

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-11185
Date Received: 6/2/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID USA 83707

Phone: (208)344-2471

2. Date of Priority: 06/28/1963

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	01W	28	NE	SE	SE	ADA	

5. Description of diverting works:

100 ft well with 8-inch casing, 15 horsepower pump and 6-inch discharge line.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
04N	01W	20	SW	SW	IRRIGATION	13
			SE	SW	IRRIGATION	20
			SE	SE	IRRIGATION	15
			Section Acres			48
04N	01W	28	NE	NE	IRRIGATION	18
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	20
			SE	NE	IRRIGATION	14
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	12
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			Section Acres			304
			Total Acres			352

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

For irrigation of lands under canal system. Claimant is an irrigation district duly organized and existing under the laws of the State of Idaho.

Other water rights: 63-230F, 63-230L, 63-230M, 63-231, 63-3060, 63-3614B, 63-3618B, 63-5262B, 63-31264, 63-31265.

15. Basis of Claim: Permit

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JUN 02 2004

WATER RESOURCES
WESTERN REGIONIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

39576

Ident. Number

63-11185

Date Received

6-2-04

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWAttorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Settlers Irrigation District Phone (208) 344-2471
Mailing Address Post Office Box 7571, Boise, Idaho Zip 83707
2. Date of Priority (Only one (1) per claim) June 28, 1963
3. Source of water supply (a) Boise River
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 4N Range 1W Section 28,
NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Ada
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
100 foot well with 8-inch casing, 15 horsepower pump and 6-inch discharge line.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 04/01 to 11/01 amount 1.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is n/a acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) none

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1W	20											13	20				15	48
		28	18	40	20	14	40	12		40	40			40	40				304

Total number of acres irrigated 352

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes _____ No ✓

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

63-00230F, 63-00230L, 63-00230M, 63-00231, 63-03060, 63-03614B, 63-03618B, 63-05262B, 63-31264, 63-31265 or None (☐)

14. Remarks:

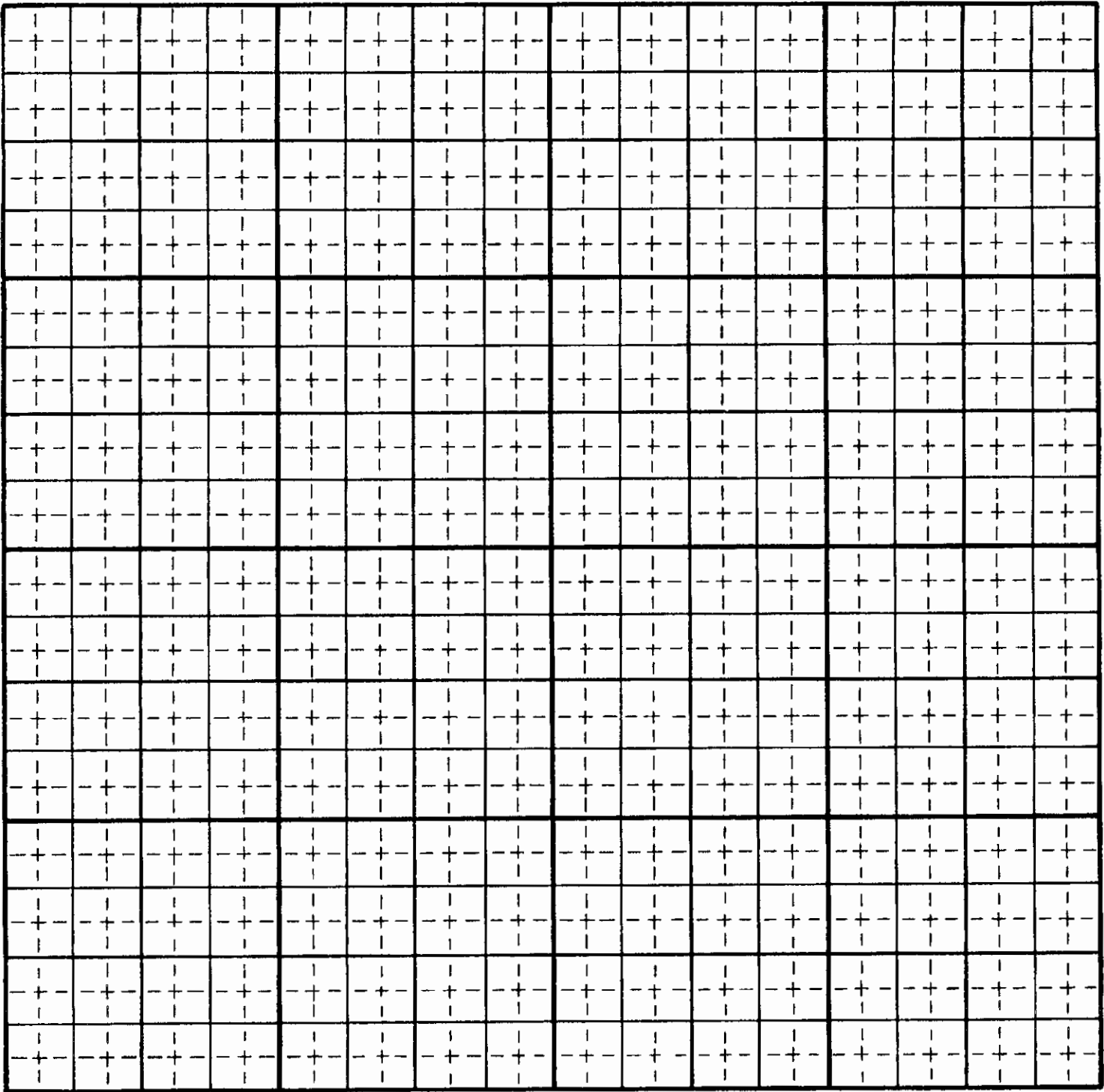
For irrigation of lands under a canal system. Claimant is an irrigation district duly organized and existing under the laws of the State of Idaho.

Last Name Settlers Irrigation District Ident No. 63-11185

BOI_MT2:540170.1

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile Please see attachment A to water right 63-00230F



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit x
Decree _____
If applicable provide IDWR Water Right Number 63-11185
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ✓
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

_____ Title
of Settlers Irrigation District _____, that I have signed the foregoing
Organization
document in the space below as President of Settlers Irrigation District
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Richard E. Allen

Title and Organization President, Settlers Irrigation District

Date 5-27-04

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this

27th

day of

May

2004

Notary Public

Nathan Dwyer

Residing at

BOISE, ID.

My Commission Expires

9-25-09

Please Print Name

17. Notice of Appearance.

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature

Scott L. Campbell

Address PO Box 829, Boise, Idaho 83701

Date

6/01/04

Last Name Settlers Irrigation District Ident. Number 63-11185

06/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-11185

NAME AND ADDRESS: SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS

PRIORITY DATE: 01/26/1990

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

POINT OF DIVERSION:

T04N R01W S28 NESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.000 CFS

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S20	SWSW	13.0	T04N R01W S20	SESW	20.0
T04N R01W S20	SESE	15.0	T04N R01W S28	NENE	18.0
T04N R01W S28	NWNE	40.0	T04N R01W S28	SWNE	20.0
T04N R01W S28	SENE	14.0	T04N R01W S28	NENW	40.0
T04N R01W S28	NWNW	12.0	T04N R01W S28	SENW	40.0
T04N R01W S28	NESW	40.0	T04N R01W S28	SESW	40.0
T04N R01W S28	NESE	40.0			

352 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Permit

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11185

Proposed Priority: January 26, 1990 Maximum Diversion Rate: 1.00 CFS
This is to certify, that **SETTLERS IRRIGATION DISTRICT**
P.O. BOX 7571
BOISE, ID 83707

has applied for a permit to appropriate water from: **GROUNDWATER**
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	04/01 to 11/01	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NESENE Sec. 28, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	20	SWSW 13	SESW 20	SESE 15	48
		28	NENE 18	NWNE 40	SWNE 20	
			SENE 14	NENW 40	NWNW 12	
			SESW 40	NESW 40	SESW 40	
			NESE 40			304

Total number of acres irrigated: 352

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1991**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

13th day of

July

, 1990

MICROFILMED

JUL 24 1990

R. Keith Higginson
R. Keith Higginson, Director

Form 217
06-90

RECEIVED
JUN 13 1991

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 100.00
Date 6/13/91
Receipt No. 200000
Received by [Signature]

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 63-11185 Telephone No. 344-2471

Name(s) of Permit Holder(s): SETTLERS IRRIGATION DISTRICT

Post Office Address: P.O. BOX 7571 BOISE, IDAHO 83707

Source of Water: GROUND WATER

If ground water, well driller's name: FRANCES VEACH Date drilled: 06-28-53

Extent of Use:
Domestic (No. of households) Irrigation 352 (No. of acres)
Stockwater (No. and type of stock) Other

Total rate and/or volume for which proof is submitted 1 cfs acre/feet

Show date water was first diverted and beneficially used under this permit: 07-15-90

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination

TROY L. UPSHAW 345-2471
Name Telephone No.

1910 NORTH GARDEN STREET BOISE, IDAHO 83706
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date 06/07/91

[Signature]

TROY L. UPSHAW, MANAGER

Signature (and title if on behalf of a company or organization)

SETTLERS' IRRIGATION DISTRICT

P O BOX 7571 • BOISE, IDAHO 83707
PHONE 344-2471

RECEIVED
MAR 12 1990

March 9, 1990

Department of Water Resources
Western Regional Office

Steve Lester
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Application for Permit 63-11185

Dear Mr. Lester:

In order to answer your questions pertaining to the filing on this well, I feel it necessary to give you some history on this particular well.

This well was initially installed in 1963 to alleviate drainage problems in the area. The management of Settlers at that time, filed an Application for Permit on May 13, 1963 (Application #39222/ Permit #31131) but they failed to show Beneficial Use within the proper time frame and the Permit was never issued. The well has been in use off and on since that time, however.

Although the well was initially used for drainage, the water from the well was also used to supplement irrigation water in the McMullen Lateral. The use of this well now is primarily to supplement water to the McMullen Lateral which serves 352 acres from the well downstream.

To answer the questions from your letter:

- 1) Please see the enclosed map with the location of the well marked. Please note the deletion of Sec. 27 from the land list and map as the well is located downstream from that section. See Item #3
- 2) The proper flow from the well is approximately $1/2 \pm .50$ cfs
CFS. 50 Idaho miners inches.
1.00 cfs
- 3) Sec. 20 has 48 acres
Sec. 28 has 304 acres

352 acres

*But 3/5/90 tel. call refers to
1.00 cfs so use 1.00 cfs.*

*RL
3/27/90*

*Large Division
Suppl. Analysis
Response*

- 4) a. The McMullen Lateral is on the tail-end of the canal and often times experiences a shortage of water. The water pumped from this well makes up for any shortage and enables us to deliver the proper amount to irrigators.
- b. This is just supplemental water and is sufficient

for that purpose.

- c. Not applicable
- d. Not applicable
- e. An inquiry was sent out in 1965 to all people concerned and with the exception of one individual, we have no records indicating any adverse public reaction. The opposed individual was concerned that their shallow well was being dried up. A Geologist-Engineer was hired by Settlers to resolve the matter. No further public opposition has been noted.

If you have any further questions regarding this well, please phone 344-2471 Mondays, Wednesdays, or Fridays between the hours of 9:00 a.m. and 3:00 p.m.

Sincerely,



Troy L. Upshaw, Manager
Settlers Irrigation District

TLU/vrk

WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO

Log No. _____
 Rec. _____ 19____
 Well No. _____
 Permit No. _____

(DO NOT FILL IN)

Owner Settlers Irrigation Dist. Address _____
 Driller _____ Address _____ Lic. No. _____
 Location of Well _____ Sec. _____ T. _____ N/S, R. _____ E/W _____ County,
 and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ Sec. _____
 Size of Drilled Hole _____ Total depth of Well _____
 Give depth of standing water from surface _____ Water Temp. _____ °Fahrenheit
 On pumping test delivery was _____ g.p.m. at _____ f.s. Drawdown was _____ feet.
 Size of pump and meter used to make the test _____
 Length of time pumped during check was _____ minutes.
 If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
 If flowing well, describe control works _____
 Water will be used for _____ Weight of casing per linear foot _____
 Thickness of casing _____ Casing material _____
 Diameter, length and location of casing _____
 Number and size of perforations _____ located _____ feet to _____ feet
 from surface of ground.
 Other perforations _____
 Date of commencement of well _____ Date of completion of well June 14, '63
 Type of well log _____

CASING RECORD

FROM CASSIN	FROM FEET	TO FEET	LENGTH	DETAILS SIZES DRILLING ETC.

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

[illegible]

This writ is denied under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signe

By

License No.

[2014]