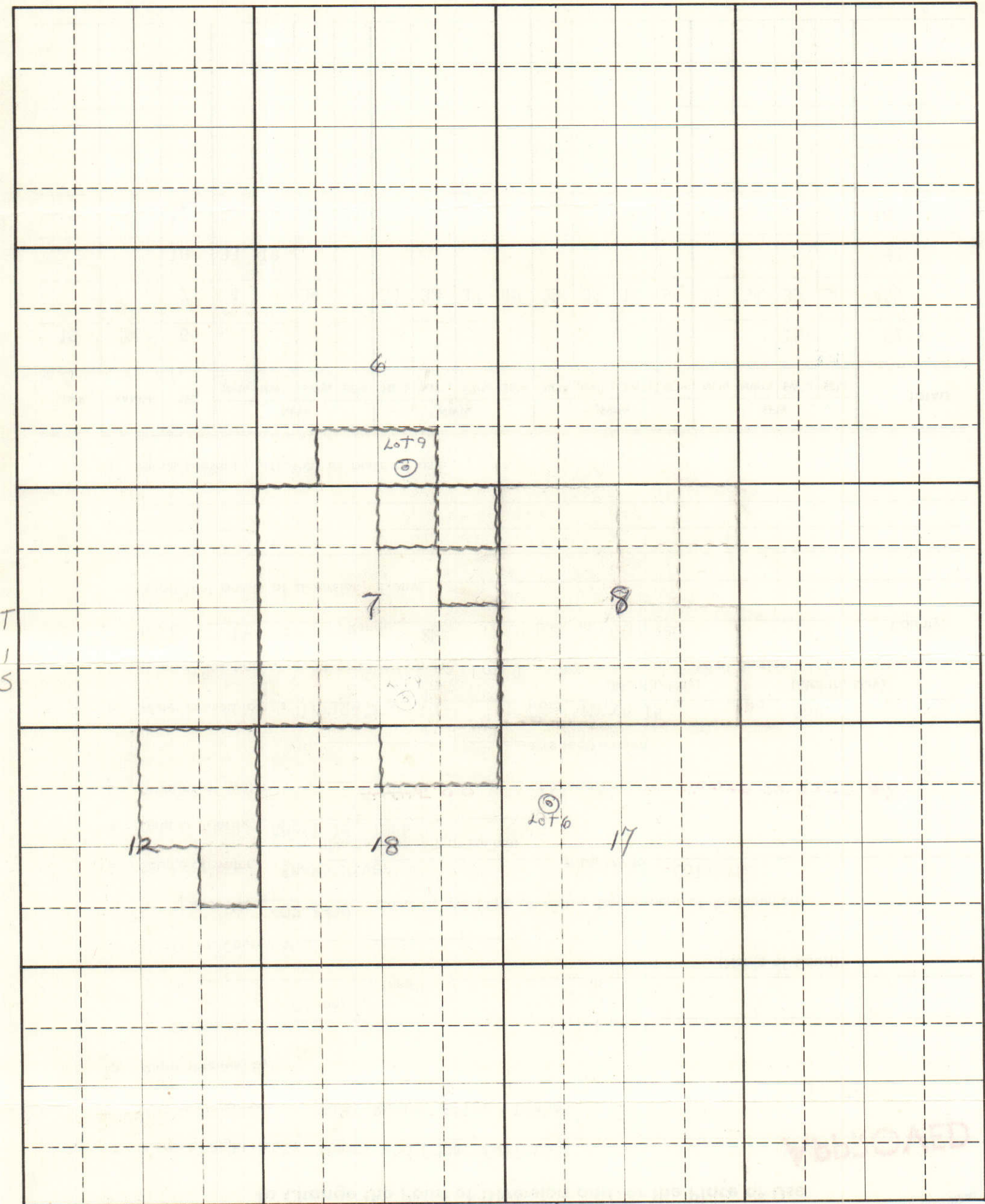


R 3 W

R 2 W

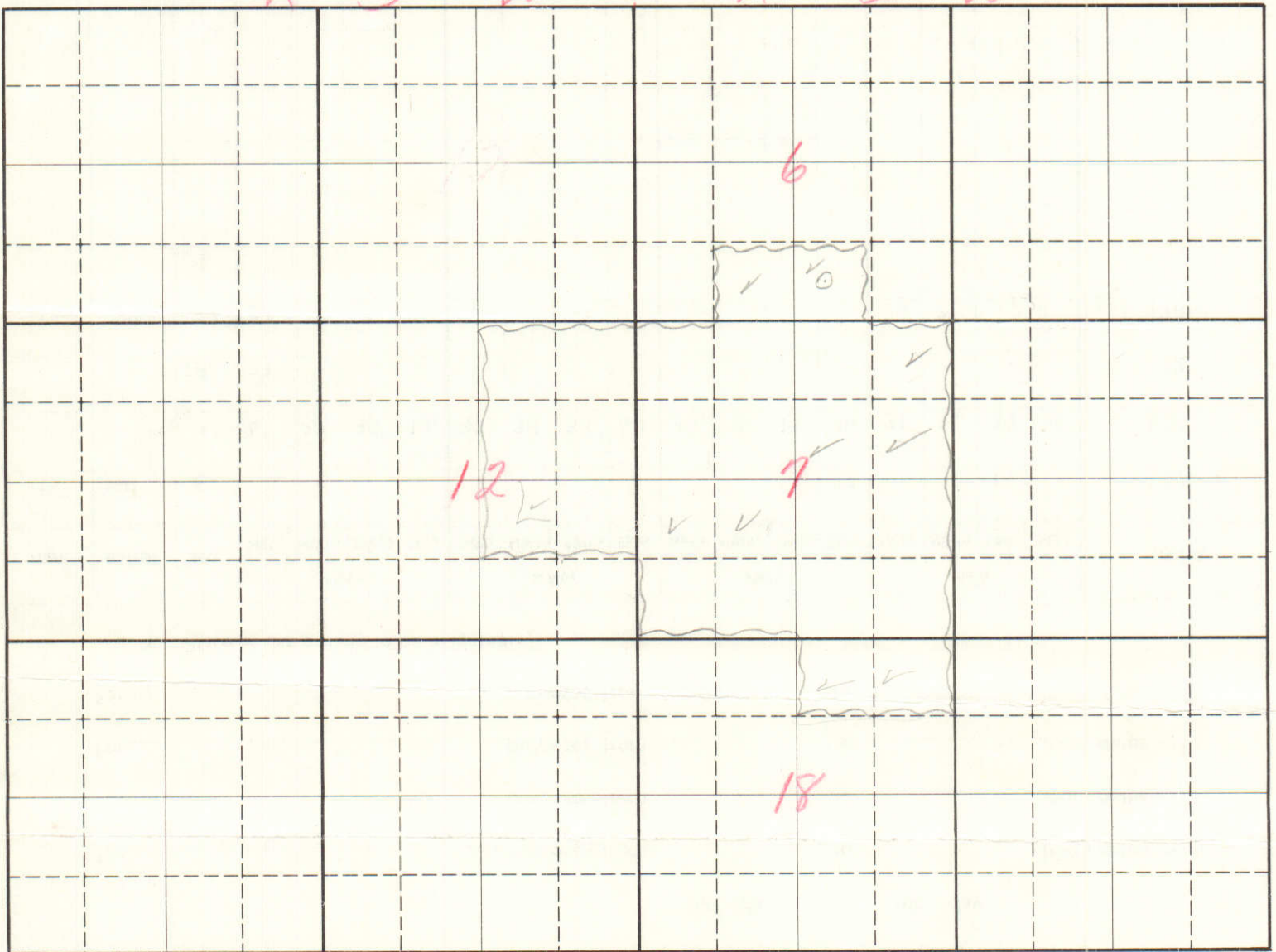


SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

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.

R 3 W 1 R 2 W

T  
1  
S



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 Idaho, this 17 day of Feb., 19 69.

[Signature]  
(signature)

**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 33401.

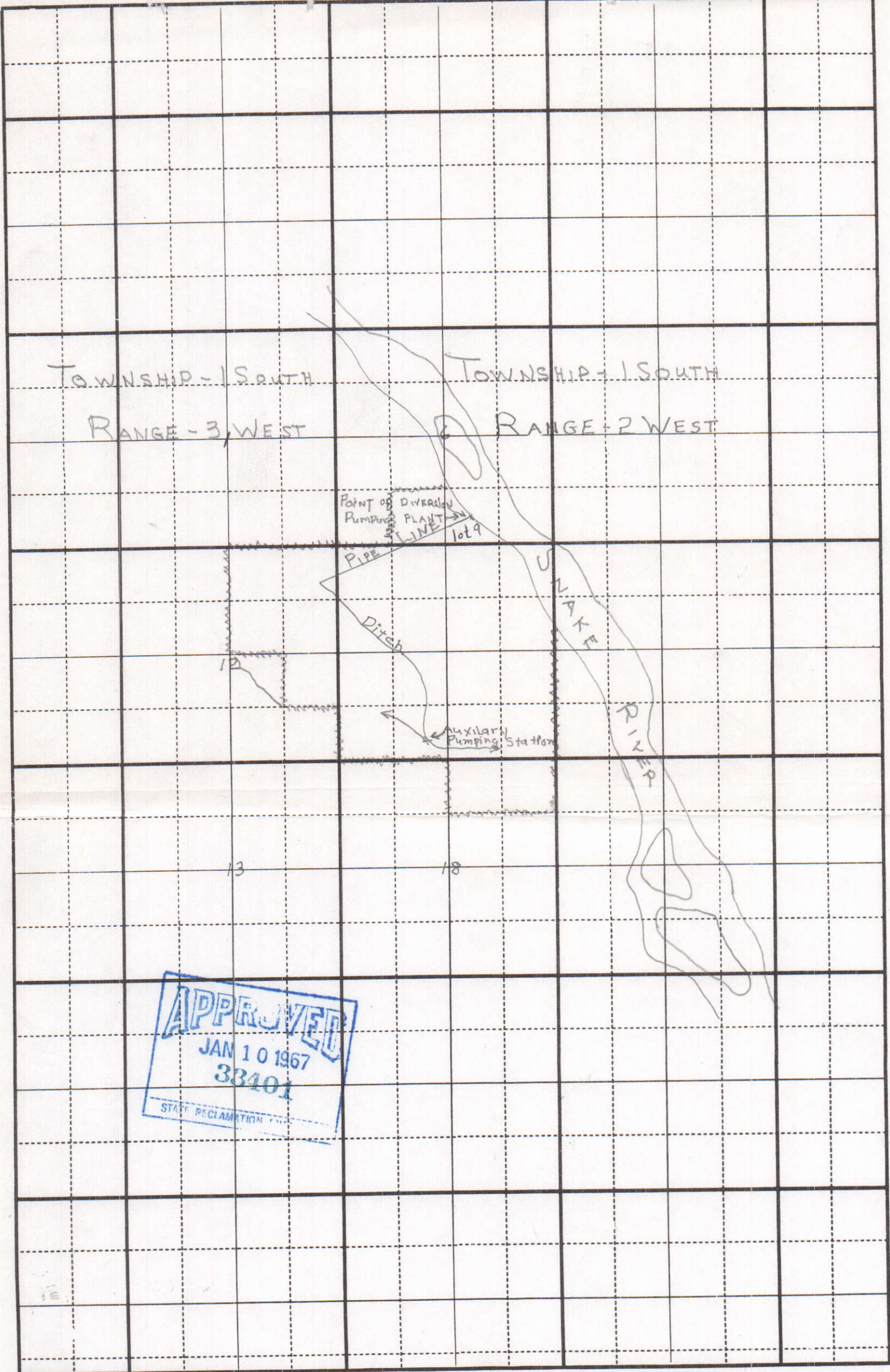
Witness my hand this 27th day of February, 1969.

[Signature]  
State Reclamation Engineer

33401

NAME OF APPLICANT JAMES & EDGAR MULLER

Form No. 0



APPROVED  
JAN 10 1967  
33401  
STATE RECLAMATION

RE-EXAMINATION DE

Permit No. 33401

Name of Applicant James & Edgar Muller, Star Rt., Melba, Idaho

Source of Water Snake River

a tributary of Columbia River

Location of P.D. SW 1/4 (Lot 9), Sec. 6, T. 1S, R. 2W, B.M., Owyhee Co.

1522483

Water is used for Irrigation

Quantity of water claimed: Permit 5.0 cfs Depositions 5.0 cfs

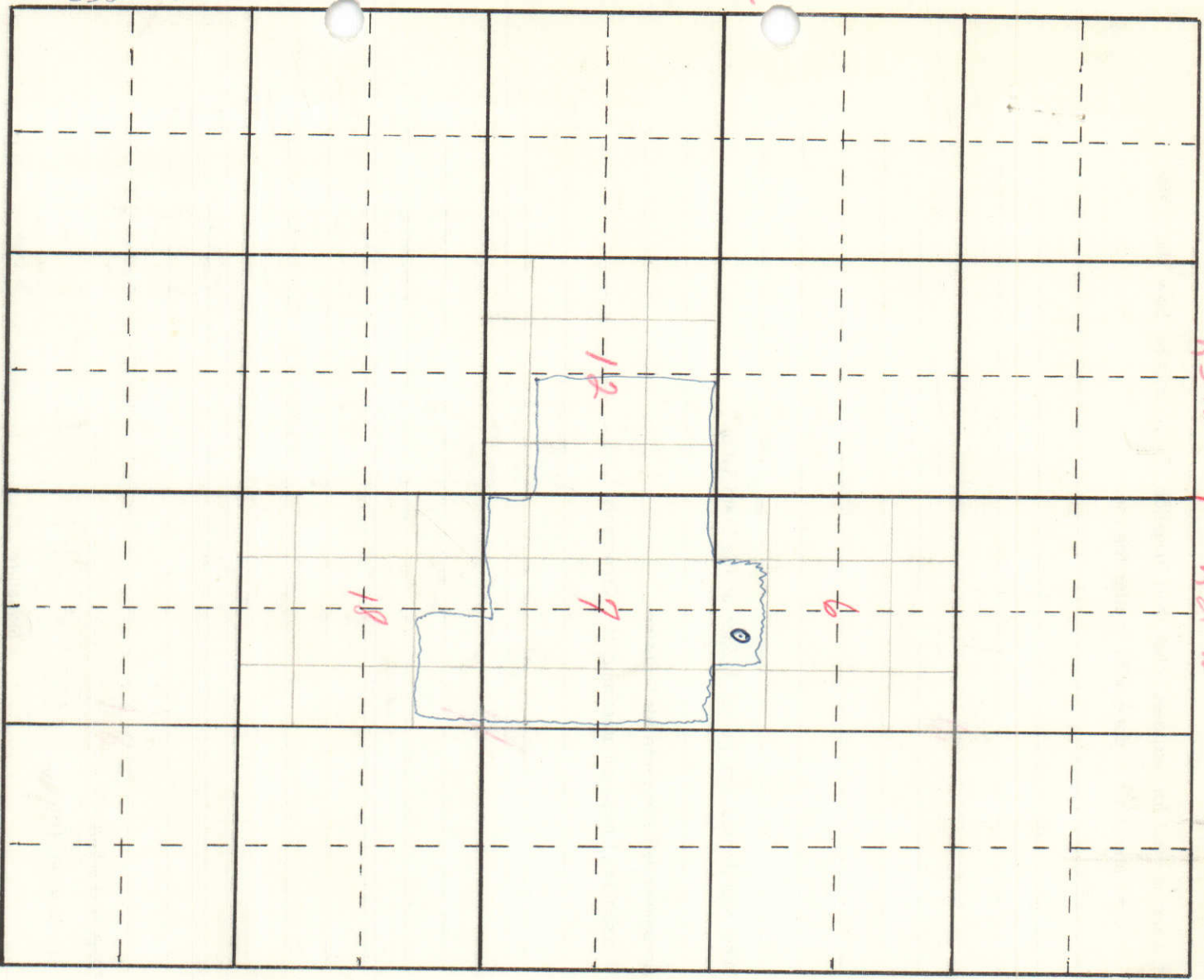
Type of measuring device installed or method of measurement and general description of diversion works Water is pumped from the river through a pipe line and open ditch to places of use. There is also an auzillary pump on the line.

Land to be irrigated or place of use:

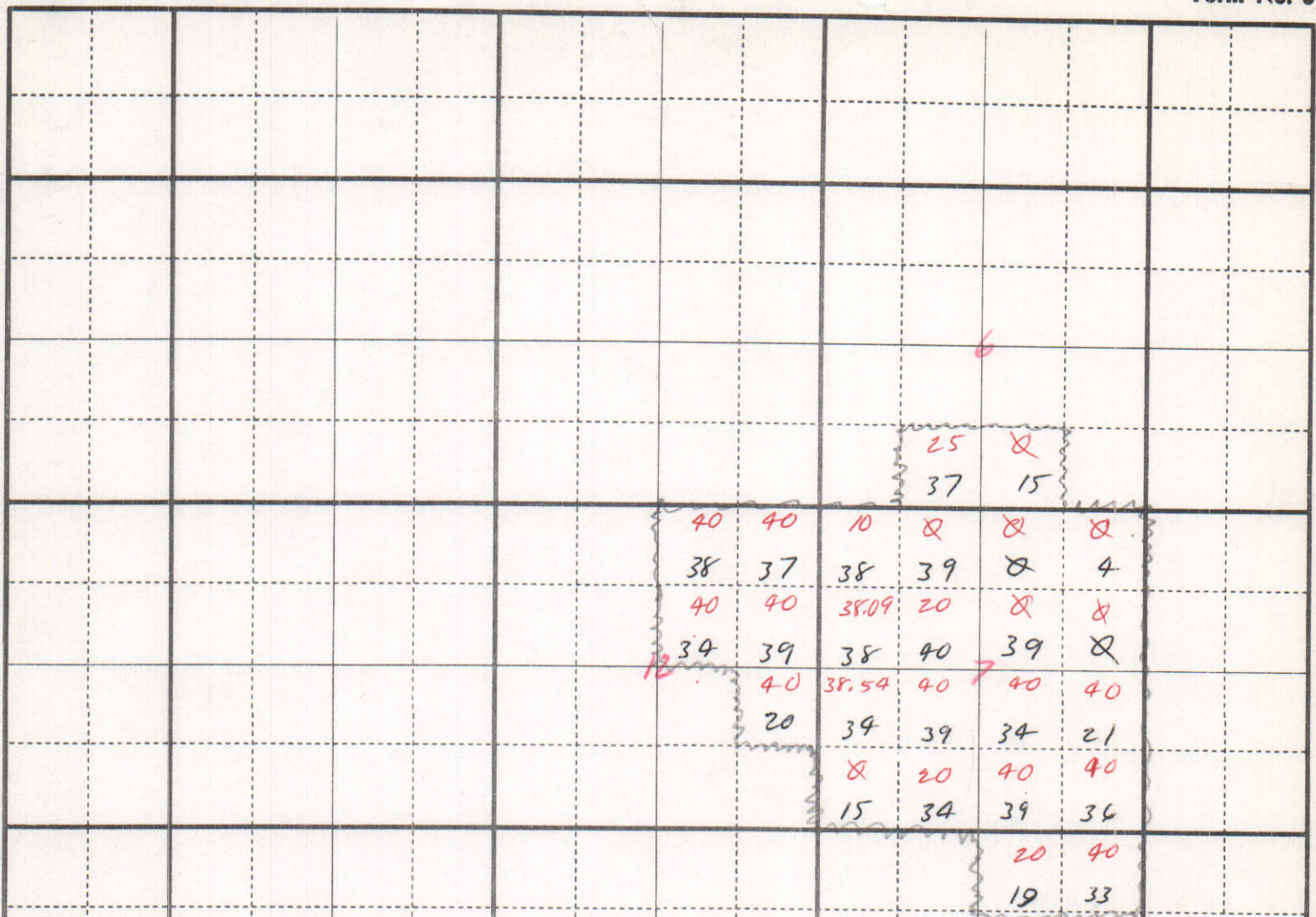
| TWP. | RGE. | SEC. | Description                                                |
|------|------|------|------------------------------------------------------------|
|      |      | 6    | SE 1/4 SW 1/4, SW 1/4 SE 1/4 (Lot 9),                      |
|      |      | 7    | NE 1/4 NE 1/4 (Lot 2), SW 1/4 NE 1/4 (Lot 1), NW 1/4 S 1/2 |
| 1S   | 2W   | 18   | N 1/2 NE 1/4                                               |
| 1S   | 3W   | 12   | NE 1/4, NW 1/4 SE 1/4                                      |

Filed - December 15, 1966 Total acreage 772  
Due - January 10, 1972  
Made - April 3, 1967  
Priority - December 15, 1966

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)



Form No. 0



01-2051

~~UNDER LICENSE~~

UNDER LICENSE NO. 19964 : 611.53 ACRES @ 0.82"/ACRE = 10.0 cfs

ON PERMIT NO: 33401; 722 ACRES TOTAL

186 ACRES @ 1" / ACRE = 3.72 cfs

536 ACRES @ 0.18" / ACRE = 1.93 AS

|        |           |  |  |             |
|--------|-----------|--|--|-------------|
| TOTALS | 722 ACRES |  |  | \$5.65/acre |
|--------|-----------|--|--|-------------|

15.65 cts

SUBD - 23

AREA - 722 ACRES

ALLOW Q - 5.0 cfs

VOL - 3610 ACRE-FT/SEASON NOT TO BE EXCEEDED  
FROM ALL RIGHTS OR PERMITS

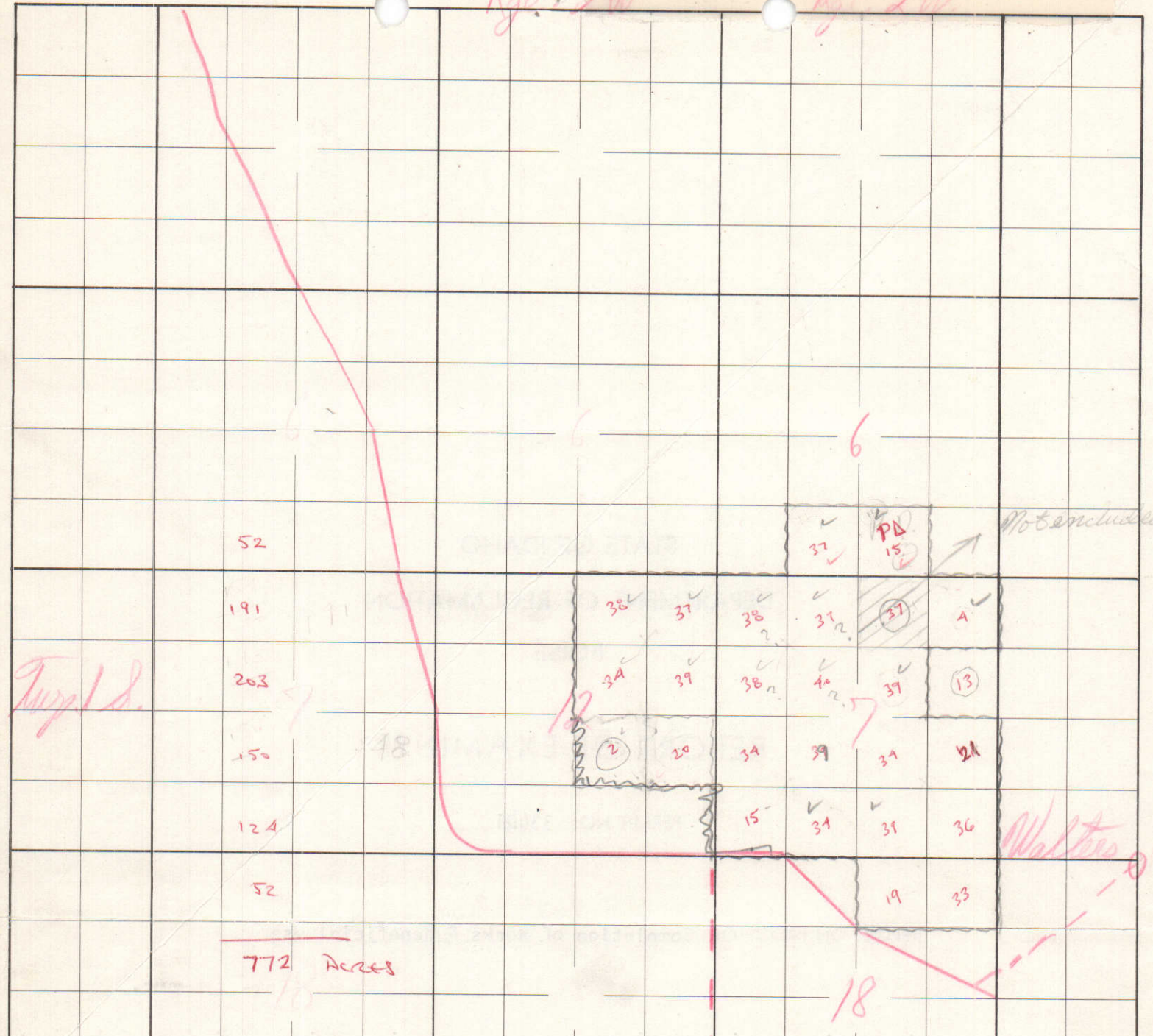
PRIORITY - DECEMBER 15, 1966

3340/

02-2399

Rge. 3 W

Rge. 2 W



67 ACRES IRRIGATED BY SPRINKLER SYSTEM

AREA - APPROX 772 ACRES - ESTIMATED

SUBD - 26

Q - Allow 1.12 cfs. (PERMIT 19864 LICENSED FOR 10.0 cfs)

Vch - THIS PERMIT (WHEN COMBINED WITH 19964 - SHALL NOT EXCEED (772 x 5.0 AC-FT - 3860 AC-FT)

PRIORITY = DEC 15, 1966

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

Permit No. 33401

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

1. Name of applicant James and Edgar Muller

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the SW 1/4 (Lot 9) of Section 6

T. 1 S R. 2 W County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same:

#1 100 HP US ELEC MOTOR # 1328757, BARKLEY VERT  
TURBINE # 7723, 12" DISCHARGE, CHECK VALVE INTO  
22" PEXSTOCK #2 60 HP US HOLLOW SHAFT VERT TURBINE MOTOR  
# 3927413, LAURE & BOWSER VERT PUMP # 13444, 2750 gpm  
30' LIFT TO 4" OUTLET & BOOSTER PUMP - SPRINKLER SYSTEM  
12" DISCHARGE INTO 22" PEXSTOCK - 47' LIFT TO FIRST OPEN DISCHARGE OUTLET - CONCRETE DITCHES  
& EARTH DITCHES.

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):

SE 1/4 SW 1/4, SW 1/4 SE 1/4 (Lot 9), Sec. 6; NE 1/4 NE 1/4 (Lot 2), SW 1/4 NE 1/4 (Lot 1), NW 1/4, S 1/2, Sec. 7;  
N 1/2 NE 1/4, Sec. 18, T. 1 S, R. 2 W, B.M.; NE 1/4, NW 1/4 SE 1/4, Sec. 12, T. 1 S, R. 3 W, B.M.

Add NE 1/4 SE with amendment

(953.75 acres)

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

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

Remarks: Mr. Edgar Muller present for inspection.  
He & irrigator assisted with sprinkler system  
measurement - & three current meter measure-  
ments.

SPRINKLER SYSTEM - 5-1/8 mile lines 1/4" RAINBIRD 30W @ 30 lbs. Ave. Press.

$Q = (5 \text{ LAT}) (17 \text{ NOZ/LINE}) (4.64 \text{ gpm}) = .879 \text{ cfs} = .88 \text{ d/s}$

IRRIGATION REQUIREMENT = 50 AC-FT/SEASON

CURRENT METER MEASUREMENTS = 10.34 TOTAL Q = 11.12 d/s

This examination was made on the 11 TH day of APRIL, 1968

(Signed)

Don Reynolds

Examiner.

note file 18922 + 19964  
needs amendment to land list to  
include NW 1/4 SE NE 1/4 Sec 7 & 12 R. 2 W + NE 1/4 Sec 12 R. 3 W.

33401

02-2399

RE-EXAMINED

SEE YELLOW SHEET

plat  
kit.

James & Edgar Muller  
Star Route  
Melba, Idaho  
Permit No. 33401

Electric motor and pump with  
pipeline to open ditch  
Q-5.0 c.f.s.

P.W. 195-2543

Examination for Comp. of Works & Beneficial Use

County Owyhee

Quantity: 5.0 c.f.s. Sec. 6 T. 1S R. 2W

Source: Snake River

P.D.: SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6, T. 1 S, R. 2 W, B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: Water license #19964, 500" Flood  
water Reynolds Creek

Filed: December 15, 1966

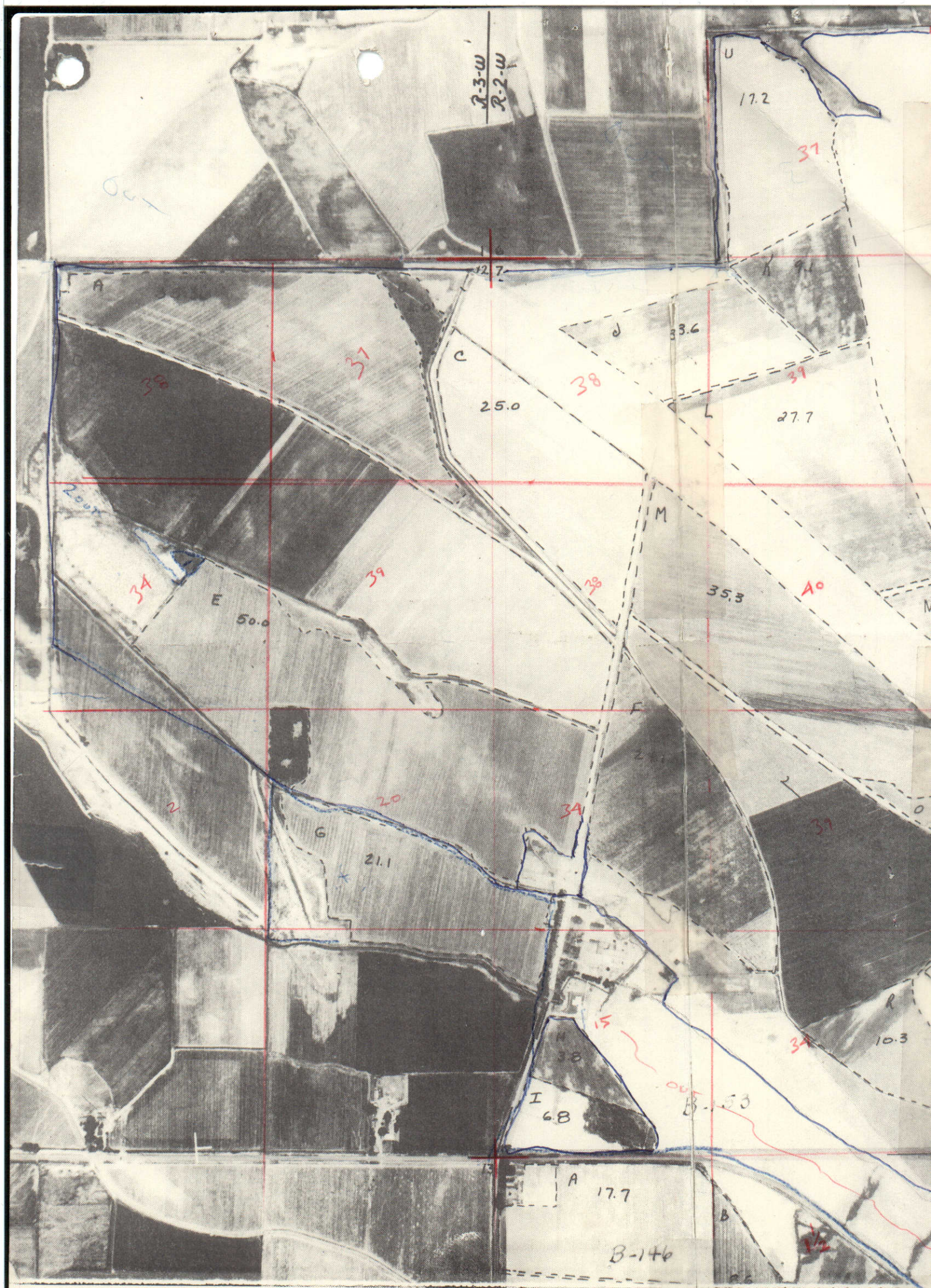
Due: January 10, 1972

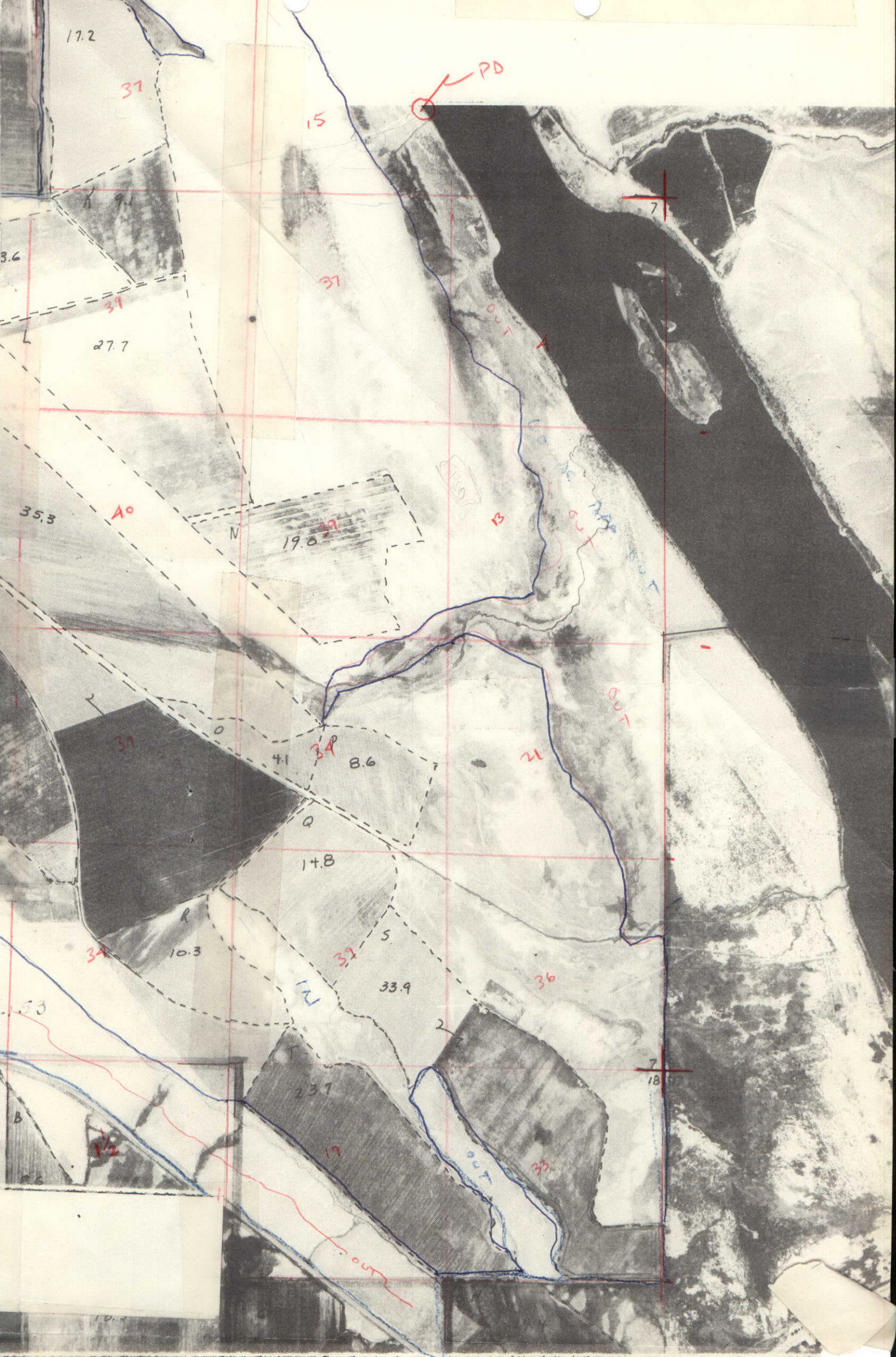
Made: April 3, 1967

Priority: December 15, 1966

### 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.





02-239  
3340

RECEIVED  
APR 27 1967

Department of Reclamation

# 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 4 consecutive weeks, the first publication being on the 2 day of March, 1967, and the last publication being on the 23 day of March, 1967;

That the said newspaper has been published continuously and uninterrupted in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

  
PUBLISHER

Subscribed and sworn to before me this 31 day of March, 1967.

  
NOTARY PUBLIC

My commission expires 9-10-68

(SEAL)

## NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN That on the 3rd day of April, 1967, at Caldwell, County of Canyon, State of Idaho, before Wm. Gigray, Attorney at Law, Notary Public, at (address) 9th and Dearborn, Caldwell, Idaho, proof will be submitted of the completion of works for the diversion of 5 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. 33401, 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: James and Edgar Muller, Star Route, 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 5 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 5 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6, T. 1 S., R. 2 W., B. M.

5. The place where said water is used is SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 1); NW $\frac{1}{4}$ S $\frac{1}{2}$ , Sec. 7; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 18, T. 1 S., R. 2 W., B. M.; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 1 S., R. 3 W., B. M.

6. The date of priority which said user is prepared to establish is Dec. 15, 1966.

R. KEITH HIGGINSON,  
State Reclamation Engineer  
Published March 2, 9, 16, and 23, 1967.  
The Owyhee Nugget  
Marsing, Owyhee County, Idaho

33401

Identification No. 02-2399

Transfer No. 1779

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

REC.  
JAN 2 1966  
Department of Water Administration

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

1. Name of Right Holder James and Edgar Muller **APPROVED**  
Post office address Star Route, Melba, Idaho
2. Right obtained by:  
a. Decree to \_\_\_\_\_ in Case of \_\_\_\_\_  
(Name)  
vs. \_\_\_\_\_, Dated \_\_\_\_\_ in \_\_\_\_\_  
(Name of Court)  
Court. County of \_\_\_\_\_.
- b. License No. 02-2399 issued by the State of Idaho, Department of Reclamation.
3. Source of water Snake River tributary to Columbia  
(Name of stream or source)
4. Date of Priority April 15, 1966
5. Amount of water a. 5.00 c.f.s. and/or  
b. \_\_\_\_\_ acre feet/annum
6. Water is used for Irrigation from March 15 to Nov. 15  
(Month, Day) (Month, Day)
7. Original location of point of diversion is Lot 9 ~~XX~~ of Section 6 ~~XX~~,  
Township 1S, Range 2W, B.M., in Owyhee County;  
Additional points of diversion, if any \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Lands presently irrigated or place of use:

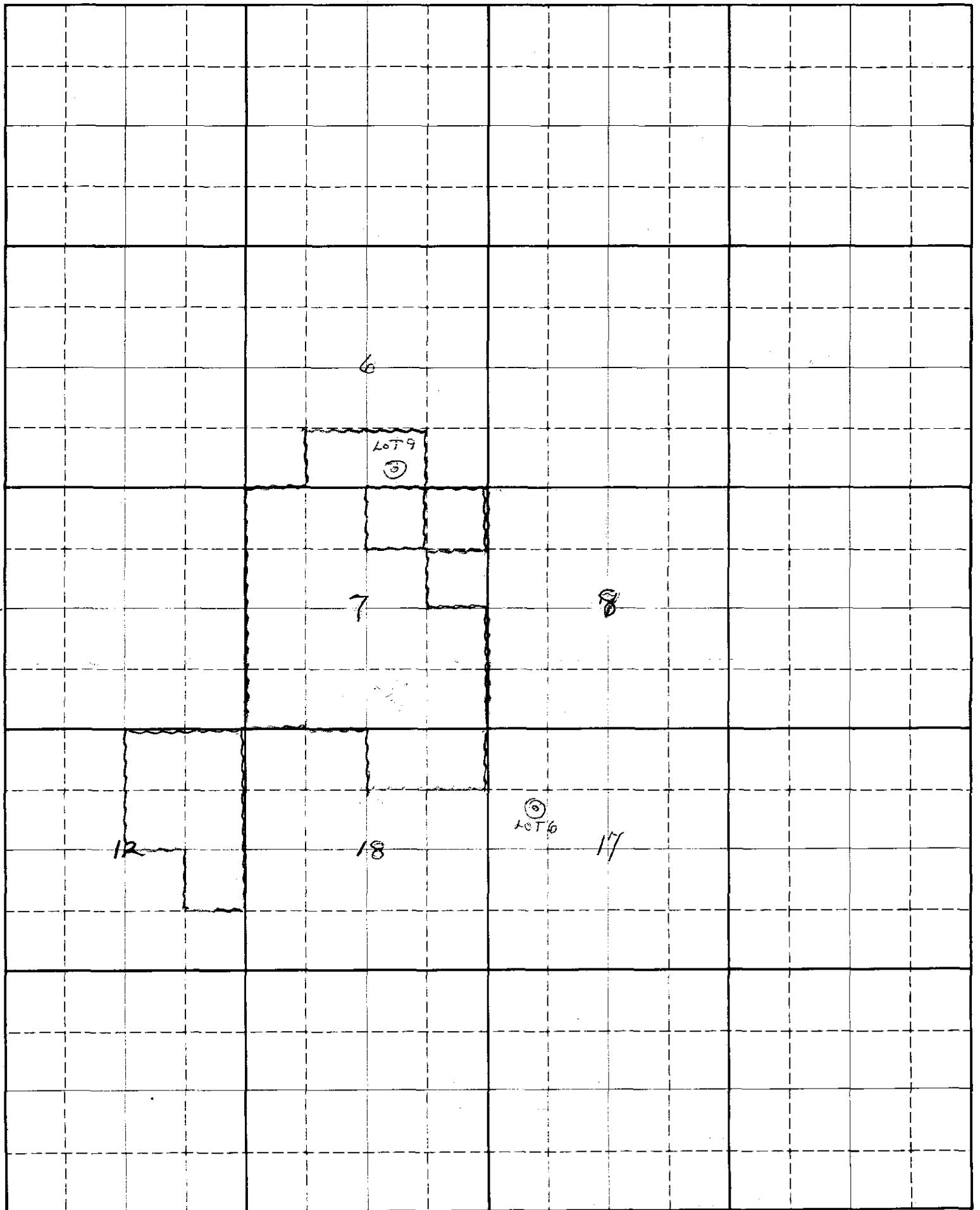
| TWP. | RANGE | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | 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 |        |
| 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    |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

Total number of acres presently irrigated 722

2 2394

R 3 W

R 2 W



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired:\_\_\_\_\_

## 10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 5.00 c.f.s. and/or          acre feet

b. New point of diversion: Lot 9 ~~xx~~ xx, Section 6, Township 1S

\_\_\_\_\_, Range 2W, B.M. Additional Points of Diversion: Lot 5  
Sec. 17, T. 1S, R. 2W, B.M., Owyhee County

c. Description of method of diversion and conveyance from new points of diversion: Turbine pumps  
and electric motors pump into pipelines to places of use.

d. Is water to be conveyed to the lands previously irrigated? Yes X No \_\_\_\_\_.

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

Additional point of diversion will enable the right holder to more efficiently irrigate his property.

f. Do you intend to make the transfer permanent? Yes.

g. Do you intend to abandon completely the old point of diversion? No.

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

## 11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated 2,200

b. Do you intend to make the transfer permanent?\_\_\_\_\_

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:\_\_\_\_\_

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Sam T. Miller, Elgar C. Miller  
(signature of applicant)

Subscribed and sworn to before me this 4th day of January, 19 72

Will. A. Ginn  
(notary public)

My commission expires May 15, 1974

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

**APPROVED**

This is to certify that I have examined Application for Transfer of Water Rights No. 02-2399,  
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. This transfer constitutes a change in the point of diversion only.

2. Denial of said application is for the following reasons:\_\_\_\_\_

Witness my hand this 11 day of February, 19 72

P. Kirk Higgins  
Director ~~State Reclamation Engineer~~  
Dept. of Water Administration

**FOR DEPARTMENT USE ONLY**

Received by EF Date 1-7-72

Protest filed by: \_\_\_\_\_ Date \_\_\_\_\_

Prelim. check by EB Date 7-7-72

Fee received by EF Date \_\_\_\_\_ Fee \$ 30.00 # 3000

Approved for publication by D

Published in Owyhee Nugget Dates 1/20/72 & 1/27/72

Hearing held \_\_\_\_\_

Watermaster Recommendation sent Jan. 12, 1972

2 1974

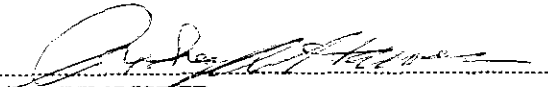
# PROOF OF PUBLICATION

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 20 day of Jan, 1972, and the last publication being on the 27 day of Jan, 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.

  
PUBLISHER

Subscribed and sworn to before me this 27 day of Jan, 1972.

  
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 02 - 2399

Notice is hereby given that James and Edgar Muller of Star Route, Melba, Idaho, have applied to the Department of Water Administration for a change of the point of diversion of the waters of the Snake River, tributary to the Columbia River. The right sought to be changed is evidenced by License No. 02-2399 and is recorded as follows.

Amount: 5.0 c. f. s. Priority: April 15, 1966. Point of Diversion: Lot No. 9, Sec. 6, Twp. 1 S., Rge. 2 W., B. M., Owyhee County. The water is used for irrigation purposes from March 15 to November 15, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 7; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 18; all in Twp. 1 S., Rge. 2 W., B. M., and the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, Twp. 1 S., Rge. 2 W., B. M., Owyhee County.

### TO BE CHANGED AS FOLLOWS

Point of Diversion: Lot No. 9, Sec. 6 and Lot No. 5, Sec. 17, both in Twp. 1 S., Rge. 2 W., B. M., Owyhee County.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse Annex No. 2, Boise, Idaho, 83707, on or before February 7, 1972.

R. KEITH HIGGINSON,  
Director

Published in the Owyhee Nugget, Marsing, Idaho on January 20, 1972, and January 27, 1972.

2 2394

## WATER LICENSE

Water License No. 33401/02-2399 Priority December 15, 1966 Amount 5.0 c.f.s.

THIS IS TO CERTIFY, that JAMES & EDGAR MULLER  
of Melba, Idaho, made application for a permit to appropriate the public waters of  
the State of Idaho, dated December 15, 1966; that Permit 33401/02-2399 was issued pursuant  
to said application; that the proposed works were completed on or about April 15, 1966,  
with a storage/or carrying capacity of 5.65 c.f.s., said works consisting of pump, motor,  
sprinkler system, and concrete and earth ditches; and that on April 3, 1967,  
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 3610  
when combined with all other rights appurtenant to the same land and shall not exceed  
acre feet per season/with a maximum rate of diversion of 5.0 cubic feet per second of the waters that  
amount  
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 Recla-  
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is  
located in Lot 9 (SW ¼ SE ¼, Sec. 6, T. 1 S, R. 2 W, B.M., and  
other additional points, in the County of  
Owyhee; 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 3610 acre feet per year, when combined with all other rights  
appurtenant to the same land.

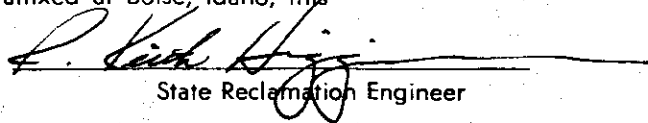
Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 1 S  | 2 W   | 6    |     |     |     |     |     |     |     |     |     |     |     | 37  |     |     | 15  |     | 52     |
|      |       | 7    | 4   |     | 39  |     | 39  | 38  | 38  | 40  | 39  | 34  | 15  | 34  | 21  | 34  | 39  | 36  | 450    |
|      |       | 18   | 33  | 19  |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 52     |
| 1 S  | 3 W   | 12   | 37  | 38  | 34  | 39  |     |     |     |     |     |     |     |     | 20  |     |     |     | 168    |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres irrigated 722

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

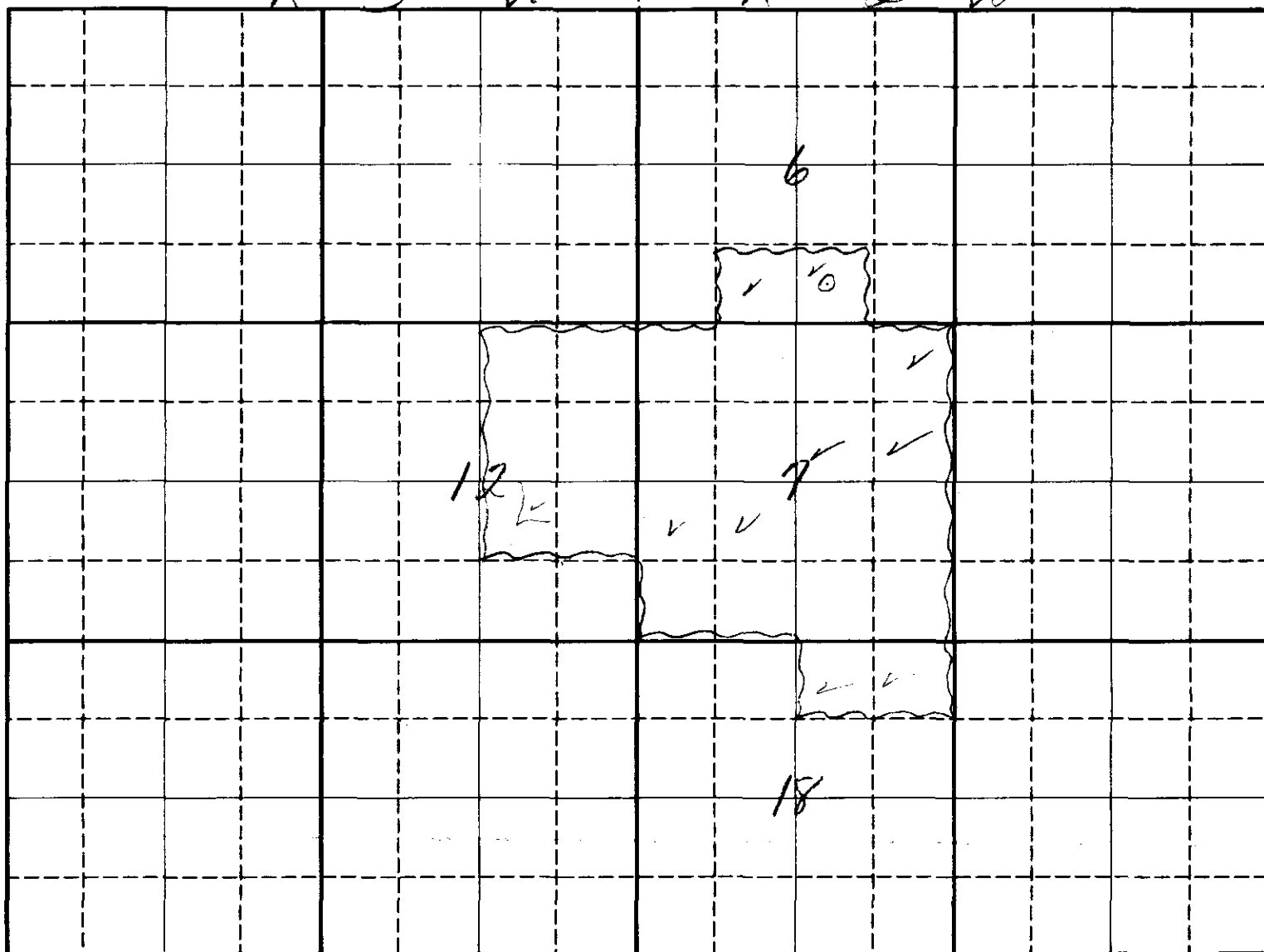
22nd day of January, 1970
  
State Reclamation Engineer

02-2399  
33401

33401

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.

R 3 W R 2 W



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 Idaho, this 17 day of Feb., 1969.

[Signature]  
(signature)

**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 33401.

Witness my hand this 27th day of February, 1969.

[Signature]  
State Reclamation Engineer

33401

Rec No. 33554 Jan 6<sup>00</sup>

Address all communications to

Form No. 1  
5M 1-65

P. O.

# APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41611

Permit No. 33401

District No.

RECEIVE  
DEC 15 1986  
2:20 PM  
Department of Reclamation

1. Name of Applicant: JAMES & EDGAR MULLER  
Post Office address: STAR RT. MELBA County CANYON State IDAHO

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:

The financial resources of the applicant are: (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 5 cubic feet per second

3. Source of water supply: SNAKE RIVER  
which is tributary of COLUMBIA

4. Location of point of diversion: feet distant from the corner  
of Section, Twp, Rge, B. M., and is in the SW 1/4 SE 1/4 (LOT 9)  
of Section 4, Twp 15, Rge 2 W. B.M., County of DWYHEE

5. Water is to be used for: IRRIGATION

6. If for any non-irrigation purpose, give:

(a) Point of use of water: feet distant from corner of Section  
Twp, Rge, B. M., in the of Section, Twp, Rge, 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, Twp, Rge, B. M., in the  
of Section, Twp, Rge, B. M.

7. Estimated cost of works: \$ 15,000

8. Kind of works: PUMP, PIPE LINE & DITCHES.  
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet;  
material used in dam  
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width 5 feet; Height 2 feet

11. Ditch: Width at bottom 5 feet; Width at water line 7 feet; Depth of water 1 1/2 feet;

Dimensions of flume; Diameter of pipe 18" inches;

Length of conduit 3200' miles: Average grade per mile feet.

33401

OK



16. (a) Is reservoir to be used? ..... (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: .....

Remarks: .....

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.

X Amie T. Muller Applicant.

By ....., Agent

## Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_,

....., State of ....., do hereby certify that I am the owner

of the land on which the spring mentioned in the application of ..... is

located, to-wit: .....

and that I do hereby grant unto the said ..... permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of \_\_\_\_\_

59

On this ..... day of ....., 19...., before me, a Notary Public for the State of Idaho, residing

at \_\_\_\_\_, personally appeared\_\_\_\_\_

known to me to be the person.... whose name.... subscribed to the foregoing certificate, and acknowledged

to me that ....he.... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

.....  
**Notary Public.**

My commission expires .....

33461

# Approval of State Reclamation Engineer

The number of this permit is.....33401

Recorded in Book 119 Page 33404 Approved JAN 10 1967

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 before.....

Work to begin on or before March 10, 1967, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 10, 1969

The whole of said work to be completed on or before January 10, 1972

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1972

Witness my hand this 10th day of January, 1967

*R. Keith Higgins*  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON W. SAMUELSON, Governor of the State of Idaho

and EDSON H. DEAL, 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 10th day of January, 1967

Countersigned  
By *Edson H. Deal*  
Secretary of State.

STATE OF IDAHO  
By *Don Samuelson*  
Governor.

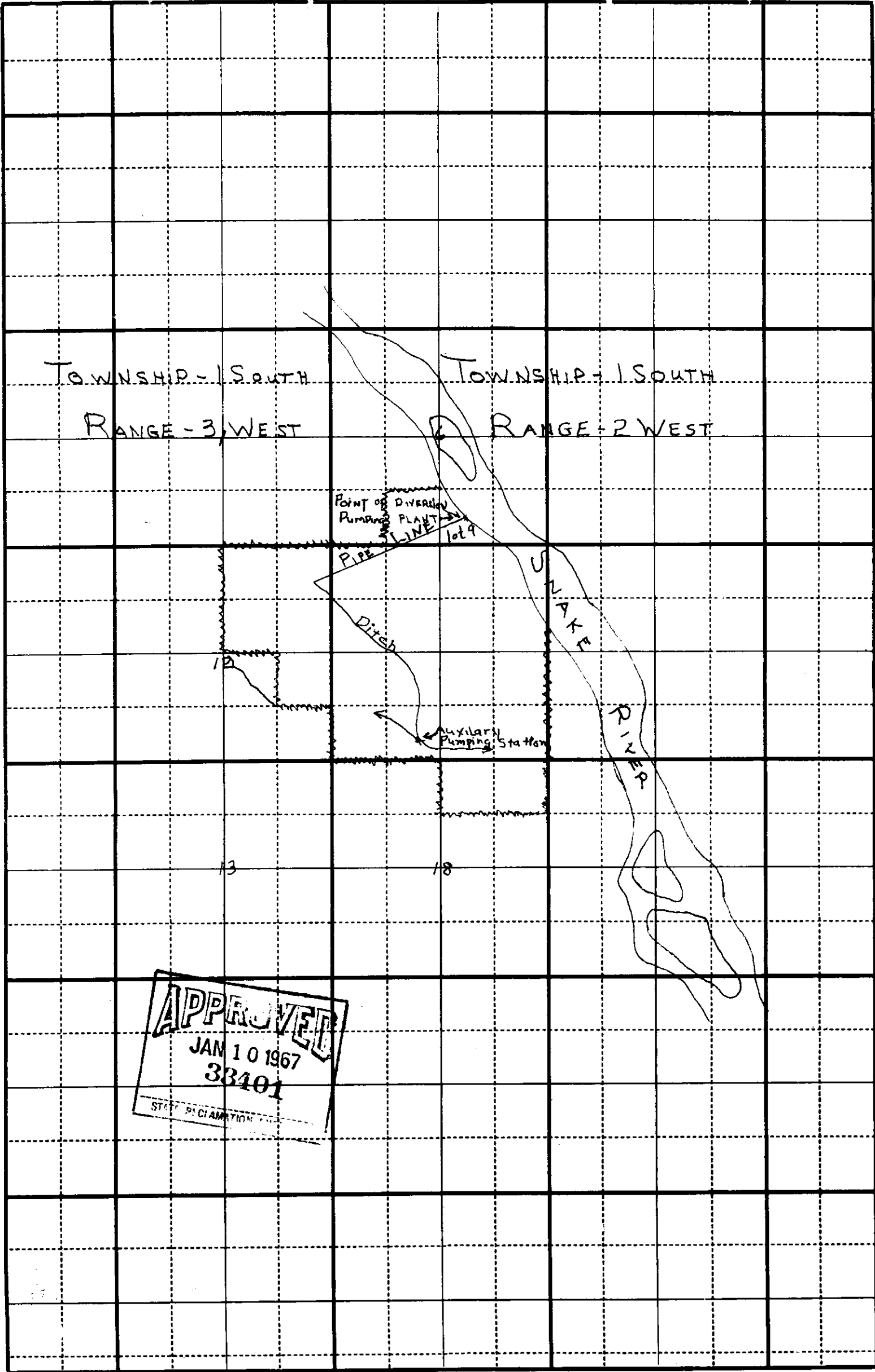
|                                                               |  |
|---------------------------------------------------------------|--|
| No. 33401                                                     |  |
| PERMIT                                                        |  |
| Date of first receipt at office of State Reclamation Engineer |  |
| December 15, 1966 2:20 P.M.                                   |  |
| Returned to applicant for correction                          |  |
| Corrected application received                                |  |
| Fees, \$ 6.00                                                 |  |
| FILING FEES FOR USE PERMIT:                                   |  |
| For the first Sec. Ft. \$5.00                                 |  |
| For each additional Sec. Ft. or Fraction                      |  |
| Thereof .25                                                   |  |

33401

NAME OF APPLICANT

JAMES & EDGAR MULLER

Form No. 0



APPROVED  
JAN 10 1967  
33401  
STATE OF CALIFORNIA

33401  
HO  
02-2394

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

APPLICATION No. 41611  
PERMIT No. 33401  
DISTRICT No.

1. Name of Applicant: James and Edgar Muller

Postoffice address: Star Route,, 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:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 5.0

cubic feet per second.

3. Source of water supply: Snake River

which is a tributary of Columbia River.

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9)

of section 6 , T. 1 S , R. 2 W , B. M., County of Owyhee.

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: \$ 15,000.00

8. Kind of works: pump, pipeline and ditches.

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 5 feet; height 2 feet.

11. Ditch: Width at bottom 5 fee; width at water line 7 feet; depth of water 1 $\frac{1}{2}$  feet;  
dimensions of flume:

Diameter of pipe 18 inches; length of conduit 3200 feet ~~xxxxxx~~

Average grade per mile 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 -0- 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: Water license #19964, 500"  
Flood water Reynolds Creek.

16. (a) Is reservoir to be used? 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.

/s/ JAMES T. MULLER

**Applicant.**

**By**

**Agent.**

**Date of first receipt at Department of Reclamation:** December 15, 1966 2:20 P.M.

**Returned to applicant for correction:**

**Corrected application received:**

### Approval of State Reclamation Engineer

The number of this permit is 33401

Recorded in Book 117 Page 33401 Approved January 10, 1967

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 March 10, 1967 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 July 10, 1969

The whole of said work to be completed on or before January 10, 1972

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1972

WITNESS My hand this 10th day of January, 1967.

/s/ R. KEITH HIGGINSON  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON W. SAMUELSON, Governor of the State of Idaho,  
and EDSON H. DEAL, 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.....10th.....

day of January, 1967

STATE OF IDAHO

Countersigned:

(SEAL) By /s/ EDSON H. DEAL  
Secretary of State.

By /s/ DON SAMUELSON  
Governor.

REMARKS:

**14.**

| Twp.                                                                           | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |       |
|--------------------------------------------------------------------------------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|-------|
|                                                                                |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |       |
| 1 S                                                                            | 2 W   | 6    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |       |
|                                                                                |       | 7    | L.2<br>53.5      |                  | L.1<br>36.5      |                  | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40     | 63.75 |
|                                                                                |       | 18   | 40               |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        | 610.  |
| 1 S                                                                            | 3 W   | 12   | 40               |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        | 80.   |
|                                                                                |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        | 200.  |
| Total number of acres to be irrigated:                                         |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 953.75 |       |
| LICENSE ISSUED FOR <u>5.0</u> SEC. FT.<br>LICENSE PAGE NO. <u>          </u> . |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |       |

INTER-DEPARTMENT MEMO — 1

FROM FORREST

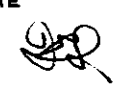
DATE 10/23/84

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  
THE SAME, WITH RESULTANT CAPACITY BEING ADEQUATE FOR THE THREE RTS. 

SIGNATURE

**LAND LIST ATTACHMENT**[illegible]

Total number of acres irrigated \_\_\_\_\_

62-2084  
file → 02-2399  
01-2051  
57-2169

March 15, 1976

Mr. Michael L. Schindele  
Derr, Derr, Walters, Williamson & Poole  
P.O. Box 1006  
Boise, Idaho 83701

RE: Dr. and Mrs. Earl G. Foote, Jr.  
Property

Dear Mr. Schindele:

Please refer to your letter of March 11th in which you have requested additional water rights appurtenant to described lands.

In searching our records, we were able to find two additional licenses which are appurtenant to these lands, and which, of course, go with the land unless excepted in the sale contract. We have enclosed copies of these licenses for your clients' records. The fee for the copies is \$1.00 which you may remit to this office at your earliest convenience.

If we can be of further assistance, please advise.

Sincerely,

Marcia L. Brown  
Records Supervisor

mlb  
Enc.

DERR, DERR, WALTERS, WILLIAMSON & POOLE  
ATTORNEYS AND COUNSELORS AT LAW

ALLEN R. DERR  
JAMES W. DERR  
JESSE R. WALTERS  
DARLA S. WILLIAMSON  
BERT L. POOLE  
MICHAEL L. SCHINDELE

DERR BUILDING  
817 WEST FRANKLIN STREET  
P.O. BOX 1006  
BOISE, IDAHO 83701

BOISE TELEPHONE  
208-342-2674  
McCALL OFFICE  
THIRD STREET  
P.O. BOX 154  
McCALL, IDAHO 83638  
TELEPHONE 208-634-5641

March 11, 1976

MAR 12 1976

Department of Water Resources

Department of Water Resources  
373 W. Franklin  
Boise, Idaho 83702

Gentlemen:

My clients, Dr. and Mrs. Earle G. Foote, Jr. received the enclosed assignments as part of the contract of sale of the land described in the two exhibits that are enclosed with this letter.

My question at this time is, are there any other water rights appurtenant to that land that are not described in the enclosed assignments.

The reason I am asking the above, is that I do not want any time limitations to slip by my clients before they should develop or put into operation any permits etc.

If you need more information than I have supplied you with, or if there is something I could do to find out the above without troubling your agencies, please advise me.

I would appreciate a reply to this letter at your earliest convenience.

Sincerely,

DERR, DERR, WILLIAMSON & POOLE



Michael L. Schindele

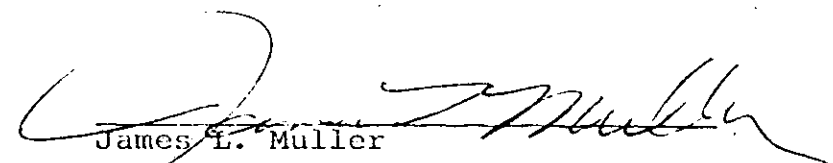
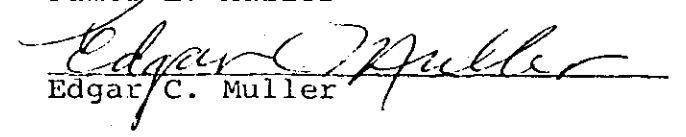
MLS/bt

Enclosure

A S S I G N M E N T

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned,  
JAMES L. MULLER and EDGAR C. MULLER, hereby assign all of our  
right, title and interest in and to Water License Permit  
No. 02-2086 and No. 02-2399 to EARLEG. FOOTE and PATRICIA B.  
FOOTE, husband and wife.

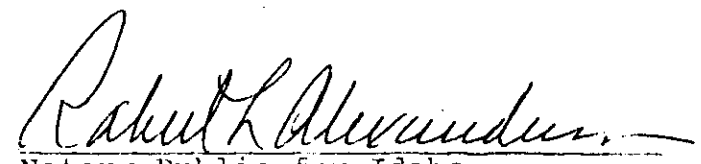
Dated this 2nd day of March, 1976.

  
James L. Muller  
  
Edgar C. Muller

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 persons whose names are subscribed to the within instrument,  
and acknowledged to me that they executed the same.

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

100-100000

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  
James L. Muller, Partner

By Edgar C. Muller  
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.

Robert L. Alexander  
Notary Public for Idaho  
Residing at Caldwell, Idaho

EXHIBIT "A"

The north half of the northeast quarter of Section 18; Lots 1 to 6, inclusive, the southwest quarter of the northeast quarter, the east half of the northwest quarter, the southeast quarter and the east half of the southwest quarter of Section 7; Lot 9 and the southeast quarter of the southwest quarter of Section 6, all in Township 1 South, Range 2 West, Boise Meridian; and the northeast quarter, and the northeast quarter of the southeast quarter of Section 12, in Township 1 South, Range 3 West, Boise Meridian, containing 947 acres, more or less, together with all water rights and together with a right-of-way for pumping station and pipe line, conveyed by one L. J. Foster by deed recorded October 8, 1936, in Book 28 of Deeds at page 655, in the records of Owyhee County, Idaho, and located in Lot 6, Section 17, Township 1 South, Range 2 West, Boise Meridian, the same being more particularly described as follows: Beginning at the northwest corner of said Lot 6, a strip of land 25 feet in width, the center line of which bears south 78 degrees 25 minutes east and extending a distance of 1535 feet to a point; from said point a tract of land 100 feet in width, the center line of which bears south 78 degrees 25 minutes east for a distance of 100 feet more or less to Snake River, said right-of-way containing 1.11 acres, more or less; also a tract of land in the southeast quarter of the southeast quarter of Section 12, Township 1 South, Range 3 West, Boise Meridian, Owyhee County, Idaho, described as follows:

Commencing at the southeast corner of Section 12; thence north 1080 feet on the section line to the real place of beginning; thence along the southerly right-of-way of irrigation ditch as follows: north 46 degrees 46 minutes west 100.3 feet; north 85 degrees west 210.4 feet; north 84 degrees 57 minutes west 100.2 feet; north 74 degrees 52 minutes west 176.1 feet; north 84 degrees 40 minutes west 200.5 feet; north 88 degrees 40 minutes west 100 feet; south 88 degrees 58 minutes west 97.1 feet; north 79 degrees 57 minutes west 151.7 feet; south 82 degrees west 141.9 feet; north 71 degrees 27 minutes west 85 feet to the west line of the southeast quarter of the southeast quarter of Section 12; thence leaving irrigation ditch, north 78.9 feet to the northwest corner of the southeast quarter of the southeast quarter of Section 12; thence south 88 degrees 40 minutes east 1320 feet to the northeast corner of the southeast quarter of the southeast quarter of Section 12; thence south 2.3 feet on the east line of Section 12 to the real place of beginning, containing 3.79 acres, more or less.

Excepting a tract of land in U.S. Lot 6, Section 7, Township 1 South, Range 2 West, Boise Meridian, Owyhee County, Idaho, described as follows: Commencing at the southwest corner of Section 7, thence north 74 feet on the section line to the real place of beginning; thence north 1006 feet along the west side of Section 7; thence south 47 degrees 10 minutes east 83 feet along the southerly line of irrigation ditch right-of-way, which is 16 feet at right angles to the center line of ditch; thence south 62 degrees 20 minutes east 169 feet along the southerly line of irrigation ditch right-of-way, which is 16 feet at right angles to the center line of ditch; thence south 75 degrees 57 minutes east 88 feet along the southerly line of irrigation ditch right-of-way, which is 16 feet at right angles to the center line of ditch; thence south 19 degrees 12 minutes west 899.6 feet along the fence on the west side of road to the real place of beginning, containing 3.30 acres, more or less, all in Owyhee County, Idaho.

Also, That certain pump house, known as the Chase Pump House, situate in the Southeast corner of Lot 5, Section 17, Township 1 South, Range 2 West, B. M.,

Also conveying the Easement and Right-of-Way to construct a pipeline, over and across the said Lot 5, Section 17, as acquired by Right-of-way agreement granted to said parties of the first part by agreement with Louis J. Foster, dated May 6, 1933 and recorded in Book 7 of Bonds and Agreements at Page 50, Records of Owyhee County, office of the County Recorder.

RESERVING, HOWEVER, to Reynolds Irrigation District the right to construct and/or place an irrigation pump into said structure if same shall ever be required of said District.

Together with all water, water rights, ditches, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Subject to all existing rights of way and easements;

EXHIBIT "B"

All land North and East of Murphy-Marsing Highway in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 18, T1S, R2W, B. M. and Lots 5 & 6 of Section 8, T1S, R2W, B. M. and All of Lot 6 that is North of Idaho State Highway 45 in Section 17, T1S, R2W, B. M. and

All of Lot 5, Section 17, T1S, R2W, B. M. Except the Following land: Beginning at a point on the North right-of-way boundary line of State Highway #45, Project No. NRS 175, records of the Dept. of Highways, Boise, Idaho and which point is further located as being North 25°59' West, a distance of 33 feet from the centerline of said State Highway #45 at Survey Station 798+00, thence North 25°59' West a distance of 240 feet; thence North 64°01' East a distance of 290 feet, more or less to the South bank of Snake River; thence Southeasterly along the South bank of Snake River to its point of intersection with the North right-of-way boundary line of said State Highway #45 a distance of 240 feet, more or less; thence South 64°01' West a distance of 280 feet, more or less, to the point of beginning.

A parcel of land being on the Northwesterly side of the centerline of State Highway #45, Project No. S-3754 (5) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho; being a portion of Government Lot 5 of Section 17, Township 1 South, Range 2 West, Boise Meridian, described as follows, to wit:

Commencing at the Southwest corner of the tract of land as described in that certain Correction Warranty Deed dated April 12, 1963, recorded April 26, 1963 in Book 56 at page 244 as Instrument No. 109107 records of Owyhee County, Idaho; thence North 25°17'18" West (Shown of record to be North 25°59'00" West) along the Southwesterly line of said tract of land 240.0 feet to the Northwest corner thereof and being the REAL POINT OF BEGINNING; thence continuing North 25°17'18" West 210.0 feet; thence North 62°42'42" East - 330.0 feet, more or less, to a point in the Southwesterly Highwater line of the Snake River; thence Southeasterly along said Southwesterly Highwater line 211.0 feet, more or less, to a point in the North line of said tract of land; thence South 62°42'42" West (shown of record to be South 64°01'00" West) along said North line 345.0 feet, more or less, to the REAL POINT OF BEGINNING.

Highway Station Reference: 798+81 to 802+70.

All ground that is North of the Murphy-Marsing Highway that is in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 18, T1S, R2W, B. M., Owyhee County, Idaho.

SUBJECT TO Power Line Easements as granted the Idaho Power Company, a corporation, by deeds recorded March 30, 1934 and on October 19, 1934, in Book 27 of Deeds, pages 336, 532 and 535 and on July 22, 1936 in Book 6 of Bonds & Agreements, page 272, Owyhee County Records.

SUBJECT TO Grant of Right of Way over and across Lots 5 & 6 of Sec. 17, T1S, R2W, B. M., as granted the Reynolds Irrigation District, by Instrument recorded April 11th, 1939, in Book 7 of Bonds and Agreements, page 50, Owyhee County Records. de

Together with all water, water rights, ditches, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Subject to all existing rights of way and easements;

February 22, 1972

Re: Transfer No. 02-2399

James and Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

Please find enclosed a copy of your APPROVED Application for Transfer.

We wish to draw your attention to the limitations and conditions of approval as listed on page four (4) of the application.

If you should have any questions in reference to this transfer, please do not hesitate to contact this Department.

Very truly yours,

Fred Eisenbarth  
Appropriation Examiner

FE:CS

Enc: copy of referenced transfer

2 2399

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 02-2399

Notice is hereby given that James and Edgar Muller of Star Route, Melba, Idaho, have applied to the Department of Water Administration for a change of the point of diversion of the waters of the Snake River, tributary to the Columbia River. The right sought to be changed is evidenced by License No. 02-2399 and is recorded as follows.

Amount: 5.0 c.f.s.                      Priority: April 15, 1966                      Point of Diversion: Lot #9, Sec. 6, Twp. 1 S, Rge. 2 W, B.M., Owyhee County. The water is used for irrigation purposes from March 15 to November 15, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Sec. 7; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 18; all in Twp. 1 S, Rge. 2 W, B.M., and the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, Twp. 1 S, Rge. 2 W, B.M., Owyhee County.

TO BE CHANGED AS FOLLOWS

Point of Diversion: Lot #9, Sec. 6 and Lot #5, Sec. 17, both in Twp. 1 S, Rge. 2 W, B. M., Owyhee County.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse - Annex #2, Boise, Idaho, 83707, on or before February 7, 1972.

R. KEITH HIGGINSON  
Director

Published in the Owyhee Nugget, Marsing, Idaho on January 20, 1972 and January 27, 1972.

2 0009

**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

January 12, 1972

Re: Application for Transfer No. 02-2399 James & Edgar Muller

← Not in W.D. 01

Mr. Arthur L. Larson  
Post Office Box #697  
Idaho Falls, Idaho 83401

Dear Mr. Larson:

Enclosed, please find a copy of the above referenced transfer application. We would appreciate any comments you might have on this application.

If you have any questions in reference to this matter, please do not hesitate to contact this office.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:CS

Enclosure:

Water Master recommendation sheet  
Copy of Transfer

2 2399

January 12, 1972

Re: Application for Transfer No. 02-2399 - James & Edgar Muller

Mr. Arthur L. Larson  
Post Office Box #697  
Idaho Falls, Idaho 83401

Dear Mr. Larson:

Enclosed, please find a copy of the above referenced transfer application. We would appreciate any comments you might have on this application.

If you have any questions in reference to this matter, please do not hesitate to contact this office.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:CS

Enclosure:

Water Master Recommendation sheet  
Copy of transfer

2 2399

January 12, 1972

Re: Application for Transfer No. 02-2399 - James & Edgar Muller

The 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 our 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 date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. 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,

Dorian Clay  
Appropriation Examiner

DC:CS

Enc: Legal notice

2 23 9

**January 22, 1970**

**Re: Permit Nos. 02-2086 and 02-2399**

**James L. & Edgar C. Muller  
Star Route  
Melba, Idaho 83641**

**Dear Sirs:**

Enclosed herewith are your Water Licenses issued on the above numbered permits.

Also enclosed is departmental receipt No. 4061 in the amount of \$74 covering the licensing fees.

**Very truly yours,**

**C. Stephen Allred, Deputy  
State Reclamation Engineer**

**CSA:kh**

**Enclosures**

02-2399  
33401

02-2399

**INSTRUCTIONS TO DELIVERING EMPLOYEE**

☐ Show to whom, date, and address where delivered

☐ Deliver ONLY to addressee

*(Additional charges required for these services)*

**RECEIPT**

*Received the numbered article described below.*

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

30028

INSURED NO.

1

*James Y. Edgar Miller*

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*By Mrs. E. Y. Miller*

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

*12/13/69*

3

*02-2399  
33401*

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PENALTY FOR NON-PAID POSTAGE TO AVOID  
PAYMENT OF POSTAGE IS \$3

POSTMARK OF  
DELIVERING OFFICE

DEC  
13  
A.M.  
1989

83641

RETURN  
TO

INSTRUCTIONS: Show name and address below and  
complete instructions on other side, where applicable.  
Moisten gummed ends, attach and hold firmly to back  
of article. Print on front of article RETURN  
RECEIPT REQUESTED.

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX Annex # 2 State use

Boise, Idaho 83707

POST OFFICE STATE, AND ZIP CODE

PS Form 3811 Apr. 1987

PS Form 3811 Apr. 1987

December 11, 1969

Re: Permit No. 33401/02-2399

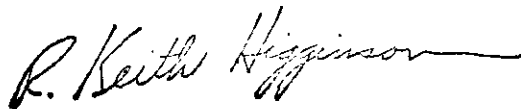
James & Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 33401/02-2399 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit  
licensing fees of \$51.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before January 19, 1970. why said permit should not be cancelled.

Permit 02-2399 claims the use of 5.0 cubic feet per  
second of water. The point of diversion was to be located  
in the SW 1/4 (Lot 9), Sec. 6, T. 1 S, R. 2 W, B. M., Owyhee County,  
and the permit was approved January 10, 1967.



State Reclamation Engineer  
R. KEITH HIGGINSON

RKH:JMB

02-2399  
33401

October 24, 1969

Re: Permit No. 33401/02-2399

James Muller & Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

A representative of this department has made an examination of the works covered by your Permit 02-2399 and has found the following:

Quantity of water diverted: 5.65 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 5.0 c.f.s.

The maximum quantity diverted shall not exceed 3610 acre feet per season, when combined with all other rights appurtenant to the same land and shall not exceed that amount.

Beneficial Use: for irrigation of 722 acres in SE~~X~~SW~~X~~, SW~~X~~SE~~X~~, Sec. 6; NE~~X~~NE~~X~~, SW~~X~~NE~~X~~, NW~~X~~, SW~~X~~, SE~~X~~, Sec. 7; NE~~X~~, NE~~X~~SE~~X~~, Sec. 12; N~~X~~NE~~X~~, Sec. 18; 6, 7, 18 in Twp. 1S, R.2W; 12 in T. 1S, R.2W, B.M.

The priority date established is: December 15, 1966

A fee totaling \$ 51.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

Dean R. Reynolds  
Field Examiner

DRR:mh

33401  
02-2399

# RE-EXAMINATION

James Muller present for the examination. He and his irrigator assisted in 3 current meter measurements. He said that he was satisfied with the results on the sprinkler system of 0.879 cfs. System was operating. All equipment was as listed in Report.

From current meter measurements,  $Q = 15.608$

$$\begin{array}{r} .879 \\ 15.608 \\ \hline 16.487 \approx 16.5 \text{ cfs} \end{array}$$

Area - 172 acres  
Subd. - 26  
 $Q$  - ALLOW 5.0 cfs

Date: Sept. 23, 1969

D. J. T.

33401  
06-2399

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Date 9-23-19 19\_\_ **DISCHARGE MEASUREMENT NOTES**

**River at**

[illegible]

No. 1 of 2 Sheets. Comp. by DJJ

**Chk. by**

02-2299

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Date 7-23-62, 1962 **DISCHARGE MEASUREMENT NOTES**

Snake River at Muller

[illegible]

No. 2 of 2 Sheets. Comp. by 21/5

**Chk. by**

52-2399

LJ-200  
1-63

# STATE OF IDAHO DEPARTMENT OF RECLAMATION

Date Jan 5 1963 DISCHARGE MEASUREMENT NOTES

River at #1

| Angle of elevation | Dist. from initial point | Width | Depth | Observation depth | Revolutions | Time in seconds | VELOCITY |                  | Adjusted for hor. angle or | Area | Discharge |
|--------------------|--------------------------|-------|-------|-------------------|-------------|-----------------|----------|------------------|----------------------------|------|-----------|
|                    |                          |       |       |                   |             |                 | At point | Mean in vertical |                            |      |           |
|                    |                          |       |       |                   | 60          | 40              |          | 1.51             |                            |      |           |
|                    | 1.8                      |       | 0     |                   |             |                 |          |                  |                            |      |           |
|                    | 2.5                      | .60   | .4    |                   | 34          | 40              |          | .88              |                            | .24  | .2112     |
|                    | 3.0                      | .5    | .7    |                   | 46          | 40              |          | 1.11             |                            | .35  | .3885     |
|                    | 3.5                      | .3    | .8    |                   | 50          | 40              |          | 1.26             |                            | .40  | .5040     |
|                    | 4.0                      | .5    | .75   |                   | 48          | 40              |          | 1.21             |                            | .375 | .4538     |
|                    | 5.0                      | .45   | .378  |                   | 32          | 45              |          | .74              |                            | .125 | .0925     |
|                    | 5.4                      |       | 0     |                   |             |                 |          |                  |                            |      | 1.6500    |
|                    |                          |       |       |                   |             |                 |          |                  |                            |      |           |
|                    | 3.0                      |       | .85   |                   | 65          | 40              |          | .63              |                            |      |           |
|                    | 1.05                     |       | .95   |                   | 69          | 40              |          | 1.75             |                            |      |           |
|                    |                          |       | .5    |                   | 64          | 40              |          | 1.60             |                            |      |           |
|                    |                          |       |       |                   | 158         | 40              |          |                  |                            |      |           |
|                    | 7.2                      |       | 0     |                   |             |                 |          |                  |                            |      |           |
|                    | 6.7                      | .75   | .6    |                   | 36          | 40              |          | .89              |                            | .450 | .405      |
|                    | 5.7                      | .85   | 1.1   |                   | 42          | 40              |          | 1.04             |                            | .935 | .9124     |
|                    | 5.0                      | .85   | 1.2   |                   | 48          | 40              |          | 1.19             |                            | 1.02 | 1.2198    |
|                    | 4.0                      | 1.0   | 1.2   |                   | 42          | 40              |          | 1.04             |                            | 1.20 | 1.2430    |
|                    | 3.0                      | 1.0   | 1.3   |                   | 58          | 40              |          | 1.48             |                            | 1.30 | 1.9740    |
|                    | 2.0                      | 1.02  | .8    |                   | 53          | 45              |          | 1.12             |                            | .800 | .908      |
|                    | .95                      |       | 0     |                   |             |                 |          |                  |                            |      |           |
|                    | 7.2                      |       | 0     |                   |             |                 |          |                  |                            |      | 6.7346    |
|                    |                          |       |       |                   |             |                 |          |                  |                            |      | 10.34     |

No. 02-23 of 11 Sheets, Comp. by mfl

Chk. by 23

71.1235

# INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and  
address where delivered

☐ Deliver ONLY  
to addressee

(Additional charges required for these services)

## RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

21190

INSURED NO.

DATE DELIVERED

8/7/69

1

2

3

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (only if requested)

62-2299  
33401

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PERMIT NO. 1000  
PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300

POSTMARK  
DELIVERING OFFICE

035-16-71548-10

Form 3811 Apr. 1967

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN  
TO**

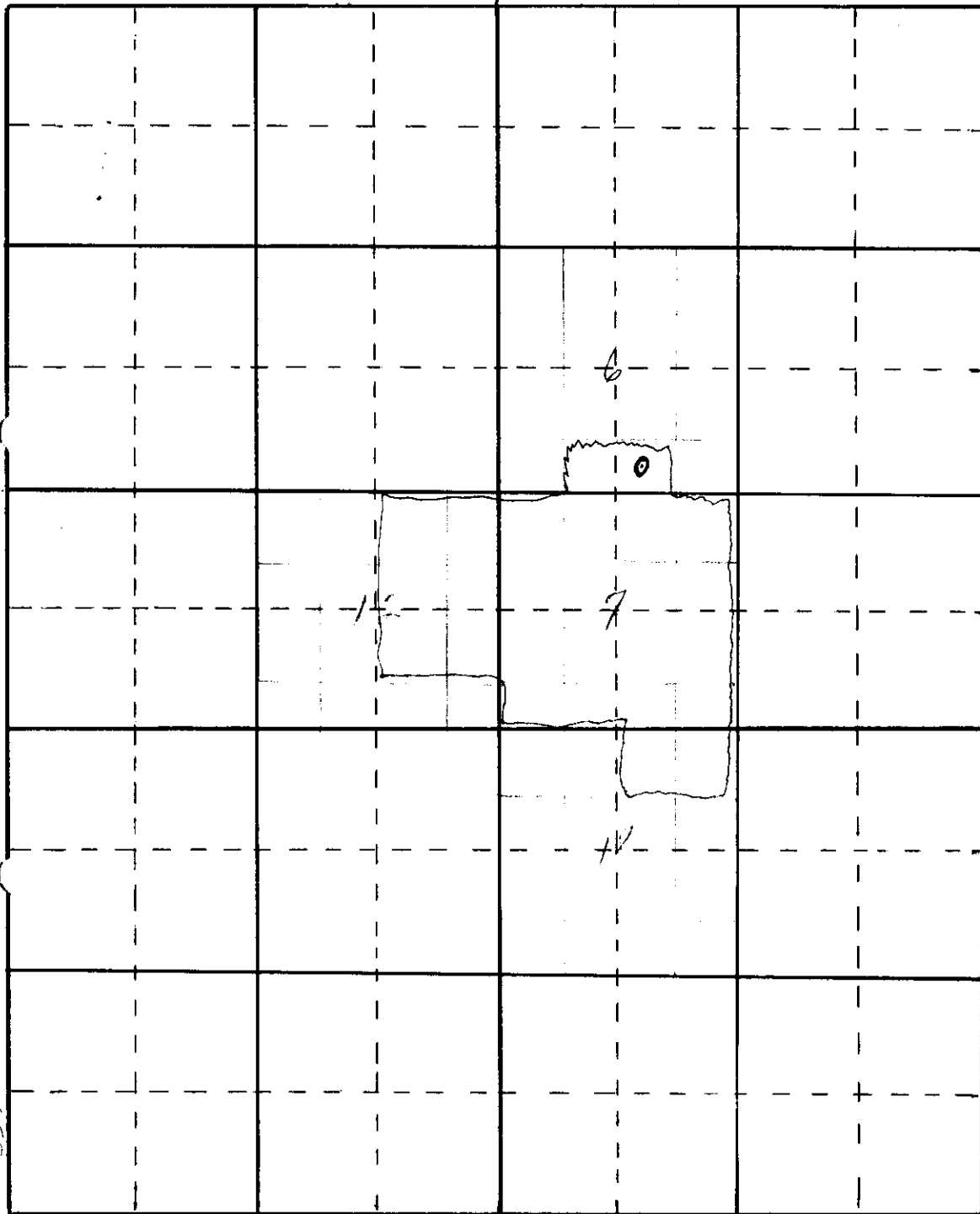
NAME OF SENDER

John J. ...

STREET AND NO. OR P.O. BOX

10100 ...

POST OFFICE, STATE, AND ZIP CODE



Permit No. "33401" RE-EXAMINATION DR  
 Name of Applicant James & Edgar Muller, Star Rt., Melba, Idaho  
 Source of Water Snake River  
 a tributary of Columbia River  
 Location of P.D. SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6, T. 1S, R. 2W, B.M., Owyhee Co.

Water is used for Irrigation  
 Quantity of water claimed: Permit 5.0 cfs Depositions 5.0 cfs

Type of measuring device installed or method of measurement and general description  
 of diversion works Water is pumped from the river through a pipe line and open ditch to places of use. There is also an auzillary pump on the line.

| Land to be irrigated or place of use: |      |      |                                                                                                                        |
|---------------------------------------|------|------|------------------------------------------------------------------------------------------------------------------------|
| TWP.                                  | RGE. | SEC. | Description                                                                                                            |
|                                       |      | 6    | SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 9),                                         |
|                                       |      | 7    | NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1), NW $\frac{1}{4}$ S $\frac{1}{2}$ |
| 1S                                    | 2W   | 18   | N $\frac{1}{2}$ NE $\frac{1}{4}$                                                                                       |
| 1S                                    | 3W   | 12   | NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$                                                                   |

Filed - December 15, 1966  
 Due - January 10, 1972  
 Made - April 3, 1967  
 Priority - December 15, 1966

Total acreage 772

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

Source of supply \_\_\_\_\_  
a tributary of \_\_\_\_\_  
Location of P.D.(s) \_\_\_\_\_

Water is used for \_\_\_\_\_  
Quantity of water found \_\_\_\_\_  
How was the measurement made? \_\_\_\_\_  
Measurement calculations \_\_\_\_\_

Diversion works description and diagram

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated \_\_\_\_\_

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?

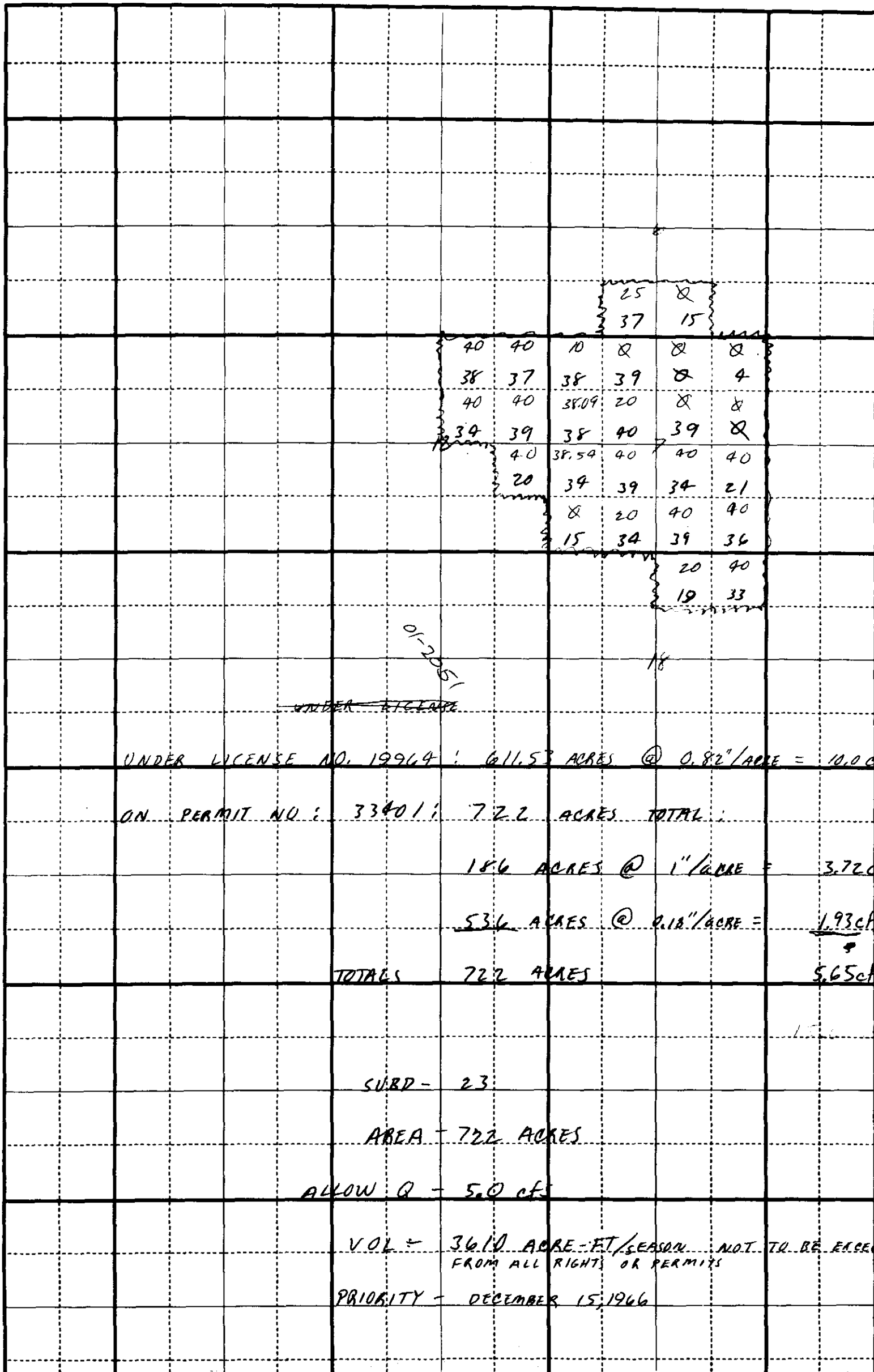
Recommended allowance for licensing \_\_\_\_\_

Description of required amendments. Comments. \_\_\_\_\_

Report checked? \_\_\_\_\_

Examination date 5-29-67

Signature \_\_\_\_\_

**Form No. 0**

**SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.**

33401

1999

September 17, 1969

Re: Permit No. 33401/02-2399

James and Edgar Muller  
Star Route  
Malba, Idaho

Gentlemen:

Please be advised that the pre-cancellation notice forwarded to you on August 5, 1969, by this Department was in error. We are therefore, returning your check in the amount of \$57.00 and are scheduling a re-examination of your system. Please advise the Department if we may be of further assistance.

Very truly yours,

Dean R. Reynolds  
Field Examiner

DRR:TG

Enc: Check No. 335 in the amount  
of \$57.00

Melba, Ida  
Sept. 8. 1969

State of Idaho  
Dept of Reclamation  
Boise, Idaho.

Mr. Higginson.

Inclosed you'll find check for  
the amount of \$57.00 as a licensing  
fee for permit No. 33401.

In regard to your letter of  
Aug 5 we have contacted your  
office and was advised that  
Mr. Reynolds would make  
arrangements to measure in  
the month of September.

James & Edgar Muller  
Star Route  
Melba, Idaho. 83641

33401  
ci-5315

August 5, 1969

Re: Permit No. 33401

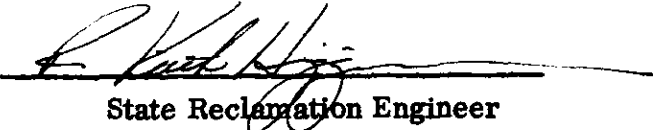
James & Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 33401 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit licensing fees of \$57.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before September 14, 1969 why said permit should not be cancelled.

Permit 33401 claims the use of 5. c.f.s.  
of water. The point of diversion was to be located  
SW4SE4, Section 6, Township 1S, Range 2W, B.M., Owyhee  
County  
January 10, 1967  
and the permit was approved                                 .

  
State Reclamation Engineer

RKH/mh

*check  
error - re-exam  
scheduled  
tg*

*33401  
00-2599*

February 27, 1969

Re: Permit nos. 21871/02-2086  
33401

James L. and Edgar C. Muller  
Star Route  
Melba, Idaho

Gentlemen:

Enclosed please find copies of the APPROVED application for amendment for the above referenced permits and Departmental receipt number 2735 in the amount of \$10 covering the filing fee for both amendments.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:TG

Enc: amendments (2)  
Receipt no. 2735

33401

February 19, 1969

Re: Permit No. 33401

Mr. James Muller  
Star Route  
Melba, Idaho 83641

Dear Mr. Muller:

In reference to your letter of February 17, 1969, and your personal visit of the same day, be informed that the department will re-measure the quantity produced from the two pumps located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6, T. 1 S, R. 2 W, B.M. as covered by Permit 33401.

The field examiner will contact you in advance to establish an appointment. Please feel free to contact the department if you have any questions.

Very truly yours,

Dean R. Reynolds  
Field Examiner

DRR:dj

33401

33401

February 17, 1969

Mr. Dean R. Schnaible  
Department of Reclamation  
107 State House  
Boise, Idaho

Dear Mr. Schnaible:

In regards to Water Rights #33401, please send a representative out to re-measure the water. We feel the pump should be pumping 750 inches. It is a possibility at the time the water was measured, the pumps were not running efficiently or the river flow could have been low at that time.

We would like for you to call to arrange for a time to come to the ranch, preferably around June 1, 1969.

Yours Truly,



James Muller

JM/ch

33401

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

February 5, 1969

Re: Permit No. 33401

James & Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

The Department of Reclamation has conducted a field examination of the land and works covered by the above referenced permit. As the land found irrigated is not all covered by the permit, the permit will have to be amended to include the following: NW~~NE~~, SE~~NE~~, Sec. 7, Twp. 1 S, Rge. 2 W, B.M. and NE~~SE~~, Sec. 12, Twp. 1 S, Rge. 3 W, B.M.

We are enclosing a partially completed application for amendment. If you agree with the examiner's findings, please sign the application and return it to this Department along with a \$5.00 fee. Also enclosed is a letter requesting \$57.00 in licensing fees. We would appreciate prompt remittance of the signed application for amendment and fees totaling \$62.00.

Very truly yours,

A handwritten signature in cursive script that reads "Dean R. Schnaible".

Dean R. Schnaible  
Reclamation Engineering Administrator

DRS:mjl

Enclosures

33401

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

February 5, 1969

Re: Permit No. 33401

James & Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

The Department of Reclamation has conducted a field examination of the land and works covered by the above referenced permit. As the land found irrigated is not all covered by the permit, the permit will have to be amended to include the following: NW~~1~~NE~~4~~, SE~~4~~NE~~4~~, Sec. 7, Twp. 1 S, Rge. 2 W, B.M. and NE~~4~~SE~~4~~, Sec. 12, Twp. 1 S, Rge. 3 W, B.M.

We are enclosing a partially completed application for amendment. If you agree with the examiner's findings, please sign the application and return it to this Department along with a \$5.00 fee. Also enclosed is a letter requesting \$57.00 in licensing fees. We would appreciate prompt remittance of the signed application for amendment and fees totaling \$62.00.

Very truly yours,

A handwritten signature in cursive script that reads 'Dean R. Schnaible'.

Dean R. Schnaible  
Reclamation Engineering Administrator

DRS:mjl

Enclosures

33401

February 5, 1969

Re: Permit No. 33401

James & Edgar Muller  
Star Route  
Melba Idaho 83641

Gentlemen:

The Department of Reclamation has conducted a field examination of the land and works covered by the above referenced permit. As the land found irrigated is not all covered by the permit, the permit will have to be amended to include the following: NW~~NE~~<sup>4</sup>, SE~~NE~~<sup>4</sup>, Sec. 7, Twp. 1 S, Rge. 2 W, B.M. and NE~~SE~~<sup>4</sup>, Sec. 12, Twp. 1 S, Rge. 3 W, B.M.

We are enclosing a partially completed application for amendment. If you agree with the examiner's findings, please sign the application and return it to this Department along with a \$5.00 fee. Also enclosed is a letter requesting \$57.00 in licensing fees. We would appreciate prompt remittance of the signed application for amendment and fees totaling \$62.00.

Very truly yours,

Dean R. Schnaible  
Reclamation Engineering Administrator

DRS:mjl

Enclosures

33401

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
107 STATE HOUSE  
BOISE, IDAHO 83701

February 5, 1969

Re: Permit No. 33401

James & Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

A representative of this department has made an examination of the works covered by your permit 33401 and has found the following:

Quantity of water diverted: 0.879 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 1.12 c.f.s.\*

Purpose of use: irrigation of 772 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 6; all of Sec. 7; NE<sup>1</sup>/<sub>4</sub> Sec. 18, T. 1 S. R. 2 W. B.M. and NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 12, T. 1 S. R. 3 W. B.M.

The priority date established is: December 15, 1966.

A fee totaling \$ 52.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

A handwritten signature in cursive script that reads "Dean R. Schnaible".

Dean R. Schnaible  
Reclamation Engineering Administrator

DRS:dj

\*The maximum quantity diverted shall not exceed 3360 acre feet per season when combined with Permit No. 19964.

*exam. retyped*

*33401*

February 5, 1969

Re: Permit No. 33401

James E. Edgar Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

A representative of this department has made an examination of the works covered by your permit 33401 and has found the following:

Quantity of water diverted: 0.370 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 1.12 c.f.s.\*

Purpose of use: irrigation of 772 acres in SE 1/4, SW 1/4, Sec. 6; all of Sec. 7; NE 1/4, Sec. 12, T. 1 S, R. 2 W, B.M. and SE 1/4, NE 1/4, Sec. 12, T. 1 S, R. 3 W, B.M.

The priority date established is: December 15, 1966.

A fee totaling \$ 52.30 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

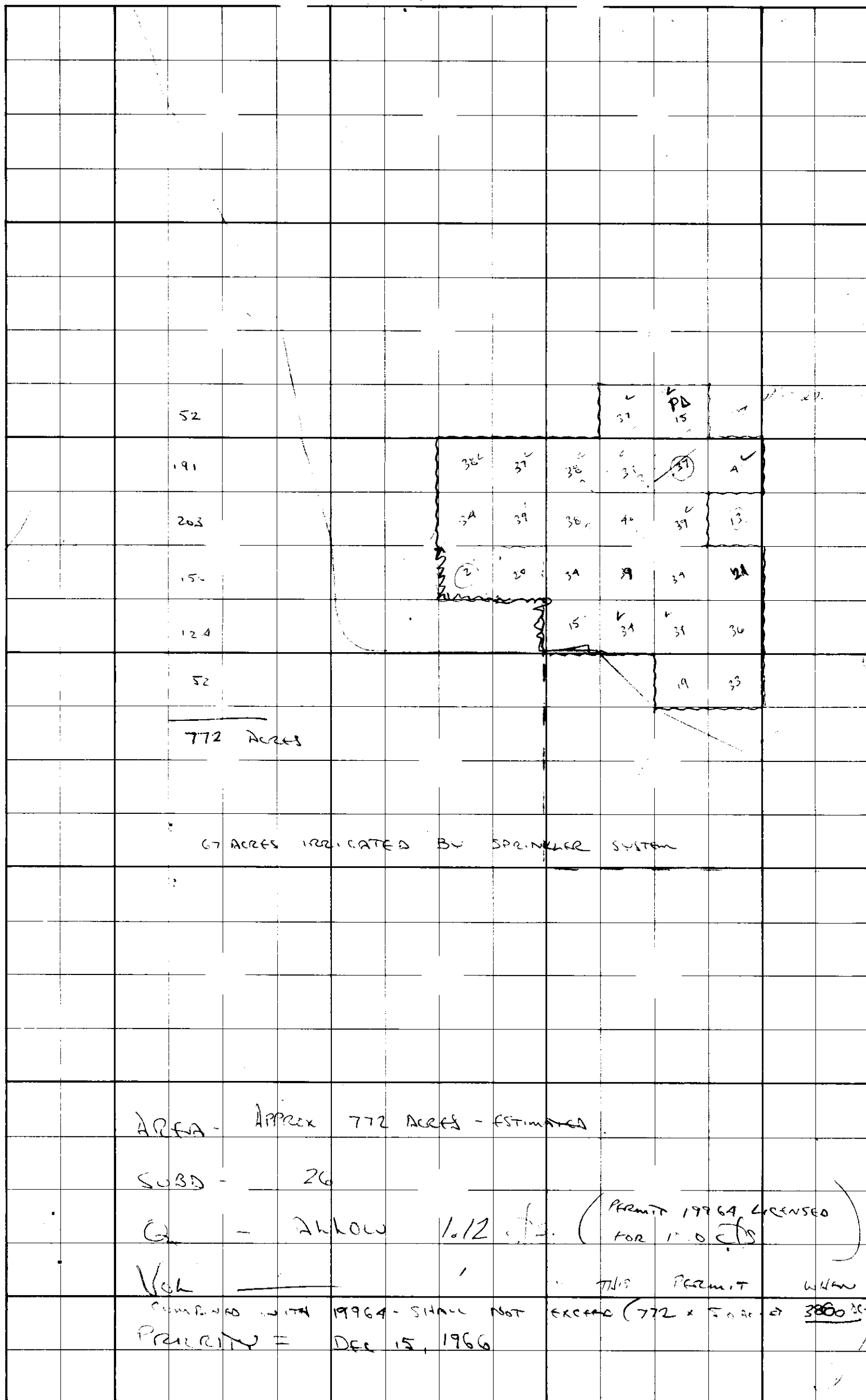
Very truly yours,

Dean E. Schnable  
Reclamation Engineering Administrator

DE:dlj

\*The maximum quantity diverted shall not exceed 3360 acre feet per season when combined with Permit No. 11964.

33401



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

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF EXAMINER

PERMIT NO. 33401

REPORT ON PROOF OF Completion of Works & Beneficial Use

33401

23-2379

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

Permit No. 33401

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

1. Name of applicant James and Edgar Muller

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the SW 1/4 (Lot 9) of Section 6

T. 1 S R. 2 W County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same:

#1 100 HP V1 ELEC MOTOR # 1328757 BACKLBY VERT TURBINE # 7723 12" DISCHARGE CHECK VALVE INTO 22" PEWSTOCK #2 60 HP V1 HOLLOWHAFT VERT TURBINE MOTOR # 3927413 LAWN & BOWER VERT PUMP # 13444 2750 gpm 30' LIFT TO 4" OUTLET & BOOSTER PUMP - SPRINKLER SYSTEM 12" DISCHARGE INTO 22" PEWSTOCK - 47' LIFT TO FIRST OPEN DISCHARGE CURTAIN - CONCRETE DITCHES & EARTH DITCHES

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):

SE 1/4 SW 1/4, SW 1/4 (Lot 9), Sec. 6; NE 1/4 (Lot 2), SW 1/4 (Lot 1), NW 1/4, S 1/2, Sec. 7; NE 1/4, Sec. 18, T. 1 S, R. 2 W, B.M.; NE 1/4, NW 1/4, Sec. 12, T. 1 S, R. 3 W, B.M. Add NE 1/4 with amendment (953.75 acres)

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

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

Remarks: for SARAH MULLER PRESENT FOR INSPECTION. He & IRRIGATOR ASSISTED WITH SPRINKLER SYSTEM MEASUREMENT - & THREE CURRENT WATER MEASUREMENTS.

SPRINKLER SYSTEM - 5-1/8 mile LINES 1/4" RAIN GEAR 30W @ 30 lbs AVE. PRESS.  $Q = (5 \text{ LAT}) (17 \text{ NOZ / L. IN}) (4.64 \text{ gpm}) = .879 \text{ cfs} = 88 \text{ gfs}$

IRRIGATION REQUIREMENT = 50 AC-FT / ACRE / SEASON  
CURRENT WATER MEASUREMENTS = 10.34 TOTAL Q = 11.12 gfs

This examination was made on the 11 TH day of APRIL, 1968

(Signed) John Reynolds Examiner.

note file 18922 + 19964  
needs amendment to land list to include names & SEC 18 to 7 & 12 R. 2 W + SEC 12 & 13 R. 3 W.

33401 02-2399 RE-EXAMINED

SEE YELLOW SHEET

James & Edgar Muller  
Star Route  
Melba, Idaho  
Permit No. 33401

*Electric motor and pump with  
pipeline to open ditch  
Q-5.0 c.f.s.*

Examination for Comp. of Works & Beneficial Use

County Owyhee

Quantity: 5.0 c.f.s. Sec. 6 T. 1S R. 2W

Source: Snake River

P.D.: SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6, T. 1 S, R. 2 W, B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: Water license #19964, 500' Flood  
water Reynolds Creek

Filed: December 15, 1966

Due: January 10, 1972

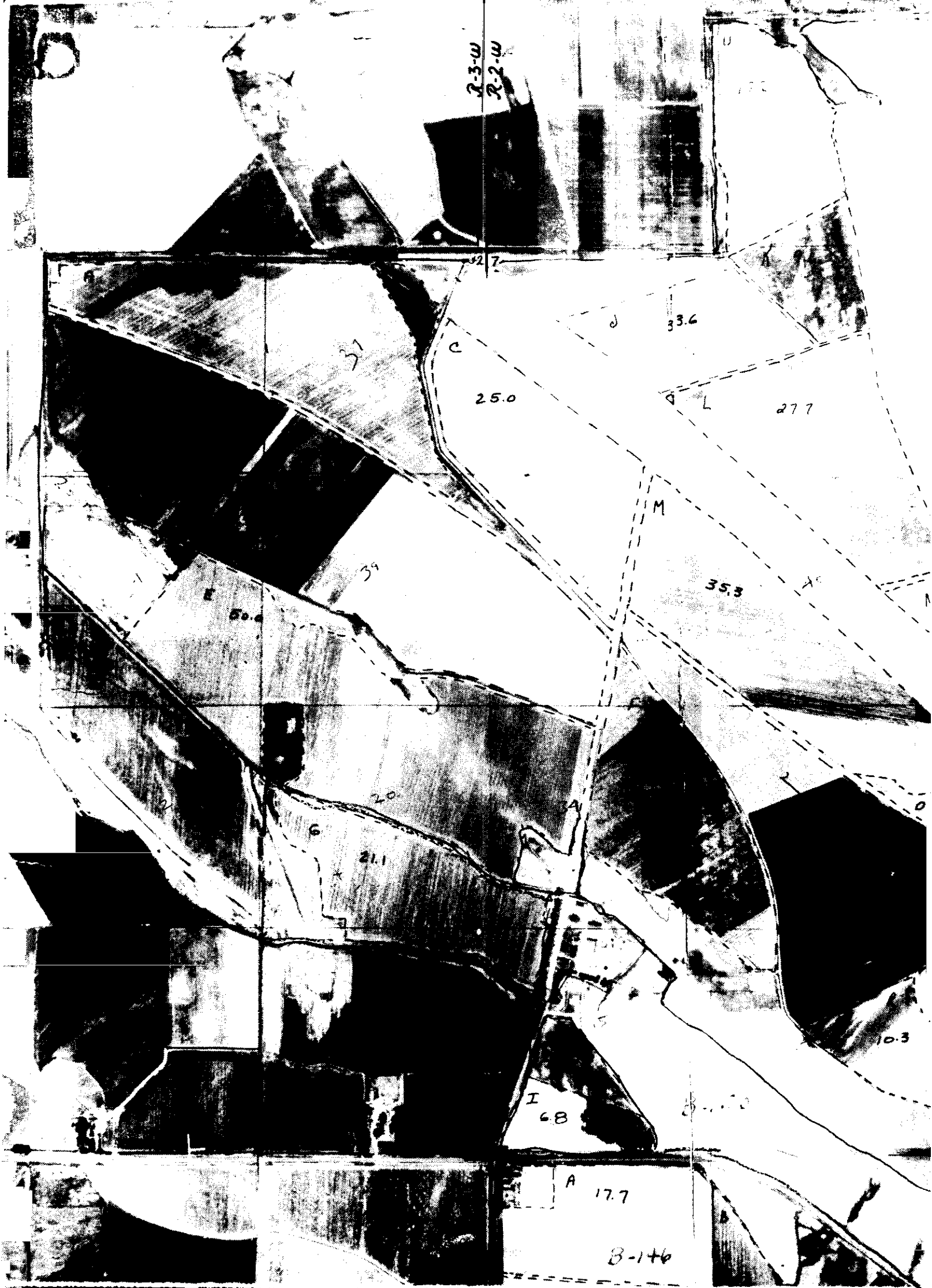
Made: April 3, 1967

Priority: December 15, 1966

### 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.







April 27, 1967

Re: Permit No. 33401

James L. Muller  
Edgar C. Muller  
Star Route  
Melba, Idaho 83641

Gentlemen:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the ~~Owyhee Nuggett~~ all submitted in proof of completion of works and beneficial use on Permit No. ~~33401~~.

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 to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:dj

33401

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Boise, Idaho

RECEIVED  
APR 27 1967  
Department of Reclamation

Permit No. 33401

\* \* \* \* \*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

**and Completion of Works**

DEPOSITION OF HOLDERS

Ques. 1. State your name, residence occupation and postoffice address: James L. Muller, Route #3, Caldwell, Idaho, farmer, same as residence; Edgar C. Muller, Star Route, Melba, Idaho, farmer, same as residence.

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

Ques. 3. State number, approval date of permit, and date of priority: No. 33401

January 10, 1967

December 15, 1966

Ques. 4. State source of water supply: Snake River

Give location of point of diversion, showing subdivision, section, township and range

SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Section 6, Township 1 South, Range 2 W.B.M.

Ques. 5. Describe your works of diversion: Electric motor and pump with pipe line to open ditch; state amount of water they are capable of con-

veying from point of diversion to place of use: 5.0 c.f.s.; Give name of canal or ditch

or other works by which water is conducted to such place of use: private ditch

\_\_\_\_\_; if a well, state depth of well \_\_\_\_\_; depth and size of casing \_\_\_\_\_; depth to water \_\_\_\_\_; if pump is used,

state discharge of pump: 5.0 c.f.s.; tell how it was measured or determined \_\_\_\_\_

estimated; if sprinkler irrigation, give number and size of nozzles and operating pressure: \_\_\_\_\_

Ques. 6. State for what purpose water is used: \_\_\_\_\_

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

Additional irrigation water used in conjunction with Permit #19964 for irrigation purposes in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 1), NW $\frac{1}{4}$ , S $\frac{1}{2}$ , Sec. 7; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 18, T. 1 S., R. 2 W.B.M.; NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 1 S., R. 3 W.B.M. for a total of 750 acres, more or less.

33401

State nature of all improvements which have been made as a direct result of said use:

Leveling of land and farming.

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

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: April 15, 1966 - Time used since first use:

Growing season the year 1966 with the full 5.0 c.f.s. being applied on said lands.

Ques. 10. Describe all other water rights appurtenant to same place of use: \_\_\_\_\_

Water License #19964 and flood water from Reynolds Creek.

(sign) Edgar C. Muller

(sign) Edgar C. Muller

\*\*\*\*\*

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

Caldwell, County of Canyon

State of Idaho, on this 3rd day of April, A. D. 19 67.

My commission expires: May 15, 1970

Wm. J. Brindley, Jr.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Boise, Idaho

Permit No. 33401

\* \* \* \* \*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

**and Completion of Works**

DEPOSITION OF WITNESS

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:

M. G. Muller, age 53, Melba, Idaho, farmer, same as residence.

Ques. 2 Are you acquainted with James L. Muller and Edgar C. Muller, the holders of Permit No. 33401? How long have you known him and where does he reside?

All of my life. James L. Muller resides at Route 3, Caldwell, Idaho, and Edgar C. Muller resides at Star Route, Melba, Idaho.

Ques. 3. Have you read or heard said Permit No. 33401 read, and are you familiar with its provisions and conditions: Yes yes No.           

Ques. 4. State source of water supply: Snake River

Give location of place of diversion, showing subdivision, section, township and range

SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Section 6, Township 1 South, Range 2 W.B.M.

Describe works for conveying water to place of use: Snake River with the water being pumped therefrom by pipe line and open ditch with auxillary pumping station to places of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 5 c.f.s. under Permit/ How much water have you seen being so conveyed? I have seen 15 c.f.s. of water being so conveyed.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

It is used along with the 10 c.f.s to irrigate dry lands in the following subdivisions: SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 1), NW $\frac{1}{4}$ , S $\frac{1}{2}$ , Sec. 7; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 18, T. 1 S., R. 2 W.B.M.; NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 1 S., R. 3 W.B.M.

33401

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.

Sandy loan soil

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? I have seen the application of water to the lands previously described herein for several years with the water under this permit during the season of 1966. It has been used for  
Other times you have seen such use: growing crops thereon.

(Signed):

\*\*\*\*\*

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 Caldwell

                    , County of Canyon, State of Idaho, on this 3rd day of April, A. D. 1967

*Wm. A. Bennett, Jr.*  
Notary Public for the State of Idaho  
Residing at Caldwell, Idaho

My commission expires May 15, 1970

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Boise, Idaho  
Permit No. 33401

RECEIVED  
APR 27 1967  
Department of Reclamation

\* \* \* \* \*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

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:

Larry M. Muller, age 28, Melba, Idaho, farmer, same as residence.

Ques. 2 Are you acquainted with James L. Muller and Edgar C. Muller, the holders of

Permit No. 33401? How long have you known him and where does he reside? Yes, I have known them for more than 20 years. James L. Muller resides at Route 3, Caldwell, Idaho, and Edgar C. Muller resides at Star Route, Melba, Idaho

Ques. 3. Have you read or heard said Permit No. 33401 read, and are you familiar with its provisions and conditions: Yes Yes No.       

Ques. 4. State source of water supply: Snake River

Give location of place of diversion, showing subdivision, section, township and range at a point which I understand to be in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>. Section 6. Township 1 South, Range 2 W.B.M.

Describe works for conveying water to place of use: Water is pumped from the river through a pipe line and open ditch to places of use. There is also an auxillary pump on the line.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 15 c.f.s. How much water have you seen being so

conveyed? I have seen that much water being so conveyed by reason of the present pump and a pump previously installed in the river which I understand is under the same system.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

The water is used for the irrigation of dry land, it being applied jointly with the water under the prior permit upon the following lands: SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (Lot 9), Sec. 6; NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (Lot 2), SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (Lot 1), NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>, Sec. 7; N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 18, T. 1 S., R. 2 W.B.M.; NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 12, T. 1 S., R. 3 W.B.M.

33401

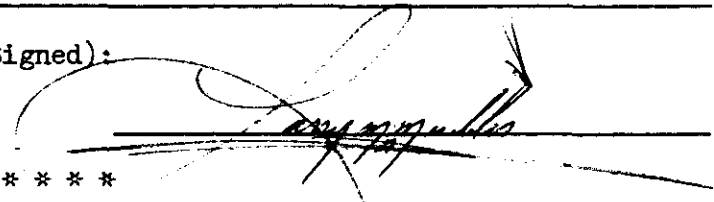
Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.  
Sandy loan soil.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? I have seen such use during the irrigation seasons for several years, with the water from the new  
Other times you have seen such use: pump being applied only in the irrigation season of 1966.

(Signed):



\*\*\*\*\*

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 Caldwell

\_\_\_\_\_, County of Canyon, State of Idaho, on this 3rd day of April, A. D. 19 67



Notary Public for the State of Idaho  
Residing at Caldwell. Idaho

My commission expires May 15. 1970

**NOTICE OF PROOF  
OF COMPLETION OF WORKS  
AND**

**APPLICATION OF WATER  
TO BENEFICIAL USE**

NOTICE IS HEREBY GIVEN  
That on the 3rd day of April,  
1967, at Caldwell, County of  
Canyon, State of Idaho, before  
Wm. Gigray, Attorney at Law,  
Notary Public, at (address) 9th  
and Dearborn, Caldwell, Idaho,  
proof will be submitted of the  
completion of works for the div-  
ersion of 5 cubic feet per second  
of the waters of Snake River,  
and of the application to benefi-  
cial use of said water, in accor-  
dance with the terms and con-  
ditions of Permit No. 33401,  
heretofore issued by the Depart-  
ment of Reclamation of the State  
of Idaho.

1. The name and postoffice  
address of the person or corpora-  
tion holding said permit is:  
James and Edgar Muller, Star  
Route, 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 5 cubic feet  
per second.

3. The use to which said water  
has been applied is irrigation  
purposes, and the amount ap-  
plied to beneficial use is 5 cubic  
feet per second.

4. The point of diversion of  
said water is SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9),  
Sec. 6, T. 1 S., R. 2 W., B. M.

5. The place where said water  
is used is SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$   
(Lot 9), Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot  
2), SW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 1), NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ , Sec. 7; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 16,  
T. 1 S., R. 2 W., B. M.; NE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 1 S., R.  
3 W., B. M.

6. The date of priority which  
said user is prepared to estab-  
lish is Dec. 15, 1966.

R. KEITH HIGGINSON,  
State Reclamation Engineer  
Published March 2, 9, 16, and  
23, 1967.  
The Owyhee Nugget  
Marsing, Owyhee County, Idaho

33461

# 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 4 consecutive weeks, the first publication being on the 2 day of March, 1967, and the last publication being on the 23 day of March, 1967;

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 31 day of March, 1967.

R. Keith Higginson  
NOTARY PUBLIC

My commission expires 9-10-68

(SEAL)

## NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN That on the 3rd day of April, 1967, at Caldwell, County of Canyon, State of Idaho, before Wm. Gigray, Attorney at Law, Notary Public, at (address) 9th and Dearborn, Caldwell, Idaho, proof will be submitted of the completion of works for the diversion of 5 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. 23401, 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: James and Edgar Muller, Star Route, 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 5 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 5 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6, T. 1 S., R. 2 W., B. M.

5. The place where said water is used is SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 1), NW $\frac{1}{4}$ S $\frac{1}{2}$ , Sec. 7; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 18, T. 1 S., R. 2 W., B. M.; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 1 S., R. 3 W., B. M.

6. The date of priority which said user is prepared to establish is Dec. 15, 1966.

R. KEITH HIGGINSON,  
State Reclamation Engineer  
Published March 2, 9, 16, and 23, 1967.  
The Owyhee Nugget  
Marsing, Owyhee County, Idaho

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) \_\_\_\_\_

(P. O.) \_\_\_\_\_

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published  
at my expense in the Owyhee Nugget of  
Marsing, Idaho Published in  
the county in which the works are situated.

James T. Muller

(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.

\_\_\_\_\_  
Engineer

33401

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

NOTICE is hereby given that ~~at~~ \_\_\_\_\_ ~~M.~~, on the 3rd day of April  
19 67, at Caldwell, County of Canyon, State of Idaho, before  
Wm. Gigray, Attorney at Law, Notary Public, at (address) 9th and Dearborn, Caldwell,  
Idaho, proof will be submitted of the completion of works for the diversion of  
5 cubic feet per second of the waters of Snake R iver  
, and of the application to beneficial use of said water, in accordance with  
the terms and conditions of Permit No. 33401, 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: James and Edgar Muller, Star R oute, 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  
5 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 5 cubic  
feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6, T. 1 S., R. 2 W., B.M

5. The place where said water is used is SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 9), Sec. 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$   
(Lot 2), SW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 1), NW $\frac{1}{4}$ , S $\frac{1}{2}$ , Sec. 7; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 18, T. 1 S., R. 2 W., B. M.; NE $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, T. 1 S., R. 3 W., B. M. ~~Total 953.75 acres.~~

NW $\frac{1}{4}$  6. The date of priority which said user is prepared to establish is Dec. 15, 1966

\_\_\_\_\_  
State Reclamation Engineer

33401

February 23, 1967

Re: Permit No. 33401

James & Edgar Muller  
Star Route  
Melba, Idaho

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 33401. The proofs are to be made ~~at~~ ~~XXXXXX~~, on the 3rd day of April, 19 67. before Wm. Gigray, Caldwell, Idaho,  
\_\_\_\_\_  
Notary Public.

As of this date, we have mailed the Notice to the Owyhee Nugget, 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,

MRB:nw

M. Russell Bosch  
Office Manager

Encl.

cc: Notary

33401

February 23, 1967

Re: Permit No. 33401

Owyhee Nugget  
Marsing, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to April 3, 1967. The expense of the publication is to be paid by James Muller of Star Route, Melba, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

M. Russell Bosch  
Office Manager

MRB:nw

33401

GIGRAY, BOYD & DOWNEN

LAWYERS

9TH AND DEARBORN STS.

CALDWELL, IDAHO 83605

April 19, 1967

WM. F. GIGRAY, JR.  
PETER J. BOYD  
DONALD E. DOWNEN  
SAMUEL EISMANN

RECEIVED  
APR 27 1967

Department of Reclamation

AREA CODE: 208

TELEPHONE 459-4624

State of Idaho  
Department of Reclamation  
107 State House  
Boise, Idaho 83701

Re: James L. Muller and Edgar C.  
Muller, Permit #33401

Dear Sirs:

Pursuant to your letter of February 23, 1967,  
being returned herewith in connection with the above  
captioned permit are the following:

Deposition of holders  
Depositions of two witnesses  
Affidavit of publication

Kindly advise in the event any of the above  
papers are not in order.

Very truly yours,

GIGRAY, BOYD & DOWNEN

*Wm. F. Gigray, Jr.*  
Wm. F. Gigray, Jr.

WFG/ea  
Encs

33401

January 19, 1967

Re: Permit No. 33401

James and Edgar Muller  
Star Route  
Malha, Idaho

Dear Mr. Muller:

We enclose Permit No. 33401 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXXXXXXXXXX~~ We also enclose Departmental Receipt No. 33554 which was issued covering payment in the amount of \$ 6.00 for the filing fee of the above mentioned permit, was given to you at the time you were in our office.

Very truly yours,

Enc. permit,

MRB:ejw

M. RUSSELL BOSCH  
Office Manager

33401