

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

F. H. NEWELL DIRECTOR

A. P. DAVIS CHIEF ENGINEER

BOISE PROJECT IDAHO

SUPPLEMENTAL PLAT

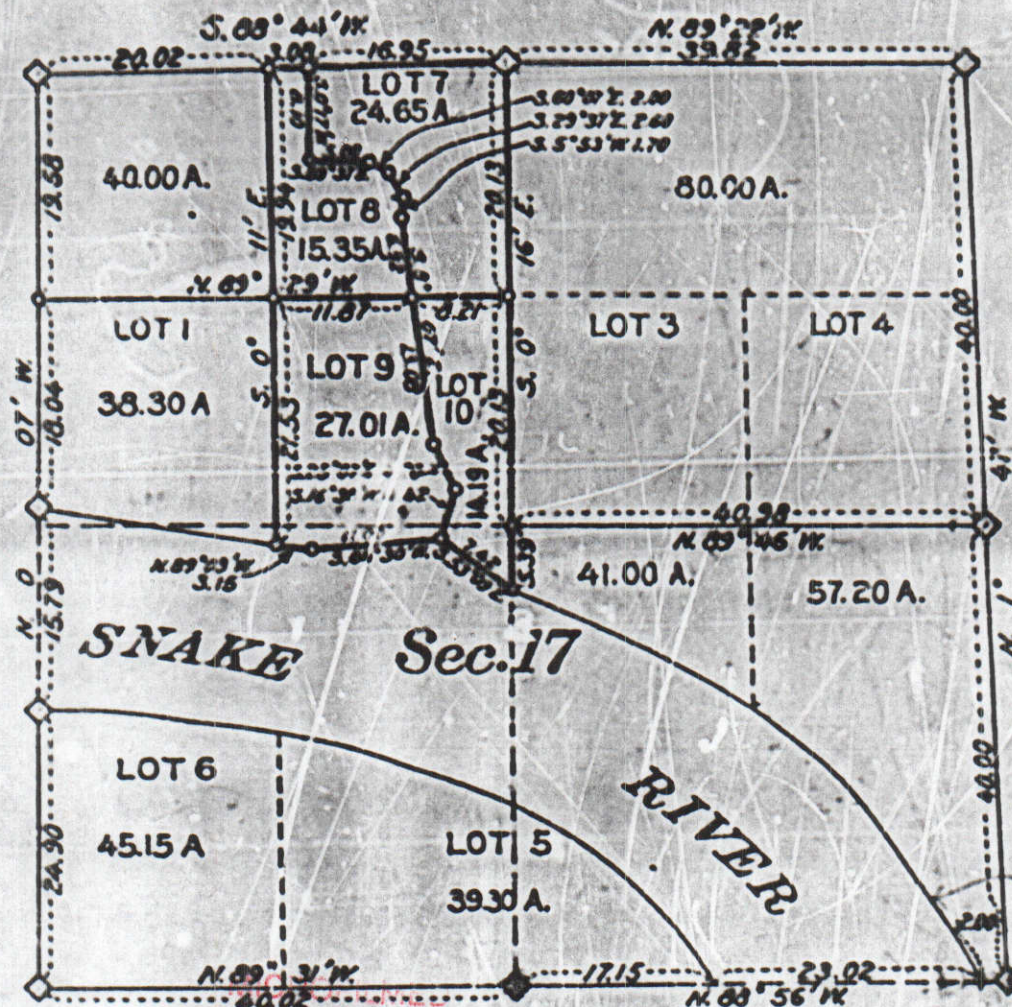
SECTION 17

TOWNSHIP 3 NORTH RANGE 4 WEST B. M. IDAHO

WALTER WARD ASSISTANT ENGINEER, U. S. R. S.

DEPARTMENTAL INSTRUCTIONS OF OCTOBER 24, 1906

FEBRUARY 1912



OCT 02 2001

COPIED FROM PLAT
APPROVED FEBRUARY 18, 1878

INTER-DEPARTMENT MEMO--1

FROM *Ly*

DATE *5/31/01*

TO *Evans*

SUBJECT *Overlap*

02-7358, 02-7262, 02-7432 are separate systems and areas for applicants neighbors East of them in Gov lot 5. Applicants are located in the farthest West lot in Gov lot 5 and do not have any water rights or canal water.

MICROFILMED

OCT 02 2001

W. Craver
SIGNATURE

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 2-10182

Priority: 05/31/2001

Maximum Diversion Rate: 0.16 CFS

This is to certify, that BRAD EVANS
RT 1 BOX 119
MARSING ID 83639

And/Or

SELINA EVANS
RT 1 BOX 119
MARSING ID 83639

has applied for a permit to appropriate water from:

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L5 SE¼SW¼ Sec. 17, Twp 03N, Rge 04W, B.M. OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	17																	8.0
																			L 5

Total Acres: 8

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2002**.
2. Subject to all prior water rights.
3. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

MCHC 1111

11/15/01

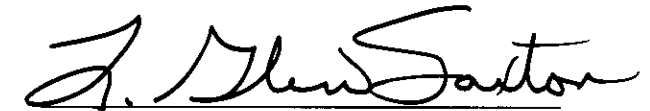
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 2-10182

CONDITIONS OF APPROVAL

6. The right holder shall use the full allotment of appurtenant surface water rights delivered by Gem Irrigation District for those acres within the above described place of use which have appurtenant irrigation district water rights and shall only divert water under this right for those acres when water from Gem Irrigation District cannot be delivered to the right holder.
7. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of August, 2001.


for KARL J DREHER, Director

MICHAEL L. LEE

DEPT. OF WATER RESOURCES

AUG 16 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
 To appropriate the public waters of the State of Idaho

Ident. No.

APP ID #

02-10182

~~57-11509~~~~69237~~

69235

1. Name of Applicant Brad & Selina Evans Phone 896-4663
 Post Office address Rt 1 Box 119 Marsing ID 83639
2. Source of water supply Snake River which is a tributary of Columbia
3. Location of point of diversion is 1/4 of SE 1/4 of SW 1/4, Govt Lot 5
 Sec. 17 Township 3N Range 4W B.M. Owyhee County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .16 for irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .16 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pump & Pipe
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
 Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	4W	17											8						8

Total number of acres to be irrigated 8

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: Far west of Government Lot 5

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

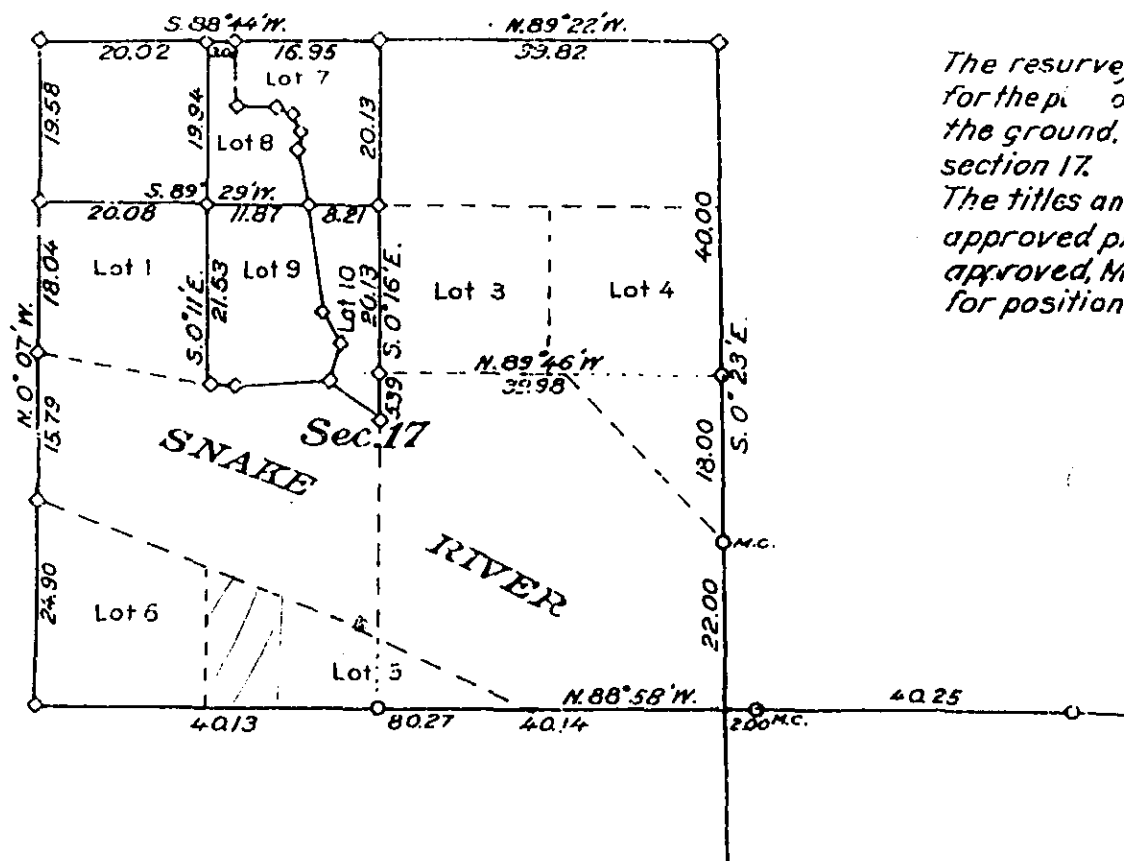
Selma Evans
(Applicant)

Received by 6 Date 5/31/01 Time 12 PM Preliminary check by _____
 Fee \$ 100 Received by 6 # W027841 Date 5/31/01
 Publication prepared by 6 Date 7-18-25-01 Published in _____
 Publication approved 6 Date 8-7-01 **OWYHEE AVALANCHE**

MICROFILM
100 5 1 001

SURVEYED BY GORDON C. SMITH, ENGINEER
 UNDER AUTHORITY OF DEPARTMENTAL INSTRUCTIONS OF OCTOBER 24, 1906
 JANUARY 1919

SCALE: 4 INCHES = 1 MILE



*The resurvey
 for the plat as
 the ground, i
 section 17.
 The titles and
 approved plat
 approved, M
 for position*

MICROFILMED

OCT 02 2001

EXHIBIT A

PARCEL I:

This parcel is a portion of Government Lot 5 of Section 17, Township 3 North, Range 4 West, B.M., and is more particularly described as follows:

BEGINNING at the Southwest corner of said Government Lot 5; thence

North $0^{\circ}17'20''$ East along the West boundary of said Government Lot 5, a distance of 1282.57 feet to a point on the Southerly high water line of the Snake River; thence along said Southerly high water line the following courses and distances:

South $51^{\circ}42'46''$ East, a distance of 338.19 feet;

South $64^{\circ}31'34''$ East, a distance of 35.05 feet; thence

South $0^{\circ}17'20''$ West parallel with the said West boundary of Government Lot 5, a distance of 1063.33 feet to a point on the South boundary of said Government Lot 5;

thence North $88^{\circ}58'00''$ West along said South boundary, a distance of 298.25 feet to the POINT OF BEGINNING.

MICROFILM

APR 5 2 2001

APPROVED FEBRUARY 18, 1878



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 31, 2001

BRAD EVANS
SELINA EVANS
RT 1 BOX 119
MARSING ID 83639

RE: Permit No. 2-10182

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

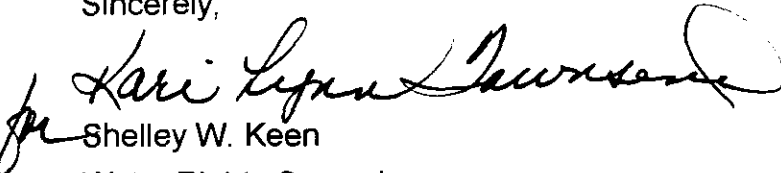
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

MICROFILMED
SEP 11 1991

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
NOV 12 2006

CERTIFICATE OF MAILING

I hereby certify that on August 31, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 2-10182

**BRAD EVANS
SELINA EVANS
RT 1 BOX 119
MARSING ID 83639**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

REC-10 3:50
AUG 31 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

RECEIVED
JUL 12 1991

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

AUT 9 7 2001

MEMORANDUM

To: File 02-10182

From: Sharla

Date: August 30, 2001

Re: Irrigation District Overlap

On this date, I spoke with Connie at Gem Irrigation District concerning the lands identified in this application. She told me that the applicants do have shares through the district and their records indicate the applicant's ownership of about 7 acres of land, but approximately half of the lands do not receive water from the district. She didn't know whether the district had determined those lands were too swampy or some other reason had influenced the decision to provide shares to only half of the 7-8 acres in Lot 5.

Based on the above, a special condition will be added requiring use of surface water on the acres to which surface water shares are appurtenant.

MICHO LAL
10/1/01

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
AUG 02 2001

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

WATER RESOURCES
WESTERN REGION

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now 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, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than 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 a supplement thereto, in

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

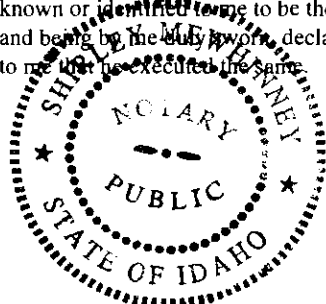
July 18, & 25, 2001

SIGNED: _____

STATE OF IDAHO)
COUNTY OF)

On this 31 day of July in the year of 2001 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.



Shirley M. Newberry
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

APPLICATION FOR PERMIT

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ✓

2-10182
BRAD EVANS
SELINA EVANS
RT 1 BOX 119
MARSING ID 83639
Point(s) of Diversion L5
SESW
S17 T03N R04W OWYHEE
County
Source SNAKE RIVER
Tributary To COLUMBIA
RIVER

Use: IRRIGATION
03/01 To 11/15 0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 05/31/2001
Place Of Use: IRRIGATION
T03N R04W S17 SESW Lot
5

Number of Acres 8

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the

approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/06/2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,
Director

7/18 & 25/01

MICROFILMED

2001 8 2 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 12, 2001

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Water Right No. 65-22602 in the Name of Billy Elam.
Application for Water Right No. 65-22601 in the Name of Milburn Hill.
Application for Water Right No. 78-12148 in the Name of Gary &/or Lynda Swift.
Application for Water Right No. 57-11589 in the Name of Brad &/or Selina Evans.

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by August 6, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm
Encl.

MCN-11-11
OCT 02 2001

I. ER-DEPARTMENT MEMO--1

FROM

Ly

DATE

5/31/01

TO

Evans

SUBJECT

Overlap

02-7358, 02-7262, 02-7432 are separate systems and acres for applicants neighbors East of them in Box lot 5. Applicants are located in the farthest West lot in Box lot 5 and do not have any water rights or canal water.

MICROFILMED

W. Craven

SIGNATURE

2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 10, 2001

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit No. 2-10182

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/06/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

2-10182

BRAD EVANS
SELINA EVANS
RT 1 BOX 119
MARSING ID 83639

Point(s) of Diversion L5 SESW S17 T03N R04W OWYHEE County Source SNAKE RIVER
Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/01 To 11/15 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 05/31/2001

Place Of Use: IRRIGATION

T03N R04W S17 SESW Lot 5

Number of Acres 8

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/06/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on July 18 and 25, 2001.

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Brad +/or Selina Evans

Mailing Address

Rt 1 Box 119 Maring Id 83639

Application No.
(if known)

02-

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 / WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Selina Evans

Date

5/31/01

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

CRD
LML
JUN 1 2001