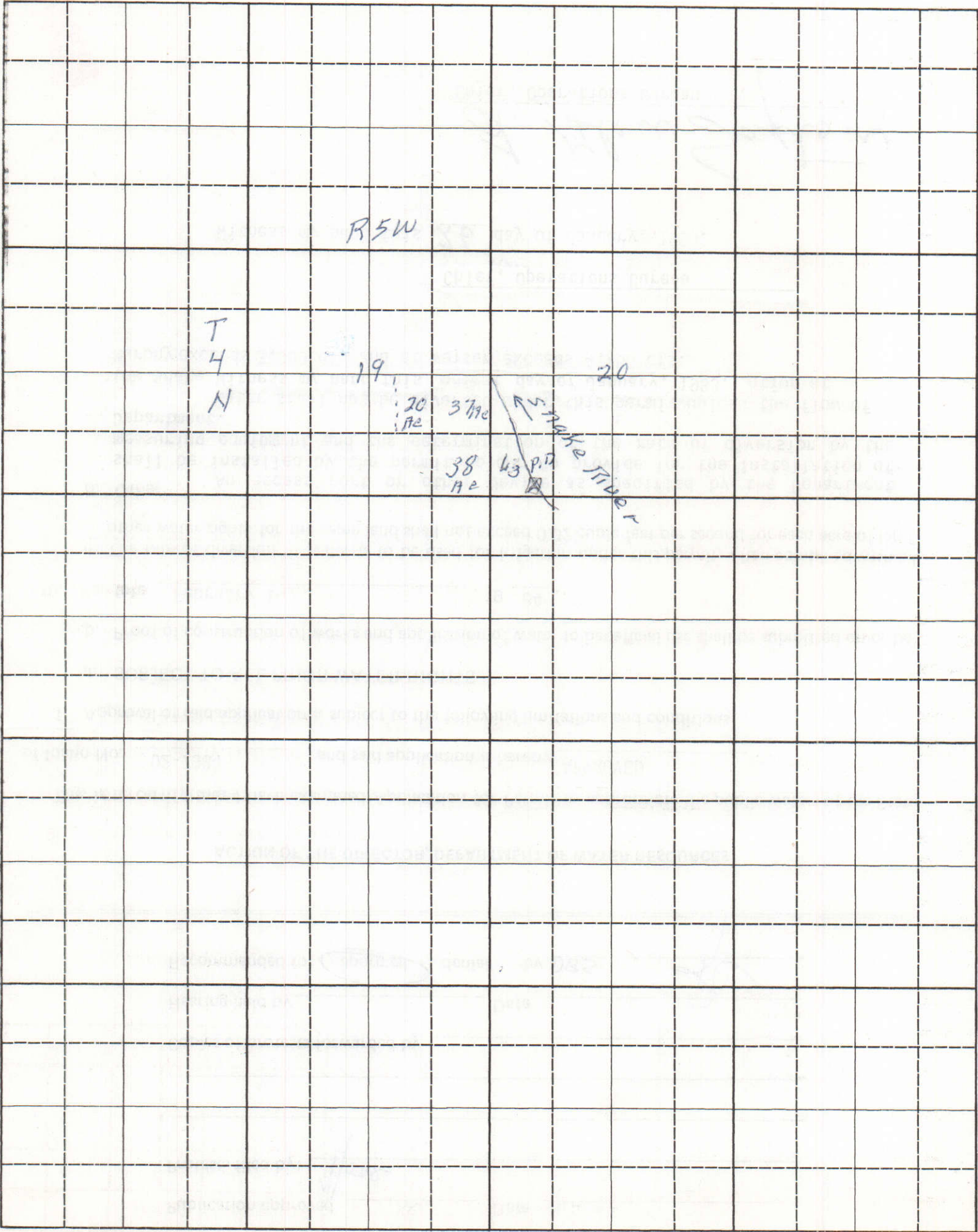


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Dwyer Dairy by Milford Phelps
(Applicant)

RECEIVED

PROOF OF PUBLICATION

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 22 day of December, 1982, and the last publication being on the 29 day of December, 1982;

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.


PUBLISHER

Subscribed and sworn to before me this 29 day of

December, 1982.


NOTARY PUBLIC

My commission expires 3-86

(SEAL)

NOTICE OF APPLICATION FOR WATER RIGHT

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

02-7384

OWYHEE DAIRY
RT. 1, HOMEDALE, ID 83628
Source: SNAKE RIVER trib.
to COLUMBIA RIVER
Date Filed: 12/09/1982
Diversion Pt: LOT 03 (SWSW)
Sec 20 T 04N R 05W
Use: IRRIGATION (1.90 CFS)
In: NESE NWSE SESE Sec 19
T 04N R 05 W FOR 95 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 JANUARY 10, 1983.

KEN DUNN,
Director

Published in the Owyhee
Nugget, Marsing, Owyhee
County, Idaho 12/22 & 12/29/
1982.

RECEIVED

JAN 4 1983

Department of Water Resources
Western Regional Office

A hand-drawn map on a grid background. The map features a coastline with several labeled points and a river. The labels include:

- R5W**: Located in the upper left quadrant.
- T 4 N**: Located on the left side, vertically aligned.
- 19**: Located near the top of the coastline.
- 20**: Located to the right of the coastline.
- 37 N**: Located near the coastline.
- 38 N**: Located below the coastline.
- 43**: Located near the coastline.
- Snake R.**: Located to the right of the coastline, with an arrow pointing to a line representing the river.

The map also includes a red stamp that reads "MICROFILMED" and a curved line in the upper right quadrant.

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion:

Point(s) of diversion: ✓ 63 SWSW Sec 20 T4N R5W

Place(s) of Use

[illegible]

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

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

☒ None
☐ Other

Examiner's Signature

Checked by

Approved by

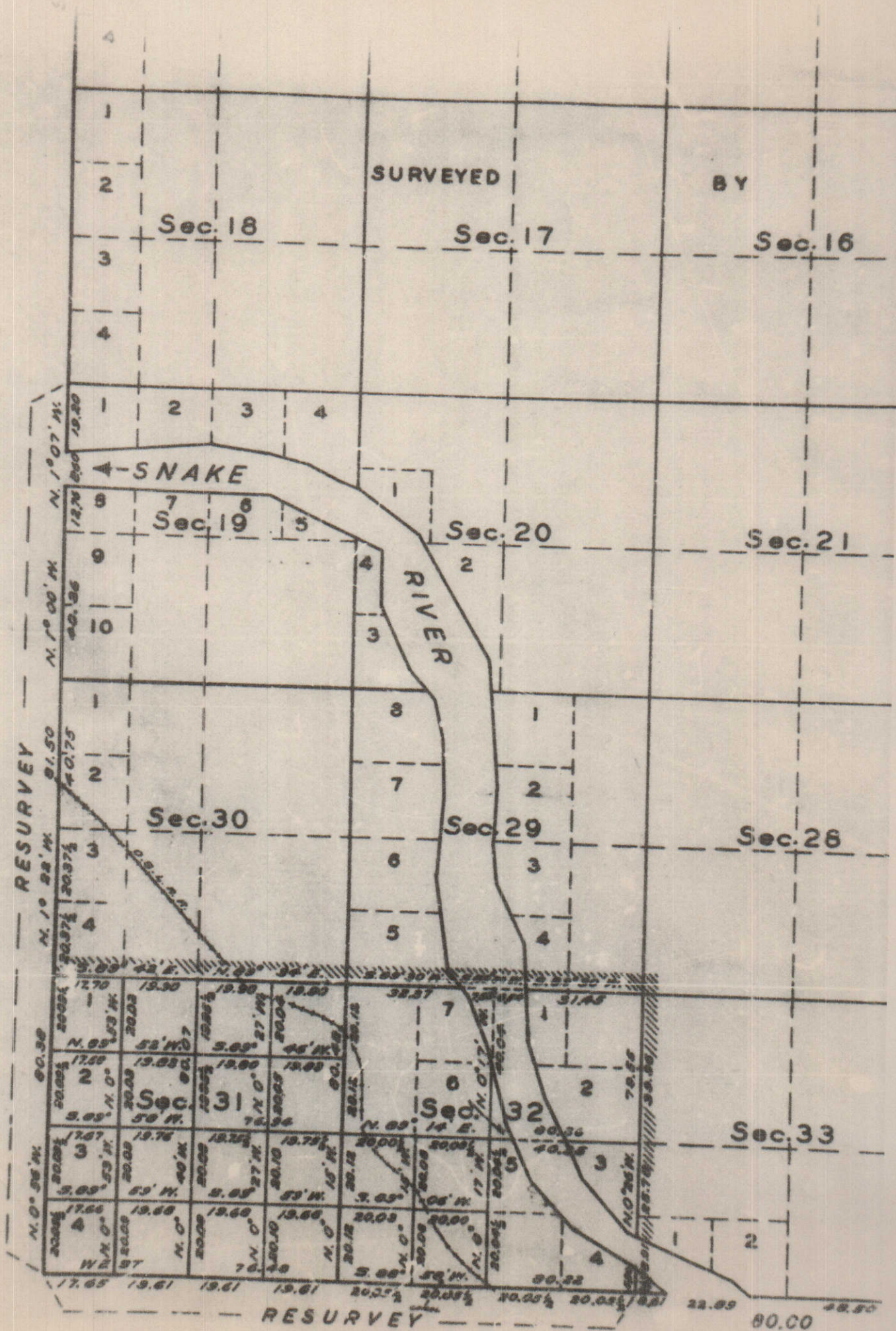
Date 12/10/82

Date 6/21/83

Date 5-15-84

5-16-84

8



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7384 Priority December 9, 1982 Amount 1.90 cfs

THIS IS TO CERTIFY, that Owyhee Dairy
of Homedale, Idaho, has complied with the terms and conditions of Permit
No. 02-7384 issued pursuant to Application for Permit dated December 9, 1982,
and has submitted proof to the Department of Water Resources on December 9, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.90 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from March 15 to November 15</u>	<u>at 1.90 cfs</u>	<u>and 427.5 acre feet</u>
	<u>from</u>	<u>cfs</u>	<u>and</u>
	<u>from</u>	<u>at</u>	<u>cfs</u>
(both dates inclusive)			

Subject, however, to the condition that no more than 1.90 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
427.5 acre feet per year, said waters to be diverted within the Gov. Lot 3 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 20, Twp 4N, Rge 5W in the County of Owyhee

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 $\frac{1}{4}$	
4N	5W	19																38	95

Total number of acres irrigated 95

Water shall not be diverted under this license unless the flow of the Snake River
at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cubic
feet per second and at Weiser exceeds 4,750 cubic feet per second.

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.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25TH day of
May, 19 84.

Acting for the Director

Norman C. Young

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 Owyhee Dairy Phone 337-3279 ³³¹⁹

Post office address Rt. 1 Homedale, ID 83628

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

3. Location of point of diversion is SW ^(Lot 3) $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 4N

Range 5W B.M. Owyhee County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.9 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. 1.9 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 100 H.P. Motor & 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 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: _____ $\frac{1}{4}$ 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: _____

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	
4N	5W	19													37	20		38	95

Total number of acres to be irrigated 95

c. Describe any other water rights used for the same purposes as described above. 57-2332

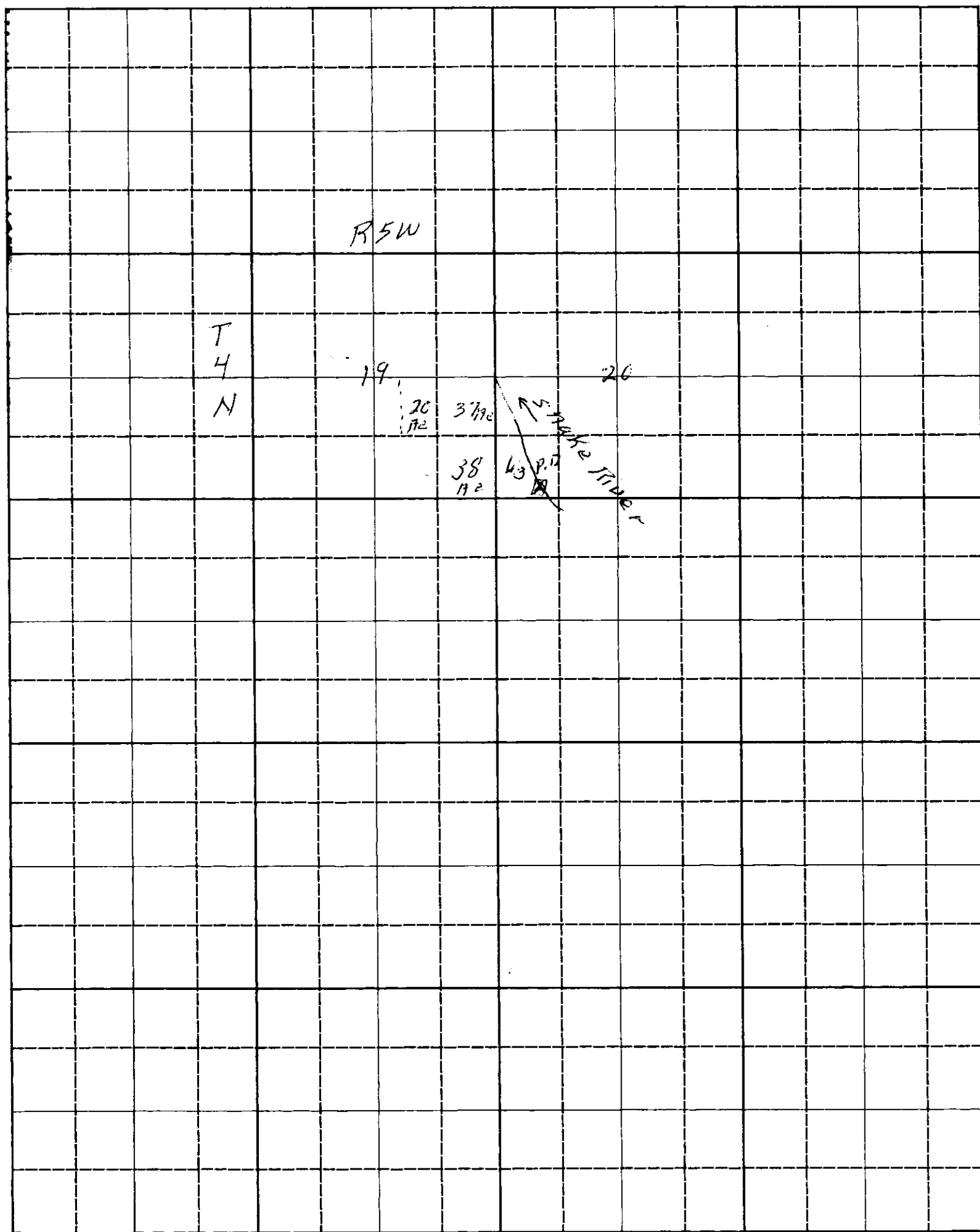
9. a. Who owns the property at the point of diversion applicant

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

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.

Coyote Dairy by Milford Phelps
(Applicant)

Proposed Priority 12/9/1982

Received by JKH Date 12/9/82 Time 1:05 PM
Preliminary check by GLS Fee \$ 45⁰⁰/₁₀₀ # 23057
Receipted by JKH Date 12/9/82
Publication prepared by AP Date 12/15/82
Published in Owheehee Nugget
Publication dates 12/23 & 12/30/82
Publication approved SR Date 1/11/83
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS JK

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. 02-7384, 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 February 1, 19 84.
- 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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 cfs and at Weiser exceeds 4,750 cfs.

Witness my hand this 26th day of January, 1983.

A. Glen Saxton
Chief, Operations Bureau

PROOF OF PUBLICATION

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;

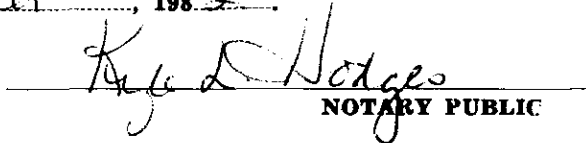
That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 22 day of December, 1982, and the last publication being on the 29 day of December, 1982;

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.


PUBLISHER

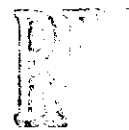
Subscribed and sworn to before me this 29 day of

December, 1982.


NOTARY PUBLIC

My commission expires 3-86

(SEAL)



Department of _____
Western _____

02-7384

September 10, 1992

Memo to file:

From: Carolyn Andregg

During the spring and summer of 1992, drought conditions caused record low flows in the Snake River. Twice, the flow of the Snake River fell below 4,750 cfs, the minimum stream flow at the Weiser gauge. Notices were mailed to the water user listed under this right because the priority is later than July 1, 1976, in order to protect the Snake River minimum stream flow. The following is a chronological history of the mailings.

May 19, 1992: Letter sent to water right holder informing holder of possible temporary cessation of diversion rights and notice of public meetings.

June 8, 1992: Letter sent informing water right holder directing immediate cessation of diversion of water until further notice.

June 12, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

June 26, 1992: Letter sent to water right holder directing immediate cessation of diversion of water until further notice.

June 29, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

MAIL RETURNED NOTICE

THIS MEMO HAS BEEN PLACED ONLY IN THE FILES FOR WHICH THE ABOVE LISTED DATES OF LETTERS WERE RETURNED. BEFORE SENDING ANY FUTURE MAILINGS, VERIFY CORRECT ADDRESS.

May 19, 1992

REY MC RAE
RT. 1 BOX 96
BUCKEYE AZ 85326-0000

RE: Water Right No. 02-07384

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

November 22, 1988

RE: Water Right No. 02-7384

Rey McRae
Rt. 1, Box 96
Buckeye, AZ 85326

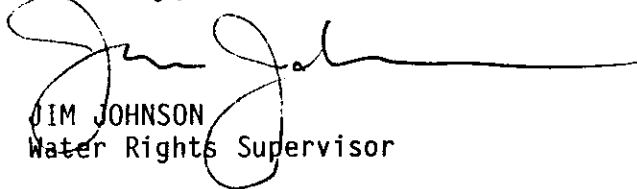
Dear Mr. McRae:

We are in receipt of the correspondence concerning ownership of the above referenced water right.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right license, if the previous land owner did not exclude the water right from the sale. Therefore, we will place your correspondence in the file for future reference only and no further action will be taken.

If you have any questions, please let us know.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

DEC 19 1988

RECEIVED

DEC 04 1987

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

Department of Water Resources

I, Owyhee Dairy, hereby assign to REY McRAE
of Rt 1 Box 96 Buckeye Az 85326
Address

X All my right, title, and interest in and to Permit No. 02-7384
to appropriate the public waters of the State of Idaho.

 The following described portion of my right, title, and interest in and
to Permit No. to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the
acreage within each 40 acre subdivision, the point of diversion and
the amount of water in cubic feet per second for direct diversion, or
acre feet for storage)

Made this 16TH day of OCTOBER, 19 87.

Owyhee Dairy by Ronald Phelps
Permit Holder Michael Phelps

Spouse of Permit Holder

State of Idaho)
County of Owyhee) ss.

On this 16 day of October, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Ray E. Peterson
Notary Public, residing at

seal

Nampa, Idaho

My commission expires: December 1987

MICROFILMED

DEC 19 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 31, 1984

RE: Permit No. 02-7384

Owyhee Dairy
Route 1
Homedale, ID 83628

Gentlemen:

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

Sincerely,

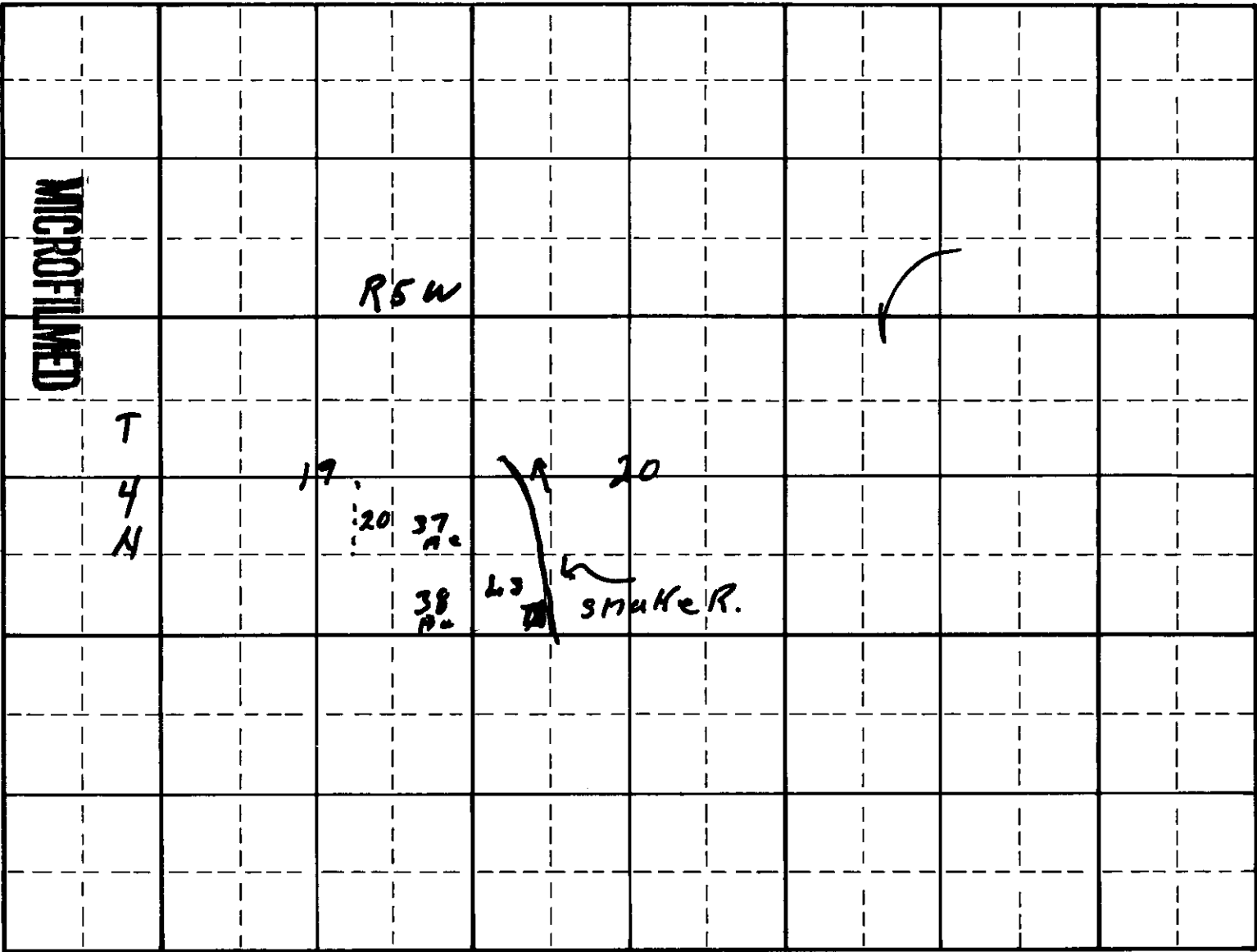
JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure



MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: ✓ 43 SWSW Sec 20 T4N R5W

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	5W	19													27	20		38	95 ✓

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

Examiner's Signature John K. Doyen

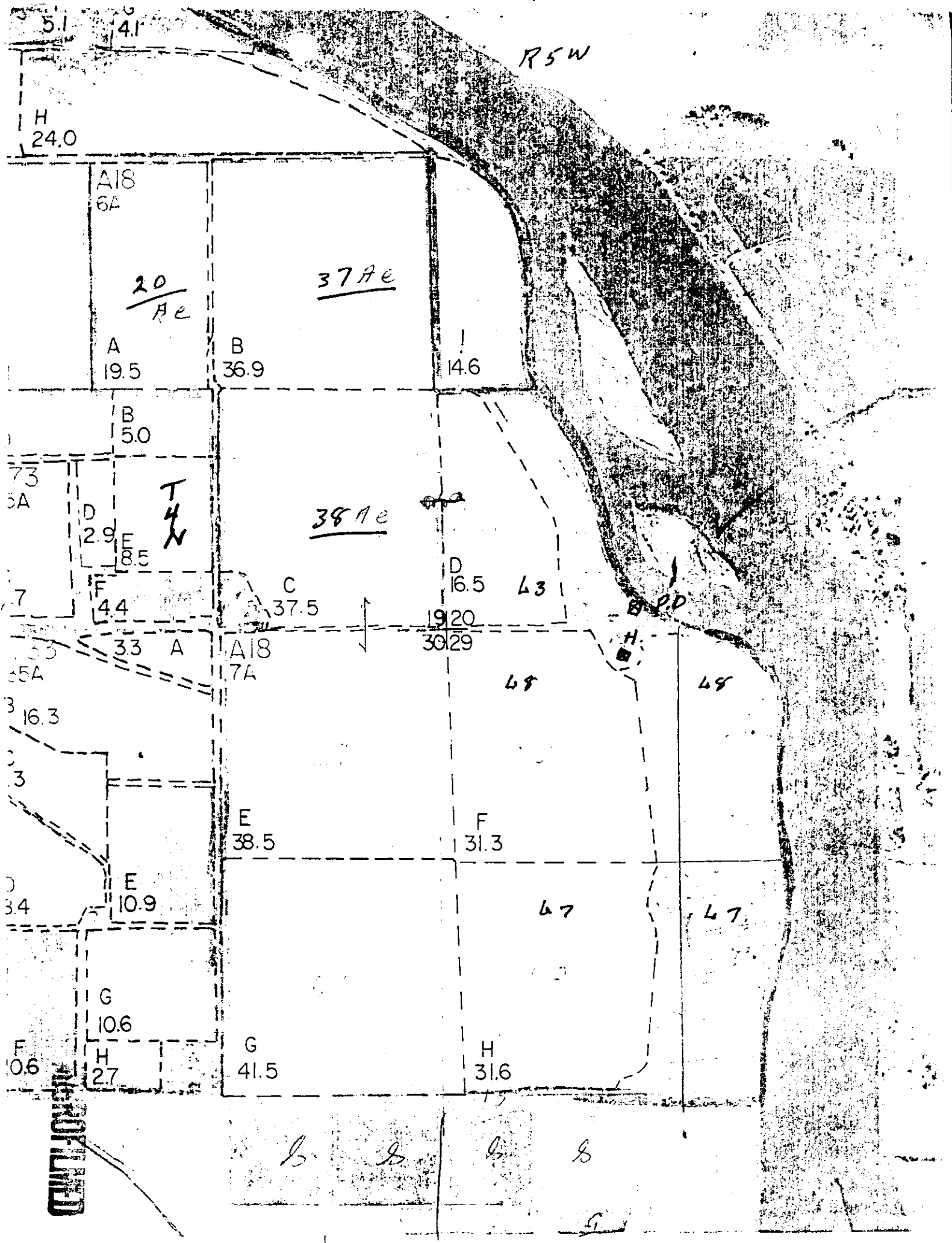
Checked by DBS

Approved by Kay Walker
John

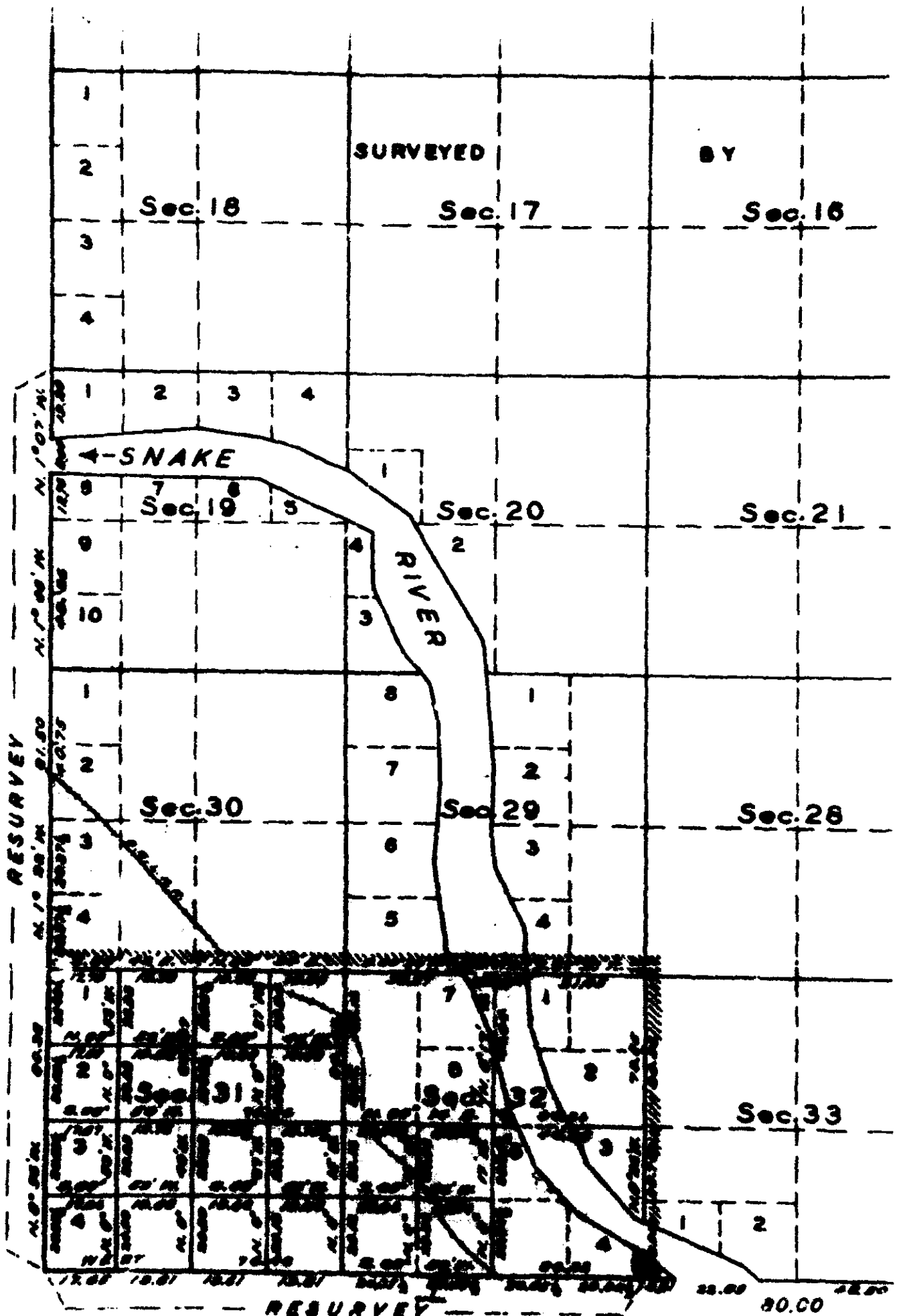
Date 12/10/82

Date 6/21/83

Date 5-15-84
5-16-84



9-30-1931



Overlap Review for 02-7384

per permit: 57-2332^x

per examiner: 02-7367✓

02-7095^x

per micro-fische 5/15/84:

p/d - 02-7095^x Lic., Snake R.

p/u - 57-2332^x Lic., gw

57-7176[✓] permit, un. drain[✓]
Lic.

57-2332 - Lic., gw, N¹/₂ SE for 50 acres

Recommend R16 (4.5 AF) ✓

57-7176 - Lic., un. drain, no overlap
routed to data entry for
correction. ✓

02-7367 - permit, Snake, different ok
p/d, no overlapping lands -
no overlap. exam not done yet.

02-7095 - Lic, Snake R., same system
per exams - see copy of exam
& Lic. attached - 1.6 cfs - no
overlapping lands. ok

Capacity of well = 4.90 cfs

ok 1.6 Lic. 02-7095

3.3 remaining

allow 1.9 cfs for Right 02-7384 per
permit.

KW 5/15/84

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7095 Priority February 8, 1972 Amount 1.6 cfs

THIS IS TO CERTIFY, that Dr. Marvin Hays
of Portland, Oregon, has complied with the terms and conditions of Permit
No. 02-7095 issued pursuant to Application for Permit dated February 8, 1972,
and has submitted proof to the Department of Water Resources on February 27, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.90 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>1.6</u> cfs and	<u>360.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.6 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
360.0 acre feet per year, said waters to be diverted within the Government Lot 3 (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
Section 20, Twp. 4N, Rge. 5W in the County of Owyhee

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 $\frac{1}{4}$	
4N	5W	20											GL3 7						7
		29					GL8 20		GL7 22										42
		30	14			17													31

Total number of acres irrigated 80

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7th day of

March, 19 83.

Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

02-7095
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 4/28/81 Accompanied by Eldon J. Engstrom Total Q measured 4.90
If source is surface water, estimate total flow of source _____
Methods of measurement me. computation Meets Permit requirements? _____

Measurement calculations:
 $2200 \text{ GPM} \times .002225 = 4.90 \text{ cfs}$ ^{CAPACITY}
 $205 \text{ acres} \times 4.5 = 922.5 \text{ AFA}$
 $4.1 \times 1.9835 \times 245 = 1992.4$
See overlap review
same as 02-1384...

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	100	U.S. Electric	ID C 9420-0184-04 350	-	-			

System Description 1-privat & permanent set sprinkler system

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS USE	Irrigation requirement = <u>4.5</u> AFA/Acre			
	Q (cfs)	V (afa)	FROM	TO
<u>irrigation</u>	<u>4.1</u> ✓ <u>1.6</u>	<u>922.5</u> ✓ <u>360.0</u>	<u>3/15</u>	<u>11/15</u>
		<u>See Overlap Review for calculations</u>		
		<u>360.0</u>		
Total	<u>4.1</u> ✓ <u>1.6</u>	<u>922.5</u>	<u>3/15</u>	<u>11/15</u>

Remark Send copy of license to New Owners
Owyhee Dairy
 Rt. 1 Box 1287A
 Homedale ID
Jim 4-12-83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 18, 1983

OWYHEE DAIRY
RT. 1
HOMEDALE

ID 83628

RE: Permit No. 02-7384

Dear Permit Holder:

We acknowledge receipt of your statement submitted as 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 condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

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 by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

RECORDED
INDEXED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-7384.

Name(s) of Permit Holder:

Cowhee Dairy

Post Office Address:

Rt 1 St Onedale, ID 83628

Tel. No. 337-3274

Source of Water:

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☒ Irrigation

9.5

(acres)

☐ Other

Measuring Device:

Required?

☒ Yes

☐ No

Installed?

☒ Yes

☐ No

Access Port:

Required?

☐ Yes

☐ No

Installed?

☐ Yes

☐ No

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

12/9/82
Date

Melford Phelps
Signature of Permit Holder

*Received with Application
for Permit on 12-9-82*

RC 1-13-83

12-9-82



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

February 9, 1983

RE: Permit No. 02-7384

Owyhee Dairy
Route #1
Homedale, ID 83628

Gentlemen:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the outcome of a case that has recently been decided by the Idaho Supreme Court entitled Idaho Power Company vs. State of Idaho, et al., Idaho Supreme Court Case No. 13794. The decision, filed on November 19, 1982, indicates that flows of water through the power plant at Swan Falls are entitled to protection from uncompensated depletion of flows upstream of Swan Falls. The court found that such flows in the Hells Canyon reach of the Snake River are not similarly protected, but rather are subordinated to future upstream depletions for consumptive uses. The full impacts of this decision are not yet clear, and the case has been partly remanded to the District Court so further litigation on the matter is forthcoming. The Department of Water Resources has been advised that Idaho Power Company is not waiving any rights to contest or limit the exercise of your permit or subsequent license.

Be sure to note the special condition requiring you to install a measuring device, or an access port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the access port.

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.

Page 2 of 2
February 9, 1983
RE: Permit No. 02-7384

Please be advised that there is insufficient natural flow available in the Snake River and tributaries to provide water for a new appropriation throughout the entire season of use. During the spring run-off each year, there may be a period of time in which the prior rights to the use of the natural flow and storage are filled leaving water available for your permit. As the natural flow diminishes, however, there may be no water available for your right unless you arrange for an additional source of water as a supplemental supply.

Please be advised that numerous prior applications for permit have been filed to appropriate water from your source, to be used on desert land entry and/or Carey Act lands. Development of these water rights is currently prevented by the U.S. Bureau of Land Management. However, if the lands are released for development, the associated water rights will receive water prior to your water right enclosed. Therefore, be sure to analyze the future impact of these rights before making a major investment in a water supply system.

Sincerely,

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

DRT:kw
Enclosures

02-2384

OWYHEE DAIRY

RT. 1, HOMEDALE, ID 83628

Source: SNAKE RIVER trib. to COLUMBIA RIVER

Date Filed: 12/09/1982

Diversion Pt: LOT 03 (SWSW) Sec 20 T 04N R 05W

Use: IRRIGATION (1.90 CFS)

In: NESE NWSE SESE Sec 19 T 04N R 05W FOR 95 ACRES

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 JANUARY 10, 1983.

KEN DUNN, Dir.

Published 12/23 & 12/30/82.