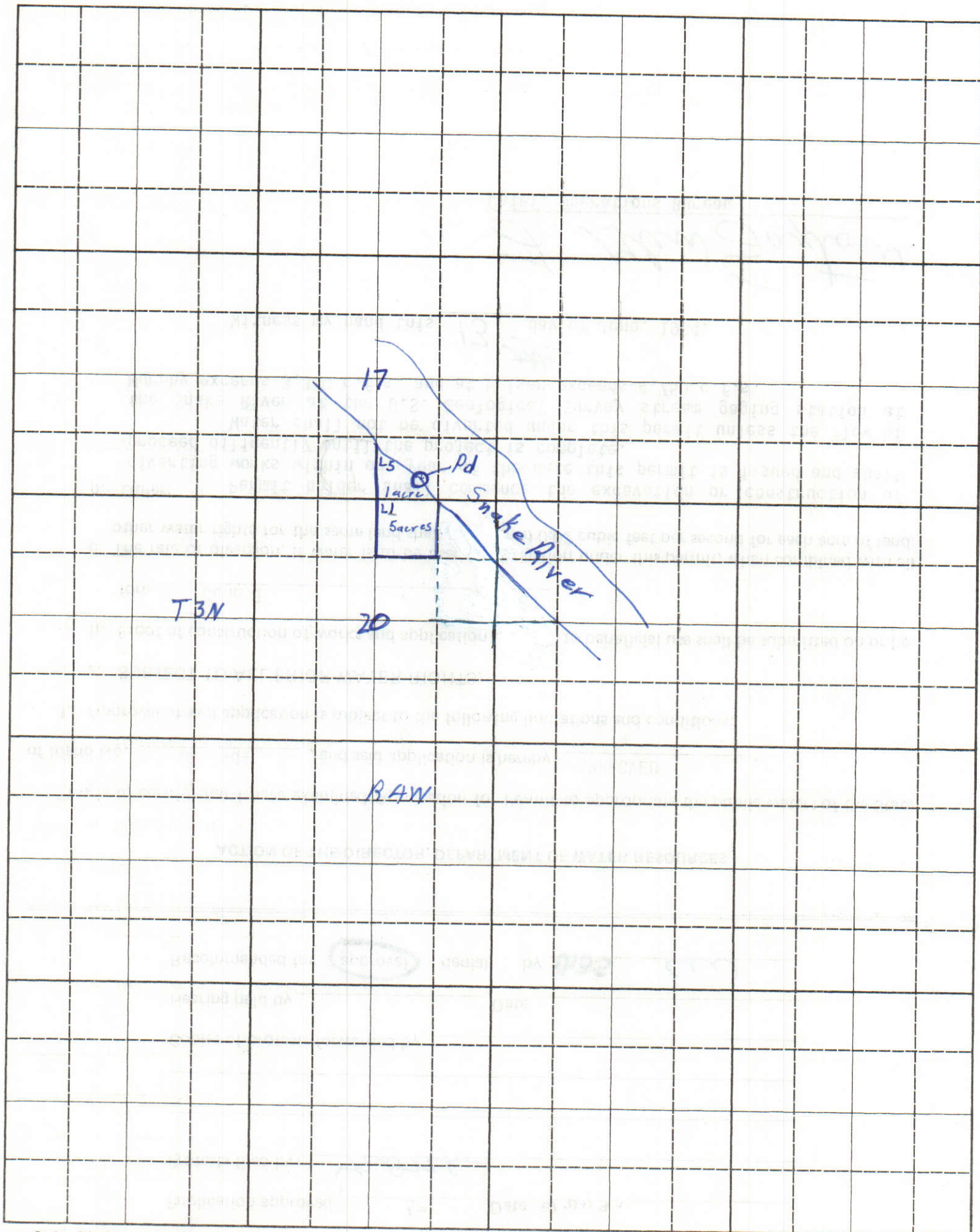


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

X Agustin Abadía
(Applicant)

Proposed Project

PROOF OF PUBLICATION

RECEIVED

MAY 29 1984

Department of Water Resources
Western Regional Office

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 16 day of May, 1984, and the last publication being on the 23 day of May, 1984;

That the said newspaper has been published continuously and uninterrupted in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 23 day of

May, 1984.

Kyle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

02-7404 VR

ABADIA, AGUSTIN
BOX 116 RT. 1, MARSING, ID
83639

Source: SNAKE RIVER trib. to
COLUMBIA RIVER

Date Filed: 05/02/1984

Diversion Pt: LOT 05 (SWSE) Sec
17 T 03N R 04W

Use: IRRIGATION (0.12 CFS)

In: LOT 01 (NWNE) Sec 20 T 03N
R 04W LOT 05 (SWSE) Sec 17 T
03N R 04W FOR 6 ACRES

57-7427

KERSHNER, VERNON A.
STAR RT. BOX 222 C, MELBA,
ID 83641

Source: GROUNDWATER

Date Filed: 05/07/1984

Diversion Pt: SENW SWNE Sec 20
T 02N R 04W

Use: IRRIGATION (1.60 CFS)

STOCKWATER (0.04 CFS)

DOMESTIC (0.04 CFS)

In: SWNE SENW Sec 20 T 02N R
04W FOR 80 ACRES

57-7428

KERSHNER, RICHARD T.
RT. 3, NAMPA MOBILE HOME
PK. #18, NAMPA, ID 83651

Source: GROUNDWATER

Date Filed: 05/07/1984

Diversion Pt: NESW Sec 20 T 02N
R 04W

Use: IRRIGATION (0.80 CFS)

DOMESTIC (0.04 CFS)

STOCKWATER (0.04 CFS)

In: NESW Sec 20 T 02N R 04W
FOR 40 ACRES

57-7429

KERSHNER, EDWARD C.
STAR RT. BOX 122 C, MELBA,
ID 83641

Source: GROUNDWATER

Date Filed: 05/07/1984

Diversion Pt: SESW Sec 20 T 02N
R 04W

Use: IRRIGATION (0.80 CFS)

STOCKWATER (0.04 CFS)

DOMESTIC (0.04 CFS)

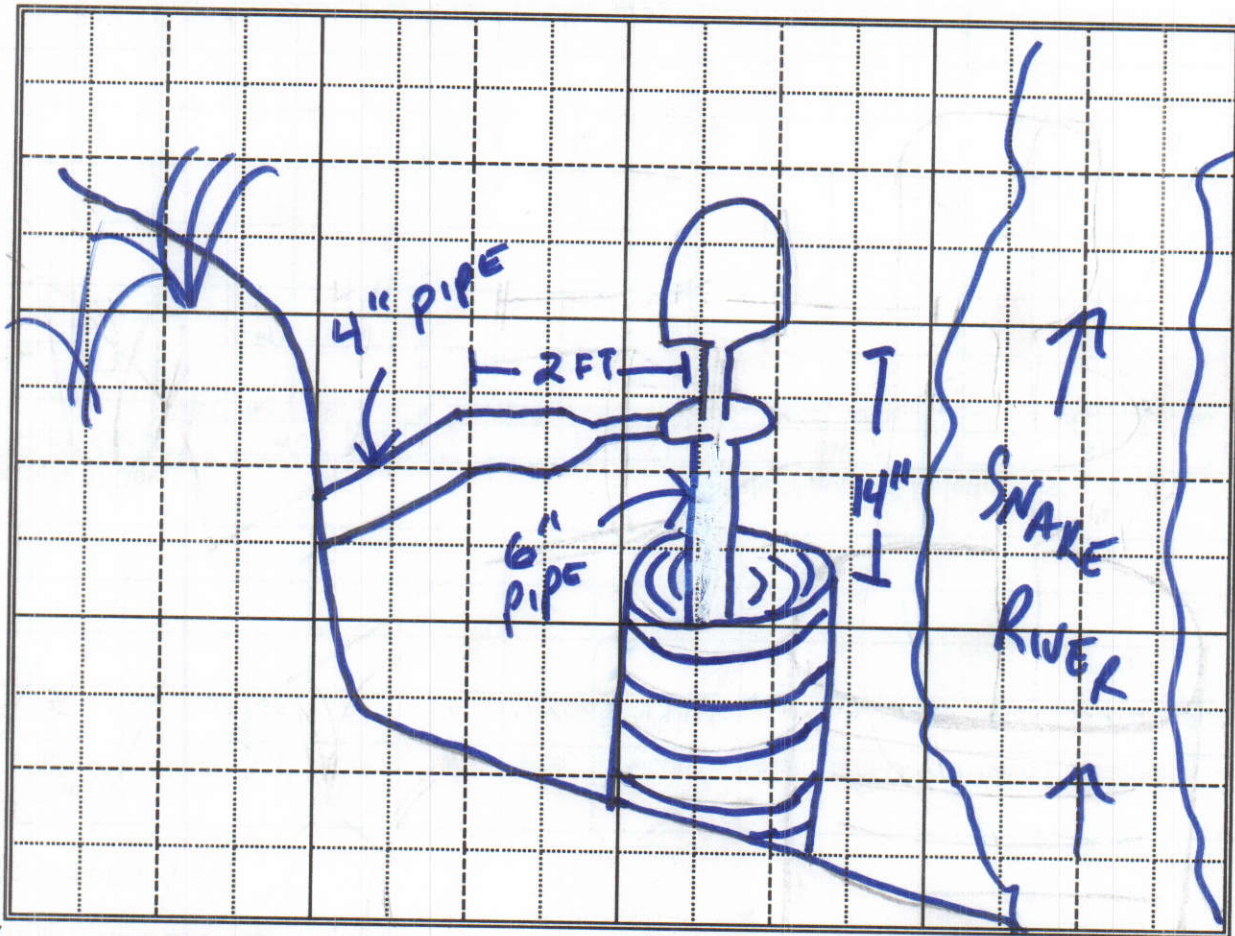
In: SESW Sec 20 T 02N R 04W
FOR 40 ACRES

The permits 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 JUNE 4, 1984.

KEN DUNN, Director

Published in the Owyhee Nugget,
Marsing and Homedale, Owyhee
County, Idaho, 5/16 & 5/23/1984.

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



NOT TO SCALE

Scale: ☒ ☐

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	CENTURY	7.5	6-32988-03 S2131CZ	Jacuzzi	S.N. 173TH0129

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

D. FLOW MEASUREMENTS

1.

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

2. **Measurements:** Unable to conduct measurement to as the power to the diversion has been cut.

POINT OF
DIVERSION



6.246

4.065

02-07403 & 02-07407 (Abadia)

T3N R4W s.17 SWSE (Lot 5)
s.20 NWNE (Lot 1)

POD: s.17 ~~SWSE~~ SWSE (Lot 5)

M. Minicucci Jan 7, 1998
ArcView GIS Version 3.0



Pump
(photos)

Rd

House

PHOTOS

NO. 9 Power-disconnected

10 Pump (snake R)

11 Proposed POV - House 1/4 far RT

Scanned airphoto I2
July 1994

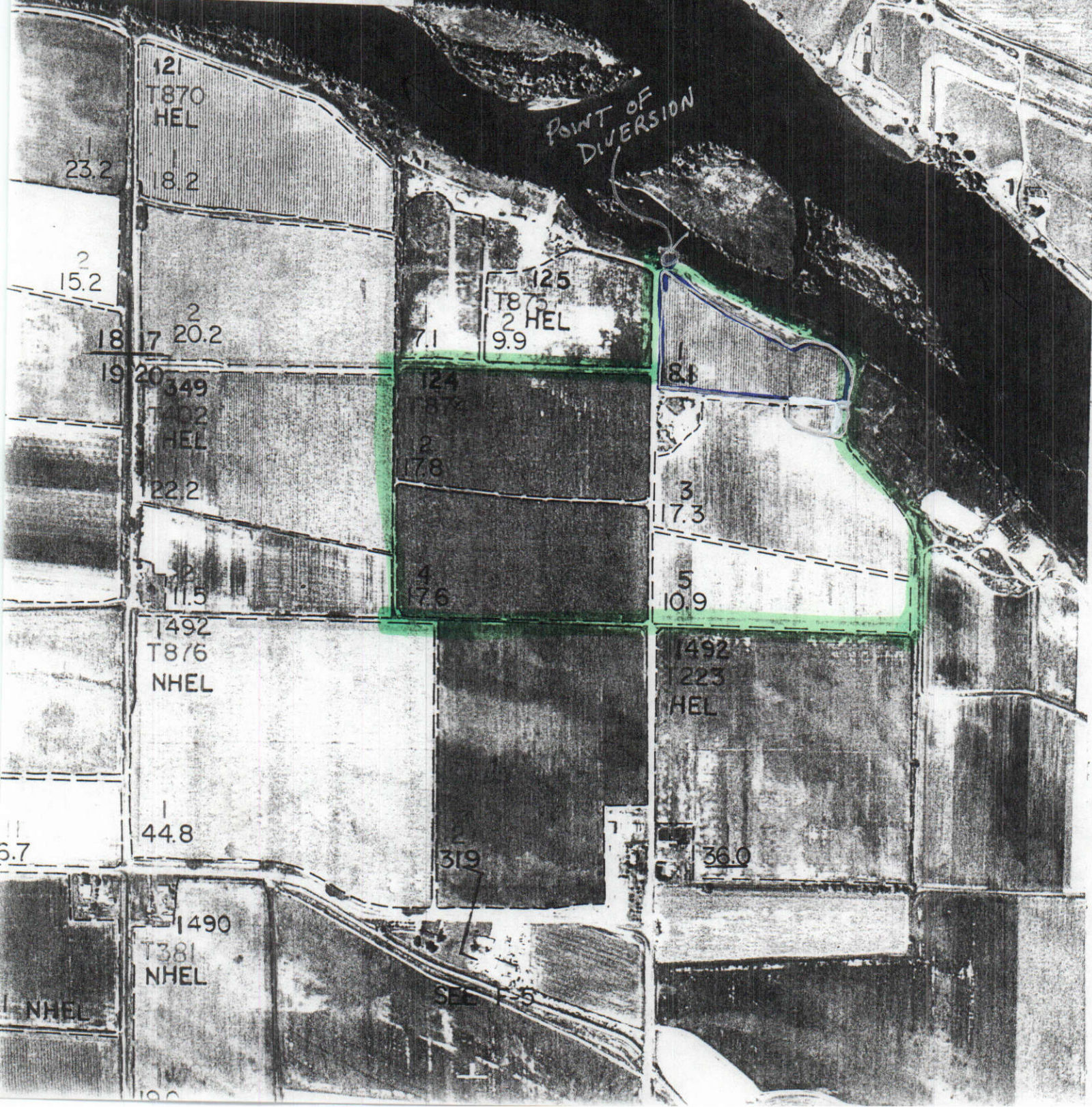
T03N R04W S. 17 + 20

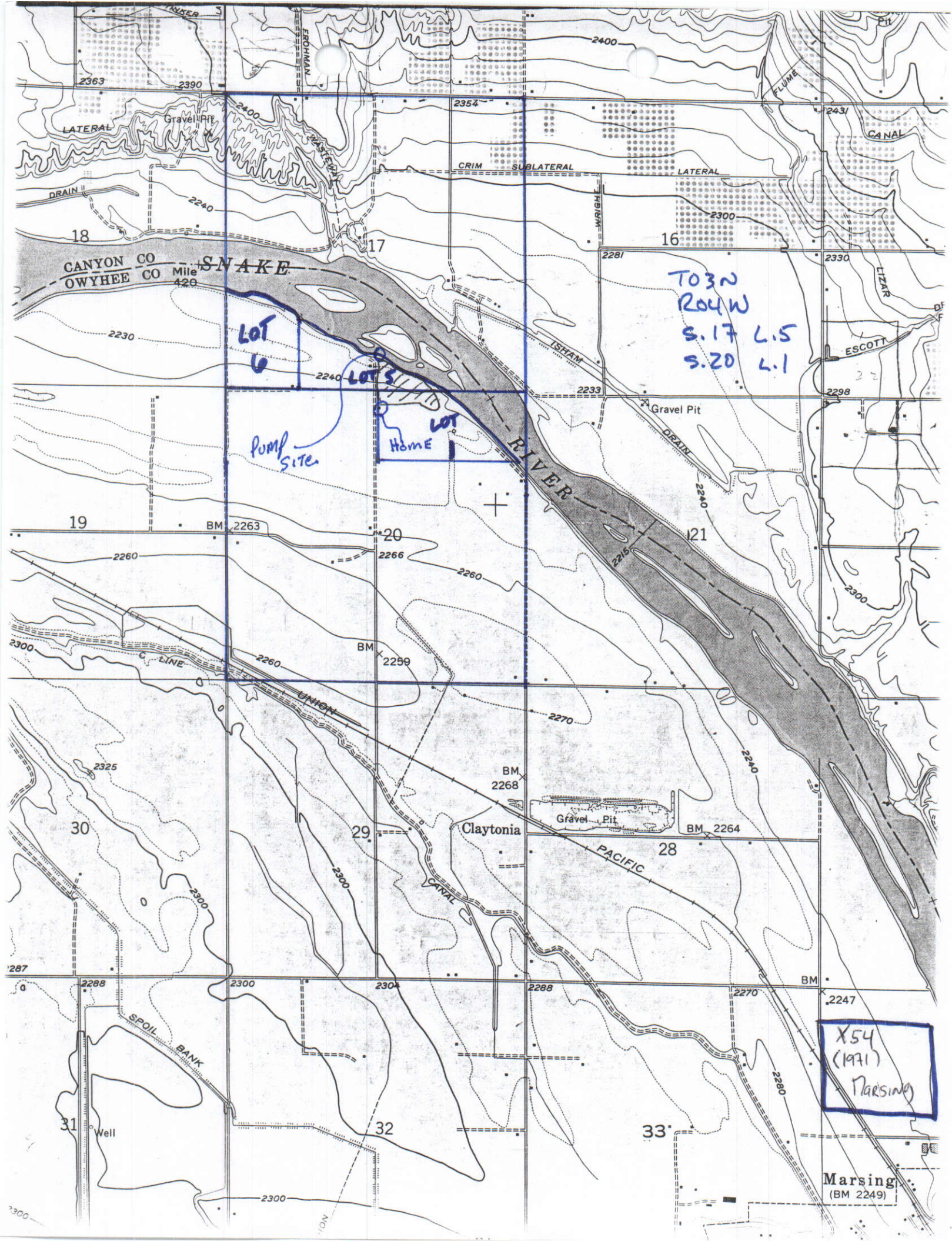
Govt Lots 5+1, respectively

PERMIT 02-07403 INIT RD
T. R. S. Q/Q
P/D 3N 4W 17 SWSE G.L.S
SCALE
PHOTO ID. ASCS 1987



POINT OF
DIVERSION





TO 3N
R04W
S.17 L.5
S.20 L.1

LOT 6

LOT 5

LOT 4

Home

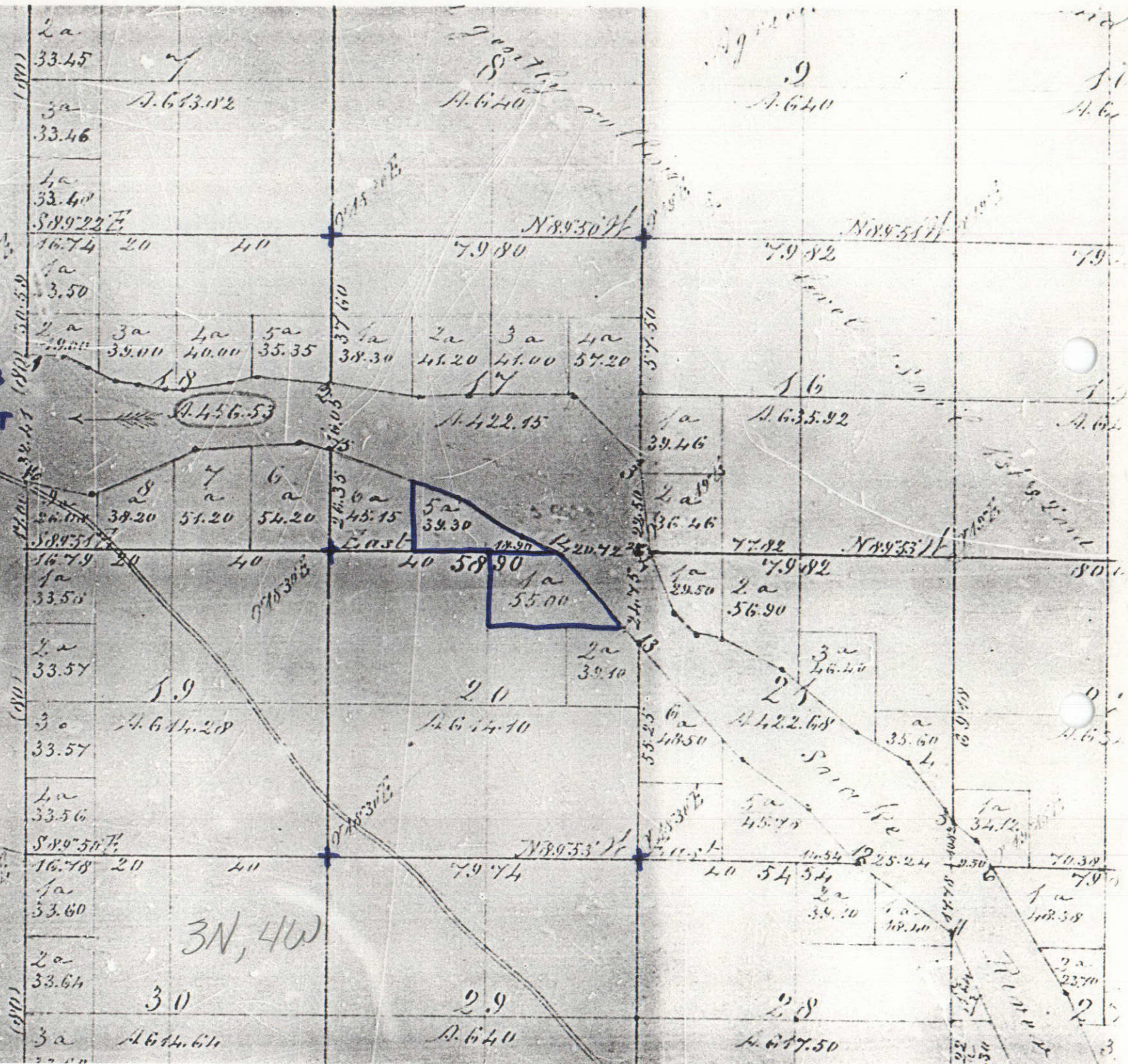
Pump Site

X54
(1971)
Marsing

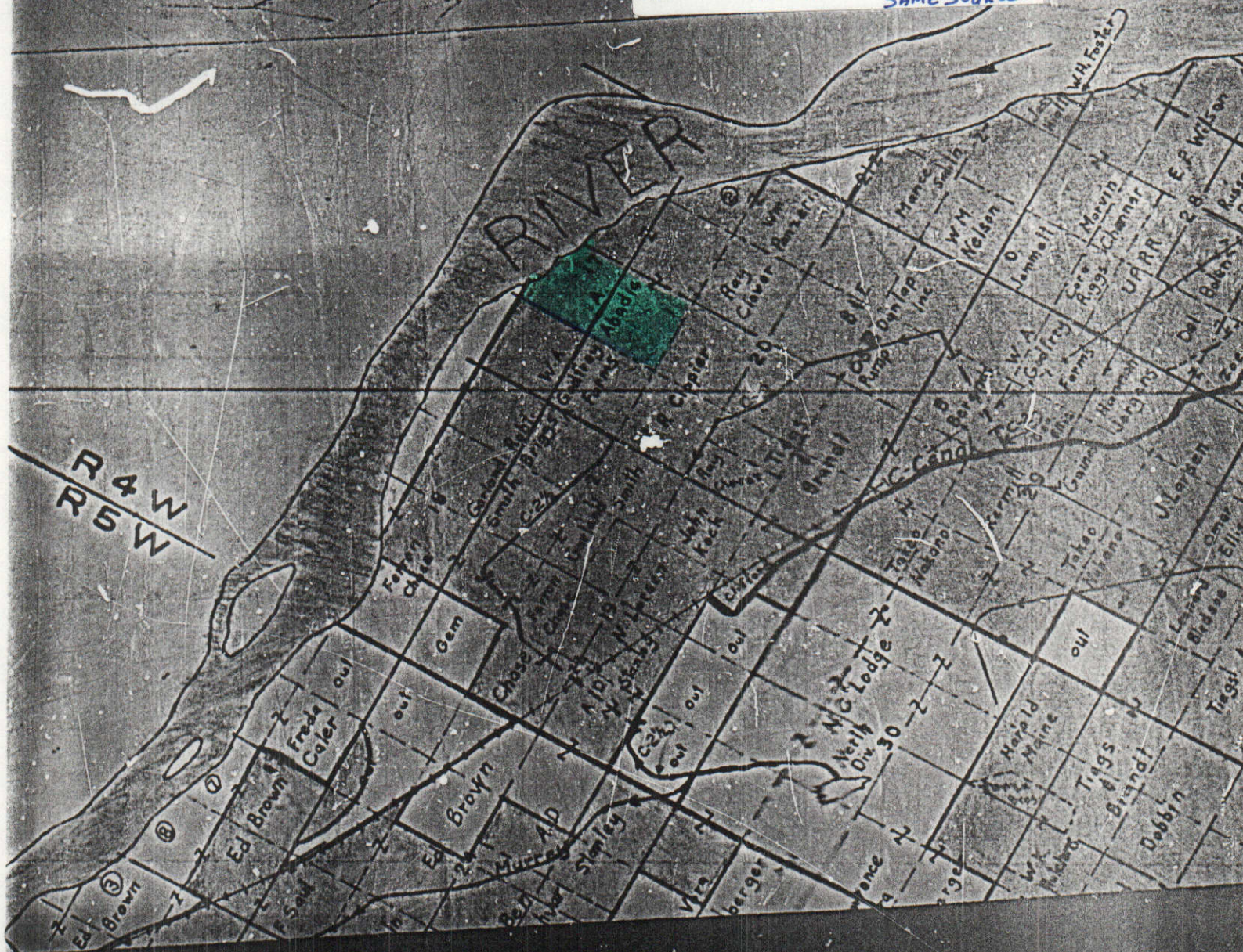
Marsing
(BM 2249)

T03N
R04W

3N, 4W



THIS SHOWS THAT THE P/U
FROM 02-7403 IS WITHIN
GEM IRR DISTRICT. POSSIBLE O/L WITH
SAME SOURCE.





PHOTOGRAPHER AND DATE OF PHOTOS TTTINICVCC 09/10/1997
FILE NO. AND LEGAL DESCR. 02-07403 T03N R04W S.17



Point of diversion
S.17 SWSWSE (Gout 1095)
7.5 H.P. Motor + pump
12 ft lift

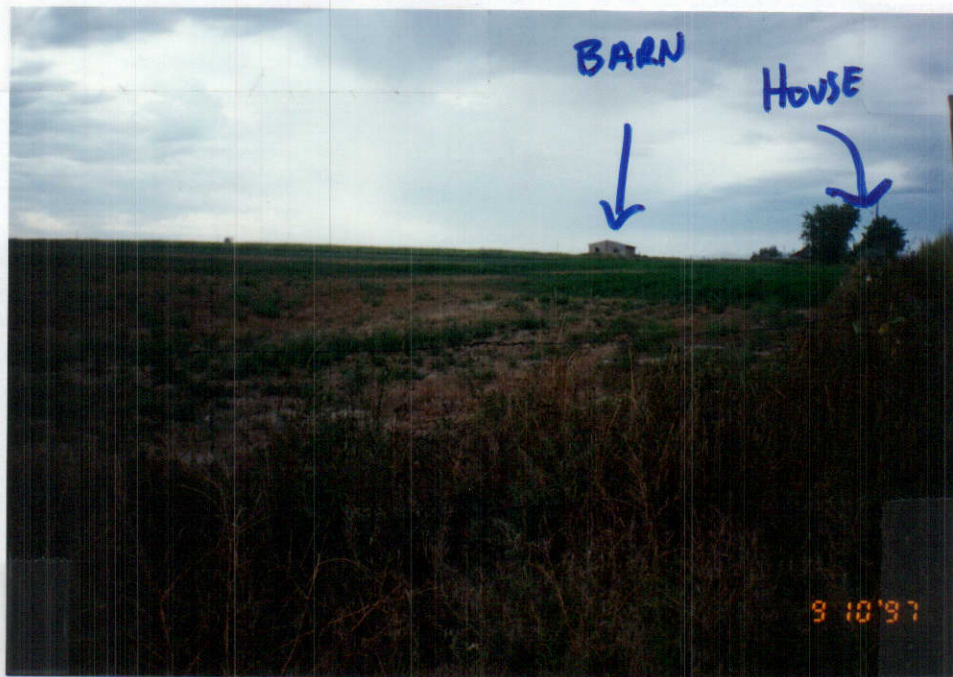


Disconnected power
box @ diversion.



PHOTOGRAPHER AND DATE OF PHOTOS MM Minicucci 09/10/1997

FILE NO. AND LEGAL DESCR. 02-07403 T03N R04W S.17+20



Place of use

Photo Taken from NORTHWEST corner
of the field (ASCS #1) just south
of diversion.

A. P. DAVIS DIRECTOR AND CHIEF ENGINEER

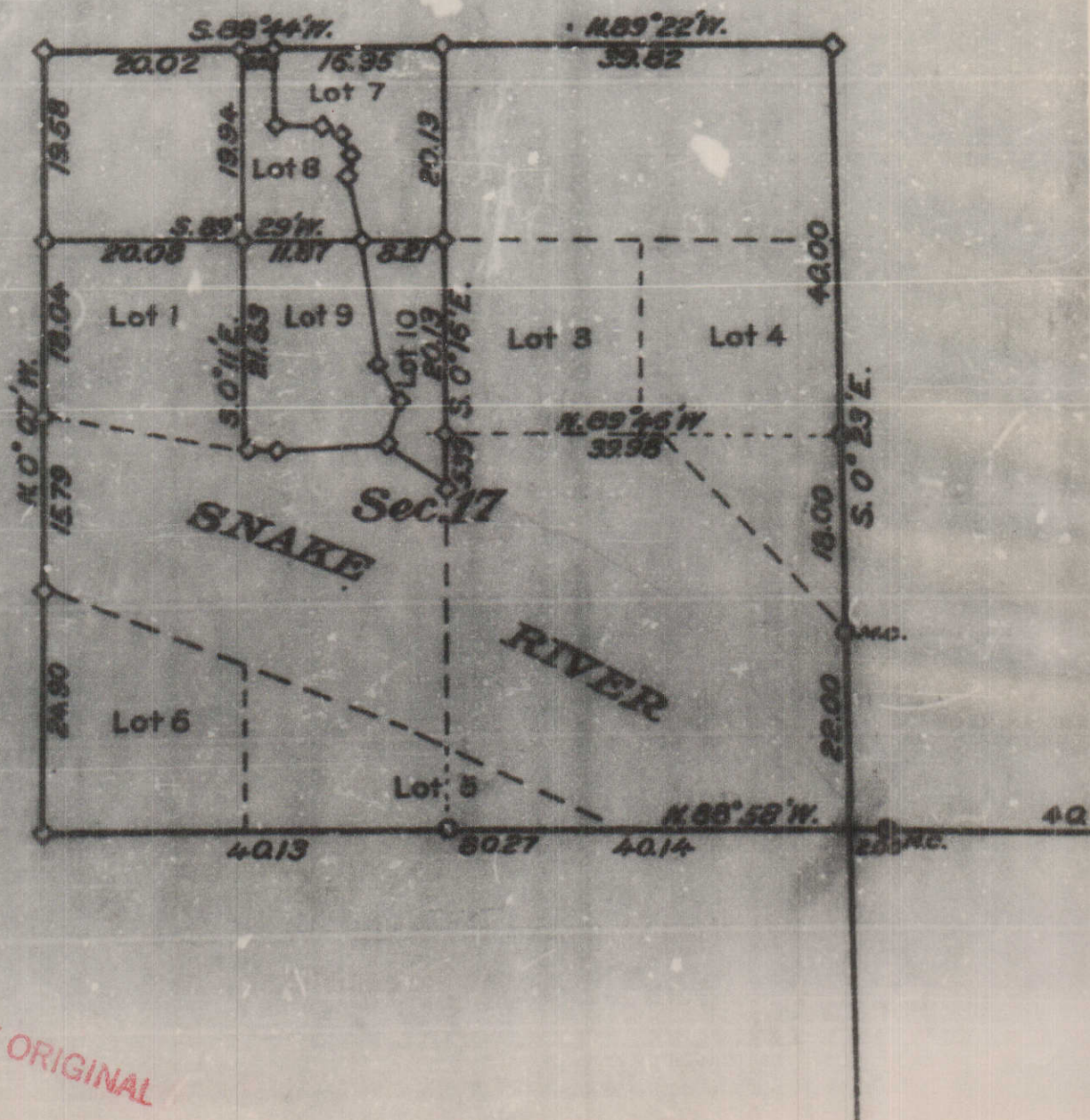
**CORRECTIVE SURVEY PLAT,
EAST AND SOUTH BOUNDARIES OF
SECTION 17**

SURVEYED BY GORDON C. SMITH, ENGINEER

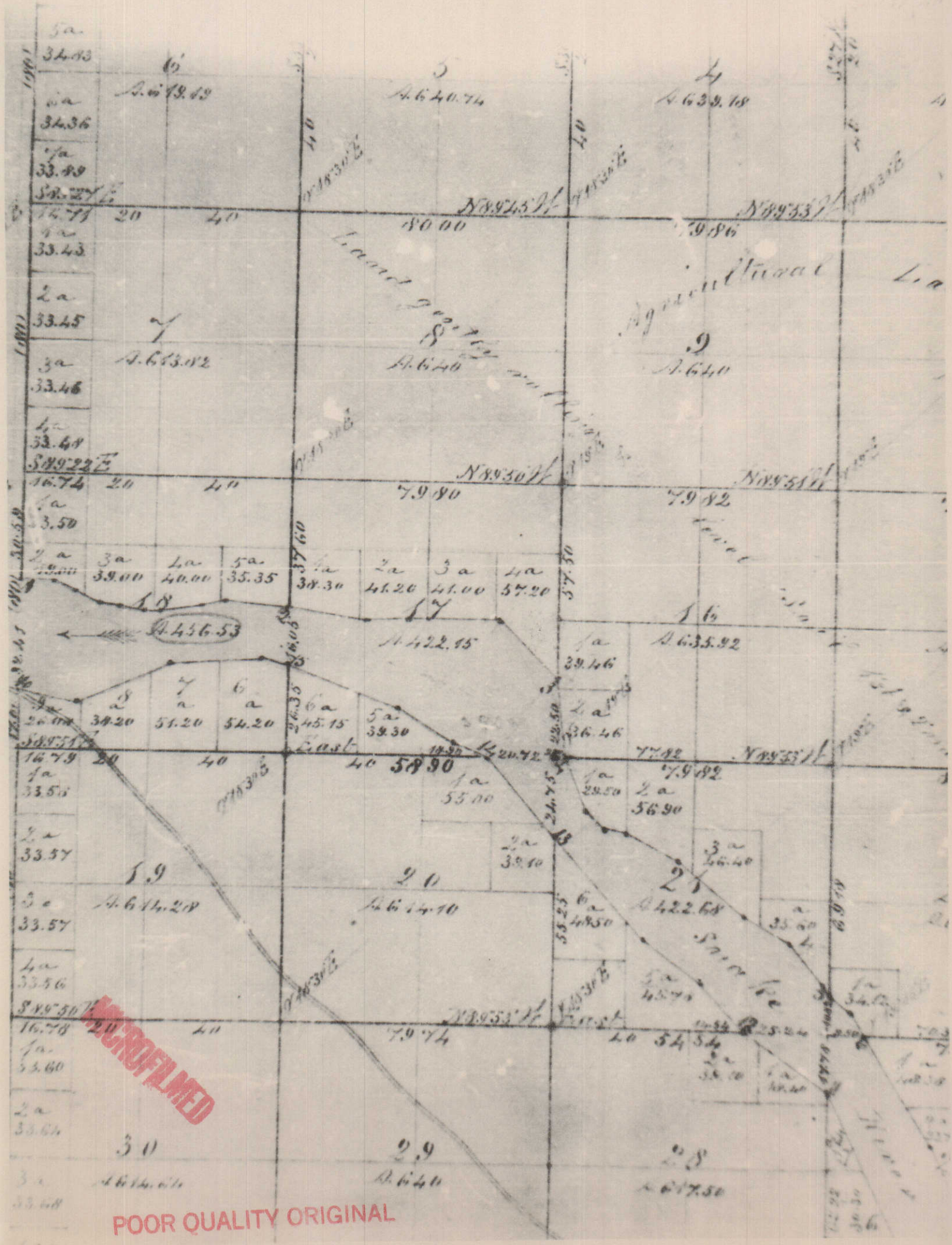
UNDER AUTHORITY OF DEPARTMENTAL INSTRUCTIONS OF OCTOBER 24, 1905

JANUARY 1919

SCALE: 4 INCHES = 1 MILE



POOR QUALITY ORIGINAL



POOR QUALITY ORIGINAL

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 Agustin Abadia Phone 896-4448

Post office address Box 116, Rt. 1, Marsing, ID 83639

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

3. Location of point of diversion is SW ^{Lot 5} $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17 Township 3N

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

4. Water will be used for the following purposes:

Amount 12cfs 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. .12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump with sprinkler system

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 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ 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: _____

APPROVED

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	
3N	4W	20		L1 5															5
3N	4W	17															L5 1		1

Total number of acres to be irrigated 6

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

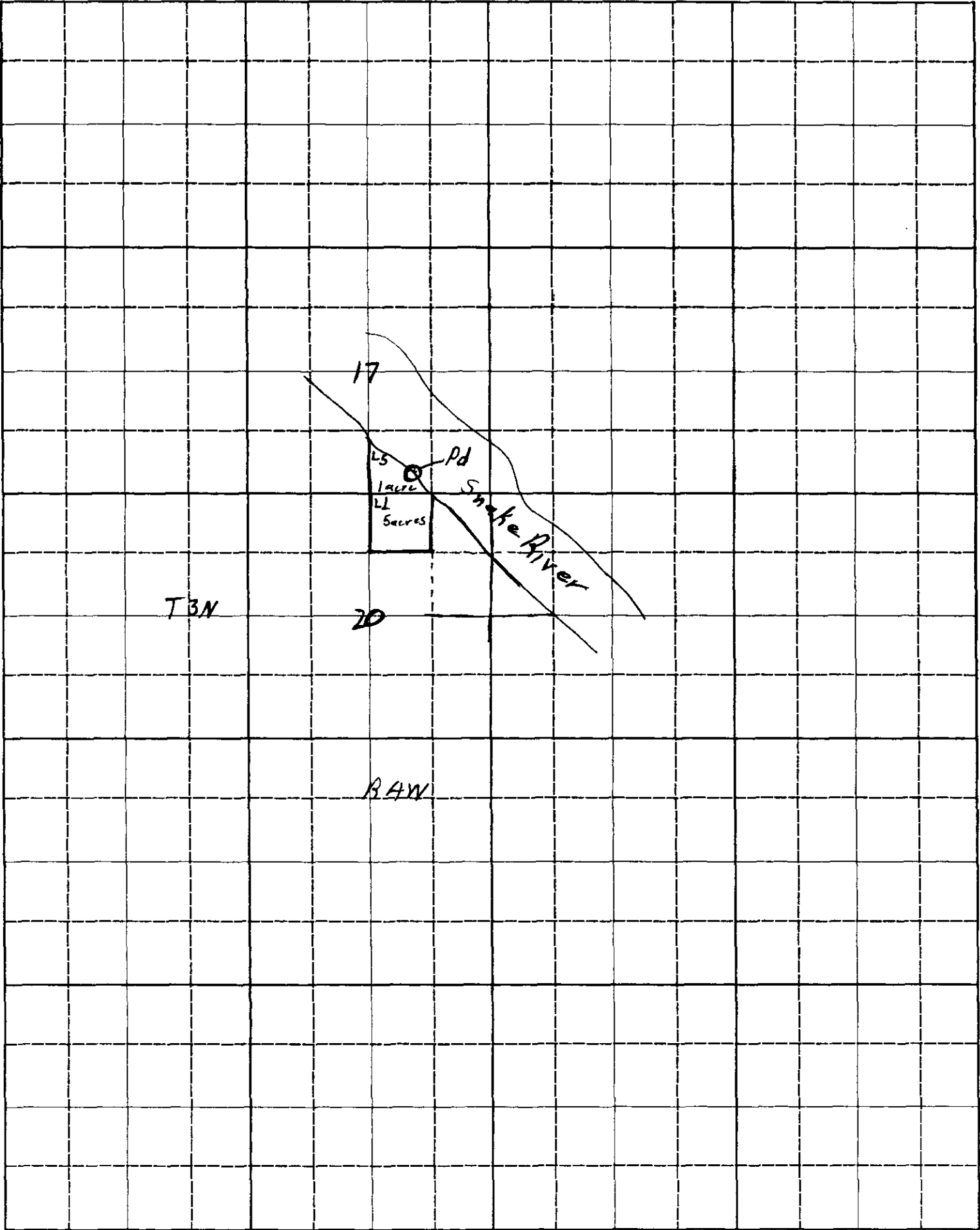
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

RECORDED

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.

Augustin Chordia
(Applicant)

MICROFILMED

Proposed Priority 5/2/84

Received by 6LS Date 5/2/84 Time 2:19

Preliminary check by JS Fee \$ 30.00

Receipted by 6LS Date 5/2/84 # 34416

Publication prepared by jp Date 5/10/84

Published in Owyhee Nugget

Publication dates 5/17 & 5/24/84

Publication approved JP Date 5/29/84

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by MS 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. 02-7404, 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 June 1, 19 89.
- 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: 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.
Water shall not be diverted under this permit unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceeds 4,750 c.f.s.

Witness my hand this 13th day of June, 1984.

J. Glen Saxton
Chief, Operations Bureau

PROOF OF PUBLICATION

RECEIVED
MAY 23 1984

Department of Water Resources
Western Regional Office

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 16 day of May, 1984, and the last publication being on the 23 day of May, 1984;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Mick Hodges
PUBLISHER

Subscribed and sworn to before me this 23 day of

May, 1984.
Kyle L. Hodges
NOTARY PUBLIC

My commission expires 3-86

(SEAL)

MICROFILMED

RECEIVED

AUG 16 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 02-07403

1. Owner: Mrs. Abadia

Phone No. 896 4448

Current Address: Rt 1 Box 116 Marsing 83639

2. Accompanied by: Mrs. Abadia + her son

EXAM DATE: 09/11/1997

Address: Same

Phone No.

Relationship to Permit Holder: wife + son

3. Source: Snake River tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 02-07307, 02-02276 (Gen Irr DISTRICT)

2. Other water rights with the same point of diversion: 02-07307

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

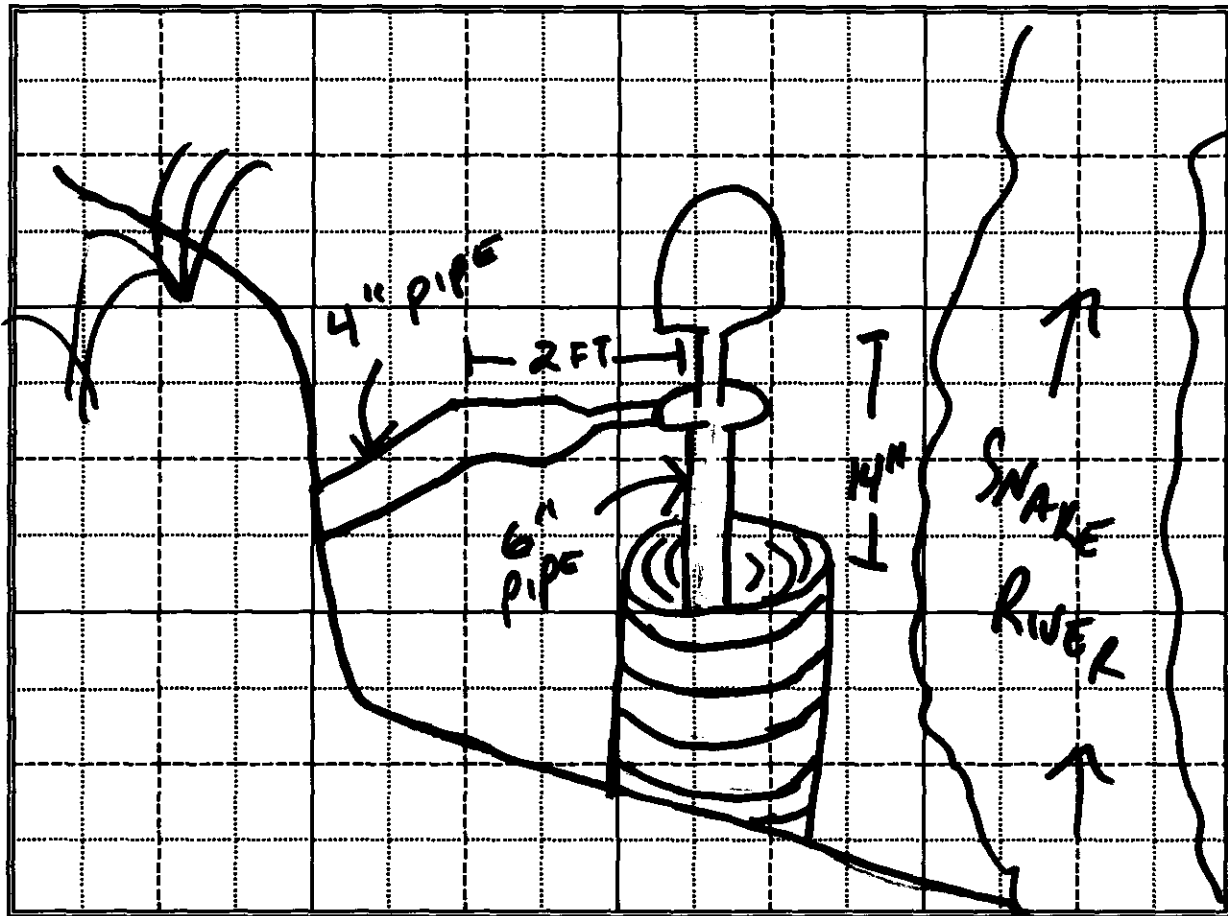
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



NOT TO SCALE

Scale: ☒ ☐

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	CENTURY	7.5	6-32988-03 S2131CZ	Jacuzzi	S.N. J73TH0129

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

D. FLOW MEASUREMENTS

1.

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

2. **Measurements:** Unable to conduct measurement as the power to the diversion has been cut.

E. NARRATIVE/REMARKS/COMMENTS

Applications were submitted in anticipation that parcel would be subdivided (see also 02-07307) - see conv. memo dated 5/19/1993. The property was not subdivided but the irrigation system was developed. A 7.5 horse and pump are located on a metal framework on top of a 2 foot culvert which has been buried vertically into the river bank. A four inch rainline ~~water~~ (buried) runs directly south to the place of use. The place of use is limited to the 10 acre field which is south of the river and north of the house. The land is irrigated with water from Gen Irrigation District - this permit is supplemental. This permit has not been used for 6 or 7 years (per Res. Abadia).

Rainline runs to the south along ^{the} west edge of parcel. There are some risers but Res. Abadia indicated they ran water to the cement ditch @ the south border of the POU and used siphon tubes out of the ditch.

* Please NOTE - Proof of BLU fees were submitted twice for this ~~right~~ permit. See receipt nos. W001911 and C006814. Owner is due refund of \$50. Refund request forwarded to S.O. Fiscal 01/08/1998. RTT

Acres were divided between this permit and 02-07407. This permit is recommended for the permitted number of acres, divided between quarter - quarters as close to the permit as possible.

Use is supplemental to Gen Irrigation District.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$\frac{7.5 \times 8.8 \times .70}{12} = 3.85 \text{ (open discharge)}$$

$$\frac{7.5 \times 8.8 \times .70}{12 + (50)(2.31)} = .36 \text{ (@ 50 p.s.i. sprinklers)}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 6 \times 4.5 = 27$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .12 \times 247 \times 1.9835 = 58.80$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 27$$

2. Volume Calculations for Other Uses: μ/A

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3-15	11-15	.12	27
Totals:			.12	27

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

I. AUTHENTICATION

Field Examiner's Name W. H. Lawrence Date 01/07/1998

Reviewer _____ Date _____

SEAL

SD-0601-2 Last Name: GEM IRRIGATION

STATE

SE L	First Name	OW N	Water Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
GEM IRRIGATION DISTRICT								
		C	02-02014	01/27/1925	SNAKE RIVER	306.000	01	IRR
							43	DOMEST
		C	02-02276	01/07/1964	SNAKE RIVER	50.000	01	IRR

SD-0601-2 Last Name: GEM IRRIGATION

STATE

SE L	First Name	OW N	Water Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
GEM IRRIGATION DISTRICT								
		C	A02-00065	04/01/1956	SNAKE RIVER	50.000	01	IRR
		C	A02-00064	12/01/1911	SNAKE RIVER	306.000	01	IRR
		C	A02-02014	01/27/1925	SNAKE RIVER	306.000	01	IRR
							43	DOMEST

Abadia P/L & Snake R. water from gem Irr. Dist. -
Districts 02 has older priority than Abadia's.

Question of $\leq .02$ cfs/acre same source:

Per I.D. 208-337-3760 today, Abadia got 4 Afs/ac from
gem. gem has water from

SNAKE R. - see above

Owyhee R. in Oregon (reservoir, project water)

Fulcan Cr.

Jump Cr.

SAGE Cr.

Be 57 rights.

Can't determine ~~readily~~ very easily cfs/ac from Snake via gem.

Therefore - condition 02-07403 & 02-07407 w/ standard
.02 cfs/ac, all rights serving property.

PL 8/14/00

e Overlap condition
for 02-07403
02-07407
(Abachin)

POINT OF
DIVERSION

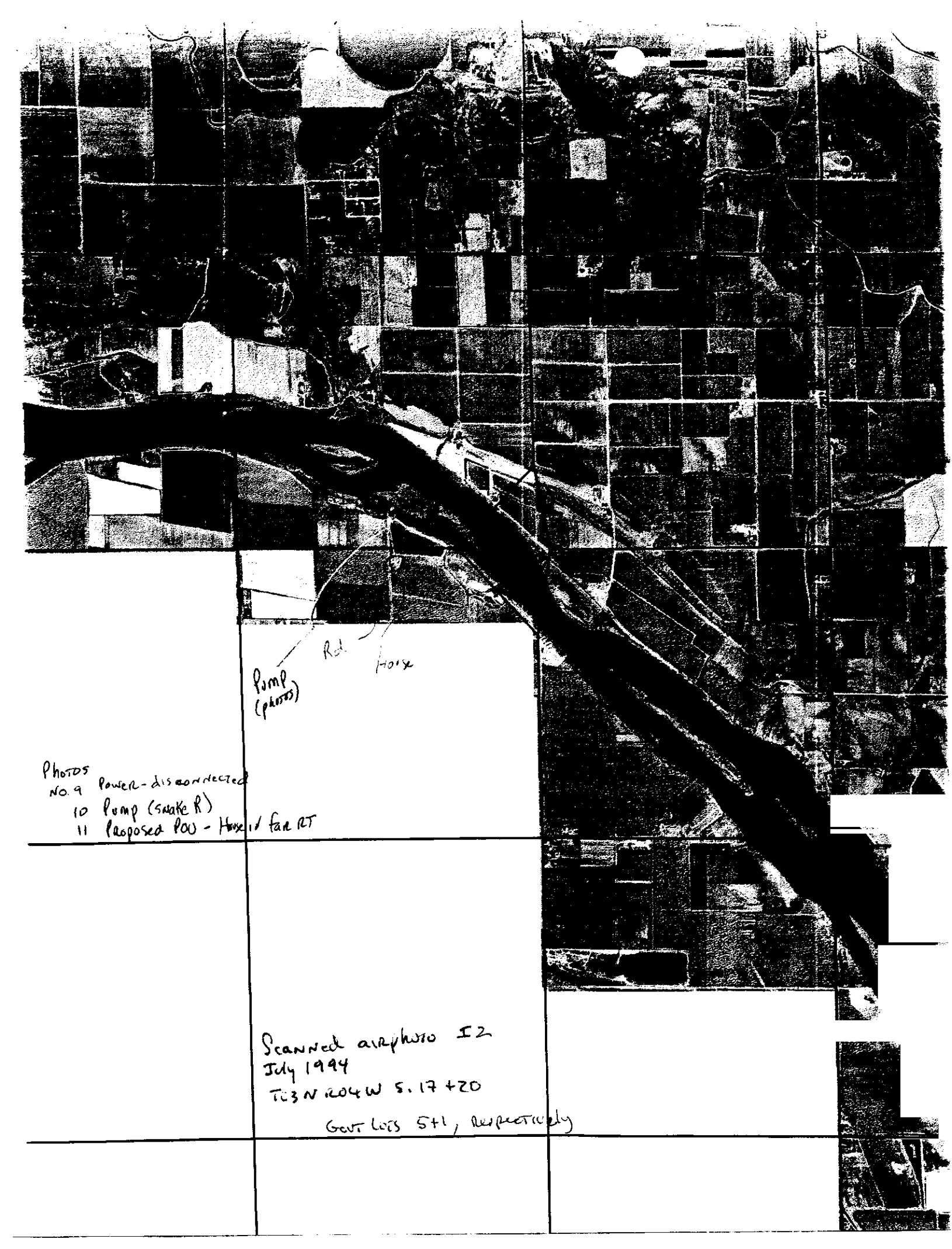
O:

02-07403 & 02-07407 (Abadia)

T3N R4W s.17 SWSE (Lot 5)
s.20 NWNE (Lot 1)

POD: s.17 SWSE (Lot 5)

M. Minicucci Jan 7, 1998
ArcView GIS Version 3.0



Pump
(photo)

Rd.

Hwy

PHOTOS
NO. 9 Power-disconnected
10 Pump (Snake R)
11 Proposed POW - Hwy 11 far RT

Scanned airphoto I2
July 1994

T03N 1204W S. 17 + 20

Govt lots S+1, respectively

PERMIT 02-0240 INIT 77

T. R. S. Q/Q

P/D 3N 4W 17 SWSE G.L.S

SCALE

PHOTO ID. ASCS 1987



121
T870
NHEL

8.2

2
15.2

20.2

T875
2 HEL
9.9

11.2

1492
T876
NHEL

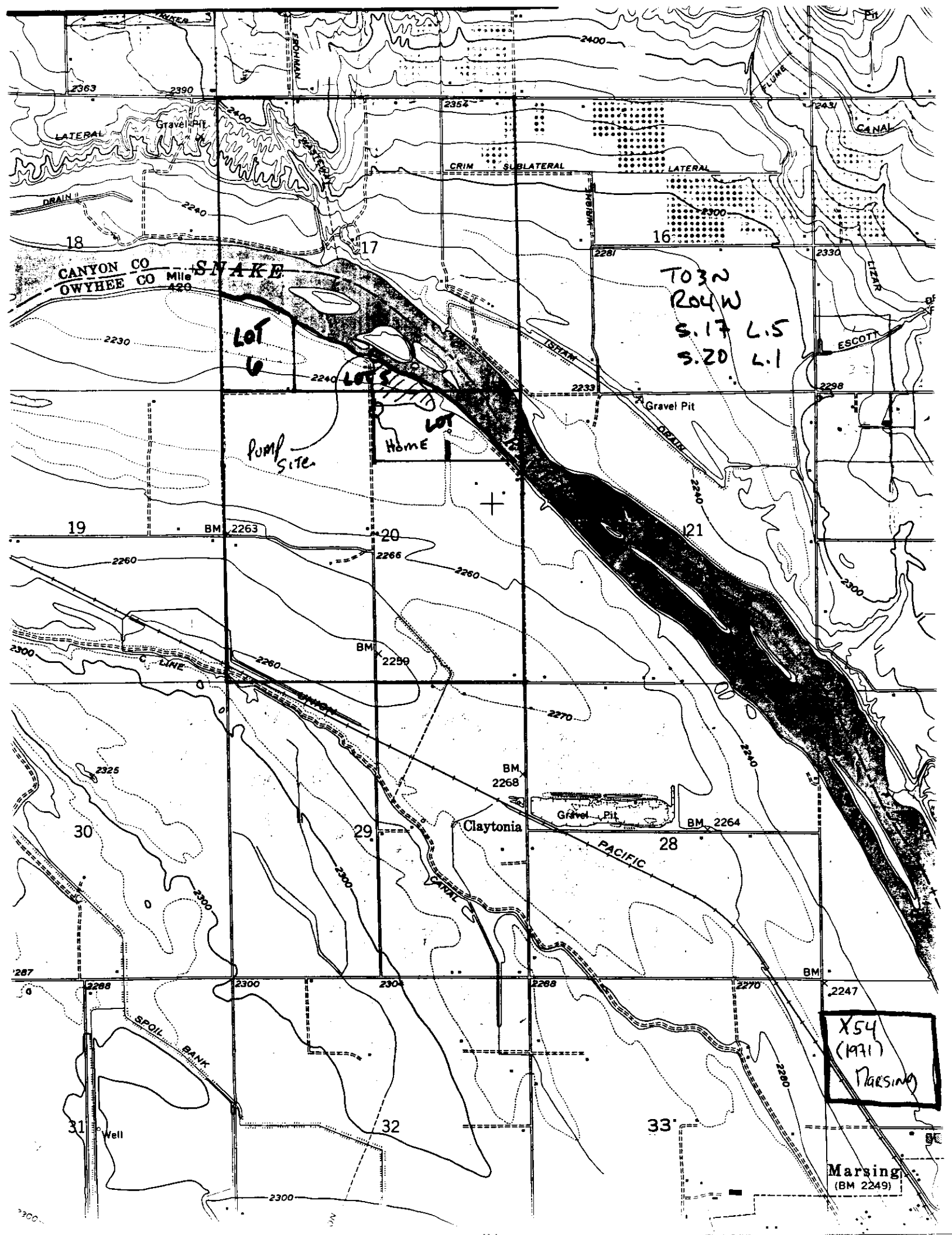
44.8

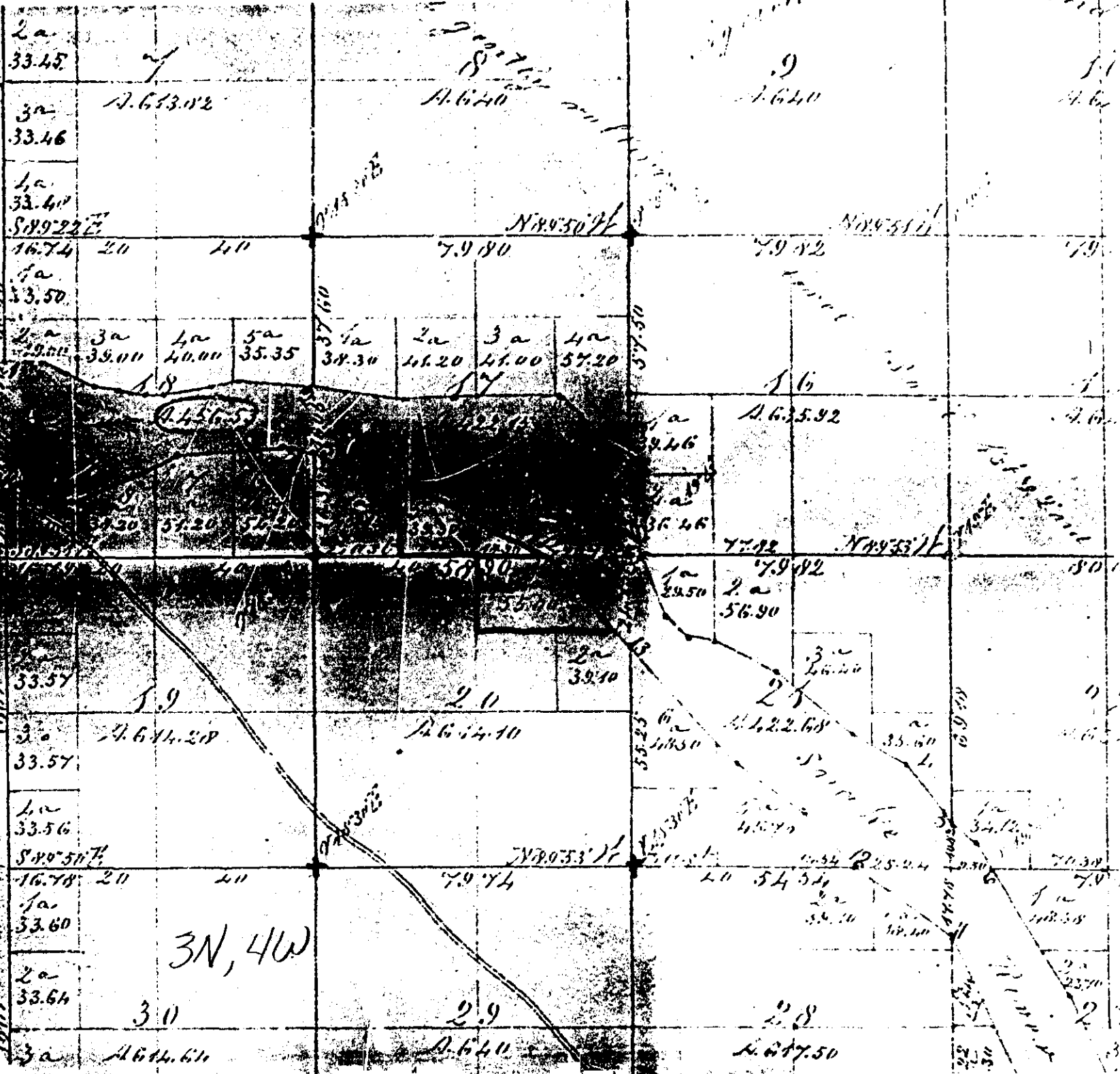
1490
T381
NHEL

17.3

109

5.7





77-66-11
The Ill. of State
TOWN
County of Adams

9/10 Abadia

33

SUBJECT

02-07403, 07407

Property has not been subdivided.

IRRIGATED w/ DISTRICT H₂O
(from the SOUTH)

Not used in 6 or 7 years

Not used now.

Power disconnected

Jacuzzi pump

Model 75 GH2-S
Serial NO. JFJTH0129

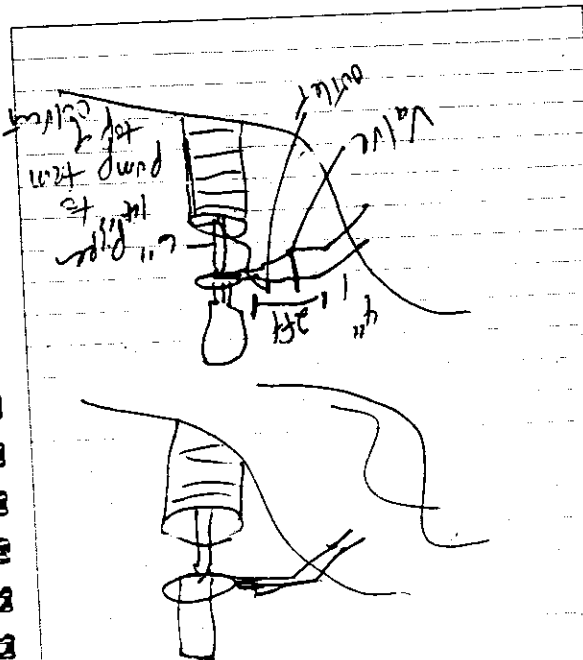
CENTURY MOTOR
7.5 HP

Model NO. 6-32988-03
S213102

To underground system

Power lines run down east
side of rd. to pump

Stub in middle of fence line
at end of road



4" main line
12 ft
6" intake
2' collector/stand pipe
Insp date: 11/2/84
C 119783
Wt: 119783

SUBJECT

9/11/97 Abadia

34

THIS SHOWS THAT THE B/P
FROM 02-7403 IS WITHIN
GEM IRR DISTRICT. POSSIBLE GEM WITH
SAME SOURCE.

A 4 W
 R 5 W



PHOTOGRAPHER AND DATE OF PHOTOS TTTINICUCCI 09/10/1997

FILE NO. AND LEGAL DESCR. 02-07403 TOWN ROAD S.17



Point of diversion
S.17 SWSWSE (Gout LOT 5)
7.5 H.P. Motor + pump
12 ft lift



Disconnected power
box @ diversion.



PHOTOGRAPHER AND DATE OF PHOTOS P. Minicucci 09/10/1997

FILE NO. AND LEGAL DESCR. 02-07403 T03N R04W S.17+20



Place of use

Photo taken from northwest corner
of the field (ASCS #1) just south
of diversion.

June 8, 1992

AGUSTIN ABADIA
RT. 1 BOX 116
MARSING ID 83639

RE: Water Right No. 02-07403

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

June 12, 1992

AGUSTIN ABADIA
RT. 1 BOX 116
MARSING ID 83639

RE: Water Right No. 02-07403

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

May 19, 1992

AGUSTIN ABADIA
RT. 1 BOX 116
MARSING ID 83639

RE: Water Right No. 02-07403

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

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

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 02-7403

Date: 5-25-89

General Considerations:

y Name same as permit
y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
y Proof received timely _____
_____ Reinstated

Source of Water:

y Surface water
N Groundwater
_____ 1. well log in file
N _____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

y Rate of diversion appropriate for uses
y Is rate or volume and fee appropriate?
y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

2/13 Priority Calculation:
Date proof received _____

Date proof due _____ + _____

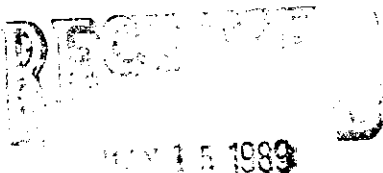
No. of days late _____ = _____

Priority date _____ + _____

NEW PRIORITY DATE _____ = _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Form 217
03/86



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received \$50

Date 5/15/89

Receipt # 006814

Receipt by K. Young

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. 02-7403

Name(s) of Permit Holder: Agustín Abadia

Post Office Address: Rt. 1 Box 116, Marsing, ID 83639

Telephone No. 896-4448

Source of Water: Snake River

Extent of Use:

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

Irrigation 6 (acres) Other/Remark

Total rate and/or volume for which proof is submitted .12 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: 1986

Measuring Device: Required? Yes No X No
Installed? Yes No (See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes No X No
Installed? Yes No

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

same as above (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.

May 4, 1989

Date

X Agustín Abadia
Signature of Permit Holder (and title, if appropriate)

NOTED
JUN 12 1989

AGUSTIN ABADIA
RT. 1 BOX 116
MARSING, ID 83639

March 31, 1989

138061

PROOF DUE NOTICE

RE: PERMIT NO. 02-07403

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 June 1, 1989.

(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 complete 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

MICROFILMED

JUN 12 1989

Doug

MEMORANDUM

TO: State Office, Routing and Western Region
FROM: Roberta Garrett
SUBJECT: Number Change
DATE: September 13, 1984

Please change your records accordingly.

<u>OLD NO.</u>	<u>NEW NO.</u>	<u>NAME</u>
02-7404	02-7403	Agustin Abadia
02-7404	02-7404	L. John Percy

Note: Water right No. 02-7403 was erroneously issued No. 02-7404 for a short time.

ROUTE: Data Entry - Doug *D.W. 9/14/84*
Vault - Cheryl *aw*
Microfilm

cc Western
Microfilm

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Roberta Garrett

DATE 9-13-84

TO File 02-7403 and 02-7404

SUBJECT Number Change

Water right No. 02-7403 was erroneously issued No. 02-7404 for a short time.

MICROFILMED

SIGNATURE

July 2, 1984

RE: Permit no. 02-7404

Agustin Abadla
Box 116, Rt. 1
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 a base flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cfs and at Weiser exceeds 4,750 cfs. 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 base flow is 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.

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 a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

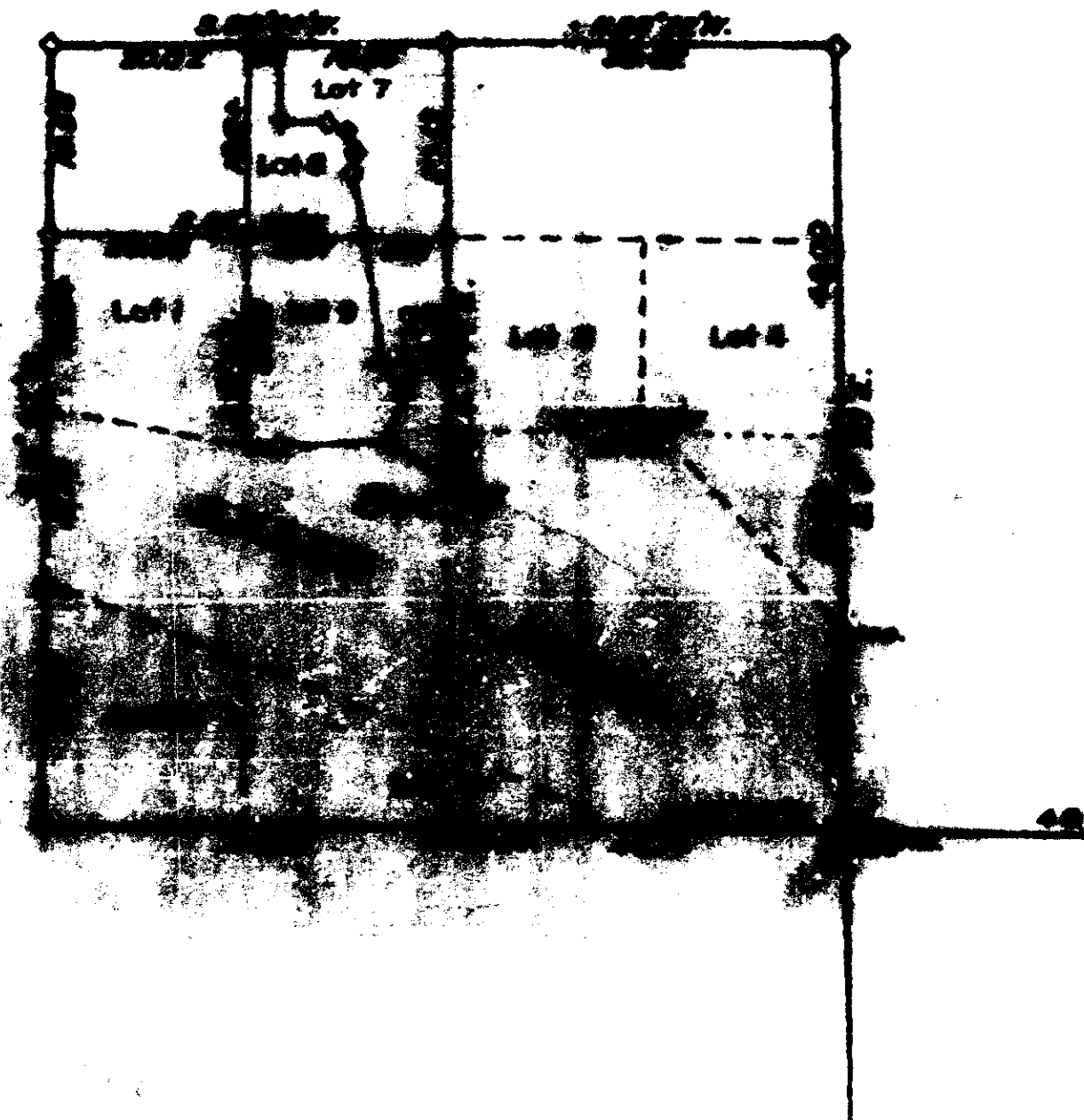
Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

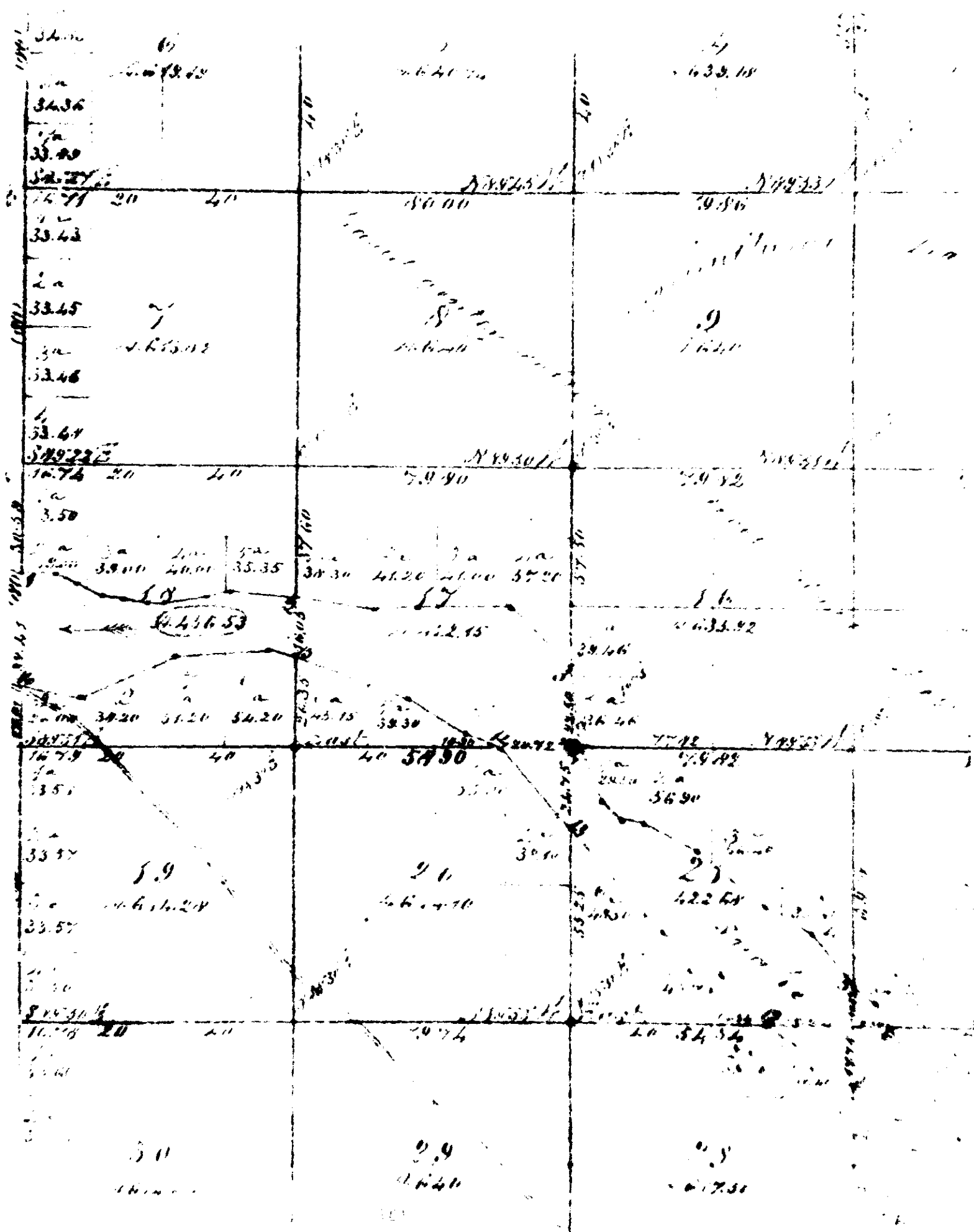
DRT:sc
Enclosures

MICROFILMED

A. P. DAVIS DIRECTOR AND CHIEF ENGINEER
RANGE PROJECT IDAHO
CORRELATE SURVEY REFS.
WEST AND SOUTH BOUNDARIES OF
SECTION 17
T. 3 N., R. 4 W., E. 1 E., IDAHO
SURVEYED BY GORDON C. SMITH, ENGINEER
UNDER AUTHORITY OF DEPARTMENTAL INSTRUCTIONS OF OCTOBER 24, 1906
JANUARY 1919
SCALE: 4 INCHES = 1 MILE



MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MAY 10, 1984

Dwyhee Nussel
Marsing, ID 83639

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 4, 1984.

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 JUNE 4, 1984.

KEN DUNN, Dir.

Published 05/16 & 05/23/84.

MICROFILMED

02-7404

ABADIA, AGUSTIN

BOX 116 RT. 1. MARSING, ID 83639

Source: SNAKE RIVER trib. to COLUMBIA RIVER

Date Filed: 05/02/1984

Diversion Pt: LOT 05 (SWSE) Sec 17 T 03N R 04W

Use: IRRIGATION (0.12 CFS)

In: LOT 01 (NWNE) Sec 20 T 03N R 04W LOT 05 (SWSE) Sec 17 T 03N R 04W
FOR 6 ACRES

MICROFILMED