

The Owyhee Avalanche.

P.O. BOX 97

HOMEDALE, ID 83628

(208) 337-4681

RECEIVED

OCT 13 1988

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
COUNTY OF OWYHEE)

I, Joe E Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said **The Owyhee Avalanche**, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in two (2) (consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

September 7, 1988
September 14, 1988

(Signed)

Joe E Aman

Subscribed and sworn to before me this 14th day of September A.D. 1988

Olivia Aman Patrick

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires 10/1/91

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 2-2072 DK

Notice is hereby given that Opaline Irrigation District of Marsing has applied to the Department of Water Resources for a change of the nature and place of use of the water of the Snake River. The right sought to be changed is evidenced by License No. 02-2072 and is recorded as follows:

Amount: 50.32 cfs Priority: 10/08/1948

Point(s) of Diversion: T. 1N., R. 3W., S. 8, NWSW, Lot 3., Owyhee County

The water is used for irrigation purposes within the district boundaries.

TO BE CHANGED AS
FOLLOWS:

Amount: 1.10 cfs

Point(s) of Diversion: T. 1N., R. 3W., S. 8, NWSW, Lot 3 Owyhee County

The water will be used for industrial purposes in T. 1N., R. 4W., S. 2-5, 8, 9, and 11.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before September 26, 1988.

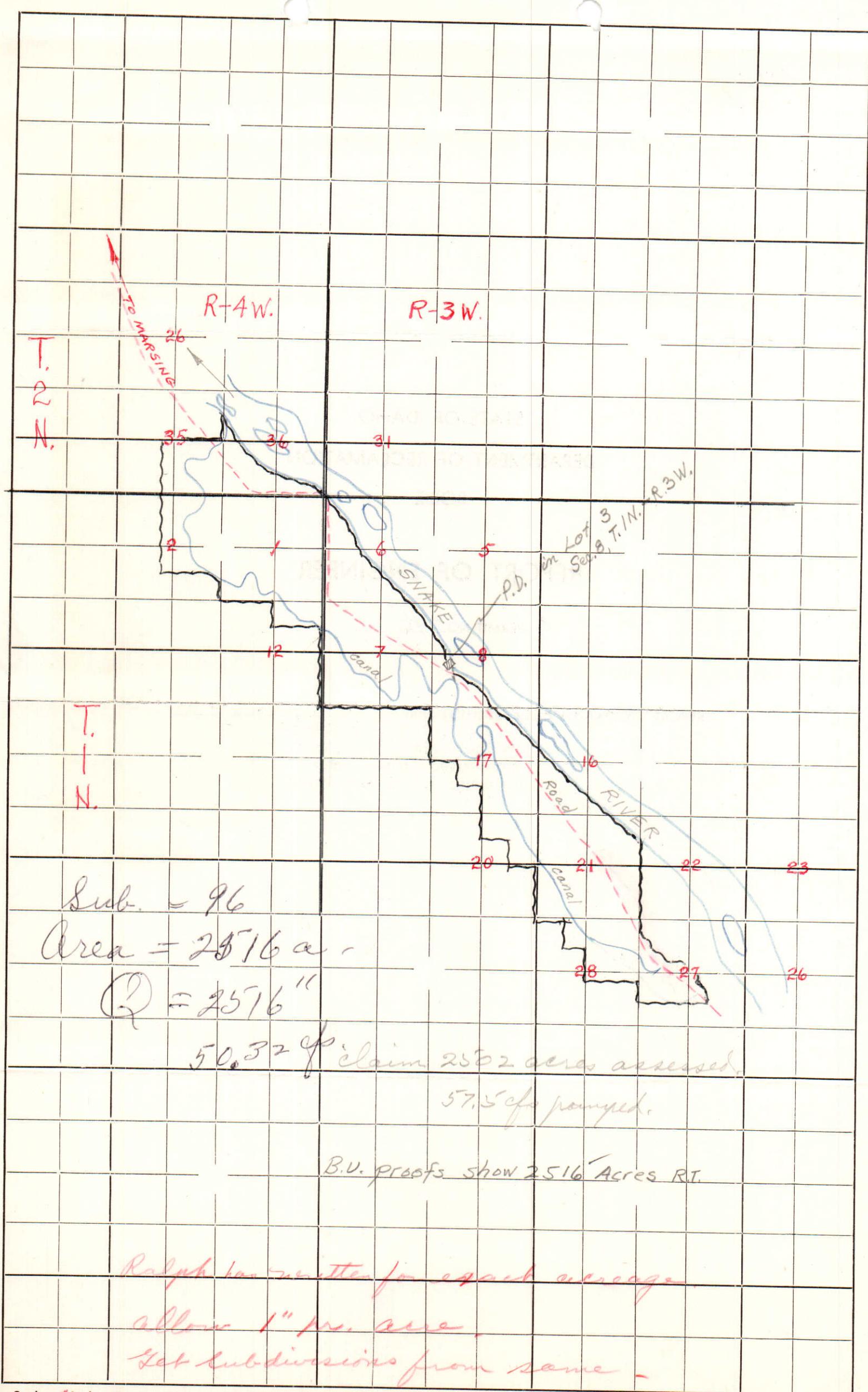
R. Keith Higginson

Director

Published in the Owyhee
Avalanche on 9/7 & 9/14/1988

MICROFILMED

MAR 16 1989



Sub. = 96
 Area = 2576 a.
 (2) = 2576"

50.32 cfs claim 2502 acres assessed.
 57.5 cfs pumped.

B.V. proofs show 2516 Acres RT.

Ralph has written for exact acreage
 allow 1" pr. acre.
 Get subdivisions from same.

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 4 consecutive weeks, the first publication being on the 14 day of Jan., 19 60, and the last publication being on the 4 day of Feb., 19 60;

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 6 day of

Feb., 1960.

Leona S. Hawes

NOTARY PUBLIC

My commission expires

9-10-60

(SEAL)

RECEIVED
FEB 1 8 1960
Department of Reclamation

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 6th day of February, 1960, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, proof will be submitted of the application to beneficial use of 57.5 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 20913 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Opaline Irrigation District, Marsing, Idaho.

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

The amount applied to beneficial use is 57.5 cubic ft. per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Lands within the boundaries of the Opaline Irrigation District, located in the following sections: Sections 35 and 36, T 2 N - R 4 W., B. M. Sections 1, 2 and 12, T 1 N - R 4 W., B. M. Sections 6, 7, 8, 16, 17, 20, 21, 27, 28, T 1 N - R 3 W., B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private ditches.

The right to take water from such works is based upon Permit No. 20913.

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is 10/6/48.

GEO. N. CARTER
State Reclamation Engineer.
(Jan. 14 - Feb. 4)

20913

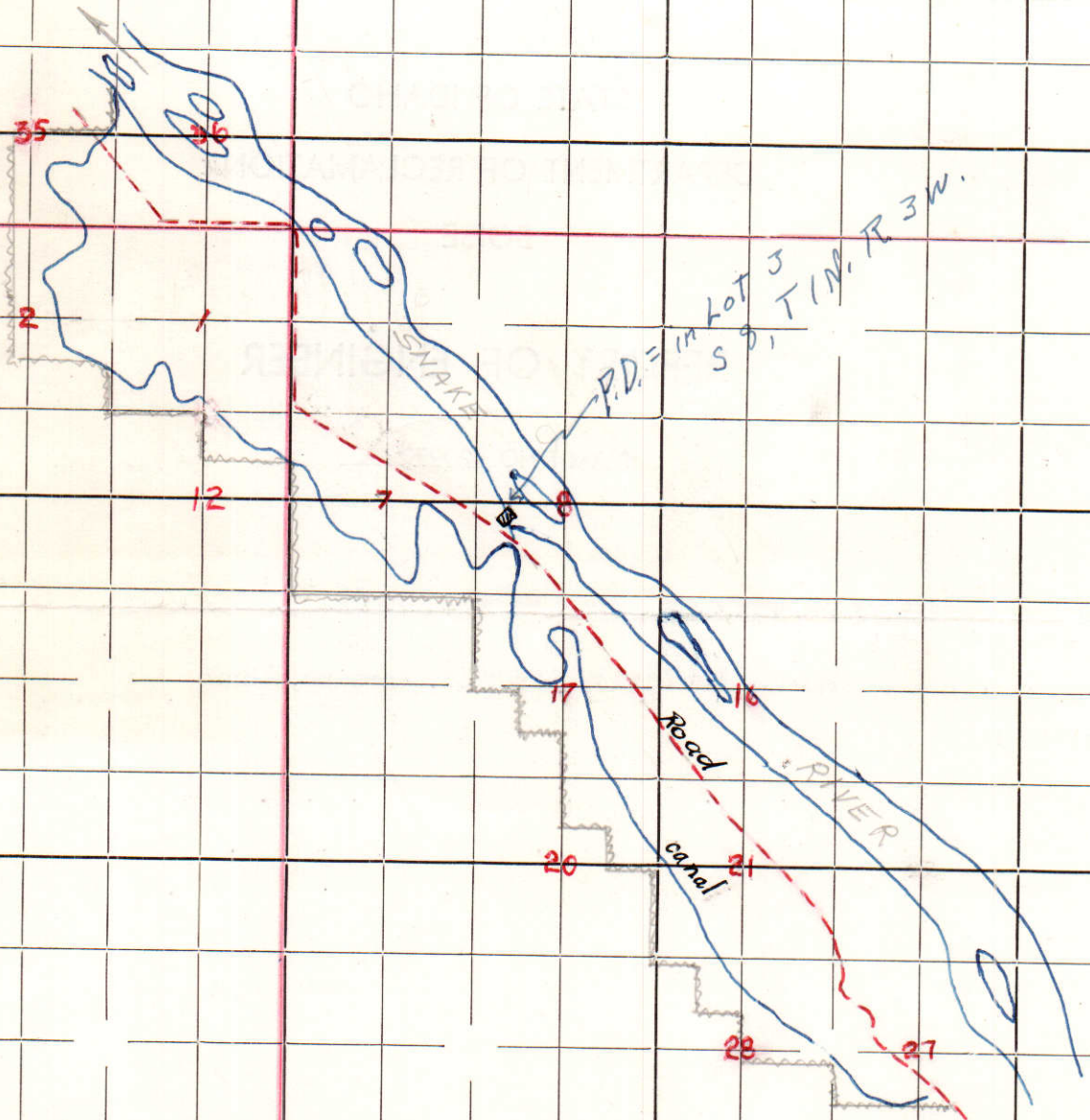
20913

R-4W

R-3W

T.
2
N.

T.
1
N.



$Q = 57.5 \text{ cfs}$

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 and every week for 4 consecutive weeks, the first publication being on the 8 day of Oct 1953, and the last publication being on the 29 day of Oct, 1953

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 30 day of

Oct., 1953

Louis J. Hawes

Notary Public

My commission expires 9-10-56

(SEAL)

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A. M. on the 31st day of October, 1953, at Caldwell, County of Canyon, State of Idaho, before Peter Boyd, Notary Public, proof will be submitted of the completion of works for the diversion of 60 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Opaline Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Marsing, County of Owyhee, State of Idaho.

3. The number of such permit is 20913, and the date set for the completion of such work is September 4, 1954.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 60 cubic feet per second.

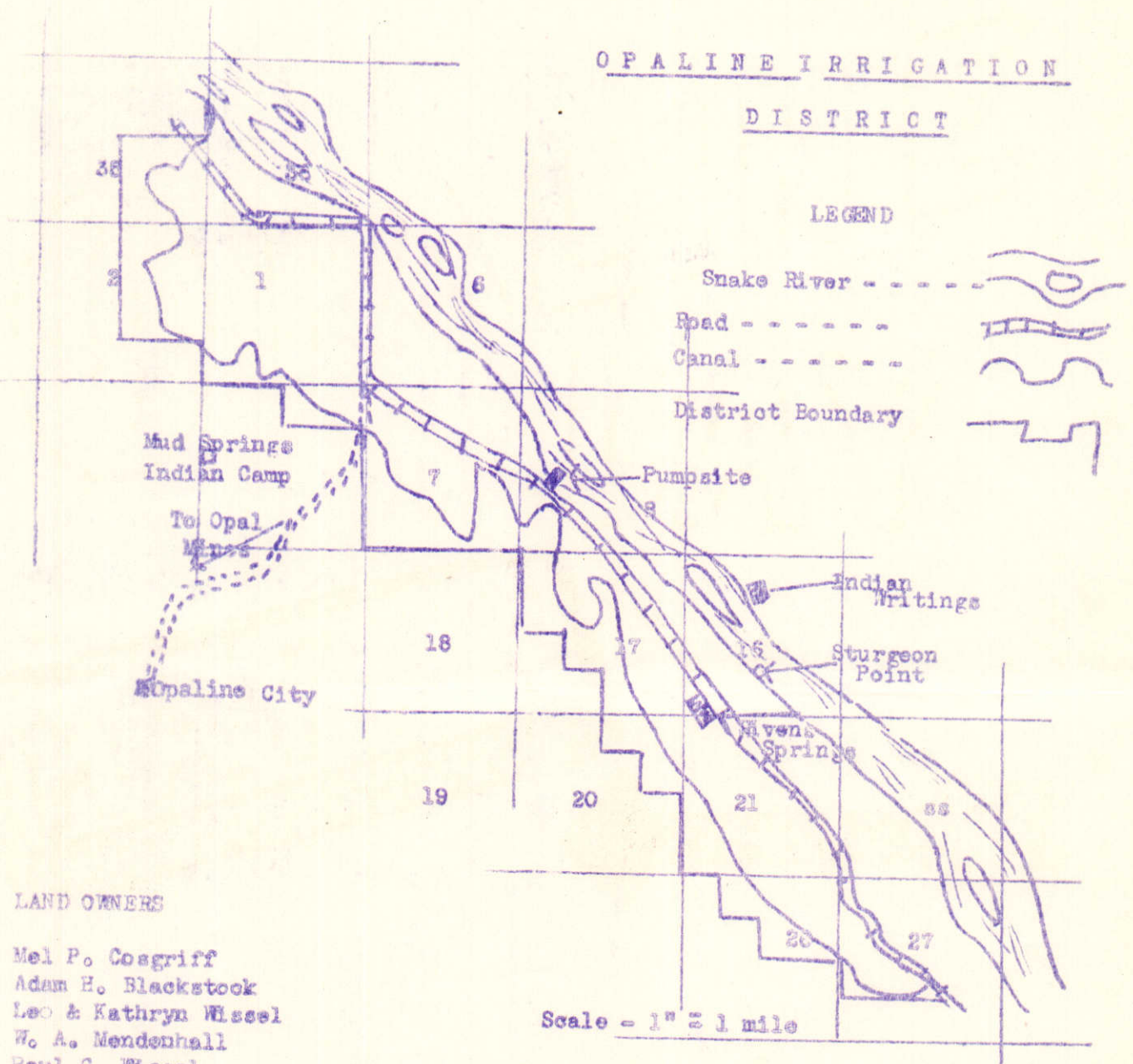
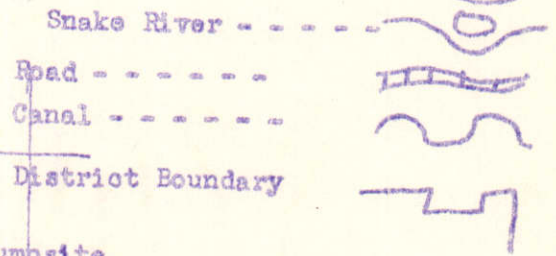
6. The amount of lands for which said water is available is 2667 acres, particularly described as follows: Lands within the boundaries of the Opaline Irrigation District, located in Sections 35 and 36, Twp. 2 N., Rge. 4 W., B. M.; Sections 1, 2 and 12, Twp. 1 N., Rge. 4 W., B. M.; Sections 7, 8, 17, 16, 20, 21, 27 and 28, Twp. 1 N., Rge. 3 W., B. M.

20913
MARK R. KULP,
State Reclamation Engineer.
(Oct. 8 - 29)

20913

OPALINE IRRIGATION DISTRICT

LEGEND



LAND OWNERS

Mel P. Cosgriff
Adam H. Blackstock
Leo & Kathryn Wissel
W. A. Mendenhall
Paul C. Wissel
Everett L. Clark
Myrtle C. Clark
Vene Foster
R. S. Settles
Gust Collie
Carrie Frank
R. T. Stuart
Carl Chadwick
Hoyt Foster
Harry Prescott
Nolan Prescott
Eugenia Blick
R. H. Bacon
Charles Young

J. L. Jensen
Mary Ruckie
Charles Peters
Berry Givens
A. M. Knutson
E. R. Scheuffele
T. M. Harris
Murray Burns
Ray Hall

DATA

18,000 ft. - 15 ft. laterals
8,000 ft. - 20 ft. laterals
100 ft. lift
3 - 250 hp pumps - 3,000 inch
delivery, about 2,500 acres
60 sec. ft.

20913

PROOF OF PUBLICATION

State of Idaho, {
County of Owyhee, { ss.

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That the annexed notice was published in said newspaper once each and every week for Three consecutive weeks, the first publication being on the 28 day of Oct., 1948, and the last publication being on the 11 day of Nov., 1948;

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 Nov., 1948.

Leonard D. Hawes

Notary Public.

My commission expires 9-10-52.

(SEAL)

STATE OF IDAHO DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN that the Opaline Irrigation District of Marsing, Idaho, made application, on the 6th day of October, 1948, for permit to appropriate Sixty (60) cubic feet per second of water from Snake River for irrigation purposes.

That the point of diversion of said water as described in the application is located 750 feet East and 780 feet Southeast from the quarter corner common to Sections 7 and 8, Township 1 North, Range 3 West, B. M., and in Lot 3, Section 8, Township 1 North, Range 3 West, B. M.

That the lands to be irrigated, as described in said application, consist of 2,279 acres in the following Sections:

Sections 35 & 36, Twp. 2 N., Range 4 W., B. M.

Sections 1, 2, & 12, Twp. 1 N., Range 4 W., B. M.

Sections 6, 7, 8, 16, 17, 20, 21, and 28, Twp. 1 W., Range 3 W., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 18th day of October, 1948.

MARK R. KULP

State Reclamation Engineer

Date of first publication. October 28, 1948.

Date of last publication: November 11, 1948.

Last date for protest: November 27, 1948.

Service of the Foregoing, by copy, is hereby acknowledged, this 25 day of October, 1948.

OPALINE IRRIGATION

DISTRICT

By Adam H. Blanton
Its Secretary

20913

PROOF OF PUBLICATION

State of Idaho, {
County of Owyhee, { ss.

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That the annexed notice was published in said newspaper once each and every week for ~~three~~ consecutive weeks, the first publication being on the 28 day of October, 1948, and the last publication being on the 11 day of November, 1948;

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.

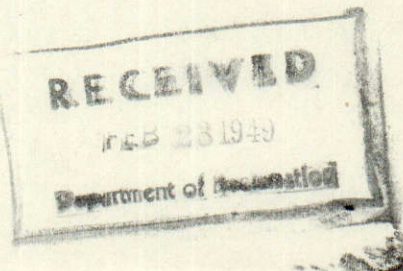
Subscribed and sworn to before me this 21 day of Feb, 1949...

Leone S. Hawes
.....

Notary Public.

My commission expires 9-10-52.....

(SEAL)



STATE OF IDAHO DEPARTMENT OF RECLAMATION

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MARK R. KULP
State Reclamation Engineer
Date of first publication. October 28, 1948.

Date of last publication: November 11, 1948.

Last date for protest: November 27, 1948.

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OPALINE IRRIGATION
DISTRICT
By Adam H. Blackstock
its Secretary

20913

OPALINE IRRIGATION DISTRICT

**P.O. Box 331
Marsing, ID 83639**

RECEIVED

MAR 02 1989

March 1, 1989

Department of Water Resources
1301 N. Orchard Street,
Boise, Idaho 83720

Attn: Mr. Gary Spockman

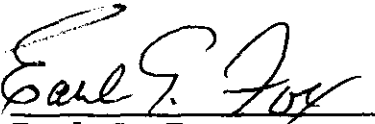
Gentlemen;

The Opaline Irrigation District does hereby formally request the withdrawal of our application for the transfer of water as specified in transfer #3474.

Our water right number is 02-2072.

Thank you for your attention to this request.

Sincerely,



Earl G. Fox
Secretary

MICROFILMED

MAR 16 1989

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

3474
RECEIVED

JUN 13 1988

Name of applicant OPALINE IRRIGATION DISTRICT Phone Department of Water ResourcesPost Office address P.O. BOX 331, MARSING, IDAHO 83639A. PURPOSE OF TRANSFER Typed information added 8/4/88 and includes details gathered in review process. 82

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes DESIRE TO SELL WATER FOR USE IN CONSTRUCTION OF SOMMERCAMP ROAD IN OWYHEE CO. WATER WILL BE USED FOR WETTING, COMPACTION & DUST CONTROL. APPROVAL IS SOUGHT ONLY FOR THE 1988 SUMMER CONSTRUCTION SEASON.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>02-2072</u>	<u>OCT. 8, 1948</u>	<u>1.1 cfs/247</u>	<u>INDUSTRIAL</u>	<u>MAR. 15 to NOV. 15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.1 cubic feet per second and/or 247 acre-feet per annum.

3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>		<u>NW</u>	<u>SW</u>	<u>8</u>	<u>1N</u>	<u>3W</u>	<u>OWYHEE</u>	<u>OPALINE IRRIGATION DISTRICT PUMPS</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1N</u>	<u>4W</u>	<u>8</u>						<u>I</u>	<u>I</u>			<u>I</u>							
		<u>5</u>									<u>I</u>		<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>			
		<u>4</u>										<u>I</u>	<u>I</u>	<u>I</u>			<u>I</u>	<u>I</u>	
		<u>9</u>	<u>I</u>																
		<u>3</u>											<u>I</u>	<u>I</u>			<u>I</u>	<u>I</u>	
		<u>2</u>											<u>I</u>	<u>I</u>					
		<u>11</u>					<u>I</u>	<u>I</u>	(road on section line)										

Total acres _____

MICHAEL MED
MAR 16 1989

PART 1

6. General Information:

- a. Description of diversion system WATER DIVERTED (PUMPED) FROM SNAKE RIVER
INTO THE OPALINE CANAL. WATER WILL BE REDIVERTED BY
CONSTRUCTION COMPANY FROM THE OPALINE CANAL.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
FIFTY-FIVE ACRES OWNED BY CHUCK YOUNG WHICH WERE
IRRIGATED IN 1987 WILL NOT BE IRRIGATED IN 1988.
SEE STATEMENT SIGNED BY MR. YOUNG, AND ATTACHED
HERETO.
- d. Remarks:
THIS APPLICATION FOR TRANSFER PROPOSES A CHANGE IN NATURE
OF USE ONLY FOR THE 1988 IRRIGATION SEASON. THE APPLICANT
REQUESTS THAT THE RIGHT REVERT BACK TO IRRIGATION USE IN
1989.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

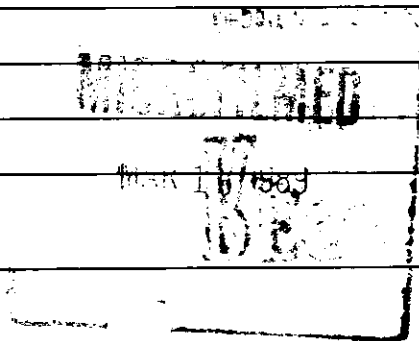
This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____

1989

19



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 02-2072 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ Other

*RIGHT OWNED BY OPALINE
 IRRIGATION DIST. SEE
 STATEMENT OF CHUCK YOUNG.*

3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER4. Date or priority OCTOBER 8, 1948

5. Water is used for the following purpose:

amount 50.32 for IRRIGATION purposes from MARCH 15 to NOVEMBER 15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 50.32 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>		<u>NW</u>	<u>SW</u>	<u>8</u>	<u>1N</u>	<u>3W</u>	<u>OWYHEE</u>	<u>OPALINE IRRIGATION DISTRICT PUMPS</u>

8. Lands irrigated or place of use: IRRIGATION OF LANDS WITHIN OPALINE IRRIGATION DISTRICT

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres 25169. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.1 for INDUSTRIAL purposes from MARCH 15 to NOVEMBER 15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3		NW	SW	8	1N	3W	OWYHEE	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	3W	7			20								3		25	7			55

Total acres 55

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 49.22 for IRRIGATION purposes from MARCH 15 to NOVEMBER 15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3		NW	SW	8	1N	3W	OWYHEE	

3. Lands irrigated or place of use: LANDS WITHIN THE OPALINE IRRIGATION DISTRICT

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

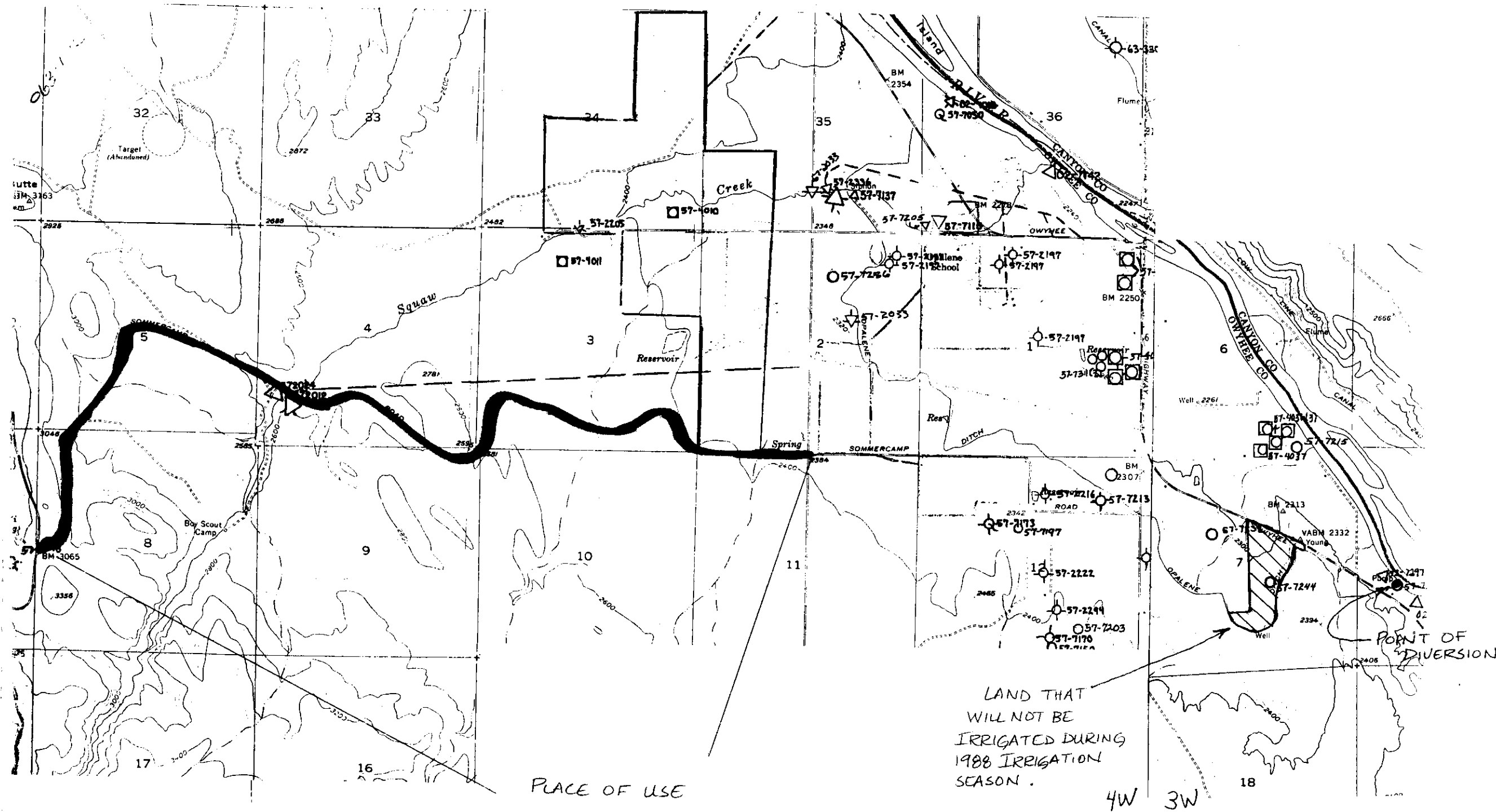
MICROFILMED

MAR 16 1989

Total acres 2461

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



MICROFILMED

MAR 16 1989

Page 6 of 6

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>INDUSTRIAL</u>	<u>1.1 / 247</u>	<u>60 days/yr.</u>	<u>MAR 15</u> to <u>NOV. 15</u> to _____

2. Quantity and quality of return flows and location of discharge:
NONE, OTHER THAN WATER THAT MAY PERCOLATE THROUGH THE
SOIL.

3. Describe effects on other water uses resulting from the proposed change:
OTHER USERS OF WATER FROM THE OPALINE CANAL WILL NOT BE
AFFECTED. THE AMOUNT OF WATER BEING TRANSFERRED IS
GREATLY IN EXCESS OF THE AMOUNT OF WATER NEEDED.
CONTRACTOR ESTIMATES THAT NO MORE THAN 6-10 ACRE
FEET OF WATER WILL BE DIVERTED FOR THE ROAD PROJECT

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 13 day of June, 19 88
Earl P. Fox, Secretary
Earl P. Fox (Signature of Applicant)
Julius L. Lusk (Notary Public)
My commission expires 6-3-92

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments
Received by Gary S. ne Date 6/13/88 ⁷⁻²⁰⁻⁸⁸ Protest filed by _____
Prelim. check by Gary S. ne Fee \$50.00 COO1348
Receipted by Jim Date 6/13/88
Published in San Jose San Jose
Pub. dates 9/1/88 9/1/88
Watermaster recommendation requested on 6/13/88 NA
Recommended for ☒ approval ☐ denial
by DET
Copy of transfer sent to lien holder _____

MICROFILMED

MAR 16 1989

The Owyhee Avalanche.

P.O. BOX 97

HOMEDALE, ID 83628

(208) 337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)ss.
COUNTY OF OWYHEE)

Department of Water Resources
Western Regional Office

I, Joe E Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, Wednesday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche, a continuation of the Owyhee Chronicle and the Owyhee Nugget, has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in two (2) (consecutive)
calendar weekly issue(s) of said newspaper, in the following date(s):

September 7, 1988
September 14, 1988

(Signed).....

Joe E Aman

Subscribed and sworn to before me this 14th day of September
A.D. 1988

Allison Aman Patrick

Notary Public in and for the State of Idaho,

residing at Homedale, Idaho.

My commission expires 10/1/91

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 3-8972 v-DK

Notice is hereby given that Opalene Irrigation District of Marsing has applied to the Department of Water Resources for a change of the nature and place of use of the water of the Snake River. The right sought to be changed is evidenced by License No. 82-2872 and is recorded as follows:

Amount: 50.32 cfs Priority:
10/08/1948

Point(s) of Diversion: T. 1N.,
R. 3W., S. 8, NWSW, Lot 3,
Owyhee County

The water is used for irrigation purposes within the district boundaries.

TO BE CHANGED AS
FOLLOWS:

Amount: 1.10 cfs

Point(s) of Diversion: T. 1N.,
R. 3W., S. 8, NWSW, Lot 3
Owyhee County

The water will be used for industrial purposes in T. 1N., R. 4W., S. 2-5, 8, 9, and 11.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before September 26, 1988.

R. Keith Higginson

Director

Public Information Officer
Avalanche

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MAR 16 1989

State of Idaho
License and Certificate of Water Right

Water License No. 20913

Amount 50.32 c.f.s.

Water District No.

Priority October 8, 1948

THIS IS TO CERTIFY that OFALINE IRRIGATION DISTRICT
of Marsing, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 6, 1948; that Permit No. 20913
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
67.50 second feet, was issued thereunder on March 4, 1954, showing that said works
were completed on the 31st day of October, 1953; and that on the 6th
day of February, 1960,

OFALINE IRRIGATION DISTRICT

of Marsing, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Snake
River, a tributary of Columbia River, for the purpose of irrigation
under Use Permit No. 20913 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6961, on the 15 day of September, 1960;

The right hereby confirmed dates from October 8, 1948;

The Point of Diversion is located Lot 3

in the -- 1/4 -- 1/4, Sec. 8, Tp. 1 N., R. 3 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 50.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			For irrigation of 2516 acres in Sections 6, 7, 8, 16, 17, 20, 21, 27, 28, T. 1 N., R. 3 W., B. M.; Sections 1, 2, 12, T. 1 N., R. 4 W., B.M.; Sections 35 and 36, T. 2 N., R. 4 W., B.M.		

The right to the use of the water aforesaid 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

15 day of September, 1960.

/s/ CHAS. M. CARTER
State Reclamation Engineer.

(SEAL)

2 2073

Oct. 18 48
10-28 to 11-11 48
Nov. 27 48

Nº 20913
02-2012

APPLICATION FOR PERMIT To appropriate the Public Waters of the State of Idaho

APPLICATION No. 28331
PERMIT No. 20913
DISTRICT No.

1. Name of Applicant: OPALINE IRRIGATION DISTRICT

Postoffice address: Marsing County: Owyhee State: Idaho

- I. If applicant is a corporation, give:
- (a) Date and place of incorporation:
 - (b) Amount of capital stock: Not issued yet
 - (c) Amount paid in:
 - (d) Names and addresses of directors: Vene Foster, Marsing, Idaho; Ray Hall, Star Rt., Melba, Idaho; Berry Givens, Star Rt., Melba, Idaho.

- II. The financial resources of the applicant are:
- (a) Cash on hand: \$125,000.00
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:

2. Quantity of water claimed: Sixty (60) cubic feet per second.

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

4. Location of point of diversion: 750 ft. East and 780 ft. S.E. feet distant from the Quarter corner of Sections 8 & 7, T. 1 N., R. 3 W., B.M., and is in the Lot 3 of Section 8, T. 1 N., R. 3 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, 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: \$ 125,000.00

8. Kind of works: Pump, penstock and distribution system

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 Downstream- 8 feet; width at water line 14 feet; depth of water 2.5 feet; dimensions of flume: Upstream- 7 12

Diameter of pipe inches; length of conduit miles.
Average grade per mile 0.0005 per 100 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

- 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.

By **Adam H. Blackstock** *Agent.*

Corrected application received:

The number of this permit is 20913
Recorded in Book 75 Page 20913 Approved February 4, 1949
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 \$ 1,000 to be filed on or before April 4, 1949
Work to begin on or before _____ 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 August 4, 1951
The whole of said work to be completed on or before February 4, 1954
Beneficial use of water appropriated in accordance herewith, to be made on or before February 4, 1960

MARK R. KULP
State Reclamation Engineer.

STATE OF IDAHO

Governor.

Secretary of State.

14.

[illegible]

Permit No. 20913

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that OPALINE IRRIGATION DISTRICT of Marsing, County of Owyhee, and State of Idaho, the holder of Permit No. 20913, issued upon Application No. 28331 bearing date of priority of October 6, 1948, authorizing the diversion of Sixty (60) second feet of the waters of Snake River, a tributary of Columbia River County of Owyhee, State of Idaho, for irrigation purposes, has 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 57.5 second feet of the waters of Snake River; that the point of diversion of said waters is in lot 3, Section 8, 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: Lands within the boundaries of the Opaline Irrigation District, located in the following sections: Sections 35 and 36, Township 2 North, Range 4 West, B. M. Sections 1, 2 and 12, Township 1 North, Range 4 West, B. M. 6, 7, 8, 16, 17, 20, 21 and 28, Township 1 North, Range 3 West, B. M.

Witness my hand this 4th day of March, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made October 31, 1953.
Certificate of Completion of Works issued March 4, 1954.

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. 20913

Comes now OPALINE IRRIGATION DISTRICT 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. 20913, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lands within the boundaries of the Opaline Irrigation District, located in the following sections.

Sections 35 and 36, T. 2 N., R. 4 W., B. M.
Sections 1, 2, 12, T. 1 N., R. 4 W., B. M.
Sections 6, 7, 8, 16, 27, 17, 20, 21, 28, T. 1 N., R. 3 W., B. M., making a total of

---- 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 Boise, Idaho, this 6 day of January, 1960.
Date of receipt at office of Dept. of Reclamation Jan. 22, 1960
APPROVAL OF STATE RECLAMATION ENGINEER

OPALINE IRRIGATION DISTRICT
By: Harley M. McDowell, Agent

I, GEO. N. CARTER, 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. 20913. 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.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: Jan. 27, 1960

LICENSE ISSUED FOR 50.32 SEC. FI.
Page 6961

JUL 13 1991

Department of Water Resources
Eastern Regional Office

OPALINE IRRIGATION DISTRICT
P.O. BOX 331
MARSING, ID 83639

July 11, 1991

Kay Walker
Sr. Water Resource Agent
Adjudication Bureau

Department of Water Resources
2734 Airport Way
Boise, ID 83705

Re: Boundary changes for our irrigation district.

Dear Ms. Walker:

Enclosed you will find a copy of an order for a change of boundaries for the Opaline Irrigation District, bringing in portions of the lands of three separate property owners. This document has been filed with the Owyhee County Records Office.

Please note that this in no way implies the need for additional water for our district, but rather a movement of allotted water within the district boundaries.

For your convenience, our Water Right No. is A02-02072.

If your office does not handle irrigation district boundary changes we would appreciate it if you would pass this along to the right place within the Department of Water Resources.

If there are any questions, please feel free to call the number listed below.

Sincerely,

Angela L. Jensen

Mrs. Angela L. Jensen
Secretary-Treasurer
Opaline Irrigation District
Ph. 896-4334

JUL 13 1991

ORDER FOR A CHANGE OF BOUNDARIES FOR THE
OPALINE IRRIGATION DISTRICT

Department of Land Resources
Western Regional Office

The Board of Director's for the Opaline Irrigation District do hereby order the following lands into its boundaries;

Sec. 20, Twp. 1 N., R. 3 W., B.M., the S.E. 1/4 of the N.W. 1/4, AND the S.W. 1/4 of the N.E. 1/4.

Total acreage: 80 acres

Owners: James L. and Jessie J. Jensen

Address: H.C. 79 Box 103-B, Melba, ID 83641

Sec. 7, Twp. 1 N., R. 3 W., B.M., W. 1/2, of the W. 1/2 of Sec. 7, Lots 7 & 8 of the Jakubowski sub-division.

Total acreage: 9.7 acres

Owners: Jim L. and Debora A. Carver

Address: P.O. Box 958, Marsing, ID 83639

The part of the N.E. 1/4, N.W. 1/4, and the S.W. 1/4, N.E. 1/4, Sec. 28, T. 1 N., R. 3 W., B.M., lying south and west of the Opaline Irrigation District's main South Canal and more particularly described as follows:

Beginning at a point 1973 feet East of the NW corner of Sec. 28, thence South 40° 03' east 68 feet; thence south 53° 35' east 805 feet; thence south 26° 40' East 12 feet to a point 568 feet south of the North 1/4 corner of Sec. 28; thence south 752 feet to the SE corner of the NE 1/4 NW 1/4 Sec. 28; thence west to the SW corner of the NE 1/4 NW 1/4 Sec. 28; thence north to the NW corner of the NE 1/4 NW 1/4; thence east 653 feet to the point of beginning.

Also, the SE 1/4 NW 1/4 Sec. 28, T. 1 N., R. 3 W., B.M.

Total acreage: 75 acres

Owners: Elias and Inez Jaca

Address: H.C. 78 Box , Melba, ID 83641

Certified by Elias Jaca

President, Opaline Irrigation District

Angela L. Jensen

Secretary-Treasurer, Opaline Irrigation District

Date: April 2, 1991

Date: 4-2-91

SWORN AND SUBSCRIBED TO BEFORE ME THIS 17TH DAY OF JUNE, 1991.

NOTARY PUBLIC

My Commission expires 5/23/94

205352

FILED-RECORDED

JUN 25 1 24 PM '91

BARRELL
OWYHEE COUNTY
BY *G. Sherburn*
DEPUTY

REQUEST OF
Opaline Irrigation Dist.
FEE 3.00

 INDEXED
MICROFILMED

Subject: Transfer of Water
To: Department of Water Resources

Date: June 13, 1988

I have entered into an agreement with Nampa Paving and Asphalt Co. and the Opaline Canal District whereby I am allowing my water to be diverted for use on the Sommercamp Road.

Water being diverted in water I used last year on my 55 acres field but will not be using this year as that parcel is in diversion under the ASCS program.

Sincerely,

Chuck Young

Chuck Young

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Department of Water Resources

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MAR 16 1989

MICROFILMED

MAR 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 8, 1989

A.J. Bohner
Attorney at Law
P.O. Box 1069
Boise, ID 83701

RE: Water right no. 02-2072 in the name of Opaline Irrigation District; Protested application for transfer no. 3473.

Dear Mr. Bohner:

Your client, Robert Flynn, protested the above transfer no. 3474. The applicant has withdrawn the application for transfer, and a hearing on the protest is unnecessary.

Sincerely,

Gary Spackman, Manager
Water Right Permits Section

Enclosure

cc: Bob Flynn
Opaline Irrigation District

INDEXED

MAR 16 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 12, 1988

A. J. Bohner
Attorney at Law
P.O. Box 1069
Boise, ID 83701

Re: Transfer of License No. 02-2072 in the Name of the Opaline
Irrigation District

Dear Mr. Bohner:

The Director of the Department of Water Resources has reviewed the protest you filed on behalf of Bob Flynn, objecting to the approval of a transfer filed by the Opaline Irrigation District. In the protest, you requested immediate issuance of a cease and desist order.

The Director has decided not to issue a cease and desist order at this time. Notice of the transfer will be published according to the statutory scheme, and a hearing will be scheduled on Mr. Flynn's protest following publication.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Western Region

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MAK 16 1989



A.J. BOHNER *
ANDREW M. CHASAN
TIMOTHY C. WALTON
CHARLES B. BAUER †

* Also admitted in Oregon
† Also admitted in Washington

PARK CENTER POINTE
1459 TYRELL LANE • P.O. BOX 1069
BOISE, IDAHO 83701

TELEPHONE
(208) 345-3760

McCALL OFFICE:
ASPEN VILLAGE
McCALL, IDAHO
(208) 634-4431

June 15, 1988

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JUN 15 1988

Gary Spackman, Supervisor
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

HAND-DELIVERED

Re: Diversion of Water from the Opaline Irrigation District

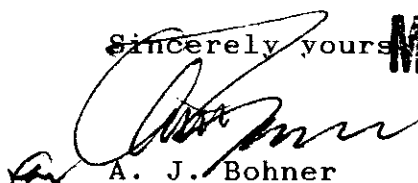
Dear Gary:

Pursuant to our telephone conversation of June 14, 1988, and your conversation with Mr. Flynn, it is our understanding that the Opaline Irrigation District has filed an application for transfer of water from agricultural purposes to industrial purposes. It is our further understanding that they have been diverting this water for industrial uses for a period in excess of this particular permit request.

For the reasons set forth in the protest, it is respectfully submitted that the Department of Water Resources should immediately issue a cease and desist order in this particular matter. I have, for expediency's sake, gone ahead and filed this protest and signed the same on behalf of Mr. and Mrs. Flynn. The information contained therein is the information and statements of my clients as they understand them and as presented to me. They feel that this accurately depicts the situation as it exists and that the conditions set forth in their protests are real and a great affect and detriment is caused if this particular transfer is allowed.

Your consideration to this protest is greatly desired. If you need more information or if you would like the Flynn's available as witnesses at any hearing, we surely will make them available upon being given adequate notice of such meeting. If you need any other information, please do not hesitate to contact me.

Sincerely yours


A. J. Bohner

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MAR 16 1989

AJB/mc

OBJECTIONS AND PROTESTS TO USE OF WATER
FROM AGRICULTURAL TO INDUSTRIAL AS SUBMITTED BY THE
BOARD OF DIRECTORS OF OPALINE IRRIGATION DISTRICT TO THE
IDAHO DEPARTMENT OF WATER RESOURCES BOARD

COME NOW Robert E. Flynn and Rosemary L. Flynn, husband and wife, members of the Opaline Irrigation District, and hereby submit a protest in accordance with Idaho Code Section 42-222 to the application of the District for conversion of 1.1 CFS water for industrial purposes, a change from agricultural uses. This protest is based upon the following reasons and concerns of the Protestants:

1. The necessary notices and publications have not gone out in accordance with 42-222 with reference to the right of the District to divert water for industrial purposes. The diversion of water at this time is illegal under the existing uses and structures of the Opaline Irrigation District and, therefore, a cease and desist order should issue immediately stopping this use until the statutory scheme can be carried out, and adequate notice and public hearings be held to determine the relevancy, accuracy, and appropriateness of this particular use.

2. Protestants and all other members of the Opaline Irrigation District are injured by not having available to them, especially in this drought year, all water allocated to the Opaline Irrigation District for agricultural purposes. It should also be noted that by requesting this change from

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JUN 15 1988

agricultural to industrial, the District would creates a permanent change and the District loses the right to continue using this water for agricultural purposes since it now becomes a permanent industrial use.

3. By allocating this use for industrial purposes, the District is adding more uses and the cost of the industrial use as submitted is much greater than the cost of agricultural uses. Further, the consideration being paid by the industrial user is much less than the actual cost to the District of making this water available and especially the pumping cost to pump and divert the water for the industrial use. At this time there is no adequate means for the Irrigation District to monitor and measure the actual amount of water being taken by the industrial user. The industrial user at the present time has taken the water by two means: (1) tanker trucks which do have allocations of certain amounts of gallons which can be controlled; (2) pumping directly out of the District's irrigation ditches and sprinkling its gravel pits and surrounding areas and there is no monitoring or other means on these particular devices to accurately depict or measure the amount of water being taken. It has also been the observation of the Protestants that there has been a tremendous fluctuation in the irrigation water available dependent upon the times that the industrial user is pumping from the canals. It has and the Protestants have

WATER

MAR 16 1989

specifically seen this personally affect the downstream users of the irrigation water in that it caused a low flow in the irrigation canal, thereby interfering with the use of siphon tubes and pumps. The District's answer to this seemed to be the turning down of a greater amount of water to insure that a ditch remained full at all times no matter how much water the industrial user was pumping. This circumstance causes waste and undue cost and expense to the District and to each member of the District, and may constitute irreparable injury.

4. This change in transfer use is not in the public interest. The water is presently being used by the industrial user to water down and assist in the construction of the Sommer Camp Road. This road is primarily used at this time by the construction company and eventually, it is the understanding of the Protestants, it is to be used by trucks of the "Enviro-safe" Company, as access and to ensure that they are not going to cities or populated areas. Therefore, there is no monetary or proprietary value to the irrigation District to divert water for these purposes.

5. It is further believed and alleged by your Protestants that this change in use does significantly affect the local agricultural area and the lands within the Opaline Irrigation District, which are using the water for agricultural purposes, and no interest other than the interest of the industrial user are being served in this change.

INDEXED

MAR 16 1989

Memorandum to: Norm and Gary S.
From : R. Keith Higginson
Date : June 23, 1988
Subject : Robert Flynn/Opaline Irrigation District

I have reviewed the file in this matter and appreciate the briefing and explanation of the history provided by Gary.

There must be hundreds of situations throughout the state where a local irrigation district or canal company is permitting a use of water which is not strictly in accord with the company's paper water rights. These violations will include:

- a. Diversion of water by pump to lands lying above the main canals and outside of the boundaries of the district and outside of the water right place of use.
- b. Temporary uses such a road sprinkling as in the case of Nampa Paving.
- c. Changes in the boundaries of irrigation districts which have either added land to or taken land away from the service area without modification of the water right.
- d. Supplying water which is licensed for irrigation purposes for other uses such as municipal and/or domestic.

I am sure each of you could add to the list above with specific examples. We might also discuss the water bank concept which although following a statute for authority does not strictly provide for the filing of transfer applications when water is made available for some new user outside of the authorized location.

I recognize that Mr. Flynn has pushed this matter but my feeling is that unless he is prepared to bring an action against the Directors of the District for malfeasance in office in the administration of the affairs of the District, the matter is not worth pursuing. I would take the position that our jurisdiction of the water stops at the point it is diverted at the pumps from the Snake River. As long as Opaline's diversion is not in excess of its right we should not concern ourselves over internal distribution matters in the District.

If Flynn held a private water right which was being affected then I would agree we should pursue the matter but I understand that is not the case.

Norm will remember the judge who once asked us, who we were

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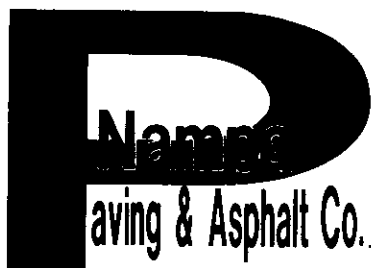
trying to protect when we brought an action against a canal company for improper distribution of water. We indicated that we were there to protect the rights of the general public and the judge asked, "Where are the people you are trying to protect?" as we stood alone there in the court room.

I believe we will stand alone on this one. Flynn should carry this one himself if he is really concerned over this temporary use and I believe the court will ask him to show injury which I don't believe he can do.

Since the temporary use is due to expire on July 1, I choose to not issue the cease and desist order.

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MAY 16 1989



7-9 1983

Department of Water Resources

PHONE (208) 466-4051

ROUTE 1, BOX 1350-A • NAMPA, IDAHO 83651

June 7, 1988

Mr. Gary Spackman
Idaho Dept. of Water Resources
1301 No. Orchard
Boise, ID 83720

Dear Mr. Spackman:

Your letter of May 27, 1988 outlined several alternatives which were considered in our meeting with the board of Directors of Opaline Ditch last evening. After consideration and discussion we have decided to proceed as follows:

1. Correspond with you outlining our decision to transfer water belonging to another farmer who is presently not using his paid for water.
2. Continue to do "business as usual" while paper work is being completed between your department and Opaline and Nampa Paving.
3. Terminate our involvement with Opaline upon completion of this construction, about July 1st.

Accordingly, please be advised that, with the agreement of the Opaline Board, Nampa Paving has purchased some water allocated to the Harold Biggs farm which is payed but not currently being used. Our use is for dust control and industrial and covers the period from June 3, 1988 to approximately July 1, 1988. We anticipate withdrawing 6 acre feet of water during the period of our use.

Based on the above please advise how we begin the application process and we will proceed immediately.

Sincerely,

Jack R. Crane
Nampa Paving & Asphalt Co.

MICROFILMED

MAR 16 1989

cc:

AGREEMENT

This Agreement, made and entered into this ____ day of _____, 1987, by and among THE IDAHO DEPARTMENT OF WATER RESOURCES, an executive agency of the State of Idaho (hereinafter "IDWR"); ~~CELESTINE~~ a junior college district (hereinafter "CSI"); PROFESSIONAL INVESTORS LIFE INSURANCE COMPANY, a corporation with principal offices in Tulsa, Oklahoma (hereinafter "Professional"); J.D. McCOLLUM and JEAN McCOLLUM, husband and wife, of Twin Falls County, Idaho (hereinafter "McCollum"); SCHOOL DISTRICT 411, an instrumentality of the State of Idaho (hereinafter "411"); MICHAEL KESTLER, an individual of Twin Falls County, Idaho (hereinafter "Kestler"); GARY STONE, an individual of Twin Falls County, Idaho (hereinafter "Stone"); FIRST CHURCH OF THE NAZARENE (hereinafter "Nazarene"); HYDROTUBE OF IDAHO (hereinafter "Hydrotube"); ARNOLD ELSING and RONALD ELSING, individuals of Twin Falls County, Idaho (hereinafter "Elsing"); MAGIC GARDENS (hereinafter "M.G."); and the CITY OF TWIN FALLS, IDAHO (hereinafter "City");

Whereas, the Director of the Department of Water Resources will consider this Agreement as limiting for the purpose of implementing Idaho Code 42-1805(7) which authorizes the Director to suspend further development of existing water rights; and

Whereas, the parties hereto (except IDWR) are the holders of valid water permits and licenses issued by IDWR, or have filed applications which IDWR has not yet approved for the purpose of diverting and beneficially using hot water from a common hot water aquifer that underlies portions of Twin Falls and Jerome Counties in the vicinity of the City of Twin Falls, Idaho; and

Whereas, the parties hereto are desirous of entering into an agreement amongst themselves and IDWR setting forth their respective rights and obligations as to the hot water, for the purpose of resolving the interfaces between the parties, and securing the dismissal of the pending lawsuit; and

Whereas, the parties are concerned that the hot water be used for the heat resource and not as a substitute where cold water is adequate for a particular beneficial use and the parties are concerned about their rights to use the hot water in the future, and are agreeable to limit their rates of

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2. Professional is the holder of License No. 36-7130 for the diversion of 6 cfs of hot water from a well located in the NW 1/4 of the NW 1/4 of Section 29, Township 9 South, Range 17 East Boise Meridian, Jerome County, Idaho. Professional agrees that hereafter, during the continuance of this Agreement, they will divert no more than 4.5 cfs of water pursuant to said license and that the primary use of said water shall be for beneficial uses which utilize the heat resource of the water. Professional also agrees that diversions under Application No. 36-8094 for non-consumptive use for power generation (if Application No. 36-8094 be issued) shall be an additional use of the same 4.5 cfs, so that during the continuance of this Agreement, Professional shall divert no more than a total of 4.5 cfs under license.

3. CSI is the owner of Permit Nos. ~~47-7478~~ and 47-7606. CSI has submitted proof on 1.21 cfs under Permit No. 47-7478. Permit No. 47-7606 was granted an extension until 1/1/1990 for 7.76 cfs. The total potential diversion under the two permits is 8.97 cfs. CSI agrees that it will limit its development to a total of 6 cfs under both permits in consideration of reaching this agreement, and that the primary use of said water shall be for beneficial uses which utilize the heat resource of the water.

4. McCollum is the owner of Permit Nos. 47-7758 and 47-7813 providing for the development of up to 25 cfs of water from the common hot water aquifer. McCollum currently diverts 6.6 cfs and herein agrees to limit total diversions under both permits from the common hot water aquifer to 8.1 cfs. McCollum agrees that the primary use of all current and future diversions shall be for beneficial uses which utilize the heat resource of the water in an efficient and reasonable manner, except for .5 cfs currently used for irrigation only, which use all parties agree may continue. If McCollum diverts more than 6.6 cfs from the common hot water aquifer, he agrees to reduce his use of hot water by the amount exceeding 6.6 cfs upon 90 days written notice if the other parties to this agreement can insure delivery in accordance with state law of high quality cold water in exchange therefor at no additional cost to McCollum.

5. 411 is the holder of Permit No. 47-7964 providing for the development of 1.11 cfs and has presently developed .5 cfs for heating purposes. In consideration for this Agreement, 411 agrees that their diversions from the common hot water aquifer shall be limited to .75 cfs for beneficial uses which utilize the heat resource of the water.

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COLLEGE OF SOUTHERN IDAHO

By [Signature]
President, Board of Trustees

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 22 day of July, 1987, before me, a Notary Public, in and for said County and State, personally appeared LaRoy Craig, known or identified to me to be the President of the Board of Trustees of the COLLEGE OF SOUTHERN IDAHO, which executed the foregoing instrument, and acknowledged to me that such 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.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

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MAR 16 1989

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 1 8 1960
Department of Reclamation

PERMIT NO. 20913

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. Harry G. Hoskins, I am 46 years old, I reside at 634 W. Washington St. I am a farmer and printer and my postoffice address is Box 775, Marsing, Idaho

Ques. 2. Are you acquainted with Everett Clark Pres. of Opaline Irrig. Dist., the holder of Permit No. 20913? How long have you known him and where does he reside?

Ans. I have known Everett Clark intimately the past 9 years. However, we actually knew each other, and our families did, over a period of the past 40 years. I know he lives 6.8 miles SE of Marsing, Idaho

Ques. 3. Have you read or heard read said Permit No. 20913, and are you familiar with its provisions and conditions?

Ans. I have complete knowledge of Permit #20913 and am familiar with its provisions and conditions.

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. The water is supplied from the Snake River, and the works consist of 3-250 h.p. turbine type motors & pumps with a lift of 57.5 sec. ft. of water. Water is conveyed by three ditches.

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. The works will conduct over 100 sec. ft. of water & I have seen 57.5 sec. ft. so delivered. This is my estimate based on the stream of water that comes out of the pumps & on the area it irrigates & the amount of water that goes through the ditches.

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. I have seen this water on the whole thing, I've watched the water delivered, I've been on most of these farms and I've studied the list & map and I believe it is accurate. The list is attached hereto. There is no meadow land.

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

Ans. This is used for irrigation only.

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

Ans. The soil is a clay, loam soil that will raise no crops without irrigation. I estimate at least 1" to the acre is needed for its profitable cultivation.

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

Ans. I have no interest whatsoever in the works, water or lands. I have farming interests immediately downstream along the Snake River from this project, but I have no interest in this at all.

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 known this land for many years prior to the time it was developed as an irrigation dist. & my farm has been in this vicinity for the past 9 years. I have had occasion to see it very often during the entire irrigation season & during the time it was being developed.

(Signed) Harry M. McDowell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise,
County of Ada, State of Idaho, on this 6th day of February,
A. D. 19 1960.

Harley M. McDowell

Harley M. McDowell

Notary Public.

My commission expires 10/11/63

20913

T 1 N - R 3 W., B.M.		
✓ Section 6, Lot 2	38.00 acres	
Lot 6, So. 83 ac.	7.00 "	
Lot 7	39.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 6, Lot 6, No. 33 Ac.	32.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 6, Lot 1	30.00 "	
SE 1/4 SW 1/4	39.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, NW 1/4 less gravel pit	32.00 "	
Lot 3 less gravel pit NE 1/4 NW 1/4	27.00 "	
Lot 4	25.00 "	
Lot 5	6.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, Lot 1	24.00 "	
Lot 2	20.00 "	
NW 1/4 NE 1/4	26.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, Lot 3 no. highway	10.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, SW 1/4 SE 1/4	3.00 "	
NW 1/4 SE 1/4	22.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, NE 1/4 SW 1/4	29.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, SW 1/4 NE 1/4	33.00 "	
SE 1/4 NW 1/4	37.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, SE 1/4 SW 1/4	2.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 7, NE 1/4 SE 1/4	19.00 "	
✓ Section 8, Lot 1	33.00 "	
Lot 2	16.00 "	
Lot 3	15.00 "	
NE 1/4 NW 1/4 SW 1/4 SW 1/4	8.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 17, Monarch Gypay	20.00 "	
Lot 1	20.00 "	
Lot 2	10.00 "	
SW 1/4 NE 1/4	15.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 17, NE 1/4 NW 1/4	10.00 "	
SE 1/4 NW 1/4	15.00 "	
NW 1/4 SE 1/4	25.00 "	
SW 1/4 SE 1/4	7.00 "	
NE 1/4 SE 1/4	30.00 "	
NE 1/4 SW 1/4	5.00 "	
T 1 N - R 3 W., B.M.		
✓ Section 17, SE 1/4 SE 1/4	38.00 "	
✓ Section 20, NE 1/4 NE 1/4	30.00 "	

20913

T 1 N - R 3 W., B.M.		
✓ Section 16, Lot 1 Ls. Exception	60.00	acres
Lot 2 less Lots 1, M, E, F,	10.00	"
T 2 N - R 4 W., B.M.		
✓ Section 35, NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.00	"
SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.00	"
SE $\frac{1}{4}$ SE $\frac{1}{4}$	37.00	"
T 2 N - R 4 W., B.M.		
✓ Section 36, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.00	"
Lot 2	36.00	"
Lot 3	36.00	"
T 2 N - R 4 W., B.M.		
✓ Section 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ less $\frac{1}{2}$ W-H	35.00	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW Hiway	7.00	"
T 2 N - R 4 W., B.M.		
✓ Section 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW Hiway	20.00	"
Lot 1	10.00	"
T 1 N - R 4 W., B.M.		
✓ Section 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.00	"
NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.00	"
NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.00	"
Lot 1	36.00	"
T 1 N - R 4 W., B.M.		
✓ Section 1, Lot 2	38.00	"
Section 1, Lot 2 SW NE	39.00	"
Lot 3	38.00	"
T 1 N - R 4 W., B.M.		
✓ Section 1, SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00	"
T 1 N - R 4 W., B.M.		
✓ Section 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.00	"
Lot 4	35.00	"
✓ Section 2, Tax No. 2, NE $\frac{1}{4}$	6.00	"
T 1 N - R 4 W., B.M.		
✓ Section 1, Lot 4, NW corner	4.00	"
T 1 N - R 4 W., B.M.		
✓ Section 2, Lot 1 less Tax No. 2 North	38.00	"
Lot 2	1.00	"
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.00	"
T 1 N - R 4 W., B.M.		
✓ Section 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$	38.00	"
NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.00	"
SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.00	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.00	"
Section 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.00	"
T 1 N - R 4 W., B.M.		
✓ Section 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.00	"
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.00	"
✓ Section 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.00	"
✓ Section 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$	27.00	"
T 1 N - R 3 W., B.M.		
✓ Section 6, Lot 3	24.00	"
Lot 4	23.00	"
Lot 5	31.5	"

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T 1 N - R 3 W., B.M. ✓ Section 6, Lot 5, SE corner, 619.1 ft. sq.	8.5 acres
T 1 N - R 3 W., B.M. ✓ Section 16, Lot 1	1.00 "
T 1 N - R 3 W., B.M. ✓ Section 16, Lots E, F, Z	3.00 "
T 1 N - R 3 W., B.M. ✓ Section 16, Lot M	1.00 "
T 1 N - R 3 W., B.M. ✓ Section 16, Lot V2-Tax #7	.5 "
T 1 N - R 3 W., B.M. ✓ Section 20, SE NE	7.00 "
✓ Section 21, S. 10 Ac., NW NW	10.00 "
T 1 N - R 3 W., B.M. ✓ Section 21, SW NW	27.00 "
NW SW	22.00 "
T 1 N - R 3 W., B.M. ✓ Section 21, SE NW	35.5 "
T 1 N - R 3 W., B.M. ✓ Section 21, SE NW, 3 ac. SE corner	3.00 "
T 1 N - R 3 W - B.M. ✓ Section 21, North 30 Ac., NW NW	25.00 "
Lot 2	40.00 "
Lot 1	35.00 "
T 1 N - R 3 W., B.M. ✓ Section 21, SW NW	3.00 "
SE SW	35.00 "
NE SW	39.00 "
NW SE	38.00 "
NE SE	39.00 "
SW SE	37.00 "
T 1 N - R 3 W., B.M. ✓ Section 21, SE SE	37.00 "
✓ Section 28, NW NE	34.00 "
NE NE	37.00 "
SE NE	12.00 "
T 1 N - R 3 W., B.M. Section 28, NE NW	4.00 "
SW NE	1.00 "
T 1 N - R 3 W., B.M. Section 27, NW SW	21.00 "
NE SW	25.00 "
T 1 N - R 3 W., B.M. Section 27, NE NW	7.00 "
SW NW	28.00 "
T 1 N - R 3 W., B.M. Section 27, Lot 1 above West Reynolds	7.00 "
SW SE	5.00 "
SE SE	7.00 "

20913

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 13 1947
Department of Reclamation

PERMIT NO. 20913

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. John Wright, I am 43 years old, I reside 9 mi. SE of Marsing, Idaho, my occupation is construction and farming, and my postoffice address is Star Rt., Melba, Idaho

Ques. 2. Are you acquainted with Everett L. Clark, Pres. Opaline Irrig. Dist., the holder of Permit No. 20913? How long have you known him and where does he reside?

Ans. I have known Mr. Clark since 1947 and know that he lives 6.8 mi. south of Marsing, Idaho

Ques. 3. Have you read or heard read said Permit No. 20913, and are you familiar with its provisions and conditions?

Ans. I have full knowledge of permit #20913 and am familiar with its provisions and conditions.

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. Water is supplied from the Snake River and the works consist of 3 - 250 h.p. turbine type pumps with a lift of 57.5 sec. ft. of water. Water is conveyed by the main canal, a canal which carries water downstream parallel to the Snake River & known as the North Canal, and a canal which carries water upstream parallel to the Snake River & known as the South Canal.

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. The works will conduct over 100 sec. ft. of water and I have seen it convey 57.5 sec. ft. This is based on the stream of water it pumps & the area it irrigates & the amt. the ditches

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. I have reviewed the list of lands & I have seen the map of the Opaline Irrig. Dist., and the list that is attached hereto is my best knowledge of the area that is irrigated. I know this area has all been put to beneficial use by this water. There is no meadow land.

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

Ans. This water is used for irrigation only.

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

Ans. Most of this land is a clay, loam soil, all very productive when it is irrigated, it will raise no crops without irrigation. I estimate 1" to the acre is needed for its profitable cultivation.

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

Ans. I have no interest in the works, water or any of the lands and I am not included within this District.

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 lived in this general area since 1947 and I have known this project since the beginning of this development. I have leveled land over a good portion of the area, I have farmed in various vicinities & I actually live the south side of the boundaries of the District so I see it almost every day when I am on my own farm.

(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 Boise,
County of Ada, State of Idaho, on this 6th day of February,
A. D. 19 60.

My commission expires 10/11/63

Harley M. McDowell

Notary Public.

20913

SUPPLEMENTAL SHEET #1 - QUESTION #5 - OPALINE IRRIGATION DISTRICT

#5. The description of the works are now the same as that filed with the completion of works, approved 3/4/54, which basically provide for 3 - 250 h.p. turbine type vertical pumps to lift 57.5 sec. ft. of water from the Snake River to the point of outfall. This outfall headbox is a concrete structure as shown on the design on file in the Dept. of Reclamation office. The water then continues through some 10 miles of canal. This canal is capable of conveying over 100 sec. ft. of water. The design on this is at least 100% in excess of the actual amount conveyed at this time. The name of the canal is the Opaline Irrigation District Canal. The ditch carrying water downstream parallel to the Snake River is known as the North Opaline Irrigation District Canal, the one conveying water parallel upstream to the Snake River is known as the South Opaline Irrigation District Canal.

In addition to these main canals, there are all of the distribution ditches and laterals, headboxes, concrete diversions and facilities necessary to distribute this water to all of the land serviced. These plans, maps and all of the works in place, are defined in our Completion of Works proof and have been maintained and improved in a condition and status as outlined at that time.

I have actually seen this water measured through the Parshall flume at the outfall of the pumps. We actually have this gauged every day during irrigation season.

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T 1 N - R 3 W., B.M.		
Section 6, Lot 2	38.00	acres
Lot 6, So. 83 ac.	7.00	"
Lot 7	39.00	"
T 1 N - R 3 W., B.M.		
Section 6, Lot 6, No. 33 Ac.	32.00	"
T 1 N - R 3 W., B.M.		
Section 6, Lot 1	30.00	"
SE 1/4 SW 1/4	39.00	"
T 1 N - R 3 W., B.M.		
Section 7, NW 1/4 less gravel pit	32.00	"
Lot 3 less gravel pit NE 1/4 NW 1/4	27.00	"
Lot 4	25.00	"
Lot 5	6.00	"
T 1 N - R 3 W., B.M.		
Section 7, Lot 1	24.00	"
Lot 2	20.00	"
NW 1/4 NE 1/4	26.00	"
T 1 N - R 3 W., B.M.		
Section 7, Lot 3 no. highway	10.00	"
T 1 N - R 3 W., B.M.		
Section 7, SW 1/4 SE 1/4	3.00	"
NW 1/4 SE 1/4	22.00	"
T 1 N - R 3 W., B.M.		
Section 7, NE 1/4 SW 1/4	29.00	"
T 1 N - R 3 W., B.M.		
Section 7, SW 1/4 NE 1/4	33.00	"
SE 1/4 NW 1/4	37.00	"
T 1 N - R 3 W., B.M.		
Section 7, SE 1/4 SW 1/4	2.00	"
T 1 N - R 3 W., B.M.		
Section 7, E 1/4 SE 1/4	19.00	"
Section 8, Lot 1	33.00	"
Lot 2	15.00	"
Lot 3	15.00	"
NW 1/4 SW 1/4 SW 1/4	8.00	"
T 1 N - R 3 W., B.M.		
Section 17, Monarch Gypsy	20.00	"
Lot 1	20.00	"
Lot 2	10.00	"
SW 1/4 NE 1/4	15.00	"
T 1 N - R 3 W., B.M.		
Section 17, NE 1/4 NW 1/4	10.00	"
SE 1/4 NW 1/4	15.00	"
NW 1/4 SE 1/4	25.00	"
SW 1/4 SE 1/4	7.00	"
NE 1/4 SE 1/4	30.00	"
NW 1/4 SW 1/4	5.00	"
T 1 N - R 3 W., B.M.		
Section 17, SW 1/4 SE 1/4	38.00	"
Section 20, NW 1/4 NE 1/4	30.00	"

T 1 N - R 3 W., B.M.		
Section 16, Lot 1 La. Exception	60.00	acres
Lot 2 less Lots 1, N, E, F,	10.00	"
T 2 N - R 4 W., B.M.		
Section 35, NE SE $\frac{1}{4}$	17.00	"
SW SE $\frac{1}{4}$	8.00	"
SE SE $\frac{1}{4}$	37.00	"
T 2 N - R 4 W., B.M.		
Section 36, NW SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.00	"
Lot 2	36.00	"
Lot 3	36.00	"
T 2 N - R 4 W., B.M.		
Section 36, SE SW $\frac{1}{4}$ less $\frac{1}{2}$ W-H	35.00	"
SW SW $\frac{1}{4}$ NW Hiway	7.00	"
T 2 N - R 4 W., B.M.		
Section 36, SW SW $\frac{1}{4}$ SW Hiway	20.00	"
Lot 1	10.00	"
T 1 N - R 4 W., B.M.		
Section 1, SE NE $\frac{1}{4}$	38.00	"
NE SE $\frac{1}{4}$	39.00	"
NW SE $\frac{1}{4}$	37.00	"
Lot 1	36.00	"
T 1 N - R 4 W., B.M.		
Section 1, Lot 2	38.00	"
SW NE $\frac{1}{4}$ SW + NE $\frac{1}{4}$	39.00	"
Lot 3	38.00	"
T 1 N - R 4 W., B.M.		
Section 1, SE NW $\frac{1}{4}$	40.00	"
T 1 N - R 4 W., B.M.		
Section 1, SW NW $\frac{1}{4}$	39.00	"
Lot 4	35.00	"
Section 2, Tax No. 2, NE $\frac{1}{4}$	6.00	"
T 1 N - R 4 W., B.M.		
Section 1, Lot 4, NW corner	4.00	"
T 1 N - R 4 W., B.M.		
Section 2, Lot 1 less Tax No. 2 North	38.00	"
Lot 2	1.00	"
SE NE $\frac{1}{4}$	23.00	"
T 1 N - R 4 W., B.M.		
Section 1, NE SW $\frac{1}{4}$	38.00	"
NW SW $\frac{1}{4}$	34.00	"
SE SW $\frac{1}{4}$	25.00	"
SW SW $\frac{1}{4}$	16.00	"
Section 2, NE SE $\frac{1}{4}$	22.00	"
T 1 N - R 4 W., B.M.		
Section 1, SE SE $\frac{1}{4}$	39.00	"
SW SE $\frac{1}{4}$	38.00	"
Section 12, NW NE $\frac{1}{4}$	4.00	"
Section 1, NE NE $\frac{1}{4}$	27.00	"
T 1 N - R 3 W., B.M.		
Section 6, Lot 3	24.00	"
Lot 4	23.00	"
Lot 5	31.5	"

T 1 N - R 3 W., B.M. Section 6, Lot 5, SE corner, 619.1 ft. sq.	8.5 acres
T 1 N - R 3 W., B.M. Section 16, Lot 1	1.00 "
T 1 N - R 3 W., B.M. Section 16, Lots E, F, Z	3.00 "
T 1 N - R 3 W., B.M. Section 16, Lot M	1.00 "
T 1 N - R 3 W., B.M. Section 16, Lot V2-Tax #7	.5 "
T 1 N - R 3 W., B.M. Section 20, SE NE 1/4 Section 21, S. 10 Ac., NW NW 1/4	7.00 " 10.00 "
T 1 N - R 3 W., B.M. Section 21, SW NW 1/4 NW SW 1/4	27.00 " 22.00 "
T 1 N - R 3 W., B.M. Section 21, SE NW 1/4	35.5 "
T 1 N - R 3 W., B.M. Section 21, SE NW 1/4, 3 ac. SE corner	3.00 "
T 1 N - R 3 W. - B.M. Section 21, North 30 Ac., NW NW 1/4 Lot 2 Lot 1	25.00 " 40.00 " 35.00 "
T 1 N - R 3 W., B.M. Section 21, SW NW 1/4 SE SW 1/4 NE SW 1/4 NW SE 1/4 NE SE 1/4 SW SE 1/4	3.00 " 35.00 " 39.00 " 38.00 " 39.00 " 37.00 "
T 1 N - R 3 W., B.M. Section 21, SE SE 1/4 Section 26, NW NE 1/4 NE NE 1/4 SE NE 1/4	37.00 " 34.00 " 37.00 " 12.00 "
T 1 N - R 3 W., B.M. Section 26, NE NW 1/4 SW NE 1/4	4.00 " 1.00 "
T 1 N - R 3 W., B.M. Section 27, NW SW 1/4 NE SW 1/4	21.00 " 25.00 "
T 1 N - R 3 W., B.M. Section 27, NW NW 1/4 SW NW 1/4	7.00 " 28.00 "
T 1 N - R 3 W., B.M. Section 27, Lot 1 above West Reynolds SW SE 1/4 SE SE 1/4	7.00 " 5.00 " 7.00 "

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

Permit No. 20913

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Opaline Irrigation District
2. Source of water supply: Snake River, tributary of Columbia
3. Location of point of diversion: Is in the Lot 3, of Section 8
T. 1 N R. 3 W County of Owyhee

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

*See C/W report in file.
Canals are as shown.*

*Acreage shown all pays assessment
Crops are hay-grain-corn-root crops.*

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: yes

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

Secs. 35, 36, T 2 N., R 4 W., B.M.

Secs. 1, 2, 12, T. 1 N., R 4 W., B.M.

Secs. 6, 7, 8, 16, 27, 17, 20, 21, 28, T 1 N., R 3 W., B.M.

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

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

Remarks:

This examination was made on the 6 day of April, 1960

(Signed) E. H. Humphrey Examiner.

20913

Examination for Beneficial Use

County

Owyhee Co.

8-1N.-3W.

Q₂ 60.0 a.f.s.

S = Snake River

P.D. = Lot 3, Sec. 8, T. 1N. - R. 3W. B. M.

Use = Irrigation

Filed = Oct. 6, 1948

Due = Feb. 4, 1960

57
50
2850

G/W - 3-4-54

no other right

INSTRUCTIONS TO EXAMINERS

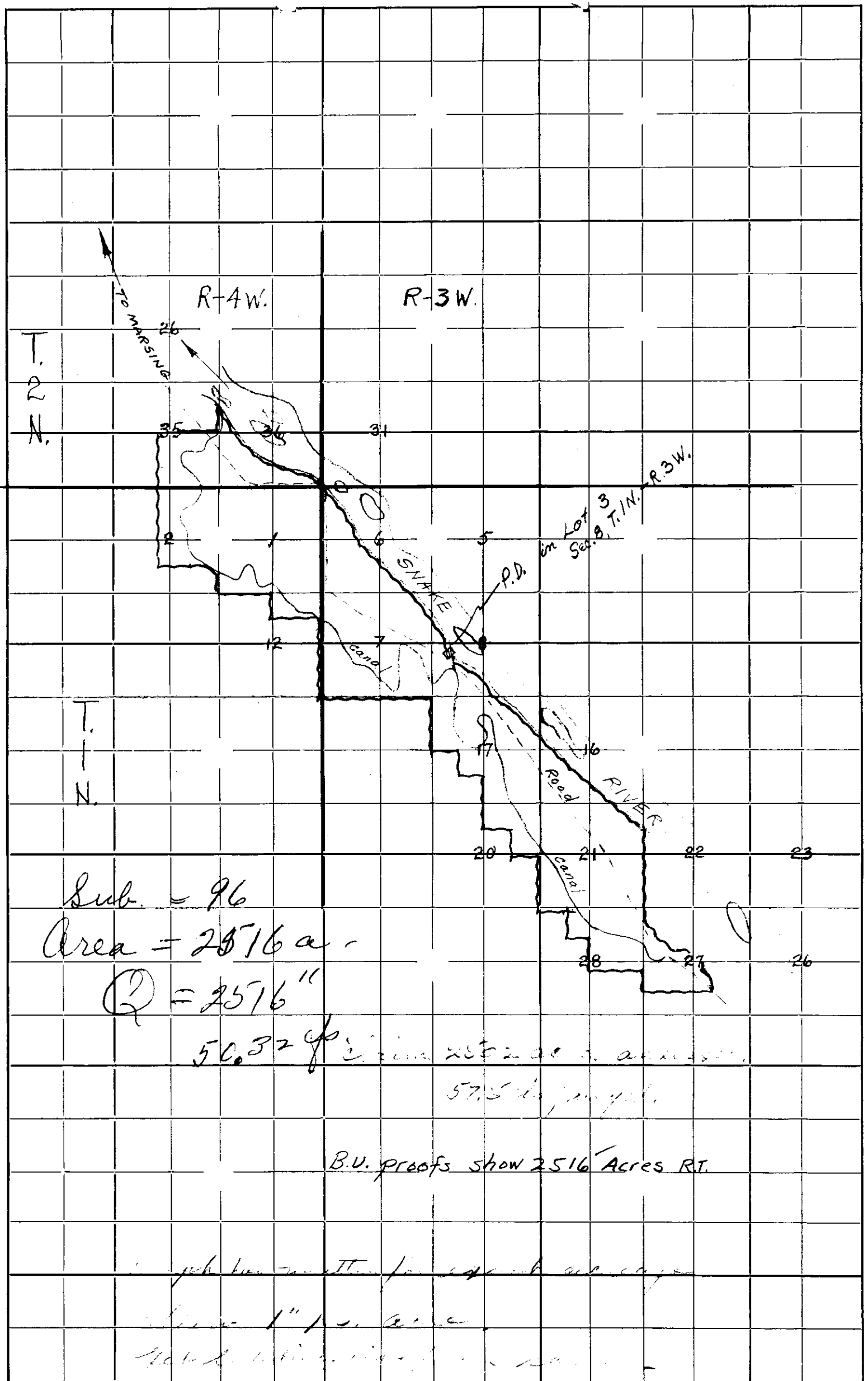
1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated 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.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20913

REPORT ON PROOF OF Beneficial Use
Everett L. Clark, President
Opaline Irrigation District
Star Route, Melba, Idaho
Residence 6.8 mi S. Marsing



April 8, 1960

RE: Permit No. 20913
Opaline Irrigation District

Everett L. Clark, President
Opaline Irrigation District
Star Route
Melba, Idaho

Dear Mr. Clark:

There are several discrepancies in the land list submitted with the proofs of beneficial use of the water.

T 1 N, R 3 W Sec. 7 shows NW $\frac{1}{4}$ NW $\frac{1}{4}$, less gravel pit	32.00 acres
Lot 3 less gravel pit	27.00 "
NE $\frac{1}{4}$ NW $\frac{1}{4}$ is not shown	
Sec. 8 shows NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.00 "
SW $\frac{1}{4}$ SW $\frac{1}{4}$ is not shown	
T 2 N, R 4 W Sec. 36 shows NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.00 "
NW $\frac{1}{4}$ SW $\frac{1}{4}$ is not shown	
T 1 N, R 4 W Sec. 1 shows SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.00 "
	and 40.00 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$ is not shown	

The acreage as shown totals 2516.0 acres.

Kindly check your records as to total acreage and corrections necessary in above list, such as in Sec. 7, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ should be NE $\frac{1}{4}$ NW $\frac{1}{4}$; also include a map of the addition to the District at the end of the South Canal.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Office Engineer

RT:mr

20913

February 26, 1960

RE: Permit No. 20913
Opaline Irrigation District

Everett L. Clark, President
Opaline Irrigation District
Star Route
Melba, Idaho

Dear Mr. Clark:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Owyhee Nugget, all submitted in proof of beneficial use of water on Permit No. 20913.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph Thomas
Office Engineer

RT:mr

20913

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 4 consecutive weeks, the first publication being on the 14 day of Jan, 1960, and the last publication being on the 4 day of Feb, 1960;

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 6 day of

Feb, 1960.

Rodney A. Hawes
NOTARY PUBLIC

My commission expires

9-10-60

(SEAL)

RECEIVED
FEB 18 1960
Department of Reclamation

NOTICE

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 6th day of February, 1960, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, proof will be submitted of the application to beneficial use of 57.5 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 20913 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Opaline Irrigation District, Marsing, Idaho.

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

The amount applied to beneficial use is 57.5 cubic ft. per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Lands within the boundaries of the Opaline Irrigation District, located in the following sections: Sections 35 and 36, T 2 N - R 4 W., B. M. Sections 1, 2 and 12, T 1 N - R 4 W., B. M. Sections 6, 7, 8, 16, 17, 20, 21, 27, 28, T 1 N - R 3 W., B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Private ditches.

The right to take water from such works is based upon Permit No. 20913.

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is 10/6/48.

GEO. N. CARTER
State Reclamation Engineer.
(Jan. 14 - Feb. 4)

20913

20913

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

RECEIVED
FEB 18 1960
Department of Reclamation

Permit No.20913.....

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Everett L. Clark, President Opaline Irrigation Dist.. I reside 6.8 miles south of Marsing, Idaho. I am a farmer (and Pres. of above Irrig. Dist.). Postoffice address is Star Rt., Melba, Idaho

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

Ans. I am acting in the behalf of the Opaline Irrigation Dist. a quasi municipal corporation organized under the laws of the State of Idaho. As President, my authority is now recorded in your office. **Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.**

Ans. Permit #20913 dated 2/4/49. Date of priority 10/6/48

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

Ans. Source of the water supply is the Snake River and the point of diversion is Lot 3, Sec. 8, T1N - R3W., B.M.

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

Ans. See supplemental sheet.

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

Ans. The purpose of this water is for irrigation. Attached hereto is a list, by legal subdivision, of the lands irrigated. This list prepared from a survey made by a licensed engineer. Each of these acres, shown on the attach., have been actually irrigated by this water, there is no natural meadow on this land, and all the improvements have been made as a direct result of this use of the water for agricultural purposes. The cost of capital construction for this development to date is \$154,257.22. All these improvements have been made as a direct result of this use.

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

Ans. _____

20913

RT

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

Ans. This is used only for irrigation.

Ques. 8. What is the minimum amount of water required for the purpose specified above?
This system was designed to deliver 1" to the acre. The ditch losses, losses in transit by the
Ans. use of 57.5 sec. ft. will not deliver 1"/ac. For crops in this area, at least 1"/ac.
could be put to beneficial use & the amt. now delivered is the min. that could be used for irrig.

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

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used. Actual surveying and preparation for this work was started as early as 1925

Ans. however immediately after issuance of the permit, active plans were prepared & work started for this permit, & it was completed on schedule in compliance with the requirement for the Completion of Works, & a new certificate for this completion was issued. The diversion on this has been continuous since that time.

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

Ans. The Opaline Irrig. Dist. has no other water permits, no other water is used or no other water is diverted onto these lands upon which beneficial use is made & are described herein and attached hereto.

OPALINE IRRIGATION DISTRICT

(Sign) BY: Ernest F. Clark
President

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

and sworn to before me, at my office in Boise, County of Ada

State of Idaho, on this 6th day of February, A. D. 1960.

Harley M. McDowell
Harley M. McDowell, Notary Public

My commission expires 10/11/69

20913

April 8, 1975

Re: License No. 02-2072 - Opaline Irrigation District

Schiller, Williams & Trabert
Attn: James E. Schiller
P. O. Box 21
Nampa, ID 83651

Dear Mr. Schiller:

The water right of the Opaline Irrigation District is evidenced by License No. 02-2072, a copy of which is enclosed for your records.

The license is for the irrigation of 2516 acres of land within the District boundaries. The lands being irrigated, when the license was issued, are tabulated on the enclosed copy of the Proof of Application of Water to Beneficial Use. However, the lands being irrigated may have changed over the years without a change application being filed, if the new land is within the District boundaries. A map of the District showing the original boundaries has been corrected to show the final boundaries, because we do not have the facilities for reproducing the large map of the final boundaries that is in our file.

An annual use of five acre feet of water per acre is a reasonable amount, although the District's water right license does not restrict the use to that amount.

As for requiring the installation of measuring devices in the system, the delivery of water by the ditch rider to the individual users, and the financial affairs of the District, these are internal matters and outside our jurisdiction.

If you have further questions, please do not hesitate to ask.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg
Enclosures

5/10/75

SCHILLER, WILLIAMS & TRABERT

CHARTERED

ATTORNEYS AT LAW

P.O. Box 21 - 1202 - 1st Street South
Nampa, Idaho 83651

JAMES E. SCHILLER
ROGER L. WILLIAMS
ROBERT L. TRABERT

TELEPHONE 466-7809
AREA CODE 208

RMH

ASSOCIATE:
EDWIN G. SCHILLER

Department of Water Resources
State Office
373 West Franklin
Boise, Idaho

Attention: Mr. Higginson

*Prepared
reply* *ARO*

Dear Sir:

I have been retained by several water users in the Opaline Irrigation District, Owyhee County, Idaho. Very serious problems have arisen within the district which call for an investigation and aid and assistance from your department.

As I understand it and according to my memory, this district was formed in the 1950's as a regular irrigation district under the laws of the State of Idaho. The late Mr. Cleve Groom, Attorney at Law, of Caldwell, Idaho was the attorney. The district bonded itself and it is my understanding that the Farmers Home Administration purchased the bonds.

Our first request is that you furnish to me the total water right of the district. The source of water from the district by pump with one point of diversion from the Snake River. }

The next request is that you furnish to me from your records, the legal descriptions of the various lands in the district. What I need is to determine each tract of ground within the district and the water right for that particular tract of ground.

It is my contention that each tract of ground would have a water right and that water right could be used for all or any portion of that tract of ground at the owner's discretion.

In 1974, Mr. Foyt and Mr. Hamilton of your office came to the Opaline Irrigation District and it is reported to me that they found that the measuring devises were not standard and were

Department of Water Resources

March 11, 1975

Page Two

probably being misread. The problem has come to a head this year in that many users received a bill for excessive water, and many users did not receive a bill for excessive water. Enclosed you will find a letter from the Secretary-Treasurer of the irrigation district purportedly sent to all users. The first sentence of this letter is the reason that I am writing to you. I want to know if the five (5) acre feet per acre is an accurate statement of the water right and I also need to know the legal description of each tract of ground and its respective water right. We have a situation where one user has a water right for 84 acres. However, he is only irrigating approximately 55 acres. I contend that under these circumstances he has a full water right to the full 84 acres and may use that amount of water wherever he chooses. Nevertheless, this man received a substantial excessive water bill when in fact he did not use his full water right.

I am further advised that water is being pumped out of the Opaline Irrigation ditches to the land that is not within the confines of the Opaline Irrigation District and is not land that is encumbered by the bonded indebtedness of the district. My clients have further complained to me that the ditch and the measurement of water is not being done in an accurate manner. It has been reported to me that the ditch rider who receives the salary is actually the wife of the man who does in fact ride the ditch. As I say, these facts have merely been reported to me and I am not asserting the truth of the same but am requesting that your office make an investigation of this situation.

There has to be installed, maintained and used, an accurate measuring system in the district.

Another situation arose in approximately June of 1974 when two of the pumps of the district went out of order, and the third pump of the district became inoperative which resulted in partial water for the entire district. It is my contention that in such a situation, each tract of ground is to receive their prorata share of the decreased water supply. However, it is reported to me that during this period of time some of the lands received all or nearly all of their total allotment and others received such a small amount that various fields went dry and crops were lost.

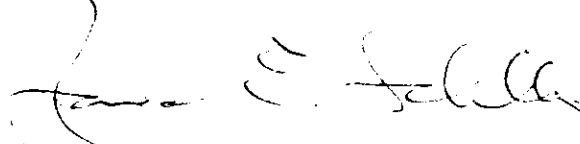
Department of Water Resources
March 11, 1975
Page Three

I am sure that you are aware of the emotions in water matters and I do request that your office make a thorough investigation of the situation in the Opaline Irrigation District so that each person's water right can be determined and proper instructions can be given to the Board of Directors of the district so that there is a full and equitable compliance with the Idaho laws, particularly as to delivery, the amount of water rights and that there can be a fair and just assessment as to each tract of ground and that the situation concerning these alleged excess water charges can be straightened out. Such efforts on the part of your office will undoubtedly lessen the chances of extensive litigation. I am sending a copy of this letter to Mr. Adam H. Blackstock, Secretary-Treasurer of the district so that he can present the same to the Board of Directors and I am sending a copy to Farmers Home Administration in Marsing Idaho in connection with their position as bond holders.

There is also one other matter that needs to be looked into and that is the situation that has arisen concerning the standby pump that was purchased in 1974. We understand that this was financed through a bank and the method of assessment to each tract within the district should be looked into to see if the same complies with the Idaho statutes.

Sincerely yours,

SCHILLER, WILLIAMS & TRABERT,
CHARTERED



James E. Schiller

JES/mh

CC: Adam H. Blackstock
Farmers Home Administration

Meridian Irrigation District (cont'd)

Edward Schmidt, Watermaster, Route 3, Nampa, Idaho 83651
Eugene H. Anderson, Attorney, P. O. Box 2773, Boise, Idaho 83704
Chester Eggers, Jr., Director
Clarence L. Charring, Director
Clarence L. Yensen, Director, 3181 Mountain View, Boise, Idaho 83704

New Sweden Irrigation District

Milo Beckman, President, Route 5, Idaho Falls, Idaho 83401
George Gunnarson, Vice-President, Route 1, Firth, Idaho 83236
Mrs. Jerry Strom, Secretary-Treasurer, Route 4, P. O. Box 193A, Idaho Falls, Idaho 83401
Ralph Heston, Manager, Route 4, P. O. Box 157, Idaho Falls, Idaho 83401
John Hansen, Attorney, P. O. Box 96, Idaho Falls, Idaho 83401
Milo Beckman, Director
George Gunnarson, Director
Don Dixon, Director, Route 4, Idaho Falls, Idaho 83401

New York Irrigation District

Carl Huntsinger, President, Kuna, Idaho 83634
Louis Andecoa, Vice-President, Route 3, Boise, Idaho 83705
Gayle Johnson, Secretary, 1601 E. Boise Avenue, Boise, Idaho 83706
S. Walter Guthrie, Manager and Treasurer, P. O. Box 697, Boise, Idaho 83701
Raymond D. Givens, Attorney, P. O. Box 964, Boise, Idaho 83701

Opaline Irrigation District

Evertt L. Clark, President, Star Route, Melba, Idaho 83641
T. F. Johnston, Vice-President, Star Route, Melba, Idaho 83641
Adam H. Blackstock, Secretary, Star Route, Melba, Idaho 83641
C. C. Young, Director, Star Route, Melba, Idaho 83641
Evertt L. Clark, Director
T. F. Johnston, Director

Pioneer Irrigation District

Fred Houston, President, Route 3, Caldwell, Idaho 83605
Hazel A. Robinson, Secretary-Treasurer, P. O. Box 426, Caldwell, Idaho 83605
Arthur S. Norland, Manager, P. O. Box 426, Caldwell, Idaho 83605
Peter J. Boyd, Attorney, P. O. Box 1559, Boise, Idaho
Harold Whittig, Director, Route 6, Caldwell, Idaho 83605
Wayne Naugle, Director, Route 2, Nampa, Idaho 83651

Poplar Irrigation District

Carl E. Spaulding, President, Route 2, P. O. Box 270A, Ririe, Idaho 83443
Jessie Byington, Secretary-Treasurer, Star Route, P. O. Box 15, Ririe, Idaho 83443
Emla Landon, Director, RR2, Rigby, Idaho 83442
Carl E. Spaulding, Director
May B. Wheeler, Director, Star Route, Ririe, Idaho 83443

02-2072

See rolled maps

*B-326 in
map cabinet in
vault

02-2072

11-18
**STATE OF IDAHO
DEPARTMENT OF
RECLAMATION**

**NOTICE OF APPLICATION
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF IDAHO IN ACCORDANCE
WITH THE PROVISIONS OF
SECTION 41-203, IDAHO CODE
ANNOTATED**

NOTICE IS HEREBY GIVEN
that the Opaline Irrigation District of Marsing, Idaho, made application, on the 6th day of October, 1948, for permit to ap-

propriate Sixty (60) cubic feet per second of water from Snake River for irrigation purposes.

That the point of diversion of said water as described in the application is located 750 feet East and 780 feet Southeast from the quarter corner common to Sections 7 and 8, Township 1 North, Range 3 West, B. M., and in Lot 3, Section 8, Township 1 North, Range 3 West, B. M.

That the lands to be irrigated, as described in said application, consist of 2,279 acres in the following Sections:

Sections 35 & 36, Twp. 2 N., Range 4 W., B. M.

Sections 1, 2, & 12, Twp. 1 N., Range 4 W., B. M.

Sections 6, 7, 8, 16, 17, 20, 21, and 28, Twp. 1 N., Range 3W., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 18th day of October, 1948.

MARK R. KULP

State Reclamation Engineer

Date of first publication. October 28, 1948.

Date of last publication: November 11, 1948.

Last date for protest: November 27, 1948.

Service of the Foregoing, by copy, is hereby acknowledged, this 25 day of October, 1948.

**OPALINE IRRIGATION
DISTRICT**

By Adam H. Blackstock
Its Secretary

2-2672

Elmer —

Land list on proofs
has been changed to
correct in red pencil where
there were duplication of
"405".

List shows 2516 acres.

T2N R4W Sec 35 — 3[✓]
36 — 6[✓]

1N 4W 1 — 16[✓]
2 — 5[✓]
12 — 2[✓]

1N 3W — 6 — 8[✓]
7 — 14[✓]
8 — 4[✓]
16 — 2[✓]
17 — 10[✓]
20 — 2[✓]
21 — 12[✓]
27 — 7[✓]
28 — 5[✓]

~~96~~ — Sub-divisions

02-203

Inspections

a 7427	April 7.	Jart	
27428	" 7.	Schamber-	
		Reynolds.	April 6
		Opaline Drilling Co.	2011-
		Ind. Ach. Dis.	April 10
			\$-27520
Boyle, Luc.	"		28184
Hice & Hapson.	April 11		25165
Joe Mayee	April 12		23109
Edmison	"		g-24917
Clelland	"		25981
Parkett.	14		
McKee	" 18		20638
Koshing.	" "		20937
Karowltm	" 19		25202
	19		28282
Jackson	"		
Salary to Kern			
Bauer	" 20		G-25903
Mendyck	" 20		27701
Rogers	" 21		19953

02-2072

September 15, 1960

Re: Permit No. 20913

Everett L. Clark, President
Opaline Irrigation District
Star Route, Melba, Idaho

Dear Mr. Clark:

We enclose License and Certificate of Water
Right issued on Permit No. 20913.

We acknowledge receipt of your check in the
amount of \$192.00 covering fees. Departmental Receipt
No. 30266 was issued for this amount.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Hale
Chief Clerk

EPR:ew

Enc. certificate & license
of water right

20913

RT

copy

Re: Permit No. 20913

Everett L. Clark, President
Opaline Irrigation District
Star Route, Melba, Idaho

Dear Mr. Clark:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 20913 shows ~~xxxx~~ /Snake River is capable of conveying 2516 miner's inches, or 50.32 c.f.s. of water for the irrigation of 2516 acres.

Upon receipt of the statutory fee of \$192.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of October 8, 1948 to the use of 50.32 second feet of surface water with the point of diversion in Lot 3, Sec. 8, T. 1 N., R. 3 W., for the irrigation of 2516 acres in Secs. 6, 7, 8, 16, 17, 20, 21, 27, 28, T. 1 N., R. 3 W., B. M.; Sec. 1, 2, 12, T. 1 N., R. 4 W., B. M.; Secs. 35 and 36, T. 2 N., R. 4 W., B. M.

Very truly yours,

Geo. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule

ERP:ew

Receipt 30266 received - September 8, 1960 for \$192.00

20913

January 26, 1960

Re: Permit No. G-25199 - Charles M. Fiedler
No. 20913 - Opaline Irrigation Dist.

Mr. Harley M. McDowell
Idaho Land & Map Service
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

We enclose amendments to the land lists on
the above numbered permits in the name of Charles M. Fiedler
and the Opaline Irrigation District, which have been recorded
in this office.

Very truly yours,

W. H. Smith
State Reclamation Engineer

Sy:

(Mrs.) Edna F. Rutledge
Chief Clerk

HP:ew

Enc. amendments

20913

To Permit to Appropriate the Public Waters
of the State of Idaho, No. 20913

Comes now Opaline Irrigation District, 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. 20913, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Lands within the boundaries of the Opaline Irrigation District, located in the following sections:

Sections 35 and 36, T 2 N - R 4 W., B.M.

Sections 1, 2, 12, T 1 N - R 4 W., B.M.

Sections 6, 7, 8, 16, 27, 17, 20, 21, 28, T 1 N - R 3 W., B.M.

, making a total of _____ 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 Boise, Idaho, this 6 day of January, 1960

Opaline Irrigation District

By Harley M. McDowell
Harley M. McDowell, Agent

Date of receipt at office of Department of Reclamation January 22, 1960

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, 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. 20913. 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.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

January 5, 1960

Re: Permit No. 20913
Opaline Irrigation District

Mr. Harley M. McDowell,
Box 2161
Boise, Idaho.

Dear Mr. McDowell:

This acknowledges the Notice of Proof of ~~Completion of Work~~ and Application of Water to Beneficial Use under Permit No. 20913, in the name of Opaline Irrigation District. Final Proof is to be made before you, as Notary on the 6th day of February, 1960, ¹⁹⁵⁹~~xxxx~~, at 10:00 o'clock A.M., at Boise, Idaho.

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

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. 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, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR:Pk
cc: Applicant

20913

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Date:

RE: Permit No. 20913
Opaline Irrigation District

Omyhee Nuggett
Marsing, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 6, 1960** the date set for proof; the expense of the publication is to be paid by the applicant

Opaline Irrigation District of **Marsing, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

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

Encl. EPR:mr

20913

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

Notice is hereby given that at 10 A. M. on the 6 day of February, 1960,
at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, proof will be submitted of the
application to beneficial use of 57.5 cubic feet per second of the waters of Snake River
in accordance with the terms and conditions of Permit No. 20913
heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Opeline Irrigation District, Marsing, Idaho.

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 57.5 cubic ft. per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

~~Snake River~~ Lands within the boundaries of the Opeline
Irrigation District, located in the following sections:

Sections 35 and 36, T 2 N - R 4 W., B.M.

Sections 1, 2 and 12, T 1 N - R 4 W., B.M.

Sections 6, 7, 8, 16, 17, 20, 21, 27, 28, T 1 N - R 3 W., B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

Private ditches.

The right to take water from such works is based upon Permit No. 20913

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is 10/6/48

Geo. H. Carter

State Reclamation Engineer.

20913

RECEIVED
JAN 4 1960
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 30, 1959

(P. O.) Marsing, 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
Nampa Free Press

of Marsing
Nampa, Idaho

published in

the county in which the works are situated.

Opaline Irrigation District

Ernest F. Clark

Pres.

Wm. R. Hall

Director

Alan H. Blacklock, Secretary

(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.

20913

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

DEPARTMENT OF RECLAMATION

RE: Permit No. 20913

Date Dec. 1, 1959

**Opaline Irrigation District
Marsing, Idaho**

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 20913 is due not later than Feb. 4, 1960. 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 or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), 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 40-acre 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.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 10 - 11
instructions

20913

August 9, 1955

RE: Permit No. 20913

General Casualty Company of America
203 Jefferson Building
Boise, Idaho

ATTENTION: M. E. Hartley
Surety Department

Dear Madam:

In reply to your letter of August 2, 1955, relative to Bond No. 187235 to the Opaline Irrigation District. Since the work has been completed as required under the terms of Permit No. 20913 the Bond may be terminated for any liability from and after the above date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:cu

20913



GENERAL INSURANCE COMPANY OF AMERICA
FIRST NATIONAL INSURANCE CO. OF AMERICA
GENERAL CASUALTY COMPANY OF AMERICA

HOME OFFICES - SEATTLE 5, WASHINGTON

H. K. DENT
CHAIRMAN OF THE BOARD
W. L. CAMPBELL
PRESIDENT

BOISE SERVICE OFFICE
TEL: 2-5668

BOISE, IDAHO
203 JEFFERSON BUILDING

August 2, 1955

State of Idaho
Idaho State Dept of Reclamation
State House
Boise, Idaho

Re: Bond #187235
Opaline Irrigation District

Gentlemen:

We have been asked to cancel the captioned bond, which was executed by the General Casualty Company of America on August 28, 1950 to the Opaline Irrigation District.

If this bond is no longer required we will appreciate a letter from your office authorizing us to cancel the bond, effective August 28, 1955.

A return envelope is enclosed for your convenience and requires no postage.

Yours very truly,

GENERAL CASUALTY COMPANY OF AMERICA

M. E. Hartley
M. E. Hartley
Surety Department

RECEIVED
AUG 3 1955
Department of Reclamation

20913

✓
March 5, 1954

RE: Permit No. 20913

Opaline Irrigation District
Marsing,
Idaho

Gentlemen:

We enclose Certificate of Completion of Works issued on Permit No. 20913 for the diversion of 57.5 second feet of water from Snake River with point of diversion in Lot 3 Section 8, Township 1 North, Range 3 West B.M. for the irrigation of land within the boundaries of the Opaline Irrigation District.

We also enclose departmental receipt No. 26524 for the \$19.40 Certificate fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A;hll
Enc.

20913

✓
February 23, 1954

RE: Permit No. 20913

Opaline Irrigation District
C/o Vene Foster, President
Box 86
Marsing, Idaho

Dear Mr. Foster:

We have on file the report of our field engineer on inspection for completion of works on Permit No. 20913, which report shows that your works are capable of delivering 57.5 second feet of water from Snake River.

Therefore, upon receipt of the statutory fee of \$19.40, Certificate of Completion of Works will be issued for that amount.

This fee is at the statutory rate of \$5.00 for the first ten second feet and thirty cents for each additional second foot or fraction thereof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

20913

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

Permit No. 20913

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

1. Name of applicant Opalime Irrigation District, Marsing, Idaho
2. Source of water supply: Snake River.
3. Location of point of diversion: Is in the Lot 3 of Section 8
T. 1 N. R. 3 W. County of Owyhee
4. Describe works as they exist, giving dimensions and capacities of same: _____

There is a large pumping building located in lot 3, Section 8, 1 North, 3 West, as indicated on their filing. There are three large motors and pumps located in a single building, discharges together in a forty inch pipe line that leads to the outlet structure and their irrigation canal. Building is of concrete cinder block 12'x10'x20' high with a 10' addition on the West to house the switches and controls. There ~~was~~ is a heavy track with a 10 ton hoist in the ceiling which is used for lifting the pumps and motors. Motors are 250 horse power, 2300 Volts, 55.2 Amps., 1180 RPM, Serial No. 598451, 598452, 598453. All motors are identical. Pumps are single stage, 28 inch bowels, Serial No. PN4617, PN4616, PN4618. Switches and controls are Cuttler Hammer. In-take structure is 15½ feet over-all, composed of three sections, screened with an iron screen made of 3/16 inch by 2 inch iron. Placed on sloping, 2 inch centers. Outlet control box ^{concrete} is 8'x12'x7½' deep. There ~~are~~ are two control gates 42 inches wide by 38 inches high in the large canal to the West and one 42 inch by 38 inch high control gate in the canal to the South and East. There is a two foot parshall flume in the canal leading to the South East and a 4 foot parshall flume in the canal leading to the West. The large canal is 12 feet wide in the bottom and is approximately 4 feet deep. The canal to the SE is approximately half the size of the two to the West. Total lift is 108 feet.

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

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

Remarks: A check test was run on these pumps by Dick Lockwood for the Gem State Electric Company of Boise, and a copy of the report is attached.

Thomas J. F. H. A. was there when Lockwood made test. He says that flow was checked by use of the Parshall flumes - said flumes were not submerged.

J. Blackstock believes this is all the water needed unless the district is enlarged.

This examination was made on the 18 day of Feb, 1954(Signed) E. M. Humphrey Examiner.

20913

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion:
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):

Lands within the boundaries of the Opaline Irrigation District, located in the following sections:

Sections 35 and 36, Twp. 2 North, Range 4 West, B. M.

Sections 1, 2 and 12, Twp. 1 North, Range 4 West, B. M.

Sections 7, 8, 16, 17, 20, 21, 27 and 28, Township 1 North, Range 3 West, B. M.

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

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

Remarks: A check test was run on these pumps by Dick Lockwood for the Gen State Electric Company of Boise, and a copy of the report is attached.

Thomas of F. H. A. was there when Lockwood made test. He says that flow was checked by use of the Parshall flumes - said flumes were not submerged.

J. Blackstock believes this is all the water needed unless the district is enlarged.

This examination was made on the 15 day of Feb, 1954

(Signed) E. M. Humphrey
Examiner.

Take 15 1/2' overall

3 sections

Iron screens - sloping
2" centers 3/4" x 2"

40" dia. pipe

Concrete control box
8' x 12' x 7 1/2' deep.

3 control gates 42" w x 38"

Concrete leading to canal
54" h.

RECEIVED
FEB 20 1954
Department of Reclamation

Parshall flume 4' w
2 1/2' = 2. 1.5' = ave. reading

Canal 12' w in bottom

24" flume to S.
high read = 1.75 ave. = 1.55

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.

Canal 6' in bottom

225 yds pipe line

Opaline Irrigation District
Marsing, Idaho

Permit No. 20913

Examination for Completion of Works

County Owyhee

8-1N-3W.

Q = 60.0 c.f.s.

S - Snake River

P.O. = Lot 3, Sec. 8, T. 1N. - R. 3W.

Use = Irrigation

Harry Prescott

Everett Clark

J. Blackstock

1.8 in fr. River Gage

Priority = Oct. 6, 1948

Due = Feb. 4, 1960

Bldg 18' x 30' x 20' h. Concrete
20' min. port - under 12'
Heavy track with 10T. hook
for pulling motor & pumps

F.M. Motor 250 hp.

1180 rpm 2300V. 552 amp

598451 1000 gpm = 1 gpm

Pump = P.N. 4617 = #1

" P.N. 4616 = 2

P.N. 4618 = 3

28" h-w
single
stage

598453 = motor

598452 = "

Outlet = 64" cir.

Renegade Valve

Leroy N. F.

20-12

100 W on all lines

all duplicates

Cutter Hammer
Surveys & Controls
Surveys in shed

100' left.

Gen State Electric Co.
in Boise made a
test on Oct 13-53,

W. B. river pump 18.8 cfs.
2nd 19.4 cfs.
19.6 cfs
57.8

All three together 57.5 cfs

#1 = 54 amps	97.5%
2 = 57 1/2 amps	103.5%
3 = 58 amps	105%

made by Dick Lockwood.

10 cfs @ 105 head, each
guaranteed in spec.
Dean Beck field Engr
for F. M. Co.

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

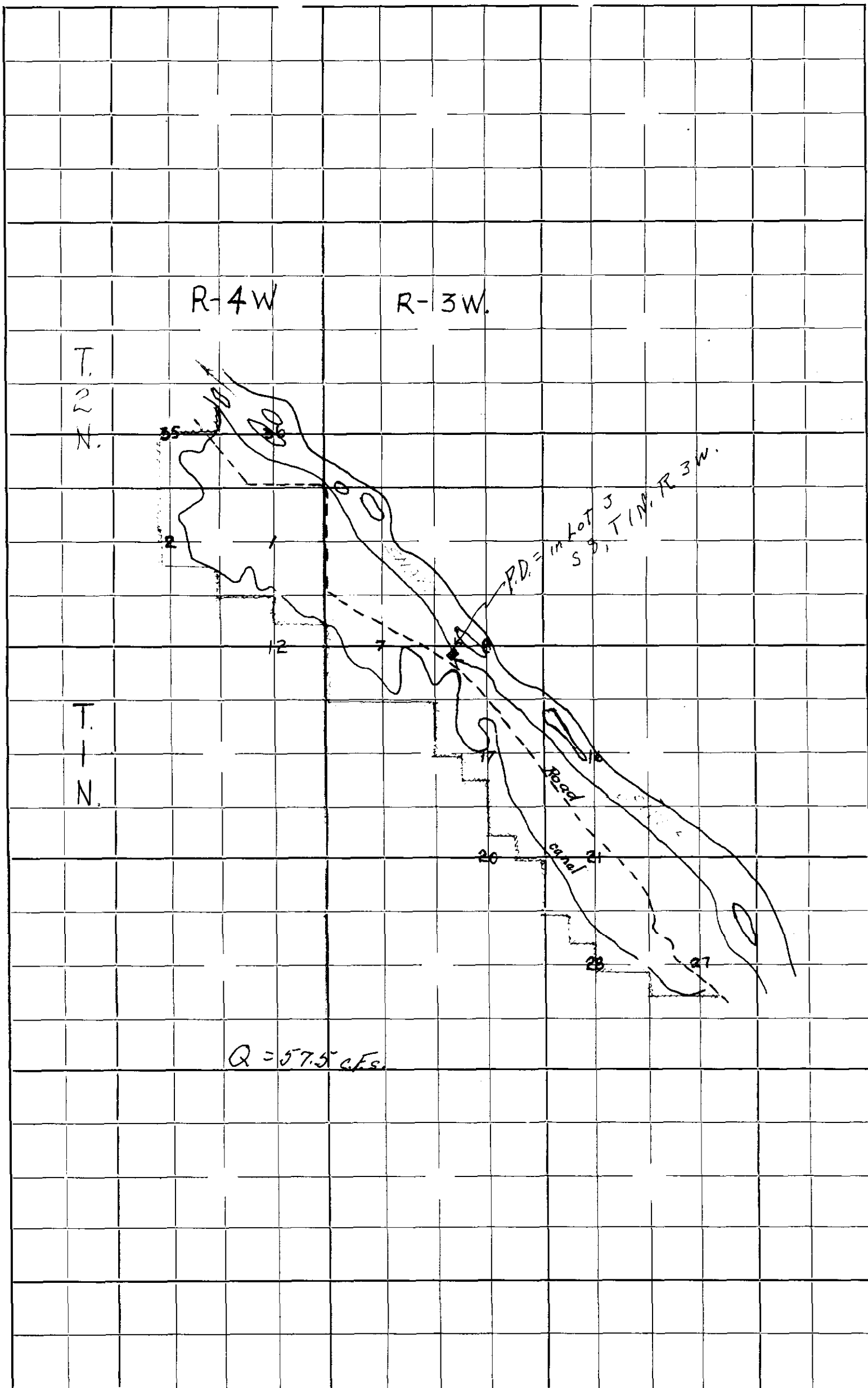
PERMIT NO. 20913

REPORT ON PROOF OF Completion of Works

OPALINE IRRIGATION DISTRICT, Marsing, Idaho

app. 60 cfs

57.5 cfs
max



November 3, 1953

RE: Permit No. 20913

Mr. Peter J. Boyd
M. H. King Building
Caldwell, Idaho

Dear Mr. Boyd:

We acknowledge receipt of your letter of November 2nd enclosing depositions of Vene Foster and two witnesses, also affidavit of publication in the Owyhee Nugget all in proof of Completion of works on Permit No. 20913 of the Opaline Irrigation District.

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

We cannot say just when this examination will be made, but our field engineer will contact Mr. Foster at the time he makes the examination in order that he may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

s/re
CC/ Opaline Irrigation District

20913

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 and every week for consecutive weeks, the first publication being on the day of Oct. 1922, and the last publication being on the day of Oct. 1922.

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 30th day of Oct., 1922.

.....
Notary Public

My commission expires

(SEAL)

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A. M. on the 31st day of October, 1953, at Caldwell, County of Canyon, State of Idaho, before Peter Boyd, Notary Public, proof will be submitted of the completion of works for the diversion of 60 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Opaline Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Marsing, County of Owyhee, State of Idaho.

3. The number of such permit is 20913, and the date set for the completion of such work is September 4, 1954.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 60 cubic feet per second.

6. The amount of lands for which said water is available is 2667 acres, particularly described as follows: Lands within the boundaries of the Opaline Irrigation District, located in Sections 35 and 36, Twp. 2 N., Rge. 4 W., B. M.; Sections 1, 2 and 12, Twp. 1 N., Rge. 4 W., B. M.; Sections 7, 8, 17, 18, 20, 21, 22 and 28, Twp. 1 N., Rge. 4 W., B. M.

20913
MARK A. KULP,
State Reclamation Engineer.
(Oct. 8 - 20)

20913

T 1 N 4 R 3 W., B.M.		
Section 6, Lot 2	38.00 acres	
Lot 6, So. 83 ac.	7.00 "	
Lot 7	39.00 "	
T 1 N - R 3 W., B.M.		
Section 6, Lot 6, No. 33 Ac.	32.00 "	
T 1 N - R 3 W., B.M.		
Section 6, Lot 1	30.00 "	
SE 1/4 SW 1/4	39.00 "	
T 1 N - R 3 W., B.M.		
Section 7, NW 1/4 NW 1/4 less gravel pit	32.00 "	
Lot 3 less gravel pit NE 1/4 NW 1/4	27.00 "	
Lot 4	25.00 "	
Lot 5	6.00 "	
T 1 N - R 3 W., B.M.		
Section 7, Lot 1	24.00 "	
Lot 2	20.00 "	
NW 1/4 NE 1/4	26.00 "	
T 1 N - R 3 W., B.M.		
Section 7, Lot 3 no. highway	10.00 "	
T 1 N - R 3 W., B.M.		
Section 7, SW 1/4 SE 1/4	3.00 "	
NW 1/4 SE 1/4	22.00 "	
T 1 N - R 3 W., B.M.		
Section 7, NE 1/4 SW 1/4	29.00 "	
T 1 N - R 3 W., B.M.		
Section 7, SW 1/4 NE 1/4	33.00 "	
SE 1/4 NW 1/4	37.00 "	
T 1 N - R 3 W., B.M.		
Section 7, SE 1/4 SW 1/4	2.00 "	
T 1 N - R 3 W., B.M.		
Section 7, E 1/4 SE 1/4	19.00 "	
Section 8, Lot 1	33.00 "	
Lot 2	16.00 "	
Lot 3	15.00 "	
NE 1/4 SW 1/4 SW 1/4 SW 1/4	8.00 "	
T 1 N - R 3 W., B.M.		
Section 17, Monarch Gypay	20.00 "	
Lot 1	20.00 "	
Lot 2	10.00 "	
SW 1/4 NE 1/4	15.00 "	
T 1 N - R 3 W., B.M.		
Section 17, NE 1/4 NW 1/4	10.00 "	
SE 1/4 NW 1/4	15.00 "	
NW 1/4 SE 1/4	25.00 "	
SW 1/4 SE 1/4	7.00 "	
NE 1/4 SE 1/4	30.00 "	
NE 1/4 SW 1/4	5.00 "	
T 1 N - R 3 W., B.M.		
Section 17, SE 1/4 SE 1/4	38.00 "	
Section 20, NE 1/4 NE 1/4	30.00 "	

797 00

20913

T 1 N - R 3 W., B.M. Section 6, Lot 5, SE corner, 619.1 ft. sq.	8.5 acres
T 1 N - R 3 W., B.M. Section 16, Lot 1	1.00 "
T 1 N - R 3 W., B.M. Section 16, Lots E, F, Z	3.00 "
T 1 N - R 3 W., B.M. Section 16, Lot M	1.00 "
T 1 N - R 3 W., B.M. Section 16, Lot V2-Tax #7	.5 "
T 1 N - R 3 W., B.M. Section 20, SE NE 1/4	7.00 "
Section 21, S. 10 Ac., NW NW 1/4	10.00 "
T 1 N - R 3 W., B.M. Section 21, SW NW 1/4	27.00 "
NW SW 1/4	22.00 "
T 1 N - R 3 W., B.M. Section 21, SE NW 1/4	35.5 "
T 1 N - R 3 W., B.M. Section 21, SE NW 1/4, 3 ac. SE corner	3.00 "
T 1 N - R 3 W. - B.M. Section 21, North 30 Ac., NW NW 1/4	25.00 "
Lot 2	40.00 "
Lot 1	35.00 "
T 1 N - R 3 W., B.M. Section 21, SW NW 1/4	3.00 "
SE SW 1/4	35.00 "
NW SW 1/4	39.00 "
NW SE 1/4	38.00 "
NE SE 1/4	39.00 "
SW SE 1/4	37.00 "
T 1 N - R 3 W., B.M. Section 21, SE SE 1/4	37.00 "
Section 28, NW NE 1/4	34.00 "
NE NE 1/4	37.00 "
SE NE 1/4	12.00 "
T 1 N - R 3 W., B.M. Section 28, NE NW 1/4	4.00 "
SW NE 1/4	1.00 "
T 1 N - R 3 W., B.M. Section 27, NW SW 1/4	21.00 "
NE SW 1/4	25.00 "
T 1 N - R 3 W., B.M. Section 27, NE NW 1/4	7.00 "
SW NW 1/4	28.00 "
T 1 N - R 3 W., B.M. Section 27, Lot 1 above West Reynolds	7.00 "
SW SE 1/4	5.00 "
SE SE 1/4	7.00 "

634.50

2576.00 acres.

5032 ch. 20913

T 1 N - R 3 W., B.M.		
Section 16, Lot 1 Ls. Exception	60.00 acres	
Lot 2 less Lots 1, M, E, F,	10.00 "	
T 2 N - R 4 W., B.M.		
Section 35, NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.00 "	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.00 "	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	37.00 "	
T 2 N - R 4 W., B.M.		
Section 36, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.00 "	
Lot 2	36.00 "	
Lot 3	36.00 "	
T 2 N - R 4 W., B.M.		
Section 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ less $\frac{1}{2}$ W-H	35.00 "	
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW Hiway	7.00 "	
T 2 N - R 4 W., B.M.		
Section 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW Hiway	20.00 "	
Lot 1	10.00 "	
T 1 N - R 4 W., B.M.		
Section 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.00 "	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.00 "	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.00 "	
Lot 1	36.00 "	
T 1 N - R 4 W., B.M.		
Section 1, Lot 2	38.00 "	
Section 1 SW NE	39.00 "	
Lot 3	38.00 "	
T 1 N - R 4 W., B.M.		
Section 1, SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.00 "	
T 1 N - R 4 W., B.M.		
Section 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.00 "	
Lot 4	35.00 "	
Section 2, Tax No. 2, NE $\frac{1}{4}$	6.00 "	
T 1 N - R 4 W., B.M.		
Section 1, Lot 4, NW corner	4.00 "	
T 1 N - R 4 W., B.M.		
Section 2, Lot 1 less Tax No. 2 North	38.00 "	
Lot 2	1.00 "	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.00 "	
T 1 N - R 4 W., B.M.		
Section 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$	38.00 "	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.00 "	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.00 "	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.00 "	
Section 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.00 "	
T 1 N - R 4 W., B.M.		
Section 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.00 "	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.00 "	
Section 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.00 "	
Section 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$	27.00 "	
T 1 N - R 3 W., B.M.		
Section 6, Lot 3	24.00 "	
Lot 4	23.00 "	
Lot 5	31.5 "	

PERMIT NO. 20913

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Vene Foster; Marsing Ida. Box 86; farming

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. Opaline Irrigation District; place of business Marsing, Idaho
President and Chairman of Board of Directors.

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

Ans. February 4, 1949; 60 cu. ft. per second and point of diversion

750 ft. East and 780 ft. S.E. from Quarter corner of Sections 7 & 8 T. 1 North R. 3 W.B.M. and is in Lot 3 of Sec. 8 T. 1 North R. 3 W.B.M. Owyhee Cty
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 intend to reclaim.

Ans. irrigation. No. of acres 2667, described as; lands located in Section 35 and 36 Twp. 2 N. R 4 WBM; Sections 1, 2 and 12, Twp. 1 N. R 4 WBM; Sections 7, 8, 17, 16, 20, 21, 27 and 28, Twp. 1 N. R 3 WBM all in Owyhee County, Idaho.

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. yes. April 6, 1953; water turned into full capacity.

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

Ans. Works are fully completed and comply with terms of permit.

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. none

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Pump and Penstock & distribution system by main canal, laterals and headgates; Pumps are three 250 H.P. 440 volts 1150 r.p.m. vertical propelled pumps.

(Sign here.)

Vene Foster

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 31st day of October, A. D. 1953.

Peter J. Boyd

Notary Public.

My Commission expires May 18, 1954

20913

Permit No. 20913

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Clifford Clarence McMahan; Melba, Idaho; farming

Ques. 2. Are you acquainted with Opaline Irrigation District, the holder of Permit No. 20913, authorizing the diversion of 60 cu. second-feet of the waters of Snake River, at Marsing, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. Have been acquainted with district and project since 1937.

Ques. 3. Have you read or heard read said Permit No. 20913, 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. Land is next to Snake River; is capable of being irrigation through pumping and canal distribution; land is capable of being row cropped through irrigation and is good land in my estimation; land would require 1" to the acre for profitable irrigation farming.

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. Works are fully completed and are of sufficient capacity to carry the water.

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

Ans. The works are supplied by pumps and use one canal which splits north and south with laterals to farms for water delivery. The canals carry 600" in the south canal and 700 " of water in the north canal. These figures are approximately. Total capacity is 2000" in north canal and 1200" in south canal.

(Sign here.)

Clifford Clarence McMahan

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 Caldwell

County of Canyon, State of Idaho, on this 31st day of October, A. D. 1953.

[Signature]
Notary Public for Idaho
Residing at Caldwell

20913

Permit No. 20913

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Clarence Benjamin Haines; Melba Star Route, Idaho; occupation, farming.

Ques. 2. Are you acquainted with Opaline Irrigation District, the holder of Permit No. 20913, authorizing the diversion of 60 cu. ft. second-feet of the waters of Snake River, at Marsing, Ida. for irrigation purposes? How long have you known him, and where does he reside?

Ans. yes. Have known the community where irrigation district is located for over six years.

Ques. 3. Have you read or heard read said Permit No. 20913, 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. Land is adjacent to Snake River; is capable of being irrigated through pumping and canal distribution. District is capable of supplying to users 1" to 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. Works are fully completed and of sufficient capacity.

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

Ans. The works are supplied by two pumps and uses one canal which splits north and south with laterals to farms for water delivery. The main canal has a carrying capacity of approximately 600" going south and 700" going north. Total capacity of 2000" north and 1200" south.

(Sign here.)

Clarence Benjamin Haine

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 Caldwell, Idaho County of Canyon, State of Idaho, on this 31st day of October, A. D. 1953.

Letta J. Borg
Notary Public for Idaho
Residing at Caldwell
20913

GIGRAY & BOYD

LAWYERS

M. H. KING BUILDING

CALDWELL, IDAHO

WM. F. GIGRAY, JR.
PETER J. BOYD

TELEPHONE 9-4624

November 2, 1953

RECEIVED
NOV 3 1953
Department of Reclamation

State of Idaho
Department of Reclamation
Capitol Building
Boise, Idaho

Attention: Gene L. Anderson
Chief Clerk

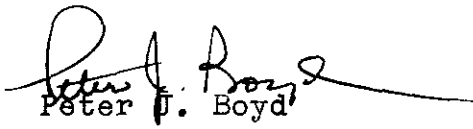
Gentlemen:

Enclosed please find the Depositions of Witness
of the Holder of Permit No. 20913.

If the papers are not satisfactory, kindly re-
turn them to me and I will take any additional testimony
you wish.

Yours very truly,

GIGRAY & BOYD


Peter J. Boyd

PJB:go

Encs.

20913

Notice for Publication

Notice is hereby given that at 10:00 a.m., on the 1st day of November 1953, at Boise, County of Ada Canyon, State of Idaho, before the undersigned J. L. Boyd proof will be submitted of the completion of works for the diversion of 60 cubic feet per second of the waters of the Snake River

in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Opaline Irrigation District

2. The postoffice address of such person or principal place of business of such corporation is Marsing, County of Owyhee, State of Idaho.

3. The number of such permit is 20913 and the date set for the completion of such work is November 1, 1953

4. Said water is to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 60 cubic feet per second.

6. The amount of lands for which said water is available is 2667 acres, particularly described as follows:

Commissioner of Reclamation.

20913

Notice for Publication

Notice is hereby given that at 10:00 A. on the 31st day of ~~November~~ October 1953 at Caldwell, County of Canyon, State of Idaho, before Peter Boyd, Notary Public, proof will be submitted of the completion of works for the diversion of 60 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Opaline Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Marsing, County of Owyhee, State of Idaho.

3. The number of such permit is 20913, and the date set for the completion of such work is ~~November 1, 1953~~ September 4, 1954

4. Said water is to be used for irrigation. purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 60 cubic feet per second.

6. The amount of lands for which said water is available is 2667 acres, particularly described as follows:
Lands within the boundaries of the Opaline Irrigation District, located in
Sections 35 and 36, Twp. 2 N., Rge. 4 W., B.M.; Sections 1, 2 and 12, Twp. 1 N.,
Rge. 4 W., B.M.; Sections 7, 8, 17, 16, 20, 21, 27 and 28, Twp. 1 N., Rge. 3 W., B.M.

MARK R. KULP
 Commissioner of Reclamation, XXX
 State Reclamation Engineer

20913

By check of time
 $87.74 = 173$
 17.38
 57.12

GEM STATE ELECTRIC
Electrical Contractors and Motor Specialists
W. A. Hopper, Owner

714 Grove Street
Boise, Idaho

October 19, 1953

Opaline Irrigation District
Marsing
Idaho

Gentlemen:

The following is our analysis of the survey taken on October 13, 1953 of your pumping installation.

Since one of the main objects was to find out, if possible, the cause of the heating of the motors we ran load checks on each motor and pump separately and all three together. The results were as follows:

Water delivered by pumps:

Down river pump	18.8 cfs #1 pump
Middle pump	19.4 cfs #2 pump
Up river pump	19.6 cfs #3 pump

All three pumps together - 57.5 cfs

The following were taken after the flow had steadied out:

	<u>Phase A</u>	<u>Phase B</u>	<u>Phase C</u>	
#1 pump	53 amps	54 amps	55 amps	= 54 amps average
#2 pump	56 amps	58 amps	58 amps	= 57 1/3 ditto
#3 pump	57 amps	59 amps	58 amps	= 58 ditto

Using these values and the rated current of the motors we have (Individual readings):

#1 pump = %	$\frac{54}{55.2}$	= 97.8%
#2 pump = %	$\frac{57.3}{55.2}$	= 103.8%
#3 pump = %	$\frac{58}{55.2}$	= 105%

Three pumps running together:

#1 - 56 amp	- 58 amp	- 59 amp	= 57-2/3 amp average
#2 - 58 amp	- 61 amp	- 64 amp	= 61 ditto
#3 - 58 amp	- 64 amp	- 64 amp	= 62 ditto

20913

$$\begin{aligned} \#1 \text{ pump} - \% &= \frac{57.66}{55.2} = 103.9\% \\ \#2 \text{ pump} - \% &= \frac{61}{55.2} = 110\% \\ \#3 \text{ pump} - \% &= \frac{62}{55.2} = 112\% \end{aligned}$$

I had no way of checking the voltage but the Power Company told me that it was very near 2400 volts. Using this value and a power factor value of .8, the input horsepower would be as follows:

$$\text{Power in watts} = \sqrt{3} EI \cos \phi$$

$$\text{Power in factor} = \cos \phi = .8$$

Running Separate

$$\begin{aligned} \#1 P &= \frac{\sqrt{3}}{\sqrt{3}} (2400) (54) (.8) = 178 \text{ KW} = 237.7 \text{ HP} \\ \#2 P &= \frac{\sqrt{3}}{\sqrt{3}} (2400) (57.3) (.8) = 189 \text{ KW} = 253 \text{ HP} \\ \#3 P &= \frac{\sqrt{3}}{\sqrt{3}} (2400) (58) (.8) = 192 \text{ KW} = 255 \text{ HP} \end{aligned}$$

Running all Three

$$\begin{aligned} \#1 P &= \frac{\sqrt{3}}{\sqrt{3}} (2400) (57.6) (.8) = 189.11 \text{ KW} = 253.5 \text{ HP} \\ \#2 P &= \frac{\sqrt{3}}{\sqrt{3}} (2400) (61) (.8) = 200.28 \text{ KW} = 268.6 \text{ HP} \\ \#3 P &= \frac{\sqrt{3}}{\sqrt{3}} (2400) (62) (.8) = 203.56 \text{ KW} = 272.7 \text{ HP} \end{aligned}$$

From these figures we can see that the motors are overloaded, but I do not believe that the temperature rise in the motors would be excessive if the proper ventilation is provided in the building and the pumps were adjusted correctly.

The down river pump was free and the current taken by the motor was well within the rating of the motor. There is some vibration to this pump and motor.

The middle and up river pumps are tight and with usual methods we could not raise or lower the impellers, which we tried to do in order to see if we could free them. The current in these motors was higher while there was little difference in the amount of water being delivered.

I believe the increased friction in the pumps would be sufficient to cause the overload on the motors. The adjusting nut on the up river pump is very tight.

Our recommendations are as follows:

1. Construct some hoods and put over the motors and pumps with a heating device in them to prevent moisture from collecting in the windings.

20913

2. Have the insulation meggered in the spring before the power is turned on the motors.
3. Drain the discharge pipe to prevent freezing.
4. Make some provision to keep ice out of the intake pipe.
5. Blow motors out and keep as clean as possible.
6. Blow out and keep control panels clean. If moisture tends to collect in panel put in some heating device to keep them dry.
7. Install exhaust fan on roof if vents on roof as planned do not move sufficient air to keep motors cool.
8. Pull down pumps and motors to determine the cause of the vibration in down river pump and motor. Find out why the other pumps are tight.
9. Obtain from F. M. Company information on pumps and motors.
10. Obtain a spare set of coils and a set of bearings for motors. As insurance in case of a breakdown in the middle of a pumping season.

We are in a position, along with our machinest, Ingalls Machine Shop, to take care of these matters for you.

If the pumps and motors were adjusted to their proper loads and proper supervision of the use of the water were made to prevent a great amount of waste water, I believe the amount of power used over the entire season could be reduced for the same volume of water pumped this season.

If we can be of any future assistance to you, please feel free to call on us. In an emergency, we are available 24 hours a day, 365 days a year.

Thank you.

Yours very truly,

GEM STATE ELECTRIC CO.
W. A. Hopper, Owner

fb

20913

GIGRAY & BOYD

LAWYERS

M. H. KING BUILDING

CALDWELL, IDAHO

WM. F. GIGRAY, JR.
PETER J. BOYD

TELEPHONE 9-4624

September 29, 1953

RECEIVED
SEP 30 1953
Department of Reclamation

Mark R. Kulp
Reclamation Engineer
State of Idaho
Boise, Idaho

Attention: Jeanne L. Anderson

Re: Permit No. 20913

Dear Sir:

Thank you for your recent letter concerning
the above permit for the Opaline Irrigation District.

Would you kindly insert the name Peter J.
Boyd, Notary Public, M. H. King Building, Caldwell,
Idaho as the place of the completion of proof.

Yours very truly,

GIGRAY & BOYD

Peter J. Boyd

Peter J. Boyd

PJB:go

20913

September 28, 1953

RE: Permit No. 20913

Mr. Adam Blackstock
Narsing, Idaho

Dear Mr. Blackstock:

The notice for Completion of Works proof on Permit No 20913 of the Opaline Irrigation District set November 1st as the date for making proof, but this is on Sunday and we have changed the date to October 31st instead.

A copy of the notice has been sent to the Owyhee Nugget with instructions to publish it once a week for four weeks prior to that date, and to send Affidavit of Publication together with statement of costs to the Opaline Irrigation District.

If October 31st is not a suitable date, will you please notify the newspaper of another date and advise us accordingly.

Meanwhile, we enclose the necessary forms of deposition to be used in making the proof and at the time set you are some other representative of the district should appear before Mr. Peter Boyd, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer
By

Chief Clerk

AZ/RL

20913

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20913

Date: September 28, 1953

Owyhee Nugget

Marsing, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 31, 1953** the date set for proof, the expense of the publication to be paid by the applicant, **Opaline Irrigation District** of **Marsing Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

20913

✓
September 25, 1953

RE: Permit No. 20913

Messrs. Gigray & Boyd
M. H. King Building
Caldwell, Idaho

Gentlemen:

We acknowledge receipt of notice for publication in connection with proof of completion of works on Permit No. 20913 of the Opaline Irrigation District.

This notice states that the proof is to be made at Boise on November 1, 1953, before "the undersigned."

These proofs are not made in the Department of Reclamation, but at a place and before a Notary Public designated by the permit holder. If you will advise us as to the name of the Notary Public and the place (which may be at Marsing or Caldwell or any place convenient for the permit holder and two witnesses) we can complete the notice and send a copy to the Owyhee Chronicle with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

20913

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....September 8, 1953.....

(P. O.).....Marsing, Idaho.....

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

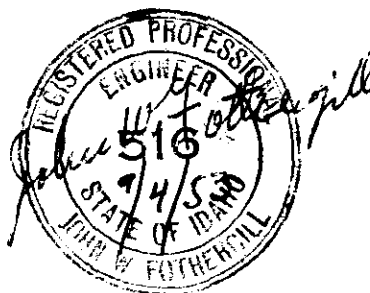
You are hereby authorized to have the attached notice published at my expense in the
.....*Nugget -*
Owyhee ~~Chronicle~~..... of.....Homedale, Idaho.....published in
the county in which the works are situated.

Opaline Irrigation District
by Adam H. Blackstock, Secretary

(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.

John W. Fothergill
Engineer.



20913

RECEIVED

APR 6 1953

Department of Reclamation

THIS SIDE OF CARD IS FOR ADDRESS



Mr. Mark Kulp.
State Reclamation Engineer.
State House

20913

Boise Idaho

MARSING, IDAHO

Dear Landowner:—

• We wish to call your attention to letter of January 2, 1953
in regard to budget, payments, etc.

• The first pump will start operation Monday, April 6th at
11 a. m. Other pumps will start as required.

Thank you for your cooperation.

**OPALINE IRRIGATION DISTRICT
ADAM H. BLACKSTOCK, Sec.**

20913

COMMITTEES

Marsing Chamber of Commerce

Dale Dobbin
Hugh Howard
Loren Thrush
Carl Newton
Bill La Rue

Opaline Board of Directors

Vera Foster - President
Harry Prescott
Stephen Webb
Adam Blackstock -
Secretary-Treasurer

Ralph Bowman - Project Chairman
Arlie Parkins - Publicity, Receiving & Program
Harold McJunkin - Luncheon
Mrs. Ted Blackstock - Table Arrangement
Charles Falen - Registration Chairman
Dean Hazen - Traffic Chairman
Mrs. Walter Buntrock - First Aid
Dave Haken - Communications
Jerry Jensen - Sanitation
J. V. Briggs - Chairman, Tour Guides
Leo York - Tour Guide
Seth Redford - Tour Guide
John Kull - Tour Guide
Bob Harrison - Tour Guide

Andy Johnstone - Tour Guide
Marvin Benson - Tour Guide
A. G. Luedeman - Tour Guide

CO-OPERATING GROUPS & AGENCIES

Farmers Home Administration
U. of I. Extension Service
Soil Conservation Service
Production & Marketing Administration
Forest Service

Production Credit Association
National Farm Loan Association
Vocational Agricultural Class
Marsing High School

OPALINE AREA OLD TIMERS

A. L. Clark
Charles Ingraham
Bill Smith
Charles Young
Mrs. Eugenia Blick
Berry Givens
Charles Peters
Joe Ferrell

Pat Rafferty
George Franks
Mrs. Mattie Yanke
Gus Yanke
Lois Jackson
Charles Hall
Tim Sherley
J. P. Moon

E. H. Hoffman
Charles D. Hays
Jesse Patton
Earl Young
Oscar Wood
Adam (Ted) Blackstock
James Johnstone
Pat Kelly

EQUIPMENT & LABOR FURNISHED

Tractors

D. Dobbin - 2
R. Dobbin
L. Sircin
C. Chadwick
B. Kelly
V. Foster
S. Webb
T. Blackstock
E. Larsen
P. Wissel
A. Benson
J. Reynolds
G. Kawai
W. Grammer
B. Hall
C. Larsen
W. Percifield
D. Harris
R. Pershall

D. Trucks

R. Taylor - 2
Symms Fruit Ranch
Owyhee County
Marsing Hi-way
D. Pascoe
Marsing Garage - 2
Baker Sand & Gravel
Gem Hi-way

F. Trucks

F. Caldwell
A. Bish
R. Corn
R. Bowman
T. Johnson
A. Parkins
T. Thompson - 2

Ditchers

D. Dobbin
R. Dobbin
L. Sircin
E. Larsen
J. Reynolds
G. Kawai
W. Grammer
L. Herrod
D. Harris

Drivers

D. Haken
L. Sircin

Rippers

E. Larsen
W. Percifield
R. Pershall

Graders

Marsing Hi-
way
Owyhee County
Village of
Marsing

Loaders

Homedale Hi-way District
M. Burns
Gem Hi-way

Flows

V. Foster
D. Dobbin
T. Blackstock
S. Clark

Building Laterals & Checks

Marsing Business Men

Heavy Equipment

L. Herrod - Cat, Carry-
All
J. Wright - Carry All
H. Howard - Cat, Dozer
R. Taylor - Cat, Blade

Engineers

Ralph W. Thomas
John W. Fothergill

Chase Carpenter, A.C.A.
Wilson Baldrige, S.C.S.

Attorney - Cleve Groome

DONATIONS

Coffee - Idaho Power Company, Caldwell
Coffee Cream - Gernation Company, Nampa
Sugar - The Amalgamated Sugar Company, Nampa
Soda Water - Coca-Cola Bottling Company, Boise
Ice Cream - Caldwell Chamber of Commerce
Benches & Chairs - Marsing School District
Public Address System - Co-operative Oil Association, Caldwell
Landscaping of Pump Site & Drive, Monument Plaque - Marsing Business Men

20913

OPALINE IRRIGATION DISTRICT

Marsing, Idaho

In the year 1919 Mr. Charles Ingraham, A. L. Clark and E. H. Hoffman formed a committee to organize an irrigation district in the Opaline Community. This was named after the old Opaline City, an old mining camp nearby. Fred McConnell, a civil engineer of Caldwell was hired to make the surveys. He laid out three ditches; an 80 foot lift, a 120 foot lift and a 165 foot lift. This plan would have irrigated about 3000 acres. In November 1920 Charles F. Young and others filed the necessary petitions for the organization of an irrigation district. The State Reclamation Engineer declared that the project was not practical and the matter was dropped.

In 1934 another attempt was made to get finance under the Drouth Relief Act. In 1935 a petition was filed by Curtis Huston and others asking for a hearing to establish the district. After due procedure the organization was completed and several attempts were made to finance the project. A. L. Clark, Jesse Wallace and Curtis Huston were on the first board of directors. Stewart S. Maxey was attorney for the district and Carl Isenburg was the engineer. Later the engineering work was done by John Griffith. L. N. Smith and John Ewing took over the legal end when now Colonels Maxey and Isenburg went into the armed service.

Applications to W.P.A., P.W.A. and R.F.C. followed. In 1938 application was made to the Farm Security Administration. The loan for construction of facilities to irrigate 1000 acres was approved in November 1941. This was withdrawn on December 10th because of war priorities.

In 1945 the district was reactivated with John W. Fothergill was engineer and Cleve Groome as attorney. Everett Clark, Vene Foster and Harry Prescott were on the board of directors. Again application was made to F.S.A. It was decided also to add the area around Givens Springs. This procedure was carried out and the district expanded to include some 2500 acres (its present boundary) with the pumping site of 100 foot lift in the center and plans to run water each way. Before plans were complete the cost had risen to \$69,000 and the F.S.A. was limited to \$50,000. Requests were forwarded to Congressman Dworshak, now Senator Dworshak, and Congress eventually increased the limit which they might loan to \$100,000.

In the meantime the district made application to the Reconstruction Finance Corporation for a loan. After several months the application was rejected by the Washington office because they had had a loan or so "go bad" on similar projects.

In 1949 the Farm Security Administration, now changed to the Farmers Home Administration, was again approached as they could now loan up to \$100,000. The board of the new district was Vene Foster, Harry Prescott and Berry Givens, who was later succeeded by Stephen Webb.

Many of the places have changed hands but many are in the families of those pioneers who homesteaded in the valley when the century was new.

After meeting certain requirements, the loan was approved and contracts were let January 11, 1952. Now, after all the years of hoping, water will run in the canals of the Opaline Irrigation District and the fields will be green.

20913

P R O G R A M

OPALINE DAY - - - - - May 23, 1952

7:00 GROUND BREAKING

lateral construction - 26,000 feet
Gravel drops and ditch lining - 1500 yards
by all equipment and personnel

Registration

12:00 LUNCH

12:30 PROGRAM

"National Anthem" by Marsing High School Band -

John Purcell, Director

Welcome - Arlie L. Parkins - FHA County Committee Chairman

Master of Ceremonies - Larry Brainard

Pioneer Presentation - Mrs. Myrtle Clark by Hon. Mayor Hayes

Official Badge Presentation - Vene Foster by J. V. Briggs

Marsing High School Band

Response from District - Adam H. (Ted) Blackstock

Remarks - Karl J. Magleby

Civic Address - George Crookham, Jr.

Marsing High School Band

1:15 Completion of the construction by all equipment
and personnel

WHY OPALINE DAY

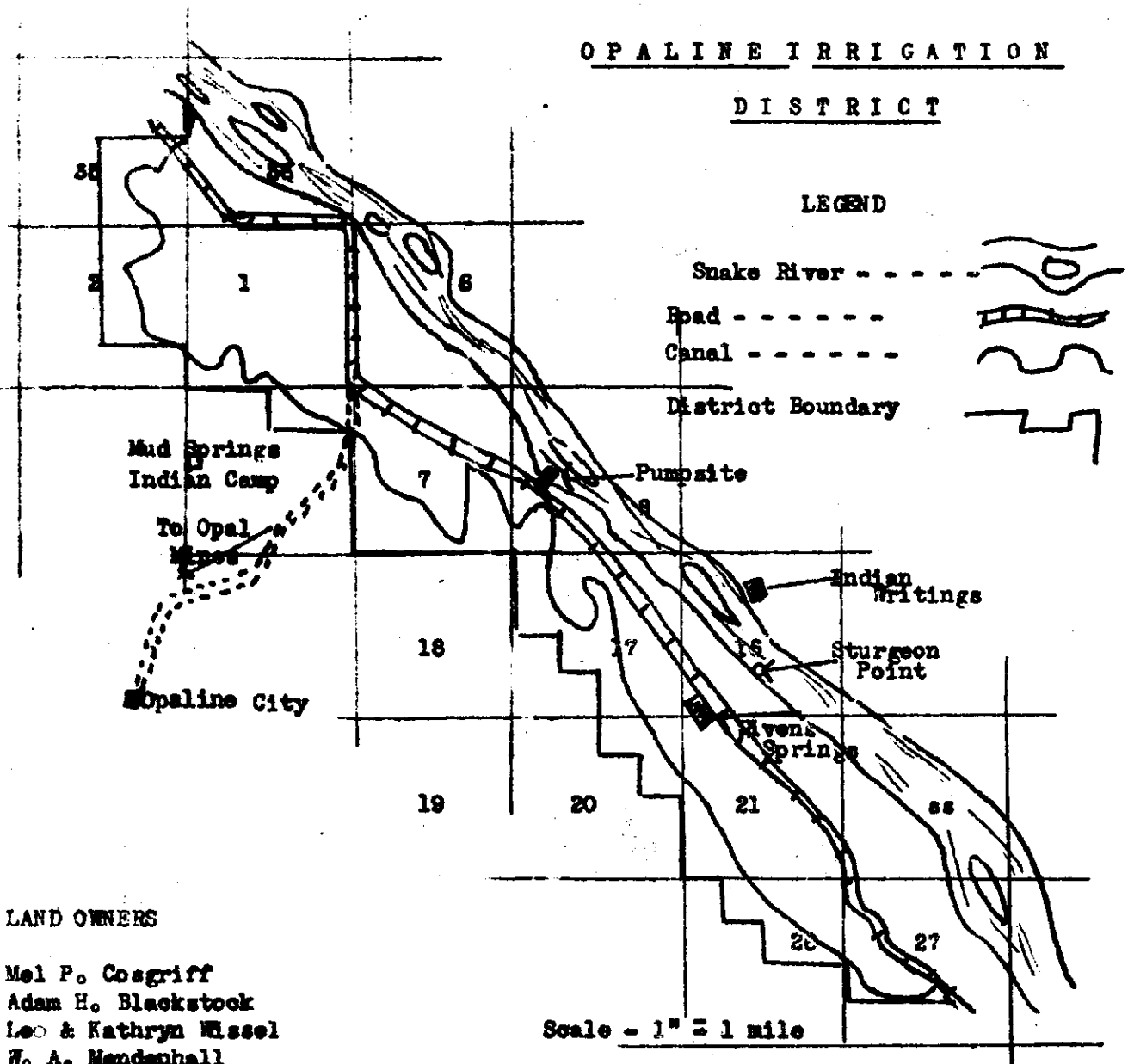
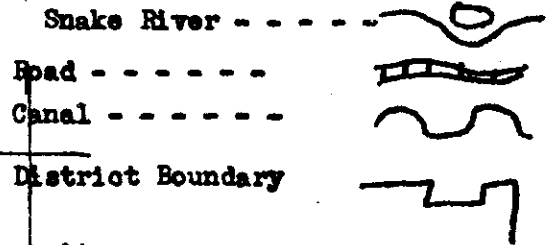
After two years of standing by the Marsing Chamber of Commerce has now had an opportunity to serve the people of the Opaline District by assisting them in building the laterals and checks which were not included in the \$100,000 loan from the Farmers Home Administration and would have been the responsibility of the district had not the Chamber and the community pitched in to help.

20913

OPALINE IRRIGATION

DISTRICT

LEGEND



LAND OWNERS

Mel P. Cosgriff
 Adam H. Blackstock
 Leo & Kathryn Wissel
 W. A. Mendenhall
 Paul C. Wissel
 Everett L. Clark
 Myrtle C. Clark
 Vene Foster
 R. S. Settles
 Gust Collie
 Carrie Frank
 R. T. Stuart
 Carl Chadwick
 Hoyt Foster
 Harry Prescott
 Nolan Prescott
 Eugenia Blick
 R. H. Bacon
 Charles Young

J. L. Jensen
 Mary Buckle
 Charles Peters
 Berry Givens
 A. M. Knutson
 E. R. Scheuffele
 T. M. Harris
 Murray Burns
 Ray Hall

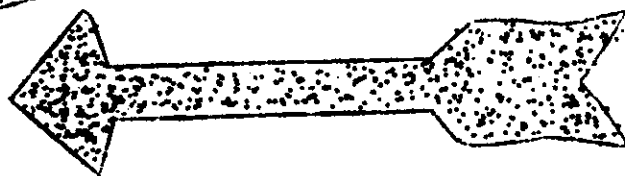
DATA

18,000 ft. = 15 ft. laterals
 8,000 ft. = 20 ft. laterals
 100 ft. lift
 3 - 250 hp pumps = 3,000 inch
 delivery, about 2,500 acres
 60 sec. ft.

20913

OPALINE DAY

MAY 23



Sponsored By Marsing Community

Through The

Marsing Chamber Of Commerce

20913

20913

May 3, 1951

To Whom it May Concerns:

The records in the State Department of Reclamation show Permit No. 20913, with priority date of October 6, 1948, in the name of the Opaline Irrigation District of Marsing, Idaho, for sixty (60) cubic feet per second of the waters of Snake River, for the irrigation of land in Townships 1 and 2 North, Range 4 West, B.M. and Township 1 North, Range 3 West, B. M.

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20913

✓
August 29, 1950

Re: Permit No. 20913

Opeline Irrigation District
Marsing, Idaho

ATT: Mr. Adam H. Blackstock

Dear Mr. Blackstock:

We acknowledge receipt of the Bond of the
General Casualty Company of America in connection with
Permit No. 20913, of the Opeline Irrigation District.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20913

Bond.

Bond No. 187235

KNOW ALL MEN BY THESE PRESENTS, That OPALINE IRRIGATION DISTRICT
of Marsing, Idaho, as principal, and GENERAL CASUALTY COMPANY OF AMERICA

as surety, are held and firmly bound unto the State of Idaho in the full
and just sum of ONE THOUSAND DOLLARS AND NO/100 (\$1,000) Dollars,
lawful money of the United States, to the payment of which sum, well and truly to be made, said
principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and
severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the
6th day of October, 1948, filed in the office of the State Reclamation Engineer
~~XXXXXX~~ in Boise, Idaho, a certain application for permit to appropriate the public waters of the State
of Idaho, the said application being thereupon numbered No. 28331, in accordance with which said
application the State Reclamation Engineer
~~XXXXXX~~ granted and issued to the said principal herein a cer-
tain permit numbered No. 20913, a full, true and complete copy of which application No. 28331
and permit No. 20913, is of record in the office of the State Reclamation Engineer
~~XXXXXX~~ in Book
75 of Permits, at Page 20913

Now, if the above bounden principal shall faithfully carry to completion the said works of diver-
sion as specified in said application No. 28331 and permit No. 20913, in the manner and form
prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise
to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals,
this 28th day of August, 1950

WITNESSES:

OPALINE IRRIGATION DISTRICT
BY: Adam H. Blackstock (SEAL)
Adam Blackstock
GENERAL CASUALTY COMPANY OF AMERICA (SEAL)
BY: John A. Baxter (SEAL)
John A. Baxter, Attorney-in-Fact

Margaret Noedel
Charles Hopkins

STATE OF IDAHO, }
County of _____ } ss:

_____ of _____ and
_____ of _____ whose names
are subscribed to the within and foregoing obligation as sureties thereto, each being duly sworn,
upon oath for himself deposes and says:

That he is a resident and freeholder of the State of Idaho, and that he is worth the sum named
in said obligation, to wit, \$_____, over and above all his debts and liabilities, exclusive of prop-
erty exempt from execution.

Subscribed and sworn to before me this _____ day of _____, 19____

20913

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 and every week for ~~three~~ consecutive weeks, the first publication being on the 28 day of Oct., 1948, and the last publication being on the 11 day of Nov., 1948;

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 Nov., 1948.

D. J. [Signature]
Notary Public.

My commission expires 9-10-52

(SEAL)

STATE OF IDAHO DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN that the Opaline Irrigation District of Marsing, Idaho, made application, on the 6th day of October, 1948, for permit to appropriate Sixty (60) cubic feet per second of water from Snake River for irrigation purposes.

That the point of diversion of said water as described in the application is located 750 feet East and 780 feet Southeast from the quarter corner common to Sections 7 and 8, Township 1 North, Range 3 West, B. M., and in Lot 3, Section 8, Township 1 North, Range 3 West, B. M.

That the lands to be irrigated, as described in said application, consist of 2,279 acres in the following Sections:

Sections 35 & 36, Twp. 2 N., Range 4 W., B. M.

Sections 1, 2, & 12, Twp. 1 N., Range 4 W., B. M.

Sections 6, 7, 8, 16, 17, 20, 21, and 28, Twp. 1 W., Range 3 W., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 18th day of October, 1948.

MARK R. KULP

State Reclamation Engineer
Date of first publication. October 28, 1948.

Date of last publication: November 11, 1948.

Last date for protest: November 27, 1948.

Service of the Foregoing, by copy, is hereby acknowledged, this 25 day of October, 1948.

OPALINE IRRIGATION

DISTRICT

By Adam H. [Signature]

20913

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 and every week for three consecutive weeks, the first publication being on the 28.... day of ..October....., 1948..., and the last publication being on the 11..... day ofNovember 1948...;

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.

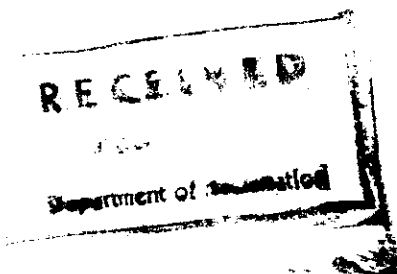
Subscribed and sworn to before me this 21 day of ...Feb....., 1949....

Lorne J. Hawes

Notary Public.

My commission expires9-10-52.....

(SEAL)



DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN that the Opaline Irrigation District of Marsing, Idaho, made application, on the 6th day of October, 1948, for permit to appropriate Sixty (60) cubic feet per second of water from Snake River for irrigation purposes.

That the point of diversion of said water as described in the application is located 750 feet East and 790 feet Southeast from the quarter corner common to Sections 7 and 8, Township 1 North, Range 3 West, B. M., and in Lot 3, Section 8, Township 1 North, Range 3 West, B. M.

That the lands to be irrigated, as described in said application, consist of 2,279 acres in the following Sections:

Sections 35 & 36, Twp. 2 N., Range 4 W., B. M.

Sections 1, 2, & 12, Twp. 1 N., Range 4 W., B. M.

Sections 6, 7, 8, 16, 17, 20, 21, and 28, Twp. 1 W., Range 3W., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 18th day of October, 1948.

MARK R. KULP
State Reclamation Engineer
Date of first publication. October 28, 1948.

Date of last publication: November 11, 1948.

Last date for protest: November 27, 1948.

Service of the foregoing, by copy, is hereby acknowledged, this 25 day of October, 1948.

OPALINE IRRIGATION DISTRICT
By Adam H. Blackstock

20913

20913

✓
January 29, 1949

Re: Application No. 28331

Owyhee Nugget
Marsing, Idaho

Gentlemen:

Mr. Adam H. Blackstock informs us that he has not yet received the affidavit of publication of notice of application of the Opeline Irrigation District which we understand was published from October 19, 1948, to November 11, 1948, inclusive.

As Mr. Blackstock is now busy with his duties as State Senator in the Legislature, we would appreciate you sending this affidavit directly to this Department.

Thanking you for this cooperation, we are,

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

20913

October 18, 1948

Re: Application No. 28331

Mr. Adam H. Blackstock, Sec'y
Opeline Irrigation District
Marsing, Idaho

Dear Mr. Blackstock:

We enclose duplicate copy of notice in connection with the application of the Opeline Irrigation District for permit to appropriate sixty (60) cubic feet per second of the waters of Snake River.

Please acknowledge service on the original and return to this Department, retaining the copy for your own files.

As soon as this is returned we will send a copy to the Owyhee Nugget with instructions to publish it once a week for three consecutive weeks and to send you the affidavit of publication together with statement of costs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

Encls.

20913

November 29, 1948

Re: Application No. 28331

Mr. Adam H. Blackstock, Sec'y
Opaline Irrigation District
Marsing, Idaho

Dear Mr. Blackstock:

There were no protests filed against the application of the Opaline Irrigation District for permit to appropriate 60 second feet of water from Snake River. Therefore, upon receipt of the affidavit of publication which the Owyhee Nugget was instructed to send you, the application will be approved and permit issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

20913

V
October 26, 1948

Re: Application No. 28331

Mr. Adam H. Blackstock, Sec'y
Opeline Irrigation District
Marsing, Idaho

Dear Mr. Blackstock:

We have today sent the Owyhee Nugget copy of notice of your application to appropriate 60 second feet of water from Snake River, with instructions to publish it once a week for three consecutive weeks beginning with their next issue, and to send you the affidavit of publication together with statement of publication costs.

Should there be no protests the application will be approved and sent you and should there be any protests you will be duly notified before final action is taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

20913

October 26, 1948

Owyhee Nugget
Marsing, Idaho

Gentlemen:

We enclose notice for publication once a week for three consecutive weeks beginning with your next issue.

The cost of publication is to be paid by the Opeline Irrigation District to whom please send affidavit of publication when completed, in care of Adam H. Blackstock, Secretary, at Marsing, Idaho.

Please acknowledge receipt of this notice and send this Department a copy of the first issue containing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Enc.

20913

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN that the Opaline Irrigation District of Marsing, Idaho, made application, on the 6th day of October, 1948, for permit to appropriate Sixty (60) cubic feet per second of water from Snake River for irrigation purposes.

That the point of diversion of said water as described in the application is located 750 feet East and 780 feet Southeast from the quarter corner common to Sections 7 and 8, Township 1 North, Range 3 West, B.M., and in Lot 3, Section 8, Township 1 North, Range 3 West, B.M.

That the lands to be irrigated, as described in said application, consist of 2,279 acres in the following Sections:

Sections 35 & 36, Twp. 2 N., Range 4 W., B.M.

Sections 1, 2 & 12, Twp. 1 N., Range 4 W., B.M.

Sections 6, 7, 8, 16, 17, 20, 21, and 28, Twp. 1 N., Range 3 W., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 18th day of October, 1948.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

Date of first publication: _____
Date of last publication: _____
Last date for protest: November 27, 1948.

Service of the Foregoing, by copy, is hereby acknowledged, this 25 day of October, 1948.

OPALINE IRRIGATION DISTRICT

BY *Adam H. Blackstock*
Its *Secretary*

20913

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN that the Opaline Irrigation District of Marsing, Idaho, made application, on the 6th day of October, 1948, for permit to appropriate Sixty (60) cubic feet per second of water from Snake River for irrigation purposes.

That the point of diversion of said water as described in the application is located 750 feet East and 780 feet Southeast from the quarter corner common to Sections 7 and 8, Township 1 North, Range 3 West, B.M., and in Lot 3, Section 8, Township 1 North, Range 3 West, B.M.

That the lands to be irrigated, as described in said application, consist of 2,279 acres in the following Sections:

Sections 35 & 36, Twp. 2 N., Range 4 E., B.M.

Sections 1, 2 & 12, Twp. 1 N., Range 4 W., B.M.

Sections 6, 7, 8, 16, 17, 20, 21, and 28, Twp. 1 N., Range 3 W., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 18th day of October, 1948.

MARK R. KULP
State Reclamation Engineer

Date of first publication: _____
Date of last publication: _____
Last date for protest: November 27, 1948.

Service of the Foregoing, by copy, is hereby acknowledged, this _____ day of October, 1948.

OPALINE IRRIGATION DISTRICT

By _____

Its _____

20913

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October, 15, 1948

(P. O.) _____

STATE RECLAMATION ENGINEER
TO THE ~~COMMISSIONER OF RECLAMATION~~:

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.

Opaline Irrigation District.

Adam H. Blackstock, Sec

(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.

20913

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No.

Permit No.

District No.

1. Name of applicant: OPALINE IRRIGATION DISTRICTPost office address MARSING County OWYHEE State IDAHO

I. If applicant is a corporation, give:

(a) Date and place of incorporation.

(b) Amount of capital stock: \$ not issued yet (c) Amount paid in: \$(d) Names and addresses of directors: VEVE FOSTER, MARSING, IDAHO; RAY HALL, STAR ROUTE, MELBA, IDAHO; BERRY GIVENS, STAR ROUTE, MELBA, IDAHO

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

(b) Treasury stock: (c) Bonds to be issued: \$125,000

(d) Other resources:

2. Quantity of water claimed: SIXTY cubic feet per second.3. Source of water supply: SNAKE RIVERwhich is tributary of COLUMBIA RIVER4. Location of point of diversion: 750 ft. East & 780 ft. SE feet distant from the quarter cornerof Section 7 & 8, T. 1 N. R. 3 W., B. M., and is in LOT 3of Section 8, T. 1 N. R. 3 W., B. M., County of OWYHEE5. 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: \$125,0008. Kind of works: PUMP, PENSTOCK, AND DISTRIBUTION SYSTEM
(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.

Downstream 8 ft. 14 ft.11. Ditch. Width at bottom feet; Width at water line feet; Depth of water 2.5 feet;Upstream 7 ft. 12 ft.; Diameter of pipe inches;

Dimensions of flume

Length of conduit miles. Average grade per mile 0.005/100 feet.

20913

20913

16. (a) Is reservoir to be used?.....(If so, fill in (b) and (c) below.)
- (b) Name of reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant.

Remarks: It is planned to use three 250 h.p. 440 volts/150 r.p.m. vertical propelled
pumps each delivering 8,000 or better gallons per minute.

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.

.....OPALINE IRRIGATION DISTRICT.....
Applicant

By, Agent

Affidavit of Permission to File on Springs

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

I,, of, County of, State of, do hereby certify that I am the owner of the land on which the spring mentioned in the application of is located, to-wit: and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO
County of } ss.

On this day of, 194..... before me, a Notary Public for the State of Idaho, residing at, personally appeared known to me to be the person..... whose name..... subscribed to the foregoing certificate, and acknowledged to me that.....he..... executed the same.

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

.....
Notary Public.

My commission expires

20913

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, 194.....

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 _____, 19____

Countersigned:

STATE OF IDAHO

By _____ Secretary of State.

By _____ Governor

PERMIT	
No. _____	
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

20913

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No.

Permit No.

District No.

1. Name of applicant:

Post office address.....County.....State.....

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) Bonds to be issued:

(d) Other resources:

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

3. Source of water supply:

which is tributary of

4. Location of point of diversion:feet distant from the.....corner

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

of Section....., T....., R....., B. M., County of.....

5. Water is to be used for:

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: \$.....

8. Kinds of works:

(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, 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.....feet; Width at water line.....feet; Dept of water.....feet;

Dimensions of flume.....Diameter of pipe.....inches;

Length of conduit.....miles. Average grade per mile.....feet.

20913

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

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

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

(Give irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	3W	21									39		3	30	39	38	37		186
1N	3W	21																37	37
1N	3W	28	37	30		4													71
1N	3W	28					5												5
1N	3W	27																	
1N	3W	16										4							4
1N	3W	16										13.5							13.5
1N	3W	16										1							1
1N	3W	16										1							1
1N	3W	16										0.5							0.5

Total Number of Acres to be Irrigated 4217

20913

[illegible]

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No.

Permit No.

District No.

1. Name of applicant: Opaline Irrigation District
 Post office address Marsing County Owyhee State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation.

(b) Amount of capital stock: \$ Not Issued Yet (c) Amount paid in: \$

(d) Names and addresses of directors: Vene Easter, Marsing, Idaho; Roy Hall, Star Route, Melba, Idaho; Berry Givens, Star Route, Melba, Idaho.

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

(b) Treasury stock: (c) Bonds to be issued: \$125,000

(d) Other resources:

2. Quantity of water claimed: Sixty cubic feet per second.3. Source of water supply: Snake Riverwhich is tributary of Columbia River4. Location of point of diversion: 750 feet East & 780 feet Southeast feet distant from the quarter cornerof Section 7 & 8, T. 1N R. 3W, B. M., and is in the Lot 3of Section 8, T. 1N R. 3W, B. M., County of Owyhee5. 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: \$ 125,0008. Kind of works: Pump, penstock, and distribution system
(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 7 ft. Bottom feet; Height 12 ft. feet.11. Ditch. Width at bottom Downstream 8 ft. Bottom feet; Width at water line 14 ft. feet; Depth of water 2.5 feet;

Dimensions of flume; Diameter of pipe inches;

Length of conduit miles. Average grade per mile .005 per 100 feet.

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12. The time required for the completion of such work is None years.

13. The time required for the complete application of the water to the proposed use is 0.5 additional years.

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

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated.....

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

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16. (a) Is reservoir to be used?.....(If so, fill in (b) and (c) below.)

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

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

Remarks: *It is planned to use 3 - 250 H.P. - 440 Volts - 1150 R.P.M. Vertical propelled pumps each delivering 8,000 or better gallons per minute.*

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
By _____, Agent

Affidavit of Permission to File on Springs

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

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____ and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO
County of _____ } ss.

On this _____ day of _____, 194____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he _____ executed the same.

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

Notary Public.

My commission expires

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, 194.....

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, 19.....

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	Fee, \$
FILING FEES FOR USE PERMIT:					
For the first Sec. Ft. \$5.00					
For each additional Sec. Ft. or fraction thereof25					

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(Office Form No. 1)

ADDRESS ALL COMMUNICATIONS TO

P. O.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

Application No. Permit No. District No.

1. Name of applicant Opaline Irrigation DistrictPostoffice address MarsingCounty 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 Vene Foster, Marsing, Idaho;Ray Hall, Star Route, Melba, Idaho; Berry Givens, Star Route,Melba, Idaho.

II. The financial resources of the applicant are—(a) Cash on hand, \$

(b) Treasury stock, \$ (c) Bonds to be issued, \$ 125,000

(d) Other resources

2. Quantity of water claimed sixty cubic feet per second3. Source of water supply Snake River which is a tributary of Columbia River
and 780 feet Southeast4. Location of point of diversion 750 feet east/xxxxxx from the quartercorner of Sec. 7 & 8 T. 1N R. 3W B. M. and is in the Lot 3 of Sec. 8 T. 1NR. 3W 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 Sec.T. R. B. M., in the of Sec. 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 distantfrom the corner of Sec. T. R. B. M., in theof Sec. T. R. B. M.7. Estimated cost of works, \$ 125,0008. Kind of works Pump, penstock, and distribution system

(Reservoir, dam, ditch, flume, pipe, etc.)

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

(If height of dam will exceed ten feet, send to State Engineer's office for Regulations.)

Material used in dam

10. Size of headgate: Width feet; height feet.11. Ditch: Width at bottom 15 feet; width at water line 20 feet; depth of water 2.5 feet;dimension of flume ; diameter of pipe inches;length of conduit miles; average grade per mile feet.

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

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

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

Give Irrigable Acreage in each 40-acre subdivision. Designate ownership of land, as Government, State or Private. If Private, give names of owners.

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 $\frac{1}{4}$	
2N	4W	35													15		6	34	55
2N	4W	36												34					34
2N	4W	36							6										6
2N	4W	36											34						34
2N	4W	36						36			34						36		106
1N	4W	1	35			39									38	36			148
1N	4W	1		38	40		39			38									155
1N	4W	1						36	37										73
1N	4W	1									38	30	10	30					108
1N	4W	2													20				20
1N	4W	2	24			24													24
1N	4W	2														1			1
1N	3W	6						23	40	24									87
1N	3W	6									39	8	38						85
1N	3W	6										32							32
1N	3W	6												39			29		68
1N	3W	7					30	25	25		5								85
1N	3W	7																	
1N	3W	7	20	26		24													70
1N	3W	7														27	5		32
1N	3W	7												4					4
1N	3W	7									30								
1N	3W	7			30				35						8				73
1N	3W	8												37			37		37
1N	3W	8								4									4
1N	3W	8						12			12								12
1N	3W	8		20		20	20												20
1N	3W	8													40				68
1N	3W	18																38	38
1N	3W	20	22																22
1N	3W	16											55	55					55
1N	3W	21			45	45													45
1N	3W	21		48			48												48
1N	3W	21						25											25
1N	3W	20																	
1N	3W	21						10	37			27							74
1N	3W	21							37										37

Total number of acres to be irrigated 20913

15. (a) Is reservoir to be used?..... If so, fill in (b) and (c) below.

(b) Name of reservoir and number of storage permit:

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

Remarks This is a proposed new project of an irrigation district
already organized to irrigate approximately 2500 acres along the
Snake River, around ^{north and} ~~the~~ west of what is known as Givens' Hot Springs.

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.

Opaline Irigator District
Applicant.
By Adam H. Blackstock
Secretary Agent.

16. AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS.

I,
..... County of

State of, do hereby certify that I am the owner or lessee of the land on which
the spring mentioned in the application of

is located, to-wit:

and that I do hereby grant unto the said

permission to file on the said spring as set forth in the foregoing application.

State of Idaho,
County of Canyon } ss.
On this 5 day of October 1948, before me, a Notary Public
for the State of Idaho, residing at Caldwell Idaho
personally appeared Adam H. Blackstock
known to me to be the person whose name is 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 Nov 23 1949 Chas. Grooms
Notary Public.
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APPROVAL OF STATE 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 on or 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.....

State Engineer.

No.....

PERMIT

Date of first receipt at office of State Engineer

Returned to applicant for correction

Corrected application received

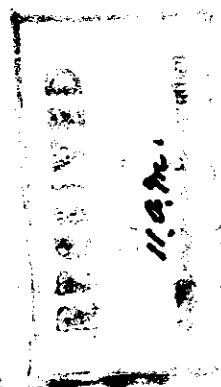
Fees, \$.....

Filing Fees for Use Permit—

For the first Sec. Ft. \$1.00

For each additional Sec. Ft. or fraction thereof10

year Statesman Shop, Boise, Idaho. 514



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