

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

Handwritten map grid with township and range labels on the left: T, 1, N, T, 1, S. The grid shows sections 35 and 36. Handwritten annotations include '5' and '4' in the top row of sections 35 and 36, and '20', '22', '24', '26', '28' in the second row of sections 35 and 36. A red line is drawn across the bottom of the grid.

Scale: 2 inches equal 1 mile

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

Signed at Boise, this 17 day of Feb., 19 69.

[Signature]
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for permit 21871/02-2086..

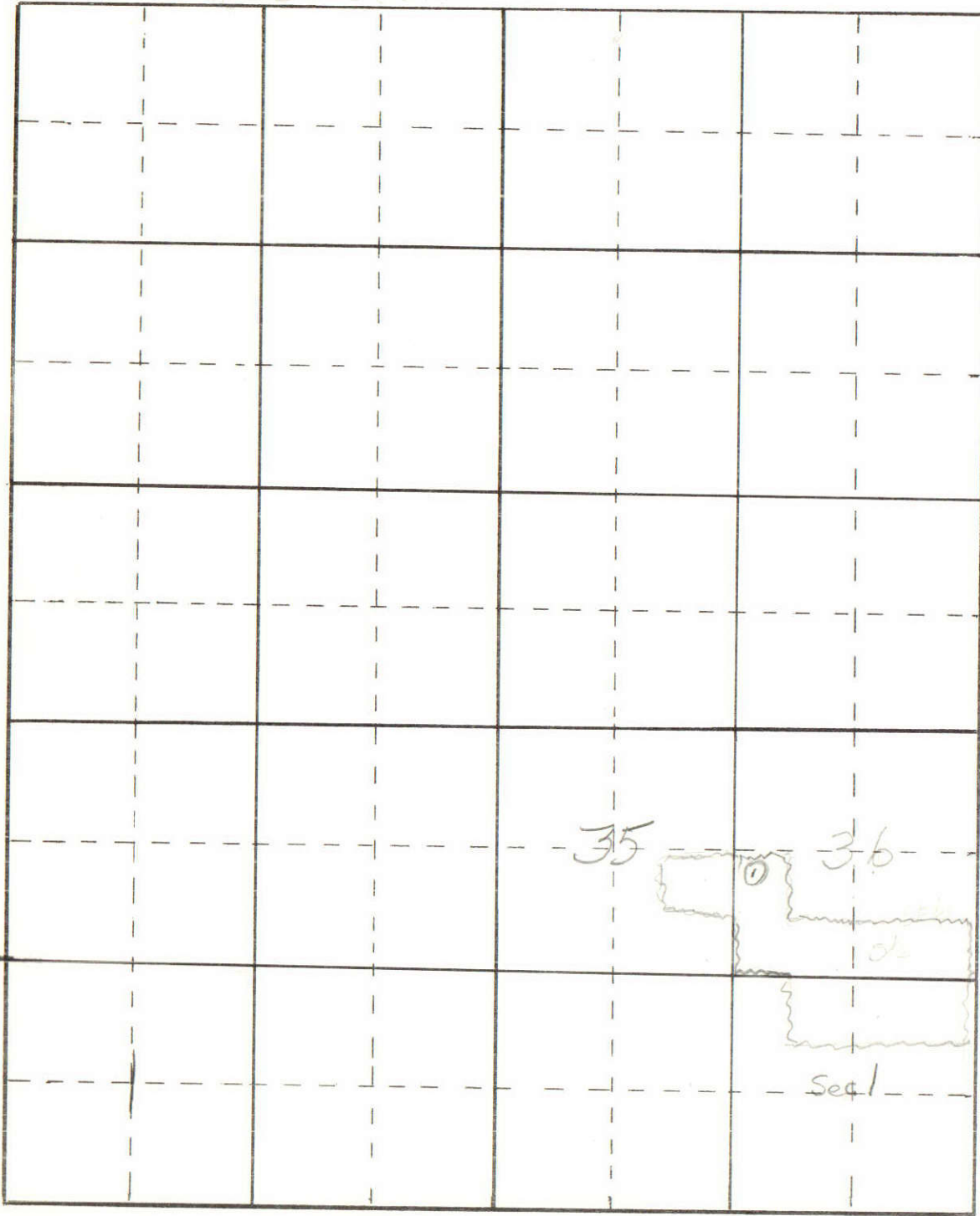
Witness my hand this 27th day of February, 19 69.

[Signature]
State Reclamation Engineer

R 3 West

T
1
N

T
1
S



SC

REEXAMINATION

Permit No. 21871 02-2068 02-2086
Name of Applicant James L. & Edgar C. Muller, Star Route, Melba, Idaho
Source of Water Snake River
a tributary of _____
Location of P.D. NW 1/4 SW 1/4 (Lot 4) Sec. 36, T. 1N., R. 3 W., B.M.
Owyhee County

Water is used for Irrigation and domestic ?
Quantity of water claimed: Permit 2.16 cfs • Depositions 2.16 cfs
Type of measuring device installed or method of measurement and general description
of diversion works Electric motor and pump, 50' x 10" steel pipe
to open ditch

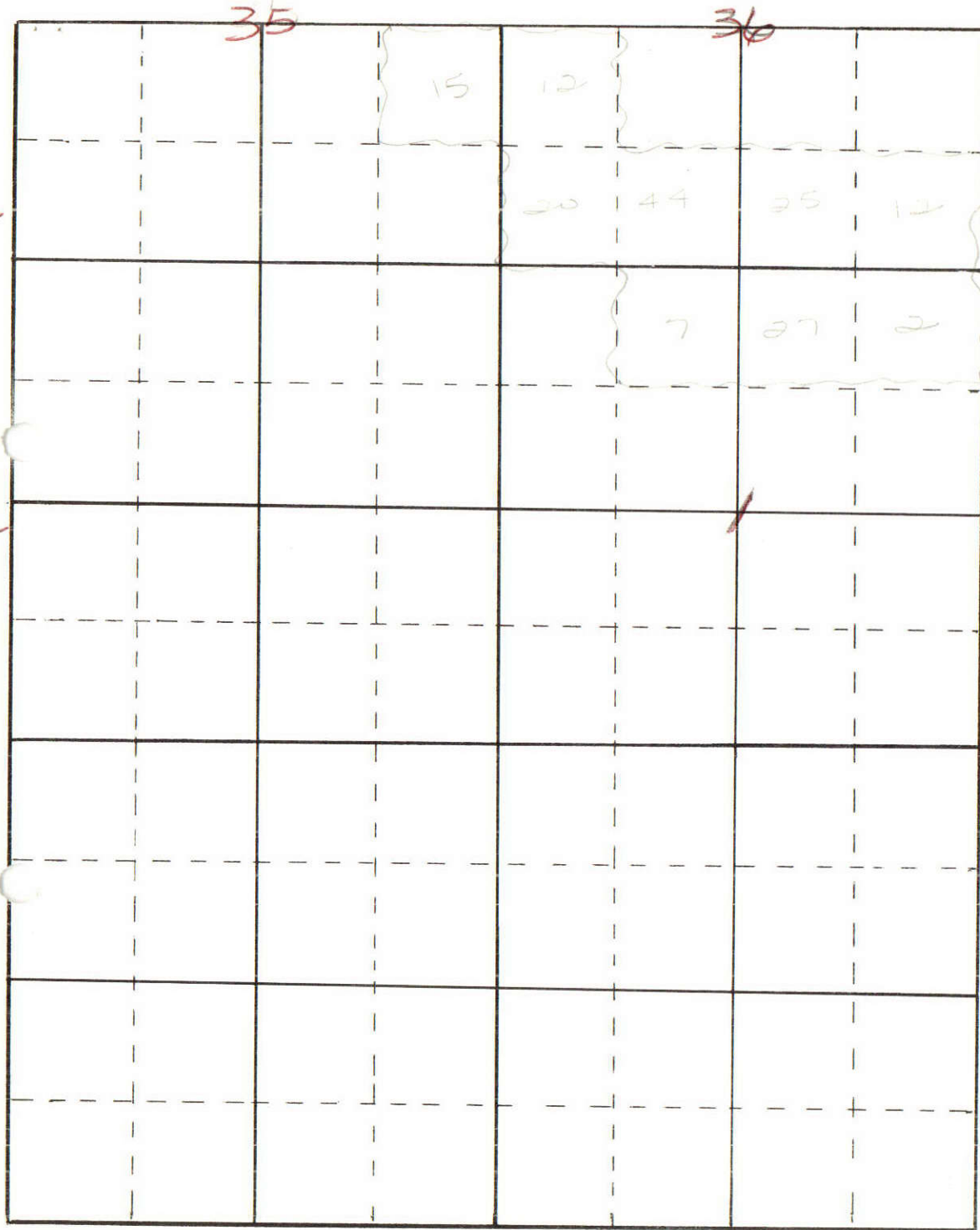
Land to be irrigated or place of use:			
TWP.	RGE.	SEC.	Description
1 S.	3 W.	1	N 1/2 NE 1/4, NE 1/4 NW 1/4
1 N.	3 W.	35	NE 1/4 SE 1/4
1 N.	3 W.	36	W 1/2 SW 1/4, SE 1/4 SW 1/4, S 1/2 SE 1/4

Date Filed: 1-17-51
Priority Date: 1-24-56 (Late Priority)
Date Due: 1-19-62
Date Made: 2-17-67

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

20432
02-2068

T
-
N
-
S



gms

Permit No. 2 2086 (21871)
Name of Applicant James L. Muller & Edgar C. Muller
Source of Water Snake River
a tributary of Columbia River
Location of P.D. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T. 1N., R. 3W., B.M., ^{Canyon} Ada County

Water is used for Irrigation
Quantity of water claimed: Permit 2.16 cfs Depositions 2.16 cfs
Type of measuring device installed or method of measurement and general description of diversion works Electric motor, pump, 50'x10" steel pipe to open ditch

Land to be irrigated or place of use:			
TWP.	RGE.	SEC.	Description
1N	3W	35	NE $\frac{1}{4}$ SE $\frac{1}{4}$
		36	SE $\frac{1}{4}$ W $\frac{1}{2}$ SW $\frac{1}{4}$
1S	3W	1	N $\frac{1}{2}$ NE, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Total acreage 164

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

Permit No. 21871
02-2086

Range 361

35 36

15 0-RP 10 12

20 44 25 12

7 24 2

ON LICENSE # 02-2061 : 79 ACRES @ 0.855"/acre = 1.35 cfs

ON PERMIT # 02-2086 : 85 ACRES @ 1"/acre = 1.7 cfs

79 ACRES @ 0.145"/acre = 0.23 cfs

Total 164 ACRES 1.93 cfs

164 ACRES @ 1"/acre = 3.28 cfs

SUBD 9

AREA - 164 ACRES

ALLOW Q - 1.93 cfs

VOL - NOT TO EXCEED 820 ACRE/FT/SEASON FROM ALL SOURCES

PRIORITY - 1-23-56

57.61

Permit No. 21871/02-2086 Remeasurement

Name of Applicant James L. Muller & Edgar C. Muller Star Route, Melba, Idaho

Source of Water Snake River

a tributary of Columbia River

Location of P.D. NW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 4), Sec. 36, T. 1N, R. 3W.B.M.,

Owyhee County

Water is used for Irrigation & Domestic

Quantity of water claimed: Permit 2.16 c.f.s. Depositions 2.16 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works None required - has pump, pipe line, and ditches

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
1N	3W	35	NE $\frac{1}{4}$ SE $\frac{1}{4}$
		36	NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
1S	3W	1	NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Date Filed: 1-17-51

Total acreage 164

Beneficial use Due: 1-19-62

Beneficial use Made: 1-25-67

Priority: 1-23-56 (late proof)

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

None

02-2086
21871

9808-00
21871
02-2086

11



12818



Rge. 3W.

Trp. 1N.

Trp. 1S.

36

15

PD

X

12

X

X

20

41

X

25

X

12

7

27

2

37

27

105

101

35

36

178 ACES

164

Walters

AREA - 164 ACRES

SUBD - 9

Q - ALLOW 1.47 c.f.s.

VOL = 630 AC-FT / SEASON

PRIORITY = JAN 23 1956

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } S.S.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 4 consecutive weeks, the first publication being on the 22 day of December, 1966, and the last publication being on the 12 day of January, 1967;

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

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 12 day of January, 1967.

Lona Shaw
NOTARY PUBLIC

My commission expires 9-10-68

(SEAL)

RECEIVED
FEB 17 1967

Department of Reclamation

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on the 25th day of January, 1967, at Caldwell, County of Canyon, State of Idaho, before William Gigray, 9th and Dearborn, Caldwell, Idaho, proof will be submitted of the application to beneficial use of 2.16 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 21871 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit James L. and Edgar C. Muller, Star Route, Melba, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 2.16 cubic feet per second.

The point of diversion of said water is NW 1/4 SW 1/4 (Lot 4), Sec. 36, T. 1 N., R. 3 W., B. M.

The place where said water is used (LEGAL DESCRIPTION) Lots 1, 2, 3, and 4, Sec. 36, T. 1 N., R. 3 W.; Lots 1 and 2, Sec. 1, T. 1 S., R. 3 W., B. M.

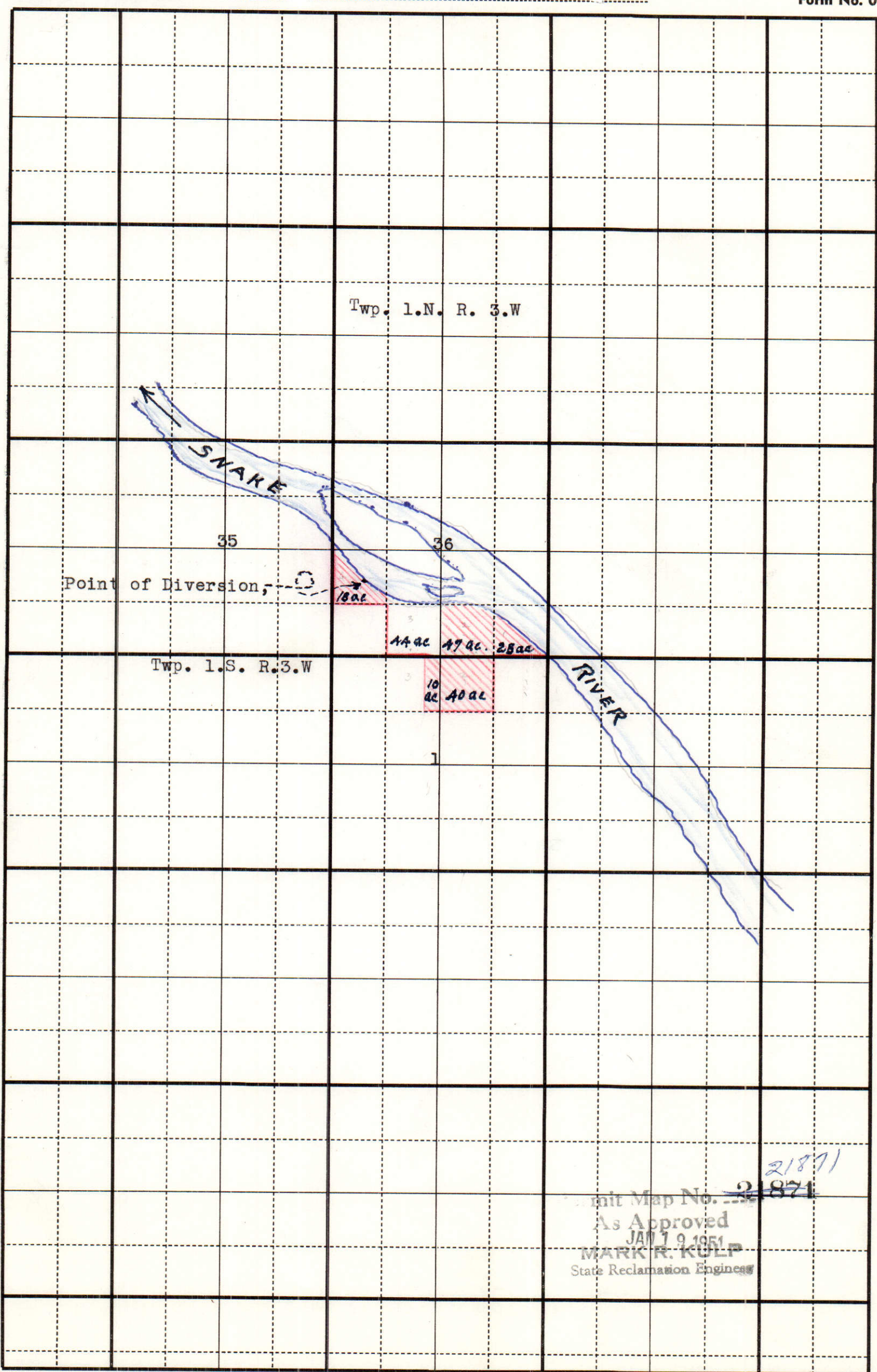
The date of priority which said user is prepared to establish is January 21, 1956.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published December 22, 29, 1966
and January 5 and 12, 1967
The Owyhee Nugget
Marsing, Owyhee County, Idaho

21871

NAME OF APPLICANT Wright Bros & Hennessy,

Form No. 0



21871
Submit Map No. ~~21871~~
As Approved
JAN 7 9 1951
MARK R. KULP
State Reclamation Engineer

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

WATER LICENSE

Water License No. 21871/02-2086 Priority January 23, 1956 Amount 1.93 c.f.s.
(late proof)

THIS IS TO CERTIFY, that James L. Muller & Edgar C. Muller

of Melba, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 17, 1951; that Permit 21871/02-2086 was issued pursuant to said application; that the proposed works were completed on or about 1955, with a storage/or carrying capacity of 4.219 c.f.s., said works consisting of pump, motor, and concrete and earth ditches; and that on January 25, 1967, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 820 from all sources acre feet per season/with a maximum rate of diversion of 1.93 cubic feet per second of the waters of Snake River, tributary of Columbia River, for the purpose of Irrigation from April 1 to October 31; and for from to; and for from to; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in Lot 4 (NW ¼ SW ¼) Sec. 36, T. 1 N, R. 3 W, B.M., and other additional points, in the County of Owyhee; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 820 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1 N	3 W	35													15				15
		36									12	20	44				25	12	113
1 S	3 W	1	2	27			7												36

Total number of acres irrigated 164

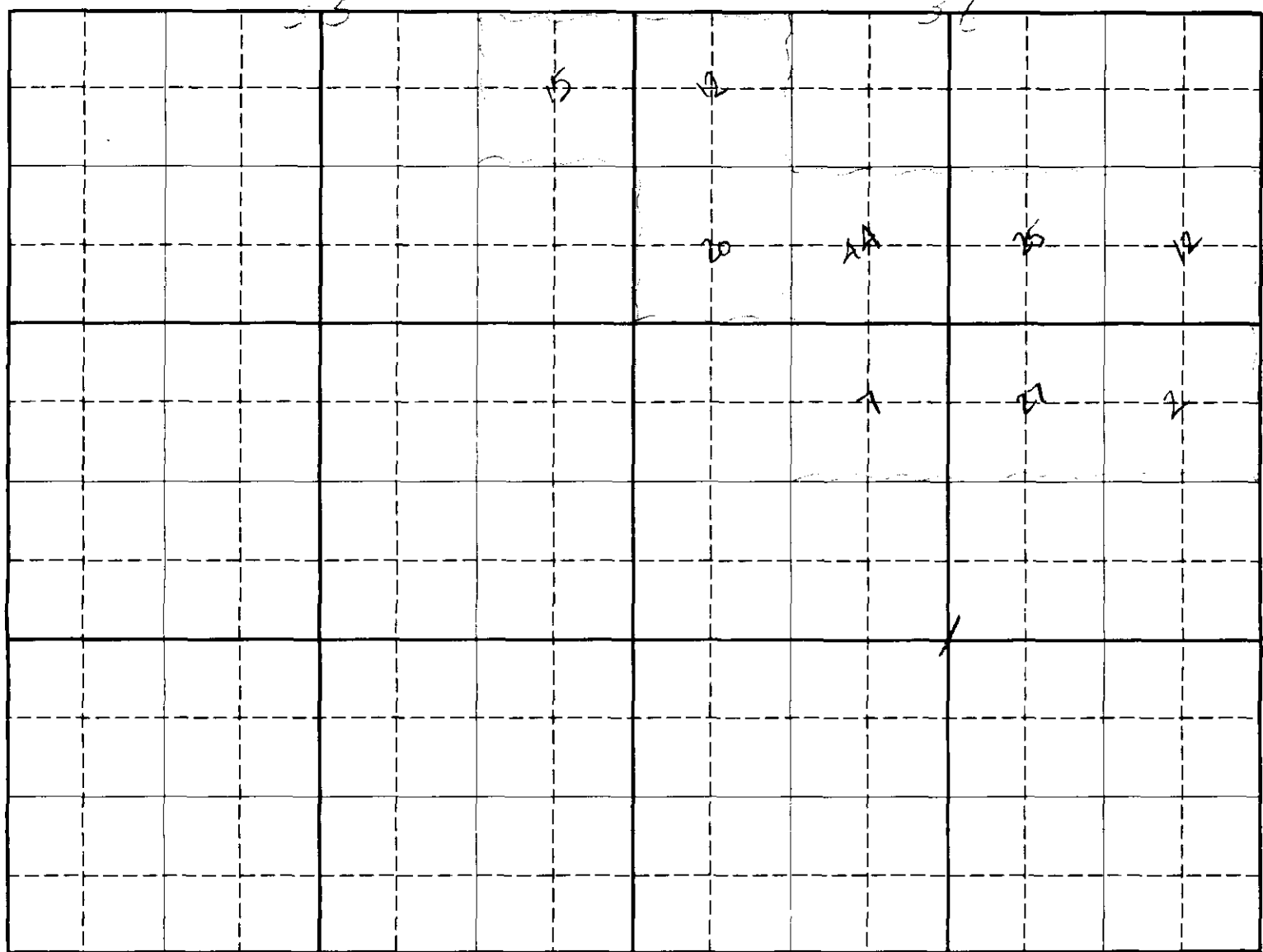
The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

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

22nd day of January, 1970.

R. Kirk Higgs
State Reclamation Engineer

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



Scale: 2 inches equal 1 mile

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

Signed at Boise, this 17 day of Feb., 1969.

[Signature]
(Signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for permit 21871/02-2086..

Witness my hand this 27th day of February, 19 69

[Signature]
State Reclamation Engineer

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

02-2086

APPLICATION No. 29596
PERMIT No. 21871
DISTRICT No.

W. J. Hennessy
Star Rt., Melba, Idaho

1. Name of Applicant: WRIGHT BROS. & HENNESSY

Postoffice address: Melba, Star Route

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:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 2.16

cubic feet per second.

3. Source of water supply: Snake River

which is a tributary of Columbia River

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4)
of Section 36 , T. 1 N. , R. 3 W. , B.M., County of Owyhee

5. Water is to be used for Irrigation and domestic purposes.

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: \$ 3,800.00

8. Kind of works: Pump, pipe line and ditches

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

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is Six (6) 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? 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.

WRIGHT BROS. & HENNESSY *Applicant.*

By **W. J. Hennessy** *Agent.*

Date of first receipt at Department of Reclamation: 11:20 A. M? January 17, 1951

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21871

Recorded in Book 78 Page 21871 Approved January 19, 1951

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before March 19, 1951 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 19, 1953

The whole of said work to be completed on or before January 19, 1956

Beneficial use of water appropriated in accordance herewith, to be made on or before January 19, 1962

WITNESS My hand this 19th day of January, 1951

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,
and IRA A. MASTERS, 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 19th
day of January, 1951.
STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

Secretary of State.

STATE OF IDAHO

By **LEN JORDAN**

Governor.

REMARKS: The right under this filing will be used in connection with Permit No. 20043 filed by Elmer Vostrez.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N. 1 S.	3 W. 3 W.	36 1	40				10				8				22 28				58 <u>50</u> 108
Total Number of Acres to be Irrigated -																			

WARRANTY DEED

An undivided one-half interest in and to the following described property, to-wit:

Lots 1, 2, 3 and 4 in Section 36, Twp 1 North, Range 3 W.B.M.; Lot 2 in Section 1, Twp 1 South, Range 3 W.B.M.; and a parcel of land in Lot 3 in Section 1, Twp 1 South, Range 3 W.B.M., described as follows: ***** Together with the irrigation pump, motor and accessories which are now situated on said lands, also all applications for permt from the State of Idaho for the appropriation of waters for said lands, and together with all water right, ditches and rights-of-way for ditches thereunto belonging or appertaining thereto.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and describe premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part of the first part ha hereunto set hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of)
) William J. Hennessy (SEAL)
)
) Alice W. Hennessy (SEAL)
)

STATE OF IDAHO)
 County of Canyon) SS.

On this 27th day of November in the year 1951, before me the undersigned, a Notary Public in and for said State, personally appeared William J. Hennessy and Alice W. Hennessy, husband and wife, known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(Notary Seal)

James E. Schiller
 Notary Public for the State of Idaho,
 Residing at Nampa, Idaho.

Received and filed for record in the Department of
 Reclamation, at Boise, Idaho, December 14, 1955.

MARK R. KULP
 State Reclamation Engineer

Permit No. 21871
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that WRIGHT BROTHERS of Star Route, Melba, County of Owyhee, and State of Idaho, the holders of Permit No. 21871, issued upon Application No. 29596 bearing date of priority of January 17, 1951, authorizing the diversion of 2.16 second feet of the waters of Snake River, County of Owyhee, State of Idaho, for irrigation and domestic 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 2.16 second feet of the waters of Snake River; that the point of diversion of said waters is in Lot 4 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 36, Township 1 North, Range 3 West, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 1, 2, 3, & 4, Section 36, Twp. 1 North, Range 3 West, B. M. and Lots 1 and 2, Section 1, Township 1 South, Range 3 West, B. M.

Witness my hand this 14th day of December, A. D. 1955.

MARK R. KULP
 State Reclamation Engineer

Proof of Completion of Works was made December 13, 1955.
 Certificate of Completion of Works issued December 14, 1955.

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21871

Geo. W. Wright and Leo Wright, d/b/a

Comes now WRIGHT BROTHERS, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21871, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lots 1, 2, 3, and 4, Section 36, Township 1 North, Range 3 West, B.M. and Lots 1 and 2, Section 1, Township 1 South, Range 3 West, B.M., making a total of 187 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Nampa, Idaho, this 17th day of December, 1955.

GEO. W. WRIGHT * LEO WRIGHT

Date of receipt at office of Department of Reclamation Dec. 19, 1955.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21871. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permits to appropriate the Public Waters of the State of Idaho, Nos. 20043 and 21871 to JAMES L. MULLER and EDGAR C. MULLER of Star Route, Melba, Idaho.

s/ LEO WRIGHT.
Permit Holder

George W. Wright, deceased
See Decree of Distribution of
Estate in File leaving his interest
to Leo Wright

State of Idaho)
County of) ss

On this 20th day of August, 1964, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho personally appeared LEO WRIGHT, known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me that he executed the same.

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

My commission expires Feb. 18, 1968

(Seal)

s/ MILO AXELSEN
Notary Public
Residing at Nampa, Idaho

PERMITS ISSUED FOR 1.93 SEC. FT.
LICENSE PAGE NO. _____

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

March 15, 1976

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

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

Dear Mr. Schindele:

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

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

If we can be of further assistance, please advise.

Sincerely,

Marcia L. Brown
Records Supervisor

mlb
Enc.

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

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

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

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

March 11, 1976

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

Gentlemen:

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

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

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

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

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

Sincerely,

DERR, DERR, WILLIAMSON & POOLE



Michael L. Schindele

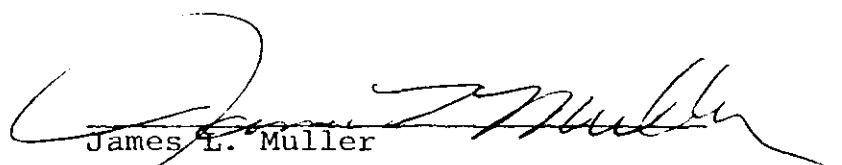
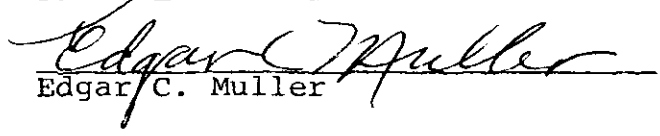
MLS/bt

Enclosure

A S S I G N M E N T

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

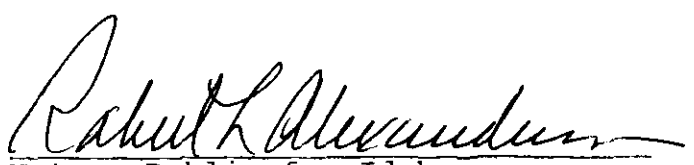
Dated this 2nd day of March, 1976.


James L. Muller

Edgar C. Muller

STATE OF IDAHO)
 ss.
County of Canyon)

On this 2nd day of March, 1976, before me, ROBERT L.
ALEXANDERSON, a Notary Public in and for said State, personally
appeared JAMES L. MULLER and EDGAR C. MULLER, known to me to
be the persons whose names are subscribed to the within instrument,
and acknowledged to me that they executed the same.

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


Notary Public for Idaho
Residing at Caldwell, Idaho

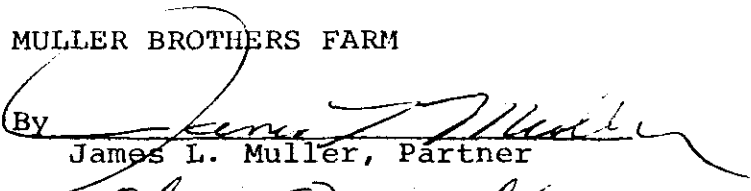
A S S I G N M E N T

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

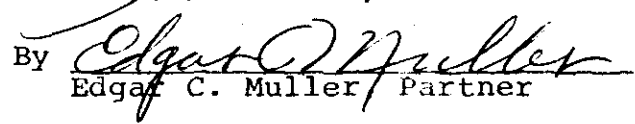
Dated this 2nd day of March, 1976.

MULLER BROTHERS FARM

By


James L. Muller, Partner

By


Edgar C. Muller, Partner

STATE OF IDAHO)
 ss.
County of Canyon)

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

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

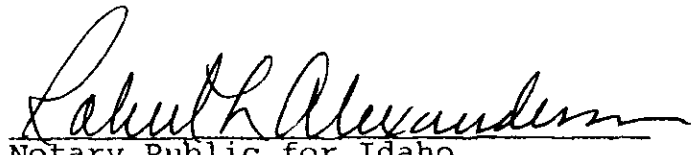

Notary Public for Idaho
Residing at Caldwell, Idaho

EXHIBIT "A"

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

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

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

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

(

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

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

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

Subject to all existing rights of way and easements;

EXHIBIT "B"

All land North and East of Murphy-Marsing Highway in the SE¼ of the NE¼ of Section 18, T1S, R2W, B. M. and Lots 5 & 6 of Section 8, T1S, R2W, B. M. and All of Lot 6 that is North of Idaho State Highway 45 in Section 17, T1S, R2W, B. M. and

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

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

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

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

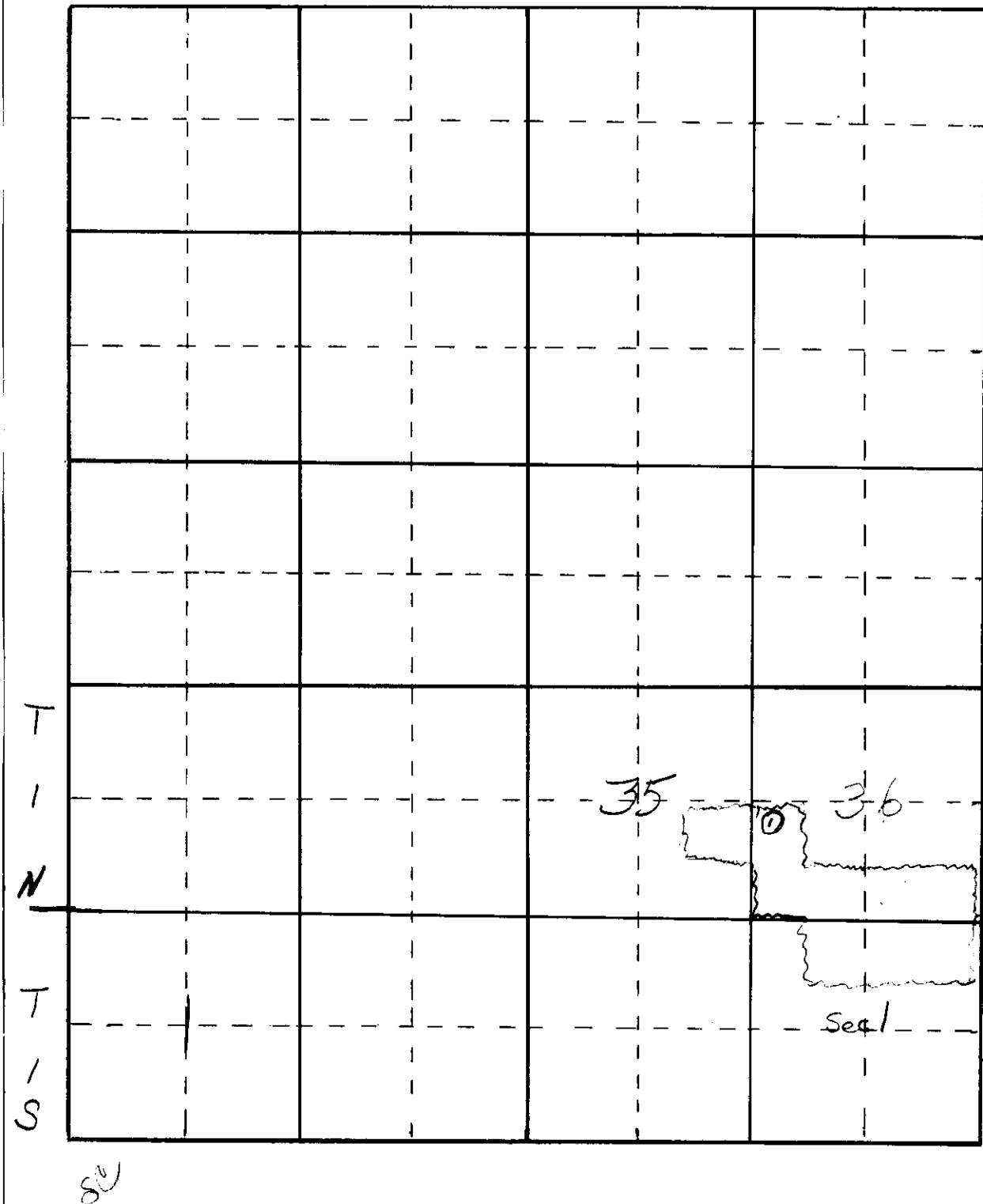
All ground that is North of the Murphy-Marsing Highway that is in the NE¼ of the NW¼ of Section 18, T1S, R2W, B. M., Owyhee County, Idaho.

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

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

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

Subject to all existing rights of way and easements;



REEXAMINATION
 Permit No. 21871 ~~02-2086~~ 02-2086
 Name of Applicant James L. & Edgar C. Muller, Star Route, Melba, Idaho
 Source of Water Snake River
 a tributary of _____
 Location of P.D. NW 1/4 (Lot 4) Sec. 36, T. 1N., R. 3 W., B.M.
Uwyhee County

Water is used for Irrigation and domestic
 Quantity of water claimed: Permit 2.16 cfs • Depositions 2.16 cfs
 Type of measuring device installed or method of measurement and general description
 of diversion works Electric motor and pump, 50' x 10" steel pipe
to open ditch

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
1 S.	3 W.	1	N 1/2 NE 1/4, NE 1/4 NW 1/4
1 N.	3 W.	35	NE 1/4 SE 1/4
1 N.	3 W.	36	W 1/2 SW 1/4, SE 1/4 SW 1/4, S 1/2 SE 1/4

Date Filed: 1-17-51

Priority Date: 1-24-56 (Late Total acreage 106)

Date Due: 1-19-62

Date Made: 2-17-67

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

20132
 00

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

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

Diversion works description and diagram

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated _____

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

Who represented the permit holder at the examination?

Recommended allowance for licensing _____

Description of required amendments. Comments. _____

Report checked? _____

Examination date _____

Signature _____

January 22, 1970

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

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

Dear Sirs:

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

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

Very truly yours,

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

CSA:kh

Enclosures

21871
02-2086

December 11, 1969

Re: Permit No. 21871/02-2086

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

Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 21871/02-2086 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit
licensing fees of \$23.00

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

Permit 02-2086 claims the use of 2.18 cubic feet per
second of water. The point of diversion was to be located
in the NW1SW1 (Lot 4), Sec. 36, T. 1 N, R. 3 W, B. M., Owyhee County,

and the permit was approved January 19, 1951.



State Reclamation Engineer
R. KEITH HIGGINSON

RKH:JMB

21871
02-2086

02-2086

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.*

REG. NO.

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

CERTIFIED NO.

30027

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

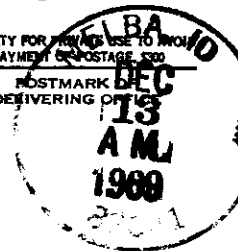
3

POD Form 3811 Apr. 1967 c85-16-71648-10

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK
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**.

← **RETURN TO**

N F SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX **Annex # 2 Statehouse**

Boise, Idaho 83702

POST OFFICE, STATE, AND ZIP CODE

October 24, 1969

Re: Permit No. 21871/02-2086

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

Gentlemen:

A representative of this department has made an examination of the works covered by your Permit 02-2086 and has found the following:

Quantity of water diverted: 4.219 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 1.93 c.f.s.

The maximum quantity diverted shall not exceed 820 acre feet per season.

Beneficial Use: for irrigation of 164 acres in NE~~1~~SE~~4~~, Sec. 35;
NW~~1~~SW~~4~~, S~~1~~2SW~~4~~, S~~1~~2SE~~4~~, Sec. 36, T. 1N, R. 3W; N~~1~~2NE~~4~~, NE~~1~~NW~~4~~,
SEC. 1, T. 1S, R. 3W, B.M.

The priority date established is: January 23, 1956 (late proof)

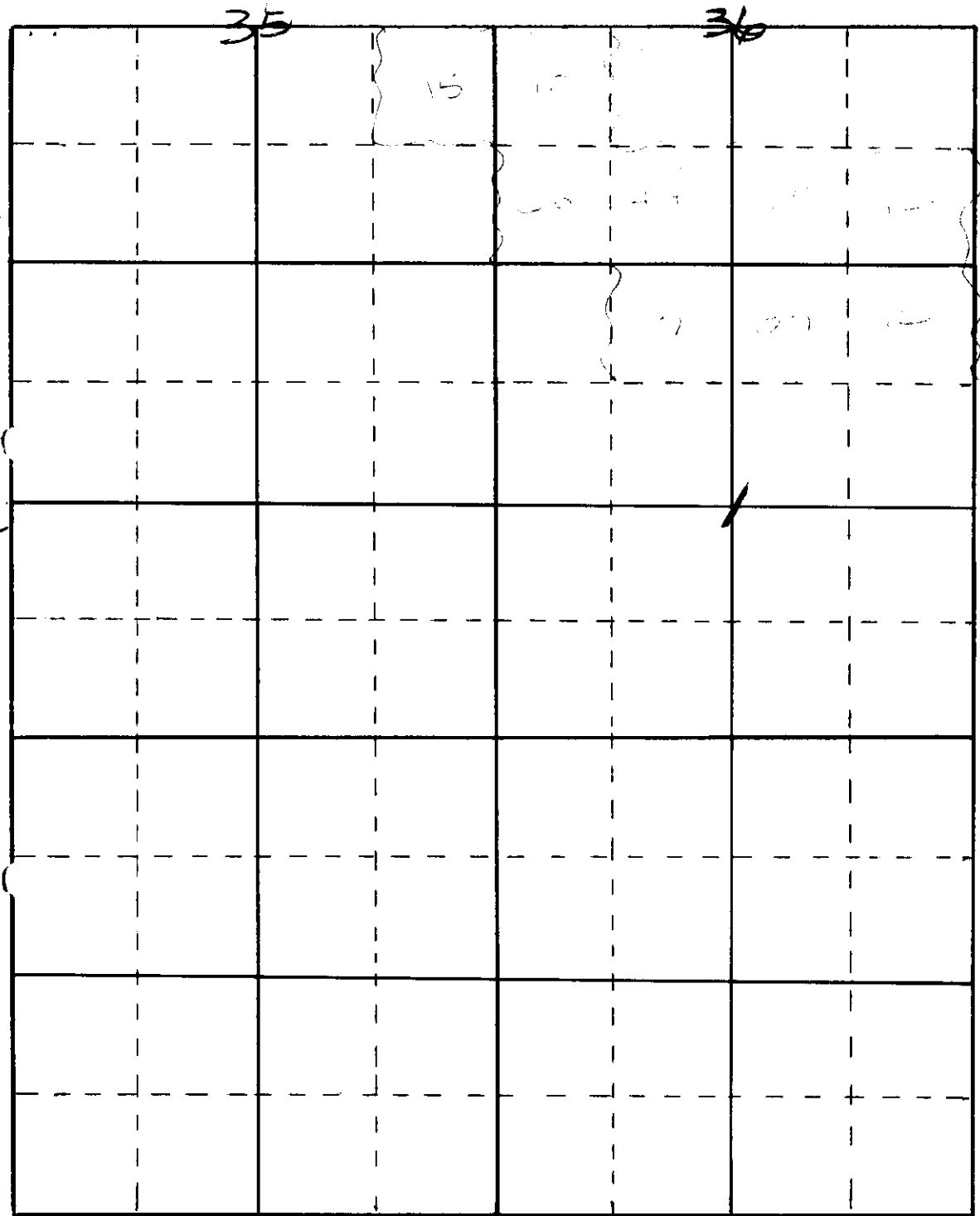
A fee totaling \$ 23.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:mh

21871
2-2086



Permit No. 2 2086 (21371)
 Name of Applicant James L. Muller & Edgar C. Muller
 Source of Water Snake River
 a tributary of Columbia River
 Location of P.D. NW¹/₄ SW¹/₄ Sec. 36, T. 1N., R. 3W., B.M., ^{Canyon} Ada County

Water is used for Irrigation
 Quantity of water claimed: Permit 2.16 cfs Depositions 2.16 cfs
 Type of measuring device installed or method of measurement and general description
 of diversion works Electric motor, pump, 50'x10" steel pipe to
open ditch

Land to be irrigated or place of use:			
TWP.	RGE.	SEC.	Description
1N	3W	35	NE ¹ / ₄ SE ¹ / ₄
		36	SE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄
1S	3W	1	N ¹ / ₂ NE, NE ¹ / ₄ NW ¹ / ₄

Total acreage 164

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

Permit No. 21371
02-2086

Water is used for _____

Quantity of water found _____

How was the measurement made? _____

Measurement calculations _____

[illegible]

Total acreage irrigated _____

[illegible]

Recommended allowance for licensing _____

[illegible]

Signature _____

Range 36

35 36

5 13 20 44 23 25 12 27

ON LICENSE # 02-2081 : 79 ACRES @ 0.855"/acre = 1.35 cfs

ON PERMIT # 02-2086 : 85 ACRES @ 1"/acre = 1.7 cfs

79 ACRES @ 0.145"/acre = 0.23 cfs

Total 164 ACRES 1.93 cfs

SUBD - 9

AREA - 164 ACRES

ALLOW Q - 1.93 cfs

VOL - NOT TO EXCEED 820 ACRE/FT/SEASON FROM ALL SOURCES

PRIORITY - 1-23-56

Permit No. 21871/02-2036 Remasurement

Name of Applicant James L. Muller & Edgar C. Muller Star Route, Melba, Idaho

Source of Water Snake River

a tributary of Columbia River

Location of P.D. NW 1/4 SW 1/4 (lot 4), Sec. 36, T. 1N, R. 3W.B.M.,

Owyhee County

Water is used for Irrigation & Domestic

Quantity of water claimed: Permit 2.16 c.f.s. Depositions 2.16 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works None required - has pump, pipe line, and ditches

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
1N	3W	35	NE 1/4 SE 1/4
		36	NW 1/4 SW 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4
1S	3W	1	NE 1/4 NE 1/4, NW 1/4 NE 1/4, NE 1/4 NW 1/4

Date Filed: 1-17-51

Total acreage 164

Beneficial use Due: 1-19-62

Beneficial use Made: 1-25-67

Priority: 1-23-56 (late proof)

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

None

02-2086
21871

Source of supply SNAKE RIVER

a tributary of COLUMBIA RIVER

Location of P.D.(s) NW 1/4 SW 1/4 (L. 4), SEC 36, T. 1N, R. 3W
OLYMPIA COUNTY

Water is used for IRRIGATION

Quantity of water found 4.219 cfs

How was the measurement made? PYGMY CURRENT METER

Measurement calculations _____

Diversion works description and diagram

U.S. ELECTRIC 40 HP S# 1105111

LAYNE & BOWLER PUMP S# 24103

2000 gpm 12" CASING

12" DISCHARGE INTO CONCRETE

AND EARTH PITCHES

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated _____

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

Who represented the permit holder at the examination?

Recommended allowance for licensing 1.93 cfs

Description of required amendments. Comments. _____

Report checked? _____

Examination date MAY 28, 1969

Signature P.B.

P.J.T.

0	.10	.20	.30	.40	.50	.60	.75
---	-----	-----	-----	-----	-----	-----	-----

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date _____, 19__ **DISCHARGE MEASUREMENT NOTES**

River at

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	2.45		1		47	40		1.20			
	1.4		1		40	40		1.62			
	2		1		42	40		1.67			
	3.8		0								

$$A = (2.45 \text{ sq ft})$$

$$V = 1.15 \text{ ft/sec}$$

$$Q = (2.45 \text{ sq ft}) (1.15 \text{ ft/sec}) = 2.8$$

No. _____ of _____ Sheets. Comp. by.

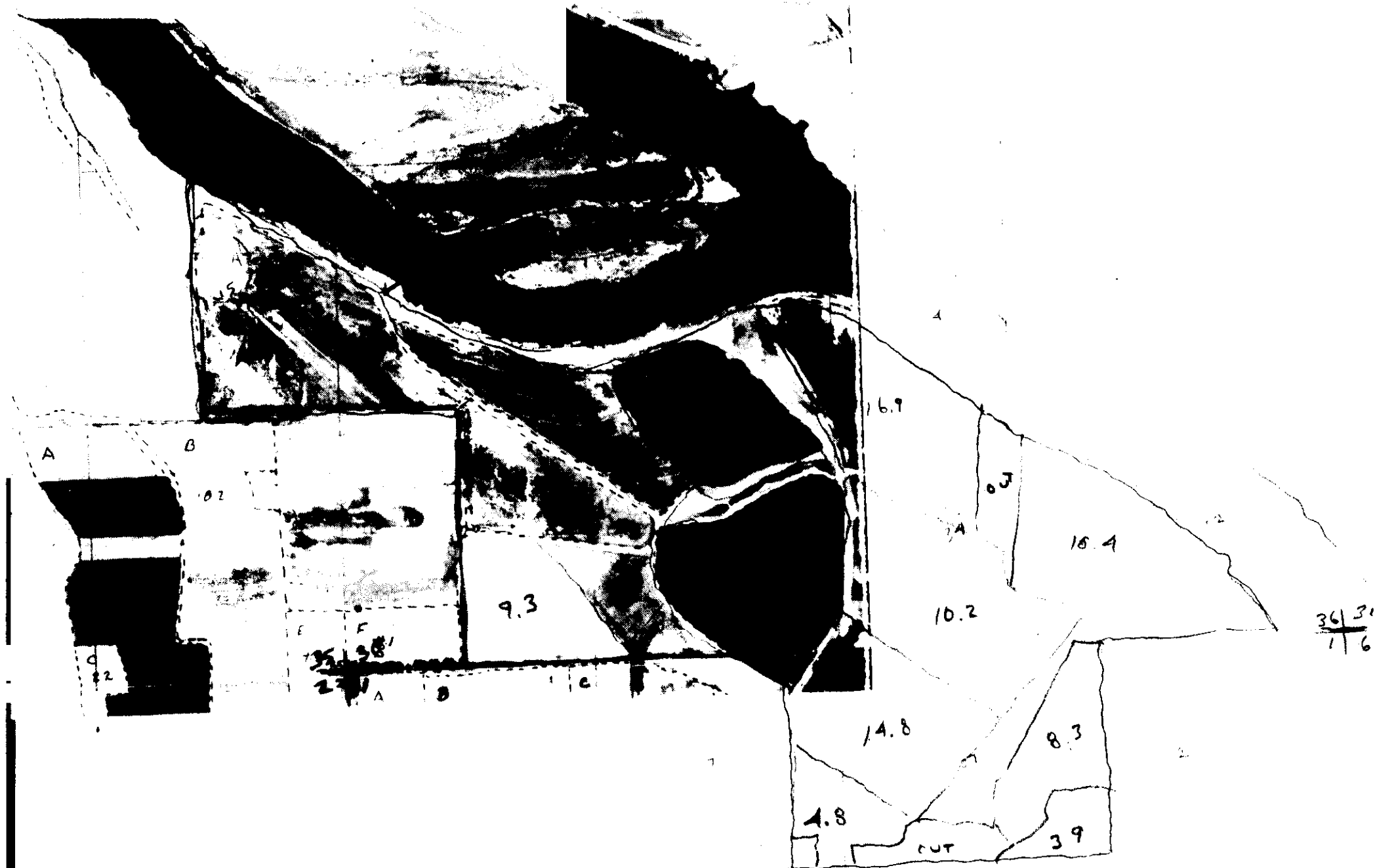
Chk. by

51871
08-8086



51871

10.2



28 May

U.S. MOTOR

40 H.P.

Ser. # 1105111

L & B Pump.

2000 G.P.M.

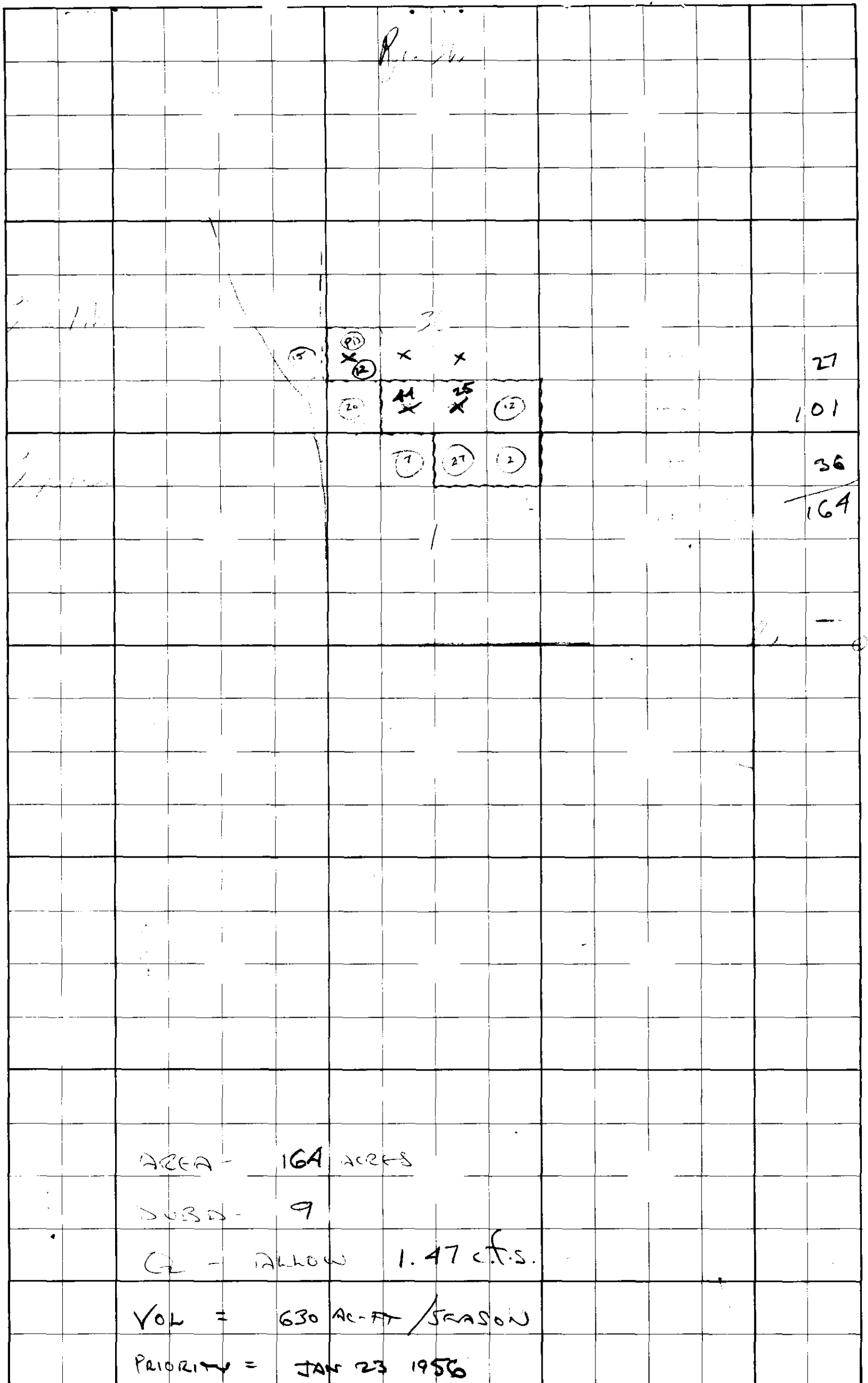
Ser. # 24103

12" Casing

12" Discharge

into concrete & earth ditches

02-2086
21871



Form 23

2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 21871

REPORT ON PROOF OF Beneficial Use

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

Permit No. 21871 ✓

This proof is for Beneficial Use

In Water District No.

1. Name of applicant James L. & Edgar C. Muller
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the NW1/4SW1/4 (L. 4) of Section 36
T. 1 N. R. 3 W. County of Owyhee
4. Describe works as they exist, giving dimensions and capacities of same:
50 HP U.S. ELEC MOTOR # 869379
HAYNE & BOWLER VERT TURBINE PUMP
16320 10" DISCHARGE THROUGH STEEL
PIPE - 49' LIFT INTO A CONCRETE DITCH -
CRAWLEY IRRIGATION
5. Water is used for: Irrigation and ~~domestic~~ NO DOMESTIC
6. State whether or not water has been turned into works of diversion: YES

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

[illegible]

NW1/4 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4, Sec. 36, Twp. 1 N., Rge. 3 W.,
NW1/4, Sec. 1, Twp. 1 S., Rge. 3 W.,

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

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

Remarks: 1st FLOOR C. MULLER PRESENT DURING
INSPECTION - ASSISTED WITH CURRENT METER
MEASUREMENT.

needs amendment to land list to include (HERE SEE 35) (SWSW SEC. 36)
(NEW SEC. 1)
IRRIGATION REQUIREMENT = 5.0 AC-FT/ACRE/SEASON

This examination was made on the 11th day of April, 1966

(Signed) Edna Rosenthal Examiner.

02-2086
21871

RE MEASURE
1969

DRR

INSTRUCTIONS TO EXAMINERS

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

James L. Muller & Edgar C. Muller *electric motor & pump*
Star Route *50' x 10" steel pipe to open ditch*
Melba, Idaho *Q-2.16 cfs*
Permit No. 21871

Examination for Beneficial Use

County Owyhee

Quantity: 2.16 c.f.s. Sec. 36 T. 1 N R. 3 W

57-

Source: Snake River

P.D.: Lot 4 (NW1/4SW1/4,) Sec. 36, T. 1 N, R. 3 W, B.M.

Use: irrigation and domestic

Extension:

Protest:

Completion of Works: Dec. 13, 1955

Other Rights:

Filed: Jan. 17, 1951

Due: Jan. 19, 1962

54m 6 DAYS

Made: Jan. 25, 1967

Priority: Jan. 23, 1955

ERROR
RE JAN 23, 1956

February 26, 1969

C
Re: Permit No. 21871

O
Mr. James Muller
Star Route
Melba, Idaho 83641

P
Dear Mr. Muller:

In reference to your letter of February 21, 1969, he informed that the department will re-measure the quantity diverted under water permit No. 21871.

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

Y
Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:dj

exam
typed 21871

Department of Reclamation:

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

Dear Mr. Schnaible:

You have in your files a letter dated February 17, 1969, in which I made a request on Water Right #33401.

I would now like to make a request for re-measurement of Water Right #21871.

It is my opinion that the amount of water measured by your representative last summer was due to the possibility of a partially plugged pump or due to the pump being old and nearly worn out. It is our intention this spring to rebuild the pump, and with this adjustment, we should be able to pump enough water for the appr. 185 acres.

I would appreciate it very much if the re-measurement of the water or adjustment of the water right could qualify us for enough water for 185 acres of land.

We have no question on the acreage on these Water Rights, made by your representative last summer.

Enclosed is a check for \$10.00 for two amendments related to Water Rights.

Very truly yours,

James Muller

JM/rt

21971

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 29, 1969

Re: Permit No. 21871

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

Gentlemen:

The Department of Reclamation has conducted a field examination of the land and works covered by the above referenced permit. The lands irrigated are not the same as those shown on the permit; therefore, an application for amendment should be filed. If you agree with the intentions of the enclosed application, please sign and return it with a \$5.00 fee.

Also enclosed is a letter outlining the findings of the field examiner and requesting licensing fees of \$18.00. We would appreciate receiving the signed application for amendment and fees totaling \$23.00 as soon as possible.

Very truly yours,

A handwritten signature in cursive script, reading "Dean R. Schnaible".

Dean R. Schnaible
Reclamation Engineering Administrator

DRS:dj
Enclosures

21871

February 27, 1969

Re: Permit nos. 21871/02-2086
33401

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

Gentlemen:

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

Very truly yours,

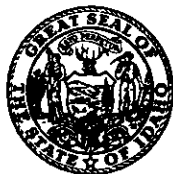
Donald W. McEldowney
Appropriation Examiner

DWM:TG

Enc: amendments (2)
Receipt no. 2735

21871

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 29, 1969

Re: Permit No. 21871

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

Gentlemen:

A representative of this department has made an examination of the works covered by your permit 21871 and has found the following:

Quantity of water diverted: 1.47 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 1.47 c.f.s.*

Purpose of use: Irrigation of 106 acres in NE¹/₄SE¹/₄, Sec. 35;
W¹/₄SW¹/₄, SE¹/₄SW¹/₄, S¹/₂SE¹/₄, Sec. 36, T. 1 N. R. 3 W. B.M. and
N¹/₂NE¹/₄, NE¹/₄NW¹/₄, Sec. 1, T. 1 S. R. 3 W. B.M.

The priority date established is: January 23, 1955.

A fee totaling \$ 18.00 must be received within 30 days from the date of this letter in order that we can issue you the ~~Certificate of Completion of Works~~ and the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Schnaible
Reclamation Engineering Administrator

DRS:dj

*The maximum quantity diverted shall not exceed 530 acre feet per season.

21871

January 29, 1969

Re: Permit No. 21871

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

Gentlemen:

The Department of Reclamation has conducted a field examination of the land and works covered by the above referenced permit. The lands irrigated are not the same as those shown on the permit; therefore, an application for amendment should be filed. If you agree with the intentions of the enclosed application, please sign and return it with a \$5.00 fee.

Also enclosed is a letter outlining the findings of the field examiner and requesting licensing fees of \$19.00. We would appreciate receiving the signed application for amendment and fees totaling \$23.00 as soon as possible.

Very truly yours,

Dean R. Schnaible
Reclamation Engineering Administrator

DRS:dj
Enclosures

21871

January 29, 1969

Re: Permit No. 21871

James L. F. Edgar G. Muller
Star Route
Melba, Idaho 83641

Gentlemen:

A representative of this department has made an examination of the works covered by your permit 21871 and has found the following:

Quantity of water diverted: 1.47 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 1.47 c.f.s.*

Purpose of use: Irrigation of 106 acres in NESE¹/₄, Sec. 35;
NESE¹/₄, NESE¹/₄, SESE¹/₄, Sec. 36, T. 1 N, R. 3 W, S.M. and
NESE¹/₄, NESE¹/₄, Sec. 1, T. 1 S, R. 3 W, S.M.

The priority date established is: January 23, 1955.

A fee totaling \$ 18.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Schnafle
Reclamation Engineering Administrator

DPB:dfj

*The maximum quantity diverted shall not exceed 530 acre feet per season.

*Applicant
has requested
a re-examination.
See letter of 2-21-69
received 2-24-69*

21871

February 21, 1967

Re: Permit No. 21871

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

Gentlemen:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the **Weyhee Nugget**, all submitted in proof of completion of works and beneficial use on Permit No. **21871**.

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

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

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

21871

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 4 consecutive weeks, the first publication being on the 32 day of December, 1966, and the last publication being on the 12 day of January, 1967;

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

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 12 day of January, 1967.

Lorna S. Hawes
NOTARY PUBLIC

My commission expires 9-10-68

(SEAL)

RECEIVED
FEB 17 1967

Department of Reclamation

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on the 25th day of January, 1967, at Caldwell, County of Canyon, State of Idaho, before William G. Gray, 9th and Dearborn, Caldwell, Idaho, proof will be submitted of the application to beneficial use of 2.16 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 21871 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit James L. and Edgar C. Muller, Star Route, Melba, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 2.16 cubic feet per second.

The point of diversion of said water is NW 1/4 SW 1/4 (Lot 4), Sec. 36, T. 1 N., R. 3 W., B. M.

The place where said water is used (LEGAL DESCRIPTION) Lots 1, 2, 3, and 4, Sec. 36, T. 1 N., R. 3 W.; Lots 1 and 2, Sec. 1, T. 1 S., R. 3 W., B. M.

The date of priority which said user is prepared to establish is January 21, 1956.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published December 22, 29, 1966
and January 5 and 12, 1967
The Owyhee Nugget
Marsing, Owyhee County, Idaho

21177

5-5-65

1-25-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 21871

RECEIVED
FEB 17 1967

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

~~and Completion of Works~~DEPOSITION OF HOLDERQues. 1. State your name, residence occupation and postoffice address: James L.Muller and Edgar C. Muller, farmers, Star Route, Melba, Idaho

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

Ques. 3. State number, approval date of permit, and date of priority: 21871approval January 19, 1951; date of priority January 21, 1956Ques. 4. State source of water supply: Snake RiverGive location of point of diversion, showing subdivision, section, township and rangeNW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4) Sec. 36, Township 1 North, Range 3 W.B.M.Ques. 5. Describe your works of diversion: Electric motor and pump, 50'x10'steel pipe to open ditch; state amount of water they are capable of con-veying from point of diversion to place of use: 2.16 c.f.s.; Give name of canal or ditchor other works by which water is conducted to such place of use: private ditch

_____; if a well, state depth of well _____; depth and size of

casing _____; depth to water _____; if pump is used,

state discharge of pump: 2.16 c.f.s.; tell how it was measured or determined __________Estimated_____; if sprinkler irrigation, give number and size

of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Reclaim arid land.

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

The following land has been irrigated, namely, 8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$;22 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$; and 28 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 36, Township 1North, Range 3 W.B.M., and 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; 10 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, Township 1 South, Range 3 W.B.M. making a total number of irri-
gated acres of 108.

21871

State nature of all improvements which have been made as a direct result of said use:
The land is now productive as farm land, having been improved by leveling ~~land leveling and building ditches~~ and ditches for the distribution of irrigation water.

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

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

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 1955, - Time used since first use:
and each growing season in the years following to date.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____
Reynolds Irrigation District adjoining lands.

(sign) Ernest Muller

(sign) Edgar Muller

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Caldwell, County of Canyon

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

My commission expires: May 15, 1970

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 17 1987

Department of Reclamation

PERMIT NO. 21871

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

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

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

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

Ques. 2. Are you acquainted with James L. Muller and Edgar C. Muller the holder of Permit No. 21871? How long have you known him and where does he reside?

Ans. All my life.

Ques. 3. Have you read or heard read said Permit No. 21871, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. From the Snake River at a point in Lot 4 of Sec. 36, Twp. 1 N., Range 3 W.B.M. The water is pumped from the Snake River through a steel pipe into an open ditch which then by gravity flows to place of use.

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

Ans. 2.16 c.f.s.

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

Ans. The water is used for the irrigation of arid lands upon the following number of acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres; SW $\frac{1}{4}$ SE $\frac{1}{4}$ 22 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$ 28 acres; all in Section 36, Twp. 1 N., R. 3, W.B.M.

21871

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

Ans. _____

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

Ans. Sandy loan soil.

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

Ans. No.

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

Ans. I have witnessed the application of water on these premises in each of the growing seasons from the year 1952 to the present.

(Signed) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell, County of Canyon, State of Idaho, on this 25th day of January, A. D. 1967.

Wm. F. Givray, Jr.
Notary Public.

My commission expires May 15, 1970.

RECEIVED
FEB 17 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 21871

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

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

Ques. 2. Are you acquainted with James L. Muller and Edgar C. Muller, the holders of Permit No. 21871? How long have you known him and where does he reside?

Ans. Yes, for more than 20 years last past.

Ques. 3. Have you read or heard read said Permit No. 21871, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. From the Snake River at a point in Lot 4 of Section 36, Township 1 North, Range 3 W.B.M. The water is pumped from the Snake River through a steel pipe into an open ditch which flows ^{by} gravity to place of use.

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

Ans. 2.16 c.f.s.

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

Ans. The water is used for the irrigation of arid lands upon the following number of acres: 8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$; 22 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$; and 28 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$; all in Sec. 36, Twp. 1 N., R. 3 W.B.M.

21871

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

Ans. _____

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

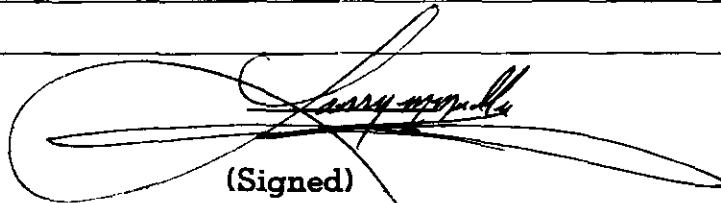
Ans. Sandy loan soil.

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

Ans. ~~Sandy loan~~ No.

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

Ans. I have seen such use during the irrigation seasons for more than the past ten years.


(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell, County of Canyon, State of Idaho, on this 25th day of January, A. D. 19 67.

Wm. J. Biggley, Jr.
Notary Public.

My commission expires May 15, 1970.

XXXXXXXXXX

December 15, 1966

Re: Permit No. 21871

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

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 21871. The proofs are to be made ~~at~~ visually, on the 25th day of January, 19 67, before William Gigney Caldwell, Idaho, Notary Public.

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

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

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

Very truly yours,

M. Russell Bosch
Office Manager

MRB:rw

Encl.

cc: Notary

21871

December 15, 1966

Re: Permit No. 21871 and 20043

Owhyee Nugget
Marsing, Idaho

Gentlemen:

Enclosed you will find legal notices which we wish to have published for four consecutive weeks prior to January 25, 1967. The expenses of the publications are to be paid by James L. Muller of Star Route, Melba, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of these notices and furnish this office with copies or tear sheets of the notices for checking at least one week prior to the first publication.

Very truly yours,

R. Keith Higginson
State Reclamation Engineer

RKH:nw

21871

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

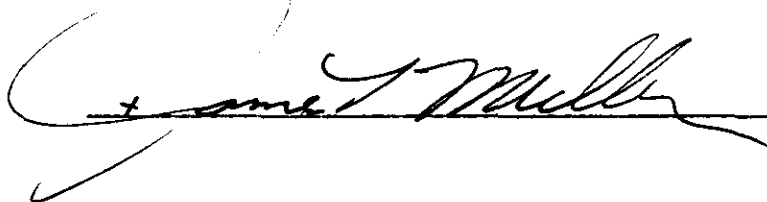
(Date) DECEMBER 15, 1966
(P. O.) STAR ROUTE MELBA, IDAHO

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the OWYHEE NUGGET of
MARSING, IDAHO Published in
the county in which the works are situated.



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

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

Engineer

21871

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that ~~at~~ ~~XXXX~~ on the 25th day of January, 1967,
at CALDWELL, County of CANYON, State of Idaho, before
William GIGRAY, 9th & DEARBORN, proof will be submitted of the
application to beneficial use of 2.16 cubic feet per second of the waters of _____
Snake River in accordance with the terms and conditions of
Permit No. 21871 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit _____
James L. and Edgar C. Muller, Star Route, Melba, Idaho.

The use to which said water has been applied is Irrigation and domestic purposes.

The amount applied to beneficial use is 2.16 cubic feet per second.

The point of diversion of said water is NW¹SW¹ (Lot 4), Sec. 36, T. 1 N, R. 3 W, B.M.

The place where said water is used (LEGAL DESCRIPTION) Lots 1, 2, 3, and 4, Sec. 36,
T. 1 N, R. 3 W; Lots 1 and 2, Sec. 1, T. 1 S, R. 3 W, B.M.

The date of priority which said user is prepared to establish is January 17, 1954 ^{21, 1956}

State Reclamation Engineer

21871

October 28, 1964

Re: Permits No. 20043; 21871
James L. Muller & Edgar C. Muller

William F. Gigray, Jr.
Attorney at Law
9th and Dearborn
Caldwell, Idaho

Dear Mr. Gigray:

Enclosed are the Assignments of the above numbered permits which have been recorded in this office.

Departmental Receipt 32506, in the amount of \$1.00 was given to you while in this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. assignments

21871

Receipt
\$250.00
11.00

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, Nos. 20043 & 21871 to James L. Muller and Edgar C. Muller of Star Route, Malba, Idaho

* _____

Leo Wright
Permit Holder

✓

Wife of Permit Holder

STATE OF IDAHO)
) ss
County of _____

On this 20th day of August, 1964, before me, a Notary Public for the State of Idaho, residing at _____

personally appeared LEO WRIGHT

known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me that he executed the same.

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

Wm. C. Jensen
Notary Public
Residing at Hampton, Idaho

My commission expires: Feb. 18, 1968

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

21871

October 27, 1964

RE: Permit No. 20043, Elmer Vostres
21871, Wright Bros. & Hennessey

William Gigray
Attorney at Law
9th & Dearborn
Caldwell, Idaho

Dear Mr. Gigray:

Enclosed are the photo copies of the above numbered permits
that you requested.

Departmental receipt No. 32506 in the amount of \$3.00
covering the fees for the copies was given to you.

Very truly yours,

CARL L. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. copies of permits 2

21871

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 21871

Date: Nov. 1, 1962

Wright Brothers
Star Route
Melba, Idaho

Dear Sirs;

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 21871 is due not later than January 19, 1962. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated - by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 - 11

DEC 5 - 1961

Edward H. Anderson

IN THE PROBATE COURT OF THE COUNTY OF CANYON, STATE OF IDAHO

* * * * *

In the Matter of the Estate of)	No. 10250
GEORGE W. WRIGHT,)	DECREE OF DISTRIBUTION
Deceased.)	OF ESTATE

* * * * *

LEO WRIGHT, the executor of the estate of George W. Wright, deceased, having on the 27th day of October, 1961, filed in this Court his petition, setting forth, among other matters, that his accounts have been finally settled and said estate is in a condition to be closed, and that a portion of said estate remains, said matter coming on regularly to be heard this 5th day of December, 1961, upon due proof that due and legal notice of such hearing has been given as directed by the order of this Court heretofore made; the said executor appearing by his attorney, Milo Axelsen, this Court proceeded to the hearing of said petition; and it appearing to the satisfaction of this Court, that the residue of said estate, consisting of the property hereinafter particularly described, is now ready for distribution, and that said estate is now in a condition to be closed;

That the balance of said estate is real and personal property, consisting of the following:

Cash in the sum of \$3,547.25
1955 Chevrolet pickup
Garden tractor
Lawn mower
Miscellaneous

And the following described real property in Canyon County, State of Idaho, to-wit:

An undivided one-half interest in the following described real estate in Canyon County, Idaho: Beginning at a point 335 feet East of the center of Sec 11, Twp 4 North, Range 5 W.B.M.; thence East 331 feet to a waste ditch; thence North 12° 25' West 330 feet; thence North 6° 45' East 334 feet; thence North 17° 00' West 115 feet; thence West 265 feet; thence South 762 feet to the point of beginning.

21871

21871

And the following described real property in Owyhee County,
State of Idaho, to-wit:

An undivided one-half interest in the following described real property in Owyhee County, State of Idaho, to-wit:
Lots 1, 2, 3 and 4 in Sec 36, Twp 1 North, Range 3 W.B.M.;
Lot 2 in Sec 1, Twp 1 South, Range 3 W.B.M.; and a parcel of land in Lot 3 in Sec 1, Twp 1 South, Range 3 W.B.M., described as follows: Beginning at the SE corner of Lot numbered 3 in Sec 1, Twp 1 South, Range 3 W.B.M., in Owyhee County, Idaho, and thence West along the South boundary line of said Lot 330 feet; thence North parallel with the East boundary line of said Lot 1320 feet to the North boundary line of said Lot; thence East along said North boundary line 330 feet to the NE corner of said Lot; thence South along the East boundary line of said Lot 1320 feet to the point of beginning, together with irrigation pump, motor and accessories which are now situated on said lands, also all applications for permits from the State of Idaho for the appropriation of waters for said lands, and together with all water rights, ditches and rights of way for ditches thereunto belonging or appertaining thereto. SUBJECT to a contract of sale dated October 20, 1959 in which said George W. Wright and Leo Wright are vendors and James L. Muller and Edgar C. Muller are purchasers, which said contract of sale at the date of death of decedent had a total unpaid principal balance of \$21,098.22 together with accrued interest thereon to the date of death of 1967.16.

That all claims against said estate are fully paid;
that inheritance tax due the State of Idaho has been paid; that since the decree approving the final account of the executor, no money or other property has come into the hands of said executor and no money has been expended by him; that there will be no expenses of closing the administration of the said estate; that all taxes due and payable by the estate and all debts and charges of administration are paid.

That the whole of said estate was the separate property of the said George W. Wright.

That by the will of said decedent, which was duly admitted to probate herein on the 2nd day of November, 1960, said deceased devised and bequeathed his estate as follows:

All of his property of every kind and nature to
Leo Wright.

IT IS TH REFORE ORDERED, ADJUDGED and DECREED, that the residue of said estate hereinafter particularly described, and any other property not now known or discovered which may belong to the said estate or which said estate may have an interest in be, and the same is hereby distributed as follows:

21571

The whole thereof to be distributed to Leo Wright.

The following is a particular description of the said residue of said estate referred to in this decree of which distribution is now ordered as aforesaid:

Cash in the sum of \$3,547.25
1955 Chevrolet pickup
Garden tractor
Lawn mower
Miscellaneous

And the following described real property in Canyon County,
State of Idaho, to-wit:

An undivided one-half interest in the following described real estate in Canyon County, Idaho:
Beginning at a point 335 feet East of the center of Sec 11, Twp 4 North, Range 5 W.B.M.; thence East 331 feet to a waste ditch; thence North 12° 25' West 330 feet; thence North 6° 45' East 334 feet; thence North 17° 00' West 115 feet; thence West 265 feet; thence South 762 feet to the point of beginning.

And the following described real property in Owyhee County,
State of Idaho, to-wit:

An undivided one-half interest in the following described real property in Owyhee County, State of Idaho, to-wit:
Lots 1, 2, 3 and 4 in Sec 36, Twp 1 North, Range 3 W.B.M.; Lot 2 in Sec 1, Twp 1 South, Range 3 W.B.M.; and a parcel of land in Lot 3 in Sec 1, Twp 1 South, Range 3 W.B.M., described as follows: Beginning at the SE corner of Lot numbered 3 in Sec 1, Twp 1 South, Range 3 W.B.M., in Owyhee County, Idaho, and thence West along the South boundary line of said Lot 330 feet; thence North parallel with the East boundary line of said Lot 1320 feet to the North boundary line of said Lot; thence East along said North boundary line 330 feet to the NE corner of said Lot; thence South along the East boundary line of said Lot 1320 feet to the point of beginning, together with irrigation pump, motor and accessories which are now situated on said lands, also all applications for permits from the State of Idaho for the appropriation of waters for said lands, and together with all water rights, ditches and rights of way for ditches thereunto belonging or appertaining thereto. SUBJECT to a contract of sale dated October 20, 1959 in which said George W. Wright and Leo Wright are vendors and James L. Muller and Edgar C. Muller are purchasers, which said contract of sale at the date of death of decedent had a total unpaid principal balance of \$21,098.22 together with accrued interest thereon to the date of death of 1967.16.

Dated this 5th day of December, 1961 at Caldwell,
Canyon County, State of Idaho.

State of Idaho, }
County of Canyon, } ss.
I hereby certify that the foregoing instrument
is a true and correct copy of the original on file
in this office.

DATED DEC 25 - 1961

Edward J. Aschenbrenner

EDWARD J. ASCHENBRENER
Probate Judge.

2187

December 19, 1955

RE: Permit No. 21871

Wright Brothers
Star Route
Melba, Idaho

Gentlemen:

We return your application for amendment to the land list in permit no. 21871 which has been approved by the State Reclamation Engineer and recorded in this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll.
Enc.

21871

December 15, 1955

RE: Permit No. 21871

Wright Brothers
Star Route
Malba, Idaho

Gentlemen:

We enclose Certificate of Completion of Works on Permit No. 21871 for the diversion of 2.16 second feet of water from Snake River with point of diversion in Lot 4, Section 36, Township 1 North, Range 3 West, B. M., for irrigation and domestic use on Lots 1, 2, 3, and 4, Section 36, Township 1 North, Range 3 West, B. M., and Lots 1 and 2, Section 1, Township 1 South, Range 3 West, B. M.

You will note that this Certificate, as well as your proof, includes Lot 3 of Section 36, which is actually not described in Permit No. 21871, although it is in Permit No. 20043.

If Lot 3 is to be included in Permit No. 21871 an Application for Amendment to the land list should be filed on the form enclosed.

We return the Deed from Mr. and Mrs. Hennessy to you, which has been recorded in this Department.

We also enclose departmental receipt No. 27742 for \$6.00 which includes the \$5.00 Certificate fee on Permit No. 21871 and \$1.00 for recording Transfer of Interest in the two Permits.

As requested we enclose copies of the maps accompanying Permit No. 21871 and Permit No. 20043.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

21871

Permit No. 21871

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Canyon,

ss.

George W. Wright and Leo Wright, d/b/a

Wright Brothers, being first duly sworn, upon his oath deposes and says:

First: That ~~he is~~ ^{they are} the holder and owners of Permit to Appropriate the Public Waters of the State of Idaho, No. 21871, and that ~~his~~ ^{their} postoffice address is Star Route, Melba, Idaho.

Second: That the name of the stream from which said water is to be diverted is Snake River.

Third: That the point of diversion of said water is in Lot 4 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 36, Twp. 1 N. Range 3 West, B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 19, 1956, 19.

Fifth: That the use for which said water is intended is irrigation and domestic.

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 and ditch
(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 $\frac{1}{2}$ feet, width at water line 3
(State whether ditch, flume or pipe) average.

feet, depth of water One feet, diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 2.16 second feet of water.

Eighth: That water appropriated under said permit is available for 108 acres of land described as follows:

~~and a parcel of land in Lot 3 of Sec. 1, T. 1 S., R. 3 W. B. M., as follows: Beg. at SE corner of Lot 3 in said Sec. 1, thence W. along S. boundary of said Lot 330 ft.; thence N. parallel with E. boundary of said Lot 1320 ft.; thence E. along N. boundary of said Lot 330 ft. to NE corner of said Lot; thence S. along E. boundary 1320 feet to pt. of beginning. and Lot. 2~~
Ninth: Remarks: That Layne & Bowler H.P. Pump installed.
Section 1, Twp. 1 S. R. 3 W.

Leo Wright
Geo W Wright
(Sign Here)

Subscribed and sworn to before me this 13th day of December, 1955.

My commission expires Nov. 13, 1959.

Notary Public.

21871

nm

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

November 1, 1955

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Wright Brothers & Hennessy
C/o W. J. Hennessy
Star Route
Melba, Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 21371 you are required to complete your diversion works on or before January 19, 1956. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

MARK R. KULP

State Reclamation Engineer

21371

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 21871

Date January 25, 1951

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

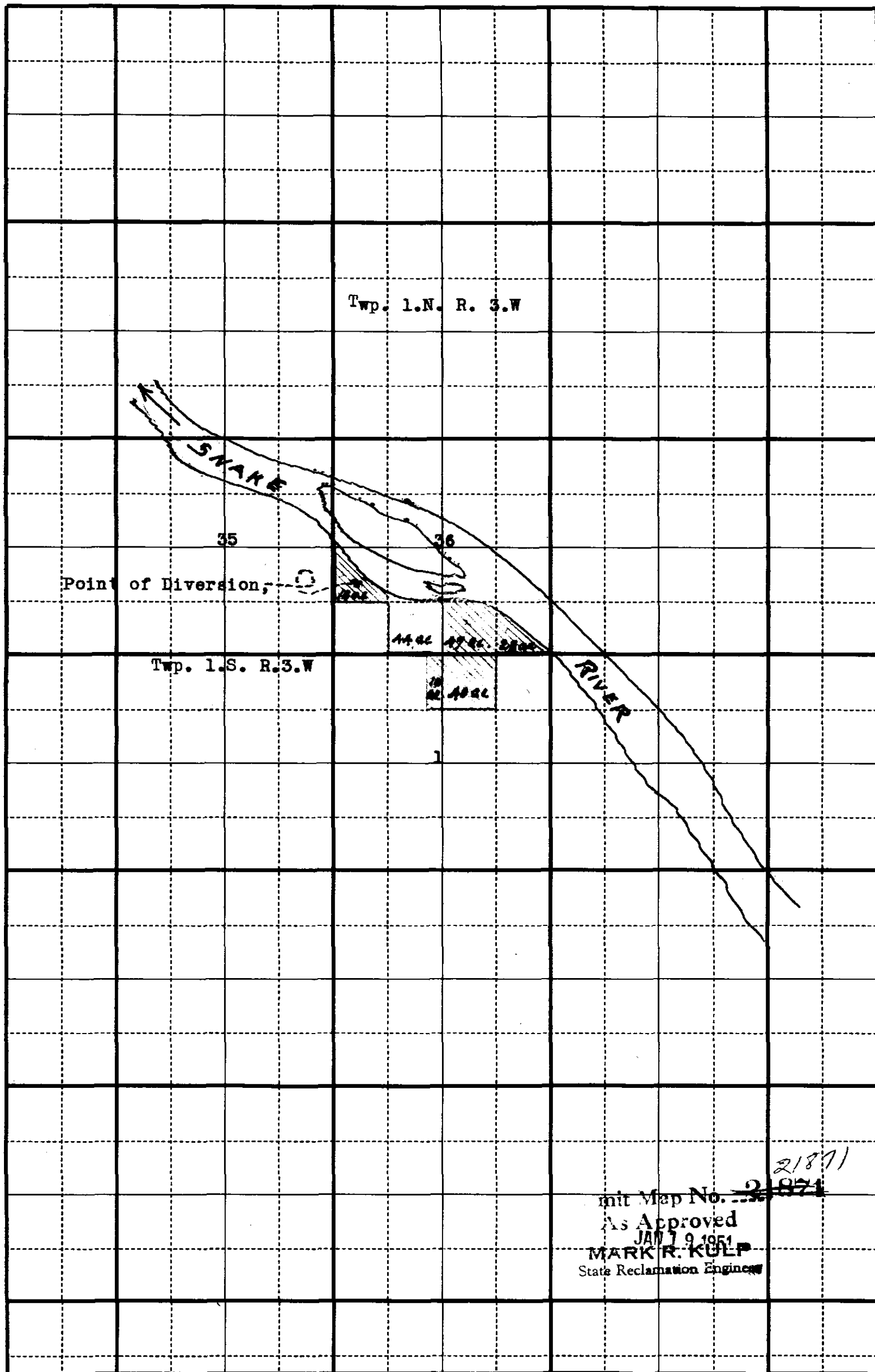
Wright Bros. & Hennessy
C/o W. J. Hennessy
Star Route
Melba, Idaho

MARK R. KULP
State Reclamation Engineer

21871

NAME OF APPLICANT.....Wright Bros & Hennessy,.....

Form No. 0



21871
mit Map No. 21871
As Approved
JAN 7 9 1951
MARK R. KULP
State Reclamation Engineer

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

**NOTICE FOR PUBLICATION
NOTICE OF PROOF
APPLICATION FOR WATER
TO BENEFICIAL USE**

Notice is hereby given that on the 25th day of January, 1967, at Caldwell, County of Canyon, State of Idaho, before William Gigray, 9th and Dearborn, Caldwell, Idaho, proof will be submitted of the application to beneficial use of 2.16 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 21871 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit James L. and Edgar C. Muller, Star Route, Melba, Idaho.

The use to which said water has been applied is irrigation and domestic purposes.

The amount applied to beneficial use is 2.16 cubic feet per second.

The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Sec. 36, T. 1 N., R. 3 W., B. M.

The place where said water is used (LEGAL DESCRIPTION) Lots 1, 2, 3, and 4, Sec. 36, T. 1 N., R. 3 W.; Lots 1 and 2, Sec. 1, T. 1 S., R. 3 W., B. M.

The date of priority which said user is prepared to establish is January 21, 1956.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published December 22, 29, 1966
and January 5 and 12, 1967
The Owyhee Nugget
Marsing, Owyhee County, Idaho