

Idaho Department of Water Resources

Claim Number: 63-02794
Legal: T04N, R04W, S35
Reviewed By:

● Point of Diversion



Place of Use

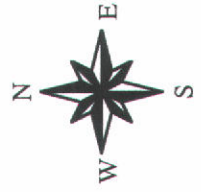


Section Lines



Quarter Quarter Lines

1987 Napp Photo

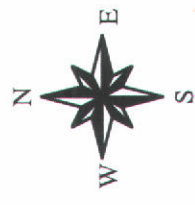


Idaho Department of Water Resources

Claim Number: 63-02794
Legal: T04N, R04W, S35
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

1987 Napp Photo



State of Idaho

License and Certificate of Water Right

Water License No. 21326

Amount 1.32 c.f.s.

Water District No.

Priority Jan. 19, 1950

THIS IS TO CERTIFY that BENJAMIN R. HUSTON
 of Caldwell, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated January 3, 1950; that Permit No. 21326
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2.0 second feet, was issued thereunder on January 6, 1955, showing that said works
 were completed on the 5th day of January, 1955; and that on the 23rd
 day of January, 1961,

BENJAMIN R. HUSTON

of Caldwell, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
 a tributary of subterranean flow, for the purpose of irrigation
 under Use Permit No. 21326 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 7134, on the 9 day of August, 1961;
 The right hereby confirmed dates from January 19, 1950;
 The Point of Diversion is located

in the NE 1/4, SE 1/4, Sec. 35, Twp. 4 N., R. 1 E., B. M. Canyon 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 1.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	4 E.	35	NE 1/4, SE 1/4	40	10
			NW 1/4, NE 1/4	40	31
			SE 1/4, NE 1/4	40	36
			NE 1/4, SE 1/4	43	23
			Total number of acres to be irrigated:		100

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

9th day of August, 1961.

State Reclamation Engineer.

(SEAL)

68-2794

24 March
1960

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 21326

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Benjamin R. Huston

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35

T. 4 N. R. 4 W. County of Canyon

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

Description of works for Permit No. 21326

G. E. Motor, 30 HP, 220V, Model-5K365XA2A, Layne-Bowler Pump No. 15888. 8" X 4' disch. North into 13" X 13" X 48" steel box Tee, 10" X 1" disch. West into open ditch. 12" X 420' North through steel pipe into 4' X 4' X 2" concrete box then into open ditches N.W., 8" X 20' vertical stand pipe AB Control w/Bulldog safety switch on pole 4' East. Pump set on top of 12" well casing, no protection. Well- 12" X 178', cased 12" X 170'. h: 38'.

No. 1 Relift Pump.

Located in center NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35. GE Motor, 3HP, 220V, Model 5KC225XA47A. Centrifical Pump (no name or number) mounted horizontally to bottom of motor, set top concrete sump 3'x6'x 4'. 5" inlet, 4" discharge west into 6"x 20' steel pipe then to 8"x 730' concrete pipe to open ditches north and south.

No. 2 Relift Pump.

Located NE cor. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.35. Delco Motor, 2HP, 220V, 5" single V belt pulley. Farma Water Lifter Pump (No number or size plate) 18" pulley, 4" discharge east to 4"x 40' steel pipe then to 6"x 300' into open ditches NW and SE.

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

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

Remarks: Mr. Ben S. Huston a long, (son)

Relift pump #1 + 2 reclaim wastewater and apply it back to higher ground not reached by direct flow from well

Measurement over 2' Cipolletti weir (.34 = 1.32 cfs.)

This examination was made on the 26th day of April, 1961

(Signed) Lynne Johnson Examiner.

21326

BENJAMIN H. HUSTON
Rt 6, Box 68
Caldwell, Idaho
Permit No. 21326

Examination for Beneficial Use

County Canyon

Sec. 35 T. 4N R. 4W

Quantity: 200 a.c.s

Source: Well

P.D.: NESE, Sec. 35, T. 4N, R. 4W

Use: Irrigation

Filed: 1-3-50

Due: 1-7-61

Extension:

Completion of Works: 1-6-55

Other Rights: none

Driller Allen Hosack

Protests none

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.

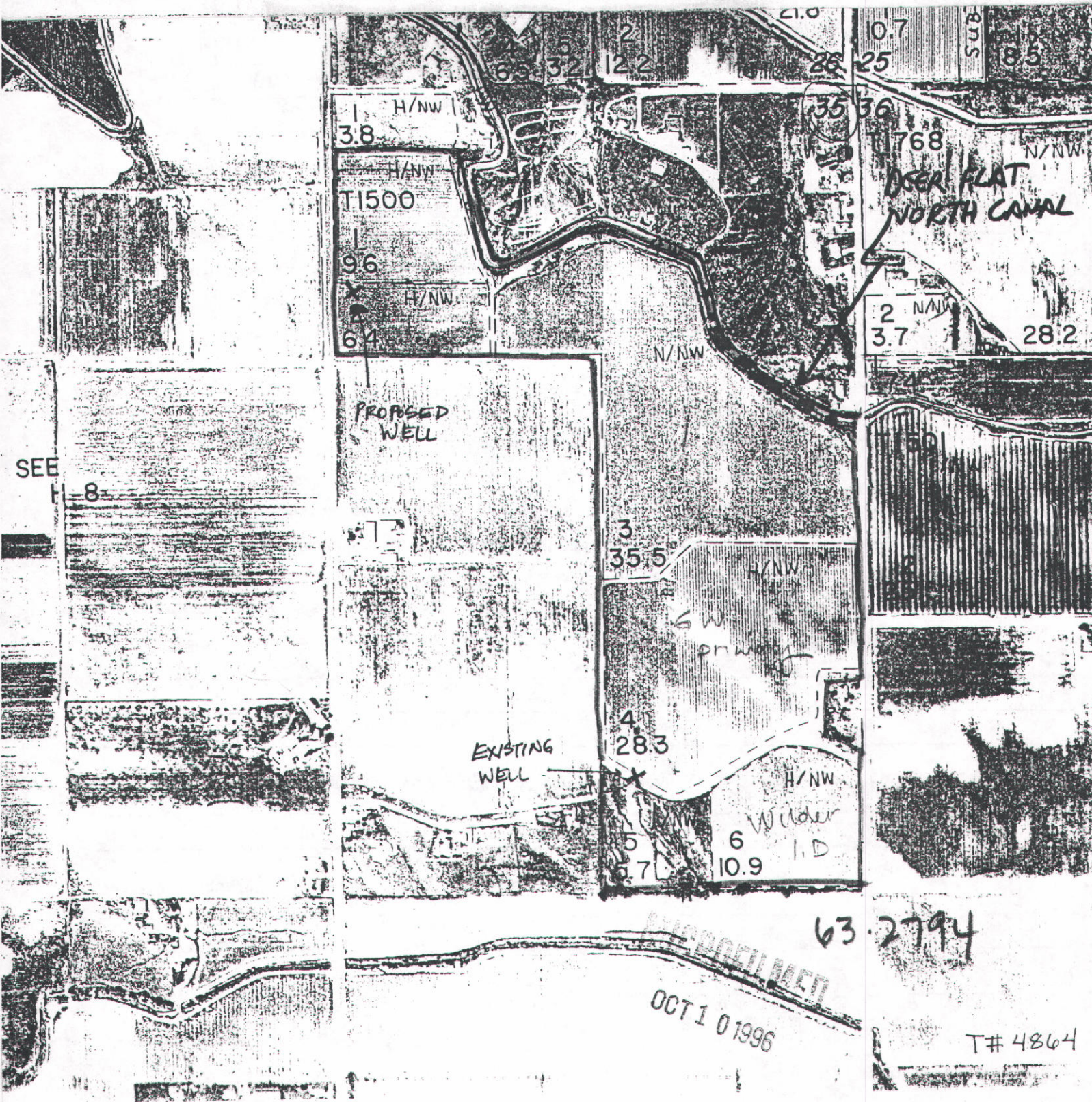
RECEIVED
APR 27 1950

Department of Reclamation

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.



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: **A63-02794**
Date Received: 11/30/1989
Receipt No: C013113
Received By: _____

AMENDED

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

AMENDED

1. Name: LINDA J STEPHENS 208-722-6587
Address: 26104 DON LANE
PARMA ID 83660

AND

Name: ROBERT K STEPHENS 208-722-6587
Address: 26104 DON LANE
PARMA ID 83660

2. Date of Priority: JAN 19, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	35	NW	NW	NE		CANYON
			NW	NE	SE		CANYON

5. Description of diverting works:

WELL, 12" X 180', 30 HP TURBINE PUMP, 5 HP RELIFT PUMP FROM POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.320		

7. Total Quantity Appropriated is:

1.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	04W	35	NE	NE		IRR	10.0
			NW	NE		IRR	31.0
			SE	NE		IRR	36.0
			NE	SE		IRR	23.0
						Section Acres	100.0
						Total Acres	100.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER NO. 4864 SHALL NOT EXCEED 1.32 CFS,
NOR TOTAL COMBINED ANNUAL VOLUME OF 450.0 AF.
CLAIM AMENDED PER TRANSFER NO. 4864, APPROVED 10/03/1996.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY
OF APPROVED TRANSFER NO. 4864 IN FILE. 10/16/1996 MM.

15. Basis of Claim: LICENSE

Water Right Number: 21326

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: A63-02794
Date Received: 11/30/1989
Receipt No: C013113
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DOROTHY M. STARR 208-459-3943
Address: 19372 LOWER PLEASANT RIDGE
CALDWELL, ID 83605

AND/OR

Name: ROSABELLE ROOT 503-382-8142
Address: 2010 N.W. CASCADE VIEW
BEND, OR 97701

2. Date of Priority: JAN 19, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	35	NW	NW	NE		CANYON
			NW	NE	SE		CANYON

5. Description of diverting works:

WELL, 12" X 180', 30 HP TURBINE PUMP, 5 HP RELIFT PUMP FROM POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.320		

7. Total Quantity Appropriated is:

1.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

JUL 25 1994

MICROFILMED

AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	04W	35	NE	NE		IRR	10.0
			NW	NE		IRR	31.0
			SE	NE		IRR	36.0
			NE	SE		IRR	23.0
					Section Acres		100.0
					Total Acres		100.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 21326

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Dorothy M. Starr Date: 1-15-91
Date: _____

MICROFILMED

JUL 25 1994

~~MICROFILMED~~
~~AUG 18 1954~~

State of Idaho

County of _____

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 15TH day

of Jan. 19 91

Seal

Roxanne McCarthy
Notary Public

Residing at Roxanne McCarthy, Notary Public

Residing at Idaho City, Idaho

My Commission Expires May 16, 1996.

MICROFILMED

JUL 25 1994

A63-02794

Page

3

Date: 01/15/91

~~MICROFILMED~~

~~AUG 18 1996~~

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: A63-02794
Date Received: 11/30/1989
Receipt No: CO13113
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOROTHY M. STARR 208-459-3943
Address: 19372 LOWER PLEASANT RIDGE
CALDWELL, ID 83605

AND/OR

Name: ROSABELLE ROOT 503-382-8142
Address: 2010 N.W. CASCADE VIEW
BEND, OR 97701

2. Date of Priority: JAN 19, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	35	NW	NE	SE		CANYON

5. Description of diverting works:
WELL, 12" X 180', 30 HP TURBINE PUMP, 5 HP RELIFT PUMP FROM POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.320		

7. Total Quantity Appropriated is:
1.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	35	NE		NE		IRR	10.0
			NW		NE		IRR	31.0
			SE		NE		IRR	36.0
			NE		SE		IRR	23.0
							Section Acres	100.0
							Total Acres	100.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 21326

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: -/-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Dorothy M. Starr Date: 11-30-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of November 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-02794

Date: 12-05-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	4W	35	10	31		36									23				100
GIS				8.7	31		38									19				97
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 100

Overlapping POU Claim #'s:

Total GIS Acres: 97

COMMENTS:

per claim map even though claim has been split, I don't have the claims it was split into - see remarks on claim

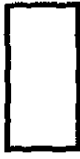
Idaho Department of Water Resources

Claim Number: 63-02794
 Legal: T04N, R04W, S35
 Reviewed By:

⊙ Point of Diversion



Place of Use



Section Lines

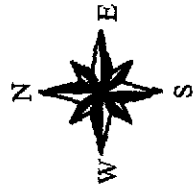


Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 Miles



Idaho Department of Water Resources

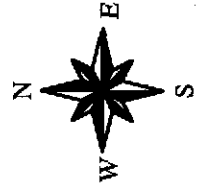
Claim Number: 63-02794
Legal: T04N, R04W, S35
Reviewed By:

- ⊙ Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 Miles



SPLIT CLAIM

06/13/2001

IDAHO DEPARTMENT OF WATER RESOURCES Adjudication Claim Report

WATER RIGHT NO. 63-2794

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DOROTHY M STARR 19372 LOWER PLEASANT RIDGE CALDWELL, ID 83605 (208)459-3943
Original Owner	BENJAMIN R HUSTON RT 6 BOX 68 CALDWELL, ID 83605
Original Owner	LINDA J STEPHENS
Original Owner	ROBERT K STEPHENS 26104 DON LANE PARMA, ID 83660 (208)722-6587
Original Owner	ROSABELLE ROOT 2010 NW CASCADE VIEW BEND, OR 97701 (503)382-8142

Priority Date: 01/19/1950
Basis: License
Status: Parent

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	1.32 CFS		
Total Diversion			1.32 CFS		

Location of Point(s) of Diversion:

GROUND WATER	NWNE	Sec. 35	Township 04N	Range 04W	CANYON County
GROUND WATER	NWNESE	Sec. 35	Township 04N	Range 04W	CANYON County

IRRIGATION Use:
Acre Limit: 100

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	04W	35		NENE	10		NWNE	31		SENE	36
				NESE	23						

Total Acres: 100

Remarks:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
This claim has been split. See nos. 63-31244 & 63-31245. DB 6/13/2001

Dates:

Licensed Date: 08/28/1979
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): C013113
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Child Right(s): 63-31244 Ownership Change
63-31245 Ownership Change

#A.A.1A
Adj. Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4864
WATER RIGHT NO. 63-02794

RECEIVED
OCT 04 1996
WATER RESOURCES
WESTERN REGION

This is to certify that: **ROBERT K STEPHENS**
LINDA J STEPHENS
26104 DON LANE
PARMA ID 83660

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	* 1.32 CFS ✓	450.0 AF

SOURCE

GROUNDWATER

Priority: 01/19/1950 ✓

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 35, Township 04N, Range 04W
NESE , Sec. 35, Township 04N, Range 04W
CANYON 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	04W	35	NENE 10 ✓	NWNE 31 ✓	SENE 36 ✓	100
			NESE 23 ✓			100 ✓

Total number of acres irrigated:

100 ✓

CONDITIONS OF APPROVAL AND REMARKS

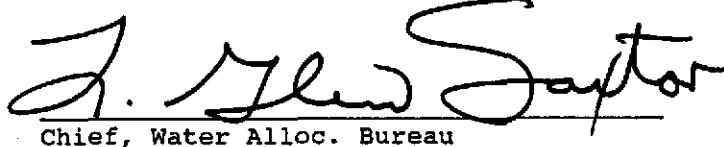
- 046 1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R32 2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- T07 3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T084. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4864
WATER RIGHT NO. 63-02794

CONDITIONS OF APPROVAL AND REMARKS

- 109 5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 117 6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- 016 * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4864 shall not exceed 1.32 cfs, nor total combined annual volume of 450.0 af.

Dated this 3 day of October, 1996


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT ROBERT + LINDA STEPHENS TRANSFER NO. 4864

INITIAL ALLOCATION REVIEW BY [Signature] DATE 7/2/96
SRBA SUPERVISOR REVIEW BY [Signature] DATE 7-3-96

1. Right number(s) 63-02794

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☐ SRBA Claim
☒ Description of original point(s) of diversion
N/A Description of original place of use
N/A Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

☐ Also see attached memo for more analysis information

- a. ☒ All of right
- b. N/A Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. N/A Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. N/A Expansion in use of right - Comments: _____

i. N/A Existing rights from same source, on land water is being transferred to; right number(s): _____

j. / SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) ALB-02794 claimed as licensed

k. / Comment letters _____ Yes / No
If yes _____ Water District # _____
Other, see #2 below for name and address _____

PUBLICATION REVIEW BY _____

1. Legal Notice electronically sent to DWR03::VAULT / Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? _____ Yes _____ No

4. Affidavit of publication received? _____ Yes _____ No

5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. _____ Approve

2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

4. By _____

Date _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant ROBERT K & LINDA J. STEPHENS Phone 708-722-6587
Post Office address 26104 DON LN PARMA IL 83660

A. PURPOSE OF TRANSFER

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 Add a well to make up for lost well
production and make irrigation more efficient.

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 |
|--|-----------|---------------------------------------|---|---------------|
| 63.2794 | 1/19/1950 | 1.32 | IRR | 3/15 to 11/15 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred | | 1.32 | cubic feet per second and/or _____ acre-feet per annum. | |
| 3. Source of water | | ground water _____ tributary to _____ | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use: NO CHANGE

[illegible]

PART 1

6. General Information:

- a. Description of diversion system Existing well drilled for B. Huston. New well proposed 8-10" casing, 250' depth. All open discharge to gravity irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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:

NONE

d. Remarks:

Ground water is primary source. No Surface water has ever been used on this land.**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 _____, 19____.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-02794

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.32 CFS

SOURCE

GROUNDWATER

Priority: 01/19/1950

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 35, Township 04N, Range 04W
CANYON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 04W 35	NENE 10	NWNE 31	SENE 36	100
	NESE 23			100
		Total number of acres irrigated:		100

CONDITIONS/REMARKS:

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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. _____ 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(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 _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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

N/A

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

1. amount _____ for _____ purposes from _____ to _____
 (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. 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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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. 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	

Total acres _____



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.**

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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.

x Linda J. Stephens
(Signature of Applicant)

Subscribed and sworn to before me this 26 day of June, 19 96.

Lori Harris
(Notary Public)

My commission expires 12-8-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by CPL Date 6/26/96 Protest filed by _____

Prelim. check by _____ Fee _____

Received by gjl W021100 Date 6/26/96

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

INSTRUMENT NO. 9616217

PC16655

RS
LS

WARRANTY DEED

FOR VALUE RECEIVED Rosabelle Root, as her sole and separate property and Dorothy Sayler, who acquired title as Dorothy Starr, as her sole and separate property

the Grantors, do hereby grant, bargain, sell and convey unto Robert K. Stephens and Linda J. Stephens, husband and wife

the Grantees, whose address is 26104 Don Lane, Parma, ID 83660

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 29, 1996

Rosabelle Root 3/14/96
Rosabelle Root

Dorothy M. Sayler
Dorothy M. Sayler

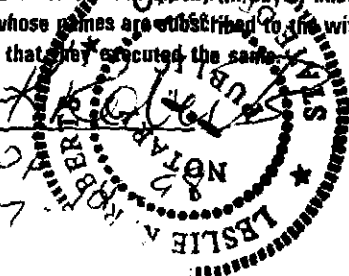
Rosabelle Root
STATE OF IDAHO

Dorothy M. Sayler

COUNTY OF CANYON

On this 30 day of April in the year 1996, before me, a Notary Public, personally appeared Rosabelle Root and Dorothy M. Sayler known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Leslie N. Caldwell
Notary Public
Residing at Nampa
My commission expires 7



CAUTION - REORDER

96 MAY 1 PM 11 01

RECORDED

9613818

REQUEST PIONEER — CALDWELL

PIONEER TITLE COMPANY Deed FEE 6.00
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

Exhibit "A"

The North Half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

All that portion lying North and East of the centerline of the Deer Flat North Canal.

ALSO EXCEPTING THEREFROM

BEGINNING at the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence

South 89° 53' East along the North boundary of said Northwest Quarter of the Northeast Quarter a distance of 755 feet to a point in the centerline of Deer Flat North Canal; thence

South 22° 15' 05" East along the centerline of said canal a distance of 311.43 feet; thence

North 89° 53' West parallel with the North boundary of said Northwest Quarter of the Northeast Quarter a distance of 873 feet to a point on the West boundary of said Northwest Quarter of the Northeast Quarter; thence

North along the West boundary of said Northwest Quarter of the Northeast Quarter a distance of 288 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

A part of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

South 89° 46' 00" East (formerly called South 89° 53' 00" East) a distance of 25 feet to a point in the County road East right of way boundary; thence continuing along the said right of way

South 0° 08' 20" West (formerly called South) a distance of 25 feet to a witness corner brass cap; thence continuing along the said right of way

South 0° 08' 20" West a distance of 263 feet to a 1/2-inch rebar; thence leaving the said right of way

South 89° 46' 00" East (formerly called South 89° 53' 00" East) a distance of 751 feet along a line parallel to the North boundary of the said Northwest Quarter of the Northeast Quarter to the INITIAL POINT; thence continuing along the said line

South 89° 46' 00" East a distance of 81.89 feet to a point in the West 15-foot right of way boundary of the Deer Flat North Canal; thence meandering along the said 15-foot right of way boundary

(continued)

South 28° 06' 00" West a distance of 38.96 feet; thence
South 67° 04' 00" West a distance of 38.95 feet; thence
South 84° 55' 00" West a distance of 33.16 feet; thence leaving the
said 15-foot right of way boundary
North 5° 48' 30" East a distance of 53.08 feet to the INITIAL POINT.

ALSO EXCEPTING THEREFROM

A part of the Northeast Quarter of the Southeast Quarter of Section 35,
Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho,
more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 35, Township 4 North,
Range 4 West, Boise Meridian, Canyon County, Idaho; thence
South 0° 00' East a distance of 250 feet along the East line of said
Section 35 to the INITIAL POINT of this description; thence continue
South 0° 00' East a distance of 175 feet; thence
South 90° West a distance of 200 feet; thence
North 0° 00' West a distance of 175 feet parallel to and 200 feet
West of the said East line; thence
North 90° East a distance of 200 feet to the INITIAL POINT of this
description.

ALSO EXCEPTING THEREFROM

A part of the Northeast Quarter of the Southeast Quarter of Section 35,
Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho,
more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 35, Township 4 North,
Range 4 West, Boise Meridian, Canyon County, Idaho; thence
South 0° 00' East a distance of 425 feet along the East line of said
Section 35 to the INITIAL POINT of this description; thence continuing
South 0° 00' East a distance of 225 feet; thence
South 90° West a distance of 100.09 feet; thence
North 54° 59' 00" West a distance of 121.99 feet; thence
North 0° 00' West a distance of 155 feet parallel to and 200 feet
West of the said East line; thence
North 90° East a distance of 200 feet to the INITIAL POINT of this
description.

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO. 63-02794

Notice is hereby given that Robert and Linda Stephens, 26104 Don Ln, Parma ID 83660, has applied to the Department of Water Resources to add a point of diversion to the following water right pursuant to section 42-222 of Idaho Code.

WATER RIGHT AS LICENSED

No.	63-02794
Basis	License
Date of Priority	01/19/1950
Source	Ground Water
Amount	1.32 cfs
Use	Irrigation
Point of Div	NESE, T04N R04W, Sec 35
Place of Use	N1/2NE, SENE, NESE, T04N R04W, Sec 35

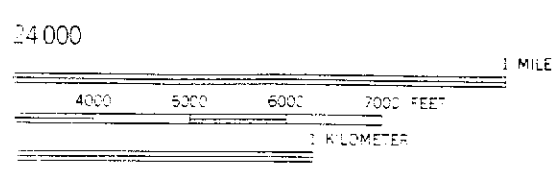
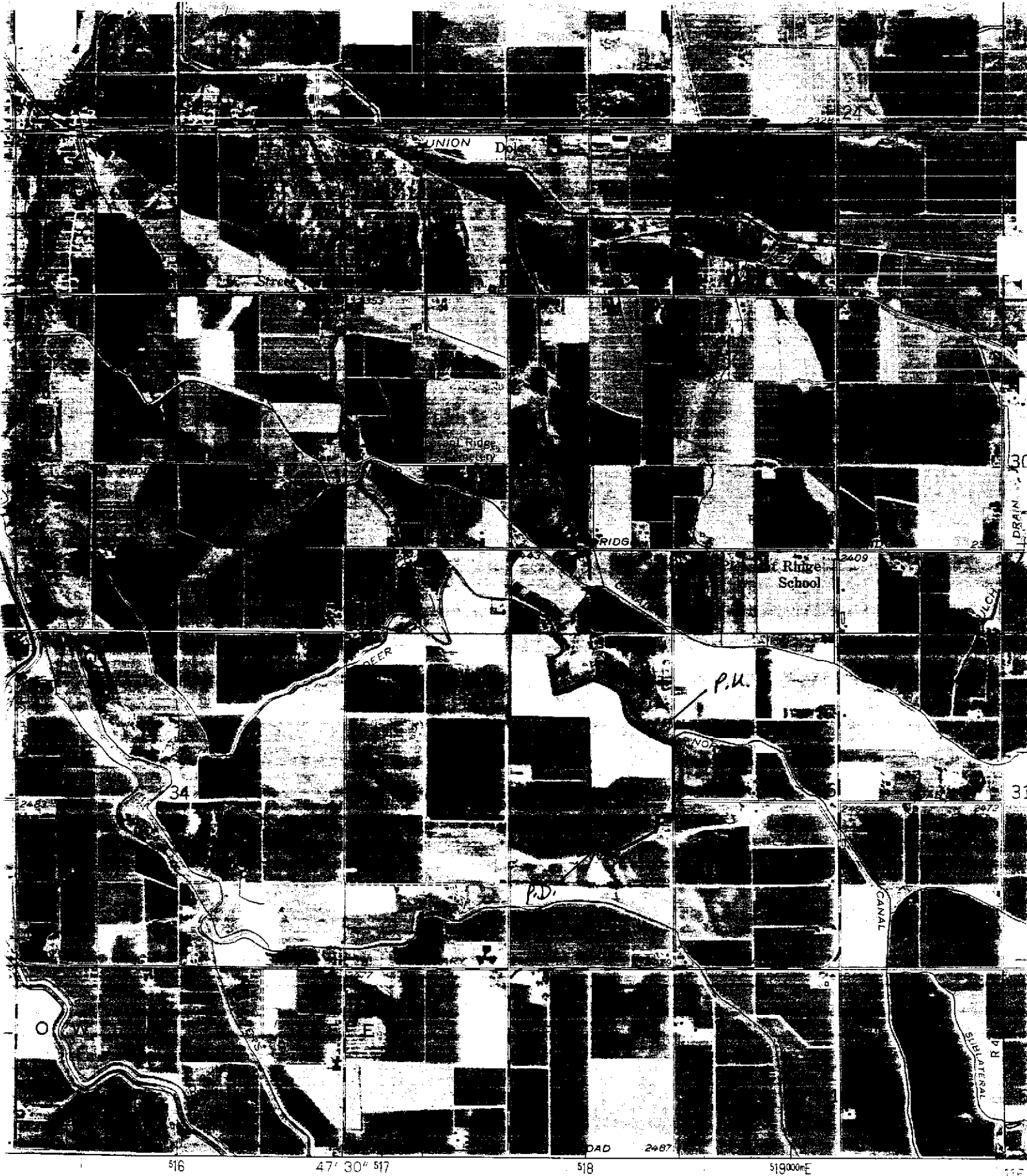
THE ABOVE WATER RIGHT TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 4864

No.	63-02794
Point of Div	NESE, T04N R04W, Sec 35, Existing NWNE, T04N R04W, Sec 35, Proposed

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, together with a protest fee of \$25.00, on or before August 5, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director

Published in the Press Tribune on July 17 and 24, 1996.



A63-02794
MICROFILMED
JUL 25 1994

POOR ORIGINAL



State of Idaho

License and Certificate of Water Right

Water License No. 21326

Amount 1.32 c.f.s.

Water District No.

Priority Jan. 19, 1950

THIS IS TO CERTIFY that BENJAMIN P. HUSTON
 of Caldwell, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated January 3, 1950; that Permit No. 21326
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2.0 second feet, was issued thereunder on January 6, 1955, showing that said works
 were completed on the 5th day of January, 1955; and that on the 23rd
 day of January, 1961,

BENJAMIN P. HUSTON

of Caldwell, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of a well
 a tributary of subterranean flow, for the purpose of irrigation
 under Use Permit No. 21326 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 7134, on the 9 day of August, 1961;
 The right hereby confirmed dates from January 19, 1950;

The Point of Diversion is located

in the NE 1/4, SE 1/4, Sec. 35, Twp. 4 N., R. 1 E., B. M. Canyon 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 1.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	4 E.	35	NE 1/4 NE 1/4	10	10
			SW 1/4 NE 1/4	10	11
			SE 1/4 NE 1/4	10	16
			NE 1/4 SE 1/4	10	23
Total number of acres to be irrigated:					100

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

9th day of August, 1961.

 Deputy State Reclamation Engineer.

(SEAL)

Sement
2 x 60

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

Permit No. 21326

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Benjamin R. Huston
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35

Description of works for Permit No. 21326

G. E. Motor, 30 HP, 220V, Model-5K365XA2A, Layne-Bowler Pump No. 15888. 8" X 4' disch. North into 13" X 13" X 48" steel box Tee, 10" X 1" disch. West into open ditch. 12" X 420' North through steel pipe into 4' X 4' X 2" concrete box then into open ditches N.W., 8" X 20' vert-
icle stand pipe AB Control w/Bulldog safty switch on pole 4' East.
Pump set on top of 12" well casing, no protection. Well- 12" X 178',
cased 12" X 170'. h: 38'.

No. 1 Relift Pump.

Located in center NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35. GE Motor, 3HP, 220V, Model 5KC225XA47A. Centrifical Pump (no name or number) mounted horizontally to bottom of motor, set top concrete sump 3'x6'x 4'. 5" inlet, 4" discharge west into 6"x 20' steel pipe then to 8"x 730' concrete pipe to open ditches north and south.

No. 2 Relift Pump.

Located NE cor. NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.35. Delco Motor, 2HP, 220V, 5" single V belt pulley. Parma Water Lifter Pump (No number or size plate) 18" pulley, 4" discharge east to 4"x 40' steel pipe then to 6"x 300' into open ditches NW and SE.

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

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

Remarks: Mr. Ben S. Huston along (son)

Relift pump #1 & 2 reclaim wastewater and apply it back to higher ground not reached by direct flow from well

Measurement over 2' Cipolletti weir (.34 = 1.32 cfs.

This examination was made on the 26th day of April, 1961

(Signed)

Lynn Johnson

Examiner.

21326

Benjamin A. Huston
Rt 6, Box 68
Caldwell, Idaho
Permit No. 21326

CF McFar 3014P, 330V
Model 5A36 XA2A

Examination for Beneficial Use

County Canyon

Sec. 35 T. 1N R. 4W

Quantity: 2.0 cfs

Source: Well

P.D.: NESE, Sec. 35 T. 1N R. 4W

Use: Irrigation

Filed: 1-3-50

Due: 1-7-61

Extension: —

Completion of Works: 1-6-55

Other Rights: none

Driller Allen Hosack

Protests None.

INSTRUCTIONS TO EXAMINERS

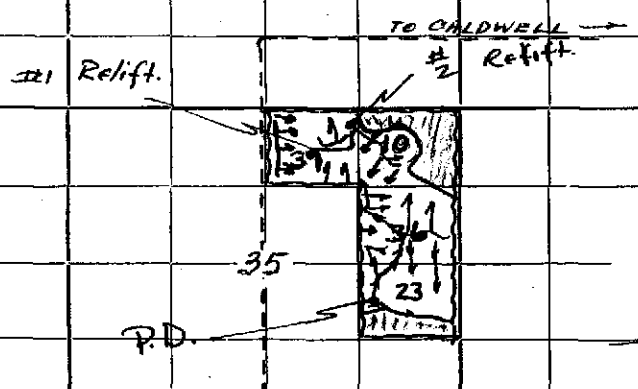
1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated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

RECEIVED
APR 27 1950

Department of Reclamation

24' ... 1.32 cfs ... 66 inches

R-4W.



T.
4
N.

41
36
23
100

TO NAMPA

Red shaded area ^{under} ~~over~~ ~~deer~~ ~~foot~~

Subdivisions 4

Area 100 acres

Q 1.32 cfs or 66 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21326

REPORT ON PROOF OF Beneficial Use
Benjamin R. Huston
Rt 6, Box 68
Caldwell, Idaho

63-2794 N^o 21326

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

APPLICATION No. 29015
PERMIT No. 21326
DISTRICT No.

1. Name of Applicant: BENJAMIN R. HUSTON

Postoffice address: Box 713, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 100 inches or 2 cubic feet per second.

3. Source of water supply: Subterranean flow from a well which is a tributary of

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

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 35 , T. 4 N. , R. 4 W. , B.M., County of Canyon

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: \$ 7,000.00

8. Kind of works: Drilled 12" well, electric pump, and concrete pipe lines,

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

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe 10 - 12 inches; length of conduit 1600 feet -miles.

Average grade per mile feet.

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

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

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

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

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

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

BENJAMIN R. HUSTON

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 5:00 P. M. January 3, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21326

Recorded in Book 76 Page 21326 Approved January 7, 1950

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

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

Work to begin on or before March 7, 1950 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 7, 1952

The whole of said work to be completed on or before January 7, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before January 7, 1961

WITNESS My hand this 7th day of January, 1950

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS

Governor of the State of Idaho,

and J. D. "CY" PRICE

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 7th

day of January, 1950

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE

By

C. A. ROBINS

Governor.

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N.	4 W.	35	40	40		40									23				143
Permit No. 21326 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that BENJAMIN R. HUSTON of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 21326, issued upon Application No. 29015 bearing date of priority of January 3, 1950, authorizing the diversion of Two (2) second feet of the waters of subterranean flow from a well County of Canyon, 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 Two (2) second feet of the waters of said well; that the point of diversion of said waters is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Township 4 North, Range 4 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Township 4 North, Range 4 West, B.M.																			
Witness my hand this 6th day of January, A. D. 1955.																			
Proof of Completion of Works Made January 5, 1955 Certificate of Completion of Works issued January 6, 1955																			
															MARK R. KULP State Reclamation Engineer				
															LICENSE ISSUED FOR 1.32 SEC. FT. Page 7/34				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4864
WATER RIGHT NO. 63-02794

This is to certify that: **ROBERT K STEPHENS**
LINDA J STEPHENS
26104 DON LANE
PARMA ID 83660

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	* 1.32 CFS	450.0 AF

SOURCE

GROUNDWATER

Priority: 01/19/1950

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 35, Township 04N, Range 04W
NESE , Sec. 35, Township 04N, Range 04W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 04W 35	NENE 10	NWNE 31	SENE 36	100
	NESE 23			100

Total number of acres irrigated:

100

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

OCT 10 1996

TRANSFER NO. 4864
WATER RIGHT NO. 63-02794

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4864 shall not exceed 1.32 cfs, nor total combined annual volume of 450.0 af.

Dated this 3rd day of October, 1996

J. Glen Saylor
Chief, Water Alloc. Bureau

RECORDED

OCT 1 11 10 00

Transfer No. 4864

PART 1

RECEIVED

SEP 23 1996

Post Office address 26104 DON LN PARMA ID 83660

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 Add a well to make up for lost well production and make irrigation more efficient.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63.2794	1/19/1950	1.32	RR	3/15 to 11/15
				to
				to
				to

2. Total amount of water being transferred 1.32 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: NO CHANGE

[illegible]

PART 1

6. General Information:

- a. Description of diversion system Existing well drilled for B. Huston. New well proposed 8-10" casing, 250' depth. All open discharge to gravity irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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:
NONE
- d. Remarks:
Ground water is primary source. No surface water has ever been used on this land.

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 _____, 19____.

RECORDED

OCT 10 1996

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-02794

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.32 CFS

SOURCE

GROUNDWATER

Priority: 01/19/1950

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 35, Township 04N, Range 04W
CANYON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 04W 35	NENE 10	NWNE 31	SENE 36	100
	NESE 23			100
Total number of acres irrigated:				100

CONDITIONS/REMARKS:

OCT 10 1996

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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. _____ 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(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 _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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 N/A

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

1. amount _____ for _____ purposes from _____ to _____
(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. 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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(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. 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	

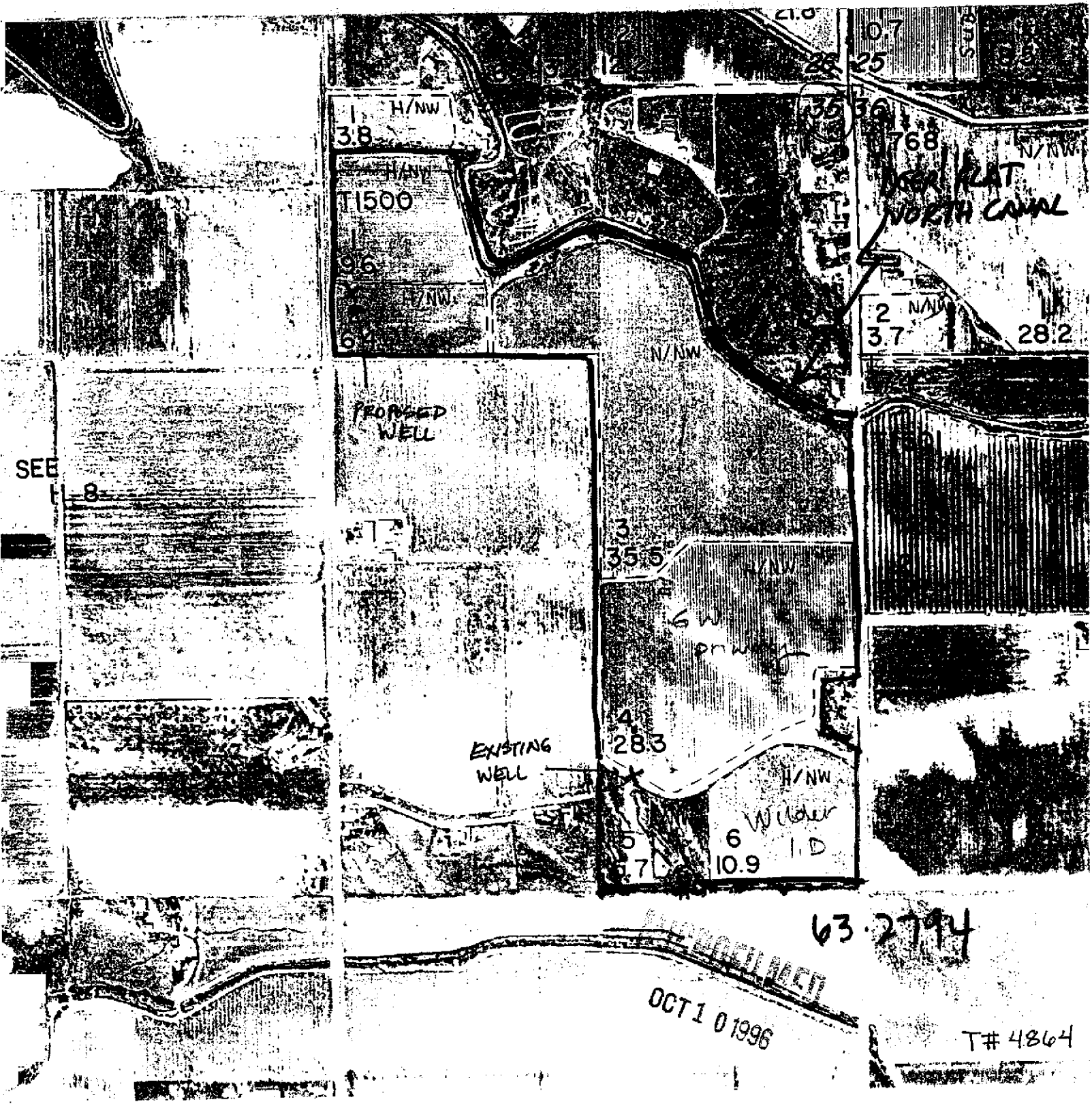
OCT 10 1996

Total acres _____

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.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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.

x Linda Stephens
(Signature of Applicant)

Subscribed and sworn to before me this 26 day of June, 19 96.

Lori Harris

(Notary Public)

My commission expires 12-8-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by CFL Date 6/26/96

Protest filed by _____

Prelim. check by SL for LG Fee \$100

Receipted by gjl W021100 Date 6/26/96

Published in Press-Tribune

Copies of protest forwarded by _____

Pub. dates 7-17 & 24-1996

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by SL Latta 9/17/96

Copy of transfer sent to lien holder _____

MICROFILMED

OCT 10 1996