

R. 5 W

T₁
4
N

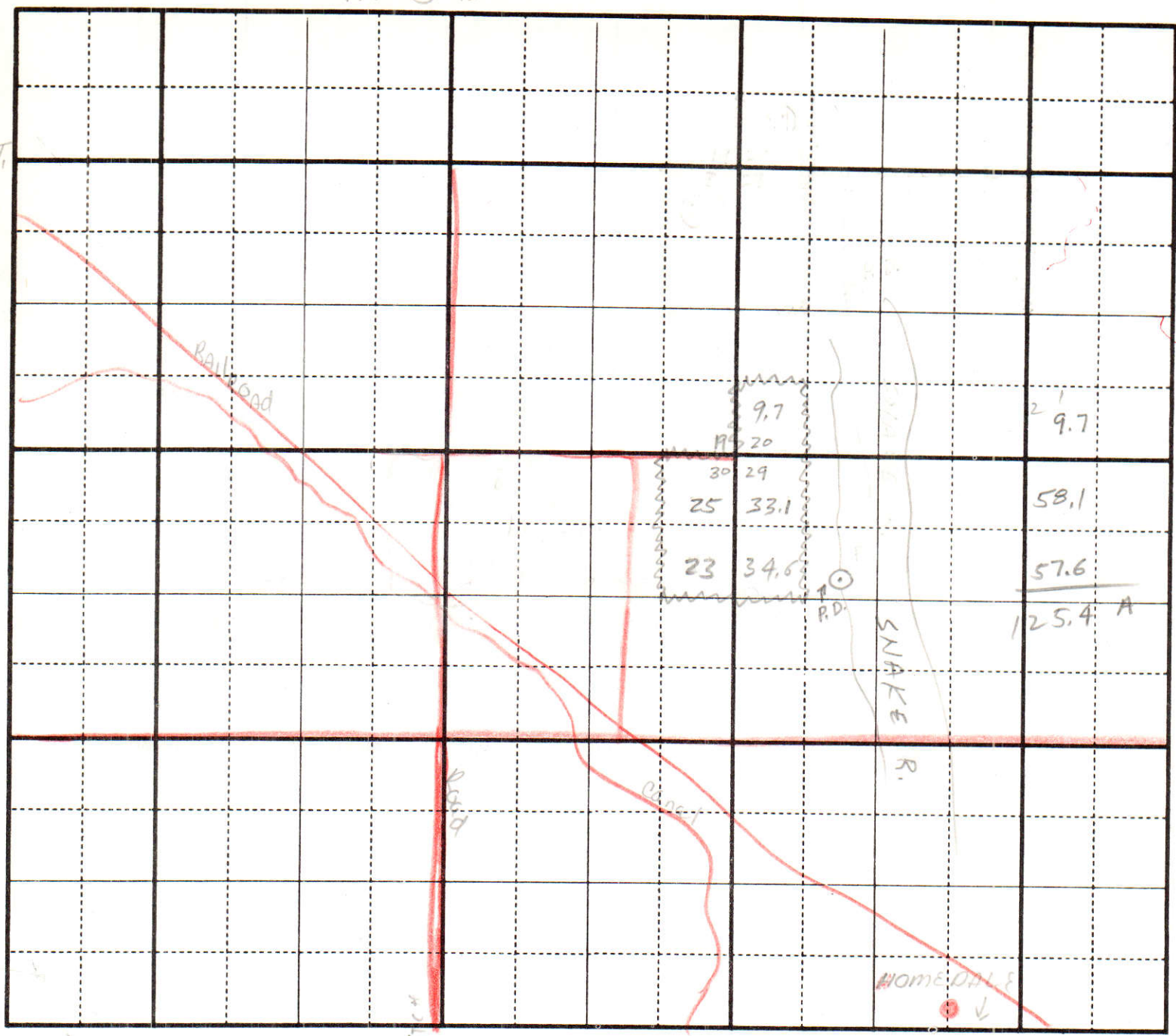
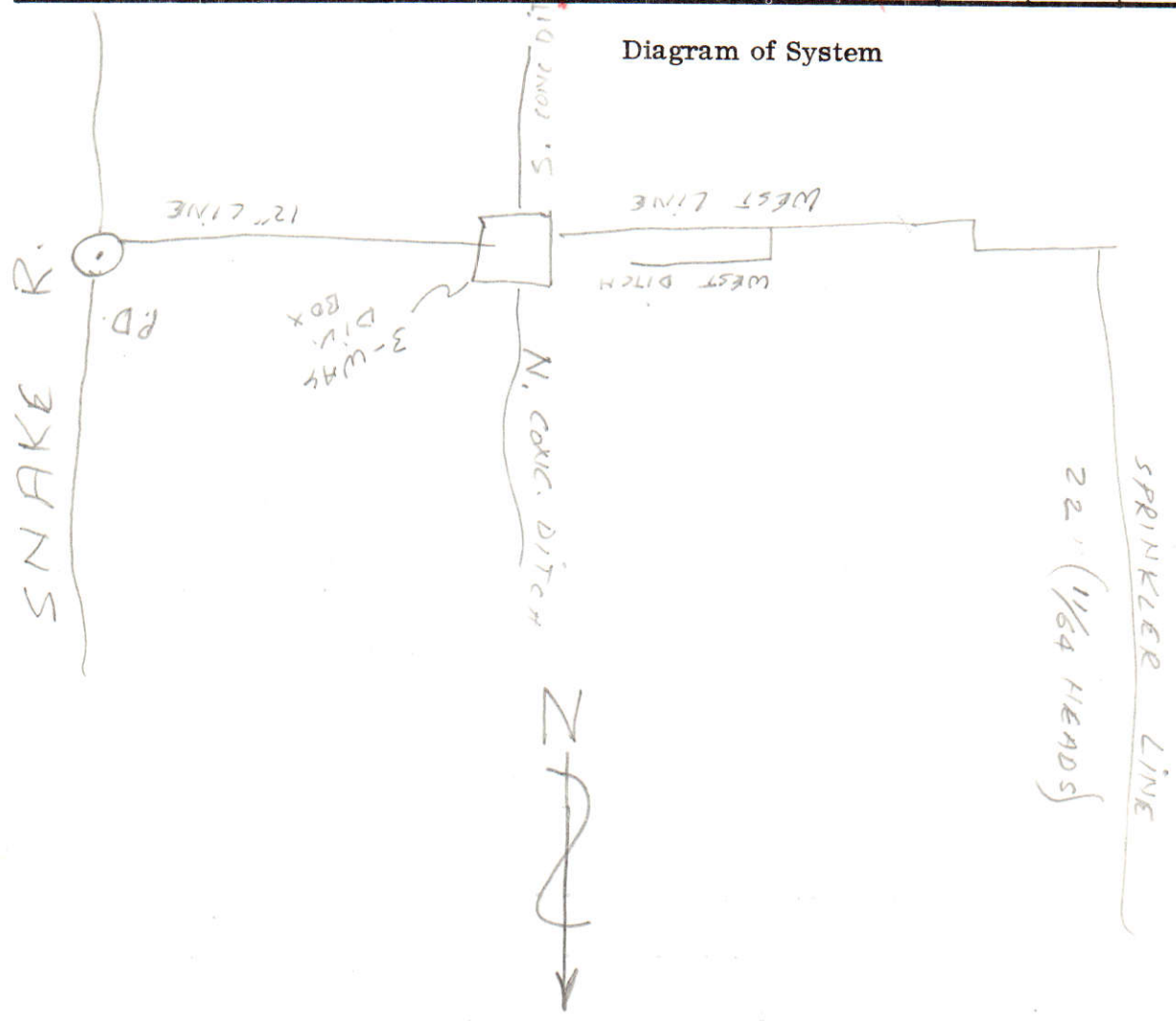
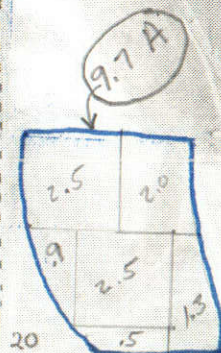


Diagram of System



R-6-W
R-5-W







By whom surveyed	Date of Contract	Amount of Survey			When commenced	When completed
		Miles	Chains	Links		
Allen H. Thompson	July 29th 1868	6	00	00	October 17th 1868	October 17
Allen H. Thompson	September 1st 1877	6	00	65	" 3th 1877	" 14
		53	70	24	December 11th 1877	December

02-2178

ALL IN Twp 4 N., Rge 5 W., B.M.

SEC 20

SNAKE RIVER

LOT 3
24 A.

LOT 8
48.2 A.

LOT 7
47.8 A.

NE 1/4 NE 1/4

SE 1/4 NE 1/4
23 A.

POINT OF DIVERSION

SEC 30

SEC 29

CROSS HATCH IS LAND TO BE IRRIGATED
 ⊗ POINT OF DIVERSION
 SOURCE OF SUPPLY IS SNAKE RIVER

Permit Map No. 30791
 As Approved NOV 14 1962
 GEO. N. CARTER
 State Reclamation Engineer

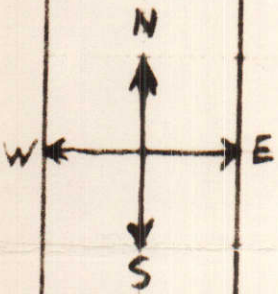
SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

30791

ALL IN Twp 4 N., R. 5 W., B.M.

SEC 20

SNAKE RIVER



LOT 3
24 A.

LOT 8
48.2 A.

17A

NE 1/4 NE 1/4

SE 1/4 NE 1/4
23 A.

LOT 7
47.8 A.

POINT OF DIVERSION

SEC 30

SEC 29

CROSS HATCH IS LAND TO BE IRRIGATED
⊗ POINT OF DIVERSION
SOURCE OF SUPPLY IS SNAKE RIVER

NOTE

Please send a copy of
all correspondence regarding
Permit 02-2178 to

" Bob Baker "

Utah Mortgage & Loan

P.O. Box 1247

Boise, Idaho

2-21-79

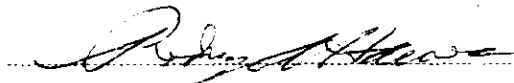
PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } ss.

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;

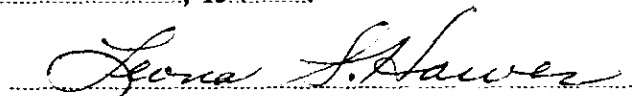
That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 1 day of Oct., 1970, and the last publication being on the 8 day of Oct., 1970;

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 8 day of

October, 1970.


NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Dr. Marvin A. Hayes, 9444 N. E. Sacramento St., Portland, Oregon, has received an approved Permit No. 30791/02-2178 issued by the Idaho Department of Water Administration authorizing the diversion of 3.20 cubic feet per second of water from the Snake River.

The priority to be established under this permit is November 5, 1962, and the permit was approved November 14, 1962.

Water is to be diverted by pump, electric motor and pipe from a point within Lot 7, Sec. 29, T. 4 N., R. 5 W., B. M., Owyhee County, to be used for irrigation in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3), Sec. 20; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 8), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 7), Sec. 28; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30; T. 4 N., R. 5 W., B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before November 14, 1970. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
Director
Idaho Dept.

Of Water Administration
Published in the Owyhee
Nugget, Marsing, Idaho, on October 1 and October 8, 1970.

30791
02-2178

Identification No. _____

Permit No. 30791/02-2178

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

dlq
OK
11-2-70
Department of Water Administration

1. a) Name of Permit Holder Marvin A. Hays
b) Post Office Address 9444 NE Sacramento Portland, Oregon 97220
2. Permit Number 30791/02-2178
3. Date of Priority that you are prepared to establish November 7, 1962
4. a) Source from which water was appropriated Snake River
b) Location of the point of diversion: * Below $\frac{1}{4}$ Section 29
Township 4N, Range R5W Boise Meridian, Other points of diversion: _____
(*North app. 50 of Lot 7)
5. a) The amount of water and use to which the water has been applied:
amount 3.20 for Irrigation purposes from March 1 to October 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.20 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Pump capacity set at 3.20 cfs by previous owners, approved Nov. 16, 1966, by State Reclamation Engineer
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____
Pump, Electric motor, Pipe, Lined ditches
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed _____

exam typed
1-22-71
dlq

02-2178
30791

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20: W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 29: E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec 30 T.4N R.5W, B.M.

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 $\frac{1}{4}$	
T4N	R5 W	20					Lot 8	Lot 7			Lot 3							24	
		29					48	48										96	
		30	17			25												40	

Total number of acres irrigated 160

10. Remarks: _____

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

10/28/70 (Date) William D. Han (Signature)

State of _____)
County of _____) ss.

On this 28th day of October, 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Patricia C. Biggs
Notary Public residing at 8913 N.E. BRAZEE
Portland, Or.

My commission expires August 6 1971

State of Idaho
Department of Water Resources

DEC 04 1987

ASSIGNMENT OF PERMIT

Department of Water Resources

I, FOSTER McSWAIN, hereby assign to REY McRAE
of RT 1 Box 96 Buckeye Ac 85326
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 30791/02-2178
to appropriate the public waters of the State of Idaho.



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

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

Made this 23rd day of September, 19 87.

Foster McSwain
Permit Holder

Bette McSwain
Spouse of Permit Holder

State of ~~Idaho~~ Oregon)
County of Coos) ss.

On this 23rd day of September, 1987, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Susan C. Street
Notary Public residing at
Coos Bay, Oregon

My commission expires:
03-06-90

LIC

State of Idaho
Department of Water Resources

DEC 04 1987

ASSIGNMENT OF PERMIT

Department of Water Resources

I, MARVIN A. HAYS, hereby assign to FOSTER McSWAIN
of 675 Stock Slough Coos Bay, Oregon 97420
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 30791 / 02-2178
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 19 day of Sept, 19 87.

Marvin A. Hays
Permit Holder

Carol Hays
Spouse of Permit Holder

State of Oregon)
Idaho)
County of Multnomah) ss.

On this 19th day of September, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Randal S. Orr
Notary Public residing at

Portland, OR

My commission expires:

August 17, 1989

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 30791/02-2178 Priority Nov. 5, 1962 Amount 2.51 cfs

THIS IS TO CERTIFY, that Marvin A. Hays, M.D.
of Portland, Oregon, has complied with the terms and conditions of Permit
No. 30791/02-2178 issued pursuant to Application for Permit dated November 5, 1962,
and has submitted proof to the Department of Water Administration on October 29, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.59 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from the Snake River
tributary of the Columbia River, is hereby confirmed in the following amounts:
Amount 2.51 cfs for irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 2.51 cfs of water be diverted at
any one time, said waters to be diverted within the

Lot # 7 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 29, Twp. 4 N, Rge. 5 W, B.M.

in the county of Owyhee; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 564.3 acre feet per year or
4.5 acre feet per acre.

Description and location of place of use:

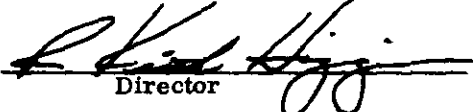
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	
4 N	5 W	20																	9.7
		29																	67.7
		30	25																48.0

Total number of acres irrigated 125.4

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of

March, 19 72.


Director

02-2178

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 30791/02-2178)

in the name of Oscar Schaeffer & Donald)

Schaeffer, Homedale, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 02-2178 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 11th day of May, 1970.


R. KEITH HIGGINSON
State Reclamation Engineer

RKH/DG

30791
02-2178

02-2178

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

APPLICATION No. 38873
PERMIT No. 30791
DISTRICT No.

Assigned to ^{A.} Marvin Hays, M.D.
9444 N.E. Sacramento St.
Portland, Oregon

1. Name of Applicant: Oscar Schaeffer and Donald Schaeffer

Postoffice address: Homedale

County: Owyhee

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: 3.20 cubic feet per second.

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

4. Location of point of diversion: North app. 50 feet distant from the SE
of Lot 7
corner/of Section 29, T. 4 N, R. 5 W, B.M., and is in the Lot 7
of section 29, T. 4 N, R. 5 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: \$10,000.00

8. Kind of works: Pump, electric motor, and pipe

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

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

11. Ditch: Width at bottom 2 fee; width at water line 3 feet; depth of water 2 feet;
dimensions of flume:

Diameter of pipe 10 inches; length of conduit app. 340 miles.

Average grade per mile 26.2 lift feet.

12. The time required for the completion of such work is 4 years.

13. The time required for the complete application of the water to the proposed use is 4 additional years.

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

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

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

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

s/ Oscar Schaeffer Applicant.
s/ Donald Schaeffer

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. November 5, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 30791
Recorded in Book 108 Page 30791 Approved November 14, 1962
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 January 14, 1963 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 November 14, 1964
The whole of said work to be completed on or before November 14, 1966
Beneficial use of water appropriated in accordance herewith, to be made on or before November 14, 1970

WITNESS My hand this 14th day of November, 1962
s/ CARL E. TAPPAN, Assistant
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, 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 14th day of November, 1962.

Countersigned:
(SEAL) By s/ ARNOLD WILLIAMS, Secretary of State.
By s/ ROBERT E. SMYLIE, Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals	
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
T4N	R5W	20					Lot 8				Lot 7				Lot 3					24
		29					48				48									96
		30	17																	40
		Total Number of Acres to be Irrigated																160		
Permit No. 30791 ✓																				
CERTIFICATE OF COMPLETION OF WORKS																				
TO ALL WHOM IT MAY CONCERN:																				
This is to certify that OSCAR SCHAEFFER and DONALD SCHAEFFER of Homedale, County of Owhyee, and State of Idaho, the holders of Permit No. 30791, issued upon Application No. 38873 bearing date of priority of November 7, 1962 (late proof), authorizing the diversion of 3.2 second feet of waters of Snake River, County of Owhyee, State of Idaho for irrigation purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of Snake River, tributary of Columbia River; that the point of diversion of said waters Lot 7, Sec. 29, T. 4 N, R. 5 W, B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: SW1/4SW1/4, Sec. 20; W1/2NW1/4, Sec. 29; E1/2NE1/4, Sec. 30, T. 4 N, R. 5 W, B.M.																				
Proof of Completion of Works made: November 16, 1966.																				
Witness my hand this 3rd day of February, A.D. 1967.																				
S/ R. KEITH HIGGINSON State Reclamation Engineer																				
LICENSE ISSUED FOR 2.57 SEC. FT. LICENSE PAGE NO. _____																				



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 13, 1988

RE: Water Right Nos. 02-2178/2384/7095

Rey McRae
Rt. 1, Box 96
Buckeye, AZ 85326

Dear Mr. McRae:

We are in receipt of assignments of the above referenced water rights. Enclosed are copies of the licenses issued for each right and a copy of the approved Request for Extension of Time to Avoid Forfeiture of Right 02-2384.

The Department will change its computer records to show you as the current owner of the water rights. We noted on the assignment of Right 02-2384 that the signature of the right holder was different than the name shown on our records. If you are the current owner of the property, then the ownership of the right is yours since the water right is considered to be real property and appurtenant to the land unless the right was withheld at the time of sale by the owner.

The Department will nevertheless change its computer records on this right also to show you as the current owner.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

Permit No. 02-7095

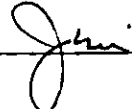
02-2384
02-2178

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes -
2. Notary? Yes
3. a. Full Assignment? Yes
b. Partial Assignment?
4. "No assignment" condition on permit? NO
5. Commencement of Works received? N/A
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of residency required? N/A
7. Extension granted due to litigation? N/A
(If yes, commencement of works is not required.)

1. Type ^{LIC.} ~~permit~~ summary sheet. shawla. -
2. Coding sheet. " -
3. Acknowledgement letter type. see attached letter
4. Copy to region.

Date 1-4-88

Employee 

March 27, 1972

Re: Permit No. 30791/02-2178

Marvin A. Hays, M.D.
9444 N.E. Sacramento St.
Portland, Oregon

Dear Dr. Hays:

Enclosed herewith is your Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License

cc: Bob Baker
Utah Mortgage & Loan
P.O. Box 1247, Boise, Idaho
Enc: Copy of license

02-2178

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

March 8, 1972



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

Marvin A. Hays, M.D.
9444 N.E. Sacramento St.
Portland, Oregon

Dear Dr. Hays:

A representative of this Department has made an examination of the works covered by your Permit No. 30791/02-2178 and has found the following:

Quantity of water diverted: 2.59 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.51 cfs

The maximum quantity diverted shall not exceed 564.3 acre feet per season.

Beneficial use: Irrigation of 125.4 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (9.7),
Sec. 20; W $\frac{1}{2}$ NW $\frac{1}{4}$ (67.7), Sec. 29; E $\frac{1}{2}$ NE $\frac{1}{4}$ (48), Sec. 30; Twp.
4 N, Rge. 5 W, B.M.

Point of diversion: Lot #7 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 29, Twp. 4N, Rge. 5W, B.M.

The priority date established is: November 5, 1962

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

bc; Bob Baker
Utah Mortgage & Loan

02-2178

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Marvin A. Hays, M.D.
 Post office address 9444 N.E. Sacramento St., Portland, Oregon Phone _____
 Person to contact Bob Baker, Utah Mortgage & Loan, Box 1247, Boise Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Snake River
 (name spring, stream, etc.)
 Tributary to Columbia River

3. Water will be used for the following purposes:

Amount 3.2 c.f.s. for irrigation
 _____ AF/Annum (nature of use)

Period of Use: from ? to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 30791/02-7178
 Examination for _____ by _____

4. Total amount to be appropriated:

Max Rate of Diversion 3.2 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 5W E/W, B.M., Section 29, Subdivision Lot 7 1/4 1/4, Owyhee County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision 1/4 1/4, _____ County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision 1/4 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: pump, electric motor, and pipe

Measuring device required: yes ☐ no ☒

6. Lands to be 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	
4N	5W	20					Lot 8	Lot 7			Lot 3	24							24
		29					48	48											96
		30	17			23													40

02-2178 (all)

TOTAL ACREAGE 160

R. 5 W

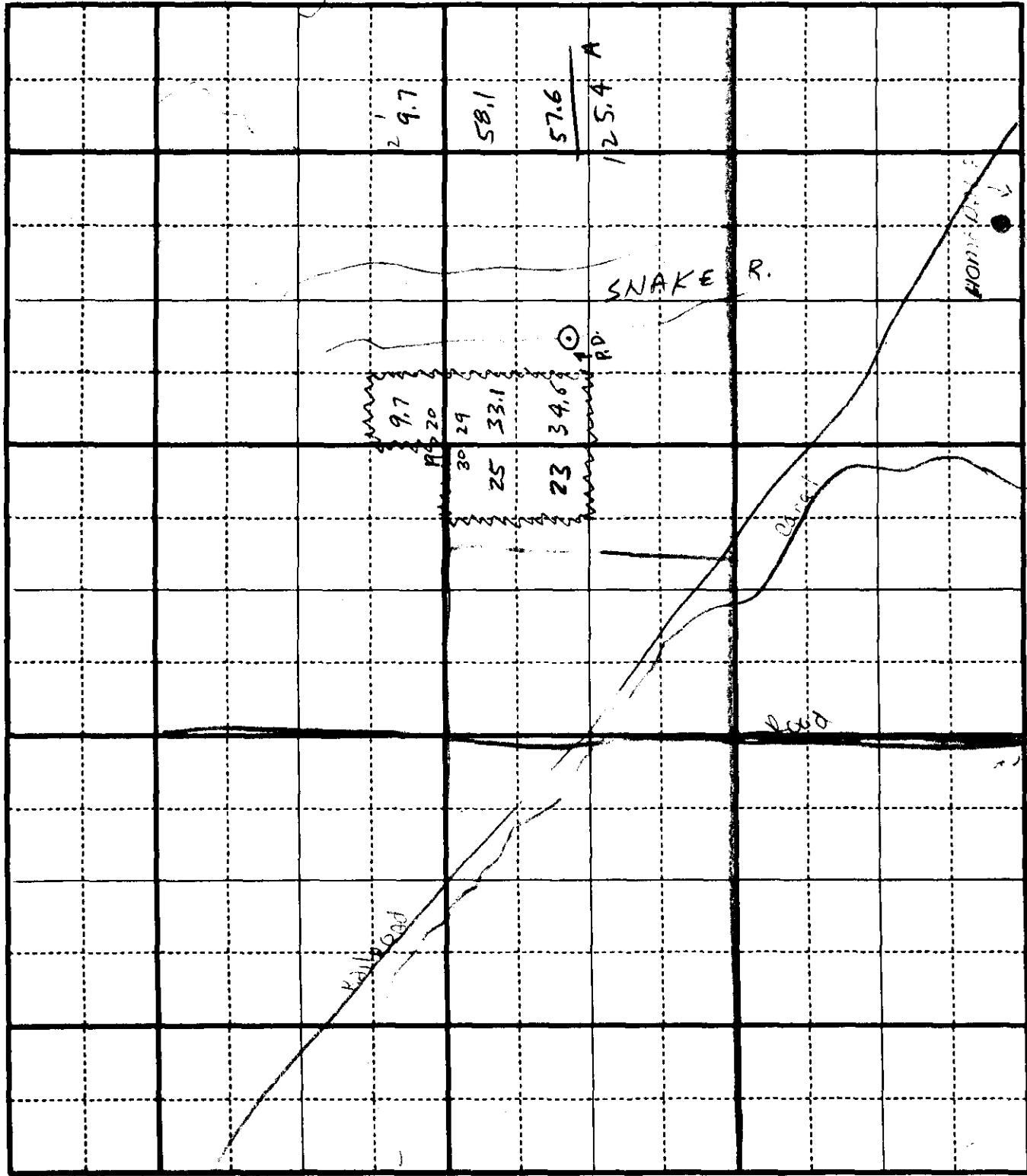
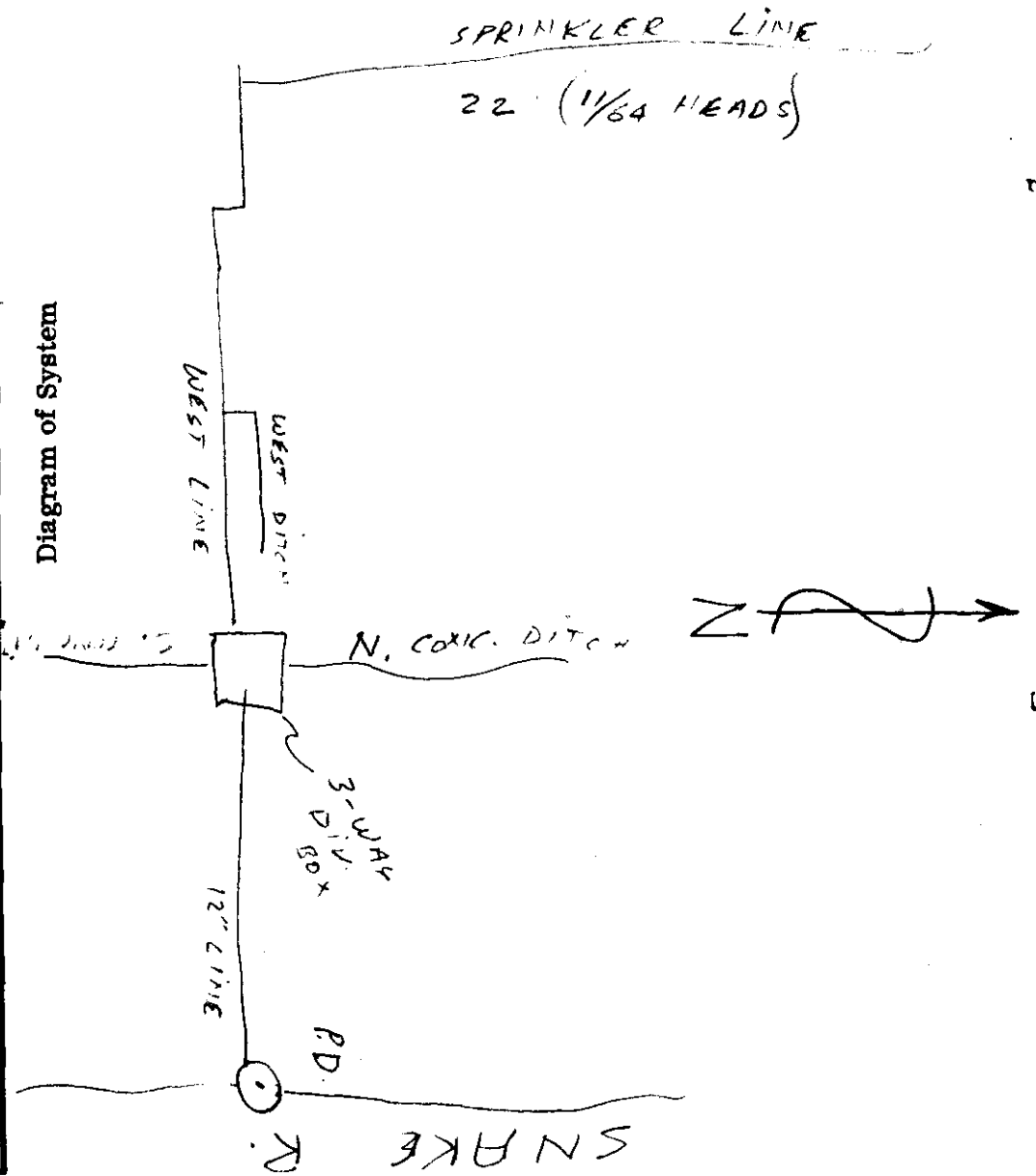


Diagram of System



LJ-200
1-63

B.R.

STATE OF IDAHO DEPARTMENT OF RECLAMATION

Date 10 JUNE 1971 DISCHARGE MEASUREMENT NOTES 02-7178

MARVIN A. HAYS River at SOUTH CONC. DITCH

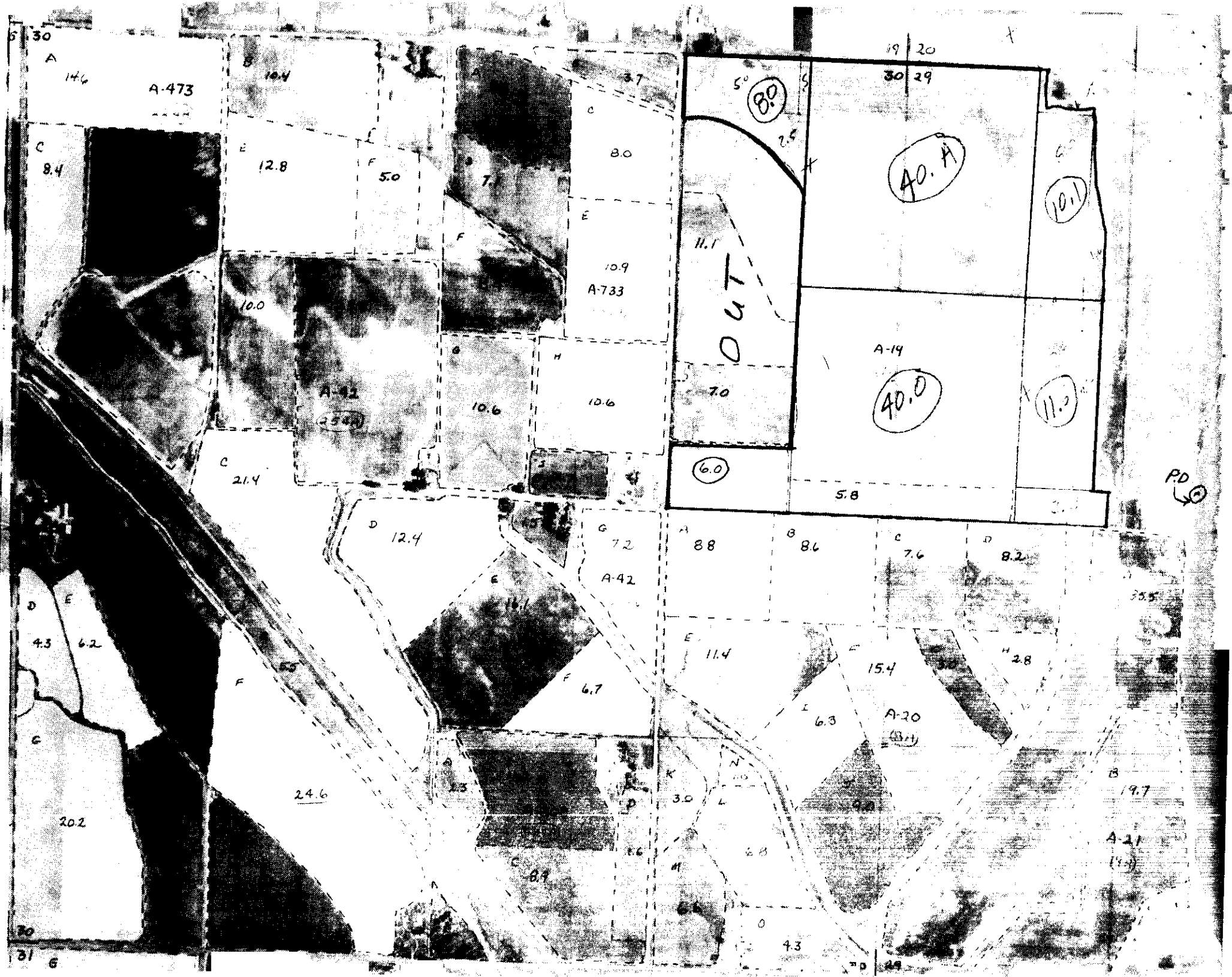
Angle cor- dient	Dist. from initial point	Width	Depth	Observa- tion depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or	Area	Discharge
							At point	Mean in ver- tical			
	2.0	EW									5
	2.5	.5	.4		10	42	.274			.20	.0548
	3.0	.5	.8		10	45	.258			.40	.1032
	3.5	.5	1.1		10	46	.259			.55	.1397
	4.0	.5	1.1		15	56	.302			.55	.1661
	4.5	.5	1.7		15	59	.289			.85	.2457
	5.0	.4	.2		10	61	.203			.08	.0162
	5.3	EW									
NORTH CONC. DITCH											
	2.0	EW									
	2.5	.5	.5		70	42	1.64			.25	0.410
	3.0	.5	.6		60	41	1.91			.30	0.523
	3.5	.5	.6		70	44	1.57			.30	0.471
	4.0	.35	.1		30	46	.669			.035	0.023
	4.2	EW									
WEST DITCH											
	3.0	EW									
	3.5	.5	.2		30	48	.644			.10	0.064
	4.0	.5	.2		25	42	.615			.10	0.061
	4.5	.4	.2		25	40	.644			.08	0.051
	4.8	.25	.2		25	42	.615			.05	0.031
	5.0	EW									
											2.410

No. _____ of _____ Sheets. Comp. by _____ Chk. by myl



25 30

19 20
30 29



DATE OF EXAM JUNE 10, 1971

ACREAGE

Found 125.4 A.
Recommended 125.4 A.

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 2.51 c.f.s. V = 564.3 AF/Ann. from MAR. 15 to NOV. 15
Domestic Q = — c.f.s. V = — AF/Ann. from — to —
Livestock Q = — c.f.s. V = — AF/Ann. from — to —

Is water co-mingled? yes — no X

Name source: SNAKE RIVER
twp. 4 N N/S, Rge 5 W E/W, B.M., Sec. 29, Sub. SW 1/4 NW 1/4 OWEHEE
Lot # 7 County

Exchange? yes — no —

Name source exchanged with: —
twp. — N/S, Rge — E/W, B.M., Sec. —, Sub. 1/4 1/4
County

Point of injection:
twp. — N/S, Rge — E/W, B.M., Sec. —, Sub. 1/4 1/4
County

Point of exchange:
twp. — N/S, Rge — E/W, B.M., Sec. —, Sub. 1/4 1/4
County

Total Q measured 2.59 Method of measurement PYGMET PRESS

Total Q recommended 2.51 Meter No. R-37B Type — Condition —

Total V recommended 564.3 AF/ANN.

Recommended Amendments:

P.D. —
Place of Use —
Other —
None

MEASUREMENT CALCULATION:

22 X (1 1/8") HEADS @ 20 PSI = 81.3 GPM.
= .18 CFS

SEE ALSO ATTACHE SHEET
FOR DITCHES

= 2.41 CFS

TOTAL Q = 2.59 CFS

SYSTEM DESCRIPTION:

SER# 3422055
U.S. 30 HP, 3-PHASE, 1800 RPM, 220-440 VOLTS, PUMPING
INTO 100' 12" LINE. LINE DISCHARGES INTO 3-WAY DIVERSION
BOX

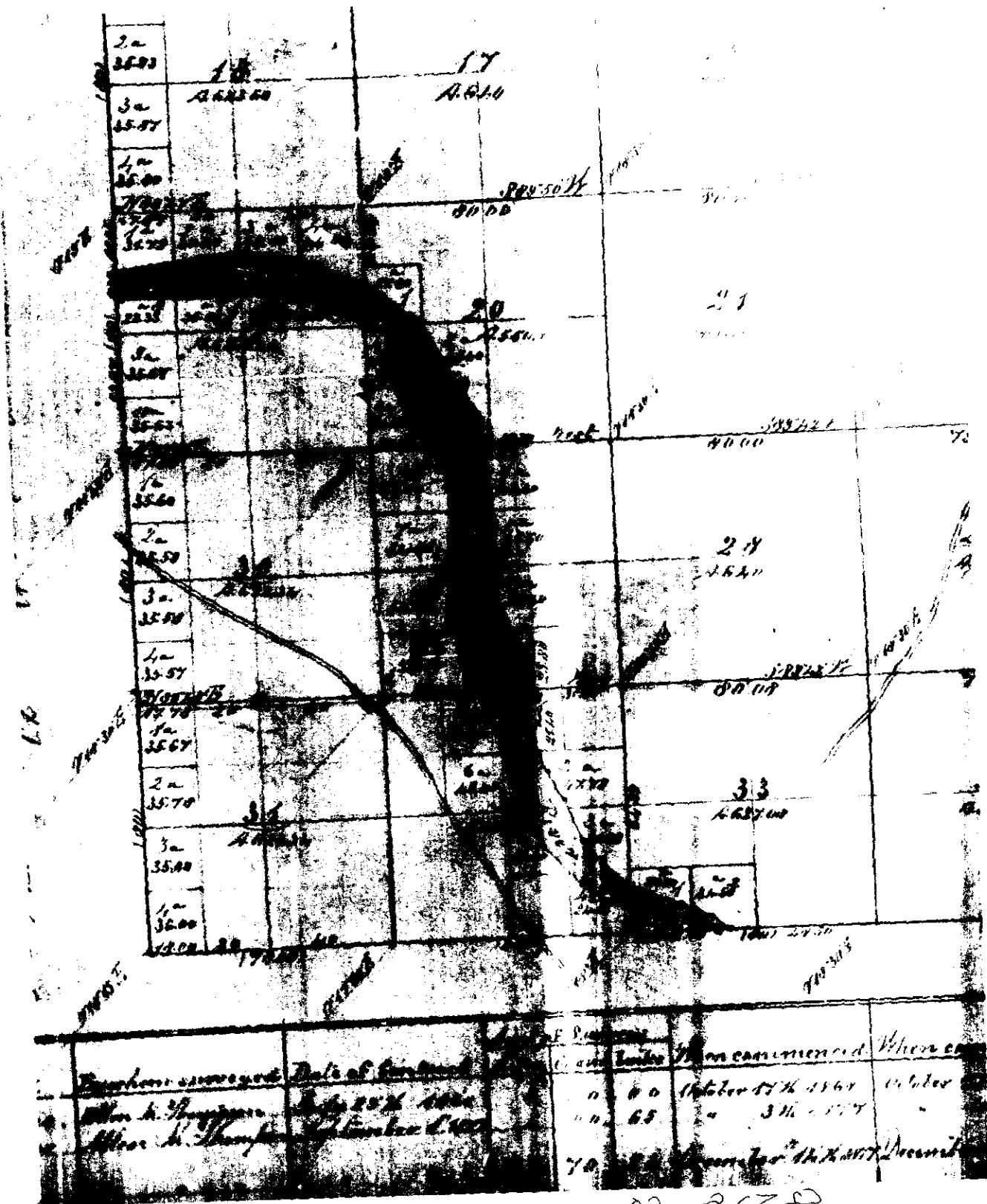
REMARKS:

May need an amendment to the land list.

Examiner's Signature Bert A. Claborn Date June 11, 1971

Checked by njl + JCB Date 6-14-71

Approved by — Date —



02-2178

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

November 2, 1970

Re: Permit No. 30791/02-2178 - Marvin A. Hays

Owyhee Nugget
Marsing,
Idaho 83639

Gentlemen:

We are returning the affidavit of publication for the above referenced permit.

As you can see, the affidavit is lacking the article that was published in your newspaper on October 1 and October 8, 1970. Please correct the affidavit and return it to this office as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: affidavit of publication

Sorry!

02-2178
30791

November 2, 1970

Re: Permit No. 30791/02-2178 - Marvin A. Hays

Owyhee Nugget
Marsing,
Idaho 83639

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Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: affidavit of publication

02-2178
30791

November 2, 1970

Re: Permit No. 30791/02-2178

Dr. Marvin A. Hays
9444 N.E. Sacramento St.
Portland, Oregon 97220

Dear Dr. Hays:

We acknowledge receipt of the affidavit of publication and the affidavit of beneficial use submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination, so that you may show him the system. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
cc: Bob Baker
Utah Mortgage & Loan

30791
02-2178

September 16, 1970

Re: Permit No. 30791/02-2178

Dr. Marvin A. Hays
9444 N.E. Sacramento St.
Portland, Oregon 97220

Dear Mr. Hays:

The legal notice for the above-referenced permit is being published in the
Owyhee Nugget, Marsing, Idaho on October 1
and October 8, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

cc: Bob Baker
Utah Mortgage & Loan

02-2178
30791

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

September 16, 1970

Re: Permit Nos. G-33600/57-2310 - Triangle Ranch
30791/02-2178 - Dr. Marvin A. Hays

Owyhee Nugget
Marsing,
Idaho 83639

Gentlemen:

Enclosed is two legal notices which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us galley proofs for our review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notices on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publications is to be paid by Dr. Marvin A. Hays, 9444 N.E. Sacramento Street, Portland, Oregon, and Triangle Ranch, Oreana, Idaho --- ATTN: Mr. Buck, Mgr., to whom you should furnish an affidavit of publication for each notice.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: two legal notices

30791
02-2178

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Dr. Marvin A. Hays, 9444 N.E. Sacramento
St., Portland, Oregon, has received an approved Permit No.
30791/02-2178 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~storage~~ of 3.20 cubic feet per second ~~del/del/del~~
~~per/annum~~ of water from the Snake River.
The priority to be established under this permit is November 5, 1962,
and the permit was approved November 14, 1962.

Water is to be diverted by pump, electric motor and pipe
from a point within ~~the~~ Lot 7, Sec. 29, T. 4N, R. 5W, B.M., Owyhee County,
to be used for irrigation
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3), Sec. 20; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 8), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 7), Sec. 29;
E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30; T. 4N, R. 5W, B.M.

Proof of the application of the water to beneficial use is to be sub-
mitted to the Department on or before November 14, 1970. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice or prior to the licensing
of the permit. Licensing may commence prior to the date beneficial use proof
is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

Published in the Owyhee Nugget, Marsing, Idaho,
on October 1 and October 8, 1970.

Permit No. 30791/02-2178

Director:

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

Marvin A. Hays
(Signature)

9/10/70
(Date)

9444 NE Sacramento
(Address)

Portland, Ore.

30791
02-2178

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

September 9, 1970

Re: Permit No. 30791/02-2178

Dr. Marvin A. Hays
9444 N.E. Sacramento St.
Portland, Oregon

Dear Dr. Hays:

We acknowledge receipt of the assignment of permit 02-2178 to you. Enclosed please find a copy of the permit for your records.

Rules of Practice and Procedure, adopted August 1, 1968, require that a notice be published at your expense by the Idaho Department of Water Administration. The notice will advise that your permit has been issued and give the public an opportunity to protest the intent of the permit.

Enclosed is a copy of the proposed notice of publication and the authorization for the Department to publish the notice at your expense. Please review the proposed notice and if you agree with its contents, sign the authorization and return the form to this office in order that the Department may cause the legal notice to be published.

If a major discrepancy exists in the proposed notice, please advise this Department by return mail so that we may assist you in clarifying the issue.

As proof of beneficial use is due on your permit on or before November 14, 1970, we are forwarding a proof due notice under separate cover by certified mail.

If you have any questions regarding your permit, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Copy of permit
Publication notice

Cc: Utah Mortgage & Loan Corp.

02-2178
30791

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.
22212

1

Marvin A. Hays

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

by Mrs. M. A. Hays

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

9-11-70

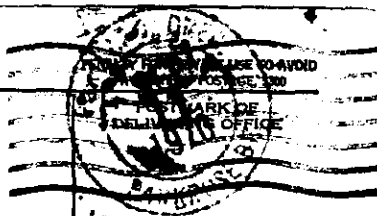
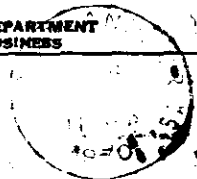
3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

855-16-71648-10

Apr. 1967

POD Form 3811



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

DEPARTMENT OF WATER ADMINISTRATION

STREET AND NO. OR P.O. BOX

STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

POST OFFICE, STATE, AND ZIP CODE

September 9, 1970

Re: Permit No. 30791/02-2178

Dr. Marvin A. Hays
9444 N.E. Sacramento
Portland, Oregon

Dear Dr. Hays:

One of the conditions of the approval of your Permit No. 30791/02-2178 was that proof of application of the water to beneficial use be submitted to this office on or before November 14, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

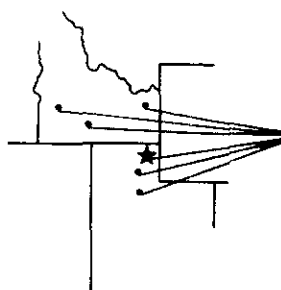


Director

Enc: Proof affidavit
dr

CERTIFIED MAIL # 22212

30791
02-2178



In Reply Refer to No.

Water Permit 30791

UTAH MORTGAGE LOAN CORPORATION

Boise, Idaho, Office: 707 West Bannock Street, 83701

P.O. Box No. 1247

Mortgage Bankers Since 1892

Phone: (208) 342-7771

August 31, 1970

Mr. Keith Higgenson
State Reclamation Engineer
Dept. of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

Dear Mr. Higgenson:

Pursuant to a telephone conversation the other day with Mr. Donald McEldowney regarding the Water Permit 30791 issued in the name of Mr. Donald Schaeffer, I would like to request that this permit be modified in such a way as to allow the new owners of this property to prove up on the water permit and receive a license.

The history behind this can be best explained as follows:

In 1968 we instituted foreclosure for non-payment of a mortgage loan to Mr. and Mrs. Donald Schaeffer. On the fourth day of April, 1969, a Sheriff's Deed on Foreclosure was issued to Mutual Life Insurance Company of New York by the Sheriff of Owyhee County, a copy of which is enclosed. This Sheriff's Deed conveyed to Mutual Life Insurance Company of New York an allocation of 3.2 c.f.s. of water in the Snake River, under water permit #30791. This was conveyed by virtue of this identical wording on the mortgage, a copy of which is also enclosed. This is not a signed copy, but if one is needed a copy can be obtained from the recorder's office. Subsequently we sold this property to Dr. Marvin A. Hays of 9444 N.E. Sacramento Street, Portland, Oregon, subject to a Contract of Sale.

Since it is obviously not possible for us to go back to the original permit holders and obtain a formal assignment, we request that you consult with your legal people and respectfully submit that this water permit should be transferred to the name of Dr. Marvin Hays and that he should be allowed to make application for proof through your office in order to obtain a license and retain the same priority date as on the original water permit.

Mortgage Loans
Real Estate Sales
Land Development



02-2178
30791

UTAH MORTGAGE LOAN CORPORATION

We have consulted our attorneys on this matter and they are in accordance with our views that this may be possible.

We appreciate your action on this and if you have any questions please do not hesitate to give me a call and I will certainly be glad to supply you with any additional information that you require.

Sincerely yours,

Bob

Robert C. Baker
Agricultural Loan Representative

RCB:ss

30791
02-2178

SHERIFF'S DEED ON FORECLOSURE

THIS DEED, made the 4th day of April, 1969, by Al Barberis, Sheriff of the County of Owyhee, State of Idaho, the grantor, to The Mutual Life Insurance Company of New York, a corporation, grantee, witnesseth:

WHEREAS, in and by a judgment and decree made and entered on the 10th day of November, 1967, in and by the District Court of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, in a suit then pending in said court, wherein The Mutual Life Insurance Company of New York, a corporation, was plaintiff, and Donald Schaeffer and Sylvia Schaeffer, husband and wife, Oscar Schaeffer and Annetta Schaeffer, husband and wife, and Western Idaho Production Credit Association, a corporation, were defendants, it was, among other things, ordered, adjudged and decreed that the mortgaged premises described in the complaint and decree in said action be sold at public auction by the sheriff of said county, in the manner directed by law, and an order of sale issued out of said court in said action was duly issued and delivered to said sheriff on the 10th day of November, 1967, requiring him to make sale of said premises as therein directed;

AND WHEREAS, in obedience to said decree and order of sale, and after due public notice given as required by law, the said sheriff did, on the 12th day of December, 1967, at 2:00 o'clock P. M., duly sell at public auction, at the County Court House in Murphy, in said County of Owyhee, State of Idaho, the premises in said decree and hereinafter described;

AND WHEREAS, at such sale, said premises were fairly sold in one parcel to The Mutual Life Insurance Company of New York, the grantee herein, whose bid was the highest therefor, for the sum of Fifty Two Thousand One Hundred Twenty-four and 56/100 Dollars (\$52,124.56); which sum was duly paid by the purchaser to said sheriff, and said sheriff thereupon delivered his certificate of sale to said purchaser, and filed a duplicate thereof in the office of the County Recorder of said County of Owyhee, State of Idaho, as required by law;

AND WHEREAS, one year's time having expired since the date of said sale, and no redemption has been made of the property so sold by any person or corporation entitled to so redeem;

NOW, THEREFORE, in consideration of the premises, and of the sum so paid as aforesaid, and in compliance with the statute made and provided therefor, said grantor, as sheriff aforesaid, does hereby grant, bargain, sell and convey to said grantee, and its successors and assigns forever, all that real and personal property situate in the County of Owyhee, State of Idaho, described as follows:

Lot 3 of Section 20; Lots 7 and 8 of Section 29; E-1/2 NE-1/4 of Section 30; ALL IN TOWNSHIP 4 NORTH, RANGE 5 WEST, BOISE MERIDIAN.

Conveying with the above described land any and all water rights and irrigating ditches belonging or in anywise appertaining thereto

02-21-78
30791

and especially including, but not limited to, the following:

1. An allocation of water in the Gem Irrigation District to 49 acres of the above described land.
2. An allocation of 3.2 c.f.s. of water in the Snake River. (Water Permit No. 30791). (New permit # 022178)

Together with all right, title and interest in and to any and all irrigation and pumping equipment, including: 1. Western Land Roller Pump - 10 M Head 12 DR - Serial No. 20320, 2. U.S. Electric Motor, Serial No. 3422055.

Excepting therefrom 1/2 of all oil, gas, minerals and other hydrocarbon substances within or underlying said property.

Together with all tenements and appurtenances thereunto belonging.

To have and to hold the above-described premises with the appurtenances unto said grantee and its successors and assigns forever.

IN WITNESS WHEREOF said grantor, as sheriff aforesaid, has hereunto set his hand the day and year first above written.

Al Barberis

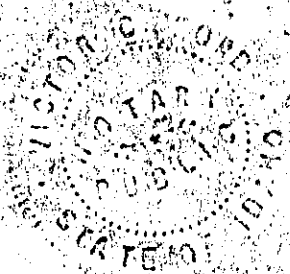
Sheriff of Owyhee County,
State of Idaho.

STATE OF IDAHO)
) ss.
County of Owyhee)

On this, the 4th day of April, 1969, before me, personally appeared AL BARBERIS, Sheriff of the County of Owyhee, State of Idaho, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that he as such Sheriff aforesaid executed the same.

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

Victor C. Ford



Instrument
Number 123022

*** SHERIFF'S DEED ON FORE- ***
CLOSURE

Al Barberis- Sheriff

Recorded	/
Compared	/
to Ind. Direct	/
Ind. Reverse	/
Bk. & Pg. B.	/
Bk. & Pg. R.	/
Released	/

Mutual Life Insurance Co.

STATE OF IDAHO, {
Owyhee County, ss.

Filed for record this 11th day
of April, 1969
at 1:00 o'clock P.M. at
request of Al Barberis

and recorded in Book _____ of
page _____, of the records of said county.

NICK IHLI
Ex-Officio Recorder.

By *[Signature]*
Deputy.

Fee, \$ 1.80

02.2.178
30791

MORTGAGE

THIS MORTGAGE, made the 3rd day of December, 1962, between Donald Schnoeller and Sylvia Schnoeller, husband and wife, Oscar Schnoeller and Annette Schnoeller of Oraysee County, State of Idaho, the MORTGAGOR and UTAH MORTGAGE LOAN CORPORATION, a corporation organized and existing under the laws of the State of Utah, having its principal place of business at Logan City, Utah, the MORTGAGEE, WITNESSETH, that Mortgagor does hereby grant, bargain, sell and convey to Mortgagee all that certain real property in the County of Oraysee State of Idaho, described as follows:

Lot 3 of Section 20;
 Lots 7 and 8 of Section 29;
 E1/4 of Section 30;
 ALL IN TOWNSHIP 4 NORTH, RANGE 5 WEST, BOISE MERIDIAN

Conveying with the above-described land any and all water rights and irrigating ditches belonging or in anywise appertaining thereto and especially including, but not limited to, the following:

- of
1. An allocation/water in the Gem Irrigation District to 49 acres of the above-described land.
 2. An allocation of 3.2 c.f.s of water in the Snake River.
 (Water Permit No. 30791)

Together with all right, title, and interest in and to any and all irrigation and pumping equipment.

TOGETHER with all tenements, hereditaments and appurtenances belonging or appertaining thereto and the rents, issues and profits thereof and all buildings, structures, improvements, fixtures and articles of personal property described above or now or at any time hereafter attached to or used or adapted for use in the operation of the mortgaged premises:

TOGETHER with any and all water, water and riparian rights, irrigating ditches, aqueducts, canals, appropriations, easements, rights of way, franchises and privileges owned by the Mortgagor or belonging to, leading to, connected with, or usually had and enjoyed in connection with said property or any part thereof;

TO HAVE AND TO HOLD, unto such mortgagee, its successors and assigns, forever,

FOR THE PURPOSE OF SECURING payment of an indebtedness in the sum of Dollars (\$50,000.00.....), FIFTY THOUSAND AND 10/100

lawful money of the United States, evidenced by a promissory note, bearing even date herewith, payable at the time and place, in the manner and with the rate of interest therein set forth, final payment being due January 1 1963, and to secure payment of such further sums as may hereafter be advanced or expended by the Mortgagee, together with interest, as hereinafter provided. Provided, however, that the making of such further advances and expenditures shall be optional with the Mortgagee and provided, further, that it is the express intention of the parties of this mortgage that it shall stand as continuing security until all such advances and expenditures, together with interest thereon, have been paid.

AND the Mortgagor covenants that the Mortgagor has a valid and unencumbered title in fee simple to the property described herein and has the right to convey the same and warrants and will defend said title unto the Mortgagee against the claims and demands of all persons whomsoever and will render such further assurance of title as may be requested by Mortgagee.

TO PROTECT THE SECURITY OF THIS MORTGAGE, MORTGAGOR COVENANTS AND AGREES:

TO pay the indebtedness and other charges as provided in said note and this mortgage.

TO pay all taxes, liens, assessments, water and public charges of every nature affecting said premises or any part thereof; and in default thereof the Mortgagee may, at its option, pay the same and such payments shall be a lien on said mortgaged premises, added to the amount of said note and secured by this mortgage, payable on demand with interest at the highest legal rate thereon permissible by contract under the laws of the State of Idaho from the time of such payment.

THAT no building or other improvement on the premises shall be structurally altered, removed or demolished, without the Mortgagee's prior written consent, nor shall any fixture or chattel covered by this mortgage and adapted to the proper use and enjoyment of the premises be removed at any time without like consent, unless actually replaced by an article of equal suitability owned by the Mortgagor.

TO keep the buildings and improvements upon the lands above conveyed insured against loss or damage by fire, war risk and such other hazards as may be specified by the Mortgagee, for its benefit in an amount and by insurers approved by the Mortgagee, and assign and deliver the original of such insurance policy or policies to the Mortgagee and in the event of the failure of the Mortgagor to deliver a policy as specified by the Mortgagee or in renewal of an expiring policy ten (10) or more days prior to the expiration date of the expiring policy then the Mortgagee may procure such insurance, and the premium or premium paid therefor shall be a lien on the said mortgaged premises, added to the amount of the said note, and secured by these presents, payable on demand with interest at the highest legal rate thereon permissible by contract under the laws of the State of Idaho from the time of such payment. That if the premises covered hereby, or any part thereof, shall be damaged by fire or other hazard against which insurance is held as hereinabove provided, the amounts payable by any insurance company in pursuance of the contract of insurance to the extent of the indebtedness then remaining unpaid, shall be paid to the Mortgagee, and, at its option, may be applied to the debt or released for the repairing or rebuilding of the premises.

THAT the Mortgagor shall not, without first obtaining the Mortgagee's written consent, assign any of the rents or profits of the premises or change the general nature of the occupancy or initiate or acquiesce in any zoning reclassification, nor shall the Mortgagor terminate, accept a surrender of, or modify, any existing or future lease if thereby the security for the mortgage debt would be impaired, nor do or suffer any act or thing which would impair the security for the mortgage debt or the Mortgagee's lien upon the mortgaged property or the rents or profits thereof.

TO maintain the buildings and other improvements on the premises in a rentable and tenantable condition and state of repair and that the Mortgagor will neither commit nor suffer any waste, and will comply with all requirements of Federal, State and Municipal authorities, respecting said premises or the use thereof; that the Mortgagor also will cultivate, irrigate, fertilize, fumigate, prune, and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general, and in the event the above described property is used for agricultural purposes, the Mortgagor will use all manure produced by stock on said property as fertilizer, keep the premises free from foul and noxious weeds, brush and other undesirable growths, provide for stock selection, seed selection, crop rotation, weed control, fertilizing the soil, drainage, prevention of erosion and pasture maintenance in accordance with good husbandry and the most approved methods of agricultural development. The Mortgagee may recover as damages for any breach of this covenant the amount it would cost to put the property in the condition called for herein. Proof of impairment of security shall be unnecessary in any suit or proceeding under this paragraph.

30791
02-2178

TO pay all taxes excepting income tax that may be levied or assessed upon this mortgage against the holder of said note on account thereof.

TO appear in and defend any action or proceeding purporting to affect the security hereof or the rights of the Mortgagee; and to pay all costs and expenses, including costs of evidence of title and attorney's fees, in any such action or proceeding in which Mortgagee may appear or incurred or advanced by the Mortgagee in connection with any such action or proceeding in which the Mortgagee may be joined as a party defendant or received notice of such action or proceeding or claim asserted in such action or proceeding or proposed action or proceeding.

IT IS MUTUALLY AGREED THAT:

If the Mortgagor permits any deficiency in the amount of the aggregate annual, or other periodic payments, provided for herein, or in the note secured hereby, or any failure to pay any advancements or payments made by the Mortgagee to protect and preserve the lien hereof or property described herein, such deficiency or failure shall constitute an event of default under this Mortgage and if not cured within 15 days Mortgagee promises and agrees to pay a "late charge" of two cents (2¢) for each dollar (\$1) of each payment or advancement or interest thereon at the highest legal rate permissible by contract under the laws of the State of Idaho whichever is greater and that any such "late charge" shall constitute an additional item secured by this Mortgage. PROVIDED HOWEVER, that Mortgagee shall not become liable to pay total interest and "late charge" in excess of the highest legal rate permissible by contract under the laws of the State of Idaho.

A failure at any one or more times of the Mortgagee to assert any of its rights under this mortgage shall at no time be deemed a waiver of such rights. This mortgage cannot be modified orally.

As additional security, Mortgagor hereby gives to and confers upon Mortgagee the right, power and authority, and hereby constitutes and appoints Mortgagee attorney in fact during the continuance of this mortgage and the indebtedness which it secures, to collect the rents, issues and profits of said property, (reserving unto Mortgagor the right, prior to any default by Mortgagor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon such default,) Mortgagee may at any time without notice, and without regard to the adequacy of any security for the indebtedness hereby secured, by agent or by a receiver to be appointed by a court, enter upon and take possession of said property, or any part thereof, and in its own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Mortgagee may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default hereunder.

Any award of damages in connection with any condemnation for public use or injury to said property or any part thereof or any compensation, awards, other payments, or relief due to damages to the property in any manner is hereby assigned to the extent of any indebtedness that remains unpaid, and shall be paid to Mortgagee who may apply the same upon any indebtedness secured hereby and in such order as Mortgagee may determine, or at its option may release the same or any part thereof to Mortgagor.

Mortgagor's failure to make any payment or to do any act as provided by this Mortgage shall constitute a default under this Mortgage and then Mortgagee, but without obligation so to do and without notice to or demand upon Mortgagor and without releasing Mortgagor from any obligation hereof, may: make or do the same in such manner and to such extent as it may deem necessary to protect the security hereof, Mortgagee being authorized to enter upon said property for such purpose; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Mortgagee; pay, purchase, contest or compromise any encumbrance, charge or lien which in its judgment appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this mortgage by judicial foreclosure, pay necessary expenses, employ counsel and pay reasonable fees. Any and all such sums which the Mortgagee shall pay pursuant to the provisions hereof shall be a lien upon the mortgaged premises, payable on demand with interest at the highest legal rate thereon permissible by contract under the laws of the State of Idaho, from the date of such payment or expenditure.

If the Mortgagor shall pay all and every sum of money secured hereby as provided herein and shall, in all other respects, carry out and comply with the covenants herein set forth and enumerated, this conveyance shall be void. But if the Mortgagor shall fail to pay any installment of interest, or any installment on account of principal, or any part thereof, on any day whereon the same is made payable as provided in said note; or fail to pay any and all taxes, assessments, water and public charges and liens of every nature affecting said premises, or any part thereof, on the day the same shall become due; or fail to keep and perform any of the terms, covenants and conditions of this mortgage and of the said note accompanying the same, then, in any of said events the said Mortgagee may at any time thereafter declare the aforesaid principal indebtedness, or so much thereof as may remain unpaid, with all accrued interest, accrued late charges and all advancements, to be at once due and payable, and the Mortgagee at any time after such failure of payment or breach of terms, covenants or conditions, may proceed to foreclose this mortgage to compel payment to be made of the full amount due and payable.

In the event suit is instituted to effect such foreclosure, the Mortgagee, as a matter of right and without regard to the sufficiency of the security or of waste or danger of misapplication of any of the properties of the Mortgagor, shall be entitled forthwith to have a receiver appointed of all the property hereby mortgaged, and the Mortgagor hereby expressly consents to the appointment of a receiver by any court of competent jurisdiction and expressly stipulates, covenants and agrees that such receiver may remain in possession and control of the mortgaged property until the final determination of such suit or proceeding.

In the event this mortgage and the note secured hereby is placed in the hands of an attorney for enforcement of the same, the Mortgagor agrees to pay reasonable attorney's fees and the costs and expenses incurred by such attorney in connection with his efforts to enforce the same and/or to prepare to commence suit to foreclose this mortgage, and all costs of evidence of title procured.

In the event suit is instituted to effect such foreclosure, the Mortgagee may recover therein as attorney's fees such sum as the court may adjudge reasonable in addition to the cost and disbursements allowed by the Code of Civil Procedure of the State of Idaho together with the costs of evidence of title procured.

All rights and remedies specified herein shall be cumulative and not in substitution of any right or remedy otherwise available.

All covenants, provisions and conditions herein contained are made on behalf of, shall apply to and bind, and the terms "Mortgagor" and "Mortgagee" as used herein shall include, the respective heirs, legatees, devisees, administrators, executors, successors and assigns of the parties hereto, jointly and severally, and, in this Mortgage, whenever the context so requires, the masculine gender includes the feminine and/or neuter, the singular number includes the plural and the plural includes the singular.

IN WITNESS WHEREOF this instrument has been executed the day and year first above written.

Donald Schaeffer

Oscar Schaeffer

Annetta Schaeffer

Annetta Schaeffer

State of
County of

On this day of 1962, before me, the undersigned a Notary Public in and for said State, personally appeared Oscar Schaeffer and Annetta Schaeffer, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public

My commission expires
at

Notary Public.

Commission expires
Residing at

, 19

02-2178
30791

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

R. KEITH HIGGINSON
State Reclamation Engineer

RECEIVED
MAY 4 1970
Department of Reclamation

May 11, 1970

Re: Permit No. 30791/02-2178

Oscar & Donald Schaeffer
Homedale,
Idaho

Gentlemen:

*We do not have this property
no longer I don't know who owns
it now. Thanks Joe
Oscar Schaeffer*

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: order
advertising package

02-2178
30791

RULES OF PRACTICE AND PROCEDURE

Adopted - August 1, 1968

INSTRUCTIONS FOR ADVERTISING

Rules of Practice and Procedure, adopted August 1, 1968, require that a notice be published at your expense by the Department of Reclamation. The notice will advise that your permit has been issued and gives the public a chance to protest the intent of the permit.

Attached is a copy of the proposed notice of publication and an authorization for the Department to publish the notice at your expense. Please review the proposed notice and if you agree with its contents, sign the authorization form and return it with the notice of publication to this office.

If a major discrepancy exists in the proposed notice, please advise this department by return mail so that we may assist you in clarifying the issue.

30791
02-2178

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Oscar Schaeffer and Donald Schaeffer, Homedale,
Idaho have had received an approved permit No.
30791/02-2178 issued by the Idaho State Reclamation Department authorizing the
diversion ~~storage~~ of 3.20 cubic feet per second ~~acre feet per annum~~
of water from the Snake River, trib. of the Columbia River
subject to all prior rights. The priority to be established under this permit is
November 5, 1962 and the permit was approved November 14, 1962.
Water is to be diverted by pump, motor, and pipe
from a point within ~~the~~ Lot 7, Sec. 29, T. 4 N, R. 5 W, B. M., Owyhee County
to be used for irrigation
in the N¹/₄ NW¹/₄ (Lot 8), SW¹/₄ NW¹/₄ (Lot 7), Sec. 29; SW¹/₄ SW¹/₄ (Lot 3), Sec. 20; E¹/₄ NE¹/₄,
Sec. 30, T. 4 N, R. 5 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before November 14, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Owyhee Chronicle, Homedale, Idaho on _____
and _____.

State Reclamation Engineer:

Permit No. _____

You are hereby authorized to have the attached notice published at my expense in
the _____ of _____;
published in the county in which the works are situated.

(Signature)

(Address)

(Date)

30791
03-2178

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 30791/02-2178)

in the name of Oscar Schaeffer & Donald)

Schaeffer, Homedale, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 02-2178 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 11th day of May, 1970.


R. KEITH HIGGINSON
State Reclamation Engineer

RKH/DG

30791
02-2178

Oscar Schoeffel
Box 668
Maricopa Calif

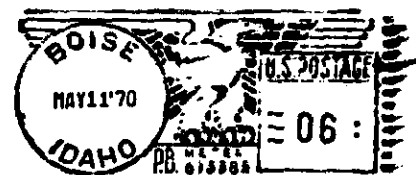


Department of Reclamation
State house Annex 2

Provine Idan
82707

8/12 P.O.
16/105

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707



RECEIVED
MAY 13 1970
Department of Reclamation

Donald Schaeffer

Homedale,

Idaho 83628

Moved & left no address

*ALP-20
16605
30791*

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Oscar Schaeffer and Donald Schaeffer, Homedale,
Idaho have _____ has received an approved permit No.
30791/02-2178 issued by the Idaho State Reclamation Department authorizing the
diversion ~~storage~~ of 3.20 cubic feet per second ~~acre/feet/yr/annum~~
of water from the Snake River, trib. of the Columbia River.
subject to all prior rights. The priority to be established under this permit is
November 5, 1962 and the permit was approved November 14, 1962.
Water is to be diverted by _____ pump, motor, and pipe
from a point within the Lot 7, Sec. 29, T. 4 N, R. 5 W, B. M., Owyhee County

to be used for _____ irrigation
in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 8), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 7), Sec. 29; SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3), Sec. 20; E $\frac{1}{2}$ NE $\frac{1}{4}$,
Sec. 30, T. 4 N, R. 5 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the
department on or before November 14, 1970. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Owyhee Chronicle, Homedale, Idaho on
_____ and _____.

30791/
02-2178

May 11, 1970

Re: Permit No. 30791/02-2178

Oscar & Donald Schaeffer
Homedale,
Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: order
advertising package

02-2178
30791

Permit No. 30791

**Certificate of Completion
of Works**

Dated February 3, 19 67

Stream Snake River

County Owyhee

Amount 3.20 c.f.s.

Date of Priority November 7, 1962

Recorded in Book 108

of Deposits, page 30791

30791

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that OSCAR SCHAEFFER and DONALD SCHAEFFER
 of Homedale , County of Owyhee , and State of
 Idaho , the holders of Permit No. 30791 , issued upon
 Application No 38873 bearing date of priority of November 7, 1962 , authorizing the
 (late proof)
 diversion of 3.20 second feet of waters of Snake River

County of Owyhee , State of Idaho, for irrigation
 purposes, have fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 3.20 second feet of the waters of .. Snake River

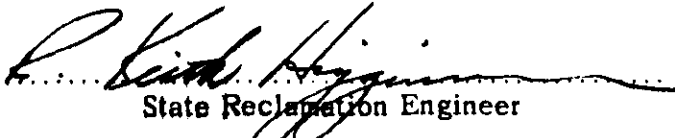
..... tributary of Columbia River:

that the point of diversion of said waters ... Lot 7, Sec. 29, T. 4 N., R. 5 W., ...
 B. M.

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: SW~~1~~SW~~4~~, Sec. 20; W~~1~~NW~~4~~, Sec. 29; E~~1~~NE~~4~~,
 Sec. 30, T. 4 N., R. 5 W., B.M.

..... Proof of Completion of Works Made: November 16, 1966

Witness my hand this 3rd day of February , A. D. 19 67


 State Reclamation Engineer

30791

February 3, 1967

RE: Permit No. 30791

Oscar Schaeffer
Box 548
Homedale, Idaho

Enclosed is the Certificate of Completion of Works on
the above numbered permit.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:mr

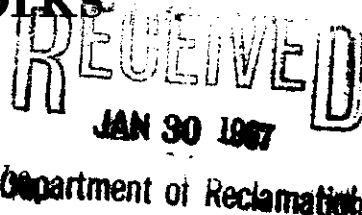
Enc. certificate

30791

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho



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

Ans. Oscar Schaeffer and Donald Schaeffer, Homedale, Idaho, farmers.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit no. 30791, dated Nov 14, 1962, to divert 3.20 cubic feet per second.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you have reclaimed or intend to reclaim.

Ans. water is used for irrigation purposes and irrigates 120 acres of ground.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. the water referred to above so diverted has been used for the past five years.

Ques. 6. State whether or not the works of diversion are fully completed, if so on what date, and whether or not they comply in all respects with terms of the permit.

Ans. yes they are completed and have been since 1962

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. to the best of my knowledge they comply.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on November, 1962, and give cost of same.

Ans. Pump, \$3200.00, steel pipe, \$860.00, concrete pipe, \$5400.00, and bulkhead, \$1800.00, pump will pump 1800 gallons per minute.

(Sign here.)

Oscar Schaeffer
Donald Schaeffer

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 Homedale, County of

Owyhee, State of Idaho, on this 25th day of January, A. D. 1967.

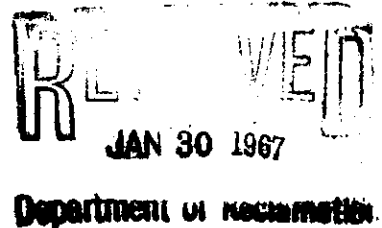
James M. Parker
Notary Public.

My Commission expires 6/10/67.

30791

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No...30791.....



Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Kenneth C. Downing, Homedale, Idaho

Ques. 2. Are you acquainted with Oscar Schaeffer and Donald Schaeffer, the holder of Permit No. 30791, authorizing the diversion of 3.20 second-feet of the waters of Snake River, at _____ for irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known them for approximately 5 years and they reside at Homedale, Idaho

Ques. 3. Have you read or heard read said Permit No. 30791, and are you familiar with its terms and conditions?

Ans. yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. it is sandy soil and will take approximately 5 acres feet per acre to irrigate the same

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. a 30 h. p. motor pumps approximately 1800 gallons per minute through 1600 feet of 12 inch steel line and 2000 feet of 15 inch concrete

(Sign here Kenneth C. Downing)

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, at my office in Homedale County of Owyhee, State of Idaho, on this 26th day of January, A. D. 19 67.

Wesley Parker
Notary Public for Idaho
Residing at Homedale, Ida.

30791

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 30791

REC'D
JAN 30 1967

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Clarence V. Wilks

Homedale, Idaho

Ques. 2. Are you acquainted with Oscar Schaeffer and Donald Schaeffer, the holder of Permit No. 30791, authorizing the diversion of 3.20 second-feet of the waters of Snake River, at for irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known them for approximately 5 years and they reside at Homedale, Idaho

Ques. 3. Have you read or heard read said Permit No. 30791, and are you familiar with its terms and conditions?

Ans. yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. the premises soil is of a sandy light composition and would require approximately 5 acre feet per acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. a 30 h. p. motor is used to pump the water through approximately 1600 feet of 12 inch steel line and 2000 feet of 15 inch concrete and will pump approximately 1800 gallons per minute

(Sign here.)

Clarence W. Wilks

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, at my office in Homedale County of Owyhee, State of Idaho, on this 25th day of January, A. D. 1967.

Jessie M. Parker
Notary Public for Idaho
Residing at Homedale

30791

INSTRUCTIONS TO DELIVERING EMPLOYEES☐ Show to whom and when delivered☐ Show to whom, when, 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.

①

*Mrs Oscar Schaeffe**19185*

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)**1-26-67**30791**30791*

c55-16-71548-8 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE

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.

EDM
PM
JAN 26
1967
IDAHO
RETURN
TO

NAME OF SENDER

Ida. Dept of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 837

30791

POD Form 3811 Oct. 1965

c65-16-71548-8

January 13, 1967

RE: Permit No. 30791

Oscar Schaeffer
Box 548
Hoemdale, Idaho

Dear Mr. Schaeffer:

Upon checking your proof of completion of works on the above numbered permit which you made on November 16, 1966 we find that the proofs were made late. Proofs on this permit were to have been made on or before November 14, 1966. It will therefore be necessary for you to appear before a Notary Public with two witnesses who can testify that they have seen the works, and complete the enclosed depositions.

It will be necessary to complete these forms promptly so that this permit will not be cancelled. This is required under Section 5594, Idaho Code.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:mr

Enc. Forms 28, 14

30791

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
Boise, Idaho

December 27 19 66

Re: Permit No. 30791

To: Oscar & Donald Schaeffer
Homedale, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 30791 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to _____
Completion of Works, which was due November 14, 1966

you are hereby notified in compliance with Sec. 42-311, Idaho Code that said Permit No. 30791 is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 30791 claims the use of 3.2 cubic feet per second of the waters of Saake River with point of diversion located in Lot 7, Sec. 29, T. 4 N., R. 5 W., B. M. _____ County of Owyhee and was approved November 14, 1962.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the 27th day of December 1966

State Reclamation Engineer

By:

Assistant

30791

Permit No. 30791STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
NOV 21 1966

Department of Reclamation

STATE OF IDAHO

County of Owyhee

SS.

OSCAR SCHAEFFER, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 30791, and that his postoffice address is P. O. Box 548, Homedale, State of IdahoSecond: That the name of the stream from which said water is to be diverted is Snake River which is tributary of Columbia RiverThird: That the point of diversion of said water is North app. 50 feet distant from SE corner Lot 7 Sec. 29, T4N, R5W. B. M. and is in Lot 7 of Section 29, T4N, R5W. B. M. County of Owyhee, IdaFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by November 14, 1966.Fifth: That the use for which said water is intended is irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: pump, electric motor, and pipe

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit ditch width at bottom 2 feet, width at water line 3

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water 2 feet; diameter of pipe 10 inches, average grade per mile is 26.2 feet. Length of conduit is app. 340 miles.

Seventh: That said works are capable of conducting to the place of intended use _____

3.20 second feet of water.Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: The SW $\frac{1}{4}$ in Section 20, T4N, R5W. B. M.; the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 29; the NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30; all in T4N, R5W. B. M.

Ninth: Remarks:—That _____

Oscar Schaeffer
(SIGN HERE)Subscribed and sworn to before me this 16th day of November, 1966Sharon Parker

NOTARY PUBLIC

My commission expires 6/10/67

30791

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION

Re: Permit No. 30791

Boise, Idaho
Sept. 1, 1966

Oscar & Donald Schaeffer

Homedale, Idaho

Gentlemen:

Under the terms of your Permit No. 30791 you are required to complete your diversion works on or before Nov. 14, 1966. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the said permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, a Certificate of Completion will be issued to you.

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

Very truly yours,

R. KEITH HIGGINSON

State Reclamation Engineer

Enc. Form 6

30791

December 3, 1962

Re: Permit No. 30791
Oscar & Donald Schaeffer

Utah Mortgage & Loan Assn.,
707 Barnook St.,
Boise, Idaho.

Attention: Mrs. Gibb

Gentlemen:

We hand you herewith two copies of Permit No. 30791
one of which has been certified, as per your telephone call
today.

There is a charge of \$2.50 for these copies and
certification, which you may remit to the Department of Recla-
mation.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

30741

November 29, 1962

Re: Permit No. 30791
Oscar & Donald Schaeffer

Mr. Richard B. Eismann,
Attorney at Law,
Homedale, Idaho.

Dear Mr. Eismann:

We enclose Permit No. 30791 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 1307 which was issued covering payment in the amount of \$ 5.75 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

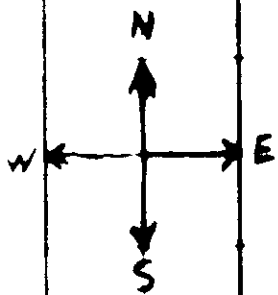
(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl.

cc: Donald Schaeffer
Homedale, Idaho

2 C 791

ALL IN Twp 4 N. R. 5 W. B.M.



SEC 20

SNAKE RIVER

LOT 3
24 A.

LOT 8
45.2 A.

17A

NE 1/4 NE 1/4

SE 1/4 NE 1/4
23 A.

LOT 2
47.5 A.

POINT OF DIVERSION

SEC 30

SEC 29

CROSS HATCH IS LAND TO BE IRRIGATED
⊙ POINT OF DIVERSION
SOURCE OF SUPPLY IS SNAKE RIVER

(Form No. 1)

~~DONALD SCHAEFFER~~P. O. ~~HOMEDALE, IDAHO~~**APPLICATION FOR PERMIT**

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. _____

Permit No. _____

District No. _____

1. Name of applicant: **OSCAR SCHAEFFER and DONALD SCHAEFFER**Post office address **Homedale** County **Owyhee** State **Idaho**

I. If applicant is a corporation, give:

(not applicable)

(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) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: **3.20** cubic feet per second3. Source of water supply: **Snake River**which is tributary of **Columbia River**4. Location of point of diversion: **North app. 50** feet distant from the **SE** corner **Lot 7**of Section **29**, T**4N** R**5W**, B. M., and is in **Lot 7**of Section **29**, T**4N** R**5W**, B. M., County of **Owyhee, State of Idaho**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 _____, 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: **\$10,000.00**8. Kind of works: **Pump, Electric Motor, and Pipe**
(Reservoir, dam, ditch, flume, pipe, etc.)9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____
(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.)

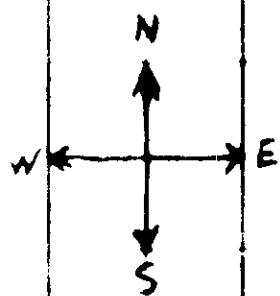
feet; material used in dam _____

10. Size of headgate: Width _____ feet; Height _____ feet

11. Ditch: Width at bottom **2** feet; Width at water line **3** feet; Depth of water **2** feet;Dimensions of flume _____; Diameter of pipe **10** inches;Length of conduit **app. 340** miles. Average grade per mile **26.2 11ft** feet.

30791

ALL IN Twp 4 N. R. 5 W. B.M.



SEC 20

SNAKE RIVER

LOT 3
24 A.

LOT 3
4 1/2 A.

MA

NE 1/4 NE 1/4

SE 1/4 NE 1/4
2 1/2 A.

LOT 2
4 1/2 A.

POINT OF DIVERSION

SEC 30

SEC 29

CROSS HATCH IS LAND TO BE IRRIGATED
 ⊗ POINT OF DIVERSION
 SOURCE OF SUPPLY IS SNAKE RIVER

16. (a) Is reservoir to be used? No (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: _____

(c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

Applicant.

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)
) ss.
County of _____)

On this day of, 195..., 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.

My commission expires _____

Notary Public.

55079/

Approval of State Reclamation Engineer

The number of this permit is

Recorded in Book Page Approved

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, 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

The whole of said work to be completed on or before

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

Witness my hand this day of, 195.....

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, Governor of the State of Idaho,

and, 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 day of, 195.....

Countersigned:

STATE OF IDAHO

By
Secretary of State.

By
Governor.

No.	
PERMIT	
Date of first receipt at office of State Reclamation Engineer	
Returned to applicant for correction	
Corrected application received	
Fees, \$	
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft.	\$5.00
For each additional Sec. Ft. or Fraction	
Thereof	.25

250797

RICHARD B. EISMANN
ATTORNEY AT LAW
HOMEDALE, IDAHO
October 25, 1962

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Donald Schaeffer water permit

Gentlemen:

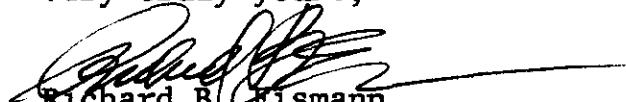
Enclosed herewith please find the original and one copy of the application for permit to appropriate the public waters of the State of Idaho.

Please file this application of record and advise of the filing fee.

Please also forward the necessary instruments for completion of this application and permit.

Thank you very much.

Very truly yours,


Richard B. Eismann
RBE/imp
Enclosure:

30791

RICHARD B. EISMANN

ATTORNEY AT LAW

HOMEDALE, IDAHO

October 31, 1962

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

Re: Application for Permit Oscar & Donald Schaeffer

Gentlemen:

Enclosed herewith please find carbon copy of application,
a copy of the map and my check in the sum of \$5.75 to
cover filing fee.

Would you please complete our carbon copy to correspond
with the original application and return the same to
me for my files.

Thank you very much.

Very truly yours,



Richard B. Eismann

RBE/imp

Enclosure:

30791

October 29, 1962

Re: Application for Permit
Oscar & Donald Schaeffer

Richard B. Eismann
Attorney at Law
Homedale, Idaho

Dear Mr. Eismann:

Returned herewith is the carbon copy of the application. One application and two maps should be submitted with the filing fee which is \$5.75 for 3.2 cubic feet per second. See near center the fourth page of the application form.

The priority under the permit issued is the date of receipt of an acceptable application. As the fee was not received the date under the application will be the date the fee is received.

The third paragraph of your letter of transmittal is not clear, however we assume it is the intention to make proof of completion of works and beneficial use of the water as soon as the permit is received.

The enclosed forms, with instructions, can be used.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Form 36-A - 11 - instructions
copy of permit

30791