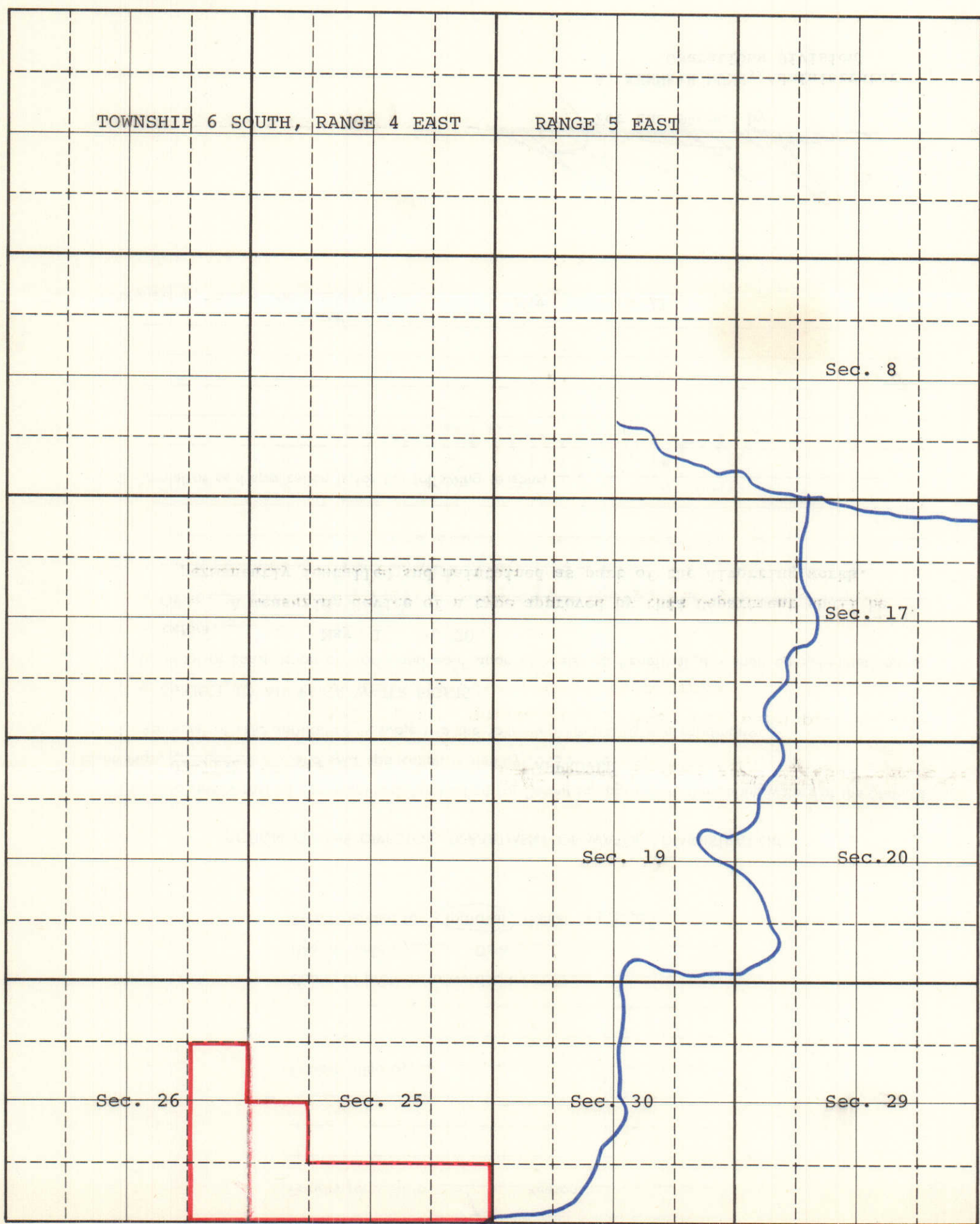


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Ming Christensen  
(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 6 day of Dec, 1973, and the last publication being on the 13 day of Dec, 1973;

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 13 day of Dec, 1973.

Lana S. Hawes  
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

MICROFILMED

RECEIVED  
DEC 18 1973

Department of Water Administration

## NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JAMES M. MILLS, Garden Valley, ID. has on Nov. 27, 1973 submitted Application No. 02 - 7132 for a permit to appropriate 6.4 cubic feet per second of water from Snake River, trib. to Columbia River by means of pump stations, penstock, open ditches within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S. 8, T. 6 S., R. 5 E., B. M., Owyhee County to be used from MARCH 1 to October 15 for irrigation of 320 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 26, T. 6 S., R. 4 E., B. M.

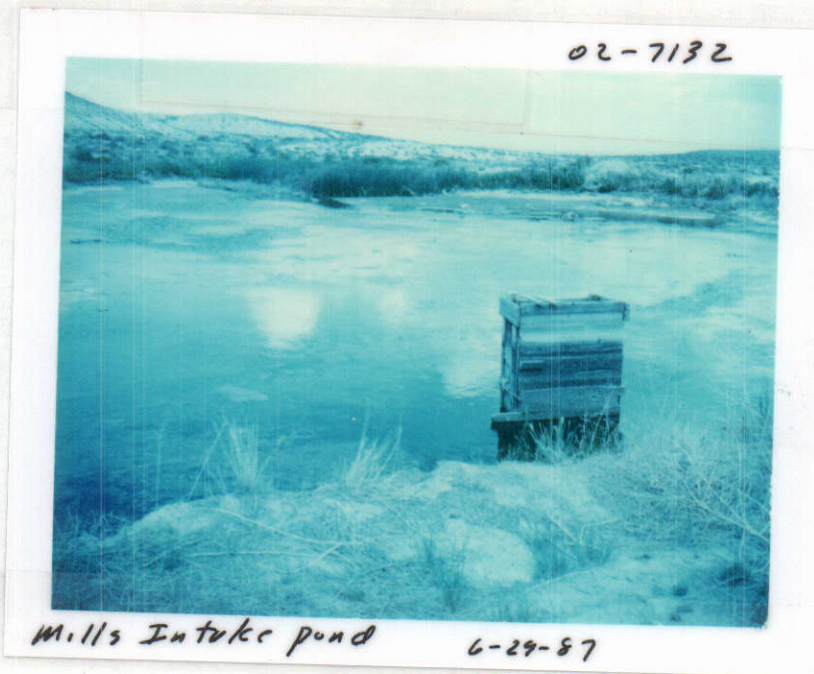
If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before December 24, 1973.

R. KEITH HIGGINSON,  
Director.

Published in the Owyhee Nugget, Marsing, Idaho on Dec. 6, 1973 and Dec. 13, 1973.

OK'd  
12-18-73

Application for Permit 02-7132  
Intake pond and pumps at  
primary diversion to cropland.



MAINTAINED

JUN 28 1988

Jim Mills

C  
74.4

M  
116.2

23.24  
28.2

not  
irrigated

E5  
37.2

A1  
37.0

8  
19.0

C386  
227C  
7756

had been  
Irrigated

D4  
38.9

J1  
36.0

F7  
8.2

33.9

9  
19.2

main line

C3  
39.1

X2  
37.0

A3  
37.7

Portable  
Pump

37.8

C386  
227C  
7756

main line

S  
37.5

M4  
38.7

A5

23.25 38.8

Q6  
38.5

BB-20

24-9  
25-30

4  
D

38.4

5  
E

76.3

N 6

87.6

D 15

43.4

P 16

32.0

49.5

17.0

14  
M

25.5

R 7

400

Q 8

39.2

25-30  
36-31

James M. Mills  
Permit 02-7132

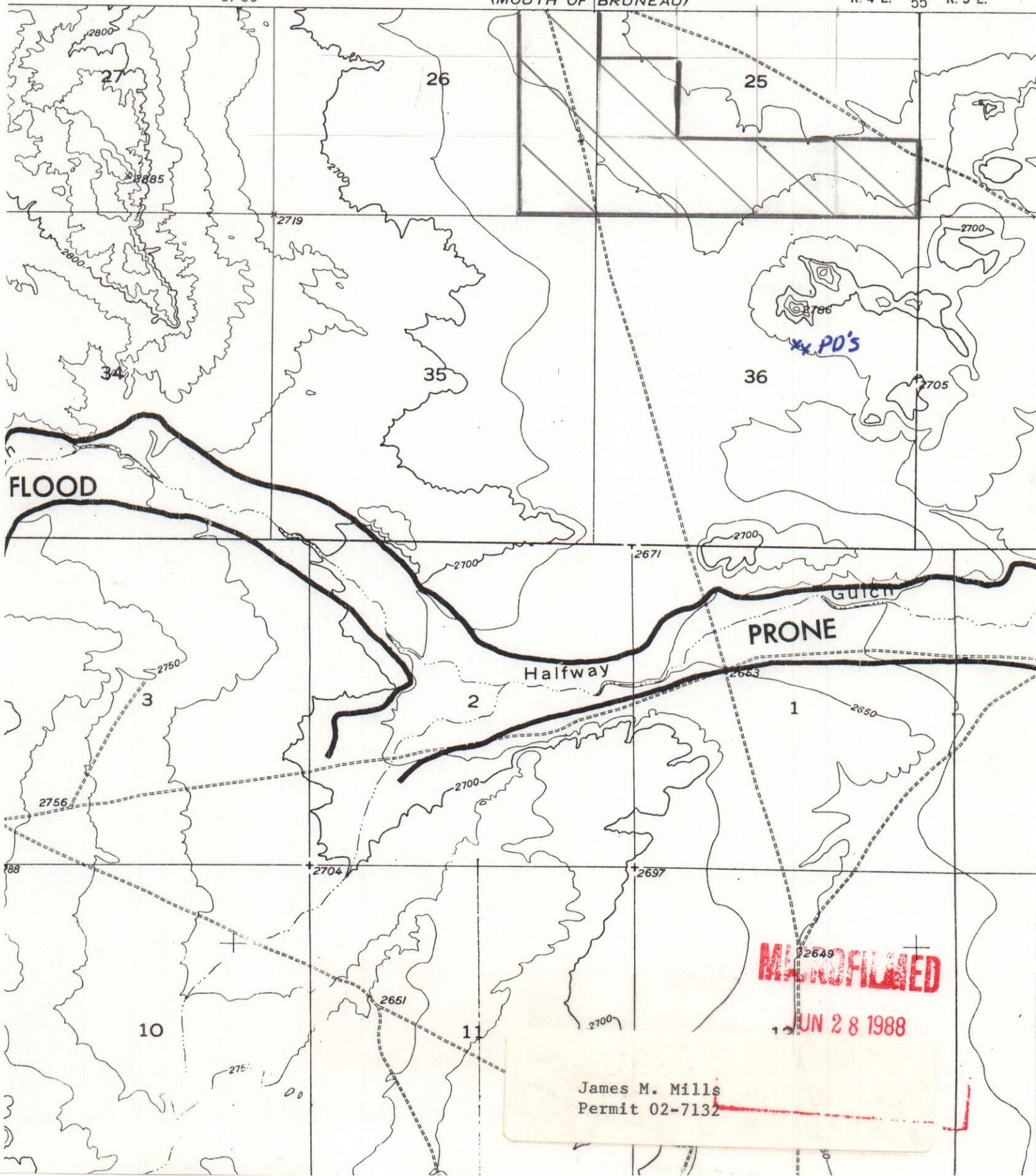
JUN 28 1988

# MAP OF FLOOD-PRONE AREAS

57'30"

(MOUTH OF BRUNEAU)

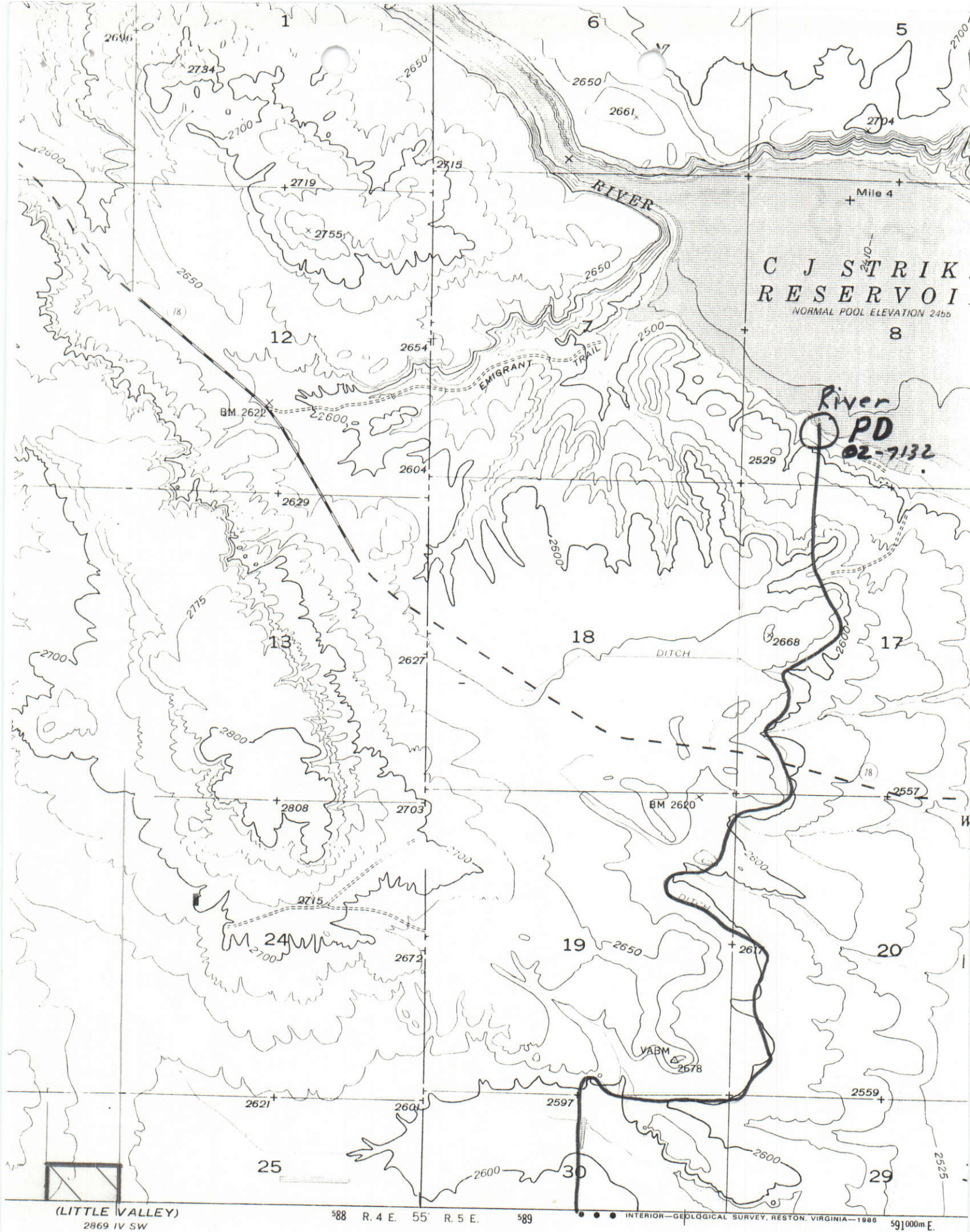
R. 4 E. 55' R. 5 E.



MAKROFILMED

JUN 28 1988

James M. Mills  
Permit 02-7132



SCALE 1:24 000

0 2000 3000 4000 5000 6000 7000 FEET

0 1 KILOMETER

**MICROFILMED**

**JUN 28 1988**

James M. Mills  
Permit 02-7132

ROAD CLASSIFICATION

|                                              |                                   |
|----------------------------------------------|-----------------------------------|
| Primary highway, all weather, hard surface   | Light duty road, improved surface |
| Secondary highway, all weather, hard surface | Unimproved road, weather          |

( ) Interstate Route ( ) U. S. Route ( ) S

C. J. STRIKE DAM  
(FORMERLY MOUTH OF B...)  
NW/4 BRUNEAU 15' QUAD  
42115-H8-TF 02

1946  
PHOTOREVISED  
DMA 2869 IV NW-SERI

photographs taken 1976 and other source data. This information not field checked. Map edited 1979

FOUR INTERVAL ON LAND 25 FEET  
FOUR INTERVAL ON RIVER SURFACE 5 FEET  
AL GEODETIC VERTICAL DATUM OF 1929

LIES WITH NATIONAL MAP ACCURACY STANDARDS  
SURVEY, DENVER, COLORADO 80225, OR RESTON  
POGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS  
Governor

(Office at the corner of  
Franklin and Cole Roads)

A. Kenneth Dunn  
Director

(208) 334-2190

July 19, 1982

James M. Mills  
Garden Valley, Idaho 83622

RE: 02-7132

Dear J. M. Mills:

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

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

\_\_\_\_\_  
If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

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

Sincerely,

*Judy Pense*

Judy Pense  
Secretary

REPROFILMED

JUN 28 1988

December 24, 1973

James M. Mills  
Garden Valley, ID 83622

Re: Application for Permit No. 02-7132

Dear Mr. Mills:

Please be advised that your application for permit has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, the Department of Water Administration will take no further action until such time as we receive evidence in writing that this land has been classified as suitable for desert entry.

Please contact us if we may be of further assistance.

Sincerely,

ROBERT W. HAMILTON  
Supervisor of Water Distribution

RWH:df

CC: Idaho Land & Appraisal Service  
Bureau of Land Management  
(D. E. #I-5507)

**MICROFILMED**

JUN 28 1988

December 4, 1973

Vincent S. Strobel  
Branch of L&M Operations  
Bureau of Land Management  
Room 398, Federal Bldg.  
550 West Fort Street  
Boise, Idaho 83702

Re: Application for Permit No. 02-7132 - James M. Mills  
D. E. #1-5507

Dear Mr. Strobel:

We wish to advise you that the above referenced application has been filed with our office in connection with a Desert Land Entry on the following lands:

W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 25  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 26  
Twp. 6 S., Rge. 4 E., B.M.

If we can be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.  
Western District Engineer

KHF:df

**MICROFILMED**

JUN 28 1988



02-7132

IN REPLY REFER TO:

## United States Department of the Interior

I-5507 (943)

BUREAU OF LAND MANAGEMENT  
Idaho State Office  
Boise, Idaho

NOTICE OF ALLOWANCE

James M. Mills  
Garden Valley, Idaho 83622

Serial No. I-5507320.00 Acres

T. 6 S., R. 4 E., Boise Meridian, Idaho  
Sec. 25, W<sub>1</sub>SW<sub>4</sub>, SE<sub>1</sub>SW<sub>4</sub>, S<sub>1</sub>SE<sub>4</sub>;  
Sec. 26, SE<sub>1</sub>NE<sub>4</sub>, E<sub>1</sub>SE<sub>4</sub>.

Your desert land application for the above-described land has this day been approved and allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. The acceptability of final proof is contingent upon substantial compliance with the requirements of the Desert Land Act and appropriate rules and regulations in addition to development and reclamation of the land basically in accordance with your plan of development which is on file in the Idaho State Office. Further, your final proof must show that you have in good faith, substantially reclaimed, irrigated and cultivated all of the land in your entry. Any substantial change in source of water or deviation in the construction of the irrigation facilities must have the prior approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 300.00 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Subject to the Acts of July 17, 1914 and December 24, 1970 which will require the reservation of all oil and gas deposits and geothermal resources to the United States.

Also subject to Rights-of-Way I-013448 and I-4243 issued to Idaho Power Company for powerlines and Right-of-Way I-015847 issued to J. G. Kohring for an irrigation canal.

Also subject to the condition that at the time of final proof additional evidence may be required to show how the common water delivery system, upon which the allowance of this entry is premised, is both operated and maintained.

IN WITNESS WHEREOF, I have hereunto set  
my hand and seal this 11th day of  
July, 1975.

cc: State Dept. of Water Resources

*Vincent S. Strobel*

Chief, Branch L. &amp; M. Operations

State of Idaho  
Department of Water Resources

## WATER RIGHT LICENSE

WATER RIGHT NO. 02-7132

Priority: November 27, 1973 Amount: 6.14 CFS 1535.0 AFA

This is to certify, that JAMES M. MILLS

HC 85 BOX 141-A-2

BRUNEAU, ID 83604

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 27, 1973, and has submitted proof to the Department of Water Resources on April 27, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 31.71 cfs of water from;

SNAKE RIVER

tributary to COLUMBIA RIVER

and that a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>VOLUME</u> |
|-----------------------|----------------------|--------------------------|---------------|
| Irrigation            | 03/15 to 11/15       | 6.14 cfs                 | 1535.0 afa    |

LOCATION OF POINT OF DIVERSION(S): SWSW , Sec. 8, Township 6S, Range 5E  
Owyhee County

PLACE OF USE: Irrigation

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|--------------|
| 6S         | 4E         | 25         | NWSW 38 ✓    | SWSW 39 ✓    | SESW 39 ✓    | SWSE 40      | 195          |
|            |            |            | SESE 39      |              |              |              | 112          |
|            |            | 26         | SENE 36      | NESE 37      | SESE 39      |              |              |

Total number of acres irrigated: 307

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The maximum combined rate of diversion under this right & Right 02-7076 shall not exceed 31.71 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18 day of April, 1988.

**MICROFILMED**

JUN 28 1988

Director

State of Idaho  
Department of Water Resources

**RECEIVED**

NOV 18 1987

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 02-7132

Department of Water Resources

Date of Priority: November 27, 1973

Comes now JAMES M. MILLS  
HC 85 BOX 141-A-2  
BRUNEAU, ID 83604

and represents to the Director of the

**APPROVED**

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 02-7132, and requests that the permit be changed as follows:

Source: SNAKE RIVER

tributary to: COLUMBIA RIVER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u>           | <u>VOLUME</u> |
|-----------------------|----------------------|------------------------------------|---------------|
| Irrigation            | 03/15 to 11/15       | <sup>5.3</sup> <del>4.51</del> cfs | 1535.0 afa    |

LOCATION OF POINT OF DIVERSION(S): SWSW, Sec. 8, Township 6S, Range 5E  
Owyhee County

PLACE OF USE: Irrigation

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|--------------|
| 6S         | 4E         | 25         | NWSW 38      | SWSW 39      | SESW 39      | SWSE 40      |              |
|            |            |            | SESE 39      |              |              |              | 195          |
|            |            | 26         | SENE 36      | NESE 37      | SESE 39      |              | 112          |

Total number of acres irrigated: 307

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 13 day of November, 1987.

**MICROFILMED**

JUN 28 1988

*James M. Mills*  
(Signature)

State of Idaho  
Department of Water Resources

APPLICATION FOR AMENDMENT  
(For Licensing Purposes)  
WATER RIGHT NO. 02-7132

\*\*\*\*\*

FOR DEPARTMENT USE ONLY

# 45698

Preliminary check by kw Fee = \$20.00 ✓ Received by tg Date 11-18-87

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 02-7132 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 18th day of April, 1988.

R. Keith Higginson  
(Director)

**MICROFILMED**

JUN 28 1988

RECEIVED

APR 22 1980

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

Department of Water Resources

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources  
Water Resources Division

State of Idaho )  
County of Owyhee )

Permit No. 02-7132

James M. Mills of Garden Valley, ID 83622  
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder \*, of Permit to  
Appropriate the Public Waters of the State of Idaho No. 02-7132.

That under the terms and conditions of said permit, work thereunder was required  
to be completed on or before May 1, 19 80.

That he has heretofore performed the following work described under said permit:  
Installed one pump and penstock - eighty acres has been developed.

Irrigation system on 160 acres and material purchased for the remaining acreage.

Costing \$100,000

That he is unable to complete the remainder of the work within the required time for  
the following reasons, to-wit: Problems with the irrigation system.

Wherefore, he asks that the Department of Water Resources extend the time for the  
completion of obligations under said permit to March 10, 19 82.

Subscribed and sworn before me this 18<sup>th</sup> day of April, 19 80.

seal

Norby M. Northway  
Notary Public residing at

Boise

My commission expires Life

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED  
and the time within which the statement of beneficial use shall be submitted  
is May 1, 1982.

Witness my hand this 24<sup>th</sup> day of April, 19 80.

J. Allen Saxton  
CHIEF, OPERATIONS BUREAU

\* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available  
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING  
DEVICE REQUIREMENT FOR PERMIT NO. **2-7132**

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

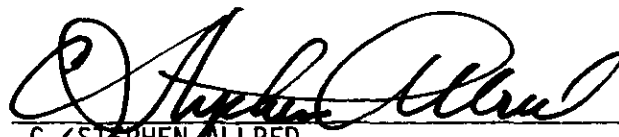
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18<sup>th</sup> day of August, 1978.

  
C. STEPHEN ALLRED  
Director

MICROFILMED

Identification No. 02-2132

Application No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

**APPLICATION FOR PERMIT**

**APPROVED**

**To Appropriate the Public Waters of the State of Idaho**  
 (TYPE OR PRINT IN INK)

1. Name of applicant James M. Mills  
 post office address Garden Valley, Idaho 83622
2. Source of water supply Snake River which is a tributary of Columbia River
3. a. Location of point of diversion is SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 8 Township 6S  
Range 5E B.M. Owyhee County; additional points of diversion if any: \_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
 of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
 Amount 6.4 for irrigation purpose from March 1 to October 15 (both dates inclusive)  
(cfs or acre-feet per annum)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
 a. 6.4 cubic feet per second and/or  
 b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
 a. Description of ditches, flumes, pumps, headgates, etc. A pumping station at Strike Reservoir will pump water through a 2,000 foot penstock to a high ridge where it will travel three miles in an open ditch through project lands where it is delivered to the various farms through pump stations and diversion structures.  
 b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
 Period of year during which storage will occur \_\_\_\_\_ (Mo. Day) to \_\_\_\_\_ (Mo. Day) inclusive.  
 c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.  
 b. Estimated construction cost is \$ 100,000.00.
8. Description of proposed uses:  
 a. If water is **not** for irrigation:  
 (1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
 Range \_\_\_\_\_ B.M. \_\_\_\_\_  
 (2) Amount of power to be generated: \_\_\_\_\_ hp 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RECORDED**

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   | 4E    | 25   |     |     |     |     |     |     |     |     |     | 40  | 40  | 40  |     |     | 40  | 40  | 200    |
|      |       | 26   |     |     |     | 40  |     |     |     |     |     |     |     |     | 40  |     |     | 40  | 120    |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 320

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

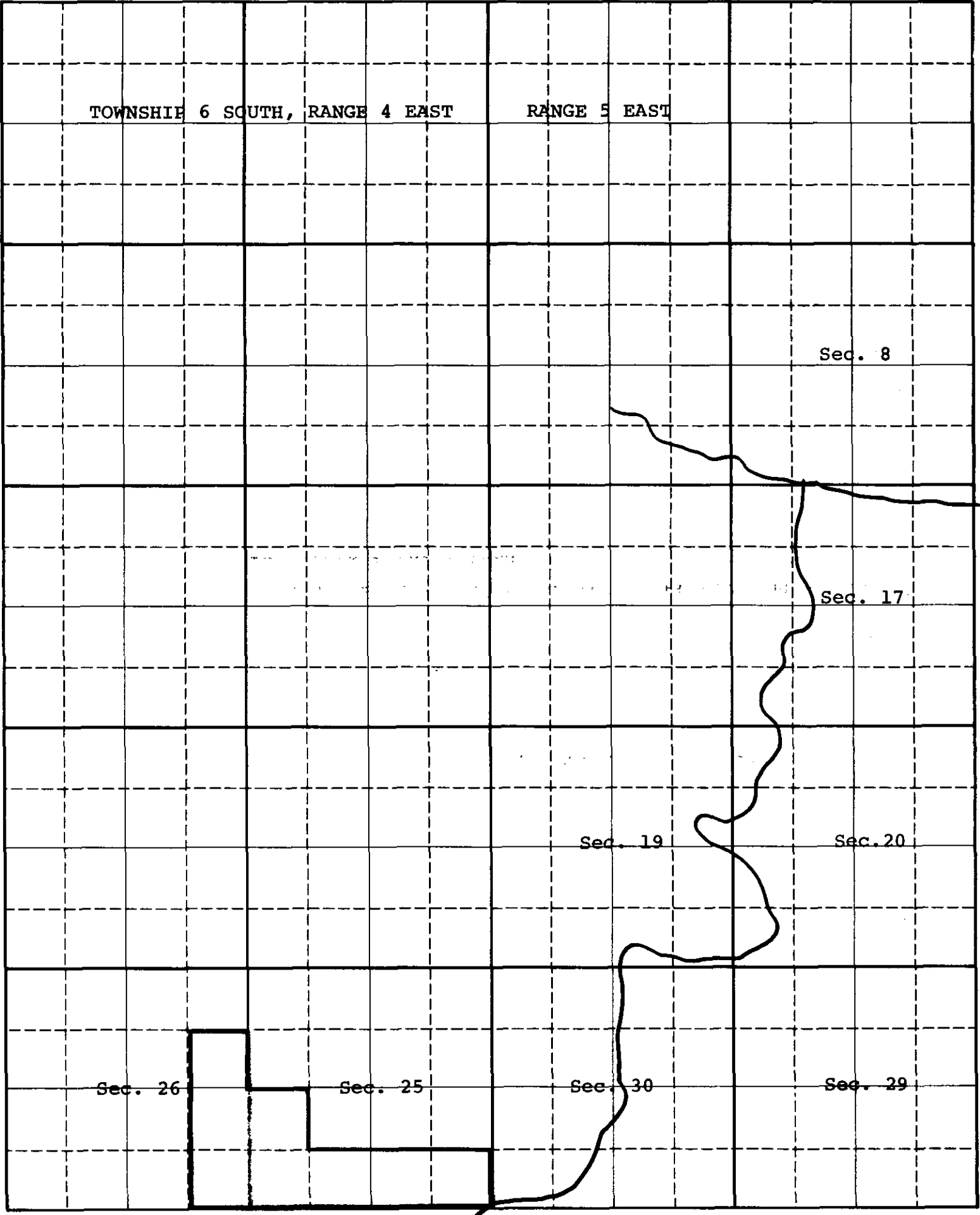
9. a. Who owns the property at the point of diversion BLM

b. Who owns the land to be irrigated or place of use BLM- under desert land application I-5507

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Land under application I-5507 has been previously classified as suitable for desert land entry.

10. Remarks R/W I-3992 and I-6373 apply to the portions of this canal that traverses federal land.

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.

*Wm. H. Christensen*  
(Applicant)

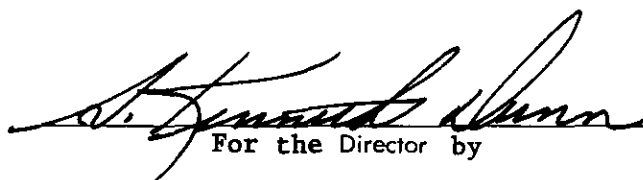
Received by ej Date 11-27-73 Time 9:30 A  
 Preliminary check by BEB Fee \$ 85.00  
 Receipted by ej Date 11-27-73 Lic# 13374  
 Publication prepared by ef Date 11-30-73  
 Published in Carrybee Nugget  
 Publication dates 12-6 & 12-13-73  
 Publication approved ef Date 12-18-73  
 Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Protests filed by: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Copies of protests forwarded by \_\_\_\_\_  
 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
 Recommended for approval denial by BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7132, 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 May 1, 19 80.
  - c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
2. Denial of said application is for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Witness my hand this 12th day of May 19 75.

  
 For the Director by

A. KENNETH DUNN, Administrator  
 Operations Division

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
POWER OF ATTORNEY

RECEIVED  
NOV 17 1973  
DEPT. OF WATER ADMINISTRATION

The undersigned owner (s) of Permit (Application) No. ATTACHED  
of the Department of Water Administration of the State of Idaho  
hereby nominates and appoints Idaho Land & Appraisal Service,  
whose address is P. O. Box 1603, Boise, Idaho 83705 attorney-  
in-fact with full authority to act for and on behalf of the  
undersigned in all matters pertaining to Application or Permit.  
Such acts shall include, but not be limited to the filing of  
applications for extension of time and for amendment of said  
Permit, and the submission of proofs of completion of works and  
beneficial use of water.

Dated this 13th day of November, 19 73.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Idaho       )  
                              : ss  
County of Ada       )

On this 13th day of November, 19 73,  
personally appeared before me the signer (s) of the above instrument,  
who duly acknowledged to me that he (she)(they) executed the same.

\_\_\_\_\_  
Laura G. Spangler  
Notary Public

My commission expires:

8/12/74

NOT RECORDED

# 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 8 consecutive weeks, the first publication being on the 6 day of August, 1973, and the last publication being on the 13 day of December, 1973;

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 13 day of December, 1973.

James L. Hawes  
NOTARY PUBLIC

My commission expires Dec 31 1976

(SEAL)

## NOTICE OF ABUTMENT

Notice is hereby given that James L. Hawes, Marsing, Idaho, has on Nov. 27, 1973 submitted Application No. 02 - 7122 for a permit to appropriate 2.4 cubic feet per second of water from the Snake River, tributary to the Snake River, by means of a dam, penstock, and powerhouse within the SE1/4, S4, Sec. 25, R. 5 E., E. 1/4, E. 1/4, Sec. 25, T. 4 S., R. 4 E., E. 1/4, E. 1/4, Sec. 25, to be used from March 1 to October 15 for irrigation of 300 acres within the W1/2SW1/4, S4, Sec. 25, R. 5 E., E. 1/4, E. 1/4, Sec. 25, T. 4 S., R. 4 E., E. 1/4, E. 1/4, Sec. 25.

If issued, this permit will be subject to all other water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83726, on or before December 24, 1973.

R. KETH HIGGINSON,  
Director.

Published in the Owyhee Nugget, Marsing, Idaho, on Dec. 9, 1973 and Dec. 13, 1973.

OK of  
12-18-73

MEMORANDUM

To: Norman C. Young  
From: L. Glen Saxton *WLS*  
RE: CANCELLED DESERT LAND ENTRY I-5501  
Date: July 18, 1989

The attached file is another example where the department has issued a license for the irrigation of DLE land for which the ownership has reverted to the BLM.

I wonder if there is any action the department can take in connection with the license to prevent attempted future transfers of the right and another test case of the ownership of the water right between the licensee and the BLM.

Section 42-350, Idaho Code, does not appear to clearly provide authority for the department to cancel the permit, but future problems likely could be avoided if there is some way to remove the license from a valid status. Perhaps our attorneys can review the matter.

**RECORDED**  
AUG 21 1989



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
BOISE DISTRICT OFFICE  
3948 DEVELOPMENT AVENUE  
BOISE, IDAHO 83705



IN REPLY REFER TO:

2520

*Received*  
**JUN 10 1989**

Department of Water Resources

**JUL - 7 1989**

02-7132

Mr. Gary Spackman ✓  
Department of Water Resources  
1301 North Orchard  
Boise, ID 83706

Dear Mr. Spackman:

Enclosed please find a copy of the serial register page for the following Desert Land Application. This case has been closed since our last letter to you:

IDI-5507 01

If you have any questions, please call me at 334-1582.

Sincerely,

*Sally Carpenter*  
Sally Carpenter  
Land Law Examiner

Enclosure

**MICROFILMED**

**AUG 21 1989**

PCN: 0G216P1  
FORM 1274-18

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

PAGE: 1

SERIAL REGISTER PAGE

AS OF: 6/12/89  
PRINTED: 6/12/89

03-03-1877;019STAT0377;43USC321-323,325, CASE TYPE SERIAL NUMBER  
DESERT LAND ACT 252000 IDI 5507 01  
COMMODITY- TO BE DEFINED

-----  
NAME AND ADDRESS

MILLS JAMES M

GARDEN VALLEY ID 83622  
ENTRYMAN 100.00000 X

-----  
DESCRIPTION OF LAND

BOISE MER  
T. 6 S, R. 4 E, OUYHEE COUNTY, ID  
BOISE DISTRICT BRUNEAU RESOURCE AREA  
SEC. 25: NWSW, S2S2  
SEC. 26: SENE, E2SE

320,000 ACRES

-----  
ACTIONS

| DATE       | CODE | TAKEN                  | REMARKS           |    |
|------------|------|------------------------|-------------------|----|
| 7/07/1972  | 124  | APLN RECD              | 10:00AM SC        |    |
| 7/17/1972  | 600  | RECORDS NOTED          |                   |    |
| 3/26/1975  | 550  | DETERMINED SUITABLE    | CLASSIF REVIEW    |    |
| 7/11/1975  | 197  | ENTRY ALLOWED          |                   |    |
| 7/11/1975  | 552  | LAND SEGREGATED        |                   | SC |
| 9/09/1976  | 713  | ANNUAL PROOF ACCEPTED  |                   | SC |
| 5/30/1979  | 122  | EXT OF TIME RQSTD      | 1 YEAR EXTENSION  | SC |
| 10/02/1979 | 203  | EXTENSION APPROVED     | APPROVED - 1 YEAR | AS |
| 6/13/1980  | 213  | FINAL PROOF FILED      |                   | SC |
| 6/20/1980  | 714  | FINAL PROOF TAKING SET | 08-26-80          | 8C |
| 7/11/1980  | 215  | FINAL PROOF REQUIRED   |                   | SC |
| 7/11/1980  | 911  | REPORT RECEIVED        | USGS              |    |

\*\*\*\*\* CONTINUED \*\*\*\*\*

MICROFILMED

AUG 21 1989

PCN: 06216P1  
FORM 1274-18

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

PAGE: 2

SERIAL REGISTER PAGE

AS OF: 6/12/89  
PRINTED: 6/12/89

03-03-1877;019STAT0377;43USC321-323,325, CASE TYPE SERIAL NUMBER  
DESERT LAND ACT 252000 IDI 5507 01  
COMMODITY- TO BE DEFINED

ACTIONS

| DATE       | CODE | TAKEN                   | REMARKS             |    |
|------------|------|-------------------------|---------------------|----|
| 7/31/1980  | 610  | PUBLISHED               | 5TH PUBLICATION     | SC |
| 8/26/1980  | 716  | FINAL PROOF TAKEN       | FOUND NONCOMPLIANCE |    |
| 11/19/1980 | 302  | PURC PRICE RECEIVED     |                     | SC |
| 7/09/1982  | 180  | CONTEST FILED OR ISSUED | FIELD SOLICITOR     |    |
| 10/20/1983 | 222  | HEARING HELD            | OFFICE HEAR & APP   | SC |
| 5/16/1984  | 361  | DEC AFFIRMED            | ENTRY CANCELLED     | SC |
| 6/12/1984  | 120  | APPEAL FILED            | TO IBLA (84-685)    | SC |
| 4/28/1986  | 199  | CANCELED BY DECISION    | ENTRY CANCELLED     | SC |
| 4/28/1986  | 361  | DEC AFFIRMED            | 91 IBLA 370         | SC |
| 5/02/1986  | 153  | POST AUTH APLN RECD     | PET FOR RECONSID    | SC |
| 9/26/1986  | 361  | DEC AFFIRMED            | 94 IBLA 59          | SC |
| 12/10/1986 | 153  | POST AUTH APLN RECD     | EQUITABLE ADJUDIC   | SC |
| 3/09/1987  | 393  | DEC ISSUED              | EQTBL ADJUD DENIED  | SC |
| 4/07/1987  | 120  | APPEAL FILED            | IBLA 87-402         | SC |
| 4/10/1989  | 125  | APLN REJ-DEN            |                     | SC |
| 4/10/1989  | 361  | DEC AFFIRMED            | 108 IBLA 155        | SC |
| 5/17/1989  | 149  | CASE RECEIVED           | AT I-1              | SC |
| 5/17/1989  | 970  | CASE CLOSED             |                     | SC |
| 6/12/1989  | 042  | CASE SENT               | TO ISO              | SC |

GENERAL REMARKS

- 01 ENTRY CANCELLED FOR FAILURE TO IRRIGATE HIS ENTRY  
02 IN CONFORMITY WITH PROPOSED PLAN OF OPERATION

**MICROFILMED**

AUG 21 1989



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

June 13, 1988

RE: Water Right No. 02-7132

Bill Ringert  
Ringert, Clark, Harrington,  
Reid, Christenson & Kaufman  
Box 2773  
Boise, ID 83701

Dear Bill:

In follow-up to our telephone conversation, enclosed is a copy of the license issued to James Mills on 4/18/88.

You will note it was issued for the full 6.14 cfs for which the permit had been filed.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

cc: Sherl Chapman

**RECEIVED**

JUN 28 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 20, 1988

RE: Permit No. 02-7132

James M. Mills  
HC 85, Box 141-A-2  
Bruneau, ID 83604

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of the approved Application for Amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosures

RECEIVED

JUN 28 1988

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON *Jim*

RE: LICENSING OF 02-7132

DATE: 12-23-87

The purpose of this memo is *to* provide additional information leading to the recommendations for licensing of this right in light of Mr. Bill Ringert's correspondence of 11-17-87.

Mr Ringert has implied that the Department is using inconsistent policy in issuing the license to his client because of testimony made by Dave Tuthill, stating that is was Department Policy was to issue a license for the entire amount with an limitation that the combined diversions for two different water rights could not exceed the system capacity. Mr. Ringert's interpretation of Dave's testimony has led him to believe that the issuance of a license with the amount 4.51 cfs and 1535.0 acre feet is less than his client's entitlement under Dave's version.

This is not the case.

While, Dave's testimony is correct, in most cases, however, when information required for more specific rates of flow under a given water right is available it is used.

This particular water right had sufficient information to show specifically the rate diverted at the source and the rate diverted at the point of application to the place of use. See the memo describing the System dated 10-29-87.

**RECEIVED**

JUN 28 1988

Nevertheless, had the information used in licensing this right not been available and the right been issued under the more general version the interpretation of license would be exactly the same anyway but not as clear.

For example, the rate of flow under the general version would have been 6.14 cfs, and the following condition would have been placed on the license.

"The maximum combined rate of diversion when this right is used together with Right No.02-7076 shall not exceed 31.71 cfs."

This condition would have been necessary because an existing right using the same canal (02-7076) was issued for 27.2 cfs and this right (if issued for 6.14 cfs) would exceed the capacity of the canal which was only diverting 31.71 cfs.

This could lead to an possible interpretation error because of the appearance that the total of the two licenses would be 33.34 cfs ( $6.14 + 27.2$ ) when, in fact, the combined total should only be 31.71 cfs.

The only reference to the correct amount of 31.71 cfs is in the condition normally listed on the bottom of the license form and is often over looked.

Normal department policy is to avoid issuing water rights that appear to show more water being diverted than actually used.

**MICROFILMED**

JUN 28 1988

**Ringert, Clark, Harrington, Reid, Christenson & Kaufman**

CHARTERED  
LAWYERS

WILLIAM F. RINGERT  
D. BLAIR CLARK  
ANDREW M. HARRINGTON  
JAMES G. REID  
JEFFREY R. CHRISTENSON  
JAMES P. KAUFMAN  
MICHAEL J. GAFFNEY  
LAURA E. BURRI  
LEA C. ADAMS

SAMUEL KAUFMAN (1921-1988)

599 WEST BANNOCK STREET  
P.O. BOX 2773  
BOISE, IDAHO 83701  
TELEPHONE (208) 342-4891

**RECEIVED**  
NOV 18 1987

November 17, 1987

Department of Water Resources

Mr. Jim Johnson  
Water Rights Supervisor  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Re: James M. Mills - Permit No. 02-7132

Dear Jim:

I did not want to respond to your letter of September 17th until I had had an opportunity to discuss this matter with Mr. Mills and with Sherl Chapman. We had an opportunity to meet on Friday of last week, and discussed the situation thoroughly.

Sherl Chapman advised us that you had indicated to him that the Department of Water Resources would issue a license to Mr. Mills, if he would agree to amend the permit, for licensing purposes, to show a rate of diversion of 4.51 c.f.s. and a volume of 1535.0 acre feet per annum.

This requirement would appear to us to be a rather significant change in departmental policy. Dave Tuthill testified as a witness at Mr. Mills' desert land entry hearing, and stated that the Department's policy was to issue a license for the entire amount that had been applied to beneficial use, with a limitation that the combined diversions for two different water rights using the same systems could not exceed the system capacity.

However, Mr. Mills has grown tired of spending money on attorneys and water consultants for the purpose of attempting to resolve such disputes regarding the water and the land, and he is willing to accept your terms, provided the Department issues a license for the water right.

Accordingly, enclosed is an Application for Amendment (For Licensing Purposes) for Water Right No. 02-7132, to reduce the diversion rate to 4.51 c.f.s. and to reduce the annual volume to 1535.0 acre feet per annum, together with Mr. Mills' check in the amount of \$20.00 to cover the filing fee.

JUN 28 1988

Mr. Jim Johnson  
November 17, 1987  
Page Two

This application is presented on the express condition that a license be issued for the amounts shown in the amendment. If the Department is not in a position to issue such a license forthwith, the application and the check should be returned to me.

Please advise if you require anything further in order to enable the Department to issue the license to Mr. Mills.

Yours very truly,



W. F. Ringert

WFR:am  
cc: James M. Mills  
Sherl Chapman

JUN 28 1988



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

~~JOHN V. EVANS~~

Governor

~~A. KENNETH DUNN~~

Director

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

November 2, 1987

RE: Permit No. 02-7132

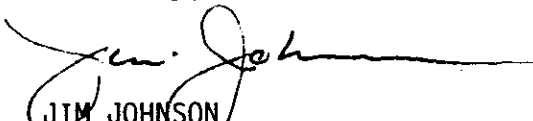
Sherl Chapman  
410 S. Orchard, Suite 144  
Boise, ID 83705

Dear Sherl:

Enclosed is a copy of correspondence normally sent to the permit holder, however, since my analysis of the amount of water appropriated under this permit differs from your field exam report, I feel you should have an opportunity to respond before the amendment of permit is requested from the permit holder.

Please review and contact me within 10 days if you have any objections to requesting the amendment as identified. If I do not hear from you, I will assume you concur.

Sincerely,

  
JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

JUN 28 1988

MEMORANDUM

TO: FILE 02-7132

FROM: JIM JOHNSON

DATE: 10-29-87

RE: REVIEW OF FIELD EXAMINATIONS

The reports provided by Mr. Chapman and Mr. Noyes adequately supplied sufficient information to complete the analysis of the Basin Mutual Canal System and support the recommendations made for licensing of Permit 02-7132.

Mr. Noyes had initially started to conduct the examination in 1982 in connection with the Snake River Adjudications. He had determined what portion of the right was owned by Mr. Mills and Mr. Chapman had provided an certified measurement of the water flowing in the canal which was 31.71 cfs.

Information from Mr. Noyes's investigation have been included in this file as part of the field investigation of the Basin Mutual Canal System.

In his correspondence of 10-13-87 Mr. Chapman stated that water rights 02-7076, 02-7180, 02-7190 and 02-7132 all diverted into the Basin Mutual Canal. However, in inspecting these water rights I found that 02-7180 and 02-7190 both were applications pending approval on the release of lands owned by

JUN 28 1988

BLM. I could not find any evidence of water being diverted under them. The only water right I could find being diverted was License No. 02-7076 issued for 27.2 cfs.

In determining the amount of water appropriated under this permit (02-7123) I subtracted the amount licensed under 02-7076 from the canal flow measured by Mr. Chapman.

Mr. Chapman also provided measurements of water diverted by Mr. Mills on to his lands under right 02-7076 and on to his lands covered by this permit. The measurement information showed that Mr. Mills was diverting 10.74 cfs for irrigation of 744 acres. The rate per acre produced for the irrigation system was 0.014 cfs/acre. This rate per acre was multiplied by the acres irrigated under this permit to determine if the rate was comparable with the additional amount appropriated over the existing right.

Following is the tabulation of this information.

|                                       |             |
|---------------------------------------|-------------|
| Rate measured flowing into the canal: | 31.71 cfs   |
| Minus the existing right (02-7076):   | -27.20 cfs  |
| Amount appropriated:                  | 4.51 cfs    |
| <br>                                  |             |
| Rate measured at the pumping plant:   | 10.74 cfs   |
| Total acres irrigated by system:      | 744 acres   |
| Rate per acre: (10.74 cfs/744 acres)  | = 0.014 cfs |
| Rate for irrigation of 307 acres:     | = 4.43 cfs  |

The flow diverted into the canal is slightly greater than the rate diverted to the land however the difference is very small and can be accounted for in canal seepage loss.

JUN 28 1986

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**LICENSING REPORT**

Permit No. \_\_\_\_\_

1. **Measurement Calculations**

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

1. 2 measurements made

1. Flow in Basin Mutual Canal - made in 1984

2. Flow to on field distribution system

2. An estimate of flow was made at the  
redirection of water from the Basin Mutual  
Canal into the smaller distribution canal.

1. 31.71 cfs

2. 5.30 cfs pump #1

4.62 cfs pump #1A

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 307 \times 5.0 = 1535.0$

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

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

c) Volume Calculations for Other Uses:

2. **Overlap Review**

a) Other water rights with same place of use: \_\_\_\_\_

b) Other water rights with same point of diversion: \_\_\_\_\_

c) Analysis:

**MICROFILMED**

JUN 28 1988

30-DAY Letter

RECOMMENDED AMOUNTS

|    |            |            |        |            |                      |                 |
|----|------------|------------|--------|------------|----------------------|-----------------|
| 3. | Permit No. | Priority   | Amount | App. Date  | Date Proof Submitted | System Capacity |
|    | 02-7132    | 11-27-1973 |        | 11-27-1973 |                      | 31.71           |

4. Permit Holder: JAMES M. MILLS

Address: HC 85 Box 141-A-2 BRUNEAU, ID 83604

5. Source: SNAKE RIVER tributary to COLUMBIA

|                   |                          |                              |                          |
|-------------------|--------------------------|------------------------------|--------------------------|
| 6. Beneficial Use | Period of Use<br>From To | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
| IRRIGATION        | 3-15 10-15               | 4.51                         | 1535.0                   |

Allowable Maximums: 4.51 1535.0

7. Point(s) of Diversion:

| No. | Govt. Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County |
|-----|-----------|-----|-----|-----|------|------|------|--------|
|     |           |     | SW  | SW  | 8    | 6S   | 5E   | Owyhee |
|     |           |     |     |     |      |      |      |        |
|     |           |     |     |     |      |      |      |        |
|     |           |     |     |     |      |      |      |        |

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          | 4E   | 25   |        |        |        |        |        |        |        |        | 38     | 39     | 39     |        |        |        | 90     | 39     | 195    |
| 6S          | 4E   | 26   |        |        |        | 36     |        |        |        |        |        |        |        |        | 37     |        |        | 39     | 112    |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|             |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Total Acres |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 307    |

9. Recommended Conditions/Remarks:

MAINTAINED

10. Recommended Amendments

JUN 28 1988

☒ 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 \_\_\_\_\_ Date \_\_\_\_\_

Checked in Regional Office by \_\_\_\_\_ Date \_\_\_\_\_

Approved in State Office by \_\_\_\_\_ Date 10-29-87

*Sherl L. Chapman*

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

Department of Water Resources

RECEIVED

00715 1987

TO: Mr. Jim Johnson

FROM: Sherl L. Chapman, Consultant 

DATE: October 13, 1987

SUBJECT: ADDITIONAL DATA REQUIRED FOR WATER RIGHT EXAM ON PERMIT  
02-7132

Subsequent to submission of data to the Idaho Department of Water Resources for licensing of Application for Permit 02-7132, Mr. Jim Johnson of the Idaho Department of Water Resources requested additional information about the water supply system in a letter dated September 17, 1987. This memorandum is in response to that request. In order to insure fulfillment of the entire request, this memorandum will be divided into categories equivalent to the same categories included in Mr. Johnson's letter. These are as follows:

A. Diversion from Snake River into primary canal:

- PUMP #1 - General Electric, 250 horsepower, serial #CJJ328123
- PUMP #2 - General Electric, 250 horsepower, serial #CJJ314135
- PUMP #3 - General Electric, 200 horsepower, serial #BGJ210121

Pumps used to divert water from the main canal into the second canal:

- PUMP #1 - General Electric, 100 horsepower, serial number illegible
- PUMP #2 - General Electric, 75 horsepower, serial #45052.
- Pump head serial number for pump #2 is 15WMHA Western Products.

Four water rights are diverted from the Snake River at this point of diversion through the Basin Mutual Canal serving the Mills property. These water rights are 02-7076, 02-7132, 02-7180, and 02-7190. All of the water rights are diverted into the main canal and the following water right numbers are diverted out of the main canal; 02-7076 (part), 02-7180, 02-7190. The following water rights are diverted into the second canal using the relift pumps; 02-7076 (part), 02-7132. Both water rights 02-7076, which Mr. Mills shares, and 02-7132, which he owns solely, have earlier priorities than the other two water rights using the canal.

JUN 28 1988

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

- B. Item 2 - The water rights at each point of diversion are described above with the exception of the final point of diversion. At the final point of diversion, the portion of 02-7076 owned by Jim Mills is pumped as well as all of the water right 02-7132.
- C. Item 1 - The following is a narrative description of the irrigation system as requested. The three pumps located at the Snake River discharge water through a 16" and 22" penstock to the Basin Mutual Canal. The maximum amount of water I have measured in the canal was 31.71 cubic feet per second in September, 1984. At that time there was more than 12" freeboard on most of the main canal but at one point in the canal the freeboard dropped as low as 6". However, that section has been raised, therefore, the canal capacity is significantly greater than the amount measured in 1984. Water continues on down the canal as is shown on the map attached to the water right exam documents and is collected in a pond where water is diverted under water right 02-7190 and 02-7076. It is not known where water is diverted to satisfy water right 02-7180, if it is diverted at all, since there is apparently a conflict with the Bureau of Land Management over ownership of the land.

Water then discharges from the west side of the pond through a short canal to a lagoon where two short coupled, vertical turbine pumps lift the water into the second canal to satisfy the water rights of Mr. Mills under water right 02-7076 and 02-7132. These pumps are described above. In general, the dimensions of the second canal range from two to three feet in depth and eight to ten feet in width and has an average capacity greater than 16 cubic feet per second. The water is then transported through the second canal to a small reservoir at the point of diversion shown on the water right exam in the NW/4 SW/4 NE/4, Section 36, T6S, R4E. There the water is pumped to lands owned by Mr. Mills and irrigated under both water rights 02-7076 and 02-7132.

At the time of measurement, 34, 1/4 to 3/8 mile long sprinkler lines were in operation on the Mills farm. Pito tube measurements were taken of pressure and flow from 29 of these lines with average pressure approximately 49 pounds per square inch. Most of the lines included 32 nozzles per line with the exception of the two longer lines which included 47 nozzles. Nearly all nozzles measured were 9/64" diameter although some providing water to less water tolerant crops were 1/8" in diameter.

Item 4 - The location of the point of diversion from the Snake River is in the SW/4 SW/4, Section 8, T6S, R5E. The location of the point of re-diversion from the main canal to the second canal is in the NE/4 SW/4, Section 30, T6S, R5E. According to maps for lot descriptions for the Snake River, no lots are shown for these two areas.

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- D. #1 - The amount of water diverted from the Snake River into the main canal on September 18, 1984, was 31.71 cubic feet per second. A copy of the measurement sheet is included.

#2 - As Mr. Jim Johnson and I discussed over the telephone October 1, 1987, no measurement is available for the pumps re-diverting water from the main canal into the second canal. The reason that no measurement exists is that during initial discussions regarding the provision of a certified water measurement to the Department of Water Resources in August and September, 1982, this examiner was directed to measure the water at the point providing water to the land located in the NW/4 SW/4 NE/4, Section 36, T6S, R4E. It was the original intent to measure the water at the point of diversion at the Snake River but the proposal was rejected by the Department and the measurement was taken at the final diversion point. The measurement taken and provided for the flow at the Snake River was obtained for other purposes than the water right exam. However, relatively accurate data does exist for the relift pumps and therefore the following estimates of production may be made.

Two short coupled, vertical turbine pumps exist at the site, one of 100 horsepower and one of 75 horsepower. The 100 horsepower pump is rated for 3,600 gallons per minute at 89 feet total dynamic head according to the name plate on the pump. The 75 horsepower is rated at 3,300 gallons per minute at 85 feet total dynamic head according to the name plate. The actual lift from water surface to water surface is approximately 84 feet with about one additional foot of head created by friction loss through the pump and in the short penstock. Therefore using the formula  $HP = Q \times TDH / E \times 3960$  the amount of water produced at a reasonable efficiency level may be obtained. For the purposes of this calculation, 80 percent efficiency was used which would result in an approximation of 8.2 cubic feet per second being produced by the 100 horsepower pump and 7.06 cubic feet per second being produced by the 75 horsepower pump. Each of these numbers are very close to the rated production and therefore considered to be a reasonable approximation of the actual flow produced by the two pumps operating in tandem. Therefore, it is concluded that the pumps are able to produce about 15.26 cubic feet per second for discharge into the second canal which is well within its capacity and adequate to satisfy Mr. Mills water rights. Additionally, Mr. Mills reservoir from which he pumps is adequate to provide storage to smooth out fluctuations in production from these pumps or to allow a lesser production during periods of less intensive use.

- E. The measurements of Items 1 and 2 above are: #1 an open flow measurement made with an AA Current meter; and #2 was made using a calculation of horsepower and total dynamic head. Alternate methods of measurement were made merely by comparing the velocity of water in the canal and the approximate dimensions to get a

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rough estimate of the amount of water flowing through the canal itself. This approximation was reasonably close to the AA Current Meter measurement at the head of the canal and therefore the AA Current Meter is considered to be accurate. The measurement taken at the final point of diversion, which is included on the water right exam previously submitted, was cross checked by approximating the amount of water produced through the sprinkler nozzles with the pressures measured. Again, this rough estimate was close to the amount of water expected to be produced and therefore the Collins Air/Water Manometer is also considered to be accurate. Both the AA Current Meter and the Collins Air/Water Manometer are standard methods of measurement and are considered to be accurate without cross checking by alternate methods of measurement as discussed in this section.

- F. Remarks & Overlap Review Analysis - This portion of Mr. Johnson's letter is a little bit vague but an attempt will be made to clarify the use of water for Mr. Mills property. Mr. Mills irrigates approximately 500 acres under water right 02-7076. Additionally, he seeks to obtain a water right license for 307 acres under water right application 02-7132. Under these two water rights, both pump #1 and pump #2 produce water for injection into the irrigation system. Additionally, there is a 30 horsepower centrifugal booster which can increase the flow if pressure starts decreasing because of a lack of water in the sprinkler system itself. For the purposes of licensing for 02-7132, only pump #1 and pump #2 were measured. Pump #1, as can be seen from the water right exam sheet, produced 5.3 cubic feet per second with pump #2 producing 5.44 cubic feet per second with a total flow of 10.74 cubic feet per second. With the addition of the booster pump, additional water can be produced from Mr. Mills reservoir into the irrigation system to satisfy needs under water right 02-7076. Under 02-7132, Mr. Mills is requesting licensing for 6.14 cubic feet per second for the irrigation of 307 acres. The balance of the water which is produced by the two pumps measured and the 30 horsepower pump is used on the other property owned by Mr. Mills under the previous water right license. The capacity of the canal is more than adequate to provide sufficient water for both farms as are the two booster pumps pumping water from the main canal into the second canal. The small reservoir, just above the final point of diversion, provides storage to smooth out fluctuations in canal flow and provides additional water during periods of maximum use. Therefore, it is believed that Mr. Mills has satisfied the requirements for both water right licenses and should be given the amount requested.

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Mr. Jim Johnson  
October 13, 1987  
Page 5

If additional information is needed or questions arise regarding this memorandum, please contact Sherl L. Chapman, 410 S. Orchard, Suite 144, Boise, Idaho 83705, 344-6690, as soon as possible. It is in the interest of the Department and Mr. Mills that any questions regarding the water right exam be resolved immediately.

SLC:kje  
enclosure  
cc:Mr. Bill Ringert  
Mr. Jim Mills

REPRODUCED

JUN 28 1988

**STATION**

TIME

DATE \_\_\_\_\_

**PARTY.**

**GAGE,**

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**Ckd. by**

JUN 28 1988

AUG 17 1987

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**BENEFICIAL USE FIELD REPORT**

Should questions arise during  
the processing of this applica-  
tion please contact:

SHERL L. CHAPMAN  
410 S. Orchard, Suite 144  
Boise, ID 83705  
344-6690

**A. GENERAL INFORMATION**

Permit No. 02-7132

1. Owner: James M. Mills

Phone No. none

Current Address: HC 85, Box 141-A-2, Bruneau, ID 83604

2. Accompanied by: Jim Mills

EXAM. DATE: 6-29-87

Address: same as above

Phone No. none

Relationship to Permit Holder: Owner

3. Source: Snake River tributary to Columbia

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: None

☐ Copies Attached

2. Other water rights with same point of diversion: \_\_\_\_\_

☐ Copies Attached

☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION** SEE AERIAL PHOTO & QUADRANGLE MAP

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

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Scale: 1" = \_\_\_\_\_

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached  
(required for irrigation of 10 acres or more).

**System Description (continued)**

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water is pumped from Snake River in a common pump station with other users and discharged into a canal. It is then transported 3 miles to a canal head pond where it is relifted into applicants canal. It is then transported to a pond and pump station where it is pumped into the mainline for distribution. Two 100 HP pumps produce water and pressure. 30 HP unit is a pressure booster.

☐ See Remarks on page 4 for continuation

4.

| Well or Diversion Identification No.* | Motor Make | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|-----|------------------|-----------|-----------------------------------|
| 1                                     | Century    | 100 | 3N               | Berleley  | 7382040                           |
| 1A                                    | Century    | 100 | 10M              | Berkeley  | 7382041                           |
| 1B                                    | Baldor     | 30  | WCM2534T         | Berkeley  | 8269164                           |
|                                       |            |     |                  |           |                                   |

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

5. **Point(s) of Diversion:**

| Ident. No. | Gov't. Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|------------|------------|----|----|----|------|------|------|--------|---------------------------------|
| 1          |            | NW | SW | NE | 36   | 6S   | 4E   | Owyhee | Quadrangle map                  |
| 1A         |            | NW | SW | NE | 36   | 6S   | 4E   | Owyhee | Quadrangle map                  |
| 1B         |            | NW | SW | NE | 36   | 6S   | 4E   | Owyhee | Quadrangle map                  |
|            |            |    |    |    |      |      |      |        |                                 |

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

Indicate Method of Determination

| Twp. | Rge. | Sec. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | Totals |
|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |      |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 6S   | 4E   | 25   |     |     |     |     |     |     |     |     |     | 38  | 39  | 39  |     |     | 40  | 39  | 195    |
| 6S   | 4E   | 26   |     |     |     | 36  |     |     |     |     |     |     |     |     | 37  |     |     | 39  | 112    |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
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**D. FLOW MEASUREMENTS**

☐ Additional Data Sheets Attached

1.

| Measurement Equipment | Type      | Make    | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|-----------|---------|-----------|------------|------|-------------|
| Monometer             | Air/water | Collins |           | none       | 36"  | Factory     |
|                       |           |         |           |            |      |             |
|                       |           |         |           |            |      |             |
|                       |           |         |           |            |      |             |

2. Measurements:

Pump #1 = 5.30 cfs; Pump #2 = 5.44 cfs - both operating at time of measurement

Total flow 10.74 cfs. Measurement sheets attached

**E. FLOW CALCULATIONS**

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

**F. PUMP EFFICIENCY DATA (Optional)**

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)

Total Head: (1) + (2) = \_\_\_\_\_ (3) ; Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

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

**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 307 \times 4.5 = 1381.5$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5198$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1381.5$

2. Volume Calculations for Other Uses:

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*[Blank lined paper for writing]*

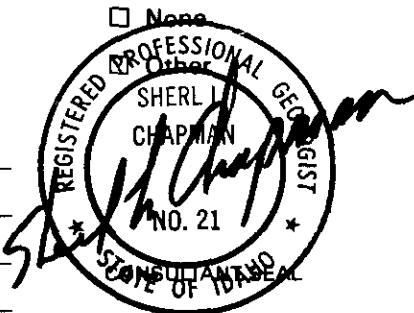
## 1. Recommended Amounts

| Beneficial Use | Period of Use |         | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|---------|------------------------------|--------------------------|
|                | From          | To      |                              |                          |
| Irrigation     | 3-15          | 11-15   | 6.14                         | 1382                     |
|                |               |         |                              |                          |
|                |               |         |                              |                          |
|                |               |         |                              |                          |
|                |               |         |                              |                          |
|                |               | Totals: | 6.14                         | 1382                     |

☐ Change P.D. as reflected above      ☐ Add P.D. as reflected above

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

Field Examiner's Name Sheri L. Chapman  
Signature *Sheri L. Chapman*  
Certification Date 5/5/87  
Field Report Preparation Date 7/31/87



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

**INDEXED**

JUN 28 1988

Form 217  
03/86

Should questions arise during  
the processing of this applica-  
tion please contact:

SHERL L. CHAPMAN  
410 S. Orchard, Suite 144  
Boise, ID 83705  
344-6690

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

## PROOF OF BENEFICIAL USE

For Office Use Only  
Fee Received \_\_\_\_\_  
Date \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Receipt by \_\_\_\_\_  
Reviewed by \_\_\_\_\_  
Sent to region \_\_\_\_\_

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 02-7132

Name(s) of Permit Holder: James M. Mills

Post Office Address: HC 85, Box 141-A-2, Bruneau, ID 83604

Telephone No. none

Source of Water: Snake River

Extent of Use:

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

Irrigation 307 (acres) Other/Remark \_\_\_\_\_

Total rate and/or volume for which proof is submitted 6.14 cfs 1382 acre-feet

Show the date water was first diverted and beneficially used under this permit: 1975

Measuring Device: Required? ☒ Yes ☐ No  
Installed? ☐ Yes ☒ No  
Fee enclosed \$ -0-  
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No  
Installed? ☒ Yes ☐ No

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

N/A

(Name)

(Telephone Number)

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

7/31/87

Date

James M. Mills  
Signature of Permit Holder (and title, if appropriate)

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## COLLINS TUBE MEASUREMENT

DATE: Oct 15, 1983  
 OWNER: Jim Mills - North pump  
 CIRCUMFERENCE: 3.35 OUTSIDE R: .53  
 PIPE THICKNESS: .025 INSIDE R: .52

| FACTOR | Mr (IR Factor) | Mp  | Velocity |
|--------|----------------|-----|----------|
| 0.949  |                | .96 | 6.35     |
| 0.837  |                | .91 |          |
| 0.707  |                | .84 | 5.85     |
| 0.547  |                | .75 |          |
| 0.316  |                | .63 | 5.50     |
| 0.316  |                | .63 |          |
| 0.547  |                | .75 |          |
| 0.707  |                | .84 | 6.45     |
| 0.837  |                | .91 |          |
| 0.949  |                | .96 | 7.05     |

$$\bar{V} = 6.24$$

Mp = P + Mr - O.R. where P is chosen reference point on collins tube

$$Q = \bar{V} \pi (IR)^2 = 5.30 \text{ cfs}$$

Pumping level Submerged Pump Type Cent  
 Time Operating 1 hour RPM 1770  
 Pressure at discharge 64 Rated Flow  
 Pump motor type Cent GPM  
 Serial No. 3N Head  
 Horsepower 100 Access Port  
 RPM 1770 Yes ☒ Collins  
 Meter Constants No  
 K = Location  
 Kh =  
 Revolutions  
 Time (seconds)  
 Voltage  
 Amperage  
 L1 L2 L3

## COLLINS TUBE MEASUREMENT

DATE: Oct 15 1983  
 OWNER: Jim Mills - South pump  
 CIRCUMFERENCE: 3.35 OUTSIDE R: .53  
 PIPE THICKNESS: .025 INSIDE R: .52

| FACTOR | Mr (IR Factor) | Mp  | Velocity |
|--------|----------------|-----|----------|
| 0.949  | .49            | .96 | 5.3      |
| 0.837  | .44            | .91 | 5.35     |
| 0.707  | .37            | .84 | 5.5      |
| 0.547  | .28            | .75 | 5.75     |
| 0.316  | .16            | .63 | 5.82     |
| 0.316  | .16            | .63 | 5.15     |
| 0.547  | .28            | .75 | 5.4      |
| 0.707  | .37            | .84 | 5.45     |
| 0.837  | .44            | .91 | 5.4      |
| 0.949  | .49            | .96 | 5.25     |

$$\bar{V} = 5.44$$

Mp = P + Mr - O.R. where P is chosen reference point on collins tube

$$Q = \bar{V} \pi (IR)^2 = 4.62 \text{ cfs}$$

Pumping level submerged Pump Type Cent  
 Time Operating 1 hr RPM 1770  
 Pressure at discharge 67 Rated Flow  
 Pump motor type Cent GPM  
 Serial No. 10M Head  
 Horsepower 100 Access Port  
 RPM 1770 Yes ☒ Collins  
 Meter Constants No  
 K = Location  
 Kh =  
 Revolutions  
 Time (seconds)  
 Voltage  
 Amperage  
 L1 L2 L3

Application for Permit 02-7132  
Intake pond and pumps at  
primary diversion to cropland.

02-7132



Mills Intake pond 6-29-87

02-7132



Mills pumping plant to mainline

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C  
74.4

23.24  
28  
116.2

Jim Mills

not  
irrigated

37.2

37.0

19.0

C386  
2270  
7756

not  
irrigated

38.9

36.0

8.2

9

main line

39.1

37.0

8.3

37.7

portable

37.8

C386  
2270  
7756

main line

38.7

4.5

38.8

38.5

BB-2

24.9  
25.30

4  
B  
27 38.4

5  
E  
76.3

N 6  
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10

D 15  
43.4

P 16  
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49.5

170

14  
M  
25.5

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400

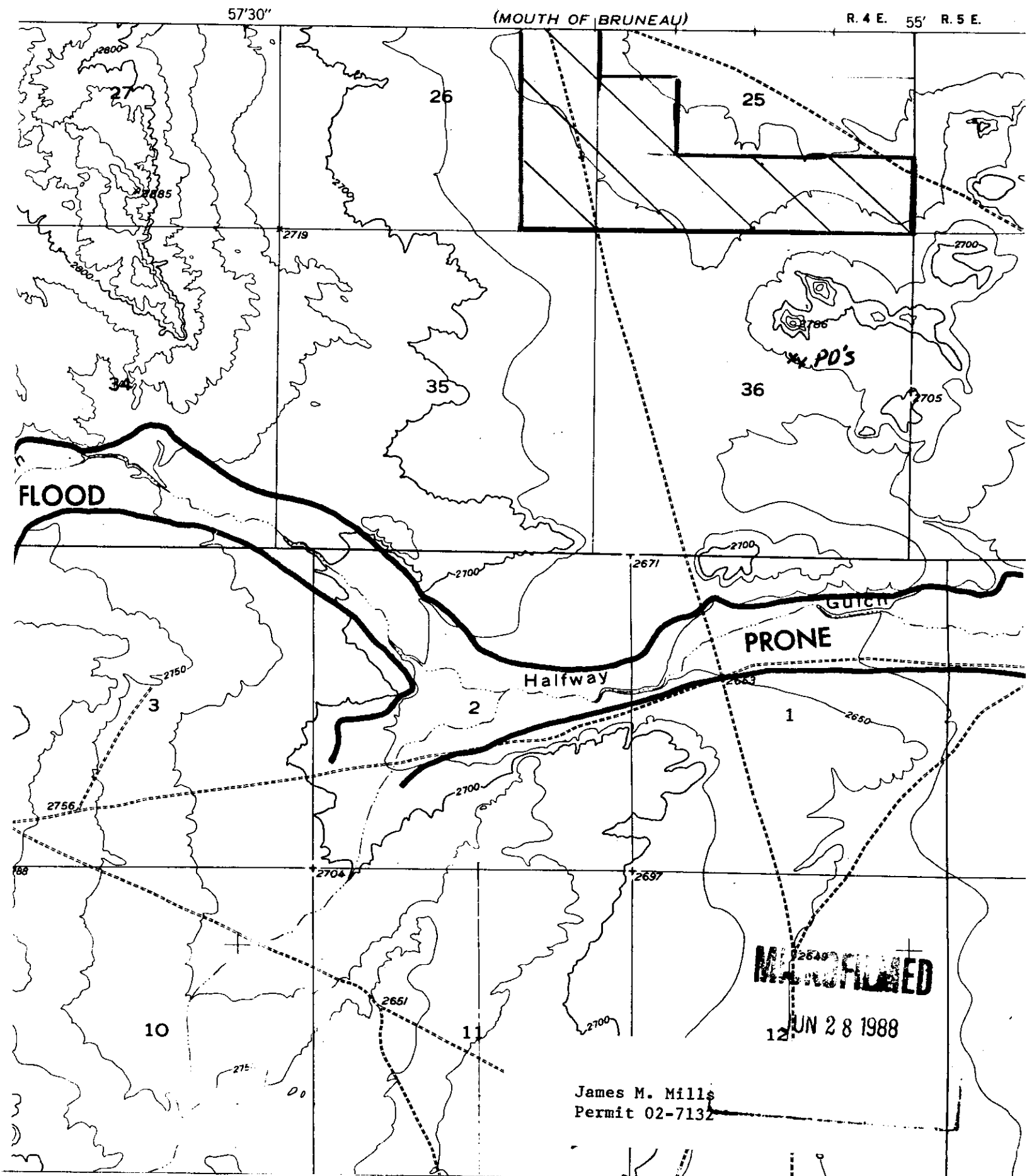
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39.2

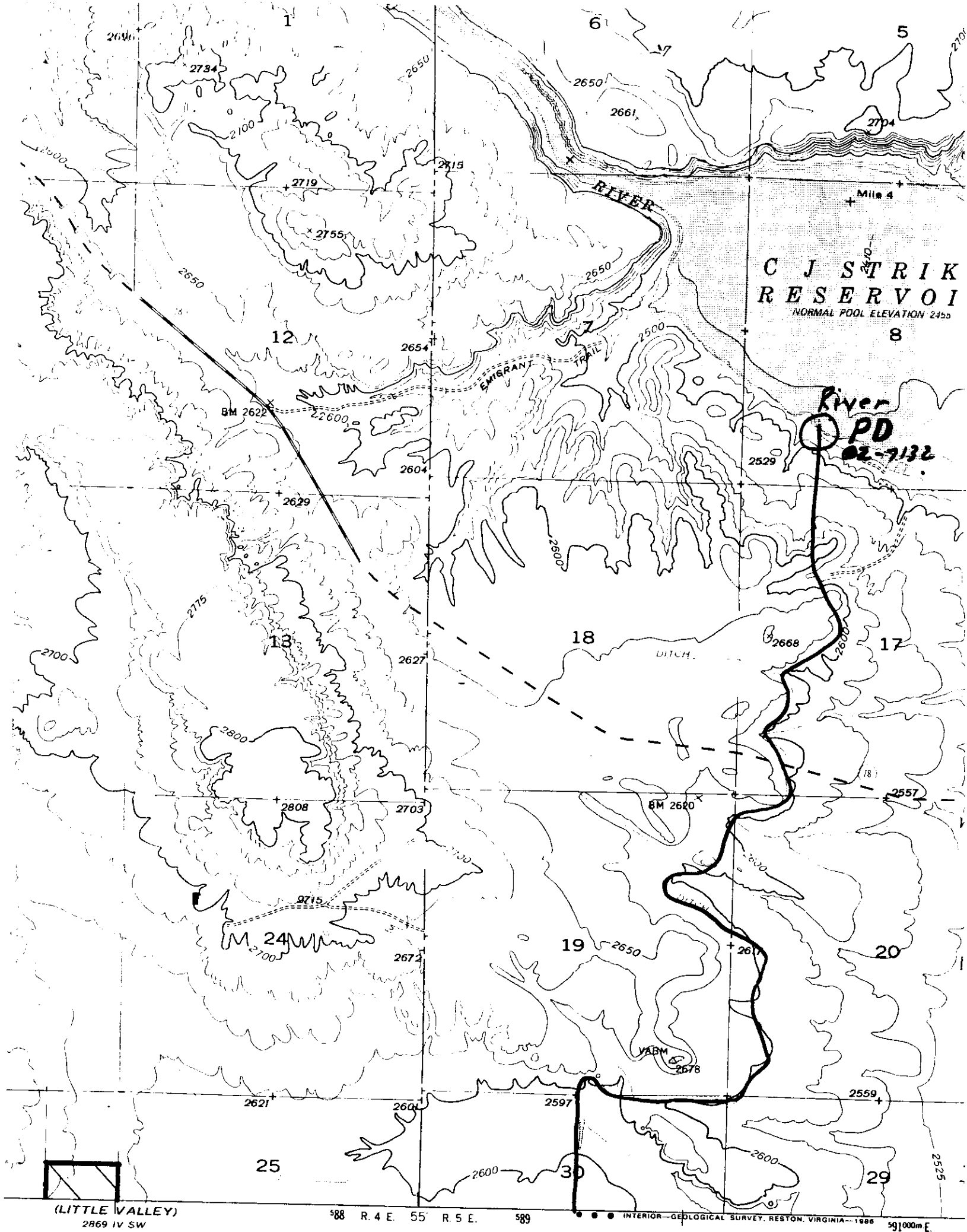
25.30  
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James M. Mills  
Permit 02-7132

JUN 28 1988

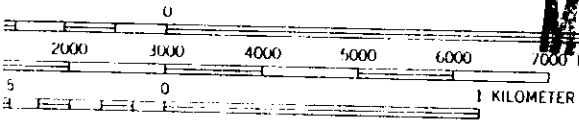
# MAP OF FLOOD-PRONE AREAS





(LITTLE VALLEY)  
2869 IV SW

SCALE 1:24000



**MICROFILMED**

JUN 28 1988

James M. Mills  
Permit 02-7132

**ROAD CLASSIFICATION**

|                                              |                                   |
|----------------------------------------------|-----------------------------------|
| Primary highway, all weather, hard surface   | Light duty road, improved surface |
| Secondary highway, all weather, hard surface | Unimproved road, weather          |

Interstate Route   U.S. Route   S

FOUR INTERVAL ON LAND 25 FEET  
FOUR INTERVAL ON RIVER SURFACE 5 FEET  
L GEODETIC VERTICAL DATUM OF 1929

IES WITH NATIONAL MAP ACCURACY STANDARDS  
URVEY, DENVER, COLORADO 80225, OR RESTON,  
POGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON RE

**C. J. STRIKE DAM**  
(FORMERLY MOUTH OF B  
NW/4 BRUNEAU 15' QUAD  
42115 H8 TF 02-

photographs,  
and other source data. This information not  
for Map edited 1979

1946  
PHOTOREVISED  
DMA 2869 IV NW-SERII

## CONVERSATION MEMORANDUM

DATE 10/25/97  
FILE \_\_\_\_\_NAME OF PARTY James MillsEMPLOYEE John K. Meyer

RE: There is a question on the ownership of  
the land on this permit. The land is not  
on the tax rolls at the Owyhee co. assessor  
office. BLM will send a letter to this office  
verifying the ownership or action their  
office will take on the land. Will hold up  
drawing up rough draft license until  
word is received from BLM.

6/7/85 JKR

BLM has<sup>nt</sup> received notice of  
law suit on Mills - will let me  
know outcome of law suit.

MICROFILMED

JUN 28 1988

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
FIELD REPORT

Miles, James M.  
Pld: SE 1/4 SW 1/4, Sec. 8.  
Tues, RSE  
Use: Irrigation -  
300 acres

02-7132  
Permit No.

CONTACT WITH PERMIT HOLDER

|                                                                               | DATE    | INITIALS | REMARKS             |
|-------------------------------------------------------------------------------|---------|----------|---------------------|
| <input type="checkbox"/> Appointment letter mailed:                           | 7/19/82 | jp       | no appointment made |
| <input type="checkbox"/> Telephone call made:<br>(List Telephone No. used)    |         |          |                     |
| <input type="checkbox"/> Appointment scheduled for:<br>(Date, time, location) |         |          |                     |

EXAMINATION

Date \_\_\_\_\_ Accompanied by \_\_\_\_\_ Total Q measured \_\_\_\_\_  
If source is surface water, estimate total flow of source \_\_\_\_\_  
Methods of measurement \_\_\_\_\_ Meets Permit requirements? \_\_\_\_\_

Measurement calculations:

| WELL/DIVERSION*<br>NO. | HP | MOTOR<br>MAKE | MOTOR<br>SERIAL NO. | PUMP<br>MAKE | PUMP<br>SERIAL NO. | MEASURING<br>DEVICE TYPE | CONDITION OF<br>MEAS. DEV. | REMARKS |
|------------------------|----|---------------|---------------------|--------------|--------------------|--------------------------|----------------------------|---------|
|                        |    |               |                     |              |                    |                          |                            |         |
|                        |    |               |                     |              |                    |                          |                            |         |
|                        |    |               |                     |              |                    |                          |                            |         |

System Description \_\_\_\_\_

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

RECOMMENDED AMOUNTS

| USE   | Irrigation requirement = |         | AFA/Acre |    |
|-------|--------------------------|---------|----------|----|
|       | Q (cfs)                  | V (afa) | FROM     | TO |
|       |                          |         |          |    |
|       |                          |         |          |    |
|       |                          |         |          |    |
|       |                          |         |          |    |
|       |                          |         |          |    |
|       |                          |         |          |    |
| Total |                          |         |          |    |

Remarks \_\_\_\_\_

MICROFILMED

JUN 28 1988

IDWR SUPPLEMENTAL FIELD REPORT  
FOR ANNUBAR MEASUREMENT

Measured by: \_\_\_\_\_

Date: \_\_\_\_\_

Owner: JAMES M. MILLS

Permit #: 02-7132

Description of well &/or measuring site (give distance to restrictions upstream and downstream): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Measured inside diameter of pipe in inches \_\_\_\_\_ A

Size of Annubar used in test \_\_\_\_\_

State ID# of Annubar used \_\_\_\_\_

Size Eagle Eye Meter used \_\_\_\_\_

State ID# of Meter used \_\_\_\_\_

Date of Last Calibration of Meter \_\_\_\_\_

Observed inches of H2O read on Meter \_\_\_\_\_

Adjusted inches of H2O from Last Calibration \_\_\_\_\_ B

CALCULATION:  $\frac{(3.85) \times (A)^2 \times \sqrt{B}}{448.8}$  = \_\_\_\_\_ cfs measured

Where A and B are measured in inches  
and 3.85 is a constant for the model  
75 Annubar

SKETCH:

**MICROFILMED**

JUN 28 1988

Don → Forrest

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Dave Tutthill

JUL 30 1982

DATE 7-28-82

TO Dave Shaw DBS

Department of Water Resources  
Western Regional Office

SUBJECT 02-7132 (Jim Mills)

The BLM has expressed a concern that the above referenced permit may not have been developed & completed, although proof was submitted in April of this year.

We probably should examine this summer, if possible.

Dave

SIGNATURE

RECEIVED



United States Department of the Interior

NOV 10 1982

Department of Water Resources

BUREAU OF LAND MANAGEMENT  
Boise District Office  
3948 Development Avenue  
Boise, Idaho 83705

IN REPLY  
REFER TO:

2520  
I-5507

NOV 9 1982

Mr. John Carlson  
Idaho Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Dear John:

This letter is the result of our recent discussion about a water claim made by James Mills in connection with Desert Land Entry I-5507.

The subject land is still in public ownership. Contest proceedings are under way to establish whether or not this entryman complied with the Desert Land Act.

The most prudent option would be to suspend action on this water right until the ultimate ownership of the land is determined. This issue should be cleared up in the coming months.

We will keep you informed of any developments in this situation.

Sincerely yours,

Ron L. Grant  
Realty Specialist

MICROFILMED

JUN 28 1988

# *Sherl L. Chapman*

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

October 15, 1982

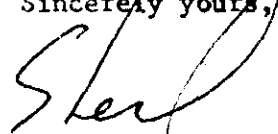
Mr. John Noyse  
Department of Water Resources  
Western Division  
Statehouse  
Boise, Idaho 83720

Dear John:

Enclosed you will find a certified measurement I made on Mr. Jim Mills' irrigation system about a year ago. As I remember our conversation in the Department several weeks back, you had indicated that the Department would accept a certified measurement for licensing of Mr. Mills' irrigation system which would save you some time and expense in traveling back out to Mr. Mills' property for measurement of the system. It is my understanding from Mr. Mills, that you have already examined the land irrigated and this measurement would complete action on licensing of Mr. Mills' water right.

If you have any questions or need additional information, please don't hesitate to give me a call.

Sincerely yours,



Sherl L. Chapman  
Consultant

SLC:kje  
enclosure

**MICROFILMED**

JUN 28 1988

**RECEIVED**

OCT 19 1982

Department of Water Resources  
Western Regional Office

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

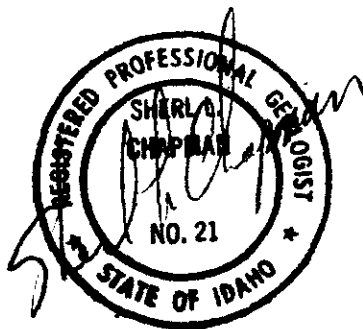
# Sherl L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

TO: Mr. John Noyse, Department of Water Resources  
FROM: Sherl L. Chapman, Consultant  
DATE: October 15, 1982  
SUBJECT: Water Measurement, Jim Mills Property

702/10  
I personally measured the flow from Mr. Jim Mills' pump located on the Snake River on October 5, 1981. Measurement was made using an AA current meter with straightening vanes and wading rod and the measurement site was approximately 100 feet below the discharge of the penstock into the main canal in a good measurement section. Several measurements were taken at that time which included measurements of each well in the pumping plant system, both individually and in conjunction with one another. Mr. Mills' pump was producing 3,150 gallons per minute when it was operating with the other two pumps in the pumping plant which is the normal method of operation for this system. The measurement was checked and accuracy is considered to be excellent due to conditions existing on this date.



**MICROFILMED**

JUN 28 1988

REC-10  
OCT 18 1982

Department of Water Resources  
Western Regional Office

# 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. 02-7132

Name(s) of Permit Holder: James M. Miller

Post Office Address: General Delivery Bureau

93604

Tel. No. 845-2903

Source of Water: Stockwater

Extent of Use: ☒ Domestic (number of households)  
☒ Stockwater (number and type of stock)  
☒ Irrigation 320 (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.

4/27/82

Date

JUN 13 1988

Signature of Permit Holder

Department of Water Resources  
 Valley Regional Office

**MICROFILMED**

JUN 28 1988



State of Idaho  
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83703

JOHN EVANS

Governor

(Office at the corner of  
Booth and Cole Road)

A. Kenneth Dunn

Agent

2005 06 21 1988

July 19, 1988

James M. Mills  
Gardner, Valley, Idaho 83622

RE: 02-7132

Dear J. M. Mills:

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

Before a license can be issued, a field examination must be made by a  
representative of this Department.

☐ A field examination of your system has been scheduled for

If this time and date is not convenient for you, please contact this  
office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

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

Sincerely,

*Judy Pense*

Judy Pense  
Secretary

RECEIVED

JUN 28 1988

December 24, 1973

James M. Mills  
Garden Valley, ID 83622

Re: Application for Permit No. 02-7132

Dear Mr. Mills:

Please be advised that your application for permit has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, the Department of Water Administration will take no further action until such time as we receive evidence in writing that this land has been classified as suitable for desert entry.

Please contact us if we may be of further assistance.

Sincerely,

ROBERT W. HAMILTON  
Supervisor of Water Distribution

RWH:df

CC: Idaho Land & Appraisal Service  
Bureau of Land Management  
(D. E. #I-5507)

MAILED

JUN 28 1988

December 4, 1973

Vincent S. Strobel  
Branch of L&M Operations  
Bureau of Land Management  
Room 398, Federal Bldg.  
550 West Fort Street  
Boise, Idaho 83702

Re: Application for Permit No. 02-7132 - James M. Mills  
D. E. #1-5507

Dear Mr. Strobel:

We wish to advise you that the above referenced application has been filed with our office in connection with a Desert Land Entry on the following lands:

W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 25  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 26  
Twp. 6 S., Rge. 4 E., B.M.

If we can be of further assistance, please contact us.

Sincerely,

KENNETH J. FOIT, P. E.  
Western District Engineer

KJF:dsf

RECEIVED

JUN 28 1988

Zaro or Basin Mutual Cond Co. & Mills

[illegible]



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

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 17, 1987

RE: Permit No. 02-7132

W.F. Ringert  
Ringert, Clark, Harrington,  
Reid, Christenson & Kaufman  
Box 2773  
Boise, ID 83701

Dear Bill:

I have reviewed your correspondence and appreciate the background information you provided. Based upon your representation, I have prepared correspondence to Sherl Chapman outlining the information required (copy enclosed).

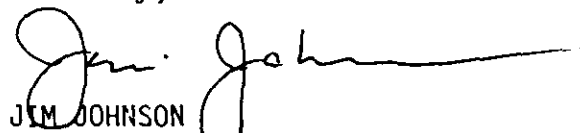
One item I may have omitted in our conversation is that the Department has received correspondence from BLM stating that the land under the permit is still in public ownership and requested that no further action in regards to the water right be taken until they can resolve whether or not compliance with the Desert Land Act has been met.

On the surface, the request seemed prudent and was contributing to my reasons for suggesting a delay in the licensing action.

It is still unclear to me how the issuance of a license would benefit your client. Once the license is issued, the right becomes appurtenant to the property and your client could only show ownership of the right by having ownership of the land. While the right is still a permit, he at least would have the option to move it elsewhere, within certain conditions, if BLM did not rule in his favor.

If you have any further questions, please let me know.

Sincerely,

  
JIM JOHNSON  
Water Rights Supervisor

JJ:sc  
Enclosure

**RECORDED**

JUN 28 1988



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

September 17, 1987

Sherl Chapman  
410 S. Orchard, Suite 144  
Boise, ID 83705

Dear Sherl:

Enclosed is a list of deficiencies which were found on the field exam that need to be corrected before a license is issued on the above referenced permit. The numbers above each item refer to the Department's Rules and Regulations.

A. 5,1,3.

Need: the make, capacity, serial number and model of pump(s) used to divert water from the source (Snake River) and of the pump(s) diverting water from the main canal to second canal.

5,1,4.

Need a description of inter-connection of water used under this permit with other water rights. Example, 1) identify all water rights using the same point of diversion from the Snake River diverting water into the main canal. 2) identify all the water rights using the point of diversion described at the pump station diverting water to the distribution system, 3) describe all the water rights that divert water from the second canal between the discharge into the second canal and the pumping station at the point of distribution.

### INFORMATION REQUIRED ON THE BENEFICIAL USE REPORT

#### B. Overlap Review

Item 2 - Show other water rights using same point of diversion at:  
1) Snake River, 2) main canal to second canal, 3) point of distribution.

#### C. System Description

Item 1 - Need more complete description of all major components. Examples - size and capacity of main canal and second canal; size of pipes, number of sprinkler heads per line; and nozzle sizes of distribution system.

Item 4 - Need: 1) the location (legal description) of point of diversion from Snake River, 2) the location of the point of redirection from the main canal to the second canal. Note - only 40-acre tract descriptions are required. Also be sure to show government lots when applicable.

**NOT RECORDED**

**JUN 28 1988**

D. Flow Measurements

Provide measurements for:

1. Pump(s) diverting water from the source (Snake River)
2. Pump(s) diverting water from the main canal into the second canal

E. Flow Calculations

Describe method used for measurements of Items 1 & 2 above

Include alternate method of measurement used to verify accuracy of measurement, for all points of diversion.

Remarks & Overlap Review Analysis

Information is required on how much water is appropriated under this permit for the land identified as irrigated. Example: Determine if new water is appropriated for lands irrigated or if the lands are irrigated from water diverted under the existing water rights using the diversion system(s).

In other words, is the additional land under the permit irrigated without increasing the rate of diversion used to fill existing water rights? To determine this, the sum of existing water rights at the point of diversion is compared to the rate of diversion measured or capacity of the diverting system. If the sum of water rights, excluding the right being examined, is greater than the capacity of the point of diversion(s), then special conditions need to be put on the licensed right. Enclosed is a copy of conditions that are commonly used.

Please return the completed exam with the requested information within 30 days. If you have any questions, let me know.

Sincerely,



JIM JOHNSON  
Water Rights Supervisor

JJ:sc

**MICROFILMED**

JUN 28 1988

**Ringert, Clark, Harrington, Reid, Christenson & Kaufman**

CHARTERED  
LAWYERS

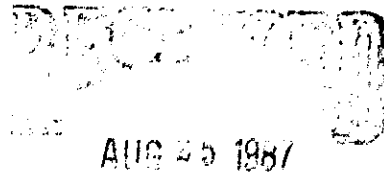
WILLIAM F. RINGERT  
D. BLAIR CLARK  
ANDREW M. HARRINGTON  
JAMES G. REID  
JEFFREY R. CHRISTENSON  
JAMES P. KAUFMAN  
MICHAEL J. GAFFNEY  
LAURA E. BURRIS  
LEA C. ADAMS

SAMUEL KAUFMAN (1921-1986)

August 24, 1987

599 WEST BANNOCK STREET  
P.O. BOX 2773  
BOISE, IDAHO 83701  
TELEPHONE (208) 342-4561

Mr. Jim Johnson  
Water Rights Supervisor  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720



Department of Water Resources

Re: James M. Mills  
Permit No. 02-7132

Dear Jim:

This letter is a follow-up to our telephone discussion of Friday, August 21, 1987, regarding Sherl Chapman's request that the Department expedite its review of the field examination for purposes of licensing Mr. Mills' water rights under Permit No. 02-7132.

As I indicated in our telephone discussion, I think there is a misunderstanding as to the history and status of Mr. Mills' desert land entry. Your letter indicates that the file shows that the DLE application was rejected by the BLM. What actually happened was that the application for the DLE was allowed, Mr. Mills took possession, installed the irrigation system and irrigated the land, and then submitted final proof to the BLM. The BLM rejected the final proof because of its theory that Mr. Mills had no adequate water right for the DLE and that he was actually taking water that was licensed for his adjacent private land and was using that water to irrigate the land in the DLE. On that basis, the BLM cancelled the desert land entry, and the cancellation was upheld by an Administrative Law Judge and by the Interior Board of Land Appeals.

At the present time, Mr. Mills is "renting" the land from the BLM and is seeking equitable adjudication before the Interior Board of Land Appeals.

**MICROFILMED**

JUN 28 1988

RECEIVED  
AUG 25 1987

Mr. Jim Johnson  
August 24, 1987  
Page Two

Department of Water Resources

Because the DLE had been allowed at the time the development work took place and at the time the water was applied to beneficial use, this situation is not the same as one in which a party having no interest or right of possession has attempted to initiate a water right in trespass. Following allowance of the DLE, Mr. Mills was entitled to possession and all the necessary work to perfect the water right took place prior to the time the BLM cancelled the DLE. The right to receive a license became vested when the water was applied to beneficial use, and any activity by the BLM after that date should not have any effect on the status of the water right.

As I indicated in our telephone conversation, there is no statutory authority for rejecting proof of beneficial use and refusing to issue a license on the grounds that a desert land entry has been cancelled after the water right has been perfected by diversion and application to beneficial use in accordance with a valid permit.

Based on the foregoing, I request, on behalf of Mr. Mills, that the license for his water right be issued as soon as Mr. Chapman has resolved to your satisfaction the three or four items that were omitted on the field report.

The administrative proceedings before the BLM and the Interior Board of Land Appeals have been long and expensive for Mr. Mills. One of the essential elements of his present request for equitable adjudication is the existence of a permanent water right, and I do not feel that we can make a proper final presentation to the Board until this license matter is resolved. Therefore, could you please give me some estimate of the time that will be required for the Department to resolve this matter.

Yours very truly,



W. F. Ringert

WFR:am  
cc: James M. Mills  
Sherl Chapman

MICROFILMED

JUN 28 1988



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

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

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

August 13, 1987

RE: Permit No. 02-7132

Sherl Chapman  
410 S. Orchard, Suite 144  
Boise, ID 83705

Dear Sherl:

I understand that you have requested the Department to expedite the review of the field exam for purpose of license issuance on the above referenced permit.

I have reviewed the permit file and find that the DLE application that this water right was filed in connection with has been rejected by BLM. I also understand that the BLM decision is on appeal.

There are three or four items that have been omitted on the field report that prevent further review at this time. However, rather than pursue that course now, it appears that the issue of the permit holder obtaining the BLM approval is a prerequisite.

If the permit holder does not obtain land ownership, a water right license will not be issued under this permit. Therefore, we do not contemplate taking any further action on licensing this permit until the appeal is resolved.

If there is additional information which you believe would affect this position, please let me know.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

cc: James Mills  
John Carlson

**MICROFILMED**

JUN 28 1988

INTER-DEPARTMENT MEMO — 1

DATE

FROM

Jin D.

TO

JC

SUBJECT

BLM. Record Dept. 334-1414

Larry Kiersay State office decision on DLE's 334-1735

Bureau Answer Area Pete Cizmich <sup>9229</sup> 334-9228

or

Dennis Hoyer 9312

CALLER / CARRIAGE

9026

SIGNATURE

# Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

RECEIVED

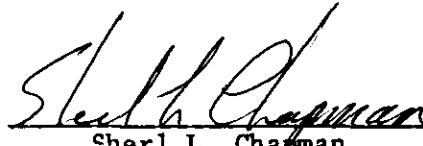
JUL 01 1987

Mr. A. Kenneth Dunn, Director  
Idaho Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Department of Water Resources

Dear Mr. Dunn:

I hereby verify that I have been retained to conduct the water  
right examination for water right permit # 02-7132 in accordance  
with the laws and regulations of the State of Idaho.

  
Sherl L. Chapman

Dated: 6/9/87

MICROFILMED

JUN 28 1988

RECEIVED

JUN 9 1987

Department of Water Resources  
Western Regional Office

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

4/86

RECEIVED

JUL 01 1987

STATE OF IDAHO  
Department of Water Resources  
DEPARTMENT OF WATER RESOURCES  
EXAMINATION FEE INFORMATION

For Office Use Only  
Fee Received \_\_\_\_\_  
Date \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Receipt by \_\_\_\_\_  
Sent to S.O. \_\_\_\_\_

RECEIVED

JUN 9 1987

1. Permit No. 02-7132

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE. Department of Water Resources  
Western Regional Office

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: JAMES M. MILLS

3. Post Office Address: HC 85 BOX 141-A-2 BLUNEAU, ID 83604

Telephone No. 845-2903

4. Source of Water: \_\_\_\_\_

5. Extent of Use: \_\_\_\_\_

Domestic \_\_\_\_\_ (No. of households) Stockwater \_\_\_\_\_ (No. and type of stock)

Irrigation 320 (acres) Other/Remark \_\_\_\_\_

6. Total rate &/or volume for which proof is submitted 6.4 cfs \_\_\_\_\_ acre-feet

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

1979

8. Person to contact to accompany the department representative during the field examination:

MICROFILMED

(Name)

JUN 28 1988

(Address)

(Telephone Number)

☒ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6/5/87  
Date

James M. Mills  
Signature of Permit Holder (and title, if appropriate)



Cecil D. Andrus  
Governor

State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Western Region

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

02-7132  
MILLS, JAMES M.  
GENERAL DELIVERY  
BRUNEAU, ID 83604

138009

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

**MICROFILMED**

JUN 28 1988

INTER-DEPARTMENT MEMO — 1

DATE 4/13/87

FROM

John C.

TO

John, Jr.

SUBJECT

02-7132

I-5507 Entry was cancelled 2/13/87 for failure to irrigate (develop an irrigation system).

On 4/9/87 the filed was sent to the IBLA (Interior Board of Land Appeals.)

Let's hold until IBLA makes decision, 30-90 days? although he could still appeal to the courts if decision not in his favor.

Conversation with Virginia BLM State Office would help.

SIGNATURE



IN REPLY  
REFER TO:

2520  
I-5507

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Boise District Office  
3948 Development Avenue  
Boise, Idaho 83705

NOV 10 1982

Department of Water Resources

NOV 9 1982

02-7132

Mr. John Carlson  
Idaho Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Dear John:

This letter is the result of our recent discussion about a water claim made by James Mills in connection with Desert Land Entry I-5507.

The subject land is still in public ownership. Contest proceedings are under way to establish whether or not this entryman complied with the Desert Land Act.

The most prudent option would be to suspend action on this water right until the ultimate ownership of the land is determined. This issue should be cleared up in the coming months.

We will keep you informed of any developments in this situation.

Sincerely yours,

*Ron L. Grant*

Ron L. Grant  
Realty Specialist

**MICROFILMED**

IDENT. N. 02-7132

WATER RIGHT  
DATA ENTRY LOG

[illegible]

# 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. 02-7132

Name(s) of Permit Holder: James H. Miller

Post Office Address: General Delivery Bureau

93604 Tel. No. 845-2903

Source of Water: \_\_\_\_\_

Extent of Use: ☐ Domestic \_\_\_\_\_ (number of households)  
☐ Stockwater \_\_\_\_\_ (number and type of stock)  
☒ Irrigation 320 (acres)  
☐ Other \_\_\_\_\_

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

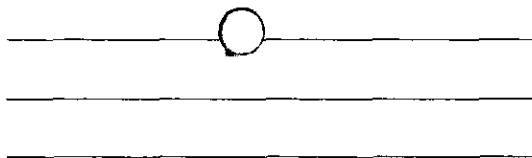
Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

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

4/27/82  
Date

[Signature]  
Signature of Permit Holder

RECORDED



PLACE  
TEN CENT  
STAMP  
HERE



RECEIVED

APR 29 1982

Department of Water Resources

RECEIVED

APR 27 1982

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

Department of Water Resources  
Western Regional Office



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

(Office at the corner of  
Franklin and Cole Roads)

A. Kenneth Dunn

Director

(208) 334-2190

July 19, 1982

James M. Mills  
Garden Valley, Idaho 83622

RE: 02-7132

Dear Mr. Mills:

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

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

\_\_\_\_\_.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

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

Sincerely,

*Judy Pense*

Judy Pense  
Secretary

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

-----

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

#138264

MILLS, JAMES M.  
GARDEN VALLEY, ID 83622

FEBRUARY 28, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 02-7132 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK  
SR. SECRETARY

ENC: 1

MICROFILMED

April 28, 1980

James M. Mills  
Garden Valley, ID 83622

Dear Mr. Mills:

Re: Permit No. 02-7132

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to May 1, 1982.

Sincerely,

JAN GROVER  
Water Rights Supervisor

JG:rf

Enclosure



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS  
Governor

C. STEPHEN ALLRED  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 384-2215

February 28, 1980

James M. Mills  
Garden Valley,  
Idaho 83622

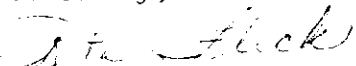
Dear Mr. Mills:

One of the conditions of approval of your water Permit No. 02-7132 was that evidence of the extent of development must be submitted to this office on or before May 1, 1980. (See last page of your approved permit). Enclosed is a post card which may be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use post card or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect within 60 days.

Sincerely,

  
RITA FLECK  
Sr. Secretary

Enc: 1

101717



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS  
Governor

C. STEPHEN ALLRED  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 384-2215

September 24, 1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

DAVID R. TUTHILL, JR.  
Supervisor, Water Allocations Section

DRT:lr

Enclosures

Northern Region Office  
Rt. #5, Box 203 Government Way  
Coeur d'Alene, Idaho 83814

Eastern Region Office  
1515 Lincoln Street  
Idaho Falls, Idaho 83401

Southern Region Office  
1041 Blue Lake Blvd. North  
Twin Falls, Idaho 83301

Western Region Office  
92 S. Cole Road  
Boise, Idaho 83705

MICROFILMED



IN REPLY REFER TO:

# United States Department of the Interior

I-5507 (943)

BUREAU OF LAND MANAGEMENT  
Idaho State Office  
Boise, Idaho

## NOTICE OF ALLOWANCE

James M. Mills  
Garden Valley, Idaho 83622

Serial No. I-5507 320.00 Acres

T. 6 S., R. 4 E., Boise Meridian, Idaho  
Sec. 25, ~~W&SW~~, ~~SE&SW~~, ~~S&SW~~;  
Sec. 26, ~~SE&SW~~, ~~E&SW~~.

Your desert land application for the above-described land has this day been approved and allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. The acceptability of final proof is contingent upon substantial compliance with the requirements of the Desert Land Act and appropriate rules and regulations in addition to development and reclamation of the land basically in accordance with your plan of development which is on file in the Idaho State Office. Further, your final proof must show that you have in good faith, substantially reclaimed, irrigated and cultivated all of the land in your entry. Any substantial change in source of water or deviation in the construction of the irrigation facilities must have the prior approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 300.00 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Subject to the Acts of July 17, 1914 and December 24, 1970 which will require the reservation of all oil and gas deposits and geothermal resources to the United States.

Also subject to Rights-of-Way I-013448 and I-4243 issued to Idaho Power Company for powerlines and Right-of-Way I-013847 issued to J. C. Kohring for an irrigation canal.

Also subject to the condition that at the time of final proof additional evidence may be required to show how the common water delivery system, upon which the allowance of this entry is premised, is both operated and maintained.

IN WITNESS WHEREOF, I have hereunto set  
my hand and seal this 11th day of  
July, 19 75.

cc: State Dept. of Water Resources

*Thomas E. [Signature]*

This water Right is Diverted from  
C.J. Strike Res. vs. Snake River

AOR  
by order of  
BDF

May 12, 1975

Re: Permit No. 02-7132

Mr. James M. Mills  
Garden Valley,  
Idaho 83622

Dear Mr. Mills:

Enclosed is a copy of your approved Application for Permit No. 02-7132 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Enclosures

cc: Idaho Land & Appraisal



# United States Department of the Interior

RECEIVED  
IN REPLY REFER TO  
MAY 1  
I-5507 (943)  
Department of Water Resources

BUREAU OF LAND MANAGEMENT  
Idaho State Office  
Room 398, Federal Building  
550 W. Fort Street  
P. O. Box 042  
Boise, Idaho 83724

April 29, 1975

Mr. Keith Higginson, Director  
Idaho Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Dear Mr. Higginson:

On November 27, 1973, Mr. James M. Mills of Garden Valley filed application for a water permit (02-7132) which involves lands in his desert land application, I-5507.

By letter dated December 24, 1973 you advised Mr. Mills that your office would not take any action on his application until you receive evidence in writing that the land has been classified as suitable for desert entry.

This is to inform you that the lands in Mr. Mills' desert land application have been classified as suitable for entry under the Desert Land Act and you are requested to initiate further action on his water permit application. We would appreciate receiving a copy of the approved permit when and if it is issued.

Sincerely yours,

*Vincent S. Strobel*

Vincent S. Strobel, Chief  
Branch of L&M Operations



*Save Energy and You Serve America!*

C  
December 24, 1973

James M. Mills  
Garden Valley, ID 83622

O  
Re: Application for Permit No. 02-7132

P  
Dear Mr. Mills:

Please be advised that your application for permit has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, the Department of Water Administration will take no further action until such time as we receive evidence in writing that this land has been classified as suitable for desert entry.

Please contact us if we may be of further assistance.

Sincerely,

Y  
ROBERT W. HAMILTON  
Supervisor of Water Distribution

RWH:def

CC: Idaho Land & Appraisal Service  
Bureau of Land Management  
(D. E. #I-5507)

C December 4, 1973

O Vincent S. Strobel  
Branch of L&M Operations  
Bureau of Land Management  
Room 398, Federal Bldg.  
550 West Fort Street  
Boise, Idaho 83702

Re: Application for Permit No. 02-7132 - James M. Mills  
D. E. #I-5507

P Dear Mr. Strobel:

We wish to advise you that the above referenced application has been filed with our office in connection with a Desert Land Entry on the following lands:

W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 25  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 26  
Twp. 6 S., Rge. 4 E., B.M.

Y If we can be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.  
Western District Engineer

KHF:def

W-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

Statehouse Annex 2  
Boise, Idaho 83707  
(208) 384-2215  
Western District Office



Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection

November 30, 1973

Owyhee Nugget  
Marsing, Idaho 83639

Re: Application for Permit No. 02-7132 - James M. Mills

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(signature of claimant)

Sincerely,

Bill submitted 12-18-73 ef

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JAMES M. MILLS, Garden Valley, ID

has on Nov. 27, 1973 submitted Application No. 02-7132  
for a permit to appropriate 6.4 cubic feet per second ~~XXXX feet~~  
~~per annum~~ of water from Snake River, trib. to Columbia River  
by means of pump stations, penstock, open ditches  
within the SE 1/4 S. 3, T. 6 S., R. 5 E., B.M., Owyhee County

to be used from MARCH 1 to October 15  
for irrigation of 320 acres

within the W 1/2 SW 1/4, SE 1/2 SW 1/4, <sup>5 1/2</sup> SE 1/4, Sec. 25, SE 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 26,  
T. 6 S., R. 4 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before December 24, 1973.

R. KEITH HIGGINSON

Director

Published in the Owyhee Nuggett, Marsing, Idaho  
on ~~XXXX~~ Dec. 6, 1973 and Dec. 13, 1973.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**  
**WESTERN DISTRICT OFFICE**



Cecil D. Andrus  
*Governor*  
R. Keith Higginson  
*Director*

614 State Street  
Statehouse — Annex 2  
Boise, Idaho 83707  
(208) 384-2190

Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection  
Geothermal Resources

November 30, 1973

James M. Mills  
Garden Valley, ID 83622

Re: Application for Permit No. 02-7132 - James M. Mills

Dear Mr. Mills

Enclosed is your Receipt No. 13376 in the amount of \$ 85.00 for

Application for Permit No. 02-7132 which was received in this office

on November 27, 1973.

Sincerely,

DEANNA E. FELDT  
Secretary

DEF:d

Enclosure

RECORDED  
INDEXED

# Idaho Land & Appraisal Service

BOISE, IDAHO 83701

Real Estate Appraisers & Counselors  
Land Management

MERVIN J. CHRISTENSEN  
ROBERT W. SMITH

November 26, 1973

633 N. 4TH  
P. O. BOX 1603  
208-344-2547

Mr. R. Keith Higginson  
Director  
Department of Water Administration  
Statehouse - Annex 2  
Boise, Idaho 83707

RE: Application for permit - James M. Mills

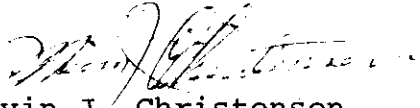
Dear Mr. Higginson:

Enclosed herewith is an application for water permit in the name of James M. Mills, Power of Attorney naming Idaho Land & Appraisal Service, and a check in the amount of \$85.00 to cover the fee for 6.4 cfs.

If you require any further information, please let us know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

  
Mervin J. Christensen

ls

encl