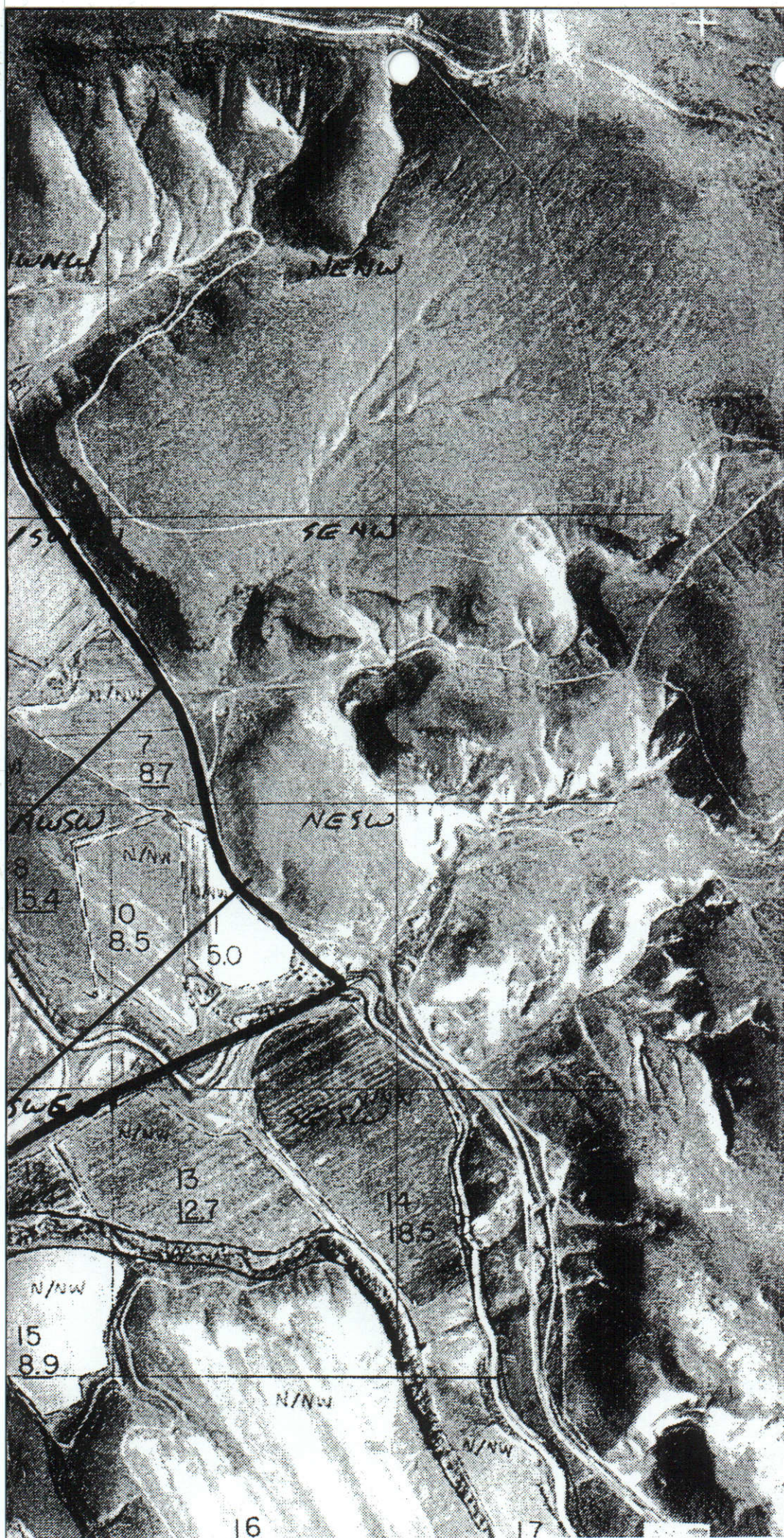




ATTACHMENT B

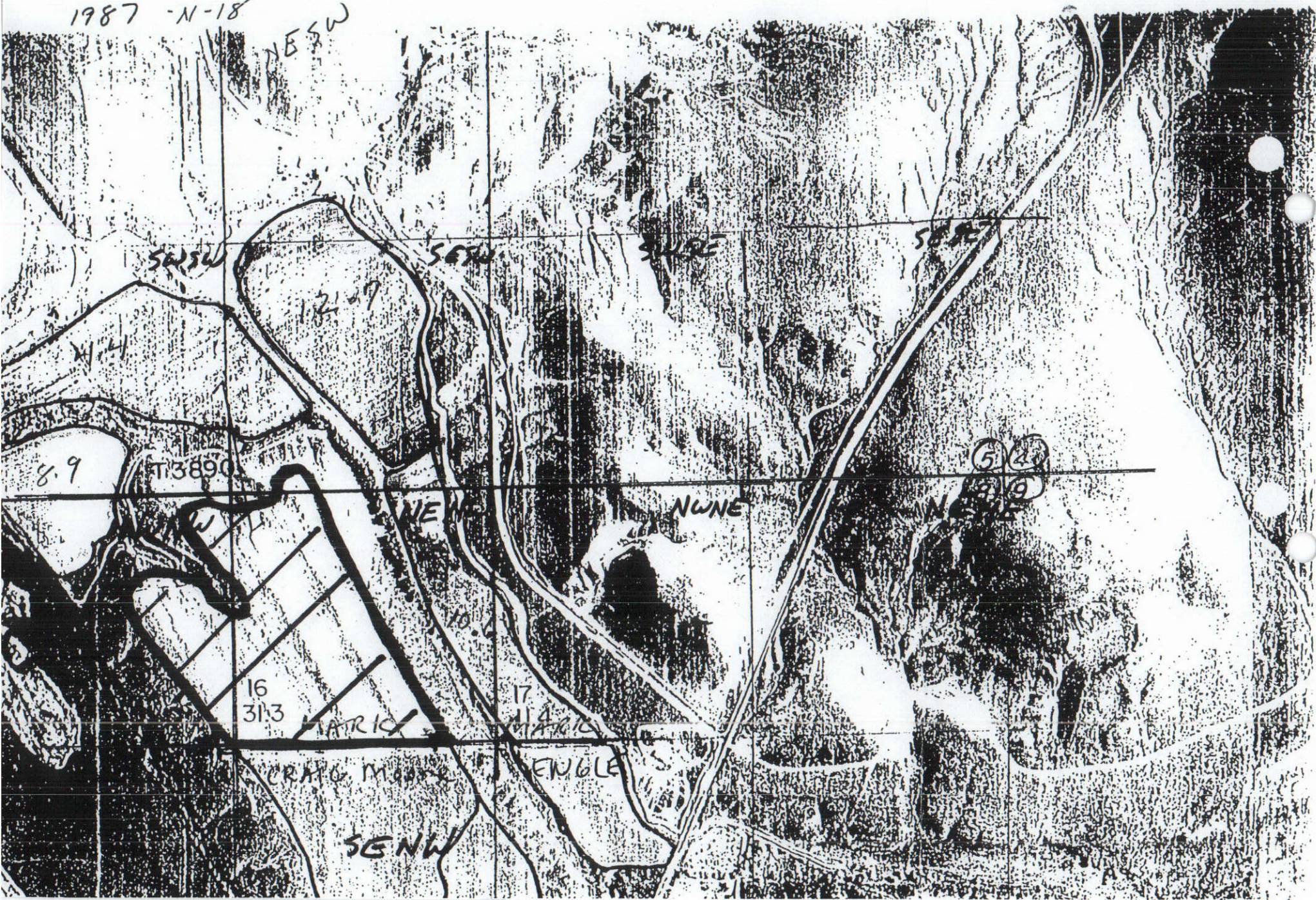
FEDERAL SET ASIDE DOCUMENTATION





1987 -N-18

NESW



RECEIVED
DEC 4 1963

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Canyon.) ss.

Jeanne Bruner
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

November 2, 9, 16, 23, 1963

Jeanne Bruner

Subscribed and sworn to before me this

23rd day of November, 19 63

Adam O. Kinn

Notary Public, Residing at Nampa, Idaho.

MY COMMISSION EXPIRES JUNE 23, 1967

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10 A. M., on the 23rd day of November, 1963, at Boise, County of Ada, State of Idaho, before Joan H. Bain, Notary Public, at 323 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of the waters of Snake River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27644, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Grant D. Varber, Rt. 1, Melba, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.0 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.0 cubic feet per second.

4. The point of diversion of said water is Lot 1, Sec. 6, T18-R2W, B. M., Idaho.

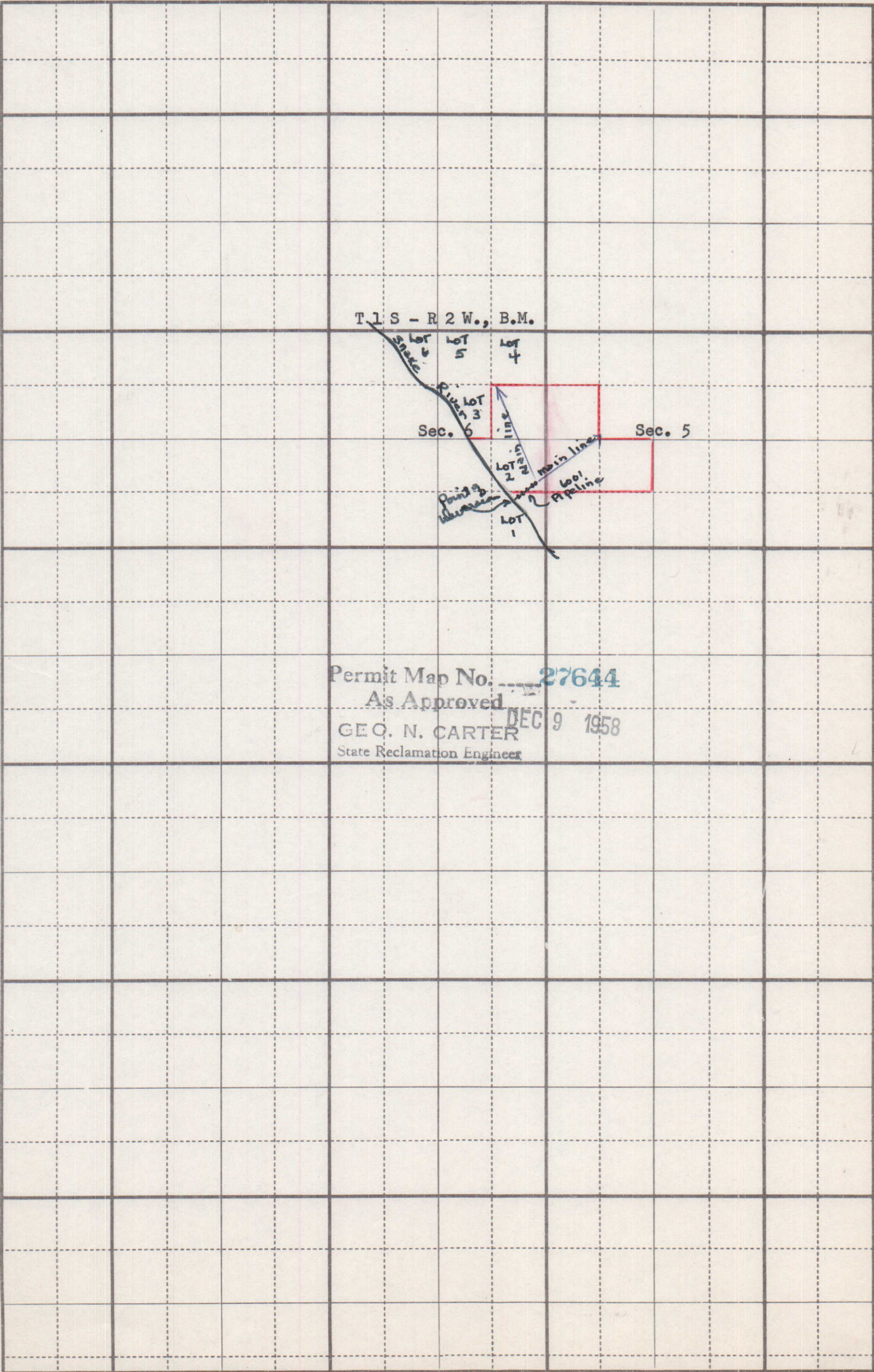
5. The place where said water is used is Lot 2, SE¼ NE¼, Sec. 6; SW¼ NW¼, N¼ SW¼, Sec. 5, T18-R2W, B. M., Idaho.

6. The date of priority which said user is prepared to establish is 12/5/58.

CARL E. TAPPAN,
State Reclamation Engineer
Nov. 2, 9, 16, 23, 1963.



27644



Permit Map No. 27644
As Approved
GEO. N. CARTER
State Reclamation Engineer
DEC 9 1958

This scale = $8'' = 1 \text{ mile}$
 $1'' = 660'$



24645

L. 1	33 26.00
L. 2	45.80
L. 3	27.30
L. 4	33.94
L. 5	34.20
L. 6	26.91

Snake River

Road located wrong

To Donner per

1

S

21.8

9.3

33.8

19.7

151

5.7

56.5

3.9

070

8.1.8

Subdivisions

~~8~~	12
--------------	----

175 Acres

AREA

105 acres.

2.32 cts

Allow. Q

~~2.10 cfs or 105 inches~~

VOL- 875 AC-FR / 5 MAR 50

PRIORITY - JFC 5, 1958

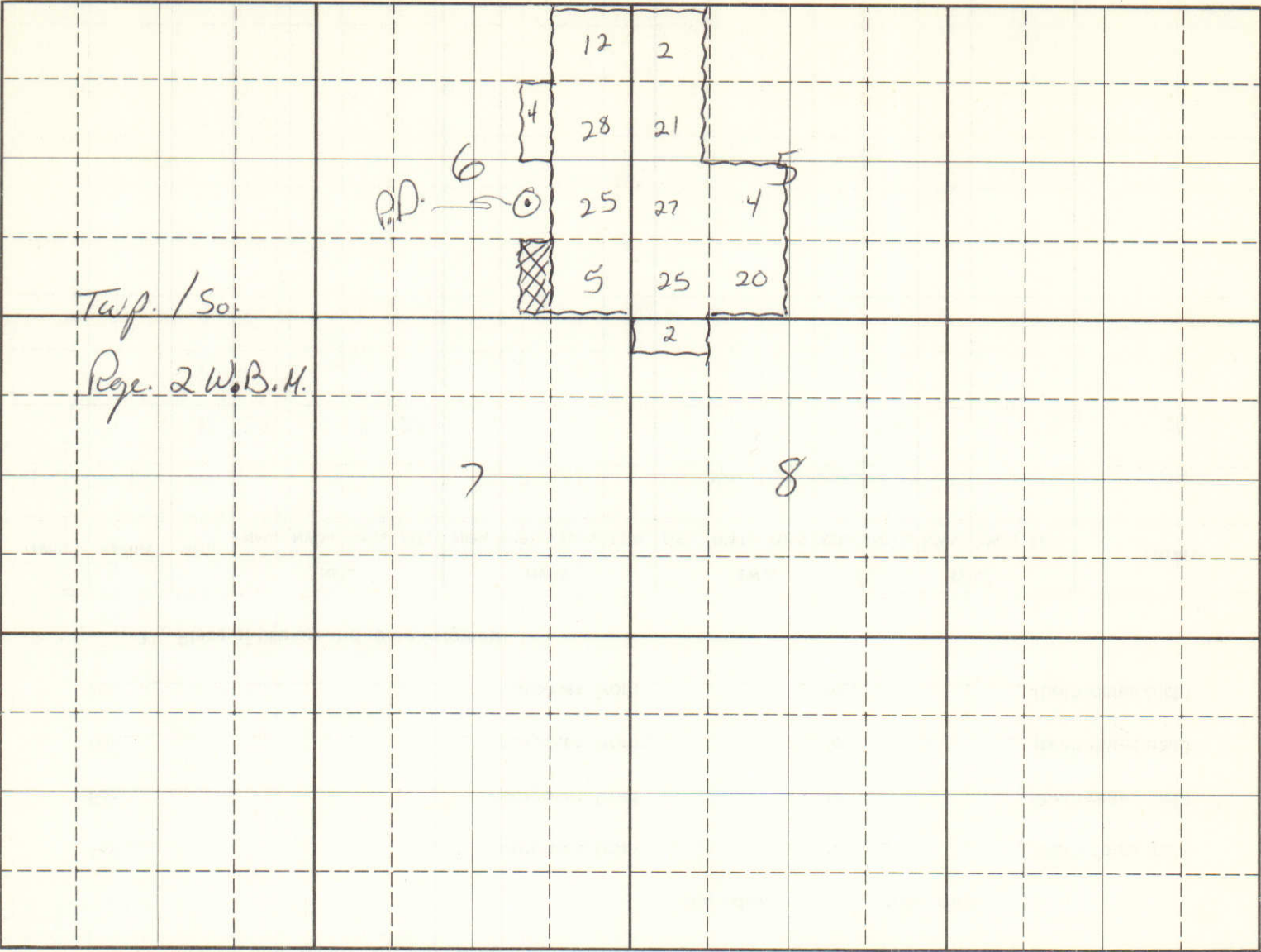
$$LIC \cdot FEE = 29.00$$

NOTE 500 AUDIT FEE

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

27644

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

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 5 day of March, 1969.

Eldred Sanford Livestock Corp
(signature)
Per Jensen Pres

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby APPROVE the above application for amendment for permit No. 27644.

Witness my hand this 10th day of March, 1969.

R. Keith Higginson
State Reclamation Engineer



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

IN REPLY REFER TO:

LO:CRK
Idaho 010011

AUG 10 1960

NOTICE OF ALLOWANCE

RECEIVED
AUG 1 5 1960
Department of Reclamation

Grant D. Yarber

Route #1

Melba, Idaho

Dear Sir:

Your Desert Land Entry, Serial No. Idaho 010011,
Receipt No. 835057, for N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5;
Lot 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6,
Township 1 S., Range 2 W., Boise Meridian, Idaho,
containing 205.80 acres, has this day been allowed, subject
to any valid existing rights and your further compliance with laws
and regulations applicable thereto. In correspondence relating to
this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914, which may require the
reservation of all oil and gas deposits to the United States.

Sincerely yours,

cc: DM, I-1

ESM

State Recl. Engr., Boise

Donald I. Bailey
Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

MARK MCDONOUGH
6638 57TH AVENUE NE
SEATTLE WA 98115

JUN 21 2000

Department of Water Resources

RE: APPLICATION TO LEASE WATER RIGHT NOS. 02-02240, ~~02-02431~~, 63-00361, 63-08389 AND 63-09807 TO THE WATER SUPPLY BANK

Dear Mr. McDonough:

The department has reviewed the above referenced applications which you submitted to the department on June 20, 2000.

Please consider that the water rights offered for lease have been accepted into the Water Supply Bank ("bank") through January 1, 2001. Several items to keep in mind in connection with the lease are as follows:

1. The monetary return to the water right owner for rental of a right from the bank is \$2.25 per acre-foot of water per year for water which is rented.
2. There is no payment if a right is not rented from the bank.
3. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
4. A right accepted into the bank stays in the bank until it is released by the Board or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.

While not related to the lease of the rights to the bank, my review of department files shows that you apparently have not filed a Snake River Adjudication Claim on water right no. 63-08389. You probably should file such a claim with the department.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: ☒ Regional Office
Adjudication Bureau

WATER LICENSE

Water License No. 27644 Priority December 5, 1958 Amount 2.32 c.f.s.

THIS IS TO CERTIFY, that Grant D. Yarber-Assignee-Eldorado Land and Livestock Corp. of Melba, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 5, 1958; that Permit 27644 was issued pursuant to said application; that the proposed works were completed on or about 1963, with a storage/or carrying capacity of 2.32 c.f.s., said works consisting of pumps, motors and ditches; and that on November 29, 1963, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 875 acre feet per season, with a maximum rate of diversion of 2.32 cubic feet per second of the waters of Snake River, tributary of Columbia River, for the purpose of irrigation from April 1 to October 31; and for _____ from _____ to _____; and for _____ from _____ to _____; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in Lot 2 (NW 1/4 SE 1/4) Sec. 6, T. 1 S, R. 2 W, B.M., and other additional points _____, in the County of Canyon; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 875 acre feet per year.

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>1 S</u>	<u>2 W</u>	<u>5</u>						<u>2</u>	<u>21</u>		<u>4</u>	<u>27</u>	<u>25</u>	<u>20</u>					<u>99</u>
		<u>6</u>	<u>12</u>		<u>4</u>	<u>28</u>									<u>25</u>			<u>5</u>	<u>74</u>
		<u>8</u>					<u>2</u>												<u>2</u>

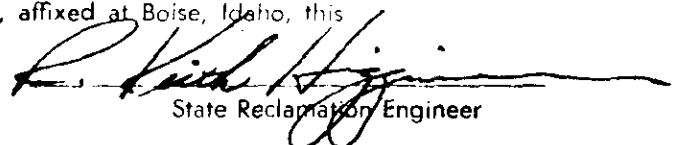
02-2240
COVERS SAME
AREA R/Y

Total number of acres irrigated 175

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

27th day of March, 19 69


State Reclamation Engineer

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 35579
PERMIT No. 27644
DISTRICT No.

27-2431
Idaho Land & Map Service
P. O. Box 2161
Boise, Idaho

1. Name of Applicant: GRANT D. YARBER

Postoffice address: R. # 1, Melba

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bond to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 200 Miner's inches (4.0c.f.) cubic feet per second.

3. Source of water supply: Snake River which is a tributary of

4. Location of point of diversion: 10 chains northwesterly feet distant from the SE corner of Section 6, T. 1 S., R. 2 W., B.M., and is in the Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section 6, T. 1 S., R. 2 W., B. M., County of Canyon

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section of, T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the of Section, T., R., B.M.

7. Estimated cost of works: \$16,000

8. Kind of works: 600 ft. of pipeline, sprinkler system, pump and motor

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:

Diameter of pipe 12 inches; length of conduit 600 ft. miles.

Average grade per mile 10% (60 ft. lift) feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 5 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

Grant D. Yarber
Applicant.

By

/s/ Harley M. McDowell
Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. December 5, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 27644
Recorded in Book 97 Page 27644 Approved December 9, 1958
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before February 9, 1959 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before June 9, 1961
The whole of said work to be completed on or before December 9, 1963
Beneficial use of water appropriated in accordance herewith, to be made on or before December 9, 1968

WITNESS My hand this 9th day of December, 1958

/s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of December, 1958

Countersigned: STATE OF IDAHO
(SEAL) By /s/ JAS. H. YOUNG Secretary of State. By /s/ ROBERT E. SMYLLIE Governor.

REMARKS: This permit to be used in connection with the irrigation of vacant federal land now under application in the Idaho District Land Office as a desert entry. The irrigation development of this land will also serve as the beneficial use of the water.

14.

Twp.	Range	Sec.	NE1/4	NW1/4	SW1/4	SE1/4	Totals
			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	
1 S.	2 W.	5		40	40 40	(Lot 2)	120
		6	40			(40)	80
Total number of acres to be irrigated - - - -							200
ASSIGNMENT							
For value received, I hereby assign all of my right, title and interest, in and to Permit No. 27644 to Eldorado Land and Livestock Corporation, Route #1, Melba, Idaho							
/s/ Grant D. Yarber - Permit Holder Mae Yarber - Wife of Permit Holder							
State of Idaho) County of Canyon) ss							
On this 27th day of February, 1969, personally appeared before me the signers of the above instrument, who duly acknowledge to me that they executed the same							
/s/ Webb, Notary Public residing at Melba, Idaho							
Commission expires: February 2, 1972							
AMENDMENT							
See amendment to point of diversion and land list in folder, Dated March 10, 1969.							



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2001

Sheri L. Chapman
ERO Resources Corp
1106 N. Cole Rd, Suite C
Boise, ID 83704-8661

RE: MARK MCDONOUGH - RIGHTS IN WATER SUPPLY BANK

Dear Mr. Chapman:

This letter acknowledges that water right nos. 02-02240, **02-02431**, 63-00361, 63-08389 and 63-09807 in the name of Mark McDonough will be retained in the Water Supply Bank through December 31, 2002 as you have requested.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - W. Region

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

RECEIVED

DEC 14 2001

Department of Water Resources

December 12, 2001

Glen Saxton
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Saxton:

Mr. Mark McDonough has asked me to contact you in his behalf with regard to your letter of November 5, 2001 relating to water rights in the water supply bank numbered: 02-2240, 02-02431, 63-00361, 63-08389, and 63-09807. Mr. McDonough has asked me to notify you that he would like to continue including the above referenced water rights in the Idaho water supply bank through December 31, 2002. If you have any questions or need additional information please feel free to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Sherl L. Chapman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sherl L. Chapman

SLC:sw

cc: Mark McDonough



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 18, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Sherl L. Chapman
ERO Resources Corp.
1106 N. Cole Rd, Suite C
Boise, ID 83704-8661

RE: RIGHTS IN THE WATER SUPPLY BANK - 02-02240, 02-02431, 63-00361, 63-08389 AND 63-09807

Dear Mr. Chapman:

The Department has received your recent letter advising that Mark McDonough would like the above referenced water rights retained in the Water Supply Bank ("bank") for an additional year, through December 31, 2001.

As you are aware, the following conditions apply to rights that have been leased to the bank:

1. There is no payment to the owner of a right if the right is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.

Please consider that the rights will be retained in the bank through December 31, 2001 unless the rights are released earlier by the Board upon a request from the owner of the rights.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR – Regional Office

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
boise@eroresources.com

RECEIVED

JAN 17 2001

Department of Water Resources

January 15, 2001

Glen Saxton
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: ERO Project No. 1466 - Mark McDonough

Dear Mr. Saxton:

Mr. Mark McDonough has asked me to notify you and request that you include his water rights in the Idaho water supply bank for the calendar year 2001. The water rights effected are the same as those that were in the water supply bank last year, numbered: 02-02240, 02-02431, 63-00361, 63-08389, and 63-09807.

If you have any questions, or need additional information or verification, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Sheri", written over the closing "yours,".

Sheri L. Chapman

SLC:sw



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mark McDonough
6638 57th Avenue NE
Seattle, WA 98115

RE: RIGHTS IN THE WATER SUPPLY BANK – 02-02240, 02-02431, 63-00361, 63-08389 AND 63-09807

Dear Mr. McDonough:

Department records show that the above referenced water rights have been accepted into the Water Supply Bank operated by the Idaho Water Resource Board. Department records also show that when the rights were leased to the bank, the intent was to take the rights out of the bank on December 31, 2000.

The purpose of this letter is to advise you that the rights will be considered released from the bank on December 31, 2000, unless you advise me in writing that you would like to have the right(s) retained in the bank for an extended period. If so, please designate the date to which you want the retention extended.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR – Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK MCDONOUGH
6638 57TH AVENUE NE
SEATTLE WA 98115

RE: APPLICATION TO LEASE WATER RIGHT NOS. 02-02240, 02-02431, 63-00361, 63-08389 AND 63-09807 TO THE WATER SUPPLY BANK

Dear Mr. McDonough:

The department has reviewed the above referenced applications which you submitted to the department on June 20, 2000.

Please consider that the water rights offered for lease have been accepted into the Water Supply Bank ("bank") through January 1, 2001. Several items to keep in mind in connection with the lease are as follows:

1. The monetary return to the water right owner for rental of a right from the bank is \$2.25 per acre-foot of water per year for water which is rented.
2. There is no payment if a right is not rented from the bank.
3. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
4. A right accepted into the bank stays in the bank until it is released by the Board or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.

While not related to the lease of the rights to the bank, my review of department files shows that you apparently have not filed a Snake River Adjudication Claim on water right no. 63-08389. You probably should file such a claim with the department.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Regional Office
Adjudication Bureau

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Mark McDonough Phone 206-522-5739

Post office address 6638 57th Avenue NE, Seattle, WA 98115

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated _____ in _____ county of _____
(Name of court)

b. License No. 02-02431 Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

2. Source of water Snake River tributary to Columbia River

3. Date of priority 12/5/1958

4. Water is used for the following purposes:

amount 2.32 for Irrigation purposes from 3/15 to 11/15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 2.32 cubic feet per second
&/or
b. 875 acre feet per annum

6. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6

Township 1S Range 2W, B.M. in Canyon County

Additional points of diversion, if any _____

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	2W	5						2	21		4	27	25	20					99
1S	2W	6	12		4	28									25			5	74
1S	2W	8						2											2

Total number of acres to be irrigated 175

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. 2.05 cubic feet per second
&/or
b. 775 acre feet per annum

2. Point of diversion NW ¼ SE ¼, Section 6 Township 1S
Range 2W, B.M., Canyon County

Additional points NONE

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	2W	5						2	21		4	27	25						79
1S	2W	6	12		4	28									25			5	74
1S	2W	8						2											2

Total number of acres to be irrigated 155

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Applicant purchased the land under the water right. See Attachment A.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

The land has been in federal set aside for the last 20 years. See Attachment B

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

The point of diversion is on the mainstem of the Snake River and has not been called
since initiation.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

63-08389; 63-00361; 63-09807; 02-02240

The land will not be irrigated.

5. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

[illegible]

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

9. Remarks _____

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale
XXX For lease for period from May 15, 2000 to January 1, 2001
(year) (year)
_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

Existing water bank rate.

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

XXX Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

(Date) (Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by WJA Date May 14, 2000 Preliminary check by Mark McDeray
6-20-00 WJA

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

ATTACHMENT "A"

X RECORDS SHOWING OWNERSHIP
OF PROPERTY

THU, FEB 24, 2000, 2:58 PM

MODE:F ACTION:L PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

REAL PROPERTY INQUIRY

01 0R28211-000- -0 176-00	SCH136	01	49,800	60.00
		05	1,900	55.50
MC DONOUGH, ROXY E ETAL		10	18,000	1.00
		19		3.50
		31	93,200	
		32	6,800	
6638 57TH AVE NE SEATTLE WA 98115				
05-1S-2W NW N1/2 SW, SWNW		TOTAL	169,700	120.00
11035 MAP ROCK RD, ME		SURVEY INST		
SEE R28210		DRAIN DR VALUE APPR BWL		
		CLASS R3 REAP 99 MAN 98 UNIT 1		
		PARCEL 0R01S02W053900 H/O N C/B N		
		PRIOR ACCOUNT 9R28211-000- -0		
		02 MH on Property NO		
		03 Traits 04 Companion Sheet		

LOGON ID: PLAT.TAX

PORT ID: 255

GROUP: USERA

QUICK709E L4 TRQK101() QDESIGN709E HP2392 (c) COGNOS INCORPORATED.

THU, FEB 24, 2000, 2:56 PM

MODE:F ACTION:L PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

REAL PROPERTY INQUIRY

01 0R28209-000- -0 176-00	SCH136	01	41,100	48.00
MC DONOUGH, ROXY E ETAL		05	1,000	30.00
6638 57TH AVE NE		19		2.00
SEATTLE WA 98115				
05-1S-2W SW		TOTAL	42,100	80.00
S1/2 SW1/4				
MAP ROCK RD, ME		SURVEY	INST	
SEE R28213		DRAIN	DR VALUE	APPR MKB
		CLASS	REAP 99 MAN	UNIT 0
		PARCEL	0R01S02W056000	H/O N C/B N
		PRIOR ACCOUNT	9R28209-000- -0	
		02 MH on Property	N0	
		03 Traits	04 Companion Sheet	

LOGON ID: PLAT.TAX PORT ID: 255 GROUP: USERA

QUICK709E L4 TRQK101() QDESIGN709E HP2392 (c) COGNOS INCORPORATED.

THU, FEB 24, 2000, 3:09 PM

MODE:F ACTION:L PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

REAL PROPERTY INQUIRY

01 OR28216-000- -0 176-00	SCH136	01	31,800	55.00
MC DONOUGH, ROXY E ETAL		05	800	24.00
6638 57TH AVE NE				
SEATTLE WA 98115				
06-1S-2W NE		TOTAL	32,600	79.00
LT 2, SENE				
MAP ROCK RD, ME		SURVEY	INST	
SEE R28215		DRAIN	DR VALUE	APPR MKB
		CLASS	REAP 99 MAN	UNIT 0
		PARCEL	OR01S02W061800	H/O N C/B N
		PRIOR ACCOUNT	9R28216-000- -0	
		02 MH on Property	NO	
		03 Traits	04 Companion Sheet	

LOGON ID: PLAT.TAX PORT ID: 255 GROUP: USERA
QUICK709E L4 TRQK101() QDESIGN709E HP2392 (c) COGNOS INCORPORATED.

THU, FEB 24, 2000, 3:08 PM

MODE:F ACTION:L PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

REAL PROPERTY INQUIRY

01 0R28213-000- -0 176-00 SCH136	01	4,700	14.00
MC DONOUGH, ROXY E ETAL	05	100	2.89

6638 57TH AVE NE SEATTLE WA 98115			

06-1S-2W SE LT 1	TOTAL	4,800	16.89

MAP ROCK RD, ME SEE R28209	SURVEY INST DRAIN DR VALUE APPR MKB CLASS REAP 99 MAN UNIT 0 PARCEL 0R01S02W069100 H/O N C/B N PRIOR ACCOUNT 9R28213-000- -0 02 MH on Property NO 03 Traits 04 Companion Sheet		

LOGON ID: PLAT.TAX

PORT ID: 255

GROUP: USERA

QUICK709E L4 TRQK101() QDESIGN709E HP2392 (c) COGNOS INCORPORATED.

THU, FEB 24, 2000, 3:11 PM

MODE:F ACTION:L PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

REAL PROPERTY INQUIRY

01 OR28215-000- -0 176-00	SCH136	01	14,800	20.00
MC DONOUGH, ROXY E ETAL		05	2,200	64.90
6638 57TH AVE NE				
SEATTLE WA 98115				
06-1S-2W NE		TOTAL	17,000	84.90
LT 3,4 & 5 LS W 220' & LS				
TX 98878 & LS TX 98879		SURVEY	INST	
		DRAIN	DR VALUE	APPR MKB
		CLASS	REAP 99 MAN	UNIT 0
MAP ROCK RD, ME		PARCEL	OR01S02W060101	H/O N C/B N
SEE R28216		PRIOR ACCOUNT	9R28215-000- -0	
		02 MH on Property	NO	
		03 Traits	04 Companion Sheet	

LOGON ID: PLAT.TAX

PORT ID: 255

GROUP: USERA

QUICK709E L4 TRQK101() QDESIGN709E HP2392 (c) COGNOS INCORPORATED.

Phone 454-7431

CHARLES JOHNSON
CANYON COUNTY ASSESSOR
1115 ALBANY ST RM 343
CALDWELL, ID 83605THIS IS NOT A BILL
ASSESSMENT NOTICE

0R28217-000- -0

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
CALDWELL, ID 83605-3542
PERMIT NO 4

CATEGORY DESCRIPTION
IRRIGATED PASTURE
DRY GRAZING
WASTE

Tax Code	176-00	05/24/2000
LOTS/ACRES	MARKET VALUE	
5.00	1,500	
32.97	1,100	
1.03		

2000

Taxes are based on the
valuation listed on this statementFOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFOREJUNE 20, 2000
REGULAR ROLL

Total Market Value:

2,600

PARCEL #

NWNE, LESS TAX 3

SEC 08-1S-2W NE

0R01802W080900

PROPERTY ADDRESS HWY 4S, NE

VALUE:	PRIOR YEAR	CURRENT YEAR	Mail To:
2,600	2,600		
TAX:	PRIOR YEAR	ESTIMATED	
34.76	34.76		

See back for details.

MC DONOUGH, MARK A
6638 57TH AVE NE
SEATTLE WA 98115

DO NOT PAY ESTIMATE

52



Phone 454-7431

CHARLES JOHNSON
CANYON COUNTY ASSESSOR
1115 ALBANY ST RM 343
CALDWELL, ID 83605THIS IS NOT A BILL
ASSESSMENT NOTICE

0R28222-000- -0

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
CALDWELL, ID 83605-3542
PERMIT NO 4

CATEGORY DESCRIPTION
IRRIGATED AGRICUL
IRRIGATED PASTURE
DRY GRAZING

Tax Code	176-00	05/24/2000
LOTS/ACRES	MARKET VALUE	
31.80	12,600	
7.40	2,300	
25.90	900	

2000

Taxes are based on the
valuation listed on this statementFOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFOREJUNE 20, 2000
REGULAR ROLL

Total Market Value:

15,800

PARCEL #

LT 4, NENH

SEC 08-1S-2W NW

0R01802W082700

PROPERTY ADDRESS MAP ROCK RD, NE

VALUE:	PRIOR YEAR	CURRENT YEAR	Mail To:
15,800	15,800		
TAX:	PRIOR YEAR	ESTIMATED	
211.14	211.14		

See back for details.

MC DONOUGH, MARK A
6638 57TH AVE NE
SEATTLE WA 98115

DO NOT PAY ESTIMATE



...m Service
Agency

2208 East Chicago Street
Caldwell, Idaho 83605
Phone (208) 454-8695
Fax (208) 454-1037

May 2, 2000

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

ATTACHMENT B

FEDERAL SET ASIDE DOCUMENTATION

Dear Mr. Chapman:

Mark McDonough requested that we send a letter concerning Farm Number 2916, Tract 3890 with a legal description of Sections 5 & 6 Township 1S and Range 2W.

This farm has been participating continuously in USDA ASCS and FSA farm programs for more than 20 years:

- Production Adjustment Program (CU for Payment Acres)
- CRP (Conservation Reserve Program) for 10 years
- Production Flexibility Program

Attached is copy of the aerial photography.

If you have any questions, give me a call.

Sincerely,

Lary D Silver

by Patricia M Wetheris Acting CEO

Lary D. Silver

County Executive Director

cc. Mark McDonough

USDA is an Equal Opportunity Employer

MAY 3 2000

An aerial photograph of a landscape, likely a wetland or agricultural area, with a river or stream running through it. The image is overlaid with a map showing numbered areas and labels. The areas are numbered 1 through 9, with some numbers underlined. Labels include 'CRP', 'N/W', and 'N/NE'. The river is dark and winding, with a bridge visible in the upper right. The surrounding land is light-colored and textured, possibly representing different land uses or vegetation types.

ATTACHMENT B

FEDERAL SET ASIDE DOCUMENTATION

32 | 33
5 | 4

7
87

0.5
11
50

13
12.7

14
18.5

N/NW

16
31.3

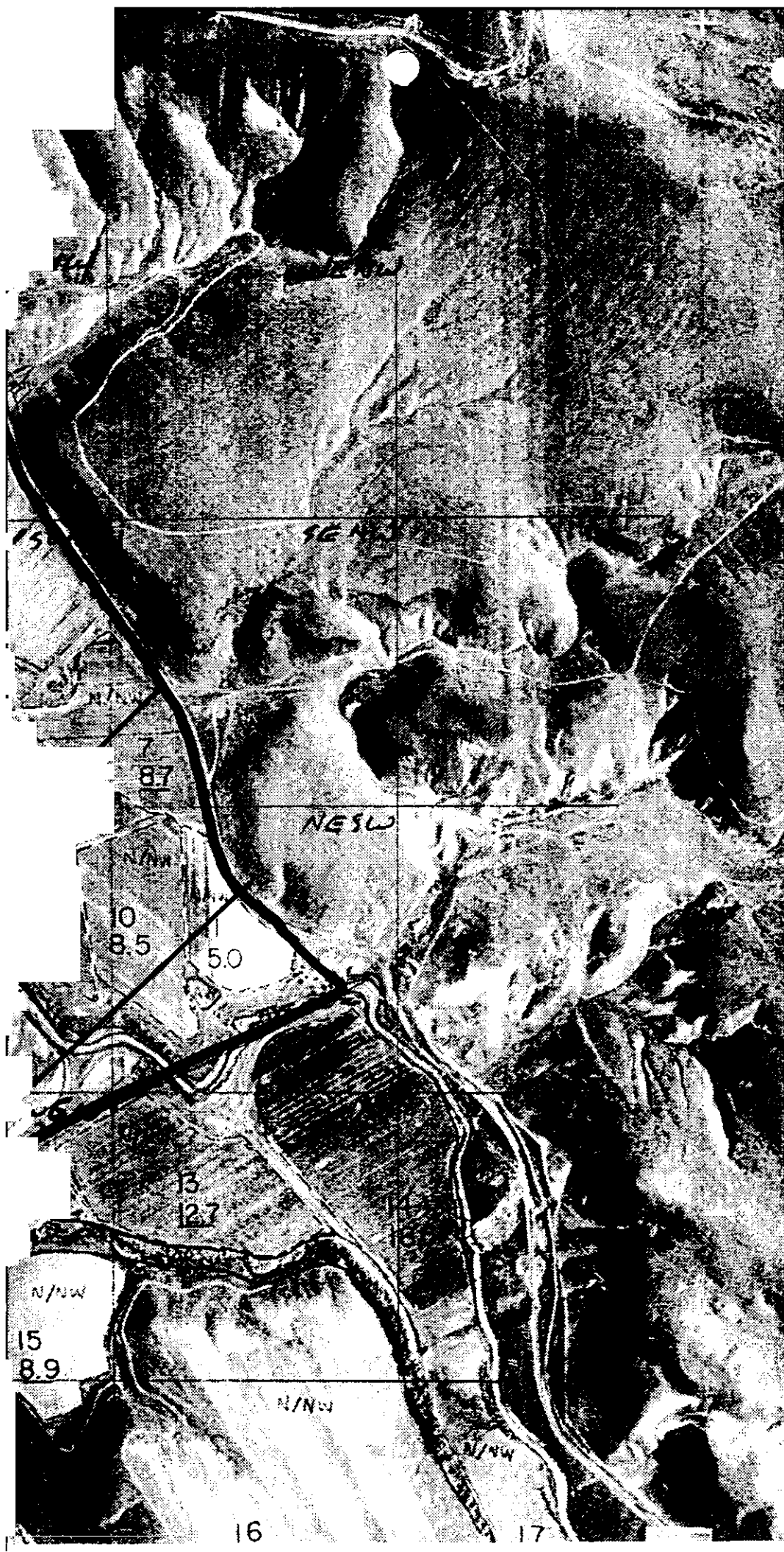
17
11.4

14
8 | 13



ATTACHMENT C

BOUNDARY OF LAND COVERED BY WATER
RIGHTS SUBMITTED TO IDAHO WATER BANK



1987 -N-18

NBSW

SWSW

SEW

SURE

SWSE

12.49

8.9

AT 3890

NE

NUNE

6.2

4.9

16

31.3

MARIC

17

MARIC

CRATO MARIC

ENGLE

SEW

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho

Re: Permit No. 27644
Grant D. Yarber

Oct. 1, 1963

Harley M. McDowell
Boise, Idaho

Dear Mr. McDowell:

Under the terms of your Permit No. 27644 you are required to complete your diversion works on or before Dec. 9, 1963. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

CARL F. TAPPAN

State Reclamation Engineer

Enc. Form 6

\$5.00 STATUTORY FEE MUST BE PAID BEFORE CERTIFICATE OF COMPLETION CAN BE ISSUED

cc: Grant D. Yarber
Route #1
Malba, Idaho

27644

**NOTICE OF PROOF OF COMPLE-
TION OF WORKS
and
APPLICATION OF WATER TO
BENEFICIAL USE**

NOTICE is hereby given that at 10 A. M., on the 29th day of November, 1963, at Boise, County of Ada, State of Idaho, before Joan H. Bain, Notary Public, at 329 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of the waters of Snake River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27644, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Grant D. Farber, Rt. 1, Melba, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 4.0 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4.0 cubic feet per second.

4. The point of diversion of said water is Lot 1, Sec. 6, T1S-R2W, B. M., Idaho.

5. The place where said water is used is Lot 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6; SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, T1S-R2W., B. M., Idaho.

6. The date of priority which said user is prepared to establish is 12/5/58.

CARL E. TAPPAN.

State Reclamation Engineer

Nov. 2, 9, 16, 23, 1963.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 16, 1963

(P. O.) Melba, Ida

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Free Press of Nampa, Ida published in

the county in which the works are situated.

PLEASE SEND STATEMENT OF CHARGES AND AFFIDAVIT OF PUBLICATION TO IDAHO LAND & APPRAISAL SERVICE, PO BOX 2161, BOISE, IDA.

Grant D. Yarber
Grant D. Yarber

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Carl E. Tappan
Engineer.

27644

October 29, 1963

10-29-63

Free Press
Nampa, Idaho

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to November 29, 1963, the date set for proof; the expense of the publication is to be paid by the applicant, Grant D. Yarber of Route #1, Melba, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,

[Signature]
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

CET:vj
enclosure

27644

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10th M., on the 29 day of November
1963, at Boise, County of Ada, State of Idaho, before
Jean H. Bain, Notary Public, at (address) 329 Idaho Bldg., Boise, Id
proof will be submitted of the completion of works for the diversion of
4.0 cubic feet per second of the waters of Snake River
and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 27644, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Grant D. Yarber, Rt. 1, Malba, Ida.

2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
4.0 cubic feet per second.

3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial use is 4.0 cubic
feet per second.

4. The point of diversion of said water is Lot 1, Sec. 6, T1S-R2W, B.M., Ida.

5. The place where said water is used is Lot 2, SE1/4, Sec. 6; SW1/4, N1/4, Sec. 5,
T1S-R2W., B.M., Ida.

Total 200 acres.

6. The date of priority which said user is prepared to establish is 12/5/58

State Reclamation Engineer

27644
AR

Re: Permit No. 27644
Grant D. Yarber

Harley M. McDowell
Idaho Land & Appraisal Service
Box 2161
Boise, Idaho

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 27644. The proofs are to be made at 10:00 o'clock A.M., on the 29th day of November, 19 , before Joan H. Bain, Notary Public.

As of this date we have mailed the Notice to the Free Press, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

~~GEO. N. GARTER~~ CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

27644

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 27644

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Grant D. Yarber, residence, Star Rt., Melba, Ida.; occupation, farmer;
postoffice address, Star Rt., Melba, Ida.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Individual.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit 27644; date of permit 12/9/58; date of priority 12/5/58.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Snake River, Lot 1, Sec. 6, T1S-R2W, B.M., Ida.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Works consist of 2 pumps at point of diversion, one 60 hp and one 90 hp., also a booster pump 20 hp, 2000' of 14" pipe, concrete ditch. Works are capable of conducting 200" of water.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation of the following lands: T1S-R2W., Sec. 5, SW¹/₄NW¹/₄, N¹/₂SW¹/₄; Sec. 6, Lot 2, SE¹/₄NE¹/₄(NE¹/₄SW¹/₄, 15A; NW¹/₄SW¹/₄, 35Ac; SW¹/₄NW¹/₄, 30A, Sec. 5, SE¹/₄NE¹/₄, 35 ac.; Lot 2, Sec. 6, 30 ac., all in T1S-R2W. No natural meadow land. About \$20,000 has been spent on this development as a direct result of said use.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. -

27644 DR

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. None.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Water now being used is necessary.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Original applicant.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water was first used during the irrigation season of 1963.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

✓
(Sign)

Grant D. Yarker

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 29 day of November, A. D. 1963.

✓
Joan H. Bain
Notary Public for the State of Ida.

My commission expires 6/20/65

27644

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 27644

Proof of Application of Water to Beneficial Use Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Mervin J. Christensen; 49; residence, Boise, Ida.; occupation, surveyor;
postoffice address, 1803 Larch St., Boise, Ida.

Ques. 2. Are you acquainted with Grant D. Yarber, the holder of Permit No. 27644? How long have you known him and where does he reside?

Ans. I have known him 4 years and know that he resides at Star Rt.,
Melba, Ida.

Ques. 3. Have you read or heard read said Permit No. 27644, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Snake River, Lot 1, Sec. 6, T1S-R2W., B.M., Ida. There are two pumps at the
point of diversion and a booster pump. Also installed is 2000' of 14" pipe and
a concrete ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 4 cfs.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for irrigation of the following: T1S-R2W., Sec. 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 ac;
NW $\frac{1}{4}$ SW $\frac{1}{4}$, 35 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 30 ac. Sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 ac; Lot 2, 30 ac.. No
natural meadow land. All improvements were made as a direct result of said
use.

27644

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation.

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Volcanic ash soil. All water being used is necessary.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Beneficial use of the water on this land was first made during
the irrigation season of 1963.

(Signed)

Mervin E. Gustafson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 29 day of November, A. D. 19 63.

Joan H. Basin

Notary Public.

My commission expires 6/20/65.

27644

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 27644

Proof of Application of Water to Beneficial Use
Deposition of Witness ^{and Completion of Works}

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Roxy C. Jensen; age, 69; residence, Melba, Ida.; occupation, housewife;
postoffice address, Melba, Ida.

Ques. 2. Are you acquainted with Grant B. Yarber, the holder of Permit No. 27644? How long have you known him and where does he reside?

Ans. I have known him 6 years and know that he resides at Star Rt., Melba, Ida.

Ques. 3. Have you read or heard read said Permit No. 27644, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Snake River, Lot 1, Sec. 6, T1S-R2W., B.M., Ida. Works consist of 2 pumps, a booster pump, 2000' of 14" pipe, and concrete ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 200"

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation of 15 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 35 ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$; 30 ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5.
35 ac. SE $\frac{1}{4}$ NE $\frac{1}{4}$; 30 acres Lot 2, Sec. 6, T1S-R2W. This is all cultivated land.
All improvements were made as a direct result of said use.

27644

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation only.

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Soil is volcanic ash and sandy loam. Water now being used is necessary.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I saw water applied to beneficial use during irrigation season of 1963.

(Signed)

Rory C. Jensen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 29 day of November, A. D. 19 63.

Joan H. Basin

Notary Public.

My commission expires 6/20/65.

27644

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Canyon.) ss.

Jeanne Bruner
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

November 2, 9, 16, 23, 1963

Jeanne Bruner

Subscribed and sworn to before me this

23rd day of November, 19 63

Adam O. Kain

Notary Public, Residing at Nampa, Idaho.

MY COMMISSION EXPIRES JUNE 23, 1967

27644

December 4, 1963

Re: Permit No. 27644

Mr. Grant D. Yarber
Star Route
Melba, Idaho

Dear Mr. Yarber:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Idaho Free Press, all submitted in proof of completion of works and beneficial use on Permit No. 27644.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

27644

July 28, 1965

RE: Permit No. 27644

Grant D. Yarber
Star Route
Melba, Idaho

Dear Mr. Yarber:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 27644 shows the pump and ditches are capable of conveying 105 miner's inches, or 2.10 c.f.s. of water for irrigation of 105 acres.

The report shows the point of diversion to be in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6 for irrigation of 105 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Lot 2, Sec. 6, T. 1 S., R. 2 W., B.M. from Snake River, with priority of December 5, 1958.

Since both the legal notice and your proofs show the point of diversion to be in Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 6 it will be necessary to readvertise and make new proofs before the certificates of water right can be issued. See the enclosed copy of an open letter in regard to a ruling by the Attorney General's Office in the matter.

Also enclosed are Forms 36A and 11, and an amendment form. There is a \$1.00 fee for recording an amendment.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. Open letter
Forms 36A, 11
Amendment form

27644

October 4, 1968

Re: Permit No. 27644

Grant D. Yarber
Route #1
Malba, Idaho

Dear Mr. Yarber:

On July 28, 1965 the Department of Reclamation advised you that the examination which was conducted by a representative of the Department indicated that there was a discrepancy in the point of diversion found during the field examination and the point of diversion listed in the permit.

The point of diversion listed under your permit is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (lot 1), sec. 6, T. 1 S, R. 2 W, B.M., Canyon County; whereas, the point of diversion found during the examination was located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 6, T. 1 S, R. 2 W, B.M., Canyon County.

Before a license may be issued, you will be required to amend the point of diversion under your permit to agree with the point of diversion actually found during the field examination. Enclosed is a completed amendment form. Sign the amendment form and return it to this office with a \$5.00 application fee and the Department will begin processing.

It will also be required to advertise a correction notice to cover the amendment of the permit. Enclosed is the proposed notice of correction and a form 11 which when signed by yourself will authorize the Department to advertise the enclosed notice.

Please complete all the necessary forms and return to this Department so that we may complete the processing of your permit and issue a license. Contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Amendment form
Copy of legal notice
Form 11

11-4-68
27644

October 4, 1968

Re: Permit No. 27644

Grant D. Yarber
Route #1
Malba, Idaho

Dear Mr. Yarber:

On July 28, 1965 the Department of Reclamation advised you that the examination which was conducted by a representative of the Department indicated that there was a discrepancy in the point of diversion found during the field examination and the point of diversion listed in the permit.

The point of diversion listed under your permit is located in the SE¹/₄ (lot 1), sec. 6, T. 1 S, R. 2 W, B.M., Canyon County; whereas, the point of diversion found during the examination was located in the NW¹/₄, sec. 6, T. 1 S, R. 2 W, B.M., Canyon County.

Before a license may be issued, you will be required to amend the point of diversion under your permit to agree with the point of diversion actually found during the field examination. Enclosed is a completed amendment form. Sign the amendment form and return it to this office with a \$5.00 application fee and the Department will begin processing.

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Please complete all the necessary forms and return to this Department so that we may complete the processing of your permit and issue a license. Contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Amendment form
Copy of legal notice
Form 11

27644

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

Notice is hereby given that the legal notice printed in the Idaho Free Press on November 2, 9, 16, and 23, 1963, showing that Grant D. Yarber was to make proof of completion of works and beneficial use of water November 29, 1963 was in error. The point of diversion was given as Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), sec. 6, T. 1 S, R. 2 W, B.M.; whereas, the actual point of diversion is the NW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 6, T. 1 S, R. 2 W, B.M. Canyon County.

That any protests against the approval of the depositions made November 29, 1963, must be filed at the Department of Reclamation, Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this _____ day of _____, 1968.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last Date of Protest _____

27644

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

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That any protests against the approval of the depositions made November 29, 1963, must be filed at the Department of Reclamation, Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this _____ day of _____, 1968.

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last Date of Protest _____

27644

November 12, 1968

Re: Permit No. 27644

Grant D. Yarber
Route #1
Melba, Idaho

Dear MR. Yarber:

As of this date we have not received a reply to our letter of October 4, 1968, a copy of which is enclosed. The department of Reclamation would appreciate an answer from you as soon as possible so that we may clear our records of this matter.

Your assistance will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Letter of October 4, 1968

Letter of July 28, 1968

Copy of legal notice

27644

b February 11, 1969

Re: Permit No. 27644

Elderado Land and Livestock
Route 7
Melba, Idaho

Gentlement:

Enclosed is a letter dated October 4, 1968, which the Department forwarded to Mr. Grant D. Yarber, Route 1, Melba, Idaho. The letter advised Mr. Yarber that a correction notice would be necessary after the filing of an amendment. It also advised him that the necessary forms were enclosed.

We have found that this land is now under your ownership and we are wondering if you still are using this water and if you would be interested in completing the requirements under this permit.

If you are interested, please reply prior to March 11, 1969, and the Department will forward to you the necessary forms and related information.

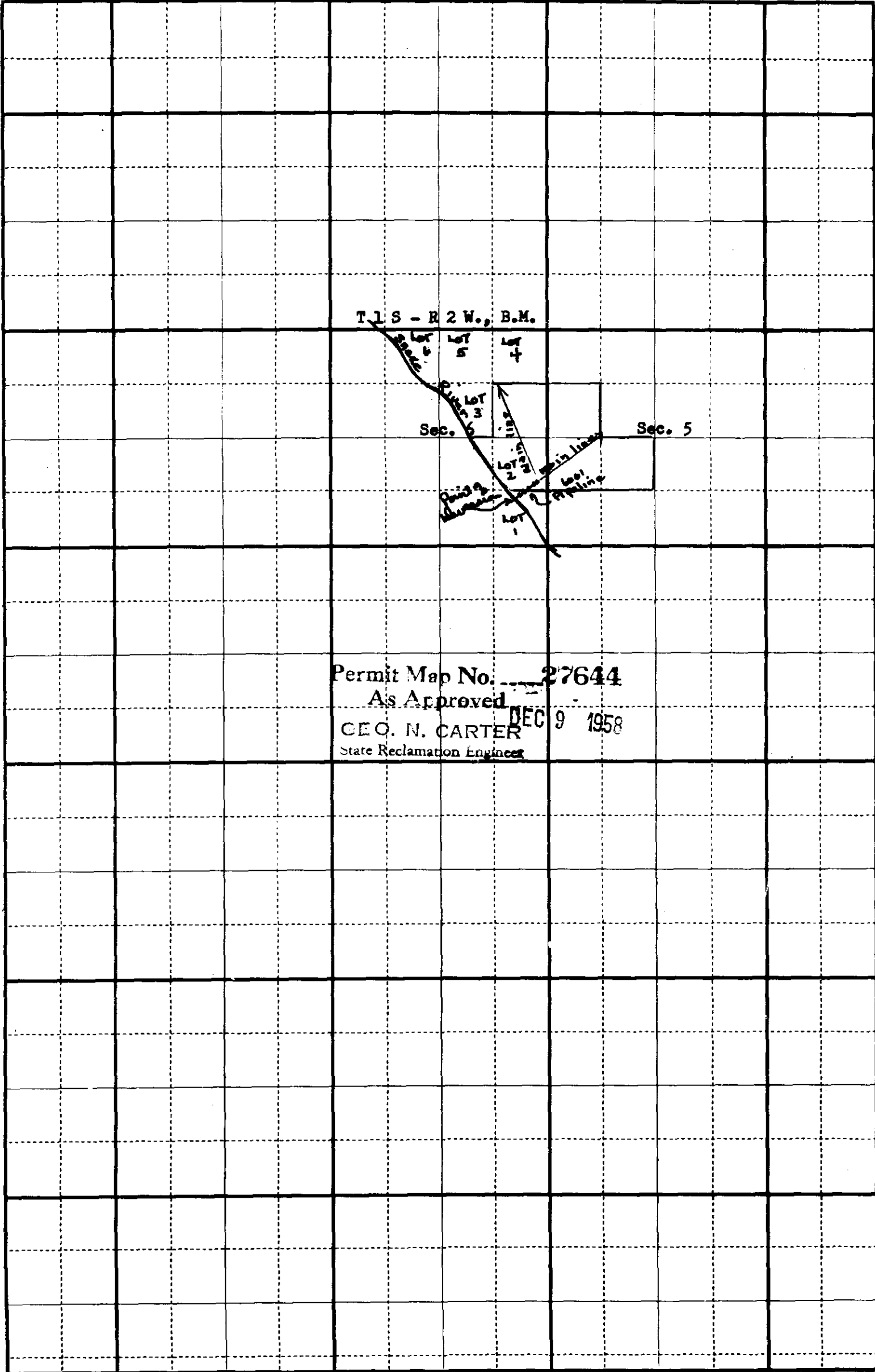
Very truly yours,

9 Donald W. McEldowney
Appropriation Examiner

DWM:TG

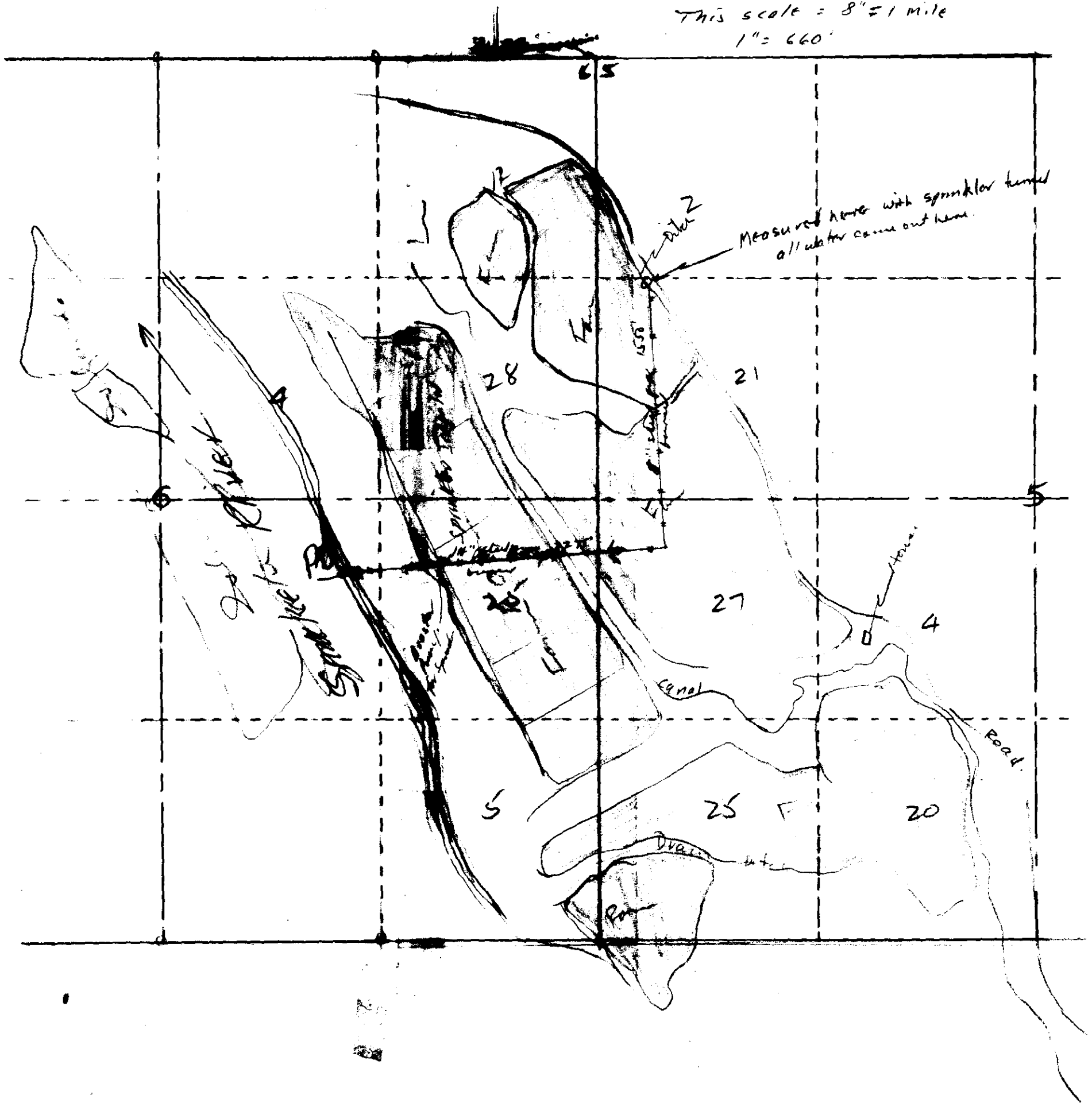
Enc: letter of 10-4-68

27644



Permit Map No. 27644
As Approved DEC 9 1958
GEO. N. CARTER
State Reclamation Engineer

This scale = 8" = 1 mile
1" = 660'



1-63

.85

Date _____

Form # 27649

River at

at diversion box along Road in NW Sec

.96

.95

5

.90

21

12

1999-2000

10

2

3

2

Chk. by

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27644

REPORT ON PROOF OF Completion of Works & Beneficial Use

Grant D. Yarber, Star Route, Melba, Idaho

27644

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 27644

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Grant D. Yarber

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the _____ Lot 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6

T. 1 S. R. 2 W.B.M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: 60 HP OS Motor #3453052
Layne Pump #46438 10" diach to check valve to 14" Pipe to 30 HP OS Motor #3467208
Layne Pump #46439 8" diach to check valve to 14" Pipe to 22.75' to a 8" x 1550' steel
pipe and Tee. Both pipes discharge into open ditches. There is a 6"
Tee 465' upstream from pump to a 20 HP centrifugal booster pump

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5., SE $\frac{1}{4}$ NE $\frac{1}{4}$, (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Lot 2., Twp. 1 S., Rge. 2 W.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Columbia River.

Remarks: Mr. G. D. Yarber along.

(Aerial Photo shows P.D. to be in the NW SE Sec. 6 T. 1 S., R. 2 W.)

Measured by Pygmy meter #375 = 2.32 cfs or 116"

IRIGATION REQUIREMENT = 5.0 AC-FT / ACRE / SEASON

This examination was made on the 22nd day of July, 1965

(Signed)

Layne Johnson

Examiner.

27644

PLAT 2

3A-69

27644

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

JUL 28 1965

Department of Reclamation

02
2. Pump
1-6-60
90HP
1 20HP pump
2000' 1/4" pipe and
concrete ditch

Grant D. Yarber
Star Route
Melba, Idaho
Permit No. 27644

Examination for Completion of Works & Beneficial Use

County Canyon

Sec. 6 T. 1S R. 2W

Quantity: 4.0 C.F.S.

Source: Snake River

P.D.: LOT 1 (SESE) - 6-15-2W

Use: Irrigation

Filed: 12-5-58

Due: 12-9-63 C/W
12-9-68 B/M

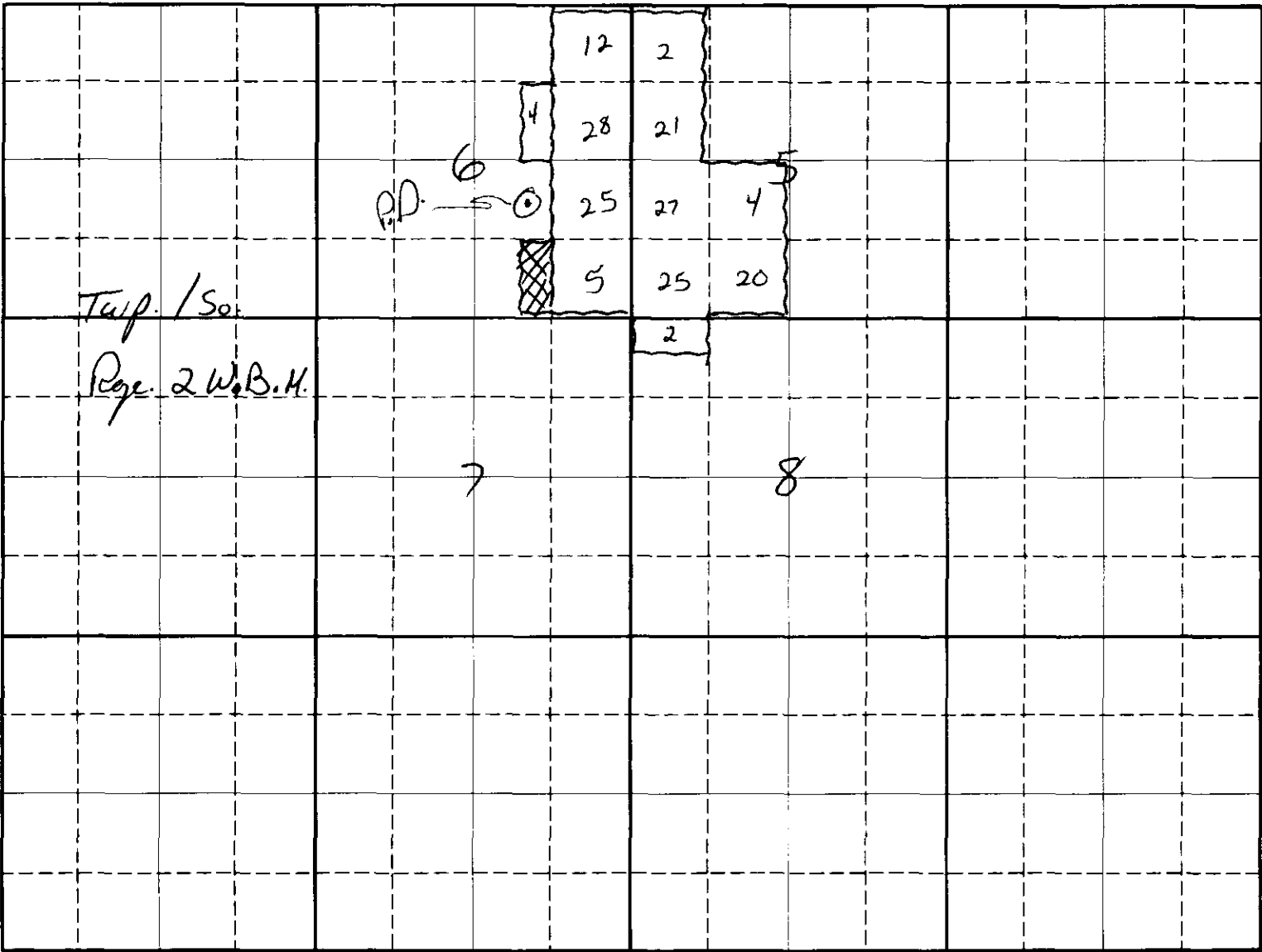
Extension:

Completion of Works:

Other Rights: None 31482

27644

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

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 5 day of March, 1969.

Eldred Sanford Livestock corp
(signature)
Per Jensen Pres

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby APPROVE the above application for amendment for permit No. 27644.

Witness my hand this 10th day of March, 1969.

R. Keith Higginson
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

I, Grant Yarker, hereby assign to El Dorado Land & Livestock Corp.
of Melba Idaho Route 1 Name #
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 27644
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. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within each
40-acre subdivision.)

Made this _____ day of _____, 19____.

Grant Yarker
Permit Holder

Mae Yarker
Wife of Permit Holder

State of Idaho)
County of Canyon) ss.

On this 27th day of February, 19 69, personally ap-
peared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

D. B. Webb
Notary Public residing at
Melba, Idaho

My commission expires Feb. 2 - 1972

27644

March 12, 1969

Re: Permit No. 27644

Eldorado Land and Livestock Corporation
Route #1
Melba, Idaho

Gentlemen:

Enclosed is a copy of the assignment which we have received from Mr. Grant Yarber. The assignment has been recorded with the Department of Reclamation.

Also enclosed is a copy of the APPROVED application for amendment submitted in connection with Permit 27644. Receipt No. 2800 is enclosed which covers the fees for licensing and the fee for the amendment, totaling \$34.00. The license will be prepared and forwarded to you in the near future.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Assignment
Amendment
Receipt

cc. Grant Yarber

27644

March 27, 1969

Re: Permit No. 27644

Eldorado Land and Livestock Corp.
Route 1
Melba, Idaho 83641

Gentlemen:

Enclosed you will find your Water License issued on the
above numbered permit.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

27644

December 15, 1958

Re: Permit No. 27644
Grant D. Yarber

Idaho Land & Map Service
P. O. Box 2161
Boise, Idaho

Attention: Harley M. McDowell

Dear Mr. McDowell:

We enclose the above listed permit, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 29393, which was issued covering payment in the amount of \$5.75, for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (2)

27644



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

IN REPLY REFER TO:

LO:CRK
Idaho 010011

AUG 10 1960

NOTICE OF ALLOWANCE

RECEIVED
AUG 15 1960
Department of Reclamation

Grant D. Yarker

Route #1

Malba, Idaho

Dear Sir:

Your Desert Land Entry, Serial No. Idaho 010011,
Receipt No. 835057, for 1/4 Sec. 5,
Lot 2, S1/4, T1N, R2W, Section 6,
Township 1 S., Range 2 W., Boise Meridian, Idaho,
containing 205.80 acres, has this day been allowed, subject
to any valid existing rights and your further compliance with laws
and regulations applicable thereto. In correspondence relating to
this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914, which may require the
reservation of all oil and gas deposits to the United States.

cc: BM, I-1

RAM

State Recl. Engr., Boise

Sincerely yours,

Donald I. Bailey
Manager

27644