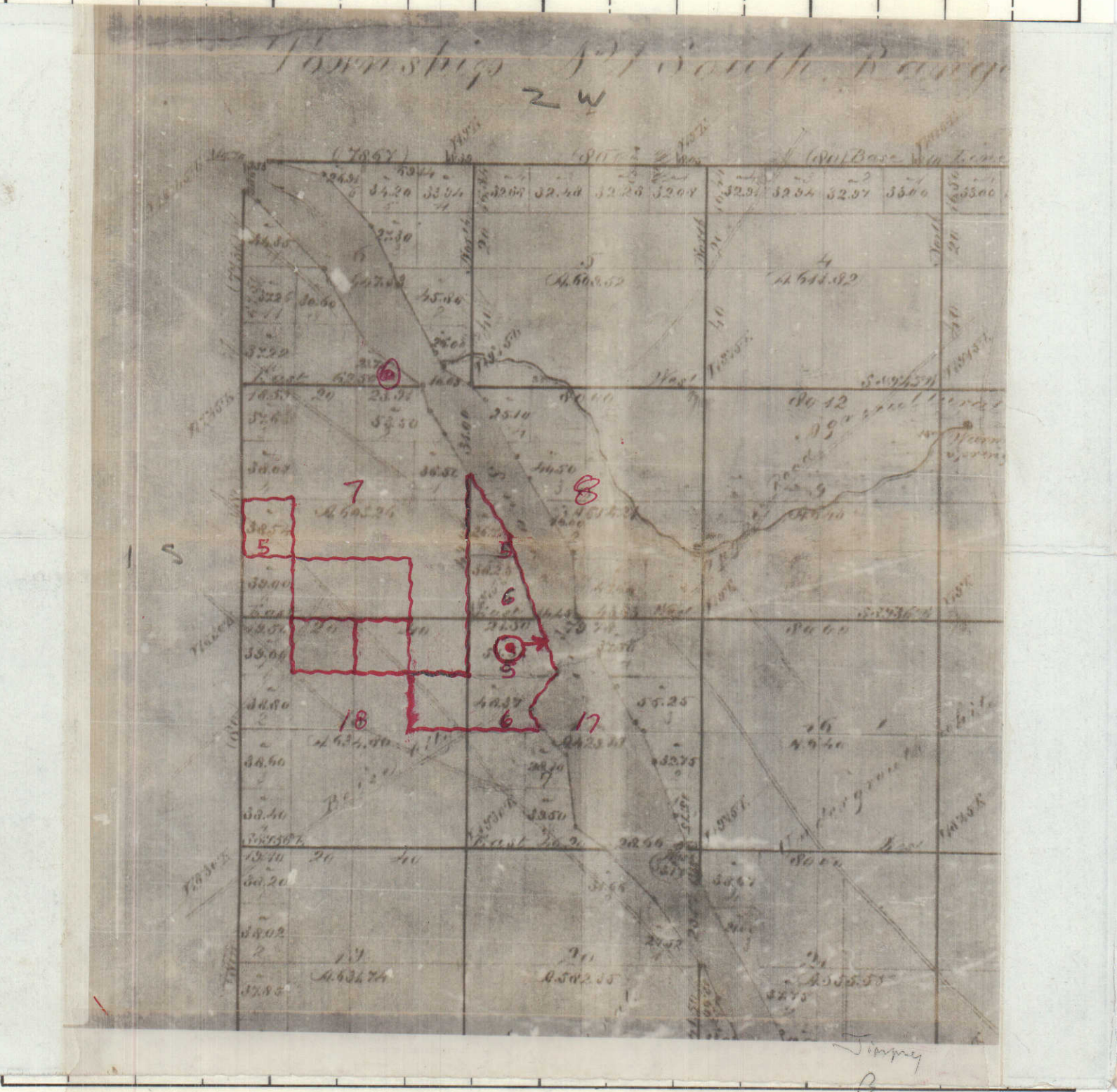


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

(Applicant)

A General Partner

2 7091

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 27 day of Jan., 1972, and the last publication being on the 3 day of Feb., 1972;

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 3 day of Feb., 1972.

Lorna S. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

RECEIVED

FEB 7 1972

Department of Water Administration

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Muller Brothers Farm, a General Partnership, Star Route, Melba, Idaho, has on January 7, 1972, submitted Application No. 02 - 7091 for a permit to appropriate 3.8 cubic feet per second of water from Snake River by means of pumps, motors and pipelines within Lot 5, Sec. 17; Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 6, T. 1 S., R. 2 W., B. M., Owyhee County, to be used from March 15 to November 15 for the irrigation of 410 acres within Lots 5 & 6, Sec. 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18; Lots 5 & 6, Sec. 17, T. 1 S., R. 2 W., 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 February 14, 1972.

R. KEITH HIGGINSON,
Director

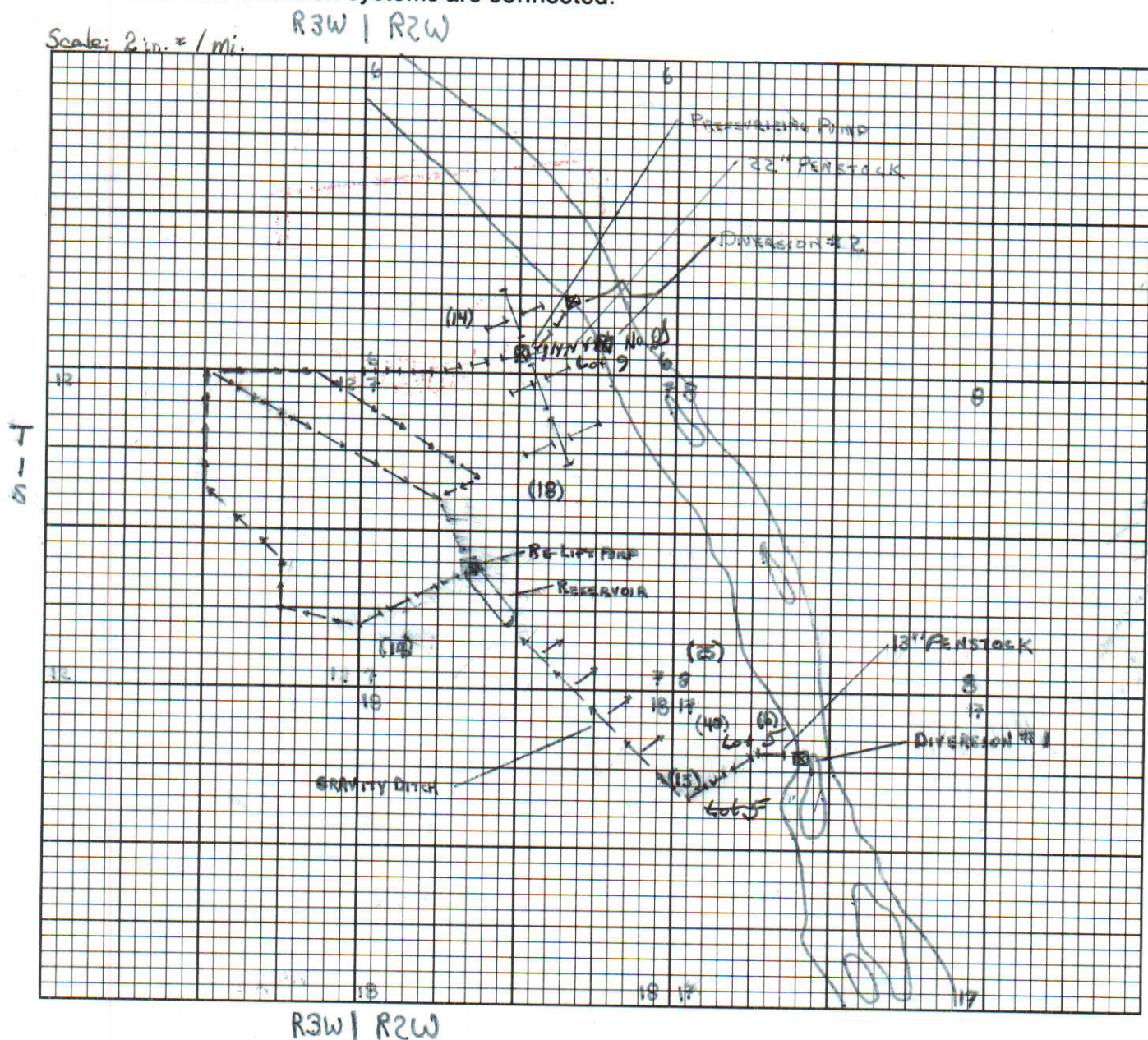
Published in the Owyhee Nugget, Marsing, Idaho on January 27th and February 3rd, 1972.

2 7091

10. Other water rights on these lands 02-2439, 02-2399, 57-0277, & 57-1008

11. Other water right diverted from same p.d. 02-2439 & 02-2399

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

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

14. Remarks OTHER SNAKE R. RTS. 02-2439 & 02-2399 WHEN LICENSED WERE POORLY APPLIED AS FAR AS ASSIGNING DUTIES & DETERMINING DIVERSION RATE OF ONE INCH TO ACRE. APPLICANT WAS DISSATISFIED WITH ACREAGE ALLOTTED PER LETTER 7/29/1985. AGENT JOHN NOYES OBTAINED NEW ASSCS MAPS & MADE NEW FIELD EXAMS OF IRRIGATED ACREAGE SUBSEQUENTLY. THE ABOVE PATTERN OF ACREAGE TO GO WITH REVISED ACREAGES ON RECOMMENDATIONS FOR RTS. 02-2439 & 02-2399 HOPEFULLY WILL SATISFY THE RATES & DUTIES OF THE APPLICANT. ALTHOUGH THE INDIVIDUAL ACRES BENEFICIALLY APPLIED WITH WATER FROM THIS RIGHT DO NOT RECEIVE WATER FROM RTS. 02-2439 & 02-2399, SINCE THE WATERS FLOW THROUGH THE COMMON SYSTEM, IT MAY BE DESIRABLE FOR A LIMITER TO BE INCORPORATED.

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature Donna P. Lundy

Date 10/25/85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination 8/24/83, 9/12/84, & 8/16/85

Date

CONSULTANT SEAL

1AA. ACRES FOUND & RECOMMENDED
FOR FOOTE ANGUS RANCH, RIGHTS
Ø2-2439, Ø2-2399, & Ø2-7Ø91

T I S₁₃18

- $\bullet = P/D's$

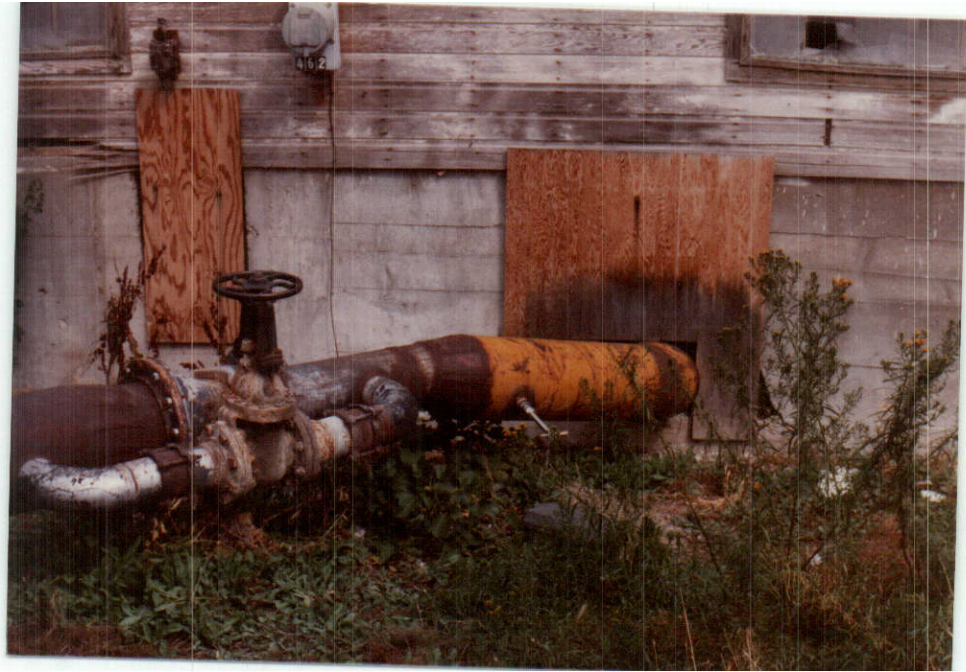
CONSERVATION PLAN MAP

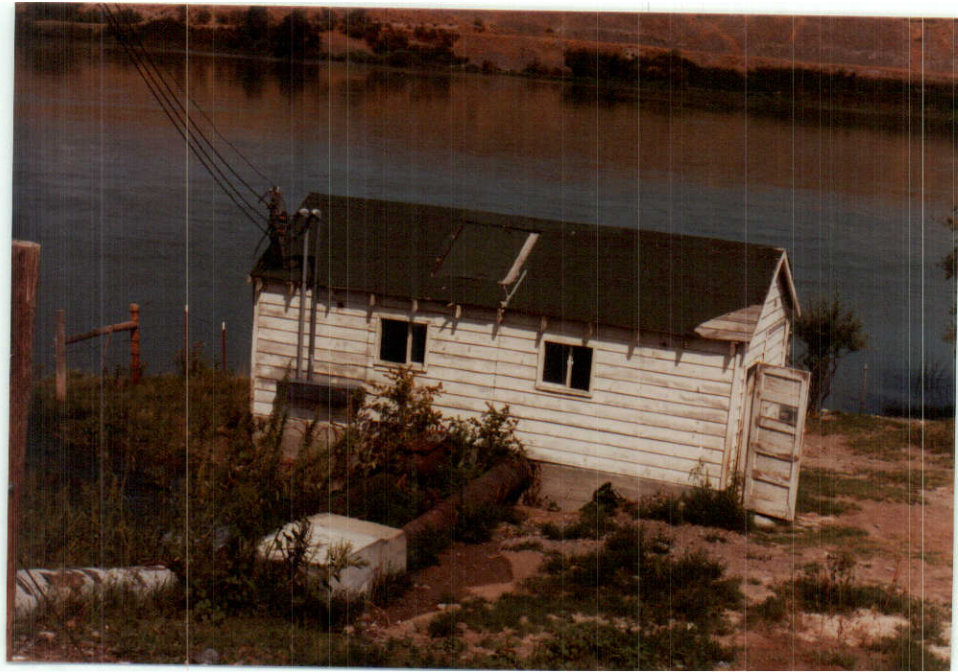
G. Foote Jr. Operator Earla G. Foote Jr.
State Idaho Date
#10 Approximate scale 8" = 1 mile
Owyhee SCD
Location Conservation
Photo number 677-173-24174
USDA Soil Conservation



JAN 03 1991





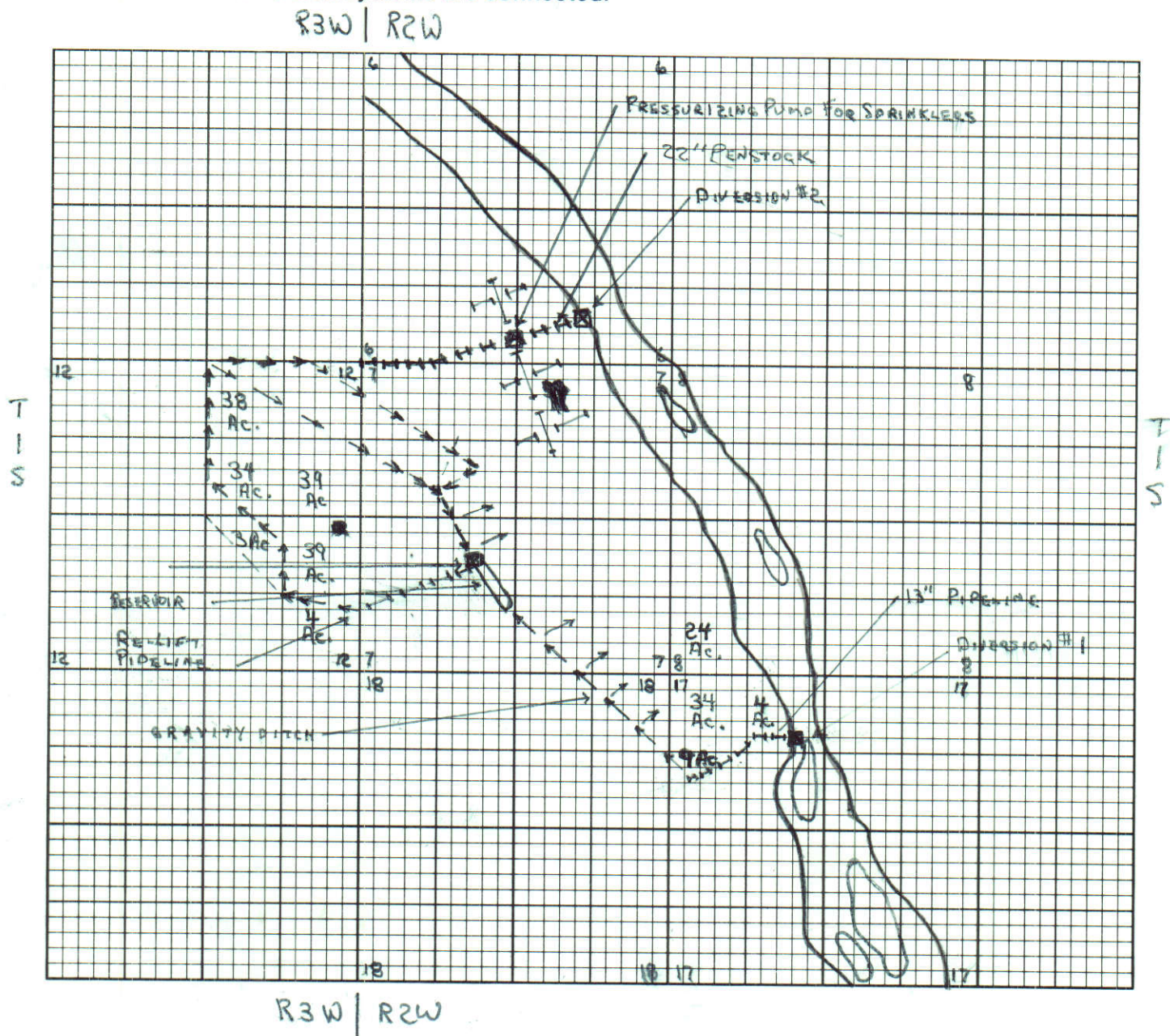




10. Other water rights on these lands 02-2439 & 02-2399 ~~XXXXXX~~ ~~XXXXXX~~ 57-0277.51-1008

11. Other water right diverted from same p.d. 02-2439-02-2399

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

- ☒ **Aerial Photo of Place of Use Attached** (LICENSE REPORT)
or Map of Irrigated Acreage Attached

14. Remarks OTHER SNAKE R. RTS., 02-2439 & 02-2399 WHEN LICENSED WERE POORLY APPLIED AS FAR AS DETERMINING A DIVERSION RATE OF ONE INCH PER ACRE. TO GO WITH THE PROPOSED RECOMMENDATIONS FOR THE SNAKE R. ADJUDICATION THE ABOVE PATTERN OF ACREAGES & 2.02 CFS DIVERSION RATE ARE RECOMMENDED FOR THIS RT. (SEE ATTCHD. SHTS FOR DUTY, ETC.) A LIMITER MAY BE NECESSARY FOR AFA/^{AF/ACR} FOR THIS RT WHEN USED IN COMBINATION WITH RTS 02-2439 AND 02-2399.

- ## 15. Recommended Amendments

- ☐
- Change P.D. as reflected above

- ☐
- Add P.D. as reflected above

- ☐
- None

- ☒
- Change P.U. as reflected above

- ☐
- Add P.U. as reflected above

- ☐
- Other

16. Examiner's/Consultant's Signature Donna K. Kirby Date 10/14/04

Consultant's License Number

IDWR Director's Authorization to Conduct

Beneficial Use Examination 8/24/83 49/12/8

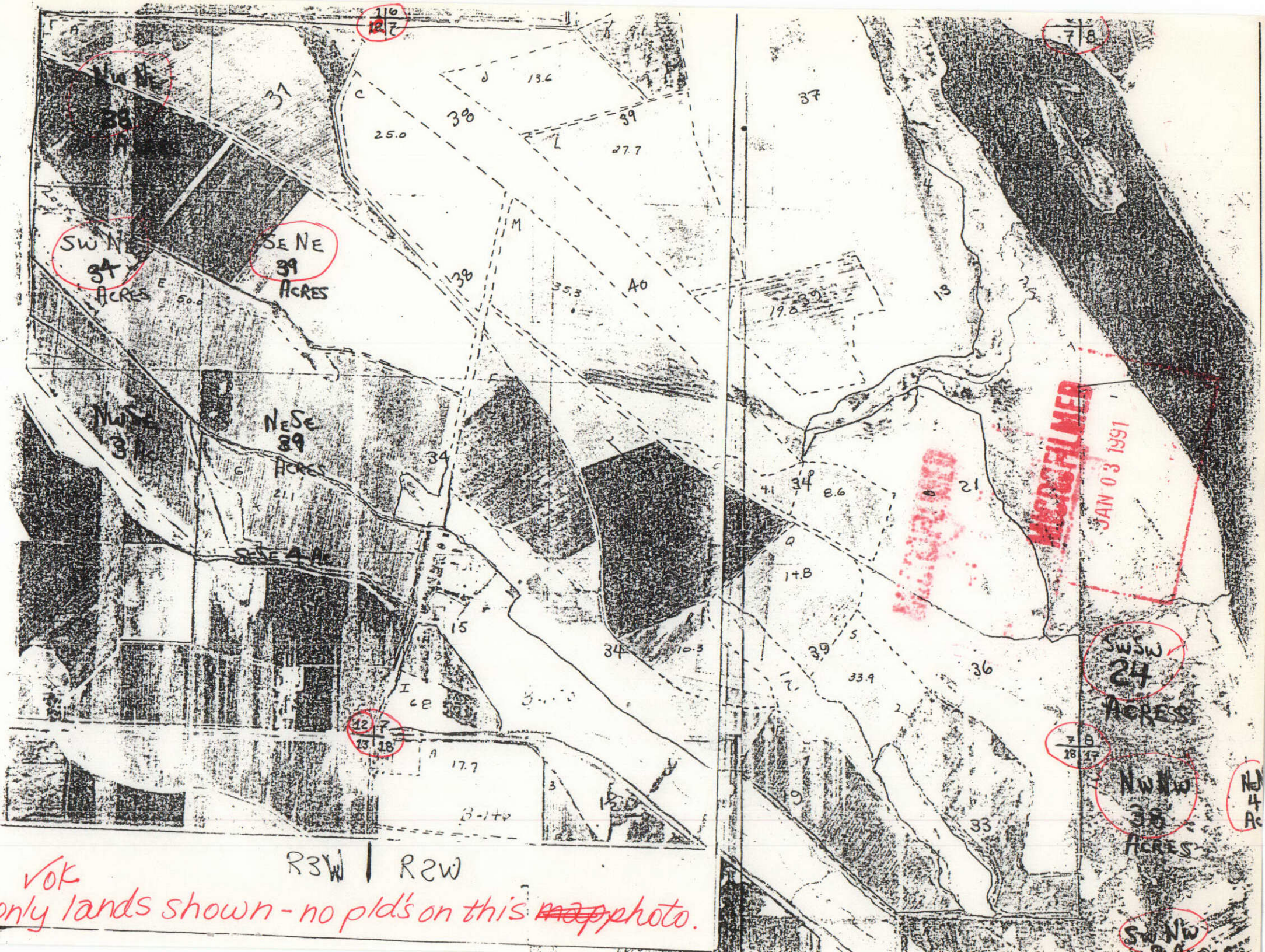
Date _____

CONSULTANT SEAL

JAN 03 1991

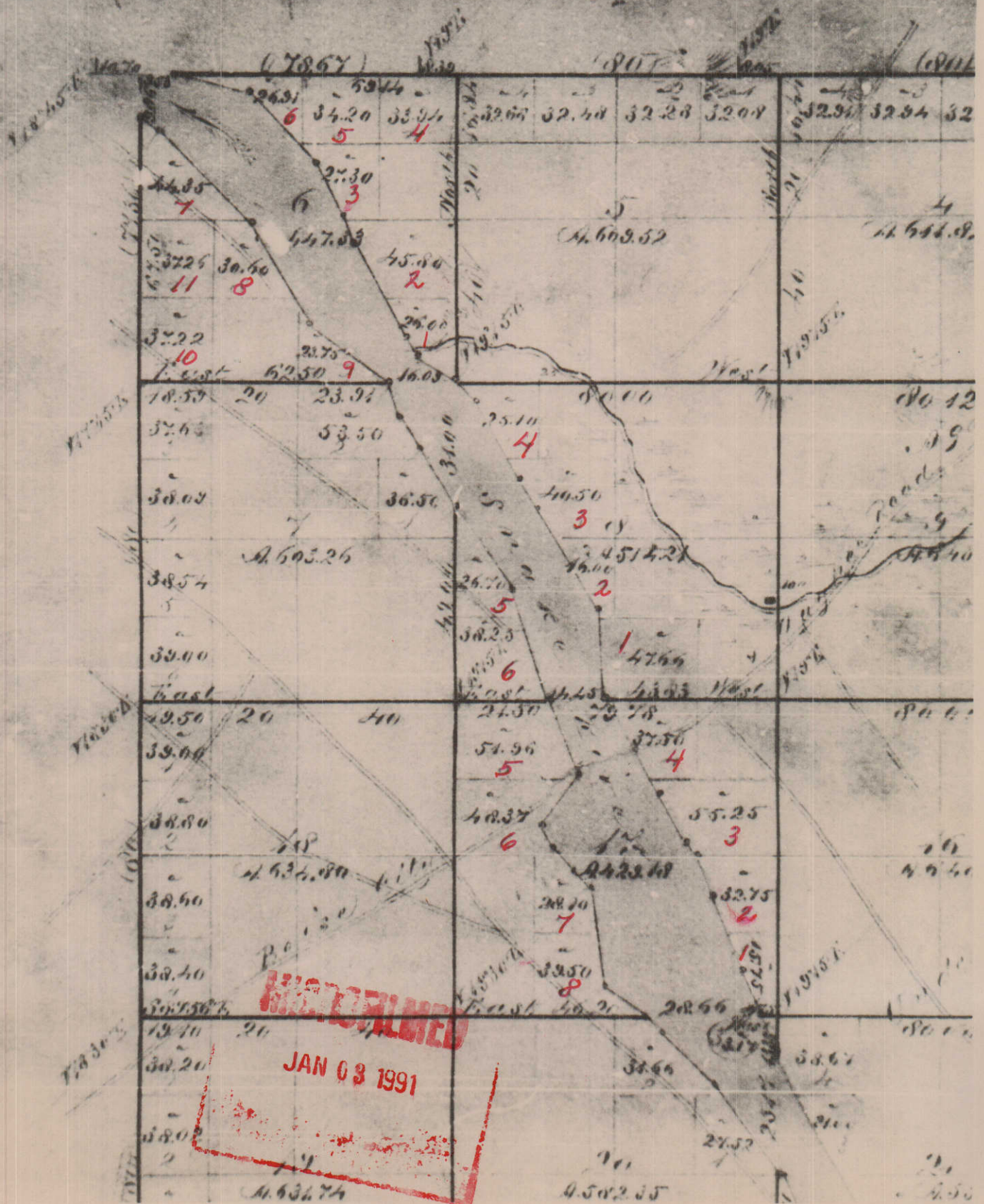
02-7091
PROP. LICENSE
IRR. ACRES

T
|
S



✓OK
only lands shown - no pld's on this map photo.

Township 42 South



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07091

Priority: January 7, 1972

Maximum Diversion Rate: 2.64 CFS
Maximum Diversion Volume:¹ 660.0 AF

This is to certify, that EARLE G. FOOTE
PATRICIA B. FOOTE

STAR RT. BOX 52
MELBA, ID 83641

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 7, 1972; and has submitted Proof of Beneficial Use on February 22, 1982. An examination indicates that the works have a diversion capacity of 17.660 cfs of water from:

SNAKE RIVER tributary to COLUMBIA RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.64 CFS	660.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 5(NENW), Sec. 17, Township 01S, Range 02W
LOT 9(SWSE), Sec. 6, Township 01S, Range 02W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	02W	6	SESW 14			14
		7	SWNE 18	LOT 6(SWSW) 14		32
		8	LOT 6(SWSW) 25			25
		17	LOT 5(NENW) 6	LOT 6(NWNW) 40	LOT 6(SWNW) 15	61
Total number of acres irrigated:						132

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

JAN 03 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07091

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20th day of December, 1990.

Acting for

R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

JAN 03 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 02-07091

RECEIVED

AUG 13 1990
APPROVED
Department of Water Resources

Date of Priority: January 7, 1972

Maximum Diversion Rate: 2.64 CFS
Maximum Diversion Volume:¹ 660.0 AF

Comes now

EARLE G. FOOTE
PATRICIA B. FOOTE

STAR RT. BOX 52
MELBA, ID 83641

and represents to the Director of the

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. 02-07091, 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>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.64 CFS	660.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 5(^{NEUW}~~SWNW~~), Sec. 17, Township 01S, Range 02W
LOT 9(SWSE), Sec. 6, Township 01S, Range 02W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	02W	6	SESW 14			14
		7	(SWNE) 18	LOT 6 SWSW 14		32
		8	LOT 6(SWSW) 25			25
		17	LOT 5(NENW) 6	LOT 6 NWNW 40	LOT 6 SWNW 15	61
Total number of acres irrigated:						132

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 Melba, this 9 day of August, 19 90.

E. G. Foote
(Signature)

MICROFILMED

JAN 63 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 02-07091

FOR DEPARTMENT USE ONLY

#C018001

Preliminary check by SC Fee = \$20.00

Received by J.D. Date 8/14/90

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. 02-07091 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

Witness my hand this 20th day of December, 1990.

Acting for

R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

JAN 03 1991

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Muller Brothers Farm, hereby assign to Earle G Foote Jr.
A Partnership
of Star Rt. Box 52 Melba Idaho
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 07-7091
to appropriate the public waters of the State of Idaho.



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

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

Made this 23rd day of February, 19 77

RECEIVED

FEB 23 1977

Department of Water Resources
Western Regional Office

By Muller Brothers Farm
A Partnership
Permit Holder Partner

By Edgar C Muller
Spouse of Permit Holder Partner

State of Idaho)
County of Bayan) ss.

On this 23rd day of February, 19 77, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Ruth Alexander
Notary Public residing at
Caldwell, Idaho

My commission expires:
May 30, 1978

Void copy

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR EXTENSION OF TIME

RECEIVED
FEB 1977

Department of Water Resources
Western Regional Office

State of Idaho)
County of ADA)

Permit No. 02-7091

Earle G. Foote Jr. of Star Rt., Box 52, Melba, ID
(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. 02-7091.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before March 1, 19 77.

That he has heretofore performed the following work described under said permit:
Pump has been installed and water has been applied to most of the land.

Costing \$

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Approximately 80 acres still need to be improved
and irrigated under the permit.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to March 1, 19 82.

Earle G. Foote Jr.
(signature) *
Subscribed and sworn before me this 28th day of Feb., 19 77.

seal

Lyle Glen Sartor
Notary Public residing at
Boise, Idaho

My commission expires 11-25-78

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 to submit proof of beneficial use be extended to
March 1, 1982. IT IS FURTHER ORDERED that the permit be reinstated as it was
inadvertently lapsed by the State Office and there be no loss of priority pursuant to
Section 42-218a of the Idaho Code.

Witness my hand this 16 day of March, 19 82.

Billy D. Flemer
for A. KENNETH DUNN
Administrator, Operations Division

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

RECEIVED

FEB 25 1976

Department of Water Resources
Western Regional Office

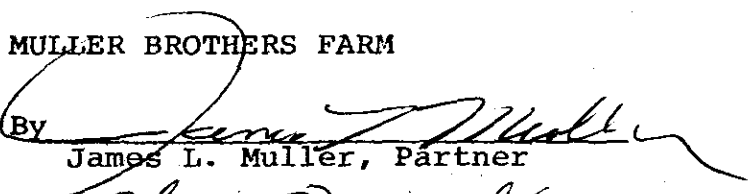
A S S I G N M E N T

KNOW ALL MEN BY THESE PRESENTS, That the undersigned,
MULLER BROTHERS FARM, a general partnership, does hereby
assign all of its right, title and interest in and to
Application for Permit No. 02-7091 to EARLE G. FOOTE and
PATRICIA B. FOOTE, husband and wife.

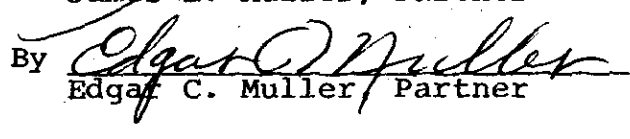
Dated this 2nd day of March, 1976.

MULLER BROTHERS FARM

By


James L. Muller, Partner

By


Edgar C. Muller, Partner

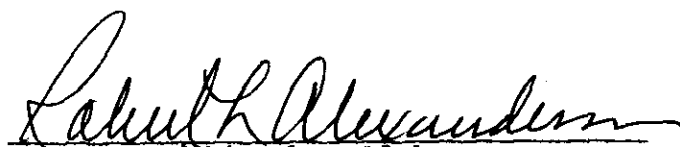
STATE OF IDAHO)

ss.

County of Canyon)

On this 2nd day of March, 1976, before me, ROBERT L.
ALEXANDERSON, a Notary Public in and for said State, personally
appeared JAMES L. MULLER and EDGAR C. MULLER, known to me
to be the partners in the partnership of Muller Brothers Farm,
and the partners who subscribed said partnership name to the
foregoing instrument, and acknowledged to me that they executed
the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.


Notary Public for Idaho
Residing at Caldwell, Idaho

MICROFILMED

ASSIGNED TO: EARLE G. & PATRICIA B. FOOTE
2-25-1977 STAR ROUTE, Box 52, MELBA, ID

Identification No. 62-7091
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 Muller Brothers Farm, a General Partnership
post office address Star Route, Melba, Idaho
2. Source of water supply SNAKE RIVER which is a tributary of Columbia
3. a. Location of point of diversion is Lot 5, 1/4 of 1/4 of Section 17 Township 1S
Range 2W B.M. Owyhee 7/26 County; additional points of diversion if any: _____
Lot 9 (SW 1/4 SE 1/4) Sec. 6, T. 1S, R. 2W, B.M.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.8 for Irrigation purpose from March 15 to Nov. 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. 3.8 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Turbine pumps, electric motors and
pipelines to place of use
- 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 _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- 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 \$ 5,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ 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: _____

7091

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	
1S	2W	8									Lot 5 30		Lot 6 40						70
		7									40		40				40		120
		18		40		40	40												120
		17					Lot 5 60		Lot 6 40										100

Total number of acres to be irrigated 410

c. Describe any other water rights used for the same purposes as described above. SE¼NE¼, Sec. 18, has about 15 inches from Reynolds Irrigation District.

9. a. Who owns the property at the point of diversion Guy Givens and Reynolds Irrigation Dist.
b. Who owns the land to be irrigated or place of use Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant has made easements with owners of land at point of diversion.

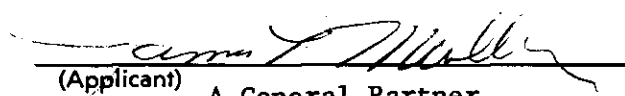
10. Remarks About 200 acres are actually irrigated from the lands listed on this application.

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.


(Applicant)

A General Partner

2 7091

Received by ef Date 1-7-72 Time 8:00 A
Preliminary check by AB Fee \$ 55.00 ~~\$54.62~~
Receipted by ef Date 1-7-72
Publication prepared by bb Date 1-20-72
Published in Owyhee Nugget
Publication dates 1-27 & 2-3-72
Publication approved CR Date 2-8-72
Priority ~~reduced to~~ 1-7-72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ROK DDF

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. 02-7091, 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 March 1, 1977.
- 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 1 day of March, 1972.

R. Keith Higgins
Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 02-7091 Name Muller Brothers Farm, a General Partnership

Source Snake River

Point of Diversion Lot 5, Sec. 17, T. 1S, R. 2W, B.M., Owyhee County

Quantity 3.8 Use Irrigation Period March 15 - Nov. 15

Quantity Use Period

Quantity Use Period

Well Size Diameter Proposed Depth Feet

Use 410 acres for irrigation

Date Forwarded 1-21-72 Date Returned 2-22-72 Received by S.B.

COMMENTS: Subject to prior rights.

RECOMMENDED:

Applied: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Maximum: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

ACTION: Approved ☒ Denied ☐

Conditions of approval or reason for denial:

INVESTIGATION

By

Paul M. Castel

Title W.R.I. - I

Date Feb. 22, 1972

2 7091

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 27 day of Jan, 1972, and the last publication being on the 3 day of Feb, 1972;

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 3 day of Feb, 1972;

Leona S. Hawes
NOTARY PUBLIC

My commission expires 1-10-72

(SEAL)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Muller Brothers Farm, a General Partnership, Star Route, Melba, Idaho, has on January 7, 1972, submitted Application No. 02 - 7091 for a permit to appropriate 3.8 cubic feet per second of water from Snake River by means of pumps, motors and pipelines within Lot 5, Sec. 17; Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 6, T. 1 S., R. 2 W., B. M., Owyhee County, to be used from March 15 to November 15 for the irrigation of 410 acres within Lots 5 & 6, Sec. 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18; Lots 5 & 6, Sec. 17, T. 1 S., R. 2 W., 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 February 14, 1972.

R. KEITH HIGGINSON,
Director

Published in the Owyhee Nugget, Marsing, Idaho on January 27th and February 3rd, 1972.

2 7091

December 24, 1990

EARLE G. FOOTE
PATRICIA B. FOOTE
STAR RT. BOX 52
MELBA, ID 83641

RE: WATER RIGHT NO. 02-07091

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your 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:blm

Enclosure

MICROFILMED

JAN 03 1991

July 16, 1990

EARLE G. FOOTE
PATRICIA B. FOOTE
STAR RT. BOX 52
MELBA, ID 83641

RE: PERMIT NO. 02-07091

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

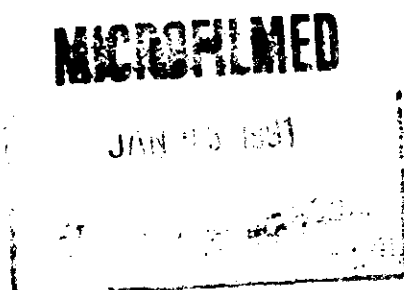
If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



MEMORANDUM

TO:FILE 02-7091

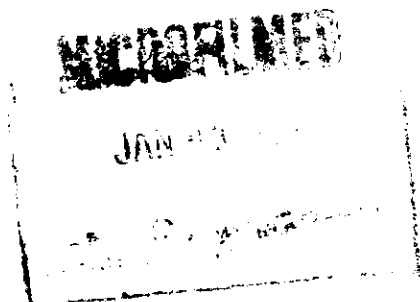
FROM:ROXANNE MCCARTHY

RE: PRE-LICENSE REVIEW

DATE: 23-MAR-1990

=====
This Permit was originally reviewed by Kay Walker in 1987.
The controversy that arose at that time is well documented in
this file.

At this point in time, I feel comfortable recommending
licensing the details as Kay found them. J. Johnson presents
the idea in his memo, dated May 12, 1987, that the changes to
the data base are not indeed "fact" until the completion of
the adjudication procedure. We should license this right as
it was found by the examiner as compared to previous licenses
as found at the time of their exams.



30 day #3

State of Idaho

ROUGH DRAFT

Department of Water Resources

WATER RIGHT LICENSE

ROUGH DRAFT

License of Water Right No. 02-7091 Priority 1-7-1972 Amount 2.64 cfs

THIS IS TO CERTIFY, that Earle G. Foote & Patricia B. Foote
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 02-7091 issued pursuant to Application for Permit dated 1-7-1972,
and has submitted proof to the Department of Water Resources on 2-22-1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 17.66 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrig.</u>	from <u>3/15</u> to <u>11/15</u>	at <u>2.64</u> cfs and	<u>660.0</u> AF
	from	cfs and	
	from	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 2.64 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
660.0 acre feet per year, said waters to be diverted within the Gov. Lot 9 (SWSE),
Sec. 6; Gov. Lot 5 (NENW), Sec. 17 in the County of Owyhee
17; Twp. 1S, Rge. 2W

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	2W	6																	14
		7				18													32
		8																	25
		17																	61

R33
R01

Total number of acres irrigated 132

MICROFILMED

JAN 03 1991

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

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

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

_____, 19 ____.

ROUGH DRAFT

Director

DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

SOURCE: SNAKE RIVER

TRIBUTARY TO: COLUMBIA RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
02-2399	FOOTE, EARLE G. FOOTE, PATRICIA B. STAR RT. BOX 52 MELBA, ID 83641	12-15-1966	Irrigation	03-15 11-15	5.00CFS	LT05 S17 T01S R02W LT09 S06 T01S R02W		LICENSE
OTHER RIGHTS: SOURCE(S) OUTSIDE BASIN								
	P/U: T01S R02W S06		SESW(25)	LT09 (SWSE)(17)				
	S07	LT02(NWNE)(38)	SWNE(21)	LT01 (SENE)(12)	NENW(39)	LT03 (NWNW)(38)	LT04(SWNW)(38)	
	SENW(39)	NESW(39)	LT05 (NWSW)(35)	LT06 (SWSW)(02)	SESW(24)	NESE(04)		
	NWSE(38)	SWSE(36)	SESE(26)					
	S18	NENE(33)	NWNE(24)	SWNE(05)	SENE(18)	NENW(02)		
	P/U: T01S R03W S12	NENE(39)	NWNE(39)	SWNE(34)	SENE(39)	NENE(39)	NWSE(03)	
	SESE(04)							

* 750 ACRES*

REMARKS: THIS WATER RIGHT PREVIOUSLY REPRESENTED BY THE LICENSE DATED 22 JAN. 1970 AND TRANSFER NO. 1779 IS NOW REPRESENTED BY THE DESCRIPTIONS ABOVE AS A RESULT OF INVESTIGATIONS IN THE PENDING ADJUDICATION STATE OF IDAHO V. A & B PLUMBING & HEATING CO. ET AL. (BASIN 02). THIS AMENDED WATER RIGHT SHALL BE USED IN ANY PROCEEDINGS THAT AFFECT OR WILL BE AFFECTED BY IT UNTIL SUCH TIME THE WATER RIGHT DESCRIPTION IS ALTERED OR CONFIRMED BY THE PROPOSED FINDING.

Authorized?

JAN 1970
RECEIVED

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
							FOUND IRRIGATED												
1S	2W	6											39			17			56
		7	1	37	39	12	39	38	38	39	39	35	16	24	4	38	36	26	461
		8											25						25
		17					6	40	15										61
		18	33	24	5	18	2												82
1S	3W	12	39	39	34	39								39	3		4		197
																			882
							02-2399 (AS DESCRIBED ON LICENSE)												
1S	2W	6											37			15			52
		7	4		39		39	38	38	40	39	34	15	34	21	34	39	36	450
		18	33	19															52
1S	3W	12	37	38	34	39								20					168
																			722
							02-2439 (AS DESCRIBED ON LICENSE)												
1S	2W	6											25						25
		7					-	-	-	-	-	-	-		40	40	40	40	
		18	-	-															
1S	3W	12	40	40	40	40								40					200
							02-7091 (AS SHOWN ON THE PERMIT)												
1S	2W	7										40	40			40			120
		8									30	40							70
		17					60	40											100
		18		40		40	40												120

Total number of acres irrigated

MICROFILMED

JAN 09 1991

LAND LIST ATTACHMENT
Review 02-7091

1/02/86
21

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			<u>FOUND</u>																
1S	2W	06												39			4.9		56
		07	1.2	2.1	1.1	1.1	3.3	4.4			4.5	4.6	2.4	4	3.8	3.6	2.6		461
		08											4.6						25
		17					4.5	4.6					2.5						61
		18	3.3	2.4	5.1	1.8	2												82
1S	3W	12	39	39	34	39								39	3		4		197
																			882
			10 cfs 02-2439 .01634 cfs/acre																
1S	2W	06												25					25
		07		1.1			4.3	4.4			4.5	4.6	2.4	4	3.8	3.6	2.6		340
		18	3.3	2.4															57
1S	3W	12	39	39	34	39								39					190
																			612 10 cfs
			5 cfs [REDACTED] .00667 cfs/acre overlap .00366 New 1.38 acres .02 cfs/acre																
1S	2W	06												25			4.9		42
		07	1.2	2.1	1.1	1.1	3.3	4.4			4.5	4.6	2.4	4	3.8	3.6	2.6		429
		18	3.3	2.4	5.1	1.8	2												82
1S	3W	12	39	39	34	39								39	3		4		197
																			750 5 cfs
			2.64 cfs 02-7091 .02 cfs/acre																
1S	2W	06												14					14
		07		1.1									4.6						32
		08											4.6						25
		17					4.5	4.6											61
		18					6.4	1.5											132 26 cfs

RECORDED

JAN 13 1981

Total number of acres irrigated

882 17 cfs

138 27 cfs
112 24 cfs

MEMORANDUM

TO: Gary, Glen

FROM: Jim

DATE: May 12, 1987

RE: Licensing of 02-7091

A couple of years ago, the State Office was requested to put priority on licensing permits using Snake River water. About 20 permits were processed into licenses pursuant to the request.

Right 02-7091 is a permit which has not yet been licensed because the field exam recommend that a license be issued which overlaps with an existing right modified by the adjudication staff.

The modified right, 02-2399, had a license issued which left out irrigated land. Therefore, the Snake River Adjudication staff modified the right and will recommend the modification when submitting the proposed findings to the court.

The reason a license for the overlapping right (02-7091) has not yet been issued is because if the license is issued based upon the modification of the existing license (02-2399), the new license will be in error until the modified license is decreed. No one knows how long this will take. The earliest estimate I have heard is 10 years.

The problem that arises is: what is the legal representation of 02-2399 in the interim period? If a transfer application was prepared, which version would legally be correct?

The opinions that I have heard are that the modified license proposed by the Snake River Adjudication is not in effect until the proposed findings are decreed.

If this is true, then the logical conclusion is that field exam recommendations should reflect existing rights as they are licensed rather than modified rights which could take years to change via court decree.

Again, if this position is correct, the field exam should be adjusted to reflect the overlap with the existing license as it is issued.

Before we attempt to make the adjustments or request the field exam to make them, we should first see what objections the adjudication people have. I understand that this topic has had considerable discussion among the staff but no decision has been made.

JAN 03 1988
MICROFILMED

Page 2

In order to get this off dead-center, perhaps a meeting between the Adjudications Chief and the Operations Chief should be scheduled so a decision can be made.

JAN 9 1957

INTER-DEPARTMENT MEMO — 1

FROM

Gary

TO

Allen

SUBJECT

OK VLS
Pls provide specific
direction (probably
written) to your
lie people on
this matter.

DATE

May 12, 1987

I object strenuously to the changing of ~~a~~ licensed water rights in the data base to accomodate adjudications. The change is an enlargement in acreage irrigated. The data base should not be changed until (1) rights ~~are~~ decreed, or (2) amended license is issued. I do not believe a meeting w/adjudications is needed.

Gary

SIGNATURE

FROM

Gary

TO

Jim

INTER-DEPARTMENT MEMO — 1

DATE

April 24, 1987

SUBJECT

You sent me these files several months ago. I don't object to licensing based on adjudication measurement. I do not believe we have authority to charge 02-239, and if it has been modified, it should be corrected.

Gary

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker *kw*

DATE March 6, 1986

TO File 02-7091

SUBJECT Overlap Review

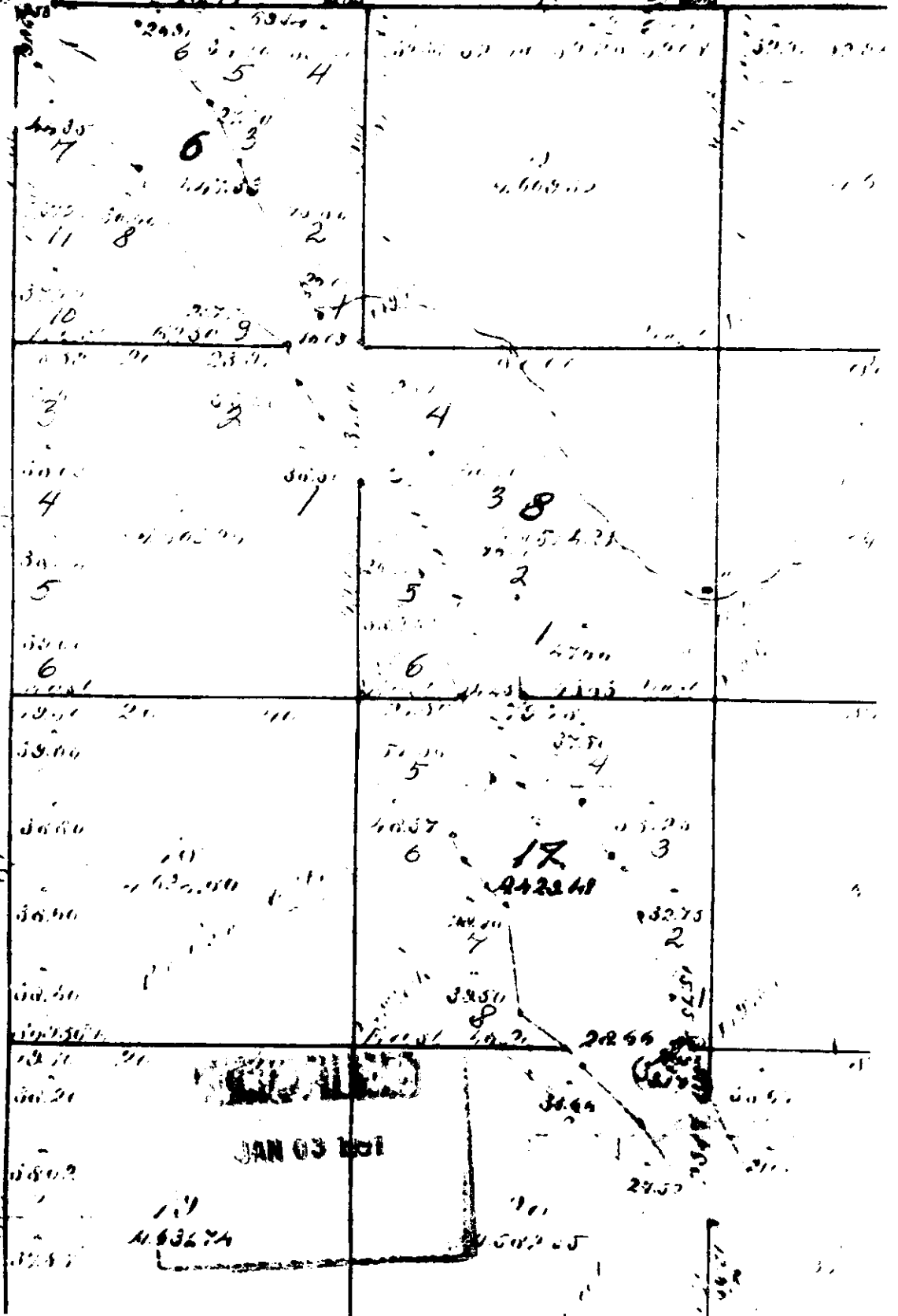
The pre-licensing overlap review of this permit was limited to that conducted by the Snake River Adjudication Staff. See their findings attached to the field report.

MICROFILMED

JAN 03 1991

SIGNATURE

Township 15 N. 10 W.



AMENDED
10/29/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

AMENDED

02-7491
Permit No.

1. Measurement Calculations

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

SEE ENCLOSED AMENDED SUPPLEMENTAL FIELD REPORT FOR ANNUAL MEASUREMENT
& B/U FIELD REPORT & ACCOMPANYING NEW SUPPORTING DOCUMENTS

RE-ALIGNMENT OF RECOMMENDATIONS FOR ADJUDICATION ON LICENSES 02-2439
& 02-2399 ALLOWS REDUCTION IN ACREAGE RECOMMENDED FOR LICENSING
OF THIS PERMIT, BUT A INCREASE IN RECOMMENDED RATE OF DIVERSION.

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R.} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 132 \text{ AC} \times 5 \text{ AF/AC} = 660 \text{ AFA} \text{ (See Remarks)} \\ V_{D.R.} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.64 \times 245 \times 1.9835 = 1282.9 \text{ (AFA)} \\ V &= \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 660 \text{ AFA} \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: 02-2439, 02-2399, 57-0277, 57-1008

- b) Other water rights with same point of diversion: 02-2439, 02-2399

- c) Analysis:

(SEE ACCOMPANYING DOCUMENTS MENTIONED REV.)

MICROFILMED

JAN 03 1991

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	02-7091	1/7/72	2.64 Cfs	1/7/72	2/23/82	17.66 Cfs ✓

4. Permit Holder: EARLE G. & PATRICIA B. FOOTE (ASSIGNEES)

Address: STAA RT., BOX 52, MELBA, ID 83641

5. Source: SNAKE RIVER ✓ tributary to COLUMBIA RIVER ✓

6. Beneficial Use: IRRIGATION ✓
 Period of Use: From 3/15 ✓ To 11/15 ✓
 Rate of Diversion: 2.64 Cfs ✓
 Annual Volume: 660 AFA ✓

Allowable Maximums: 2.64 Cfs. ✓ 660 AFA ✓

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
1	# 5	SE	NE	NW	17	01S	02W	Dwyhee
2	# 9	NW	SW	SE	06	01S	02W	Dwyhee

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	
01S	02W	06												14				14 ✓	
01S	02W	07			18								14					32 ✓	
01S	02W	08											25					25 ✓	
01S	02W	17					<u>6</u>	<u>40</u>	<u>15</u>									61 ✓	
Total Acres																	132 ✓		

9. Recommended Conditions/Remarks: RE-ALIGNMENT OF ACRES RECOMMENDED FOR ADJUDICATION CLAIMS FOR LICENSES 02-2439 & 02-2399 FROM THAT EARLIER HAS ALLOWED ELIMINATION OF THE RELATIVELY ODD DUTY FOR THIS RIGHT RECOMMENDED EARLIER. THE DUTY IS NOW A STRAIGHT-FORWARD 1" / ACRE. THE POOR WAY LICENSES 02-2439 & 02-2399 WERE EARLIER APPLIED TO THE LAND INVOLVED STILL CAUSES SOME ODD COMBINATIONS, BUT USING 02-2439 FOR THE BASE RIGHT & FILLING IN WITH 02-2399 & NOW LICENSING 02-7091 IN THE MANNER PROPOSED FURNISHES 1" / AC ON THE 882 ACRES PRESENTLY IRRIGATED. LIMITERS MAY BE DESIREABLE WHEN THIS RIGHT IS USED IN COMBINATION WITH

10. Recommended Amendments: OTHER SNAKE RIVER RIGHTS. — Use R33

☐ 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: Donna E. Smith Date: 10/29/85

Checked in Regional Office by: JAN 13 1986 Date: _____

Approved in State Office by: K. Walker Date: 3/6/86

AMENDED
10/25/85

Amenozō

02-2439 (Adj. Exam)
02-2399 (" ")
0. 02-7091 (LICENSING)

Permit No. 02-7091 (LICENSING)

Phone No. 495-2207
 Mr. Buzz Widmyer
495-2682

1. Owner: EAE & PATRICIA R. FOOTE Phone No. 495-2207
Current Address: STAR RT., MELBA, ID 83641 Rich. Mgr. BUZZ WIDMYER
495-2682
2. Accompanied by: RICH. MGR WIDMYER & ASST. RON YOSHIKANE EXAM. DATE: 8/24/83
Address: STAR RT. MELBA ID 83641 Phone No. AGV. RE-MEASURE 9/12/84
Relationship to Permit Holder: AGV. ACRES RE-EVALUATED 10/85
3. Source: SNAKE R. tributary to COLUMBIA R.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1 (LT. 7) (No No) Sec 17, T15, R22W	U.S. ELECTRIC.	75	RL32753-52- R-212-75R-MM	LAYNE & BOWLER	No 5/N 19.25" DISCHARGE
#2 (LT. 7) (SW Sec) Sec 6, T15, R22W	" "	100	1320757	BERKELEY	Mod # 20034 S/N 7723 19.25" DISCHARGE
#3 (LT. 7) (SW Sec) " " "	" "	60	3927413	VERTILINE	Mod # 14 RH S/N 013444 " "

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

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
 *1 UPSTAM. PUMP W/ APPROX. 1800' - 13" PENSTOCK INTO OPEN GRAVITY DITCH FLOWING ROUGHLY NW INTO EXCAVATED RESER. IN NEYSE OF SW. SECT. 7, T. 15 S, R. 2 W. RESER. ALSO SERVED BY TWO PUMPS & APPROX. 3000' OF 22" PENSTOCK PLUS OPEN DITCH FROM DITCH PUMP SITE *2. VARIOUS RE-LIFT & PRESSURIZING PUMPS AT STRATEGIC LOCATIONS SERVE BOTH OPEN DITCH GRAVITY & SPRINKLER IRRIGATION SYSTEMS.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
(UPSTREAM ST.) ANNUBAR	75	DIETERICH STD.	75	091439	13.250"	—
(DNSTREAM ST.) " "	75	" "	"	091451	19.250"	—
(UPSTREAM ST.) FOGGIE-EYE MIRE	—	" "	—	091476	10-30"	4/27/83
(DNSTREAM ST.) " " "	—	" "	—	091469	0-13"	" "

7. Measurements ☐ Additional data/computation sheets attached

$$Q = \frac{1.0254 \times 169 \times 3.61 \times 3.85}{449.9} = 5.37 \text{ Cfs}$$

$$\text{Dustm } 9.4" \quad Q = \frac{18466.56 \times 2.07 \times 3.05}{448.8} = 12.29 \text{ CFs}$$

17.66 CF₃ TOTAL (SEE SUPPLEMENTAL REPORT NOTES)

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

Ident #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
#1	SE	1/4	NW	17	01S	02W	TAKEN FROM: U.S. SURVEY PLAT. WALTERS BUTTE TOWNSHIP, 4 ASCS AERIALS	OWAYHEE	
#2	NW	1/4	SE	06	01S	02W	" " " " "	"	
							" " "		

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination ACCS FARM PLAN AERIALS, U-2's
FIELD EXAMS

[illegible]

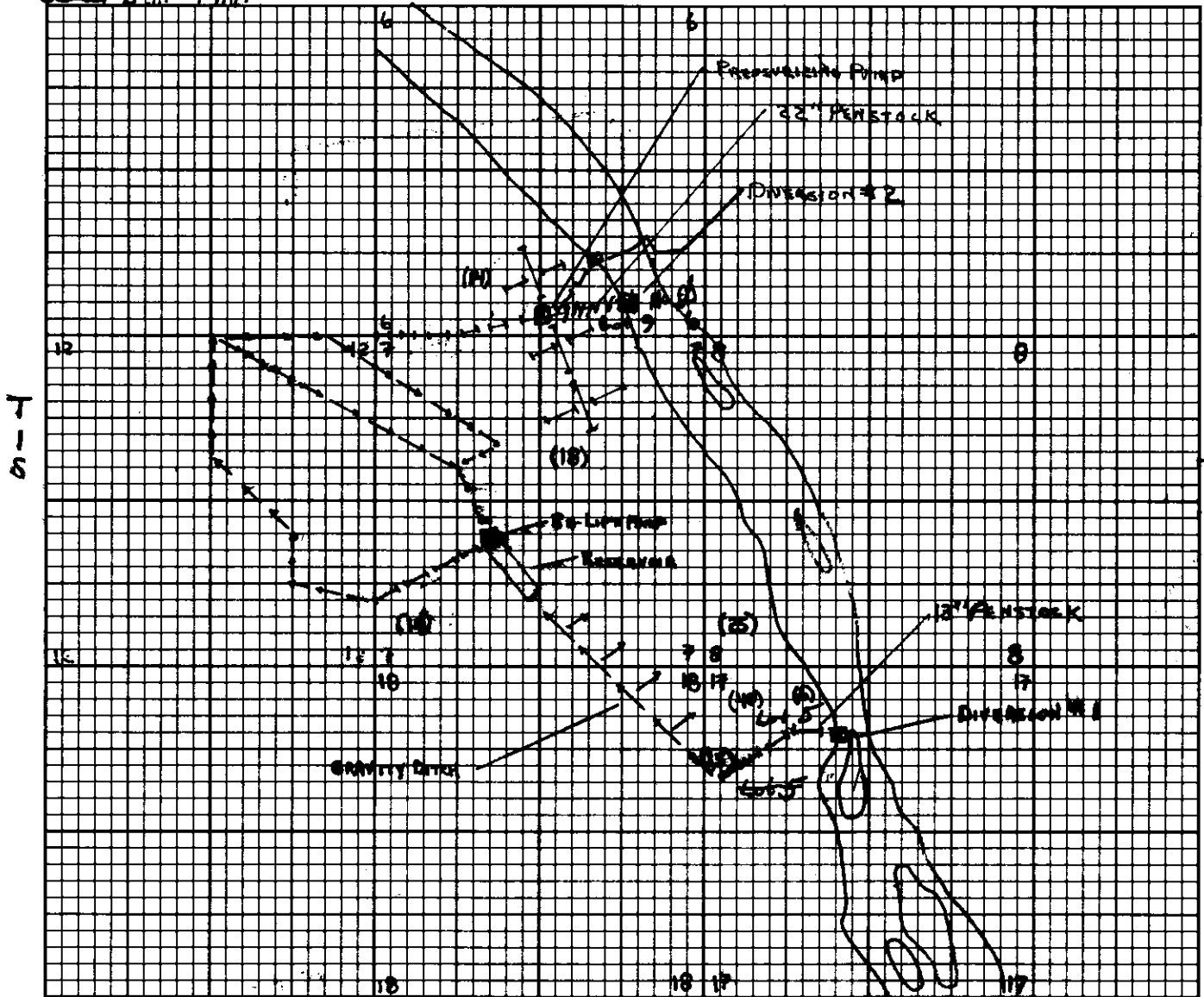
This System in COMBINATION WITH 02-2439 & 02-2399 IRRIGATES 882 ACRES Total Acres 132

10. Other water rights on these lands 02-2439, 02-2399, 57-0277, & 57-1008

11. Other water right diverted from same p.d. 02-2439 & 02-2399

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

Scale: 2 in. = 1 mi. R3W | R2W



R3W | R2W

13. ☒ Photo of Diversion & System Attached

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

14. Remarks OTHER SNAKE R. RTS. 02-2439 & 02-2399 WHEN LICENSED WERE POORLY APPLIED AS FAR AS ASSIGNING DUTIES & DETERMINING DIVERSION RATE OF ONE INCH TO ACRE. APPLICANT WAS DISSATISFIED WITH ACREAGE ALLOTTED PER LETTER 7/29/1985. AGENT JOHN NOYES OBTAINED NEW ASCS MAPS & MADE NEW FIELD EXAMS OF IRRIGATED ACREAGE SUBSEQUENTLY. THE ABOVE PATTERN OF ACREAGE TO GO WITH REVISED ACREAGES ON RECOMMENDATIONS FOR RTS. 02-2439 & 02-2399 HOPEFULLY WILL SATISFY THE RATES & DUTIES OF THE APPLICANT. ALTHOUGH THE INDIVIDUAL ACRES BENEFICIALLY APPLIED WITH WATER FROM THIS RIGHT DO NOT RECEIVE WATER FROM RTS. 02-2439 & 02-2399, SINCE THE WATERS FLOW THROUGH THE COMMON SYSTEM, IT

15. Recommended Amendments MAY BE DESIRABLE FOR A LIMITER TO BE INCORPORATED.

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature James P. Smith

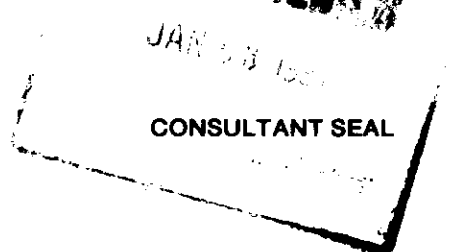
10/25/85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination 8/24/83, 9/12/84, & 8/10/85

Date



AMENDED

State of Idaho

AMENDED

DEPARTMENT OF WATER RESOURCES

SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

RE-MEASURE FOR
ADJUDICATION
LICENSING

PMT. 02-7091

Measured by: J. K. Noyes & F. E. LUTY

Date: SEPT. 12, 1984

Owner: EARLE G. & PATRICIA B. FOOTE

RE-MEASURE ON LICENSES 02-2439,
Permit No. 02-2399 & P. 02-7091 AFTER PUMP

Description of well &/or measuring site

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

DOWNSTREAM SITE - 2 PUMPS #1 - 100 HP HOLLOWSHAFT MTR. S/N 1328751 W/BERKLEY PUMP M/N 20034 S/N 7723 1/2" DISCHARGE,
#2 - 60 HP HOLLOWSHAFT MTR. S/N 3927413 W/VEITLINE PUMP M/N 14RHS/N 13444 1 1/2" DISCHARGE INTO 22.6" Q.D. PENSTOCK
LEADING TO PRESSURIZING PUMP FOR SPRINKLING SYSTEM TO OPEN DITCH TO RESERVOIR ALSO W/ PRESSURIZING PUMP FOR SPRINKLING
& RE-LIFT PUMP FOR RE-CIRCULATING GRAVITY IRRIGATION. UPSTREAM PUMP SITE 1/4 LI. SEC. 17, T. 15, R. 2W, W/ 75 HP PLS. ELECT.
RIC MTR. S/N R6327-03-541-R-212-71R-MM. PUMP, LAYNEY BOWLER, W/ 13" DISCHARGE, N/S/N, FLOWING
INTO APPROX. 1800' - 13" PENSTOCK INTO OPEN GRAVITY DITCH FLOWING ROUGHLY NW INTO EXCAVATED
RESERVOIR WHICH IS ALSO SERVED BY DOWNSTREAM PUMPS IN LT 9, SEC. 6, T. 15, R. 2W.

Measured inside diameter of pipe in inches
UPSTREAM. 13.250"

(A) DNSTRM. 21.6", SEC. 6, T. 15, R. 2W.

#091439

Size of Annubar used in test DNSTRM. 19.250"

State ID No. #091451

Model No. of Annubar Meter Used 75

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

(Model No. = 73 for 4")

DNSTRM. 0-13"

Size Eagle Eye Meter Used UPSTREAM. 10-80"

#091469

State ID No. #091476

Date of Last Calibration of Meter 4/27/83 - BOTH

UPSTREAM. 13.0"

Observed inches of H₂O read on Meter

(B) DNSTRM. 9.4"

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

#091469 - DNSTRM. = 1 @ 9.4"

(K) #091476 - UPSTREAM. = 1.026 - .3(1.026 - 1.024)
= 1.0254 @ 13"

Select C based on Annubar Model No.

If Model No. = 75, then C = 3.85

If Model No. = 73, then C = 4.14

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

$$(C) \frac{3.85}{\text{UPSTREAM.} = 5.37} = \frac{\text{DNSTRM.} = 12.29}{\text{TOTAL } 17.66 \text{ CFS}} \text{ cfs measured capacity}$$

SKETCH (If not shown on Field Report):

UPSTREAM. K = 1.0254

A² = 13² = 169

$\sqrt{B} = \sqrt{13} = 3.606$

$$\text{UPSTREAM. } \frac{1.0254 \times 169 \times 3.61 \times 3.85}{448.8} = 5.37 \text{ CFS} \checkmark$$

DNSTRM. K = 1.0

A² = 21.6² = 466.56

$\sqrt{B} = \sqrt{13} = 3.606$

JAN 63 1981

$$\text{DNSTRM. } \frac{1.0 \times 466.56 \times 3.07 \times 3.85}{448.8} = 12.29 \text{ CFS} \checkmark$$

NOTE: ON UPSTREAM SITE 0-13" METER #091469 WAS FIRST USED. READING PRODUCED WAS OFF SCALE. HIGHEST VERIFIABLE READING WAS 13". USING THIS READING FOR CALCULATIONS PRODUCES $\frac{1 \times 169 \times 3.61 \times 3.85}{448.8} = 5.23 \text{ CFS.}$

ROUNDING OF DECIMALS PRODUCES SLIGHTLY DIFFERENT CFS TOTAL THAN ON EARLIER REPORT. ER

LAND LIST ATTACHMENT
Review 02-7091

1/02/86
21

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			<u>FOUNDED</u>																
1S	2W	06												39			4.9 17		56
		07	1	2	1	1	3	4	3	4	3	5	6	2	4	3	6	2	461
		08												25					25
		17					5	6	4	5									61
		18	33	24	5	18	2												82
1S	3W	12	39	39	34	39								39	3		4		197
																			882
			10 cfs 02-2439 .01634 cfs/acre																
1S	2W	06												25					25
		07		1			3	4	3	4	3	5	6	2	4	3	6	2	340
		18	33	24															57
1S	3W	12	39	39	34	39								39					190
																			612 10cfs
			5 cfs 02-2399 .00667 cfs/acre 02-2439 overlap .00366 New 138 acres - .02 cfs/acre																
1S	2W	06												25			4.9 17		42
		07	1	2	1	1	3	4	3	4	3	5	6	2	4	3	6	2	429
		18	33	24	5	18	2												82
1S	3W	12	39	39	34	39								39	3		4		197
																			750 5cfs
			2.14 cfs 02-7091 .02 cfs/acre																
1S	2W	06												14					14
		07												14					32
		08												25					25
		17					5	6	4	5									61
		18																	132 25cfs

REPRODUCED

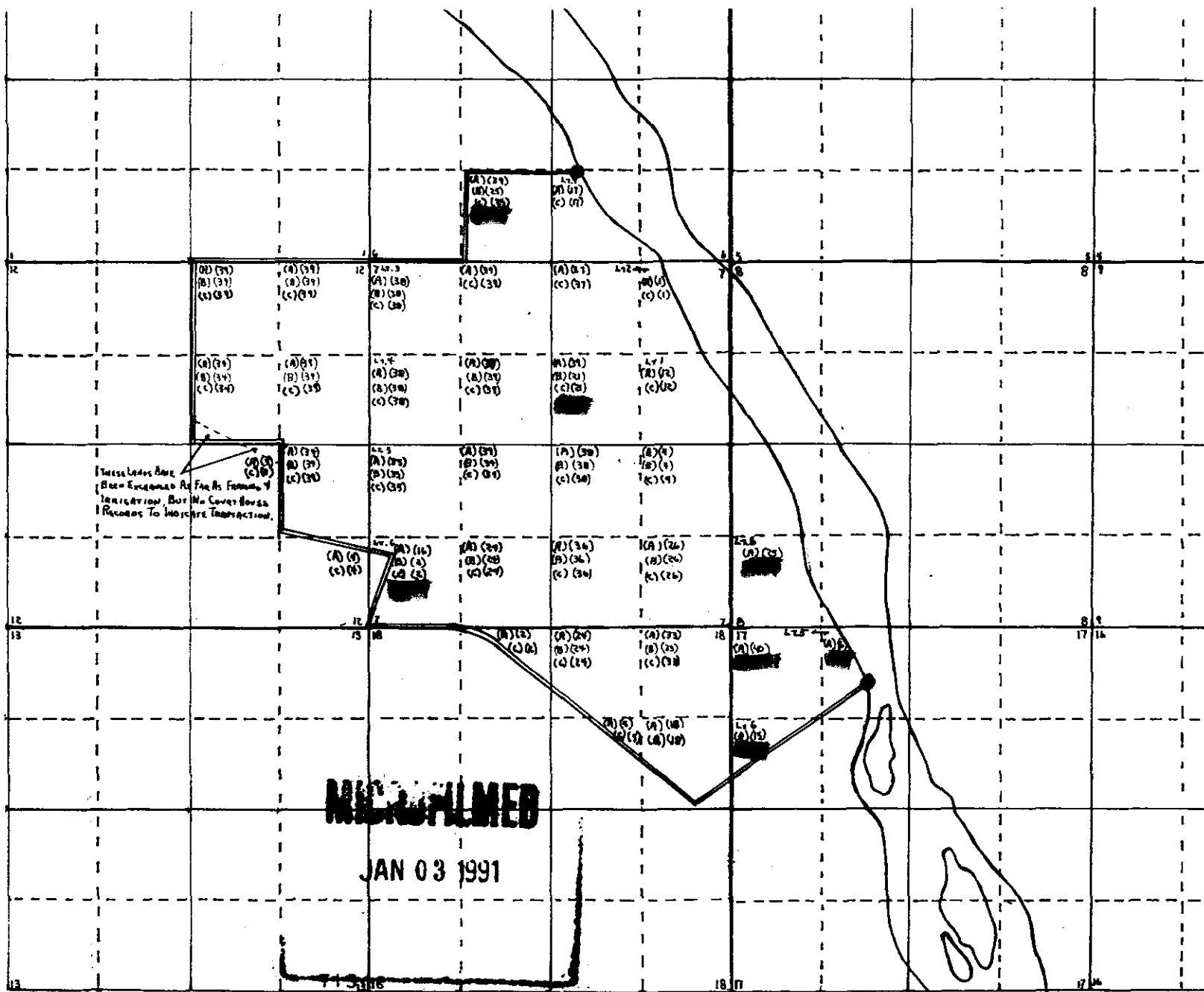
JAN 03 1991

Total number of acres irrigated

882 176

138 276
612 24

1985 1AA. ACRES FOUND & RECOMMENDED
 FOR FOOTE ANGUS RANCH, RIGHTS
 02-2439, 02-2399, & 02-7091

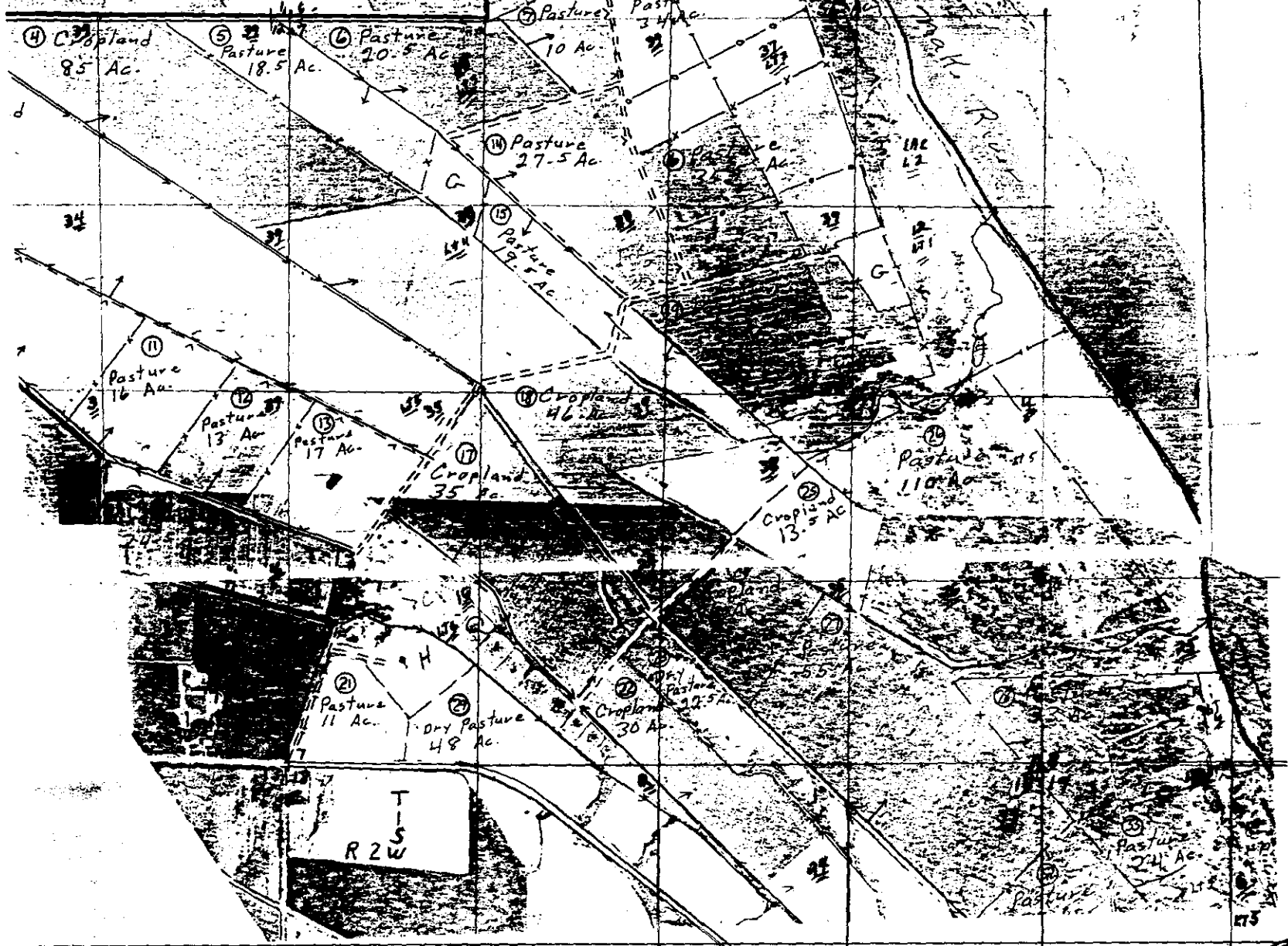


(A) - Found Indicated Areas 1985 License 1555, R3W R2W
 (B) - License 02-2439 100% On 612 Acres
 (C) - License 02-2399 50% - Originally Licensed For 702 Acres (Applied Here On 750 Acres) See Memo, Enclosing Dots
 Recommended For Permit 02-7091 2.61 CGs On 132 Acres.

● = P/D's

1985 SCS - FOOTER
02-2439-2399 7-7091
CONSERVATION PLAN MAP

Operator Earl G. Footer Jr.
State Idaho Date _____
Approximate scale 5" = 1 mile
Conservation SCD
Photo number 627-173-44174
USDA Soil Conservation



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JAN 03 1991

MEMO TO: FILES ⁻⁰²⁻ 2439, 02-2399, & 02-7091 DATE: 10/28/85

FROM: FORREST LUTHY

SUBJECT: RE-ALIGNMENT RECOMMENDATIONS (LICENSING & ADJUDICATION)
FOLLOWING A REQUEST FOR RE-EXAMINATION OF IRRIGATED ACRES.

PROPOSED IRRIGATED ACREAGE & DIVERSION RATE FOR BENEFICIAL USE FOR THE LICENSING OF PERMIT 02-7091 WERE SENT TO THE PERMIT ASSIGNEES, MR & MRS. EARLE G. FOOTE, IN JULY OF THIS YEAR. THESE WERE BASED ON FIELD EXAMINATIONS, EVALUATIONS OF AERIAL PHOTOS, & (IT WAS THOUGHT) VERBAL AGREEMENT WITH RANCH MANAGER, BUZZ WIOMYER, ON THE APPROXIMATE TOTAL OF THE IRRIGATED ACRES.

SUBSEQUENT TO THE COMMUNICATION FROM THE STATE OFFICE TO THE ASSIGNEES, A PHONE CALL WAS RECEIVED FROM THE MANAGER SUGGESTING A MEETING WITH A DEPARTMENT REPRESENTATIVE. EXAMINER JOHN NOYES THEN RE-CONFERRED WITH THE ASSIGNEES & THE MANAGER. IT DEVELOPED THAT A CHANGE OF MINDS HAD TAKEN PLACE AND IT WAS NOW FELT THAT THE RECOMMENDED TOTAL IRRIGATED ACREAGE WAS TOO LOW.

THE EXAMINER THROUGH FURTHER CONSULTATION WITH THE PARTIES, REPEAT FIELD EXAMS, & THE ACQUISITION & EVALUATION OF THE LATEST ~~SCS~~ FARM PLAN MAPS, ARRIVED AT THE PROPOSED IRRIGATED ACREAGE LINEUP PRESENTED HERE. THE TOTAL ACREAGE IS 882 WITH A SLIGHTLY DIFFERENT ALIGNMENT FROM THAT PREVIOUSLY PRESENTED.

FL

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JAN 13 1991

MEMO TO FILES. ⁰²⁻2439, 02-2399, & 02-7L 91
 FROM: FORREST LUTHY DATE: 10-25-85
 SUBJECT: DUTY OF SNAKE RIVER RIGHTS 02-2439, 02-2399, & 02-7091
 ON FOOTE ANGUS RANCH,
 PROPOSED FOR SNAKE RIVER-02 BASIN ADJUDICATION.

	Lic. 02-2439	Lic. 02-2399	Pmt. (Lic.) 02-7091
Twp. 01S, Rge. 02W			
SECTION 06	.41 Cfs. On 25 Ac.	.43 Cfs On 42 Ac.	.28 Cfs On 14 Ac.
" 07	5.55 " " 340 "	3.03 " " 429 "	.64 " " 32 "
" 08			.50 " " 25 "
" 17			1.22 " " 61 "
" 18	.93 " " 57 "	.71 " " 82 "	

Twp. 01S, Rge 03W

SECTION 12	3.11 " " 190 "	.83 " " 197 "	
TOTALS	10.0 Cfs On 612 Ac.	5.0 Cfs On 75	132 Ac.
COMBINED TOTALS 17.64 Cfs. On 882 Ac.			

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THIS PROPOSED DUTY RECOMMENDATION UTILIZES THE EARLY LICENSE 02-2439 AS THE BASE RIGHT FOR 10 CFS ON 612 ACRES FAIRLY CLOSELY TO THE ORIGINAL ALIGNMENT OF ACREAGE. USING THE SECOND RIGHT 02-2399 FOR 5.0 CFS TO FILL IN RESULTS IN A DIFFERENT ALIGNMENT & TOTAL OF ACREAGES FOR THE SECOND RIGHT THAN IT WAS ORIGINALLY LICENSED FOR. HOWEVER, THE AMENDMENT FOR LICENSING PURPOSES WHICH THE DEPARTMENT REQUESTED FOR 772 ACRES WAS IGNORED AT THE TIME OF LICENSING. ANALYSIS OF THE LAND UNDER IRRIGATION AT THE TIME, AS BEST AS CAN BE DETERMINED, APPEARED TO BE APPROXIMATELY 750 ACRES WHICH WOULD HAVE BEEN CORRECT FOR THE 15 CFS. TOTAL OF THE 2 LICENSES AT THAT TIME. WE ARE, THEREFORE, RECOMMENDING 02-2399 FOR 5 CFS & 750 ACRES & USING Pmt. 02-7091 TO TAKE UP THE ADDITIONAL 132 ACRES NOW IRRIGATED.

10/29/1985

IRRIG. ACRES FROM FIELD EXAMS & SCS MAPS

3rd Eagle Fost

SECRET

1	2	3	4	5	6	7	8	9	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
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

10/29/1985 DUTIES OF Rts. 02-2439, 02-2399, & 02-7091 AFTER FOOTE REQUEST FOR RE-EVALUATION JULY 1985 AUG.

Town-ship	Range	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
T01 SOUTH	R02W	FOUND 06 1985												39			17		56
LICENSE 02-2439														41 Cfs 25					41 Cfs 25
10 Cfs 612 Acres														41 Cfs 25			34 Cfs 17		42 Cfs 42
LICENSE 02-2399														28 Cfs 14					28 Cfs 14
55 Cfs 722 Acres														78 Cfs 39			34 Cfs 17		112 Cfs 86
RECOMMEND ON PERMIT 02-7091																			
		TOTALS																	
T01 SOUTH	R02W	FOUND 07 1985	492			491			493	494			495	496					461
LICENSE 02-2439					34 Cfs 21			62 Cfs 38	61 Cfs 38	64 Cfs 39	64 Cfs 39	57 Cfs 35	03 Cfs 2	39 Cfs 24	07 Cfs 4	62 Cfs 38	59 Cfs 36	42 Cfs 26	5.53 Cfs 340
LICENSE 02-2399			02 Cfs 1	34 Cfs 31	08 Cfs 21	24 Cfs 12	78 Cfs 39	14 Cfs 38	14 Cfs 38	14 Cfs 39	14 Cfs 39	13 Cfs 38	01 Cfs 2	04 Cfs 24	01 Cfs 4	14 Cfs 38	19 Cfs 36	10 Cfs 26	9.09 Cfs 424
RECOMMEND ON PERMIT 02-7091					36 Cfs 18								28 Cfs 14						64 Cfs 32
		TOTALS	02 Cfs 1	74 Cfs 37	78 Cfs 39	24 Cfs 12	78 Cfs 39	76 Cfs 38	76 Cfs 38	78 Cfs 39	78 Cfs 39	70 Cfs 35	32 Cfs 16	48 Cfs 24	08 Cfs 4	76 Cfs 38	72 Cfs 36	52 Cfs 26	4.22 Cfs 461
T01 SOUTH	R02W	FOUND 08 1985											496						25
RECOMMEND ON PERMIT 02-7091													50 Cfs 25						50 Cfs 25
		TOTALS																	
T01 SOUTH	R02W	FOUND 17 1985					695	40	496	15									61
RECOMMEND ON PERMIT 02-7091							12 Cfs 6	80 Cfs 40	30 Cfs 15										1.22 Cfs 61
		TOTALS					12 Cfs 6	80 Cfs 40	30 Cfs 15										1.22 Cfs 61
T01 SOUTH	R02W	FOUND 18 1985	82	24	3	18	2												82
LICENSE 02-2439			54 Cfs 33	34 Cfs 24															88 Cfs 57
LICENSE 02-2399			12 Cfs 33	04 Cfs 24	10 Cfs 5	36 Cfs 18	04 Cfs 2												71 Cfs 82
		TOTALS	66 Cfs 33	48 Cfs 24	10 Cfs 5	36 Cfs 18	04 Cfs 2												164 Cfs 82
T01 SOUTH	R03W	FOUND 19 1985	39	39	39	39									39	3		4	147
LICENSE 02-2439			64 Cfs 39	64 Cfs 39	53 Cfs 34	64 Cfs 39									64 Cfs 39				311 Cfs 190
LICENSE 02-2399			14 Cfs 39	14 Cfs 39	13 Cfs 34	14 Cfs 39									14 Cfs 39	06 Cfs 3		08 Cfs 4	83 Cfs 147
		TOTALS	78 Cfs 39	78 Cfs 39	66 Cfs 34	78 Cfs 39									78 Cfs 39	06 Cfs 3		08 Cfs 4	2.44 Cfs 147
LICENSE 02-2439																			10 Cfs 612
LICENSE 02-2399																			8 Cfs 730
RECOMMEND ON PERMIT 02-7091																			

C T 174 Cfs 002 A. 2 8 730

July 29, 1985

RE: Permit No. 02-7091

Earle G. & Patricia B. Foote
Star Rt., Box 52
Melba, ID 83641

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 02-7091 and has found the following:

Amount of water that can be recognized as beneficially used
under Idaho law: 2.02 cfs Source: Snake River trib to
Columbia River

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

Point(s) of diversion: Gov. Lot 5(NENW), Sec. 17; Gov. Lot 9
(SWSE), Sec. 6; Twp 1S, Rge 2W

Beneficial Use: Irrigation of 24 acres within SWSW, Sec. 1; 51
acres within N1/2NW1/4, SWNW, Sec. 17; Twp 1S, Rge 2W, and 157
acres within W1/2NE1/4, SENE, N1/2SW1/4, SESE, Sec. 12, Twp 1S,
Rge 3W

Priority date established: January 7, 1972

Conditions (if any): *This rt. when combined with Rts. 02-2399
& 02-2439 shall not exceed 4255.0 af/annum. A measuring device
of a type approved by this Dept. shall be maintained as a part
of the diverting works. This rt. when combined with all other
rts. shall provide no more than 5.0 af/acre for the lands above.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

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JAN 03 1991

Page 2

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosure

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JAN 6 3 1991

Aug 23, 1983 PHOTOS FOOT E Div. Pts #1, & 2

02-2439, 02-2399, & 02-2081

JAN 1984



FOOTE DIS, PT. #1 (UPSTREAM SITE AT BRIDGE)

AUG. 24, 1983 LOT 5, (N~~2~~) SEC 17, T1S, R2W

JOHN NOYES (IOWA), RICHARD BUZZ WIDMEYER
& ASSISTANT DISCUSSING SYSTEM AT THROST
BLOCK ADJACENT TO POND, HOUSE. RIVER
& PIERS FOR OLD ~~WATER~~ FERRY BRIDGE IN
BACKGROUND.

02-2493, 02-2399, & 02-7091



FOOTE DIV. Pt #2, (DOWNSTREAM SITE)
LOT 9, (SW Sec) SEC 6, T1S, R2W. AUG 24, 1983
SHOWING PUMPHOUSE, 22" PENSTOCK, THRUST
BLOCK. ACCESS PORT IMMEDIATELY AT LEFT
(OUT OF CAMERA RANGE). APPROX. 50' LIFT.

02-2439, 02-2399, & 02-7091



Foot Div 2 #1 (UPSTREAM SITE AT BRIDGE)
AUG 24, 1983 LOT 5 (NE NW) SEC 17, T1S, R2W.

IMMEDIATELY OUTSIDE PUMPHOUSE SHOWING
13" ANNULAR IN PLACE.

02-2493, 022399, & 02-7091



FOOTE DIV. PT. # 2 (DOWNSTREAM SITE)

LOT 9 (SWSE) SEC 6, T15 R2E AUG 24, 1983

SHOWING JOHN NOYES (IDWR) INSERTING ANNULAR
IN 22" PENSTOCK. OBSERVER'S RANCH MGR.
BUZZ WIDMEYER & ASSISTANT. PUMPHOUSE &
RIVER IN BACKGROUND.

02-2493, 02-2399, 02-7091

Overlap Review of Permit 02-7091
per terminal 7/19/85:

p/d #1 - 02-2399 Lic.
63-2420 Lic.
p/d #2 - 02-2399 Lic.
02-2439 Lic.

plu - Sec. 08 - none
Sec. 17 - 63-9909 - ~~Power~~ - no review
57-2339 - irrig.
Sec. 12 - 02-~~2339~~²³⁹⁹ - irrig.
02-2027 - irrig.
63-2420 - irrig.
57-2006B - irrig.
57-7390 stock - no review
~~57~~

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NO OVERLAP 57-2339 - permit, wastewater, 1.0 cfs, ✓
no exam in file - no
further review done.

P/U OVERLAP 63-2420 - Lic/trans. 3027 - Warm ✓
Springs Ck., possible plu
overlap - Recommend R28 for ✓
volume limiter

P/U OVERLAP 57-2006B - Lic., Reynolds Ck., possible ✓
plu overlap - Recommend R28

P/U OVERLAP 02-2027 - Lic., Snake River, different
p/d - possible plu overlap -
Recommend R28

pld & plu
 same
 system } → 02-2399 - Lic./Trans. 1779 - same ✓
 pld's - plu overlap - see
~~the~~ examiners overlap analysis
 & copy of transfer attached.
 → 02-2439 - Lic., same pld in
 Lot 9, plu overlap - see
 copy of lic. attached.

	<u>ACRES</u>	<u>CFS</u>
02-2399	722	5.0 = 0.0069 cfs/ac.
02-2439	611.53	10.0 = 0.0163 cfs/ac.
02-7091 (Recommended) 232		$\frac{2.02}{17.02} = 0.0087 \text{ cfs/ac.}$

total acres found by examiner
 under system = 851

Capacity of system = 17.63 cfs
 $851 \times 0.02 = 17.02 \text{ cfs}$

all 3 rights combined will
 provide an inch per acre
 and will not exceed capacity ✓
 of system.

LW.

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JUL 19 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

02-7091
Permit No.

1. Measurement Calculations

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

SEE ATTCHD. ^{B/U} ~~OFF~~ FIELD RPT. FOR ANADBAR MEAS. (#7)

p/d #1 = 5.36
p/d #2 = 12.27
17.63 cfs capacity

- b) Volume Calculations for Irrigation:

5.0 AF/AC
3/15 → 11/15 = 245 days

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 232 \text{ AC} \times 5 \text{ AF/AC} = 1160 \text{ AFA}$ (SEE REMARKS)
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.02 \text{ CFS} \times 245 \text{ Days} \times 1.9835 = 981.6 \text{ (As Div.)}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 981.6 \text{ AFA}$ (SEE REMARKS)

- c) Volume Calculations for Other Uses:

02-2399 - no volume amt. specified on right.
02-2439 - "

Recommend condition limiting volume
when rights are combined.

2. Overlap Review

851 ac. x 5.0 = 4255 AFA ✓
17.02 cfs x 1.9835 x 245 = 8270.99 ≈ 8271.0 AFA

- a) Other water rights with same place of use: 02-2439, 02-2399, 57-0277, 57-1008

- b) Other water rights with same point of diversion: 02-2439, 02-2399

- c) Analysis:

(SEE ATTACHED FOOT ANGUS RANCH PROPOSED RIGHT DISTRIBUTION &
SNAKE R. ADJUDICATION DUTY SHTS.)

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JAN 03 1991

RECOMMENDED AMOUNTS

30 day #3

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	02-7091	1/7/72	2.02 Cfs	1/7/72	2/22/82	17.63 Cfs

4. Permit Holder: EARLE G. & PATRICIA B. FOOTE

Address: STAR RT., Box 52, MELBA, ID 83641

5. Source: SNAKE River tributary to COLUMBIA River

6. Beneficial Use: IRRIGATION Period of Use From 3/15 To 11/15 Rate of Diversion Q (cfs) 2.02 Cfs Annual Volume V (afa) 981.6 AFA (See Paks.)

Allowable Maximums: 2.02 Cfs 981.6 AFA (See Paks.)

7. Point(s) of Diversion: no change

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
1	(#5)	SE	NE	NW	17	01S	02W	OWYHEE
2	(#9)	NW	SW	SE	01S	01S	02W	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	
01S	02W	08																	24
"	"	17																	51
01S	03W	12)																	157
lands not on permit																			
Total Acres																			232

9. Recommended Conditions/Remarks: BECAUSE OF THE POOR WAY LICENSES 02-2439 & 02-2399 WERE EARLIER APPLIED TO THIS LAND, IT WAS NECESSARY TO RECOMMEND A RELATIVELY DODGY FOR THIS RIGHT TO GO ALONG WITH OUR PROPOSED FINDINGS FOR THE SNAKE RIVER ADJUDICATION. IN ORDER TO HAVE ONE INCH PER ACRE ON ALL 851 ACRES UNDER THE SYSTEM THE ABOVE PATTERN AND AMOUNTS ARE RECOMMENDED FOR THIS RIGHT. (SEE ATTCHO. PROPOSED RIGHT DISTRIBUTION FOR THE FOOTE ANGUS RANCH FOR DUTIES OF THE THREE RIGHTS FROM THE SNAKE R.). REGARDING AFA, A LIMITER VERY POSSIBLY MAY BE NECESSARY, SO THAT IN COMBINATION WITH RTS 02-2439 AND 02-2399 NO MORE THAN 5.0 AF/AC OR 981.6 AFA ARE PROVIDED FOR THESE 232 ACRES.

10. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature James C. Rith

Checked in Regional Office by 6h5

Approved in State Office by Ray Walker

* This right when combined with Rights 02-2399 & 02-2439 shall not exceed 4255.0 acre feet per annum.

MICROFILMED

JAN 03 1991

Date 10/16/84

Date 1/19/85

Date 7-23-85

FOOTE - ANGUS RANCH - PROPOSED RIGHT DIVISION

Town-ship	Range	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
T01 SOUTH	R02 West	06															LT 9		
FOUND IRRIGATED														37			15		52
LICENSE 02-2439														42 CFS					26.42
10.0 CFS - 612 ACRES														26					
LICENSE 02-2399														32 CFS			30 CFS		52.62
ORIG 5.0 CFS - 722 ACRES														37			15		10
T01 SOUTH	R02 West	07	LT 2			LT 1		LT 3	LT 4		LT 5		LT 6						
FOUND IRRIGATED			0	35	39	10	39	38	38	40	39	34	15	24	4	37	39	25	456
LICENSE 02-2439								62 CFS	62 CFS	41 CFS	64 CFS	56 CFS	24 CFS	31 CFS	47 CFS	68 CFS	64 CFS	41 CFS	5.2
								38	38	25	39	34	15	24	4	37	39	25	318
LICENSE 02-2399				70 CFS	.78	.20	.78	.14	.14	.39	.14	.12	.06	.09	.81	.14	.14	.04	3.9
				35	39	10	39	38	38	40	39	34	15	24	4	37	39	25	456
				.70	.78	.20	.78	.14	.14	.39	.14	.12	.06	.09	.81	.14	.14	.04	9.1
T01 SOUTH	R02 West	08	FOUND IRRIGATED										LT 6						
Mt. (LIC.)	02-2091												24						24
													48 CFS						24.48
T01 SOUTH	R02 West	17	FOUND IRRIGATED				LT 5		LT 6										
Mt (LIC.)	02-2091						4	38	9										51
							.08 CFS	.76	.18										51
							4	38	9										1.02
							.08	.76	.18										
T01 SOUTH	R02 West	18																	
FOUND IRRIGATED			33	24		15													73
LICENSE 02-2439			34 CFS	39		24													1.14
			33	24		15													73
LICENSE 02-2399			12 CFS	.09		.06													1.44
			33	24		15													
			.66	.48		.30													
T01 SOUTH	R02 West	12																	
FOUND IRRIGATED			38	38	34	39									39	3		4	195
LICENSE 02-2439			62 CFS	.62	.56	.64									39	.08		.06	3.19
			38	38	34	39									39	3		4	195
LICENSE 02-2399			14 CFS	.046															1.18
			38	38	34	39													76
Mt (LIC.)	02-2091			.044	.12	.14									.14	.01		.02	5.24
				38	34	39									39	3		4	157
			.76	.76	.68	.78									.78	.76		.08	17.02 CFS

RECORDED
 JAN 11 1961

02-2439 10.0 CFS 612 AC
 02-2399 5.0 CFS 657 AC
 02-2091 2.02 851 AC

PROPOSED FOR SNAKE RIVER-02 BASIN ADJUDICATION
DUTY OF SNAKE RIVER RTS. 02-2439, 02-2399, & 02-7091 ON FOOTE ANGUS ACRES.

Lic. 02-2439

Lic. 02-2399

Pmt (Lic.) 02-7091

T01S, R02W

SEC. 06 42 CFS ON 26 ACRES	SEC. 06 62 CFS ON 52 ACRES	SEC. 08 48 CFS ON 24 ACRES
" 07 5.20 " " 318 "	" 07 3.92 " " 456 "	" 17 1.02 " " 51 "
" 18 1.19 " " 73 "	" 18 0.274 " " 73 "	

T01S, R03W

SEC. 12 3.19 " " 195 "	SEC. 12 .186 " " 76 "	SEC. 12 0.524 " 157 "
1000 CFS ON 612 ACRES	5,000 CFS ON 657 ACRES	2,024 CFS 232 ACRES
TOTALS 17.02 CFS ON 851 ACRES.		

MICROFILMED

JAN 03 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

#2-2439 (ADJUD. EXAM.)
#2-2399 (" ")

Department of Water Resources

Permit No. 02-2091 (LICENSING)1. Owner: EARL A. & PATRICIA B. FOOTEPhone No. 495-2207Current Address: STAR RT., MELBA, ID - 83641
Box 52Rt. MGR. BUZZ WINMYER
495-26822. Accompanied by: RCH. MGR. (BUZZ WINMYER) & ASSISTANTEXAM. DATE: 8/24/83Address: STAR RT., MELBAPhone No. ABV.Relationship to Permit Holder: ADJ.RE-MEASURED
9/12/843. Source: SNAKE R. tributary to COLUMBIA R.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1, (LT. 5) SEC 17, T1S, R2W	U.S. Elec.	75	R-212-71R-MM	WILCOX & BOWLER	No 5/11 13.25" DISCHARGE
#2, (LT. 5) SEC 6, T1S, R2W	" "	100	1328757	BERKLEY	MO. #200 34 19.25" DIS.
#3, (LT. 9) SEC 6, T1S, R2W	" "	60	3927413	VERTILINE	MO. #14 RH S/N DJ3444 " "

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

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

#1 UPSTREAM PUMP WITH APPROX. 1800' - 13" PENSTOCK INTO OPEN GRAVITY DITCH FLOWING ROUGHLY NW INTO EXCAVATED RESER. IN THE NE 1/4 OF THE SW 1/4 SEC 9, T1S, R2W, WHICH IS ALSO SERVED BY THE TWO PUMPS & APPROXIMATELY 3000' OF 22" PENSTOCK PLUS OPEN DITCH FROM THE DOWNSTREAM PUMP SITE. RE-RAIDUS RE-LIFT & PRESSURIZING PUMPS AT STRATEGIC LOCATIONS SERVE BOTH OPEN DITCH GRAVITY & SPRINKLER IRRIGATION SYSTEMS.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
(UPSTREAM SITE) ANALOG	75	—	—	091439	13.25"	—
(DOWNSTREAM SITE) " "	"	—	—	091451	19.25"	—
(UPSTREAM SITE) EAGLE EYE METER	—	—	—	091476	10-80"	4/27/83
(DOWNSTREAM SITE) " " "	—	—	—	091469	0-13"	" "

7. Measurements

☒ Additional data/computation sheets attached

UPSTREAM #1 13.0" $Q = \frac{1.0254 \times 1169 \times 3.606 \times 3.85}{448.8} = 5.36 \text{ CFS}$

DOWNSTREAM #2 9.4" $Q = \frac{1 \times 466.56 \times 3.066 \times 3.85}{448.8} = 12.27 "$

17.63 CFS. TOTAL

8. Point(s) of Diversion:

Indicate Method of Determination

Ident #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
#1	SE	NE	NW	17	01S	02W	TAKEN FROM U.S. SURVEY, R.M. WALTERS BUTTE TOWN, & APCS AERIALS	DWYHEE	
#2	NW	SW	SE	06	01S	02W	TAKEN FROM U.S. SURVEY PLAT, WALTERS BUTTE TOWN, & APCS AERIALS	DWYHEE	

9.

Place(s) of Use:

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

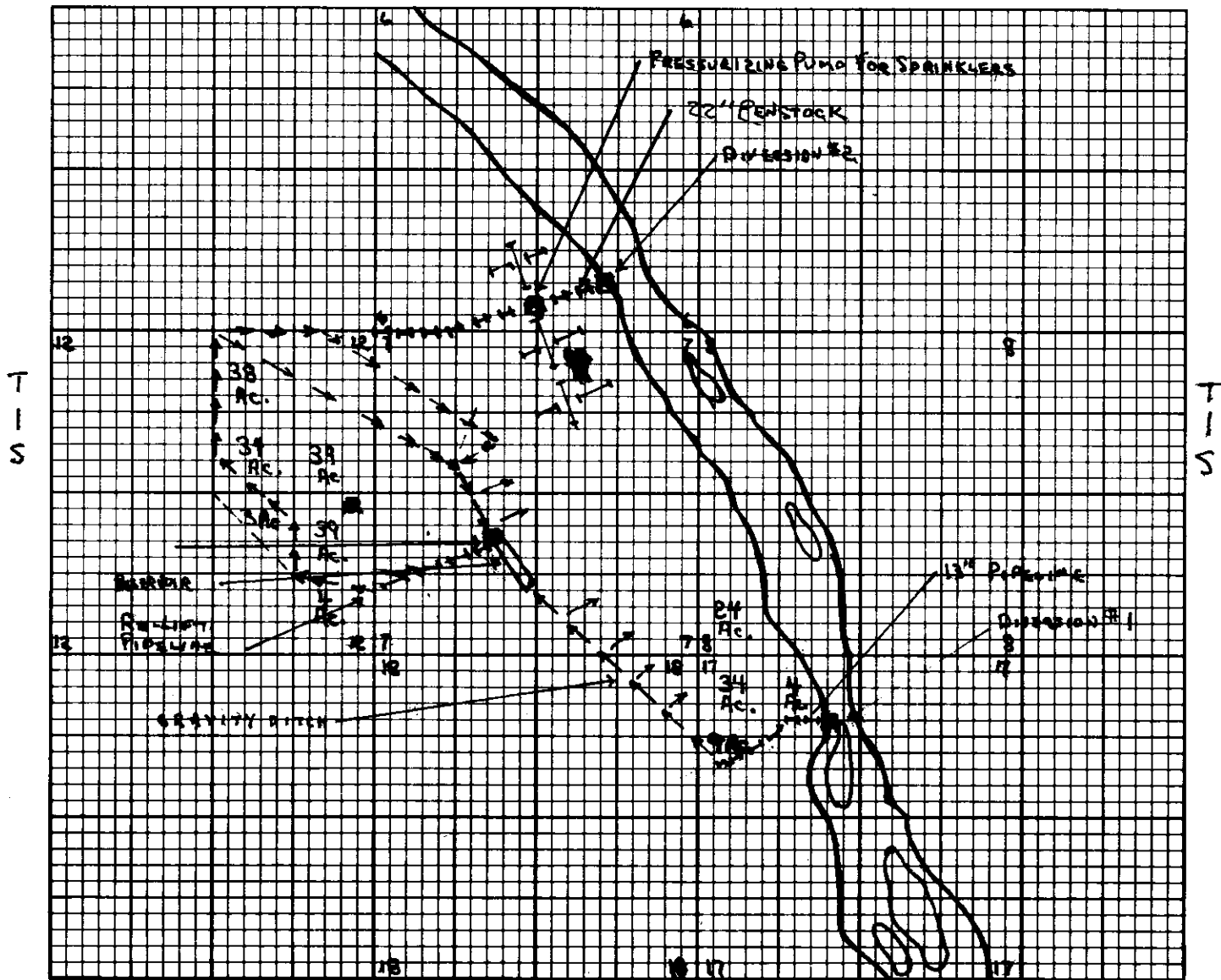
Indicate Method of Determination APCS AERIALS, 1/2 PHOTOS

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
Twp.	Rge.	Sec.	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
01S	02W	08																	24
		17						LT 5		LT 6									51
01S	03W	12			38	34	29									39	13	4	157

THIS SYSTEM IN COMB. WITH 02-2439 & 02-2399 IRRIGATES 851 AC. Total Acres 232

10. Other water rights on these lands 02-2439 & 02-2399, ~~02-2439~~, ~~02-2399~~, 57-0277, 57-1008
11. Other water right diverted from same p.d. 02-2439-02-2399
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

R3W | R2W



R3W | R2W

13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached (LICENSE REPORT) or Map of Irrigated Acreage Attached
14. Remarks OTHER SNAKE R. RTS., 02-2439 & 02-2399 WHEN LICENSED WERE POORLY APPLIED AS FAR AS DETERMINING A DIVERSION RATE OF ONE INCH PER ACRE. TO GO WITH THE PROPOSED RECOMMENDATIONS FOR THE SNAKE R. ADJUDICATION THE ABOVE PATTERN OF ACREAGES & 2.02 CFS DIVERSION RATE ARE RECOMMENDED FOR THIS RT. (SEE ATTCHD. SHTS FOR DUTY, ETC.) A LIMITER MAY BE NECESSARY FOR AFA/AF/AC FOR THIS RT WHEN USED IN COMBINATION WITH RTS 02-2439 AND 02-2399.

15. Recommended Amendments
- | | | |
|--|--|--------------------------------|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☐ None |
| ☒ Change P.U. as reflected above | ☐ Add P.U. as reflected above | ☐ Other |

16. Examiner's/Consultant's Signature Samuel E. Rutz Date 10/16/04

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination 8/24/83 & 9/12/84 FILED
Date

CONSULTANT SEAL

JAN 03 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES

RE-MEASURE FOR
ADJ. & LICENSE 02-709

SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: J. K. Noyes & F. E. Luthy

Date SEPT 12, 1984

Owner: EARLE G. & PATRICIA B. FOOTE

RE-MEASURE ON LICENSES 02-243
Permit No. 02-2399, & PMT. 02-7091 AFTER P/R
REPAIRS.

Description of well &/or measuring site

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

DOWNSTREAM SITE - 2 Pumps, #1-100 H.P. Hollow Shaft Mtr. S/N 1328757 W/Berkley Pump Mod. 20034, S/N 7723 & 12 1/2"

DISCHARGE, #2-60 H.P. Hollow Shaft Mtr. S/N 3927413 W/Venture Pump Mod. 14RH, S/N D13444 & 12 1/2" DISCHARGE

INTO 22.6 O.D. PENSTOCK LEADING TO PRESSURIZING PUMP FOR SPRINKLER SYSTEM & OPEN DITCH TO RESERVOIR ALSO WITH

PRESSURIZING PUMP FOR SPRINKLING & RE-LIFT PUMP FOR RE-CIRCULATIVE GRAVITY IRRIGATION. UPSTREAM SITE - 75 H.P. V.S. Elect. Mtr. S/N R 6327-03-591-R-212-71R-MM, PUMP LAYNE & BOWLER W/13" DISCHARGE NO S/N, FLOWING INTO APPROX 1800' - 13" PENSTOCK INTO OPEN GRAVITY DITCH FLOWING ROUGHLY NW INTO EXCAVATED RESER. WHICH IS ALSO SERVED BY THE DOWNSTREAM PUMPS.

Measured inside diameter of pipe in inches
UPSTREAM 13.250"

(A) DOWNSTREAM 21.6" (UPSTREAM 13")
#091439

Size of Annubar used in test DOWNSTREAM 12.250"

State ID No. #091451

Model No. of Annubar Meter Used 75

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

(Model No. = 73 for 4") DOWNSTREAM 0-13"

#091469

Size Eagle Eye Meter Used UPSTREAM 10-80"

State ID No. #091476

Date of Last Calibration of Meter 4/27/83 - BOTH

Observed inches of H₂O read on Meter

(B) UPSTREAM 13.0"
DOWNSTREAM 9.4"

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

#091469 - DNST. = 1.024 @ 9.4"
(K) #091476 - UPST. = 1.024 - 3(1.026 - 1.024)
= 1.0254 @ 13"

Select C based on Annubar Model No.

If Model No. = 75, then C = 3.85

If Model No. = 73, then C = 4.14

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

(C) $\frac{3.85}{UPSTREAM = 5.36 \text{ CFS}}$
 $\frac{4.14}{DOWNSTREAM = 12.27 \text{ CFS}}$ cfs measured
TOTAL 17.63 CFS

SKETCH (If not shown on Field Report):

UPSTREAM $K = 1.0254$ $A^2 = 13^2 = 169$ $\sqrt{B} = \sqrt{13} = 3.606$
 $UPSTREAM \frac{1.0254 \times 169 \times 3.606 \times 3.85}{448.8} = 5.36 \text{ CFS.}$ OK

DOWNSTREAM $K = 1.0$ $A^2 = 21.6^2 = 466.56$ $\sqrt{B} = \sqrt{9.4} = 3.066$
 $DOWNSTREAM \frac{1 \times 466.56 \times 3.066 \times 4.14}{448.8} = 12.27 \text{ CFS}$ OK

NOTE: ON UPSTREAM SITE 0-13" METER #091469 WAS FIRST USED. ROG. PRODUCED WAS OFF SCALE. HIGHEST VERIFIABLE ROG. WAS 13". USING THIS ROG. FOR CALCULATIONS PRODUCES $\frac{1 \times 169 \times 3.606 \times 3.85}{448.8} = 5.23 \text{ CFS.}$

MICROFILMED

JAN 03 1991

SEPT. 12, 1984 JOHN NOYES & F. LUTZ RE-MEASURE
ON FOOTE MAIN PUMPS DOWNSTREAM. WEATHER CLEAR
SLIGHT BREEZE FROM WEST TEMP 50
ACCOMPANIED BY RANCH MGR. BUZZ WIDMEYER
& ASST. RON YOSHIKANE.

METER #091469 0-13"
ANNUBAR 19.25" #091451

READING 9.4"

AS ABOVE RE-MEASURE ON FOOTE PUMP UP-STREAM
AT WALTER'S FERRY BRIDGE

METER #091476 10-80" #091469 0-13"
ANNUBAR #091439 13.250"

RDG ON 10-80 13"

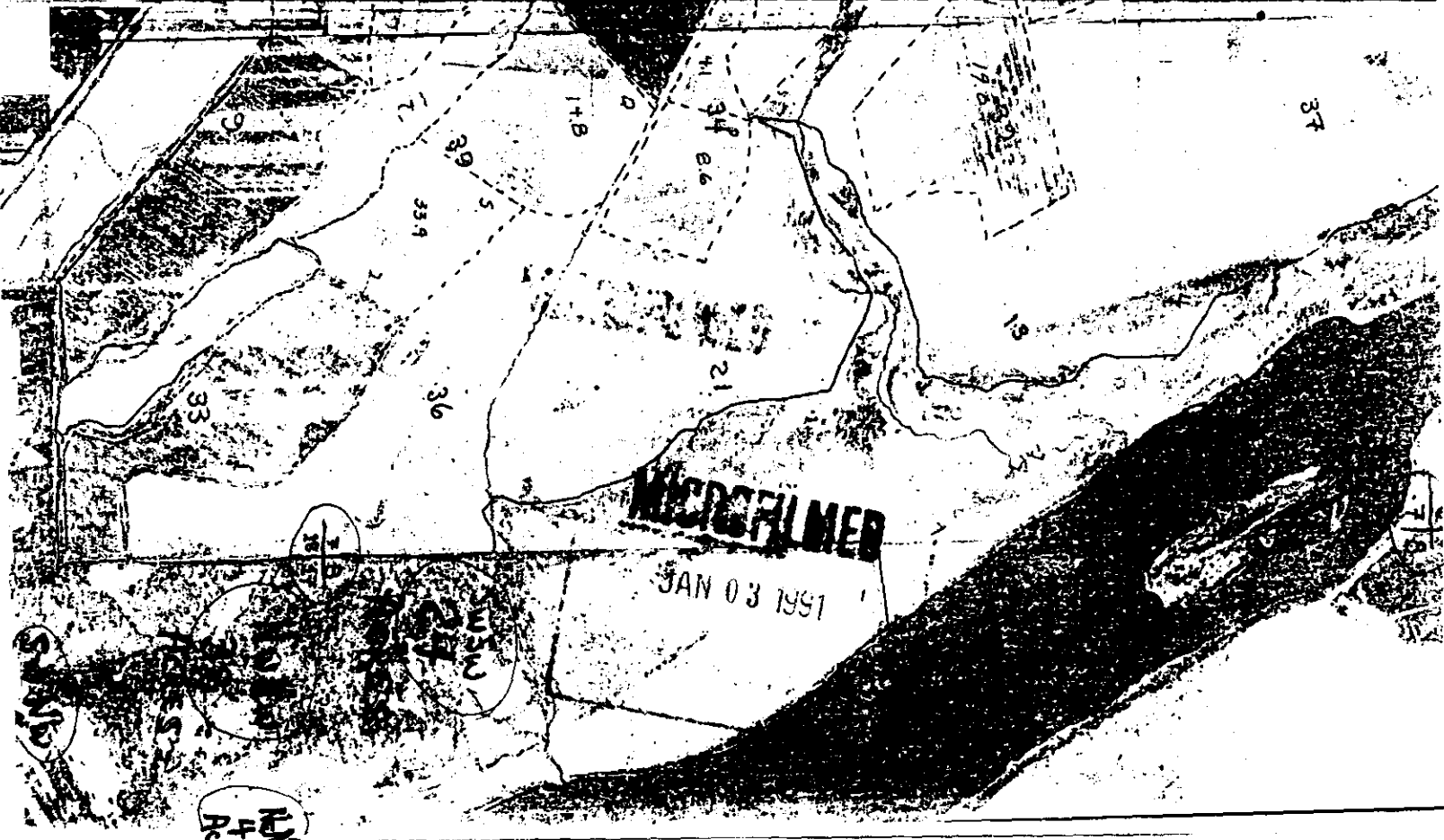
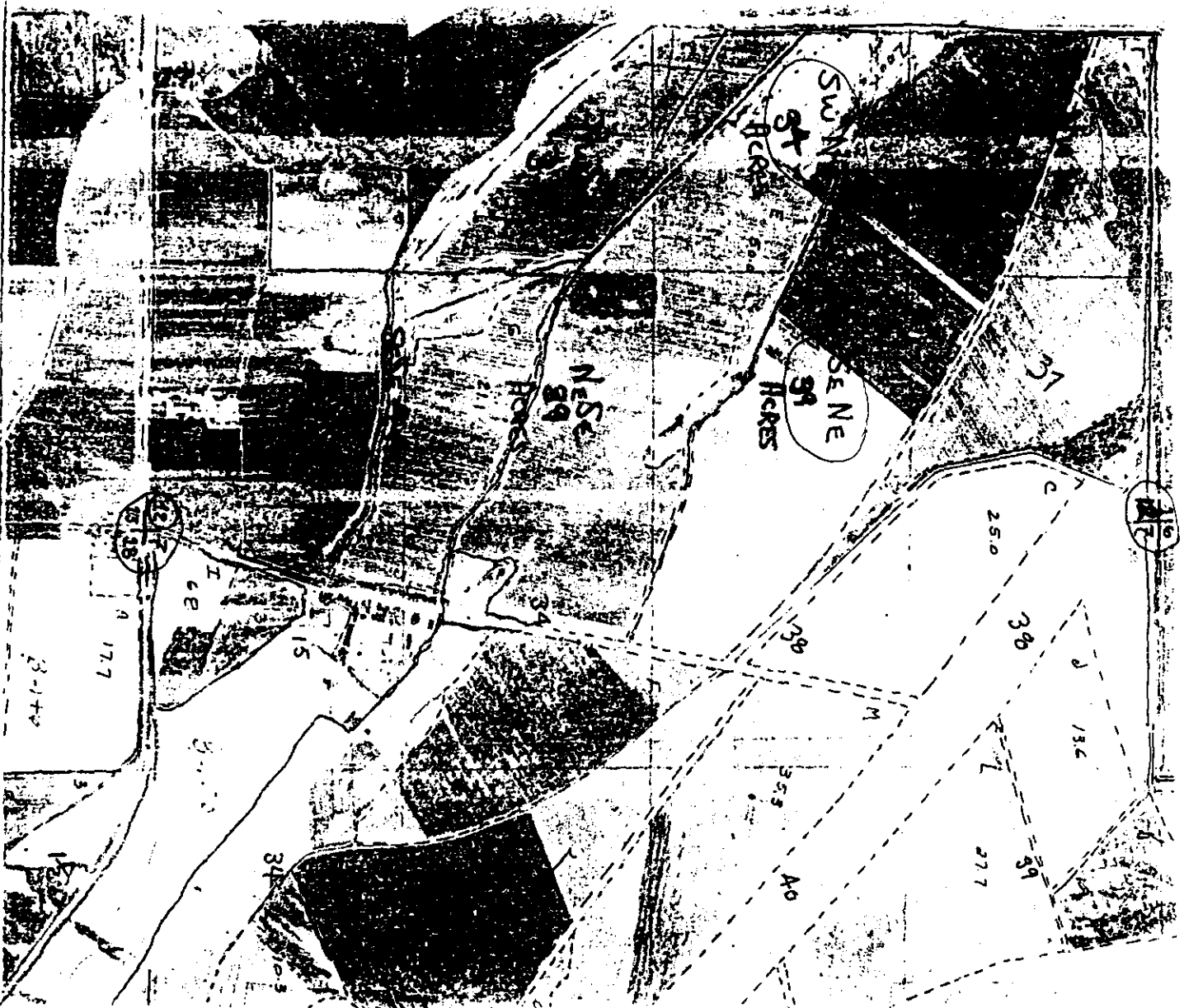
RDG ON 0-13" 13"

MICROFILMED

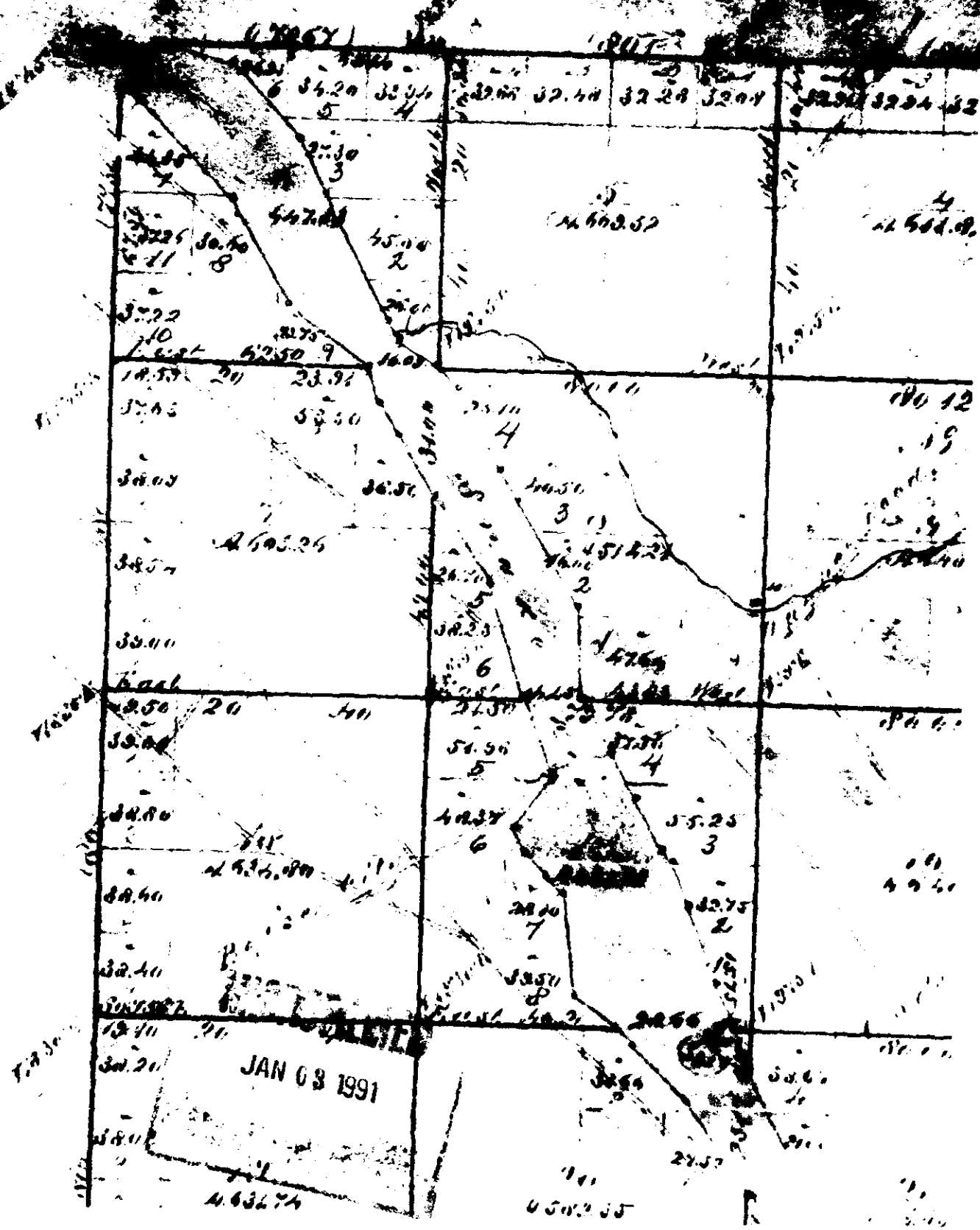
JAN 03 1991

02-7091
PROP. LICENSE
1RR. ACRES

T I S



17-11-1990



INTER-DEPARTMENT MEMO — 1

FROM FORREST

DATE 10/23/84

TO FILES 02-2399, 02-2439, & 02-7091

SUBJECT RE-CONDITIONING PUMPING SYSTEM.

AS SUPPLEMENTARY INFORMATION SOMEWHAT AKIN TO A REQUEST ON RE-EXAMINATION INFO IN A MEMO FROM BOB FLEENOR, 10/16/84, THE FOLLOWING MAY BE OF INTEREST.

FOR LICENSING PURPOSES, AS WELL AS AN ADJUDICATION EXAM, A CHECK ON THE SYSTEM FOR THESE RTS. WAS CONDUCTED IN THE FALL OF 1983. THIS CHECK REVEALED THAT THE SYSTEM WAS NO LONGER CAPABLE OF PRODUCING THE AMOUNTS FOR WHICH THE EARLIER TWO RIGHTS, 02-2399 & 02-2439, WERE MEASURED AND LICENSED FOR.

ON THE RECOMMENDATION OF THIS DEPT. THE USER UNDERTOOK A RE-CONDITIONING OF THE SYSTEM, WITH THE COMPONENTS REMAINING SIGNATURE
THE SAME, WITH RESULTANT CAPACITY BEING ADEQUATE FOR THE THREE RTS. 

RECEIVED

JAN 10 1985



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

(208) 334-2190

Director
April 30, 1982

Charles C. Foote
Rural Mt. Box 52
Pocatello, ID. 83441

RE: 02-7091

Dear Mr. Foote:

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

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 02-7091

Name(s) of Permit Holder: EARLE G. FOOTE

Post Office Address: STAR RT. Box 52 MELBA ID. 83641

Tel. No. 495-2207

Source of Water: SNAKE RIVER

Extent of Use:

☐ Domestic	(number of households)
☐ Stockwater	(number and type of stock)
☒ Irrigation <u>410</u>	(acres)
☐ Other	

Department of Water Resources

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No
 Access Point: 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.

2-22-82
Date

Earle G. Foote
Signature of Permit Holder

MICROFILM



**IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

FEB 24 1982

Department of Water Resources

**PLACE
TEN CENT
STAMP
HERE**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138954

FOOTE, EARLE G. & PATRICIA B.
STAR RT. BOX 52
MELBA, ID 83641

DECEMBER 31, 1981

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 02-7091 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 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

March 16, 1977

Re: Permit No. 02-7091

Earle G. Foote & Patricia B. Foote
Star Route, Box 52
Melba, Idaho 83641

Dear Mr. & Mrs. Foote:

We have again reviewed this file and since the assignment dated March 2, 1976, was the first assignment filed we will accept it as the original assignment. We have recorded the assignment and the Department's records have been changed. Permit No. 02-7091 is now in the name of Earle G. Foote and Patricia B. Foote. Also enclosed is a copy of the approved application for extension of time. The time within which to submit proof of beneficial use has been extended to March 1, 1982.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Encl.

cc: Muller Bros.

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 4, 1977

Muller Brothers Farm
Star Route
Melba, Idaho 83641

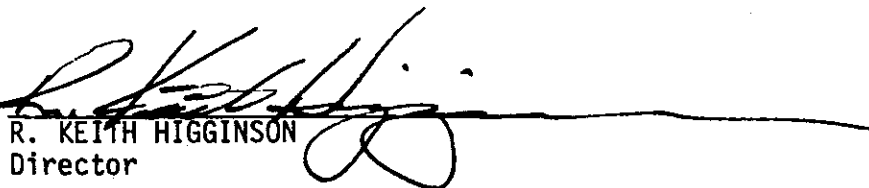
Re: Permit No. 02-7091

Gentlemen:

We have received the assignments on the above referenced permit. However, we cannot process these assignments as you do not indicate whether you want to assign to Earle G. Foote, Jr. or Earle G. Foote and Patricia B. Foote. Therefore, we are returning the assignments to you and request that you return only the assignment that you wish to have recorded.

You are also hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 02-7091 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jfr

Encl.

MICROFILMED

December 31, 1976

CERTIFIED MAIL

138145

Re: Permit No. 02-7091

Muller Brothers Farm
Star Route
Melba, Idaho 83641

Gentlemen:

One of the conditions of approval of your water Permit No. 02-7091 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1977. Enclosed is an affidavit form which must 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 affidavit 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.

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 2, 1972

Re: Permit No. 02-7091 - Muller Brothers Farm, a General Partnership

Muller Brothers Farm, a General Partnership
Star Route
Melba, Idaho 83641

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 02-7091. 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.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures

2 7091

January 20, 1972

Re: Application No. 02-7091 - Muller Brothers Farm
" " 57-7056 - Bureau of Land Management

Owyhee Nugget
Marsing,
Idaho 83639

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)

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cr

Enc: Legal Notices

02-7091

January 10, 1972

Muller Brothers Farm
Star Route
Melba, Idaho 83641

Gentlemen:

Attached herewith is your receipt No. 8662 in the amount of \$ 85.00
for your application for permit
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

7091

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Muller Brothers Farm, a General Partnership
Star Route, Melba, Idaho
has on Jan. 7, 1972 submitted Application No. 02-7091
for a permit to appropriate 3.8 cubic feet per second ~~acre feet per annum~~
of water from Snake River
by means of pumps, motors and pipelines
within ~~the~~ Lot 5, Sec. 17; Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 6, T. 1S, R. 2W, B.M., Owyhee County
to be used from March 15 to Nov. 15
for the irrigation of 410 acres
within the Lots 5 & 6, Sec. 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18; Lots 5 & 6, Sec. 17, T. 1S, R. 2W, 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 Feb. 14, 1972.

R. KEITH HIGGINSON

Director

Published in the Owyhee Nugget, Marsing, Idaho
on Jan. 27 and Feb. 3, 1972.