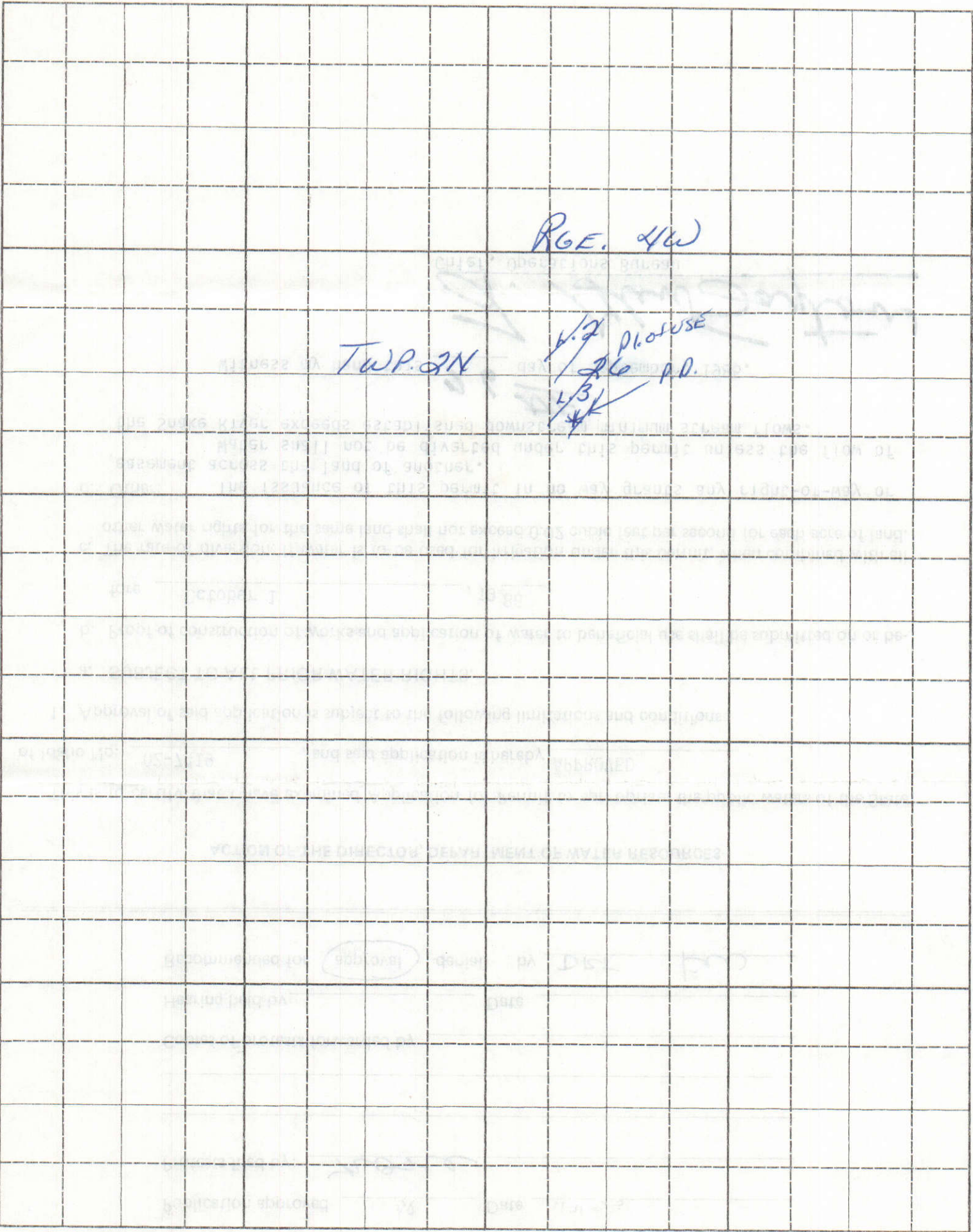


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Swain F. Gibson
(Applicant)

MICROFILMED

The Owyhee Avalanche

P.O. BOX 97

HOMEDALE, IDAHO 83628

208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
 COUNTY OF OWYHEE)

I, Joe E Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said **The Owyhee Avalanche**, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in _____ two (2) _____ (consecutive)
 calendar weekly issue(s) of said newspaper, in the following date(s):

July 31, 1985

August 7, 1985

(Signed) _____



Subscribed and sworn to before me this 7th day of August
 A.D., 1985



Notary Public in and for the State of Idaho,

residing at _____ Homedale, Idaho.

My commission expires March 26, 1988

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

02-7419 ✓ 3P

GIBSON, DWAIN F.

ANDERSON, DENNIS J.

RT. 1 BOX 789, MARSING, ID 83639

Source: SNAKE RIVER trib to

COLUMBIA RIVER

Date Filed: 06/27/1985

Diversion Pt.: LOT 03 (NESW) Sec 26 T 02N R 04W

Use: IRRIGATION (0.20 CFS)

In: LOT 02 (SENW) LOT 03 (NESW)

Sec 26 T 02N R 04W FOR 10 ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before AUGUST 19, 1985.

KEN DUNN, Dir.

Published July 31 & Aug. 7, 1985 2t

RECEIVED

SEP 6 1985

Department of Water Resources
 Western Regional Office

MICROFILMED

DEC 09 1992

Department of Water Resources

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
- ☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

OPALENE GULCH QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

NE/4 SANDS BASIN 15' QUADRANGLE

2671 11 SW
LAKE LOW

WELL 16 MI.
ING 3.6 MI.

47'30" 517

R 4W 518

230 000 FEET

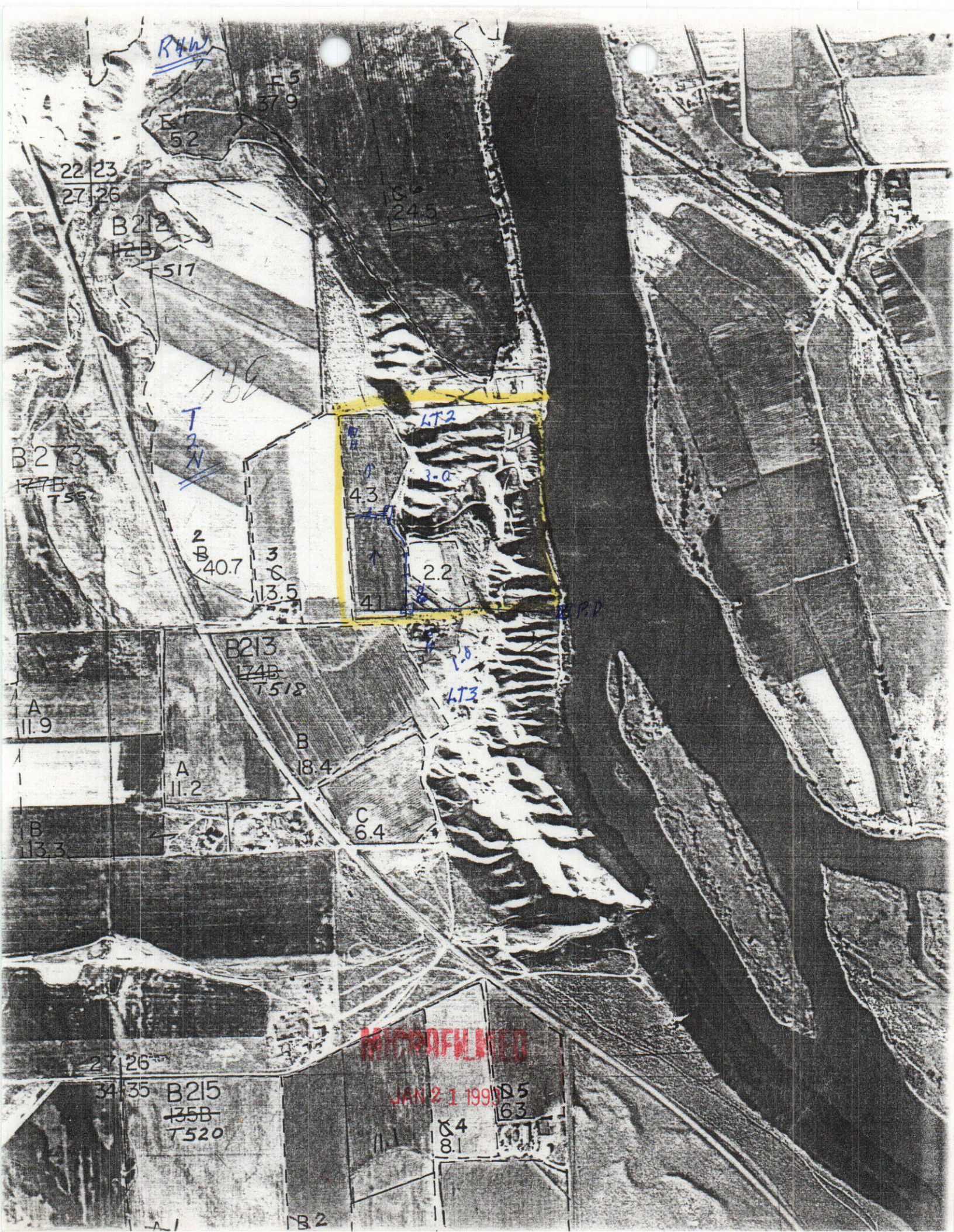
519

520

116°45'

43°30'





R4W

E5
37.9

E1
52

22 23
27 26

B212
12B

517

24.5

B273
177B
T55

T
2
N

LT2

4.3

4.1

2.2

2
B
40.7

3
C
13.5

B213
174B

518

LT3

1.5

A
11.9

A
11.2

B
18.4

C
6.4

B
13.3

27 26

34 35

B215
135B
T520

JAN 21 1999

D5
63

8.4
8.1

B2



LT 3 NENESW Sec 26 T2N R4W
20 HP motor



6" Gated pipe used on a field of new
alfalfa. LT 2 Sec 26 T2N R4W

JAN 21 1993

REMOVED

Dwain F. Gibson - Dennis J. Anderson JKN
02-7419



Gravity Irrigation & Gravity Pressured
sprinkler system used on steep Hill side



View of steep Hill with Areas of
Vegetation. slopes

JAN 21 1993

RECORDED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07419

Priority: June 27, 1985

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 45.0 AF

This is to certify, that DWAIN F GIBSON
DENNIS J ANDERSON

RT 1 BOX 789

MARSING ID 83639

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1985; and has submitted Proof of Beneficial Use on September 24, 1986. An examination indicates that the works have a diversion capacity of .540 cfs of water from:

SNAKE RIVER

tributary to COLUMBIA RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	45.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWSE), Sec. 26, Township 02N, Range 04W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	04W	26	Lot 2(SENW) 9	Lot 3(NESW) 1		10
Total number of acres irrigated:						10

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.

RECEIVED

JUN 21 1985

State of Idaho
Department of Water Resources

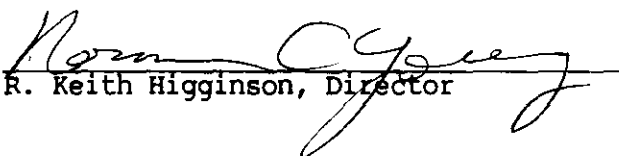
WATER RIGHT LICENSE

WATER RIGHT NO. 02-07419

CONDITIONS/REMARKS:

6. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

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 24th day of DECEMBER, 1992.


Acting for R. Keith Higginson, Director

JAN 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho
Dwain F. Gibson &/or

1. Name of applicant Dennis J. Anderson Phone 896-4382

Post office address Route #1, Box 789, Marsing, ID 83639

2. Source of water supply Snake River which is a tributary of Columbia River

3. Location of point of diversion is NE ^(Lot 3) 1/4 of SW 1/4 of Section 26 Township 2N

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

4. Water will be used for the following purposes:

Amount .20 for Irrigation purposes from 3/15 to 11/15 (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. .20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 20hp pump, open ditch with gravity
irrigation - syphon tubes.

b. Height of storage dam _____ 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 _____ 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 1 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: _____ 1/4 of _____ 1/4 of Section _____ Township _____

Range _____ B.M. _____

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

(3) List number of each kind of livestock to be watered _____

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

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	4W	26								L.2 9	L.3 1								10

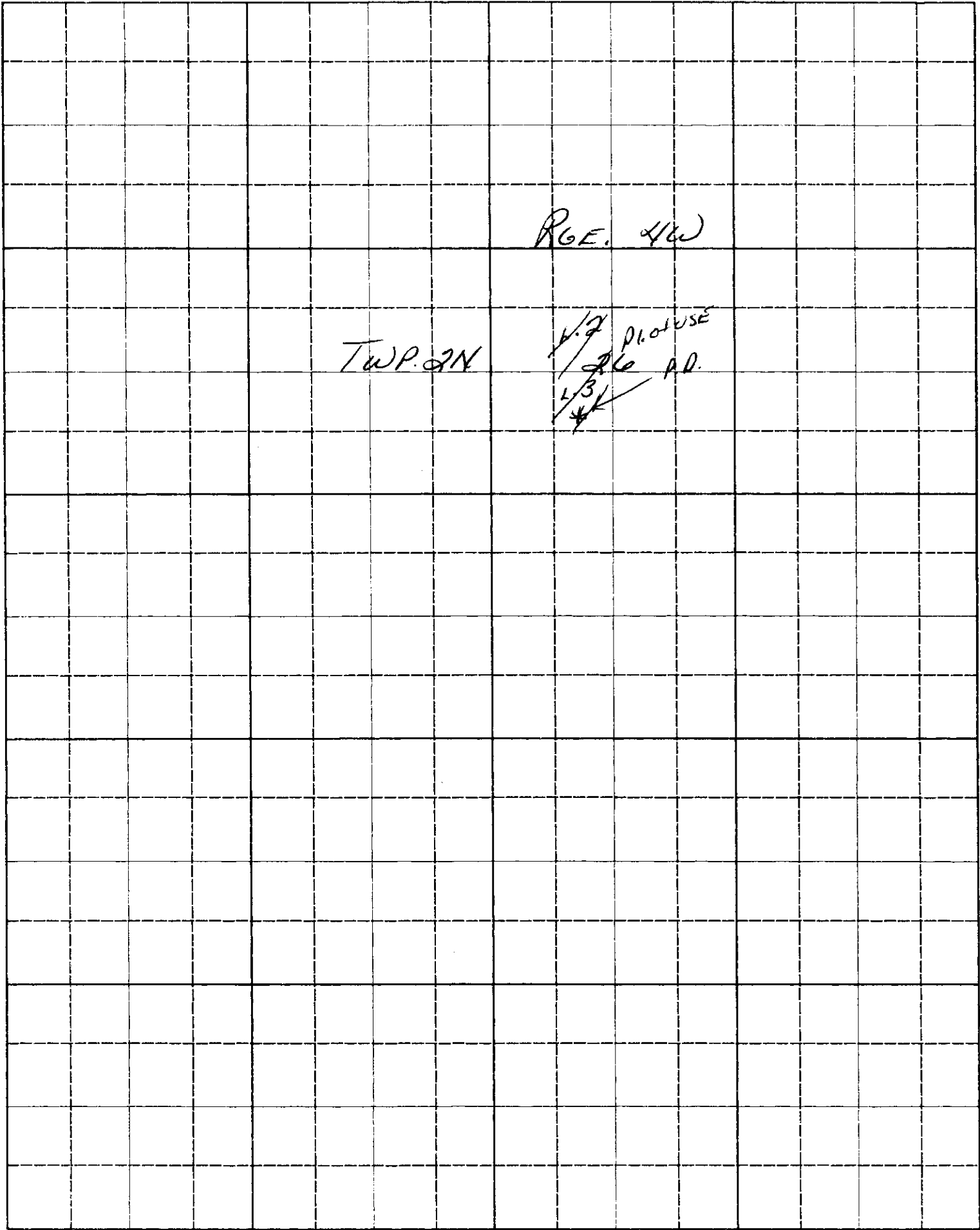
Total number of acres to be irrigated 10

c. Describe any other water rights used for the same purposes as described above. Notice of
Claim to a Water Right No. 02-0044, M. B. Anderson.

9. a. Who owns the property at the point of diversion M. B. Anderson
- b. Who owns the land to be irrigated or place of use M. B. Anderson, Dwain Gibson, Dennis Anderson
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Family agreement.

10. Remarks Dwain Gibson, Dennis Anderson and M. B. Anderson each own a portion of the above described land. We are all farming it together. M. B. Anderson had a 10 hp pump and has a water right for 15 inches. This spring we replaced it with a 20 hp pump to get more water to be able to farm all of our land. So we need a permit for 10 more inches. The reason M. B. Anderson only had 15 acres listed on his permit was because at the time he filed he was only pumping 15 inches with his 10 hp pump. We own approximately 30 acres total between the three of us.

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.

Dwain F. Gibson
(Applicant)

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Proposed Priority 6/27/85

MICROFILMED

Received by nn Date 7-16-85 Time 10:00 AM
Received by nn Date 6-27-85 Time 9:00 AM
Preliminary check by GLS Fee \$ 30/36099
Receipted by JP Date 7-1-85
Publication prepared by jp Date 7/25/85
Published in Surface avalanche
Publication dates 7/31 & 8/7/85
Publication approved hp Date 9/1/85
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DRT kw

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. 02-7419, 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 86.
- 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: The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Water shall not be diverted under this permit unless the flow of the Snake River exceeds established downstream minimum stream flows.

Witness my hand this 26th day of September, 1985.

J. Shu Saxton
Chief, Operations Bureau

The Owyhee Avalanche

P.O. BOX 97

HOMEDALE, IDAHO 83628

208/337-4881

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
COUNTY OF OWYHEE)

I, Joe E Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in _____ two (2) _____ (consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

..... July 31, 1985

..... August 7, 1985

.....

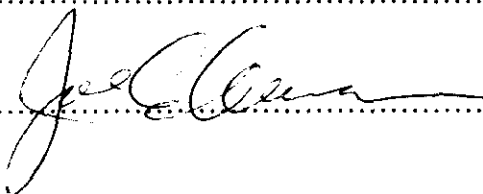
.....

.....

.....

.....

(Signed).....



Subscribed and sworn to before me this 7th day of August
A.D., 1985

.....
Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires March 26, 1988

been filed to appropriate the
waters of the State of Idaho:

02-7419 ✓ 18

GIBSON, DWAIN F.
ANDERSON, DENNIS J.
RT. 1 BOX 789, MARSHING, ID 83630
Source: SNAKE RIVER trib to
COLUMBIA RIVER
Date Filed: 02/27/1985
Diversion Pt.: LOT 03 (NESW) Sec
25 T 02N R 04W
Use: IRRIGATION (0.20 CFS)
In: LOT 02 (SESW) LOT 03 (NESW)
Sec 25 T 02N R 04W FOR 10 ACRES

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, Western Region,
Statehouse, Boise, Idaho 83726 on or
before AUGUST 19, 1985.

.....

RECEIVED
SEP 11 1985

Department of Water Resources
Western Regional Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 28, 1992

DWAIN F GIBSON
DENNIS J ANDERSON
RT 1 BOX 789
MARSING ID 83639

RE: WATER RIGHT NO. 02-07419

Dear Water Right Holder(s):

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

Sincerely,

A handwritten signature in cursive script that reads "Pamela Skaggs".

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 02-7419

1. Owner: Dwain F. Gibson & or Dennis J. Anderson Phone No. 896-4382

Current Address: BTI Box 789 Marsing, Idaho 83639

2. Accompanied by: Dwain F. Gibson EXAM. DATE: 6/19/87

Address: Same as above Phone No. 896-4382

Relationship to Permit Holder: applicant

3. Source: Snake River tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with same place of use: ~~02-0044~~ 02-02433

☒ Copies Attached

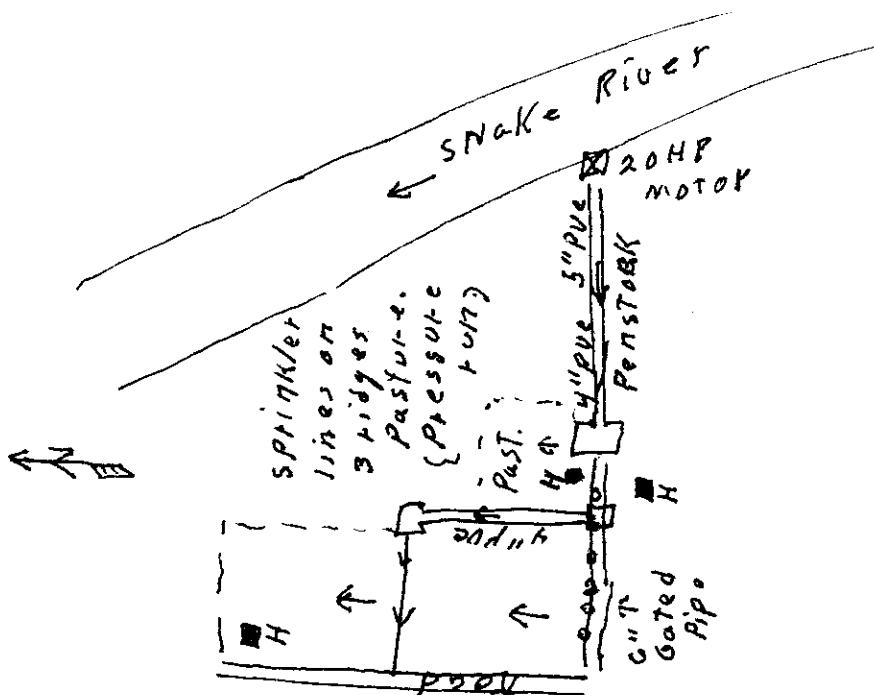
2. Other water rights with same point of diversion: ~~02-0044~~ NONE

☒ 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" = 0

JAN 21 1993

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.)

used pumpy meter in an open ditch.
Family operated system - divide water upon
request. Pressure sprinkler system on steep
ridges facing the Snake River.

☐ 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
	U. S. Electric	20	F-804800779	Berkley	B22PL

*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
	3	NW	NW	SE	26	2N	4W	Owyhee	
		NE	NE	SW					

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

Indicate Method of Determination ASCS Aerial Photo

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	
											62	63							
2N	4W	26								9	1								10

Do not use this space

JAN 21 1993

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pygmy meter						

2. Measurements:

.54 cfs using a pygmy meter in an open ditch.
See attached measurement notes.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

Pygmy Meter: = .54 cfs

2. Alternate Method for Checking Purposes:

20 HP x 8.8 x .75 = 132 = .53 cfs
250' lift 250

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 Amps x .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{4.5}{10} \times \frac{45 \text{ AF}}{5 \text{ AF}} = 45 \text{ AF}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .20 \times 245 \times 1.9835 = 97.2$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 50 \text{ } 45$

2. Volume Calculations for Other Uses:

None

NOT RECORDED

JAN 21 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

^{ADJUD. CLAIM}
~~Statutory right~~ A02-0044 covers the same land as permit 02-7419. The intent of the applicant was to have an inch per acre on the sixteen acres being irrigated. The Ten Horse Power motor at the point of diversion was replaced with a Twenty Horse Power motor for more water. ^{FILED A02-00044 FOR EARLIER PRIORITY (BENEFICIAL USE CLAIM)}
 Recommend permit 02-7419 as Applicant submitted it to the department. The adjudication section will gather historical data & etc. during the on going Snake River adjudication and will submit these findings to the court. ^(IF BENEFICIALLY USED IN 1966, A02-00044 WILL SUPERSEDE 02-07419)
 Attached is data for A02-0044 & 02-7419.
 Family operated farm consisting of: M.B. Anderson, Dennis Anderson & Duain Gibson - All have homes on the farm.

I. RECOMMENDATIONS A2-02433 SEPERATE SYSTEM, DIFFERENT OWNER - N/A

1. Recommended Amounts

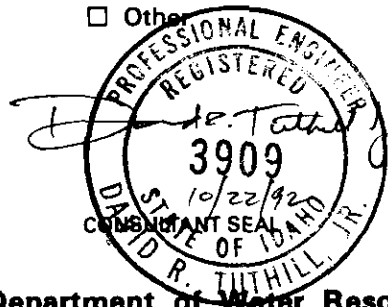
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	.20	50 45
Totals:			.20	50 45 AFA

2. 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

J. AUTHENTICATION

Field Examiner's Name John K. Noyes
 Signature John K. Noyes
 Certification Date _____
 Field Report Preparation Date 4/23/87



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

JAN 21 1987

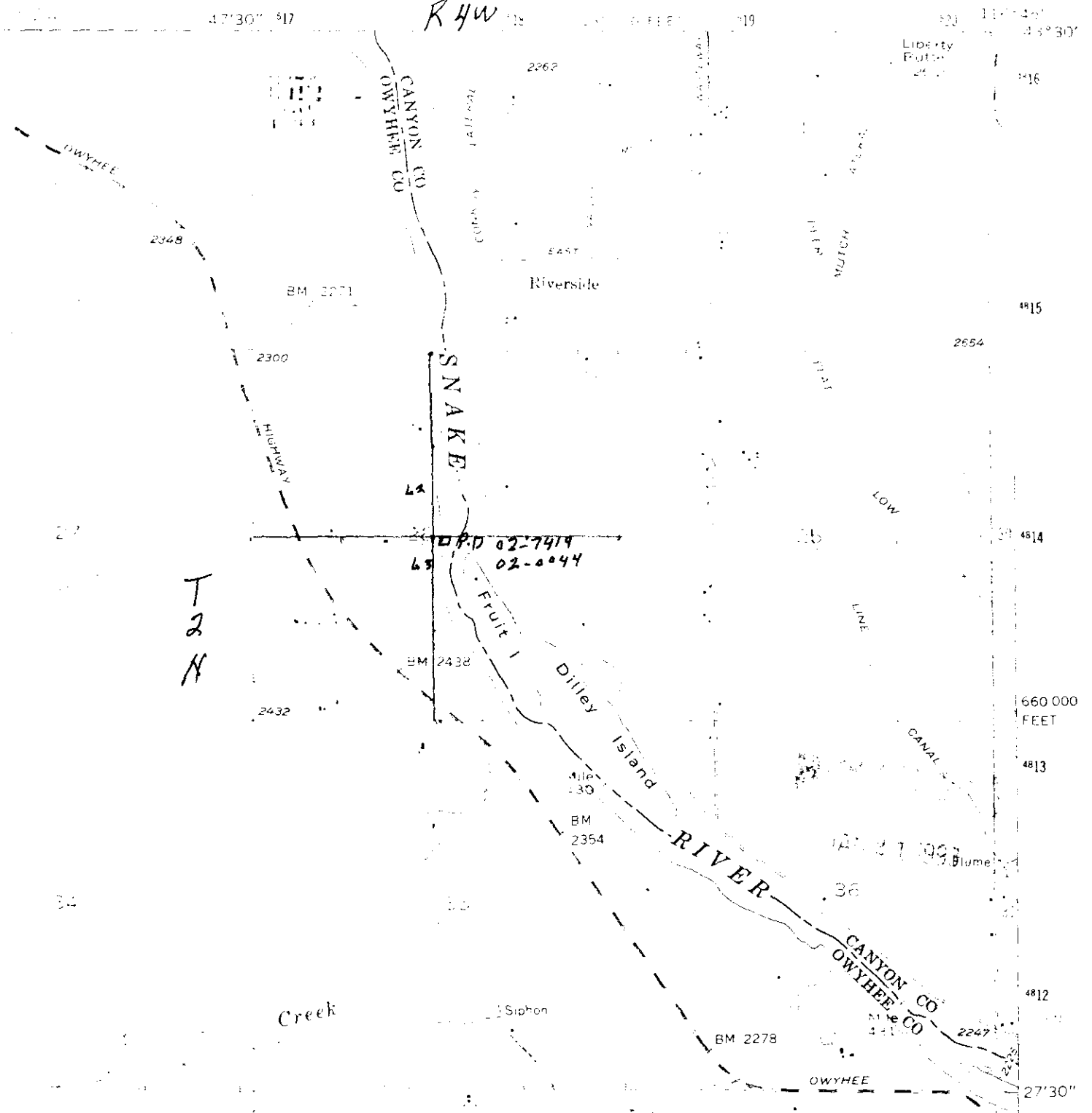
OPALENE GULCH GLADRANGLE

IDAHO

7.5 MINUTE SERIES TOPOGRAPHIC

NE 4 RANGE T. 2 N. R. 4 W.

CLAKE





R44

22 23 24

27 26

B212

517

B213

177B
175B

T

4T2

43

2B

407

3

6

135

22

B213

24B

175B

A

119

A

112

B

184

C

6.4

4T3

26

35

B215

135B

17520

2-199

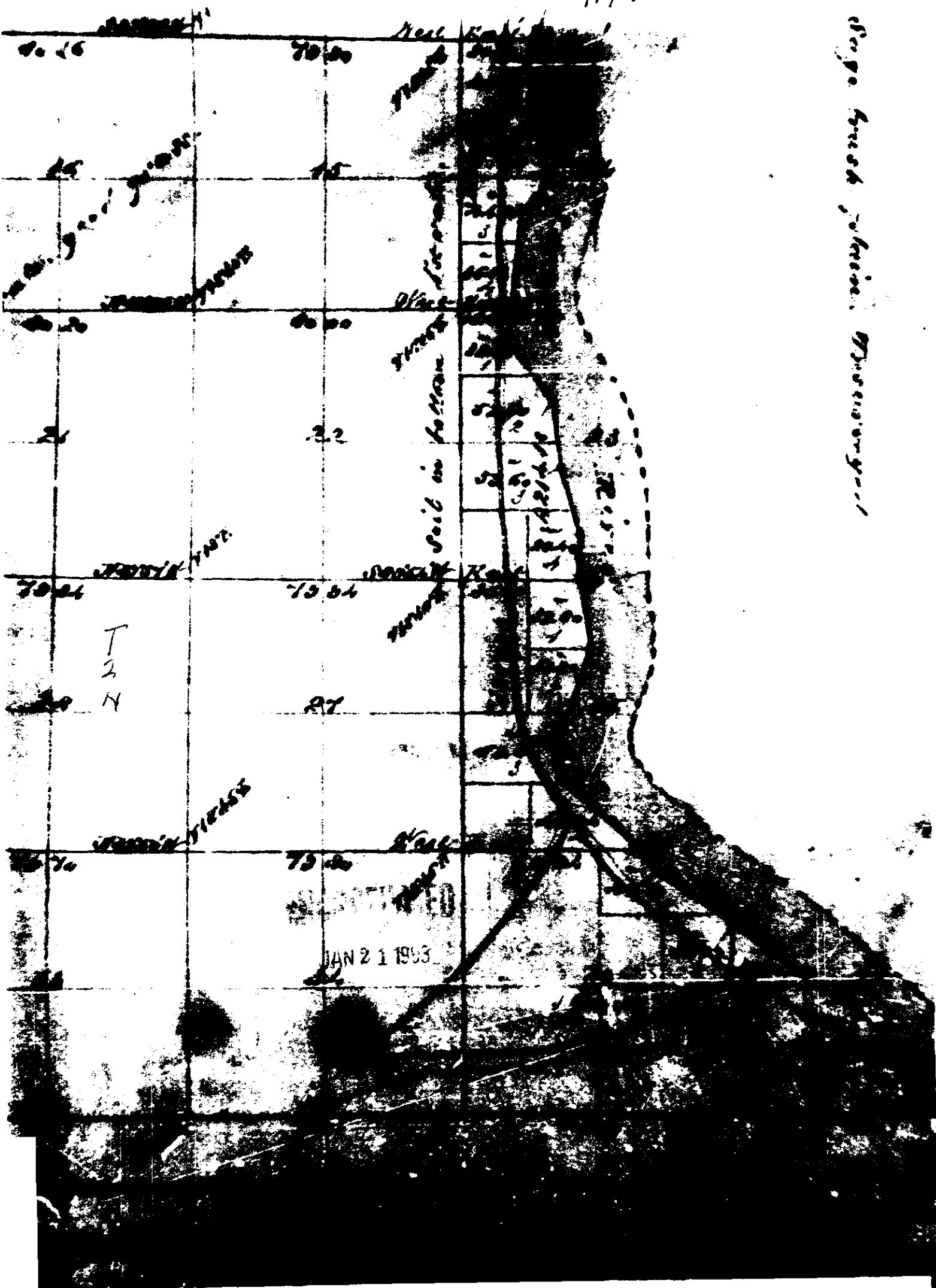
64

8.1

B2

R4W

Big Bush Prairie, Oregon



JAN 21 1903

C2-7419
Water Right No.
(if applicable)

90

.92

- .84

99

1.00

98

453

1.97

I

3

94

1

.92

1

133

1

1

of

1

.0 .10 .20 .30 .40 .50 .60 .70 .75 .80

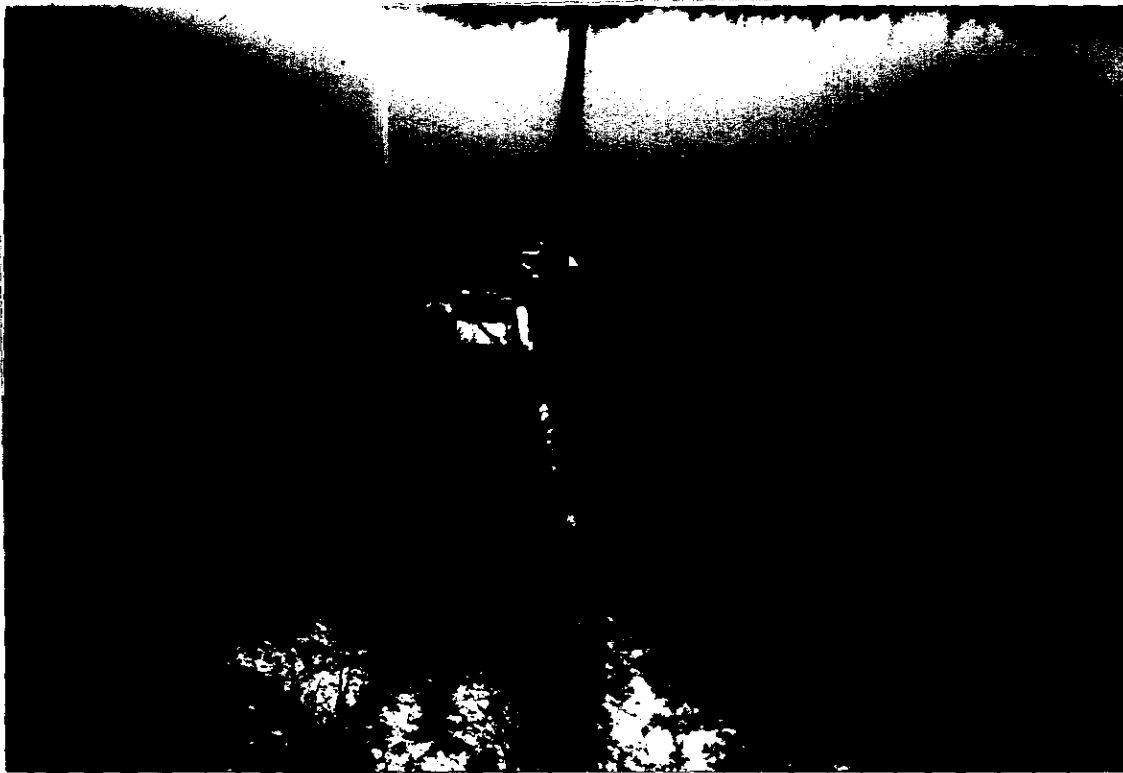
MEASUREMENT FOR SNAKE RIVER

PAGE 1

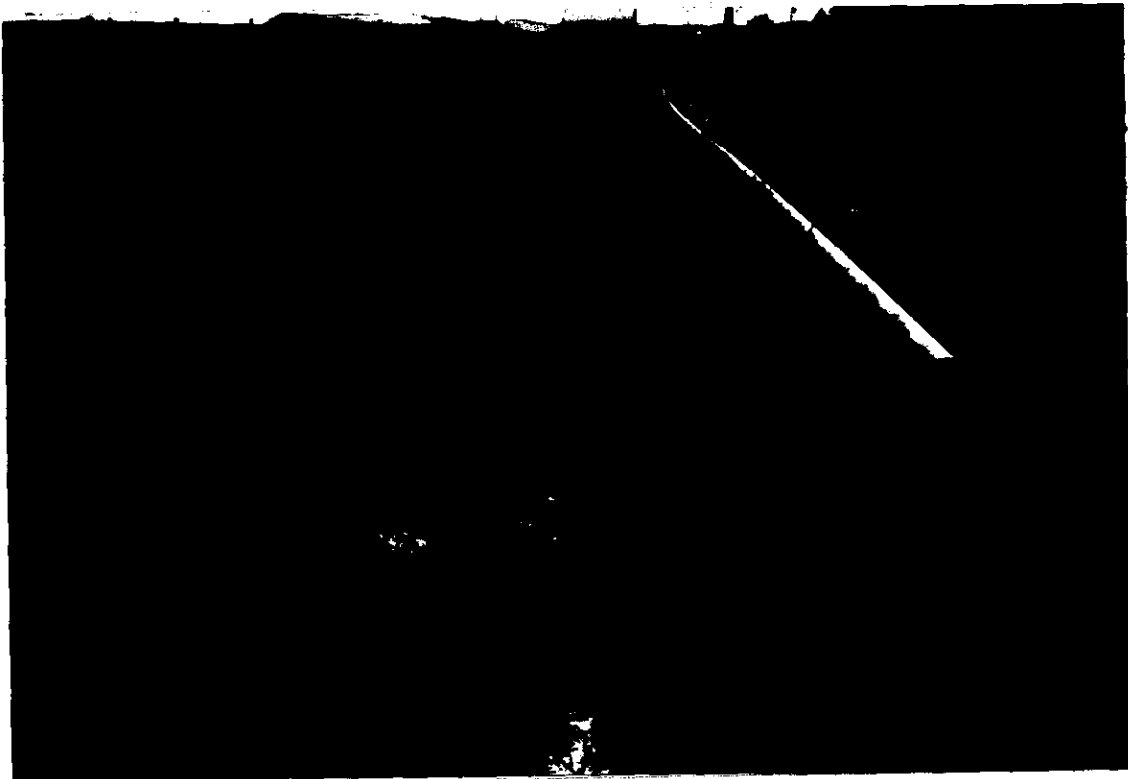
MEASUREMENT LOCATION DWAIN GIBSON PLACE
MEASURED BY JKN ON 06/19/1987

LEGAL DESCRIPTION
 $V = 1.000N + 0.000$ FOR $N \leq 1$
 $V = 1.000N + 0.000$ FOR $N > 1$

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
FEET	FEET	SQ. FT.		SEC	FT/SEC	CFS
1.000	.000	.000	0	.000	.000	.000
1.500	.400	.300	60	60.000	1.000	.300
2.000	.400	.140	63	60.000	1.050	.147
2.200	.350	.105	57	60.000	.950	.100
2.400	.000	.000	0	.000	.000	.000
TOTALS		.545				.547

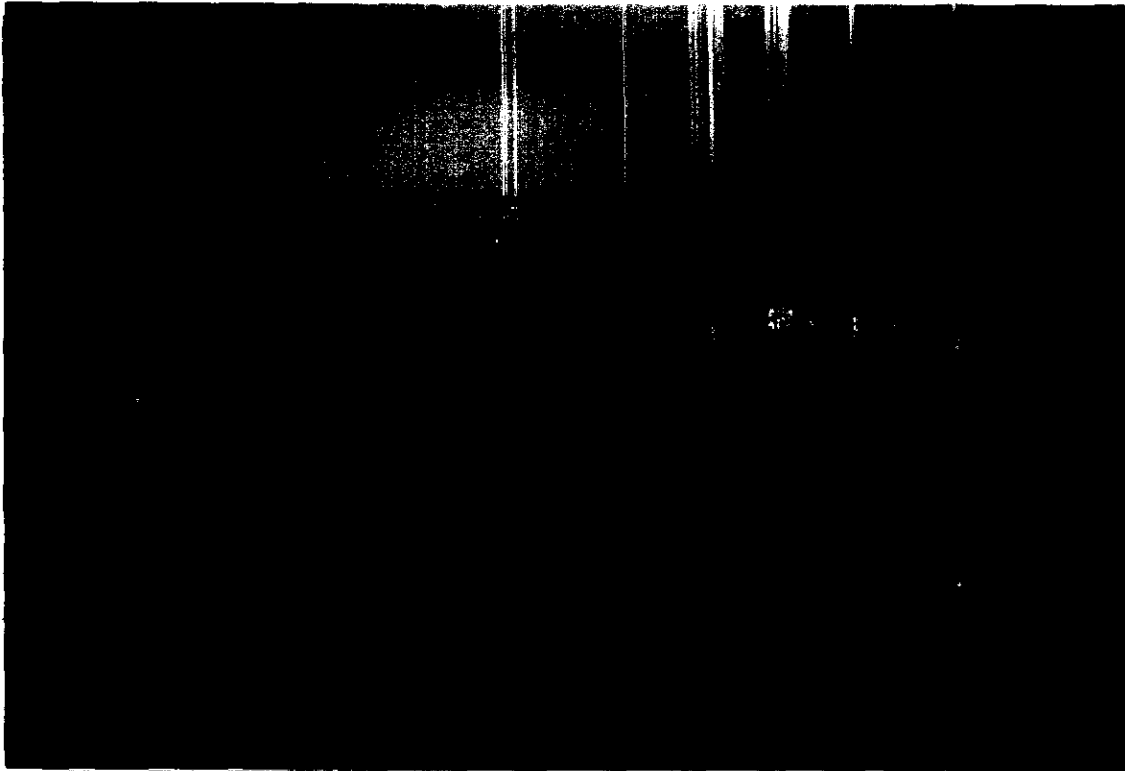


LT 3 NEHESW Sec 26 T2N R4W
20 HP MOTOR



6" Gated pipe used on a field of new
alfalfa. LT 2 Sec 26 T2N R4W

Dwain F. Gibson - Dennis J. Anderson JKN
02-7419



Gravity Irrigation & Gravity Pressured
sprinkler system used on steep Hill side



JAN 21 1993

View of steep Hill with Areas of
Vegetation.

June 8, 1992

DWAIN F. GIBSON
DENNIS J. ANDERSON
RT. 1 BOX 789
MARSING ID 83639

RE: Water Right No. 02-07419

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

1993

June 12, 1992

DWAIN F. GIBSON
DENNIS J. ANDERSON
RT. 1 BOX 789
MARSING ID 83639

RE: Water Right No. 02-07419

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

RECEIVED

JAN 21 1993

May 19, 1992

DWAIN F. GIBSON
RT. 1 BOX 789
MARSING ID 83639

RE: Water Right No. 02-07419

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

RECEIVED

JAN 21 1993

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

JUN 21 1992



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

May 8, 1987

02-7419
GIBSON, DWAIN F.
RT. 1 BOX 789
MARSING, ID 83639

Dear Applicant(s):

We acknowledge receipt of your statement of proof of beneficial use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense
Secretary

/jp

JAN 21 1993

RECEIVED

SEP 24 1986

For Office Use Only

Fee Received \$50.00

Date 9-25-86

Receipt # 39255

Receipt by [Signature]

Reviewed by [Signature]

Sent to region 10-14-86

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 02-7419

Name(s) of Permit Holder: Dwain F. Gibson and/or Dennis J. Anderson

Post Office Address: Rt. 1 Box 789 Marsing Idaho 83639

Telephone No. 896-4382

Source of Water: Snake River

Extent of Use:

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

Irrigation 10 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .20 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 4-19-86

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

Fee enclosed \$ 50.00 ✓
(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:

Dwain Gibson 896-4382
(Name) (Telephone Number)

Rt 1 Box 789 Marsing Id 83639
(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.

9-22-86
Date

Dwain F. Gibson
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
JULY 31, 1986

138939

ANDERSON, DENNIS J.
GIBSON, DWAIN F.
RT. 1 BOX 789
MARSING, ID 83639

PROOF DUE NOTICE

RE: PERMIT NO. 02-7419

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, 1986. (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. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECEIVED
JUL 31 1986

September 30, 1985

RE: Permit No. 02-7419

Dwain F. Gibson &/or
Dennis J. Anderson
Rt. 1, Box 789
Marsing, ID 83639

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.

Note also that water shall not be diverted under this permit unless the flow of the Snake River exceeds established downstream minimum stream flows. In addition, there are many applications for permit for the use of Snake River water that are prior to your permit. These applications have been filed for the irrigation of lands that the applicants are attempting to obtain under the Federal Land laws such as Desert Entry and Carey Act. If these lands are developed, and if the established minimum stream flows are maintained, then no water would be available for this permit. Therefore, you should carefully consider these facts before making any expenditures for the construction of your system.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use that must be submitted when your project is completed.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JULY 25, 1985

Durhee Avalanche
P. O. Box 97
Homedale, Idaho 83628

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 AUGUST 19, 1985.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before AUGUST 19, 1985.

KEN DUNN, Dir.

Published 07/31 & 08/07/85.

MICROFILMED

02-7419

GIBSON, DWAIN F.
ANDERSON, DENNIS J.

RT. 1 BOX 789, MARSING, ID 83639

Source: SNAKE RIVER trib. to COLUMBIA RIVER

Date Filed: 06/27/1985

Diversion Pt: LOT 03 (NESW) Sec 26 T 02N R 04W

Use: IRRIGATION (0.20 CFS)

In: LOT 02 (SESW) LOT 03 (NESW) Sec 26 T 02N R 04W FOR 10 ACRES

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

July 5, 1985

Dwain F. Gibson &/or
Dennis J. Anderson
Rt. 1, Box 789
Marsing, ID 83639

Gentlemen:

Enclosed is an application for permit, which was typed from the information on your application for permit recently submitted. The Department cannot accept applications in pencil, as the forms are a permanent part of the file and soon would no longer be legible.

Please sign the application on page 3 and return it to us as soon as possible.

Sincerely,

JAN GROVER
Senior Water Resource Agent

JG:doq

MICROFILMED