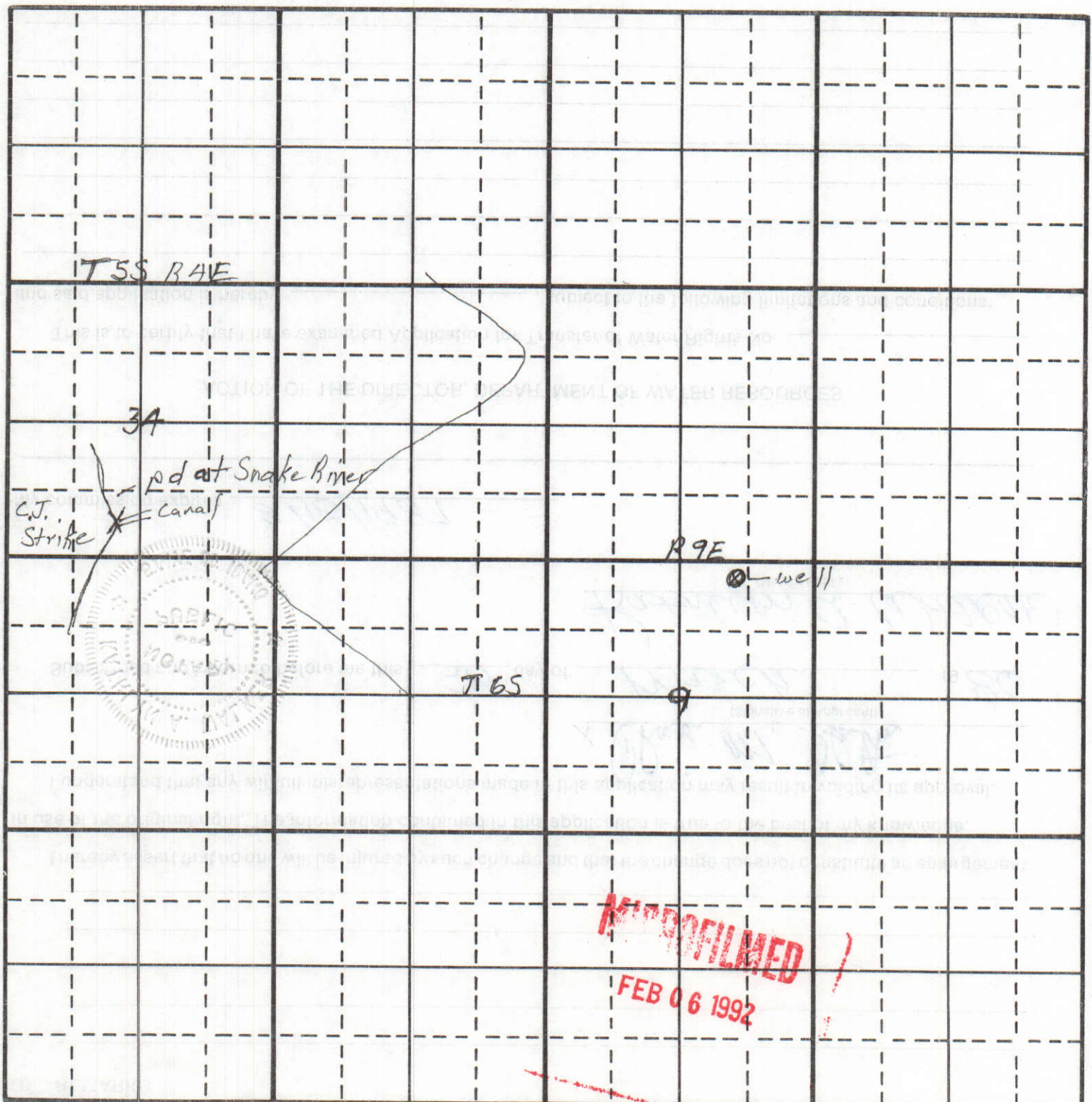


c. Describe the lands of _____ place of use to which the right will be transferred:

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

Total number of acres to be irrigated _____

- Describe any other water rights used for the same purpose as described above. _____
Water rights previously used under Mud Flat Canal Co.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

The Owyhee Avalanche

P.O. BOX 97

HOMEDALE, IDAHO 83828

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):

..... April 16, 1986

..... April 23, 1986

(Signed).....

Joe E Aman

Subscribed and sworn to before me this 23rd day of April
A.D., 1986

Lisa Aman

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires October 1, 1991

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 02-7275 ✓38

Notice is hereby given that Charles M. Flatter of Grand View, ID has applied to the Department of Water Resources for a change of the point of diversion and source of the water of the Snake River.

The right sought to be changed is evidenced by Water Right License 02-7275 and is recorded as follows:

Amount: 2.26 cfs

Priority: 12/13/1978

Point(s) of Diversion: SESW (Lot 9), S. 34, T 5S., R. 4E

The water is used for Irrigation purposes within the NWNE, SWNE, NENW, S. 9, T. 6S., R. 3E., for 113 acres.

TO BE CHANGED AS FOLLOWS

Amount: 2.26 cfs

Point(s) of Diversion: SESW (Lot 9), S. 34, T. 5S., R. 4E. and the NWNE, T. 6S., R. 3E.

The water will be used for Irrigation purposes from the Snake River and a groundwater source on lands within the NWNE, SWNE, NENW, S. 9, R. 6S., T. 6S, R. 3E. for 113 acres.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, Statehouse, Boise, ID 83720 on or before May 5, 1986.

Ken Dunn
Director

Publish April 16 & 23, 1986: 21

MICROFILMED

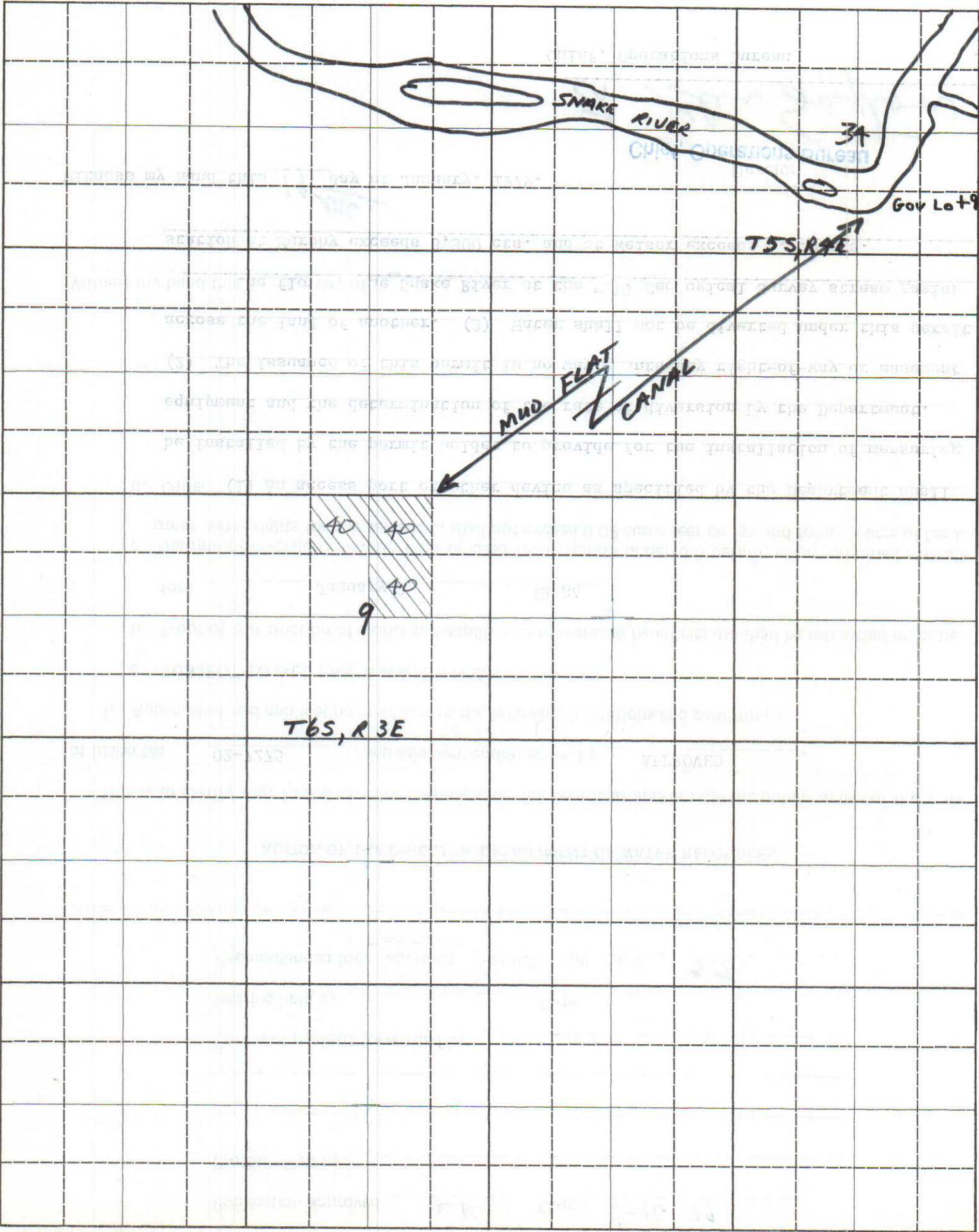
FEB 06 1992

RECEIVED

MAY 5 1986

Department of Water Resources
Western Regional Office

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.

Daniel L. Yost
(Applicant)

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

S.S.

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

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 28 day of December, 1978, and the last publication being on the 4 day of January, 1979;

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.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 4 day of Jan, 1979.

Samuel S. Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

OK - KK
1-16-79

NOTICE OF APPLICATION FOR WATER RIGHT

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

02 - 7275

YOST, DARREL F. & / or HELEN I.

P. O. BOX 402, GRAND VIEW, ID 83624

Source: SNAKE RIVER

Date Filed: 12/13/1973

Amount: 2.40 CFS 0.0 AC-FT

Diversion Point: LOT 09 Sec. 34 T 05S R 04E, OWYHEE Co.

Use: IRRIGATION (2.40 CFS) from 03/15 to 11/15

Place of Use: NWNE SWNE NENW Sec. 09 T 06S R 03E FOR 120 ACRES

Diversion Means: PUMP AND PIPELINE

02 - 4025

SHENK, J. D. STAR ROUTE BOX 45, HAMMETT, ID 83627

Source: SNAKE RIVER

Priority Date: 01/01/1935

Amount: 3.18 CFS

Diversion Point: NWNE Sec. 03 T 06S R 07E, Owyhee Co.

Use: IRRIGATION (3.18 CFS) from 04/01 to 10/31

Place of Use: NESW NWSW SWSW SESW SWSE Sec. 34 T 05S R 07E NWNE NENW

Sec. 03 T 06S R 07E FOR 106 ACRES

Diversion Means: PUMP AND DITCH

If issued, the permits will be subject to all prior water rights.

Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources,

92 S. Cole Road, Boise, Idaho on or before JANUARY 15, 1979.

C. STEPHEN ALLRED

Director.

Published 12/28 & 4/79 — The Owyhee Nugget, Marsing, Owyhee County, Idaho 83639.

RECEIVED

JAN 16 1979

Department of Water Resources
Western Regional Office

MICROFILMED

065	03E	08	SESW	30	01	02-7061	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SESW	38	01	A02-7061	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			NESE	36	01	02-7062	FIELD	O	L	04-09-1970	SNAKE RIVER
			NESE	36	01	A02-7062	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			NHSE	37	01	02-7062	FIELD	O	L	04-09-1970	SNAKE RIVER
			NHSE	37	01	A02-7062	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SESE	37	01	02-7062	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SESE	37	01	02-7062	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SESE	37	01	A02-7062	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			NENE	40	01	02-7271	WHITSON	O	P	10-12-1978	SNAKE RIVER
			NENE	40	01	57-7181	POST	C	P	02-01-1977	GROUNDWATER
			NHNE	35	01	02-7275	YOST	O	L	12-13-1978	SNAKE RIVER
			NHNE	35	01	A02-7275	MUD FLAT CANAL CO.	C	L	12-13-1978	SNAKE RIVER
			SHNE	39	01	02-7275	YOST	O	L	12-13-1978	SNAKE RIVER
			SHNE	39	01	A02-7275	MUD FLAT CANAL CO.	C	L	12-13-1978	SNAKE RIVER
			SENE	40	01	02-7271	WHITSON	O	P	10-12-1978	SNAKE RIVER
			SENE	16	01, 43	57-2148	MC MILLIN	C	L	03-19-1923	GROUNDWATER
			SENE	24	01	57-7180	FRED WHITSON EST.	O	P	02-01-1977	GROUNDWATER
			NENH	39	01	02-7275	YOST	O	L	12-13-1978	SNAKE RIVER
			NENH	39	01	A02-7275	MUD FLAT CANAL CO.	C	L	12-13-1978	SNAKE RIVER
			NHNH	40	01	02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER
			NHNH	40	01	A02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SHNH	40	01	02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER
			SHNH	40	01	A02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SENH	40	01	02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER
			SENH	40	01	A02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			NESH	40	01	02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER
			NESH	40	01	A02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			NHSH	40	01	02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER
			SHSH	13	01	A02-7062	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SESH	40	01	02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER

K15

56

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

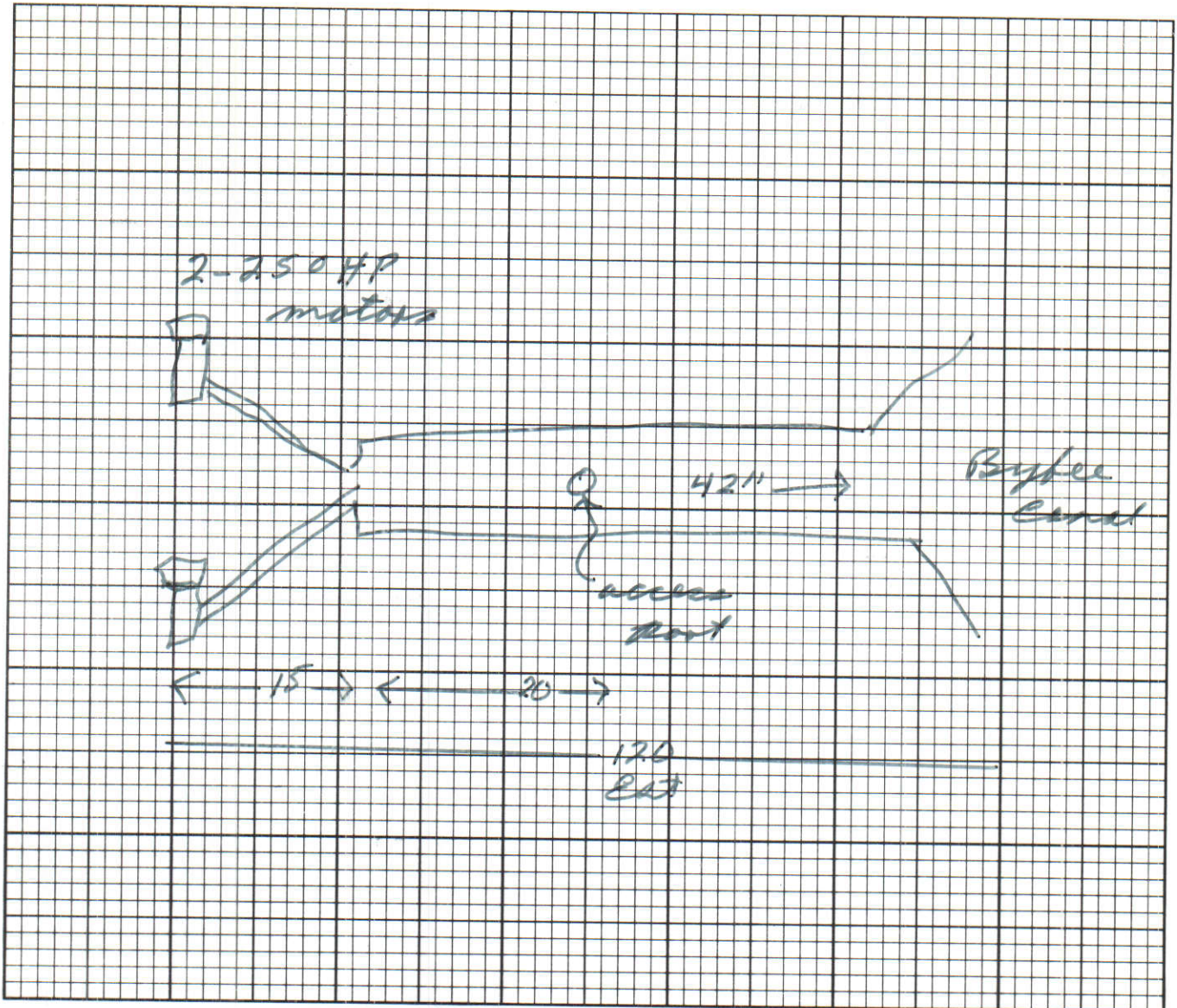
PAGE 6677
01/04/1986

TOWNSHIP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
(POU CONTINUED FROM PREVIOUS PAGE)												
065	03E	09	SESW	40	01		02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SESW	40	01		A02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			NESE	40	01		02-7271	WHITSON	O	P	10-12-1978	SNAKE RIVER
			NESE	40	01		57-7180	FRED WHITSON EST.	O	P	02-01-1977	GROUNDWATER
			NHSE	40	01		02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER
			NHSE	40	01		A02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SHSE	40	01		02-7059	FIELD	O	L	04-09-1970	SNAKE RIVER
			SHSE	40	01		A02-7059	MUD FLAT CANAL CO.	C	L	04-09-1970	SNAKE RIVER
			SESE	40	01		02-7271	WHITSON	O	P	10-12-1978	SNAKE RIVER
			SESE	40	01		57-7180	FRED WHITSON EST.	O	P	02-01-1977	GROUNDWATER
			NHNE	40	01		02-7389	NANNEY	O	L	01-25-1972	SNAKE RIVER
			NHNE	40	01		57-7174	SILVER SAGE RANCH, HILLMAN	O	P	10-29-1976	GROUNDWATER
			NHNE	40	01		A02-7389	DIRKS	C	L	01-25-1972	SNAKE RIVER
			SHNE	40	01		02-7337	DIRKS	C	A	04-20-1981	SNAKE RIVER
			NENH	40	01		02-7389	DIRKS	O	L	01-25-1972	SNAKE RIVER
			NENH	40	01		57-7174	NANNEY	O	P	10-29-1976	GROUNDWATER
			NENH	40	01		A02-7389	SILVER SAGE RANCH, HILLMAN	O	L	01-25-1972	SNAKE RIVER
			NHSH	40	01		02-7271	DIRKS	C	L	01-25-1972	SNAKE RIVER
			NHSH	40	01		57-7181	WHITSON	O	P	10-12-1978	SNAKE RIVER
			SHSH	40	01		02-7271	WHITSON	O	P	10-12-1978	SNAKE RIVER
			SHSH	40	01		57-7180	FRED WHITSON EST.	O	P	02-01-1977	GROUNDWATER
			SESH	40	01		02-7337	DIRKS	C	A	04-20-1981	SNAKE RIVER
			NHSH	40	01		02-7271	WHITSON	O	P	10-12-1978	SNAKE RIVER
			NHSH	40	01		57-7180	FRED WHITSON EST.	O	P	02-01-1977	GROUNDWATER

MICROFILMED

FEB 06 1992

10. Other water rights on these lands none
11. Other water right diverted from same p.d. 02-7237A 02-7188 02-7061
02-7062, 02-7064, 02-7065 02-7279 02-7059
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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 |

16. Examiner's/Consultant's Signature John K. Doyen Date 10/16/88

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

RSE

9

40

C454
292C

02-7275

39

T
S

D
39.4

A
38.4

B
34.8

40

02-7059

VOK

39

F
41.9

G
39.5

C
38.4

H
41.0

I
38.5

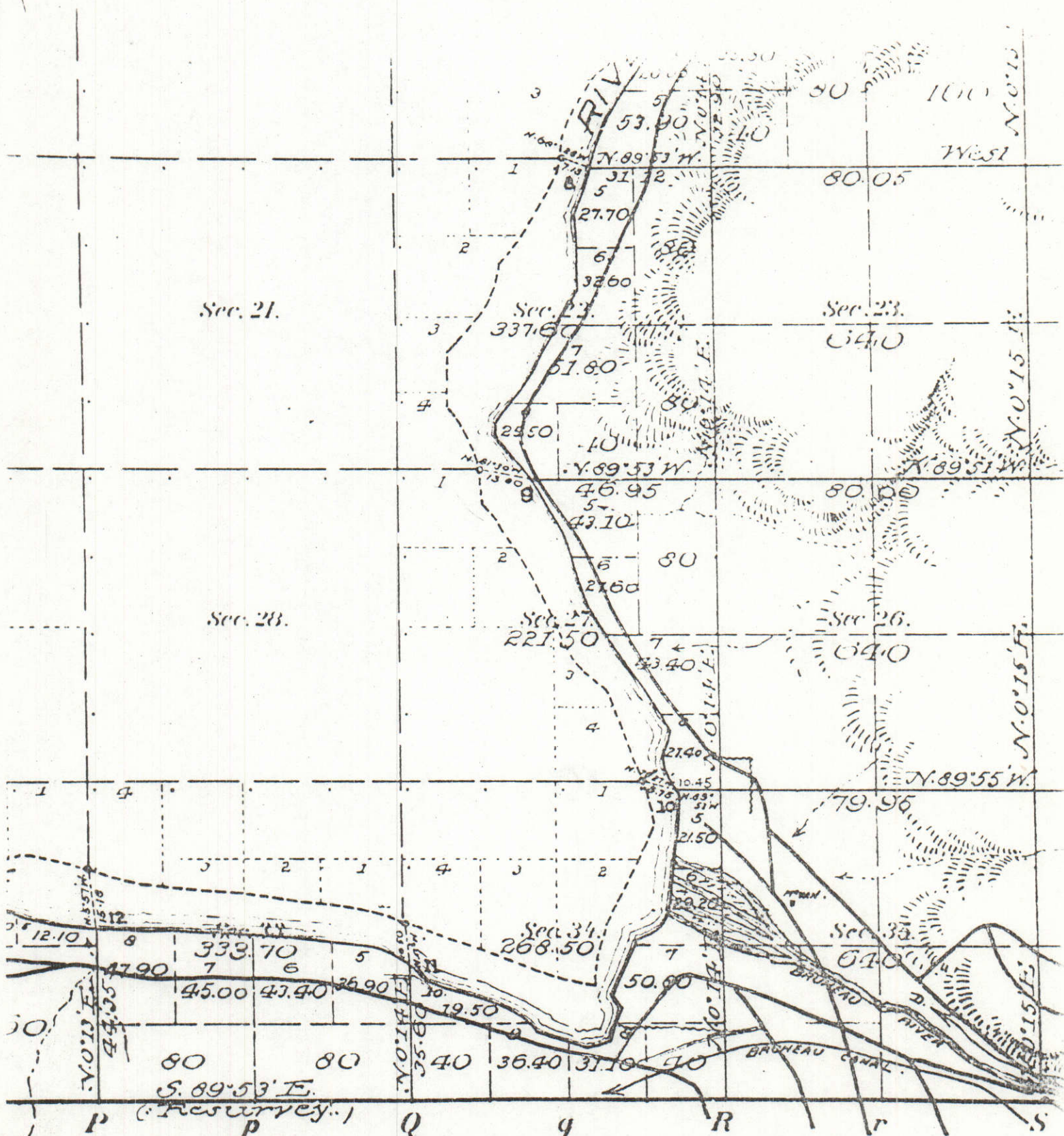
40.3

39.6

40.4

MICROFILMED

554E



Total number of Acres 7537.55 (additional)

Amount of Surveys	M. Ch. Lk.		When Surveyed	Mean Declination
5	±9	10	July 30-Aug 5-1894	18° 20' E.
18	19	81	July 31-Aug 5-1894	
11	14	08	"	
2	08	32	"	

MICROFILMED

The above Map of Boise, Idaho, notes of the survey then
 Surveyor General
 Boise City, Idaho
 February 1895

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Charles M. Flatter Phone 828-6344W
834-2455H
Post Office address Star Rt. B, Box 341 E, Grandview, ID 83624

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 02-7275 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Snake River tributary to Columbia River

4. Date of priority 12/13/1978

5. Water is used for the following purposes:

amount 2.26 for Irrigation purposes from 3/15 to 11/15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.26 cubic feet per second
&/or
b. 565.0 acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SW Lot 9 $\frac{1}{4}$ of Section 34
Township 5S Range 4E, B.M., in Owyhee County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	3E	9		35	39		39												113

Total number of acres to be irrigated 113

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

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

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 2.26 c.f.s. &/or 565.0 acre feet
- b. Description of diverting works Large pumps and penstock into Mud Flat Canal
and/or a well (groundwater)
- c. Describe the reasons for the proposed changes Mud Flat Canal is going to become
insolvent and the Canal and diversion will no longer deliver water thru
the system. *See Attached Sheet.

2. Change in point of diversion

Point of diversion SE ¼ SW ¼, Section 34 Township 5S
Range 4E, B.M., Owyhee County
Additional points NWNE Sec 9 T 6S R 3E from a groundwater source. *See attached
sheet

3. Change in place of use no change

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
no

MICROFILMED

FEB 06 1992

c. Describe the lands c^o face of use to which the right will be tr^o rred:

[illegible]

Total number of acres to be irrigated

4. Describe any other water rights used for the same purpose as described above. _____
Water rights previously used under Mud Flat Canal Co.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

A hand-drawn map on a grid background. The map features a river labeled 'Snake River' and a 'Canal'. A point is marked '3A' near the river. A 'C.J. Strike' is indicated with an arrow. A 'well' is marked with a dot and labeled 'R9E'. A point is labeled 'T65'. A 'FILMED' stamp is present with the date 'FEB 06 1992'. The map also includes a 'T55 R4E' label in the top left corner.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

x Charles M. Smith
(Signature of Applicant)

Subscribed and sworn to before me this 28 day of March, 19 86

Kathlyn A. Walker
(Notary Public)

My commission expires 2/15/1987

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

RECORDED
FEB 06 1992

FOR DEPARTMENT USE ONLY

Received by <u>GLS</u>	Date <u>3/28/86</u>	Protest filed by _____
Prelim. check by <u>[Signature]</u>	Fee <u>501 40242</u>	_____
Receipted by <u>JP</u>	Date <u>3/28/86</u>	_____
Published in <u>Owyhee Avalanche</u>	Copies of protest forwarded by _____	
Pub. dates <u>4/16 & 4/23/86</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for _____ approval _____ denial _____	
_____ rec'd. _____	by _____	

Mr. Flatter is currently negotiating with the Bybee Canal for an easement into their system. Since the Mud Flat Canal and its' largest users are not going to turn on the Snake River pumps it has forced the smaller users who cannot afford the extreme pumping costs for a small amount of water to look for a temporary, alternate source. Because the groundwater source is considered a tributary of the Snake River, this transfer is moving the point of diversion from the Snake River to a well located on Mr. Flatter's property, as a temporary source. Once the easement has been obtained in the Bybee Canal, water right no. 02-7275 will then be transferred into this system. Because of the length of the Mud Flat Canal (10 miles) the small users cannot absorb the evaporation and seepage losses that occur. Two or three times their water right would have to be pumped at the river to reach their properties.

MICROFILMED

FEB 06 1992

REAL ESTATE MORTGAGE FOR IDAHO

THIS MORTGAGE is made and entered into by Charles M. Flatter and
Carole I. Flatter, husband and wife

residing in Owyhee County, Idaho, whose post office address is
Meadows Mobile Park #22, Mountain, Idaho 83647

herein called "Borrower," and the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government."

WHEREAS Borrower is indebted to the Government as evidenced by one or more promissory note(s) or assumption agreement(s), herein called "note," which has been executed by Borrower, is payable to the order of the Government, authorizes acceleration of the entire indebtedness at the option of the Government upon any default by Borrower, and is described as follows:

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
January 4, 1982	\$66,200.00	-15%-	January 4, 1992

(If the interest rate is less than _____% for farm ownership or operating loan(s) secured by this instrument, then the rate may be changed as provided in the note.)

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949 or any other statutes administered by the Farmers Home Administration;

And it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the note, this instrument shall secure payment of the note; but when the note is held by an insured holder, this instrument shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall constitute an indemnity mortgage to secure the Government against loss under its insurance contract by reason of any default by Borrower;

And this instrument also secures the recapture of any interest credit or subsidy which may be granted to the Borrower by the Government pursuant to 42 U.S.C. §1490a.

NOW, THEREFORE, in consideration of the loan(s) and (a) at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the payment of the note, to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein, including any provision for the payment of an insurance or other charge, (b) at all times when the note is held by an insured holder, to secure performance of Borrower's agreement herein to indemnify and save harmless the Government against loss under its insurance contract by reason of any default by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures made by the Government, with interest, as hereinafter described, and the performance of every covenant and agreement of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell, convey, mortgage, and assign unto the Government the following property situated in the State of Idaho,

County(ies) of Owyhee :

IN TOWNSHIP 6 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 9: W½NE¼, NE¼NW¼

MICROFILMED

FEB 06 1992

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 120 shares in Mud Flat Canal Company; Water under Application No. 02-7275 approved by the Department of Water Resources on January 19, 1979; Water under License No. 57-7145.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

All irrigation equipment of every kind and character and additions thereto and replacements now or hereafter owned by the borrowers and used in the irrigation of the above premises.

together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers, or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein-all of which are herein called "the property";

TO HAVE AND TO HOLD the property unto the Government and its assigns forever in fee simple.

BORROWER for Borrower's self, Borrower's heirs, executors, administrators, successors and assigns WARRANTS THE TITLE to the property to the Government against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and COVENANTS AND AGREES as follows:

(1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all times when the note is held by an insured holder, Borrower shall continue to make payments on the note to the Government, as collection agent for the holder.

(2) To pay to the Government such fees and other charges as may now or hereafter be required by regulations of the Farmers Home Administration.

(3) If required by the Government, to make additional monthly payments of 1/12 of the estimated annual taxes, assessments, insurance premiums and other charges upon the mortgaged premises.

(4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts required herein to be paid by Borrower and not paid by Borrower when due, as well as any costs and expenses for the preservation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear interest at the rate borne by the note which has the highest interest rate.

(5) All advances by the Government as described by this instrument, with interest, shall be immediately due and payable by Borrower to the Government without demand at the place designated in the latest note and shall be secured hereby. No such advance by the Government shall relieve Borrower from breach of Borrower's covenant to pay. Any payment made by Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government determines.

(6) To use the loan evidenced by the note solely for purposes authorized by the Government.

(7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government without demand receipts evidencing such payments.

(8) To keep the property insured as required by and under insurance policies approved by the Government and, at its request, to deliver such policies to the Government.

(9) To maintain improvements in good repair and make repairs required by the Government; operate the property in a good and husbandmanlike manner; comply with such farm conservation practices and farm and home management plans as the Government from time to time may prescribe; and not to abandon the property, or cause or permit waste, lessening or impairment of the security covered hereby, or, without the written consent of the Government, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(10) To comply with all laws, ordinances, and regulations affecting the property.

FILED
FEB 06 1992

(11) To pay or reimburse the Government for expenses reasonably necessary or incidental to the protection of the lien and priority hereof and to the enforcement of or the compliance with the provisions hereof and of the note and any supplementary agreement (whether before or after default), including but not limited to costs of evidence of title to and survey of the property, costs of recording this and other instruments, attorneys' fees, trustees' fees, court costs, and expenses of advertising, selling, and conveying the property.

(12) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered voluntarily or otherwise, without the written consent of the Government. The Government shall have the sole and exclusive rights as mortgagee hereunder, including but not limited to the power to grant consents, partial releases, subordinations, and satisfaction, and no insured holder shall have any right, title or interest in or to the lien or any benefits hereof.

(13) At all reasonable times the Government and its agents may inspect the property to ascertain whether the covenants and agreements contained herein or in any supplementary agreement are being performed.

(14) The Government may (a) extend or defer the maturity of, and renew and reschedule the payments on, the debt evidenced by the note or any indebtedness to the Government secured by this instrument, (b) release any party who is liable under the note or for the debt from liability to the Government, (c) release portions of the property and subordinate its lien, and (d) waive any other of its rights under this instrument. Any and all this can and will be done without affecting the lien or the priority of this instrument or Borrower's or any other party's liability to the Government for payment of the note or debt secured by this instrument unless the Government says otherwise in writing. HOWEVER, any forbearance by the Government—whether once or often—in exercising any right or remedy under this instrument, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any such right or remedy.

(15) If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time, Borrower will upon the Government's request, apply for and accept such loan in sufficient amount to pay the note and any indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(16) Default hereunder shall constitute default under any other real estate, or under any personal property, or other security instrument held or insured by the Government and executed or assumed by Borrower, and default under any such other security instrument shall constitute default hereunder.

(17) SHOULD DEFAULT occur in the performance or discharge of any obligation in this instrument or secured by this instrument, or should the parties named as Borrower die or be declared incompetent, or should any one of the parties named as Borrower be declared a bankrupt or an insolvent, or make an assignment for the benefit of creditors, the Government, at its option, with or without notice, may: (a) declare the entire amount unpaid under the note and any indebtedness to the Government hereby secured immediately due and payable, (b) for the account of Borrower incur and pay reasonable expenses for repair or maintenance of and take possession of, operate or rent the property, (c) upon application by it and production of this instrument, without other evidence and without notice of hearing of said application, have a receiver appointed for the property, with the usual powers of receivers in like cases, (d) foreclose this instrument as provided herein or by law, and (e) enforce any and all other rights and remedies provided herein or by present or future laws.

(18) The proceeds of foreclosure sale shall be applied in the following order to the payment of: (a) costs and expenses incident to enforcing or complying with the provisions hereof, (b) any prior liens required by law or a competent court to be so paid, (c) the debt evidenced by the note and all indebtedness to the Government secured hereby, (d) inferior liens of record required by law or a competent court to be so paid, (e) at the Government's option, any other indebtedness of Borrower owing to or insured by the Government, and (f) any balance to Borrower. At foreclosure or other sale of all or any part of the property, the Government and its agents may bid and purchase as a stranger and may pay the Government's share of the purchase price by crediting such amount on any debts of Borrower owing to or insured by the Government, in the order prescribed above.

(19) Borrower agrees that the Government will not be bound by any present or future State laws, (a) prohibiting maintenance of an action for a deficiency judgment or limiting the amount thereof or the time within which such action may be brought, (b) prescribing any other statute of limitations, or (c) limiting the conditions which the Government may by regulation impose, including the interest rate it may charge, as a condition of approving a transfer of the property to a new Borrower. Borrower expressly waives the benefit of any such State laws.

(20) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if Borrower intends to sell or rent the dwelling and has obtained the Government's consent to do so (a) neither Borrower nor anyone authorized to act for Borrower will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion, sex or national origin, and (b) Borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive covenants on the dwelling relating to race, color, religion, sex or national origin.

(21) This instrument shall be subject to the present regulations of the Farmers Home Administration, and to its future regulations not inconsistent with the express provisions hereof.

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, and addressed, unless and until some other address is designated in a notice so given, in the case of the Government to the Farmers Home Administration at Boise, Idaho 83702, and in the case of Borrower at the address shown in the Farmers Home Administration Finance Office records (which normally will be the same as the post office address shown above).

RECORDED
FEB 06 1992

(23) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(24) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 4th day of

January, 19 82.

/s/ Charles M. Flatter
Charles M. Flatter

/s/ Carole I. Flatter
Carole I. Flatter

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Owyhee } ss:

On this 4th day of January, in the year of 1982, before me, the undersigned,

a Notary Public in and for said State, personally appeared Charles M. Flatter and

Carole I. Flatter

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same as their free act and deed for the uses, purposes, and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

(NOTARIAL SEAL)

ISI NICHOLAS K IHL

Notary Public, residing at Murphy, Idaho

My commission expires lifetime

FEB 06 1992

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):

..... April 16, 1986

..... April 23, 1986

.....

.....

.....

.....

.....

(Signed).....

Joe E Aman

Subscribed and sworn to before me this 23rd day of April
A.D., 1986

Susan Aman

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires October 1, 1991

Notice is hereby given that Charles M. Flatter of Grand View, ID has applied to the Department of Water Resources for a change of the point of diversion and source of the water of the Snake River.

The right sought to be changed is evidenced by Water Right License 60-7275 and is recorded as follows:

Amount: 2.26 cfs

Priority: 12/13/1978

Point(s) of Diversion: SESW (Lot 9), S. 34, T. 6S., R. 4E

The water is used for Irrigation purposes within the NWNE, SWNE, NENW, S. 9, T. 6S., R. 3E., for 113 acres.

AS FOLLOWS
.....
9), S. 34, T. 6S., R. 3E. the NWNE, T. 6S., R. 3E.

The water will be used for Irrigation purposes from the Snake River and a groundwater source on lands within the NWNE, SWNE, NENW, S. 9, R. 6S., T. 6S, R. 3E. for 113 acres.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, Statehouse, Boise, ID 83720 on or before May 5, 1986.

Ken Dunn
Director

MICROFILMED

FEB 06 1992

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7275 Priority December 13, 1978 Amount 2.26 cfs

THIS IS TO CERTIFY, that Mud Flat Canal Co.
of Grand View, Idaho, has complied with the terms and conditions of Permit
No. 02-7275 issued pursuant to Application for Permit dated December 13, 1978,
and has submitted proof to the Department of Water Resources on January 24, 1980,
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 48.44 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>2.26</u> cfs and	<u>565.0</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 2.26 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
565.0 acre feet per year, said waters to be diverted within the Gov. Lot 3 (SE 1/4 SW 1/4)
Section 34, Twp 5S, Rge 4E in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	3E	9		35	39		39												113

Total number of acres irrigated 113

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of OCTOBER, 19 85.

Acting for the Director

Norman C. Young

RECEIVED

State of Idaho
Department of Water Resources

JAN 24 1980

JK

ASSIGNMENT OF PERMIT

Department of Water Resources

DARRELL F. YOST

I, HELEN I. YOST, hereby assign to WAD FLAT CANAL COMPANY
of ST. RT. B BOX 341 GRANDVIEW IDAHO 83624
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 02-7275
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 _____ day of _____, 19 _____.

Daniel Yost
Permit Holder

Helen Yost
Spouse of Permit Holder

State of Idaho)
County of OWYHEE) ss.

On this 18th day of JANUARY, 19 80, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Ruth Knox
Notary Public residing at
GRAND VIEW, IDAHO

My commission expires:
12-16-80

MICROFILMED

ASSIGNED TO:
Mud Flat Canal Co.
Star Route B, Box 341
Grandview, ID 83624
1/24/80

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 DARREL F. and/or HELEN I YOST Phone 834-2660

Post office address P.O. Box 402, Grandview, Idaho 83624

2. Source of water supply Snake River which is a tributary of J.C. Strike Res.

3. Location of point of diversion is Lot 9 ~~1/4~~ 1/2 of Section 34 Township 5S

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

4. Water will be used for the following purposes:

Amount 2.4 cfs for irrigation purposes from March 15 to November 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. 2.4 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Underground pipe, booster pump

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: _____ 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: _____

MICROFILMED

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	
6S	3E	9		40	40		40												120 acres

Total number of acres to be irrigated 120 acres

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

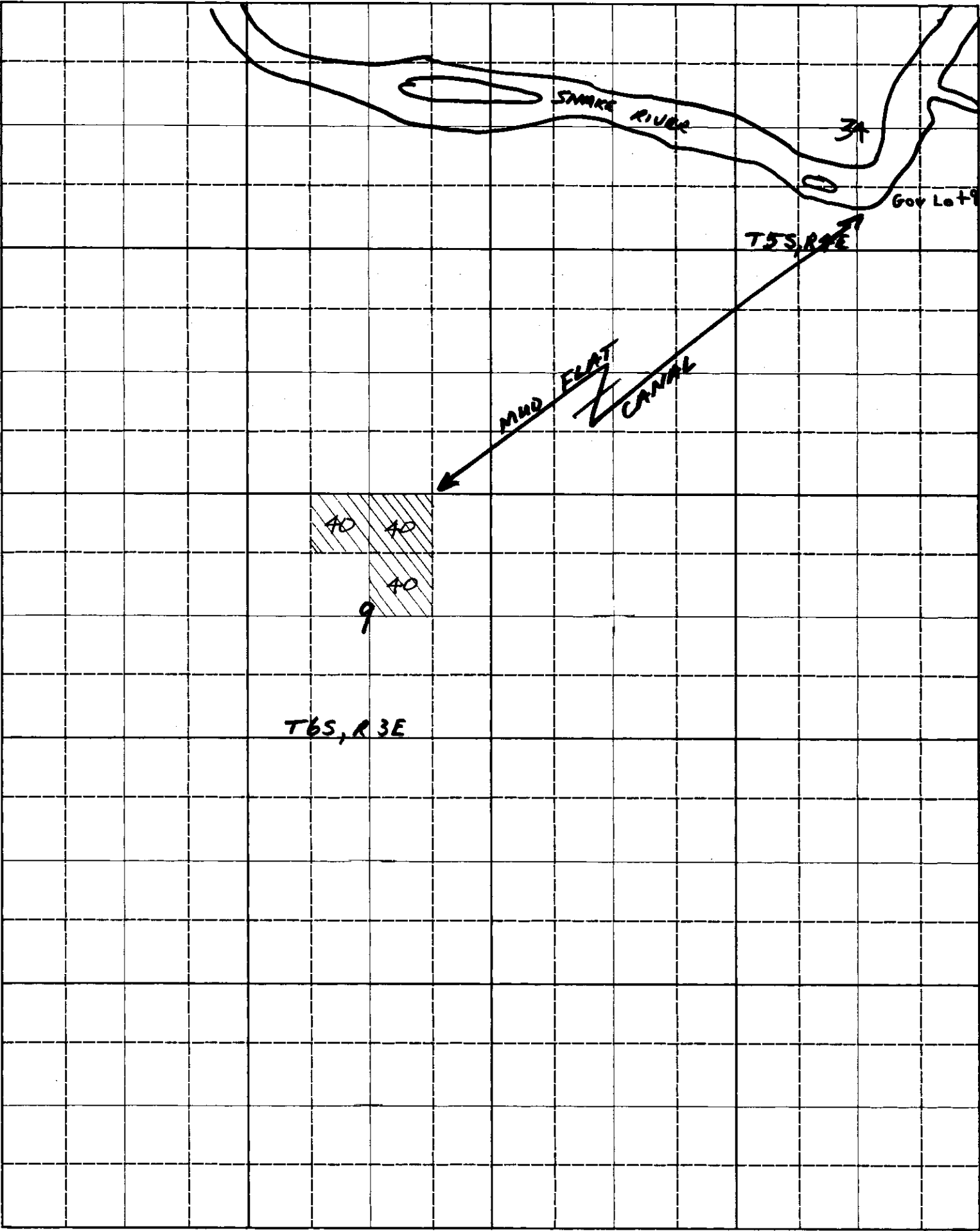
9. a. Who owns the property at the point of diversion Mud Flat Canal Company

b. Who owns the land to be irrigated or place of use Darrel F. Yost

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Darrel Yost is member of Mud Flat Canal Company.

10. Remarks Using Mud Flat Canal as conveyance system. Darrel Yost is member of Mud Flat Canal Company.

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.

Daniel F. Yost
(Applicant)

Proposed Priority 12-13-78

Received by CWB Date 12/13/78 Time 2:00pm

Preliminary check by CWB Fee \$ 55.00 # 12519

Receipted by #12519 ML Date 13 Dec 1978

Publication prepared by _____ Date _____

Published in Owyhee Nugget

Publication dates 12/28, 1/4, 79

Publication approved KK Date 1-16-79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DGS J.S.

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. 02-7275, 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 January 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: (1) 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.
(2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) 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 19th day of January, 1979.

L. Glen Saxton
Chief, Operations Bureau

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

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

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 28 day of December, 1978, and the last publication being on the 4 day of January, 1979;

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.

Rodney A. Hawes
PUBLISHER

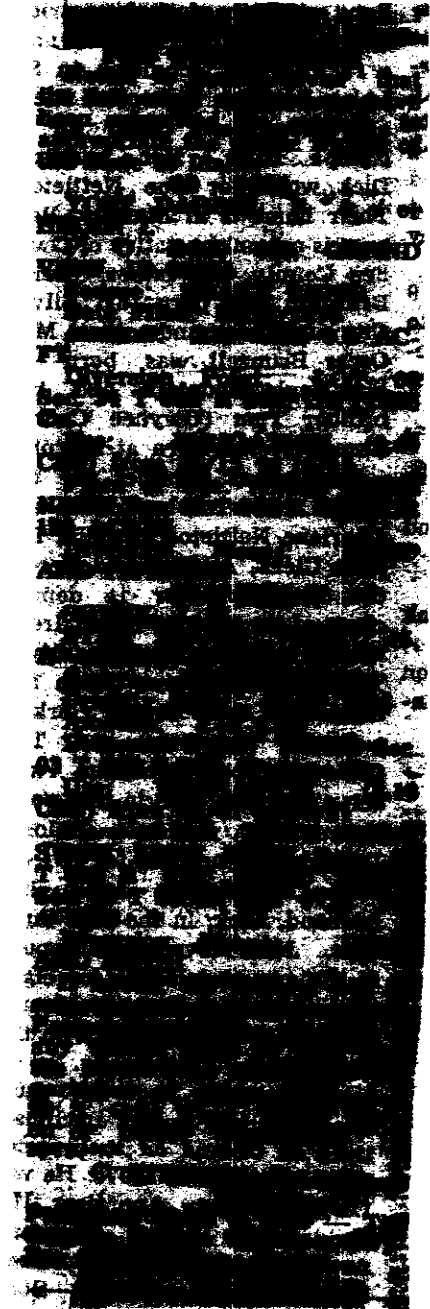
Subscribed and sworn to before me this 4 day of Jan, 1979.

Samuel S. Hawes
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

OK - KIK
1-16-79



RECEIVED
JAN 16 1979

Deputy Sheriff
Western Regional Office

02-7275

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.

June 8, 1992

MUD FLAT CANAL CO.
STAR RT. B BOX 340A
GRAND VIEW ID 83624

RE: Water Right No. A02-07275

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

MUD FLAT CANAL CO.
STAR RT. B BOX 340A
GRAND VIEW ID 83624

RE: Water Right No. A02-07275

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

MUD FLAT CANAL CO.
STAR RT. B BOX 340A
GRAND VIEW ID 83624

RE: Water Right No. A02-07275

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

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 15, 1991

Charles M. Flatter
Star Rt. B Box 341 E
Grandview, ID 83624

Re: Application for Transfer of Water Right No. 02-7275 in the
Name of Charles M. Flatter

Dear Mr. Flatter:

This office acknowledges the withdrawal of the
above-referenced application for transfer.

The application will now be removed from the Department's
records.

If you have any questions concerning this matter, please
contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

RECEIVED

FEB 06 1992

RECEIVED

JAN 21 1992

Department of Water Resources

RECEIVED

JAN 10 1992

Department of Water Resources
Western Regional Office

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw Application For
Transfer of Water Right to Appropriate the Public Water
of the State of Idaho, No. 02-7275.

Signed at Mountain Home, IDAHO

this 6th day of JANUARY 1992.

Chas M. Jeth

Applicant Holder

ATTEST:

Brian S. Adams

BRIAN S. ADAMS 208-828-6344

RECEIVED

FEB 06 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 2, 1992

CHARLES M. FLATTER
5135 N 24 E
MTN HOME ID 83647

RE: Application for Transfer of Water Right #02-7275

Dear Mr. Flatter:

Pursuant to our phone conversation this morning, I am enclosing an application withdrawal form for your signature. Please sign and return to this office as soon as possible.

I am also enclosing a copy of the application since it was filed some time ago.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Taylor'.

Sue Taylor
Secretary, Office Coordinator

Encl:

FEB 06 1992

IDAHO DEPARTMENT OF WATER RESOURCES
 WESTERN REGION
 2735 Airport Way
 Boise, Idaho 83705

☐ No such number
☒ Moved, not forwardable
☐ Addressee unknown

Unclaimed
 Return to sender
 No such address
 No such street
 No such office in state
 Do not return in this envelope



RECEIVED
 DEC 24 1991
 Department of Water Resources
 Western Regional Office
 FEB 06 1992

|||||



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

*Letter returned
wrong address*

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 23, 1991

Charles M. Flatter

~~Star Route B, Box 341 E~~
Grandview, ID 83624

Re: Application for Transfer of Water Right #02-7275

Dear Mr. Flatter:

During a routine review of applications on file with the Department, we have noticed that it has been some time since we have corresponded regarding the above-referenced application for transfer. The last note in our file indicates that because the well is located within the Grandview Bruneau groundwater management area, some special considerations are needed to enable diversion from a well as proposed in the application.

The purpose of this letter is to request an update on the current status of your proposal. Please contact this office no later than January 31, 1992, to provide information relative to your proposed application.

Sincerely,

DAVID R. TUTHILL JR., P.E.
Manager, Western Regional Office

DRT:st

Encl: Copy of Application for Transfer

FEB 06 1992

CONVERSATION MEMORANDUM

DATE May 14, 1986FILE 02-7275, Transfer AppNAME OF PARTY Charles FlatterEMPLOYEE Dave TutthillRE: Proposed Gw Diversion

I called Mr. Flatter with some questions. He responded with the following info:

1. The well described in the transfer app is an existing well with static water level = 10 ft and temp $> 70^{\circ}\text{F}$
2. The nearest neighboring irrigation well is about $1/2$ mile away.

I explained that the proposed P/D is located within the Grandview - Bureau GWMA and that we would have a problem approving a new diversion from warm water within the area.

I indicated that perhaps he would be able to satisfy this problem by obtaining an agreement from a neighboring farmer (irrigator) that groundwater will not be used ~~under~~ ^{water} valid, existing irrigation right for 113 acres or more.

FEB 06 1992

Note: I spoke with Norm Young on 5/14/86: He concurred with this concept, so I called Mr. Flatter back to advise him to proceed with attempting to obtain an agreement with a neighboring farmer.

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 02-7275 Priority December 13, 1978 Amount 2.26 cfs

THIS IS TO CERTIFY, that Mud Flat Canal Co.
of Grand View, Idaho, has complied with the terms and conditions of Permit
No. 02-7275 issued pursuant to Application for Permit dated December 13, 1978,
and has submitted proof to the Department of Water Resources on January 24, 1980,
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 48.44 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>2.26</u> cfs and	<u>565.0</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 2.26 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
565.0 acre feet per year, said waters to be diverted within the Gov. Lot 9 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 34, Twp 5S, Rge 4E 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 $\frac{1}{4}$	
6S	3E	9		35	39		39												113

FEB 06 1992

Total number of acres irrigated 113

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USE

1954 10 10

[illegible]

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. 02-7275

Notice is hereby given that Charles M. Flatter
of Grandview, ID has applied to the Department of Water Resources for
a change of the point of diversion and source of the water of the Snake
River.

The right sought to be changed is evidenced by Water Right License 02-7275
and is recorded as follows:

Amount: 2.26 cfs Priority: 12/13/1978

Point(s) of Diversion: SESW (Lot 9), S. 34, T. 5S., R. 4E.

The water is used for Irrigation purposes within the NWNE, SWNE, NENW, S. 9,
T. 6S., R. 3E., for 113 acres.

TO BE CHANGED AS FOLLOWS

Amount: 2.26 cfs

Point(s) of Diversion: SESW (Lot 9), S. 34, T. 5S., R. 4E. and the NWNE, T.
6S., R. 3E.

The water will be used for Irrigation purposes from the Snake River and a
groundwater source on lands within the NWNE, SWNE, NENW, S. 9, R. 6S., T. 6S,
R. 3E. for 113 acres.

Any protest against approval of the proposed change of water right
application must be filed with the Department of Water Resources, Western
Region, Statehouse, Boise, ID 83720 on or before May 5, 1986.

Ken Dunn
Director

Published in the Owyhee Avalance on 4/16 and 4/23/86

RECORDED
FEB 06 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 16, 1988

Charles Flatter
HC 85, Box 341
Grandview, ID 83624

Re: Water Right License No. **02-7275**

Dear Mr. Flatter:

The records of the Department of Water Resources show that water right No. 02-7275 authorizes the diversion of 2.26 cubic feet per second (cfs) from the Snake River at a point of diversion located in government Lot 9 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 34, T5S, R4E, B.M. The place of use listed on the license includes the W $\frac{1}{2}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, T6S, R3E, B.M., totaling 113 acres.

In our telephone conversation, you stated that you were attempting to negotiate delivery of your water through the Bybee Lateral rather than the Mud Flat Canal. Approval by the Department of your use of the Bybee ditch to deliver water is not necessary provided that none of the components of the license, including the described point of diversion and the place of use, do not change. Please contact me if you have any further questions.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Western

MICROFILMED

FEB 06 1992



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

October 30, 1985

RE: Licenses Issued

Mud Flat Canal Co.
Rt. B, Box 341
Grand View, ID 83624

Gentlemen:

Enclosed are copies of the Water Right Licenses issued on Permit Nos. 02-7275, 02-7279 and 02-7237A along with copies of the Water Right Licenses and approved Applications for Amendment issued on Permit Nos. 02-7059, 02-7060, 02-7061, 02-7062 and 02-7064.

Also enclosed is Departmental Receipt No. 36578 in the amount of \$100.00 submitted for the amendments.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

MICROFILMED

June 6, 1985

Darrel Agenbroad, Secretary
Mud Flat Canal Company
Route B Box 340A
Grand View, Idaho 83624

Re: '02-7059' et al

Dear Mr. Agenbroad,

Your letter received by the Department on June 4, 1985, has been forwarded to me for reply. In that letter you indicated your Company is continuing to increase the diversion capacity of its pump after Proof of Beneficial Use has been submitted and the field examination has been made for nine (9) water right permits.

The advantage of the permit system for developing water rights is to establish a priority date for the water right and to begin after the filing date to construct the diversion works and to put the water to beneficial use. The permit, however, has a defined time period within which to develop the water right. The date when Proof of Beneficial Use is due establishes that time period. Only that development, whether in terms of diversion or applying the water to beneficial use within the permitted time period can have its priority relate back to the permit.

More specifically, your Company apparently submitted Proof of Beneficial Use within the statutory time period to secure the priority dates for water right permits 02-7059, 02-7060, 02-7061, 02-7062, 02-7064, 02-7169, 02-7237A, 02-7275 and 02-7279. When those proofs were filed the Company declared the water rights had been developed for those permits in terms of the amount of water diverted and the land irrigated at that time. Any further development beyond that time is not covered by the above numbered permits. On April 24, 1985, John Noyes measured from the system existing at that time 48.5 cfs. If the review of the field examination shows this amount of water has been put to beneficial use under the permits numbered above, the licenses that define the water rights will be issued with 48.5 cfs as the maximum amount of water that was diverted under the permits.

MICROFILMED

D. Agenbroad
02-7059 et al

Page 2

The critical point here is the permits numbered above defined the maximum amount of water that could be developed for diversion within the time period specified by the permits. The difference between the amount of water covered by the permits and the amount of water perfected into water rights existed on paper and is relinquished when the permitted development period ends. Any further development will require the Company to gain a new permit.

If you have any questions about this matter or water right matters in general please contact me or Jim Johnson. Pending communication from the Company the final action on the permits numbered above will be held until July 1, 1985.

Regards,

Donald V. Shaff
Adjudication Unit Leader

cc: J. Johnson

MICROFILMED

MUD FLAT CANAL CO.

Route B Box 340 A
Grandview, Idaho 83624

RECEIVED

JUN 4 1985

Department of Water Resources

Sirs

We are still in the process of
Establishing our pump capacity. I have
Been in contact with John Noyce, That
is why I didn't send in the permits.
We are currently installing an additional
Pump To achieve our allowed CFS

Sincerely

Daniel Agabroad
Secy Treasure

MICROFILMED

4th: Jim Johnson:

CONVERSATION MEMORANDUM

DATE 5/3/85

FILE _____

NAME OF PARTY Mud Flat Canal Co.

EMPLOYEE John K. Noyes

RE: Re examination of Mud Flat Canal
company pumping plant was made
4/24/85 with a total diversion
of 48.44 cfs.

John made the ^{re-exam} request of
Mud Flat Canal Co. pursuant
to the license letter of 4-18-85
finding the amounts shown in the

Jim

MICROFILMED

Mud Flat Canal Co.
Examined Rights

Max Div. = 48.5

<u>No.</u>	<u>Pri. Date</u>	<u>Acres</u>	<u>Amt.</u>	<u>Cum.</u>
12-7059	4/09/1970	320	6.4	
12-7060	4/09/1970	320	6.4	
12-7061	4/09/1970	316	6.32	12.8
12-7062	4/09/1970	205	4.1	19.12
12-7064	4/23/1970	318	6.36	23.22
12-7168	8/30/1974	480	9.6	29.58
12-7237A	12/23/1976	295	5.9	39.18
Min. Stream Flow Requirement				45.08
12-7275	12/13/1978	113	2.26	
12-7279	2/08/1979	345	6.9	47.34
Limit Condition Required				54.24

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RE-MEASUREMENT
SNAKE RIVER PUMPS
4/24/85

Permit No. AD & CLM. 02-705

1. Owner: MUD FLAT CANAL CO

Phone No.

Current Address: STAR RT B. Box 340A GRANDVIEW ID 83624

2. Accompanied by: KENNY RENNER

EXAM. DATE: 4/24/1985

Address: GRANDVIEW, ID

Phone No. 834 - 2305

Relationship to Permit Holder: DITCH RIDER

3. Source: SNAKE RIVER

tributary to COLUMBIA RIVER

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1, Pump #1	G.E.	250	KNJ 1012016	VERTILINE	
#1, Pump #2	"	"	KNJ 102015	"	
RE-LIFT, Pump #1	"	200	JMJ 922109	"	} NOT OPERATING AT TIME OF MEASURE.
" #2	"	"	FMS 622101	"	
" #3	"	600	MOD 5K 623 K0394A SER# KNJ 101202	"	

***Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.**

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

PUMP #1 & #2 FROM SNAKE RIVER THROUGH 42" STEEL PENSTOCK HAVING APPROXIMATELY 60' LIFT INTO BYBEE CANAL OPERATING AT TIME OF EXAM.

RE-MEASUREMENT - "

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
MANOMETER, 48"	CONSTRUCTED	IDWR	—	—		—
ANNULAR	75	DIETRICH STD	~~XX-XX~~	091459	41.85"	—
EAGLE-EYE METER	PORTABLE	" "	670	#45806 S.I.D. # 091469	0-13"	4/27/63

7. Measurements

☒ Additional data/computation sheets attached

MANOMETER READING Max $23.5'' - 12.7'' = 10.8''$ Min $23.6'' - 12.9'' = 10.7''$ Ave = $10.75''$

EAGLE-EYE READING MAX. 11.0" MIN. 10.8" AVE. 10.9"

8. Point(s) of Diversion:

Indicate Method of Determination

[illegible]

9.

Place(s) of Use:

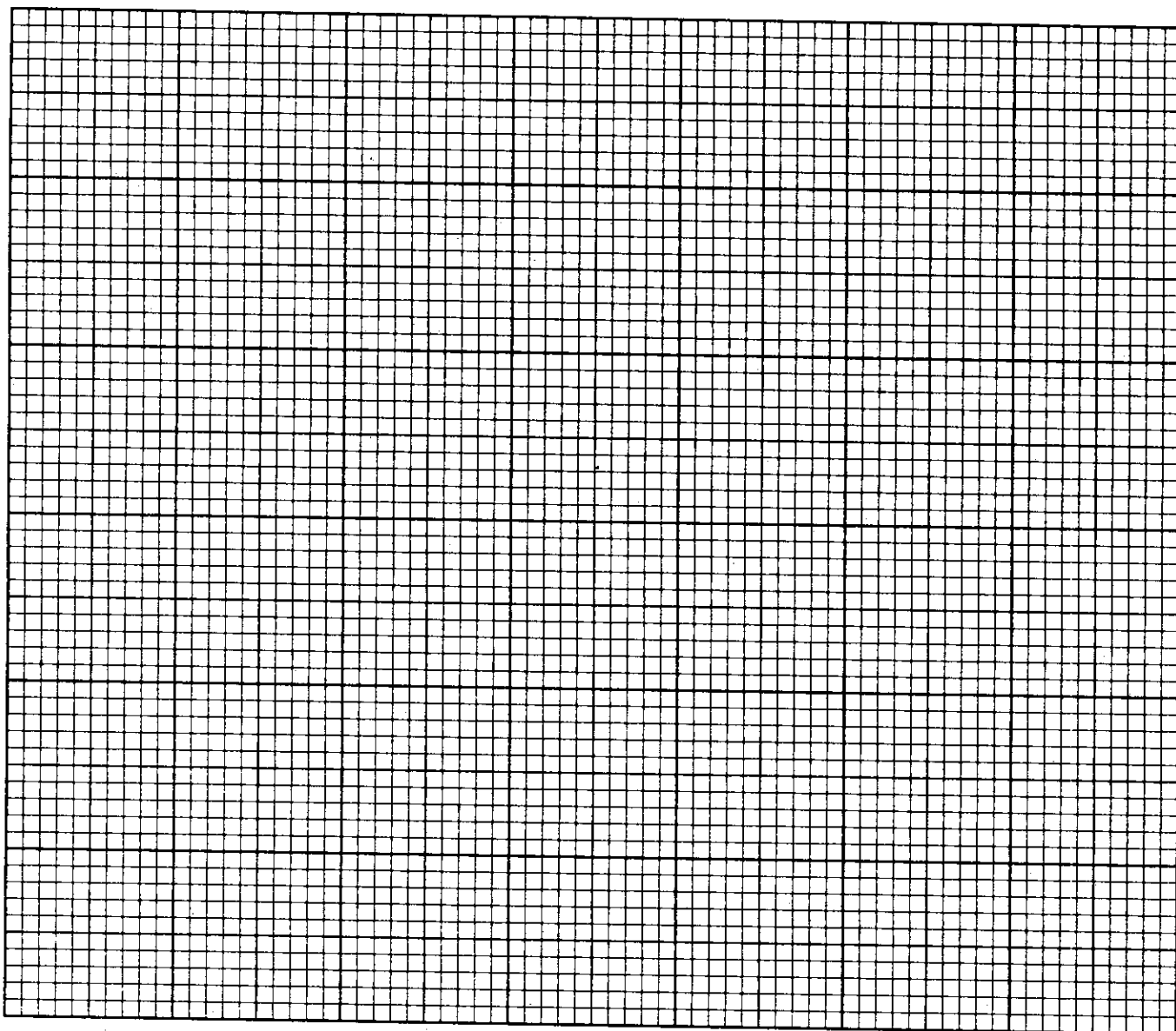
Irrigation - give acres served by system at time of exam.

Indicate Method of Determination RE-LIFT Net IN OPERATION

[illegible]

Total Acres

10. Other water rights on these lands none
11. Other water right diverted from same p.d. 02-7059, 02-7237A, 02-7275
02-7061, 02-7062, 02-7064, 02-7060, 02-7168, 02-7279
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks Re-examination requested by Must Field
canal officer - Used Memorandum
15. 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
16. Examiner's/Consultant's Signature John H. Meyer Date 5/2/80
 Consultant's License Number _____
 IDWR Director's Authorization to Conduct
 Beneficial Use Examination _____

Date

CONSULTANT SEAL

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR MANOMETER MEASUREMENT

Measured by: JOHN K. NOYES

Date 4/24/1985

Owner: MUD FLAT CANAL CO

Permit No. ADJ CLM. 02-7059

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

PUMPS #1 & 2 FROM SNAKE R. A7 L79, SE SW, SEC. 34, T05S, R04E. 42" STEEL PEN-STOCK HAVING APPROXIMATELY 60' LIFT INTO BYBEE CANAL. RE-MEASUREMENT OF MAIN PUMPS FROM BYBEE CANAL. RE-LIFT PUMPS FROM BYBEE CANAL NOT IN OPERATION AT TIME OF EXAM.

MEASURED 42" PIPE. I.D. TAKEN FROM TABLE COMPILED FROM MANUFACTURERS' LITERATURE FOR WESTERN U.S. USED .250" WALL THICKNESS FOR 42" PIPE GIVEN OF 41.50" (A) 41.50"

Measured inside diameter of pipe in inches

Size of Annubar used in test 41.25"

State ID No. 091459

Model No. of Annubar ~~Model~~ Used 75

(Model No. = 75 for 6" and larger)

(Model No. = 73 for 4")

Size ~~MANOMETER~~ MANOMETER Used 48"

State ID No.

Date of Last Calibration of Meter N/A

Observed inches of H₂O read on ~~MANOMETER~~ MANOMETER

(B) MAX. 23.3" - 12.7" = 10.6" MIN. 23.6" - 12.9" = 10.7"
Ave. = 10.75"

Flow Correction Factor (From Calibration Graph)
(Use 1 if Error is $\pm 2\%$ at observed pressure)

(K) N/A

Select C based on Annubar Model No.

If Model No. = 75, then C = 3.85

If Model No. = 73, then C = 4.14

(C) 3.85

CALCULATION: $\frac{A^2}{448.8} (\sqrt{B}) C =$

48.44 cfs measured

$A^2 = (41.50)^2 = 1722.25, \sqrt{B} = \sqrt{10.75} = 3.279$

$Cfs = \frac{(1722.25)(3.279)(3.85)}{448.8} = 48.44 \text{ cfs}$

SKETCH (If not shown on Field Report):

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

334-1301
per phone conversation
send to 3rd W.
286 S. 3rd Id.
Mt. Home, Id. 83647

MICROFILMED

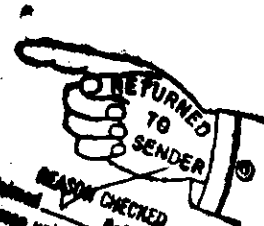
KW
4/26/85

RECEIVED

APR 22 1985

Department of Water Resources

U.S. Dept. of Agri.
Farmers Home Admin.
Box 10
Grand View, ID 83624



REASON CHECKED
Address unknown ☒ Address ☐
Insufficient Address ☐
No such street ☐ number ☐
No such office in state ☐
No return in this envelope ☐

Forward Expired



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

April 18, 1985

RE: Water Right No. 02-7275

U.S. Dept. of Agri.
Farmers Home Admin.
Box 10
Grand View, ID 83624

Gentlemen:

On June 26, 1980, you requested that our office keep you informed of any action taken on the above referenced water right. Enclosed you will find a copy of that correspondence for your information.

We are now preparing Permit No. 02-7275 for licensing and find that the permit was assigned to Mud Flat Canal Company in January of 1980. We have enclosed a copy of said assignment for your information also.

In reviewing this permit we found no record of correspondence to you explaining that the permit no longer belonged to Mr. and Mrs. Yost, therefore, we are writing this letter.

If we can be of any further assistance to you in regard to this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

April 18, 1985

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

RE: Permit No. 02-7275

Mud Flat Canal Co.
Rt. B, Box 341
Grand View, ID 83624

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 02-7275, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.26 cfs Source: Snake River trib to Columbia River

The maximum quantity diverted shall not exceed 565.0 acre feet
per year.

Point(s) of diversion: Gov. Lot 9 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34, Twp 5S, Rge 4E

Beneficial Use: Irrigation of 113 acres within W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9,
Twp 6S, Rge 3E

Priority date established: December 13, 1978

Conditions (if any): See attached sheet

-If you do not concur with these findings, please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

Recommended Conditions of Approval for License 02-7275:

1. 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.
2. This right when combined with Right Nos. 02-7059, 02-7060, 02-7061, 02-7062, 02-7064, 02-7168, 02-7237A & 02-7179 shall not exceed 44.94 cfs.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

NOV 7 1984

02-7275
Permit No.

1. Measurement Calculations

Department of Water Resources

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

See annex report. Total capacity $\underline{45.0 \text{ cfs}}$
 $113 \times .02 = \underline{2.26 \text{ cfs}}$ ✓
 $\underline{44.94 \text{ cfs}}$ -
see attached

Theoretical
$$\frac{500 \text{ HP} \times 8.8 \times .85 = 3740}{60' \text{ lift} + .43 \text{ f/10} (23.25) \quad 83.25} = \underline{44.9 \text{ cfs}}$$

see re-measurement of 4/24/85.

- b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 113 \times 5 = 565.0 \checkmark$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.26 \times 245 \times 1.9835 = 1098.3$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{565.0 \checkmark}$

- c) Volume Calculations for Other Uses:

none

2. Overlap Review

- a) Other water rights with same place of use: none ✓
- b) Other water rights with same point of diversion: 02-72378, 02-7168, 02-7061
02-7062, 02-7064, 02-7060, 02-7279, 02-7059
- c) Analysis:

MICROFILMED

RECOMMENDED AMOUNTS

10 day

MICROFILMED

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	02-7275	12-13-1978	2.26 ✓	12-13-1978	1-24-1980	45 cfs

4. Permit Holder: Mud Flat Canal Company ~~45 cfs~~ 48.44 cfs

Address: RT 6 Box 341 Grand View, Ida 83624

5. Source: Snake River tributary to Columbia River

6. Beneficial Use Period of Use Rate of Diversion Annual Volume
From To Q (cfs) V (afa)

Irrigation ✓ 3/15 ✓ 11/15 ✓ 2.26 ✓ 565.0 AF

Allowable Maximums: 2.26 ✓ 565.0 AF

7. Point(s) of Diversion: ✓

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
	<u>9</u>	<u>SW</u>	<u>SE</u>	<u>SW</u>	<u>34</u>	<u>5S</u>	<u>4E</u>	<u>Owyhee</u>

8. Place(s) of Use ✓

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	3E	9		35	39		39											113	
Total Acres 113																			

9. Recommended Conditions/Remarks:

NO ATO

NO A17 (02-7059, 02-7060, 02-7061, 02-7062, 02-7064,

see 02-7168, 02-7237A, 02-7279; 44.94 cfs.)

re-measurment

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature John H. Meyer

Date 10/16/84

Checked in Regional Office by 665

Date 11/2/84

Approved in State Office by K. Walker

Date 11-27-84

RECEIVED
NOV 7 1984

Department of Water Resources

1. Owner: Mud Flat Canal Co Permit No. 02-1212
Current Address: RTB Box 340B Grand View, Ida 83624 Phone No. 834-2711
2. Accompanied by: Kenny Renner EXAM. DATE: 10/3/89
Address: _____ Phone No. _____
Relationship to Permit Holder: Ditch Rider
3. Source: Snake R. tributary to Columbia R.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	G...	250	KNT102016	Vertline	
	G...	250	KNT102015	"	

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2-250 HP motors at S.D. 42" Penstock - pumped into
Bybee Canal - 2-200 HP & 1-600 HP motors relift
pumps out of Bybee Canal to Mud Flat Canal.
Numerous pressure pumps along canal system
Sprinkler top.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>access port</i>	<i>anemometer</i>			<i>091459</i>	<i>42</i>	

7. Measurements ☐ Additional data/computation sheets attached

See summary report. Total capacity 45.0 CFS
See mud flat canal ex. listing of rights
 $11.3 \text{ acres} \times .02 = 2.26 \text{ CFS}$ $11.3 \times 5 \text{ AFA} = 56.5 \text{ AFA}$

- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

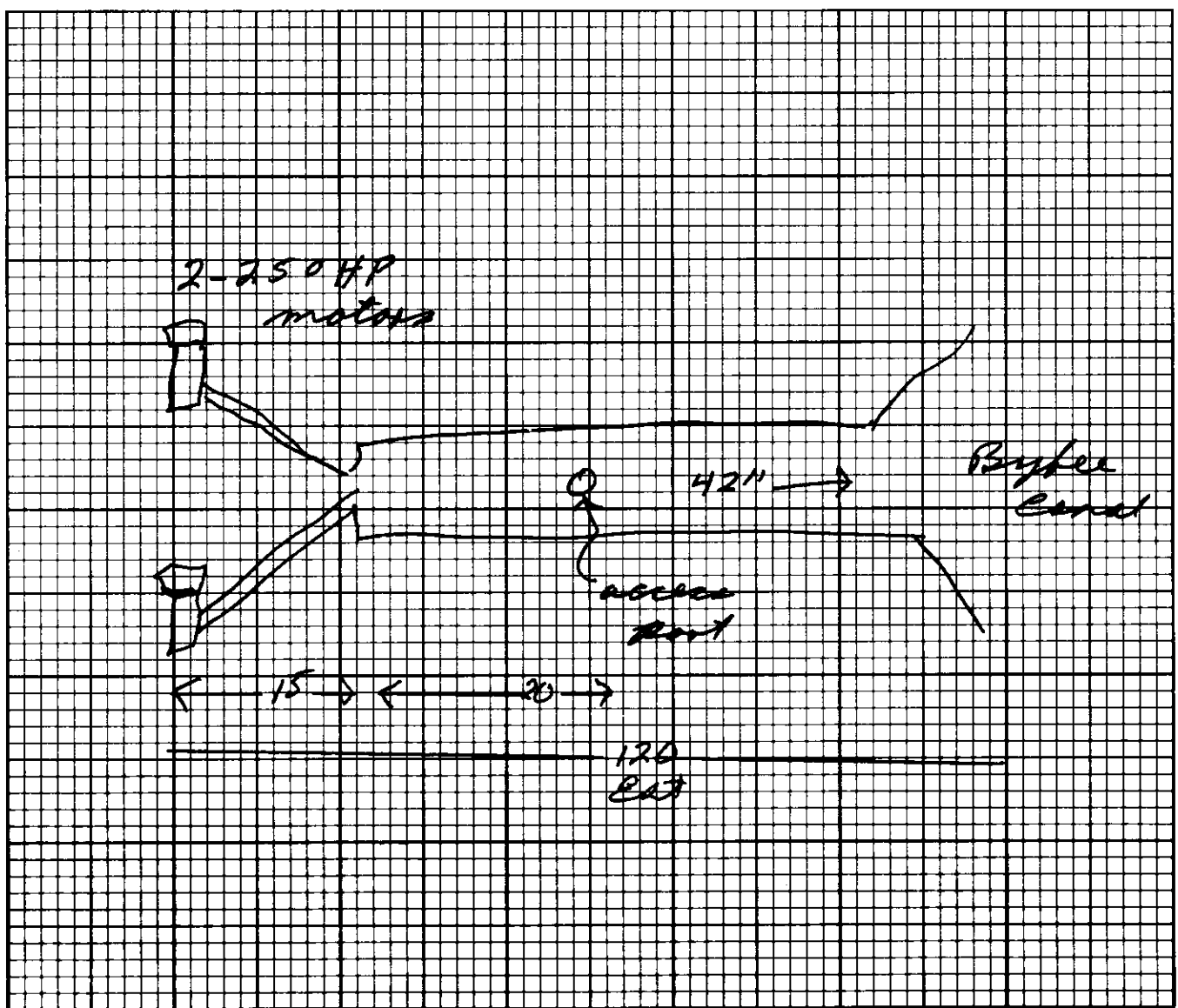
[illegible]

- | | | |
|----|------------------|---|
| 9. | Place(s) of Use: | Irrigation - give acres served by system at time of exam.
Indicate Method of Determination |
|----|------------------|---|

[illegible]

Total Acres 113

10. Other water rights on these lands none
11. Other water right diverted from same p.d. 02-7237A 02-7288 02-7061
02 7062, 02-7064, 02-7065 02 7279 02 7059
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. 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 |
16. Examiner's/Consultant's Signature John K. Doyen Date 10/16/88
- Consultant's License Number _____
- IDWR Director's Authorization to Conduct
- Beneficial Use Examination _____

Date _____ CONSULTANT SEAL

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

SHT 2

Measured by: John R. Noyes
Owner: Mud Flat Canal Co.

Date 10/3/84
Permit No. numerous permits

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Lot 9 Sec 5N Sec 34 T5S R4E Reservoir
Hummerana is lifted out of canal system.
2 - 250 HP motors

Measured inside diameter of pipe in inches

Size of Annubar used in test 41.25

Model No. of Annubar Meter Used 75
(Model No. = 75 for 6" and larger)
(Model No. = 73 for 4")

Size Eagle Eye Meter Used C-13

Date of Last Calibration of Meter 4/27/83

Observed inches of H₂O read on Meter

Flow Correction Factor (From Calibration Graph)
(Use 1 if Error is $\pm 2\%$ at observed pressure)

Select C based on Annubar Model No.

If Model No. = 75, then C = 3.85

If Model No. = 73, then C = 4.14

Calculation: $K \frac{A^2}{448.8} (\sqrt{B}) C =$

ETCH (If not shown on Field Report):

$= 1$
 $40.5'' A^2 = 1640.25$
 $10.2 \sqrt{B} = 3.194$
 3.85

$\frac{1(1640.25)(3.194)3.85}{448.8} = 44.94 \text{ cfs}$ ✓

(A) 40.5"

State ID No. 091459

State ID No. 091469

(B) 10.2

(K)

(C) 3.85

44.94 cfs measured

MICROFILMED

RSE

RSE

9

40

C454
292C

02-7275

39

T
6
3

D

39.4

A
38.4

B
34.8

40

02-7059

F

41.9

G
39.5

C
38.4

H

41.0

I
38.5

J
40.3

K
39.6

L
40.4

NOT A UNIT

Mud Flat canal co Rights

Right #	CSS	Priority date
02-7059	6.4	4/9/70
02-7237A	5.9	12/23/76 (X)
02-7275	2.26	12/13/76
02-7061	6.32	4/9/70
02-7062	4.1	4/9/70
02-7064	6.36	4/23/70
02-7060	6.4	4/9/60
02-7168	9.6	8/30/74
02-7274	6.9	2/8/79 (X)

claimed 54.24
 Div capacity 45.00
 9.24 diff

(X) limiters on these claims

Pumps at P.D

Motor S.E 250HP KNT1012016
 " " 250HP KNT102015

Left Pumps

#1 - 200HP S.E Motor JNT922109
 2 - 200HP " " FNT622101
 3 - 600HP " " Model 5K62370349A
 Serial KNT101202
 all vertline pumps

MICROFILMED

Mud Flat Canal Co. Water Rights

Pld within:

BL 9 (SESW), Sec. 34, T. 5S, R. 4E

[illegible]

Place of Use Overlap for Permit 02-7275
per micro-fische 11/27/84:

no overlapping rights ✓
kw jim

This confirms conclusion made by
Snake R adjudication staff.

Jim

MICROFILMED

Overlap Review for Permit 02-7059

per terminal # 11-8-84:

pld ~~*02-7275~~ permit ~~'02-7309~~ app.

(by pdlt) ~~'02-2152~~ License ~~'02-7308~~ app.

~~'02-2153~~ L ~~'02-7312~~ app.

~~'02-2154~~ L ~~'02-7310~~ app.

~~'02-2242~~ L ~~'02-7344~~ L

~~'02-2308~~ L ~~'02-7169~~ app.

~~'02-2380~~ L ~~'02-7394~~ app.

~~'02-2424~~ L ~~'02-7242D~~ L

~~'02-2423~~ L ~~'02-7157F~~ app.

~~'02-7168~~ permit ~~'02-7157G~~ app.

~~'02-7154~~ L ~~'02-7157H~~ app.

~~'02-7157C~~ permit ~~'02-7157J~~ app.

* ~~'02-7237A~~ permit

~~'02-7237~~ app.

~~'02-7279~~ permit

~~'02-7170~~ app.

~~'02-7167~~ app.

~~'02-7162~~ app.

~~'02-7337~~ app.

~~'02-7355~~ permit

~~'02-7306~~ app.

~~'02-7307~~ app.

~~'02-7305~~ app.

~~'02-7304~~ app.

~~'02-7303~~ app.

(by pdtr)

02-7126-L 02-7271 Perm

~~02-7233~~ app. 02-2272 perm.

02-7135-P 02-2271 L

02-7106-P 02-2243 L

02-7105-P 02-2279 L

02-7206-P 02-2306 perm.

02-2275-L 02-2288 L

02-7389-L 02-2418 L

~~02-7242B-P~~ 02-7012 L

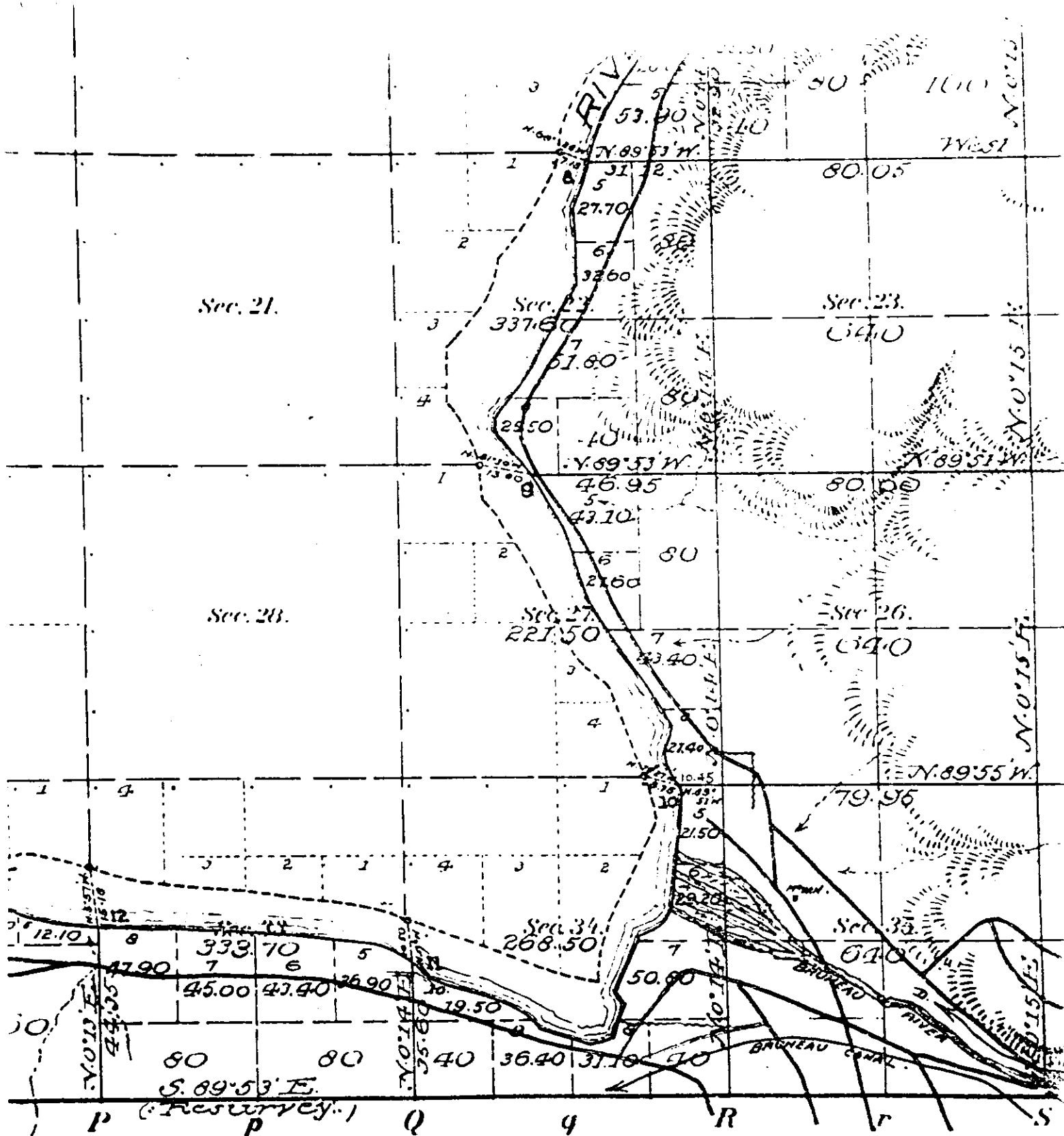
02-7104 L

02-7103 L

MICROFILMED

apps. not
reviewed
due to stage.
Per conversation
with adj. examiner
had flat Canal
so. has its own
ump w/no
the rights
being diverted
than
had flat rights.
these rights listed
were not
reviewed.

55-4E



Total number of Acres 7537.55 (additional)

Amount of Survey	When Surveyed	Mean Declination
M. Ch. Lk.		
5 19 10	July 30-Aug 5-1894	
18 19 81	July 31-Aug 5-1894	18° 20' E.
11 14 08	"	
2 08 32	"	

MICROFILMED

The above Map of
Boise. Notes of the survey then
Surveyor General
Boise City, Idaho
February 1895



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

July 8, 1980

(Office at the corner of
Franklin and Cole Roads)

334-

(208) 384-2190

David R. Birch, Assistant County Supervisor
USDA Farmers Home Administration
P.O. Box 10
Grand View, Idaho 83624

Dear Mr. Birch:

In response to your letters of June 26, 1980, enclosed are copies of permits 57-7021, 57-7145 and 02-7275.

There is no pending adverse action on any of the above permits, nor is any expected. You will be notified if any should arise.

If you have any further questions or need additional information, please contact this office.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosures

MICROFILMED

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
P.O. Box 10
Grand View, Idaho 83624

IDAHO WATER RESOURCES DEPARTMENT
Western Regional Office
29 South Cole Road
Boise, Idaho 83705

June 26, 1980

Farmers Home Administration has a mortgage on property owned by Darrel F. and Helen I. Yost, Grand View, Idaho; and therefore has an interest in State of Idaho Water License No. 57-7145 and Application No. 02-7275.

Would you please inform us if any adverse action is taken on this license or application? Also please forward a copy of the previously mentioned items to our office for our records. Thank-you.

The following is the legal description from their mortgage:

IN TOWNSHIP 6 SOUTH, RANGE 3 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 9: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Sincerely,



DAVID R. BIRCH
Assistant County Supervisor

RECEIVED

JUN 27 1980

Department of Water Resources
Western Regional Office

MICROFILMED

March 14, 1980

Mud Flat Canal Company
Star Route B, Box 341
Grandview, ID 83624

Gentlemen:

Re: Permit No. 02-7275

This office acknowledges receipt of the assignment conveying the above-referenced permit to you and also the receipt of the statement of beneficial use. The assignment has been entered into the Department's records.

For your records, I have enclosed is a copy of the permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Boise, Idaho, phone: 334-2190}

Sincerely,

RITA FLECK
Sr. Secretary

Enclosure

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. **02-7275**.

Name(s) of Permit Holder: Mud Flat Canal Company

Post Office Address: ST Rt B Box 341

Grandview Idaho 83624

Tel. No. 834-2111

Source of Water: Snake River

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☒ Irrigation

120

(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.

Jan 22 1980
Date

Ray H. Hunsaker
Signature of Permit Holder

MICROFILMED

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

JAN 24 1980

Department of Water Resources

January 22, 1979

Re: Permit No. 02-7275

Darrel F. &/or Helen I. Yost
P.O. Box 402
Grandview, Idaho 83624

Dear Mr. or Mrs. Yost:

Your approved copy of Application for Permit No. 02-7275 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. The Department will provide specifications for the installation to you.

You must also be aware that 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 land 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 a base flow is maintained in the Snake River as is the presently recommended policy approved by the state legislature then no water would be available for this permit. Therefore, you should consider carefully these facts before you make any expenditures for the construction of your system.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

*Access Port
Letter sent
8/1/79
Ratty Byington*

Darrel F. &/or Helen I. Yost
January 22, 1979
Page 2

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enclosure

02-7275

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. sn R. Source
3. ✓ Point of Diversion
4. ✓ Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. 120 Place of Use for irrigation (add acres)
9. ✓ Property Owner at Pt. of Div. & other Pl. of Use
10. ✓ Map ✓
11. 55 Fee & Rec't. No.

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>7</u> Idaho Fish & Game Dept.	<u>7</u> Dept. of Lands
<u>7</u> Bureau of Land Management	<u>7</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ noOther rights on same land None plottedWithdrawals of all protests received yes no

Conditions:

ID Power Co. Letter - Snake R. YesID Power Co. Letter - G.W. & Tribs. NOSnake River Condition Yes" " Letter NOPayette River Letter NOPriority Date 12/13/78Water Quality #16 NOWater Quality #10 7intrastate interstateMeas. Dev. or Sc. Meas. YesTotalizing meter NOSupplemental 7Right-of-Way Cond. YesWatermaster Cond. NOWtr. Dist No. 7Meas. Dev. Cond. for apps within a Water Dist. 7

Jin
Reviewer
1/19/79
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

DECEMBER 21, 1978

Owyhee Nugget
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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before JANUARY 15, 1979.

Yours truly,

Sally Trinkaus
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before JANUARY 15, 1979.

C. STEPHEN ALLRED

Director

Published 12/28 & 1/4/79.

RECORDED
JAN 15 1979
IDAHO DEPT. OF WATER RESOURCES

02-2225-

YOST, DARREL F. &/or HELEN I.

P.O. BOX 402, GRANDVIEW, ID 83624

Source: SNAKE RIVER

Date Filed: 12/13/1978

Amount: 2.40 CFS 0.0 AC-FT

Diversion Point: LOT 09 Sec 34 T 05S R 04E, OWYHEE Co.

Use: IRRIGATION (2.40 CFS) from 03/15 to 11/15

Place of Use: NWNE SWNE NENW Sec 09 T 06S R 03E FOR 120 ACRES

Diversion Means: PUMP AND PIPELINE