of water diverted: 3.39 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.30 cfs

The maximum quantity diverted shall not exceed 292 acre feet per year.

Beneficial use: Irrigation of 65 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, Twp. 6 N, Rge. 5 W, B.M.

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Twp. 6 N, Rge. 5 W, B.M.

Priority date established: Jan. 13, 1968 (late proof)

Our field examiner's report indicates that your project is in Township 6 N, whereby your permit lists Township 7 N. Therefore, it will be necessary for you to amend your permit before a license can be issued. We have enclosed a partially completed application for amendment for your use. Please sign the application and return it to this office within 10 days of the date of this letter in order that we may issue your water license as set forth above.

Our field examination also indicates that your rate of diversion exceeds that authorized by your permit. Unless you have another valid permit for other grounds to be irrigated from this same source or other beneficial uses of this water, you must reduce your rate of diversion to that allowed by law.

If you do not concur with the above findings or have any questions, please contact us within the 10-day limit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Amendment form

63

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Angelo Marostica
Post office address Route #2, Parma, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed Whitney Drain
(name spring, stream, etc.)
Tributary to Snake River

3. Water will be used for the following purposes:

Amount 1.6 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from March 20 to October 20
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 1.6 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6 N N/S, Range 5 W E/W, B.M., Section 33, Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$, Payette County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: Waste water; pumped from below the level of waste ditch into open lateral. Pump size, no. 6, motor 7.5 electric.

Measuring device required: yes ☐ no ☒

6. Lands to be 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 $\frac{1}{4}$	
<u>6</u> N	<u>5</u> W	<u>32</u>															<u>35</u>	<u>30</u>	<u>65</u>
		<u>33</u>											<u>15</u>						<u>15</u>

Permit No. 31602/55-2762
Examination for B/U

should be in
63-3675

R. 5 W.

63 3625

T.
7
V.

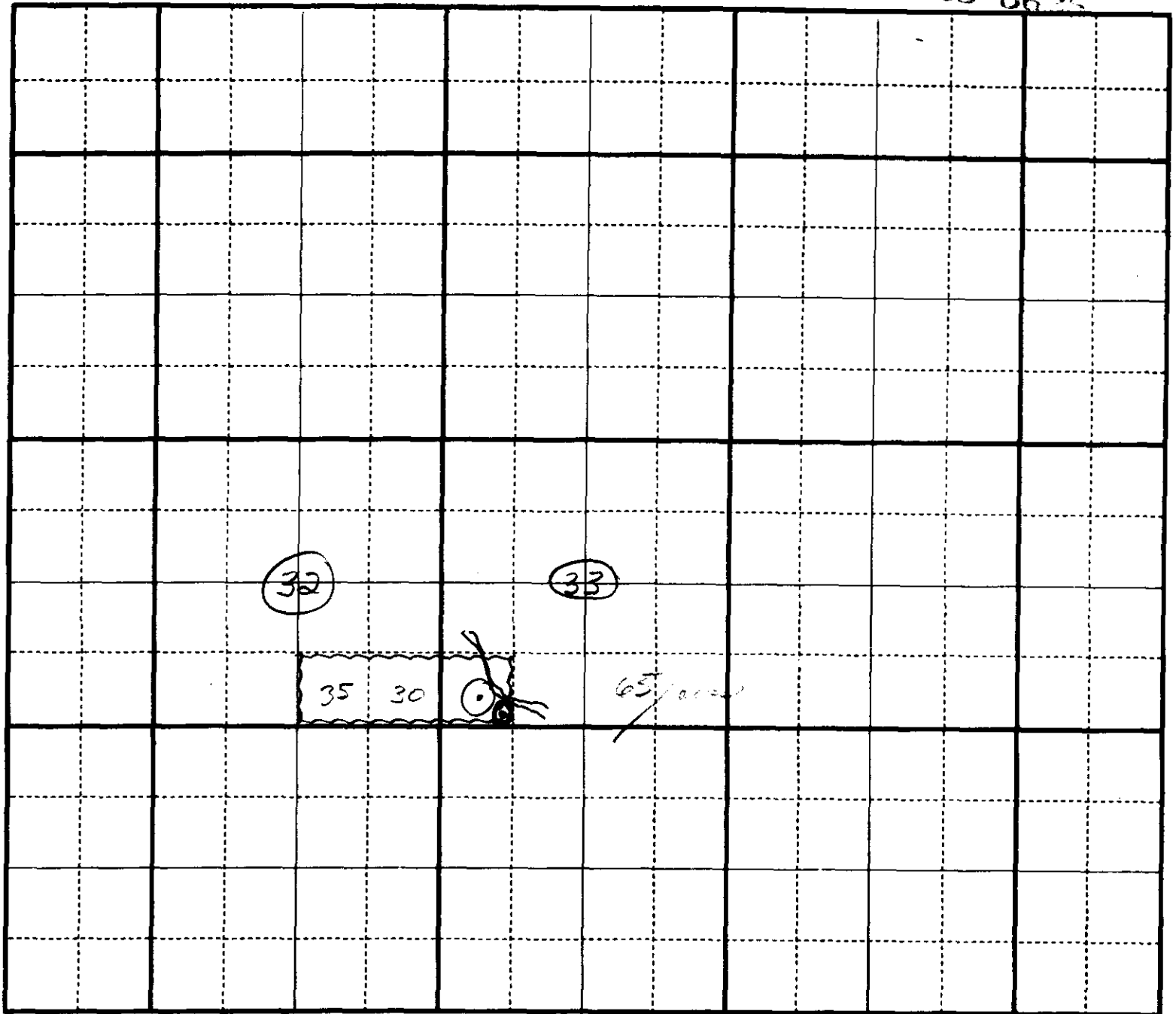
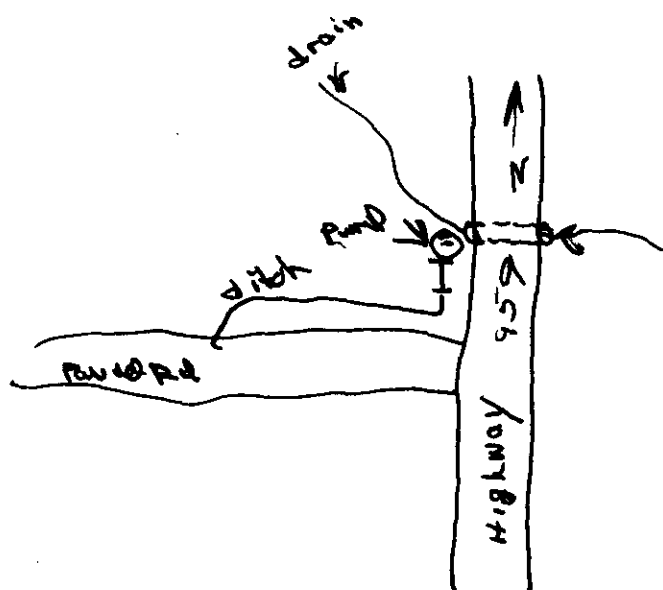


Diagram of System



DATE OF EXAM 8-26-1971

ACREAGE

Found 65.0
Recommended 65.0

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 1.30 c.f.s. V = 292.5 AF/Ann. from Apr. 15 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: unnamed drain
twp. 6 N/S, Rge 5 E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4
County _____

Exchange? yes _____ no ☒

Name source exchanged with: NONE
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4
County _____

Total Q measured 3.39 cfs Method of measurement _____

Total Q recommended 1.3 cfs Meter No. A-722 Type A Condition good

Total V recommended 292.5 AF/season 65 x 4.5 AF = 292.5 AF/season

Recommended Amendments:

P.D. From 7N to 6N, SW, sec. 33, SWSW
Place of Use same as above
Other _____
None _____

MEASUREMENT CALCULATION:

see discharge measurements notes (att.)

SYSTEM DESCRIPTION:

Pump from drain into open gravity flow ditch
#6 pump 1/2" H.P. motor w/7' lift, 12' of pipe
see #0 B 137550

REMARKS:

System as described in operation at time of exam. Field is now more than irrigated from waste water to high for ditch
recommend 1/2" H.P. for 65.0 acres
Also not locate in basin 65 (Trick to system)
should be in 63

Examiner's Signature E. Ballance Date 8-26-1971

Checked by _____ Date _____

Approved by _____ Date _____

STATE OF IDAHO 12-
DEPARTMENT OF RECLAMATION

2:pm
K-722

Date 8-26, 1971 **DISCHARGE MEASUREMENT NOTES**

Angelo Marastica River at 50' below diversion

[illegible]

10. 1 of 1 Sheets. Comp. by _____ Chk. by _____

March 31, 1971

65-3425
Re: Permit No. 31602/65-2762

Angelo Marostica
Route 1, Box 64
Ontario, Oregon 97914

Dear Mr. Marostica:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than you should be contacted by the examiner, please advise.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:MR

63 3 17

March 9, 1971

Re: Permit No. 31602/65-~~2762~~ ⁶³⁻³⁶²⁵

Mr. Angelo Marostica
Route #1, Box 64
Ontario, Oregon

Dear Mr. Marostica:

The legal notice for the above-referenced permit is being published in the
Independent Enterprise, Payette, Idaho on March 18th
and March 25th, 1971.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

63 3625

March 9, 1971

63-3625

Re: Permit No. 31602/~~65~~-2762

Independent Enterprise
Box 348
Payette, Idaho 83661

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Angelo Marostica
Route #1, Box 64, Ontario, Oregon, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB
Enc: legal notice

63 3625

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Angelo Marostica, Route #1, Box 64,
Ontario, Oregon ⁶³⁻³⁶²⁵ has received an approved Permit No.
31602/65-2762 issued by the Idaho Department of Water Administration auth-
 orizing the diversion ~~of~~ of 1.6 cubic feet per second ~~per second~~
~~per second~~ of water from Whitney Drain, trib. to the Snake River.
 The priority to be established under this permit is January 13, 1968
 and the permit was approved December 20, 1963.

Water is to be diverted by pump and ditches
 from a point within the SW1/4, Sec. 33, T. 7N, R. 5W, B.M., Payette
County
 to be used for irrigation
 in the S1/4, Sec. 32; SW1/4, Sec. 33, T. 7N, R. 5W, B.M.

Proof of the application of the water to beneficial use ^{was} ~~has~~ sub-
 mitted to the Department on ~~the~~ January 21, 1971. Any protests
 against the issuance of the license for the above referenced permit should
 be filed with the Idaho Department of Water Administration within ten (10)
 days of the last date of publication of this notice or prior to the licensing
 of the permit. ~~Licensee may be held liable for damages to third parties if the water is not used for the purpose for which it was licensed.~~

R. KEITH HIGGINSON, Director
 Idaho Dept. of Water Administration
 STATEHOUSE, Boise, Idaho

Published in the Independent Enterprise, Payette, Idaho
 on March 18th and March 25th, 1971

Permit No. 65-2762

Director:

You are hereby authorized to have the above notice published at my expense
 in the Independent Enterprise of Payette, Idaho;
 published in the county in which the works are situated.

Angelo F. Marostica
 (Signature)
March 5th 1971
 (Date)

R. 1 Box 64
 (Address)
Ontario, Oregon, 97714

February 26, 1971

63-5625

Re: Permit No. 31602/65-2762

Mr. Angelo Marostica
Route 1, Box 64
Ontario, Oregon

Dear Mr. Marostica:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit 31602/65-2762. Enclosed you will find an Order which advances the priority under this permit to January 13, 1968.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof of beneficial use.

The enclosed order modifies the above referenced permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. If you will complete the enclosed form and return it to this office, we will cause the notice to be published.

If you have any questions or if we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Orders (2)
Advertising package

63-5625

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.	1 <i>Angelo Marostica</i> 2 <i>Viola Marostica</i>	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. <i>30452</i>		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED <i>12-18-70</i>	3 <i>63 36273-3625</i> <i>65-2962</i>	SHOW WHERE DELIVERED (only if requested)

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

63 3625

POSTMARK OF
DELIVERING OFFICE

DEC
18
PM
1970

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

3660
RETURN
TO

NAME OF SENDER

STREET AND NO. OR P.O. BOX

**DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707**

POST OFFICE, STATE, AND ZIP CODE

655-16-71249-10

Apr. 1967

POB Form 3811

December 15, 1970

CERTIFIED MAIL

#30452

Re: Permit No. 31602 (New No. ⁶³⁻³⁶²⁵~~65-2762~~)

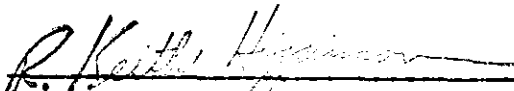
Mr. Angelo Marostica
Route 2
Parma, Idaho 83660

Dear Mr. Marostica:

It appearing to the Department of Water Administration that the terms and conditions of Permit 31602/65-2762 to appropriate the public waters of the State of Idaho have not been complied with as to ~~failure to submit proof of beneficial use of~~
~~water due on December 20, 1965~~,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before January 24, 1971. why said permit should not be cancelled.

Permit 31602/65-2762 claims the use of 1.6 cubic feet per second of water, the point of diversion was to be located within the ~~SW 1/4~~ SW 1/4 of Sec. 33, T. 7N,
R. 5W, B.M. and the permit was approved December 20, 1963.


R. KEITH HIGGINSON
Director

63 3625

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. **31602**
63-3625

Date: **Oct. 1, 1965**

Angelo Marostica
Rt 2
Parma, Idaho

Dear **Mr. Marostica:**

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. **31602** is due not later than **Dec. 20, 1965**. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated -- by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

Enc.

31602

January 6, 1965

~~63-3625~~

Re: Permit No. 31602

Angelo Marostica
Route #2
Parma, Idaho

Dear Mr. Marostica:

Enclosed is the Certificate of Completion of Works
issued on the above numbered permit.

Also enclosed is departmental receipt No. 32575,
in the amount of \$5.00 covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
Receipt

31602

Permit No. 31602STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

DEC 8 1964

County of Payette

SS.

63-3625

Department of Reclamation

Angelo Monastika, 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. 31602, and that his postoffice address is PO # Parma Idaho State of IdahoSecond: That the name of the stream from which said water is to be diverted is Whitney DrainThird: That the point of diversion of said water is SW¹/₄SW¹/₄, Twp. 7 N., R. 5 W., B.M. in Section 33.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 20, 1964.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: water ditch and pump
(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)II. Dimensions of work: Pump and ditch

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit _____ width at bottom _____ feet, width at water line _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use _____

1.6 second feet of water.Eighth: That water appropriated under said permit is available for 70 acres of land described as follows: located in SW¹/₄SW¹/₄, Twp. 7 N., R. 5 W.B.M. in Section 33. - 15 Acres also 30 acres in the SE¹/₄ of the SE¹/₄ and 35 acres in the SW¹/₄ of the SE¹/₄, all situated in Twp. 7 N., R. 5 W.B.M. in Section 32

Ninth: Remarks:—That _____

Angelo Monastika
(SIGN HERE)Subscribed and sworn to before me this 7th day of December, 1964Ward Thum

NOTARY PUBLIC

My commission expires My Commission Expires Sept. 3, 1967

31602

46

ROBERT E. SMYLIE
Governor



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

CARL E. TAPPAN
State Reclamation Engineer

RECEIVED
DEC 30 1964

December 8, 1964

63-3625

RE: Permit No. 31602

Mr. Angelo Marostica
Rt 2
Parma, Idaho

Dear Mr. Marostica:

Receipt is acknowledged of your Proof of Completion of Works.

It is noted, however, that you do not list all your land in Item 8. You have all 70 acres in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$. We are returning your proof along with your check dated December 7, 1964.

Please correct Item 8 and return to this office promptly.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By


M. Russell Bosch, Assistant
Water Rights and Records Section

MRB:mr

Enc. proof
check

31602

A. Marostica

The $S\frac{1}{2}SE\frac{1}{4}$ of Sec. 32 and $SW\frac{1}{4}SW\frac{1}{4}$ of Section 33,
Township 7 N., Range 5 WBM.

7/5/63



31602

4

914 Main on the
left side going East

December 8, 1964

63-3625

RE: Permit No. ~~31502~~

Mr. Angelo Marostica
Rt 2
Parma, Idaho

Dear Mr. Marostica:

Receipt is acknowledged of your Proof of Completion of Works.

It is noted, however, that you do not list all your land in Item 8. You have all 70 acres in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$. We are returning your proof along with your check dated December 7, 1964.

Please correct Item 8 and return to this office promptly.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

M. Russell Bosch, Assistant
Water Rights and Records Section

MRB:mr

Enc. proof
check

31602

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho
Oct. 30, 1964

ReP Permit No. 31602

Angelo Marostica
Route #2
Parma, Idaho

Please note time is short for mailing this into office. Please make up the Proof of Completion of Works Form by date shown and include the \$5.00 fee

Dear Mr. Marostica:

65-3625

Under the terms of your Permit No. ~~31602~~ you are required to complete your diversion works on or before Dec. 20, 1964. I enclose 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.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enc. Form 6

65-3625

31602

December 31, 1963

Re: Permit No. 31602

Mr. Angelo Marostica,
Rt. 2,
Parma, Idaho.

Dear Mr. Marostica:

63-3625

We enclose Permit No. ~~31602~~ in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. ³¹⁹⁸⁰ which was issued covering payment in the amount of \$ ~~5.25~~ for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

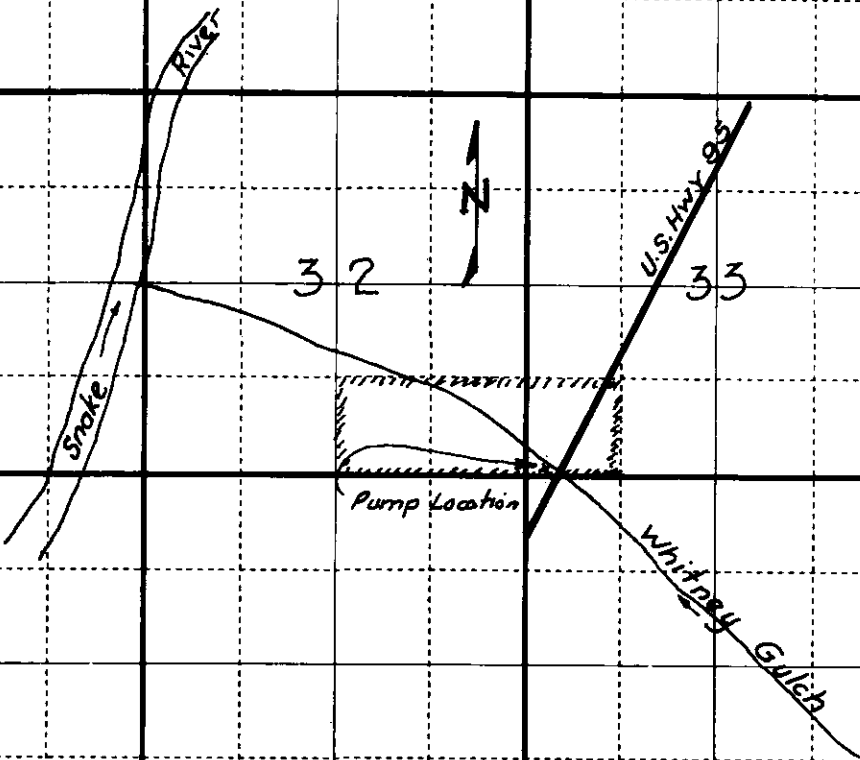
(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

31602

NAME OF APPLICANT Angelo Marostica

Form No. 0



Permit Map No. 31602

DATE DEC 20 1963
State of California

31602

-1-

BLACK CANYON IRRIGATION DISTRICT
NOTUS, IDAHO

LICENSE TO INSTALL PUMP

THIS AGREEMENT, Made and entered into this 30th day of August,

19 63, by and between the BLACK CANYON IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, herein-after called Licensor, first party, and

A. L. Marostica, Rt. 2, Parma, Idaho
hereinafter called Licensees, second parties, WITNESSETH:

WHEREAS, Licensees are the owners of the The S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, and
the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 7 North, Range 5 West of the Boise Meridian

and said Licensees desire to obtain from Licensor its permission to divert irrigation water for the irrigation of said premises from the Whitney Bottomx Wasteway wasteway, which said wasteway is a part of the irrigation and drainage system of Licensor.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, receipt of which are acknowledged by Licensor, Licensor hereby gives unto Licensees the privilege of installing a pump in said wasteway and pumping water therefrom for the irrigation of the above described lands of Licensees upon the following terms and conditions.

1.

Said pump may be installed on the Licensor's right of way in the following location: S.W. $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33 T. 7 N. 5 W.

and said Licensees shall not divert more than 100 miners inches at this location.

2.

Said Licensees shall, at their own expense and before installing said pump or pumping water therefrom, obtain the necessary rights of way for the conveyance of water from said pump to the real property hereinabove described.

3.

The water diverted by said pump shall be used only for the irrigation of the above described real property and the privilege herein granted shall not be assigned or the water obtained hereunder used for the irrigation of any other premises whatsoever.

31602

Black Canyon Irrigation District
Notus, Idaho

- License to install pump -

page 2

4.

The installation, operation and maintenance of said pump and the necessary ditches or pipelines for the conveyance of said irrigation water to said real property shall be at the sole expense of Licensees.

5.

The aforesaid pump and necessary means of conveyance of said water, as aforesaid, shall be installed so as not to obstruct in any manner the flow of water in said wasteway nor interfere in any manner whatsoever with the construction, operation and maintenance of said wasteway or any other irrigation or drainage facilities of Licensor or any other person.

6.

Licensees shall be liable to Licensor for any and all damage caused by the installation, operation or maintenance of said pump or the exercising of any of the privileges conferred by this license, and shall hold the Licensor harmless from any damage caused to the property of other persons by reason of the exercising of this license.

7.

Licensees shall, prior to the exercising of any privileges herein granted, submit to the manager of Licensor complete details of the means and manner of the installation of said pump and appurtenant facilities and shall secure the approval of said manager thereof.

8.

This license shall continue only so long as in the opinion of the Board of Directors of the Black Canyon Irrigation District it is not detrimental to any interest whatsoever of the Licensor or any water user or land owner of lands within the boundaries of the Black Canyon Irrigation District and shall be revokable by said Board by giving a 10 day written notice to Licensees by registered mail that said license is revoked, it being specifically understood and agreed that the application of irrigation water to said lands of Licensees, through the exercising of this license, by Licensees or their heirs, executors, administrators or assigns, shall not make the right to apply said water to said lands appurtenant to said lands or give to Licensees, their heirs, executors, administrators or assigns, any permanent right to use said irrigation water so diverted and applied as aforesaid for the irrigation of said lands, the continuance of the privilege herein granted being solely at the discretion of the Board of Directors of said Black Canyon Irrigation District.

9.

In the event of the termination of this license by Licensors, as aforesaid, or by any other manner, Licensees shall, at their sole expense, remove said pump and conveying system, if the Board of Directors of said irrigation district so requires, and said Licensees shall be liable for any damage to the irrigation or drainage facilities of Licensor caused by said removal, and shall also hold Licensor harmless from any and all liability to third persons caused by said removal.

31602

Black Canyon Irrigation District
Notus, Idaho

- License to install pump -

page 3

10.

Licensor shall not be liable to Licensees for any damage to said pump, or conveying facilities, caused by reason of the construction, operation or maintenance of any irrigation or drainage work or facility of the Licensor.

11.

It is specifically understood and agreed that Licensor hereby reserved the absolute right to recapture and use all or any part of the water of said wasteway, including any water diverted by Licensees under the terms hereunder, and in the event of such recapture and use, Licensor shall not be liable to Licensees for any damage caused thereby.

12.

In the event Licensees fail or refuse to remove said pump, or conveying facilities at the request of the Licensor, as aforesaid, Licensor may do so and charge the cost thereof to the Licensees.

13.

In the event any action at law or suit in equity shall be filed against the Licensor by reason of the granting or exercising of this license or the installation, operation or maintenance of the said pump, and conveying system of Licensees, Licensees shall promptly reimburse Licensor for any and all Court costs and expenses incurred in defending any such action, including Licensor's attorneys fees.

14.

In the event it is necessary for Licensor to file any action at law or suit in equity for the enforcement of any of the terms and conditions herein contained, Licensees shall pay to Licensor the costs of suit and whatever the Court shall adjudge as Licensor's reasonable attorneys fees.

15.

Upon the execution of this agreement, Licensees shall forthwith record, at their own expense, a copy thereof with the recorder of the county in which said pump is situated.

16.

Neither this license nor any of the rights or privileges herein granted shall be assigned or hypothecated in any way by Licensees without the written consent of Licensor first had and obtained.

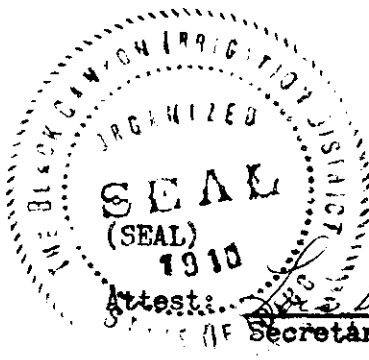
17.

The terms hereof shall be binding upon the heirs, executors, administrators and assigns of Licensees, and upon the successors and assigns of Licensor.

31602

page 4

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



BLACK CANYON IRRIGATION DISTRICT, Licensor

By Roy L. Miller
President, Board of Directors

Angelo L. Marostica
Licensee

Licensee

STATE OF IDAHO)
County of Canyon : ss.

On this 3rd day of September, 1963 before me, the undersigned, a Notary Public in and for said State, personally appeared

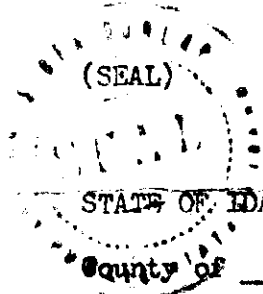
Roy L. Miller

known to me to be the President of the Board of Directors of the irrigation district that executed the foregoing instrument, and acknowledged to me that such irrigation district executed the same.

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

R. B. Johnston
Notary Public

Residing at Caldwell, Idaho



STATE OF IDAHO)
County of Canyon : ss.

On this 30th day of August, 1963 before me, the undersigned, a Notary Public in and for said State, personally appeared

Angelo L. Marostica

known to me to be the persons that executed the foregoing instrument as Licensees, 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 first above written.

Louis B. Johnston
Notary Public

Residing at Caldwell, Idaho

31602

(SEAL)

Indexed **118313** Compared

*Black Canyon Irrigation
district
to*

A. S. Marston

STATE OF IDAHO }
County of Payette } ss

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

BCLD

at *34* minutes past *2* o'clock *P.*M.

this *23* day of *Sept* 19*63*

in my office, and duly recorded in book

6 of *Bonds & Agreements*

at page *26*

Walter H. Smith

Exofficio Recorder

By.....

Deputy

420

July 9, 1963

Re: Application for Permit

Angelo Marostica
Route 2, Parma

Dear Mr. Marostica:

Returned herewith is your application for permit with attached check for \$5.50.

The quantity of water claimed can not be over 0.02 cubic feet per second for each acre of land. You show 60 acres so the maximum amount you can claim is 1.2 cubic feet per second. Possibly you can irrigate more than 60 acres and the amount of water can be increased. The fee for any amount between 1.0 and 2.0 cubic feet per second is \$5.25.

The point of diversion and the land list is not sufficient to complete the application. I have shown on one of the sketch maps the location of the gulch, highway and your land as shown on the map we were looking at in this office. Show on the map your land as you had it on the paper.

Do you intend to irrigate both sides of the gulch and also both sides of the highway?

Kindly show the pump on the map and the land you will irrigate and I will finish the application. The application will not be approved until we get the permission from the Black Canyon for your diversion.

Very truly yours,

CARL E. TAPPAN, Acting
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:vj

encl. application & check

31602

ROBERT E. SMYLIE
Governor



State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE

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*Yes both sides
gulch & both
sides Hwy.*

Very truly yours,

CARL E. TAPPAN, Acting
State Reclamation Engineer

By: *Ralph W. Thomas*
RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:vj

encl. application & check



31602